CHAPTER 40

ZONING CODE

ARTICLE I - TITLE AND PURPOSE

40-1-1 TITLE. This Chapter shall be known and may be cited and referred to as the Zoning Code of this City. The provisions of this Chapter shall apply to all territory within the corporate limits of Carterville, Illinois, and within one and one-half (1½) miles thereof as shown on the Official Zoning Map. (Ord. #476-85; 12-10-85)

40-1-2 PURPOSE. It is the purpose of this Code:

(A) To promote and protect the public health, safety, morals, comfort, and general welfare of the people;

(B) To divide the City into zones or districts restricting and regulating therein the location, erection, construction, reconstruction, alteration, and use of buildings, structures, and land for residence, business, manufacturing, and other specified uses;

(C) To protect the character and the stability of the residential, business and manufacturing areas within the City and to promote the orderly and beneficial development of such areas;

(D) To provide adequate light, air, privacy and convenience of access to property;

(E) To regulate the intensity of use of lot areas, and to determine the area of open spaces surrounding buildings, necessary to provide adequate light and air, and to protect the public health;

(F) To establish building lines and the location of buildings designed for residential, business, and manufacturing, or other uses within such areas;

(G) To fix reasonable standards to which buildings or structures shall conform therein;

(H) To prohibit uses, buildings, or structures incompatible with the character of development or intended uses within specified zoning districts;

(I) To prevent additions to, or alterations or remodeling of existing buildings, structures in such a way as to avoid the restrictions and limitations imposed hereunder;

(J) To limit congestion in the streets and protect the public health, safety, convenience, and general welfare by providing for the off-street parking of motor vehicles and the loading and unloading of commercial vehicles;

(K) To protect against fire, explosion, noxious fumes, and other hazards, in the interest of the public health, safety, comfort and the general welfare;
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(1) To prevent the overcrowding of land and undue concentration of structures, so far as is possible and appropriate in each district, by regulating the use and bulk of buildings in relation to the land surrounding them;
(2) To conserve the taxable value of land and buildings throughout the City;
(3) To provide for the elimination of non-conforming uses of land, buildings, and structures which are adversely affecting the character and value of desirable development in each district;
(4) And to define and limit the powers and duties of the administrative officers and bodies as provided herein.

ARTICLE II - DEFINITION OF TERMS

40-2-1 DEFINITIONS. For the purpose of this Chapter, certain terms or words are used in a limited or special sense, as herein defined. Words used in the present tense include the future; words in the singular number include the plural; and words in the plural number include the singular.
"ACCESSORY USE OF STRUCTURE." A use or a structure subordinate to the principal use or building on the same lot and serving a purpose customarily incidental thereto.
"AGRICULTURE." The use of land for agricultural purposes. This includes necessary buildings and structures which shall be used for agriculture including, but not limited to, farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture and animal and poultry husbandry and the necessary accessory uses for packing, treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agriculture activities. Buildings occupied as residences shall not be considered to be used for agricultural purposes.
"AIRPORT." Any area of land or water which is used or intended for use for the landing and taking off of aircraft; and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon.
"ALLEY." A public or private way less than twenty-one feet (21') in width affording secondary means of access to abutting property.
"ANIMAL HOSPITAL." Any building or portion thereof, designated or used for the care, observation or treatment of domestic animals.
"AUTOMOBILE REPAIR, MAJOR." General repair, rebuilding or reconditioning of engines, motor vehicles or trailers; collision service, including body, frame or fender straightening or repair; overall painting or paint shop; vehicle steam cleaning.

"AUTOMOBILE REPAIR, MINOR." Minor repairs, incidental body and fender work, painting and upholstering, replacement of parts and motor service to passenger automobiles and trucks not exceeding one and one-half (1 1/2) tons capacity, but not including any operation specified under "AUTOMOBILE REPAIRS, MAJOR".

"AUTOMOBILE WRECKING YARD." Any area of land where two (2) or more motor vehicles, not in running condition, or parts thereof, are stored in the open and not being restored to operation, or any land, building or structure used for the wrecking or storing of such motor vehicles, or parts thereof, not in running condition.

"BASEMENT." A story having part but not more than fifty percent (50%) of its height below the average grade of the adjoining ground [as distinguished from a "CELLAR"]. A basement shall be counted as a story for purpose of height measurement.

"BILLBOARD OR SIGNBOARD." Any structure or portion thereof, situated on private premises, on which lettered, figure or pictorial matter is, or intended to be, displayed for advertising purposes other than the name and occupation of the user of, or the nature of the business conducted on such premises, or the products primarily sold or manufactured thereon. This definition shall not be held to include a real estate sign advertising for sale or rent the property upon which it stands.

"BUILDING." Any structure for the shelter or enclosure of persons, animals, or chattels.

"CELLAR." A story having fifty percent (50%) or more of its height below the average grade of the adjoining ground.

"COURT." An open, unoccupied and unobstructed space other than a yard on the same lot with a building.

"COURT, OUTER." A court open for its full width on a street or other permanent open space; its width being the horizontal dimension substantially parallel to the principal open end thereof, and its depth the horizontal distance between the principal open end and the end opposite thereto.

"COURT, INNER." Any court other than an "OUTER COURT".

"DRIVE-IN ESTABLISHMENT." An establishment which accommodates patron's automobiles, from which the occupants may purchase or watch.

"DWELLING." A building or portion thereof, occupied or intended to be occupied exclusively for residence purposes, but not including a tent, cabin, trailer or trailer coach, or a room in a hotel or motel.

"DWELLING GROUP." Two (2) or more detached dwellings located on a parcel of land in one (1) ownership and conforming to the special conditions and requirements set forth in Section 40-6-7.
"ESSENTIAL SERVICES." The erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, elevated and underground water storage tanks, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith; reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

"FAMILY." One (1) or more persons related by blood, marriage or adoption, together with his or their domestic servants, maintaining a common household in a dwelling.

"FLOOD PLAIN." Lands in the community, or as may be annexed or within one and one-half (1 ½) miles of the corporate limits which are low-lying, difficult to drain or subject to flood.

"GARAGE, PRIVATE." A detached accessory building or portion of a principal building used for the storage of self-propelled passenger vehicles or trailers of the occupants of the premises and/or not more than one (1) truck of a rated capacity not exceeding one and one-half (1 ½) tons.

"GARAGE, PUBLIC." Any building where automotive vehicles are painted, rebuilt, reconstructed and/or stored for compensation.

"HEIGHT." In the case of a wall, or part of a building, the vertical distance from the average established curb grade in front of the lot or from the average finished grade at the building line, if higher, to the average height of the top of the cornice of a flat roof, or roof line, or to the deck line of a mansard roof, or to the middle height of the highest gable or dormer in a pitched or hipped roof, or if there are no gables or dormers, to the middle height of such pitched or hipped roof.

"HIGHWAY OR PRIMARY THOROUGHFARE." An officially designated Federal or State numbered highway or other road designated as a highway or primary thoroughfare on the Thoroughfare Plan as officially adopted and amended from time to time by the Plan Commission.

"JUNK YARD." An open area or fenced enclosure, where used or second-hand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled including, but not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles. A junk yard includes an automobile wrecking yard, but does not include uses established entirely within enclosed buildings.

"KENNEL." Any structure or premises where three (3) or more dogs over four (4) months of age are kept.

"LAND USE PLAN." The comprehensive long-range plan for the desirable use of land in the community and those lands within one and one-half (1 ½) miles of the community as officially adopted and
as amended from time to time by the Plan Commission; the purpose
of such plan being, among other things, to serve as a guide to the
zoning and progressive changes in the zoning of land to meet
changing community needs, in the subdividing and use of undeveloped land, and in the acquisition of land for such public purposes as streets, parks, schools and other public buildings or public uses.

"LOT." A parcel of land, abutting on a street, whose area, in addition to the parts thereof occupied or hereafter to be occupied by a building and its accessory buildings, is sufficient to provide the yards and courts required by this Code.

"LOT, CORNER." A lot situated at the intersection of two (2) streets, provided that the interior angle made by the front lot lines at the intersection is less than one hundred thirty-five degrees (135˚).

"LOT, INTERIOR." A lot other than a "CORNER LOT".

"LOT AREA." The horizontal area within the lot lines of the lot, except in the case of a corner lot as provided in Section 40-7-4.

"LOT DEPTH." The mean horizontal distance across the lot between side lot lines at the building line measured at right angles to the depth.

"LOT LINE, FRONT." That boundary of a lot which is along an existing or dedicated street or road. The owner of a corner lot will have two (2) front lot lines.

"LOT LINE, REAR." That boundary of a lot which is most distant from and is, or most nearly, parallel to the front lot line.

"LOT LINE, SIDE." Any boundary of a lot which is not a front or rear lot line.

"LOT OF RECORD." A lot which is part of a subdivision, the plat of which has been recorded in the office of the Recorder of Deeds for the county; or a parcel of land, the deed to which was recorded in the office of said recorder prior to adoption of this Zoning Code.

"MOTOR FUEL STATION." A place where gasoline, diesel oil, kerosene, or any other motor fuel or lubrication oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, including greasing and oiling and the sale of automobile accessories on the premises.

"NON-CONFORMING USE." A building, structure or premises lawfully occupied at the time of the enactment of this Code by a use that does not conform with the provisions of this Code for the district in which it is located; also such use resulting from changes in zoning districts or in textual provisions made hereafter.

"PARKING AREA, ACCESSORY." An area of one (1) or more parking spaces located on the same property as the building, structure of premises it is intended to serve, or on adjoining or nearby property, and of such shape and nature as to be appropriate and
usable for the parking or storage, loading and unloading of self-propelled vehicles.

"SET-BACK LINE." The minimum horizontal distance permitted between the front or side of a structure and the nearest street line.

"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 agency, or of any civic, charitable, religious, patriotic, fraternal, or similar organization, or any sign indicating address. Each display surface of a sign shall be considered a sign.

"SIGN, GROSS SURFACE AREA OF." The entire area within a single continuous perimeter enclosing the extreme limits of such sign and in no case, passing through or between any adjacent elements of the same. However, such perimeter shall not include any structural elements lying outside the limits of such sign and not forming an integral part of the display.

"STORY." That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, or the ceiling or roof next above such floor; provided that, for the purpose of determining the required dimensions of yards and courts, when the average story height of a building exceeds twelve feet (12'), each twelve feet (12') or fraction thereof of the total building height shall be considered a separate full story or fractional story respectively, except the first (1st) story, which may be fifteen feet (15') high.

"STORY, HALF." A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than four feet (4') above the floor of such story; provided, however, that any partial story used for residence purposes, other than just for a janitor or caretaker and his family, shall be deemed a full story.

"STREET." Any public or private way set aside as a permanent right-of-way for vehicular or pedestrian access twenty-one feet (21') or more in width if it existed at the time of the enactment of this Code; and any such public or private way created after enactment of this Code, provided it is fifty feet (50') or more in width.

"STRUCTURAL ALTERATION." Any change in the supporting members of a building including, but not limited to bearing walls, load-bearing partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

"STRUCTURE." Anything constructed, the use of which required permanent location on the ground, or attached to something having permanent location on the ground.

"TRAILER (MOBILE HOME)." Any vehicle, house car, camp car or any portable or mobile vehicle on wheels, skids or rollers or blocks, either self-propelled or propelled by other means, which is designated to be used for living, sleeping or commercial purposes.
"YARD, FRONT." An open space extending the full width of the
lot between a building and the front lot line, unoccupied and un-
obstructed from the ground upward, except as hereinafter speci-

"YARD, FRONT - LEAST DEPTH." The shortest distance measured
horizontally, between any part of a building, other than such
parts as hereinafter excepted, and the front lot line.

"YARD, REAR." An open space extending the full width of a
lot between a building and the rear lot line, unoccupied and un-
obstructed from the ground upward, except as hereinafter speci-

"YARD, REAR - LEAST DEPTH." The shortest distance, measured
horizontally, between any part of a building, other than such
parts as hereinafter excepted, and the rear lot line. In the case
of an irregular, triangular or gore-shaped lot, a line ten feet
(10') in length entirely within the lot, parallel to and a maximum
distance from the front lot line, shall be considered the rear lot
line.

"YARD, SIDE." An open space extending from the front yard
to the rear yard between a building and the side lot line, unoc-
cupied and unobstructed from the ground upward, except as herein-
after specified.

ARTICLE III - DISTRICTS AND MAP

40-3-1 DISTRICT CLASSIFICATIONS. For the purpose of this
Code, the City and all land subject to the jurisdiction of this
Chapter is hereby divided into Seven (7) Classes of Districts, as
follows:

"A-1" - Agricultural Districts
"R-1" - One-Family Residence Districts
"R-2" - One and Two-Family Residence Districts
"R-3" - Multi-Family Residence Districts
"B-1" - Secondary Business Districts
"B-2" - Primary Business District
"M-1" - Light Industrial District
(Ord. #476-85; 12-10-85)

(A) The boundaries of such districts will be as shown
on the Official Zoning Map which, together with all explanatory
matters thereon, is hereby adopted by reference and made a part
of this Code. The district boundary lines on said map are intended to follow lot lines, the center-lines of streets or alleys, the center-lines of streets or alleys projected, railroad right-of-way lines, or the corporate limit lines, all as they existed at the time of this Code; but where a district boundary line does not clearly coincide with lot lines, it shall be determined by scaling.

(B) Where a district boundary line divides a lot which was in single ownership and of record at the time of enactment of the Zoning Code, the use authorized on and the other district requirements applying to the less restricted portion of such lot shall be considered as extending to the entire lot provided that where the more restricted portion of such lot is more than fifty feet (50') of said boundary line.

(C) The Official Zoning Map as adopted or as hereafter amended, shall be located in the office of the City Planning Director. Also, a copy shall be located in the City Clerk's office. It is the final authority as to the current zoning status of land and water areas, buildings, and other structures within the jurisdiction of this Article. The map shall be identified by the signature of the Mayor, attested by the City Clerk, and shall bear the Seal of the City.

(D) Questions concerning the exact location of district boundary lines should be determined by the Board of Appeals according to rules and regulations which it may adopt, as hereinafter provided under Article IX.

(E) All territory outside the corporate limits but subject to the jurisdiction of this Chapter should be classified as previously designated by the Planning Commission or "R-1" One-Family Residence District until such classification shall have been changed as provided by the Code which is adopted. (Ord. #476-85; 12-10-85)
ARTICLE IV - GENERAL PROVISIONS

40-4-1 ZONING AFFECTS EVERY STRUCTURE AND USE. Except as hereinafter provided, no building, structure or land shall hereafter be used and no building or part thereof or structure shall be erected, constructed, reconstructed, occupied, moved, altered or repaired, except in conformity with the regulations herein specified for the class of district in which it is located.

40-4-2 CONTINUING EXISTING USES. Any building, structure or use lawfully existing at the time of enactment of the Zoning Code may be continued, except certain non-conforming uses as provided in Section 40-4-3. Nothing in the Code shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by the Building Inspector.

40-4-3 NON-CONFORMING USES. Except as hereinafter provided,

(A) Any non-conforming building or structure which has been or may be damaged by fire, flood, explosion, earthquake, war, riot or other act of God, may be reconstructed and used as before if it be done within twelve (12) months of such calamity, unless damaged more than eighty percent (80%) of its fair market value, as determined by the Board of Appeals at the time of such damage, in which case, reconstruction shall be in accordance with the provisions of this Code. However, any non-conforming residence structure which shall be destroyed by fire or other calamity as set forth herein may be reconstructed by the owner of the structure at the time of its destruction in accordance with the specifications for construction prior to its destruction, for use solely as a residence, without regard to restrictions otherwise imposed herein.

(B) No building, structure or premises where a non-conforming use has been or may be discontinued for more than one (1) year, or has been or may be changed to a use permitted in the district in which it is located, shall again be devoted to a non-conforming use.

(C) Any non-conforming use of land not involving any structure, may be continued for a period not to exceed three (3) years, after enactment of the Zoning Code, whereupon such non-conforming use shall cease.

(D) Any building or structure devoted to a non-conforming use with a fair market value of less than Five Hundred Dollars ($500.00), as determined by the Board of Appeals, may be continued for a period not to exceed three (3) years after enactment of the Zoning Code, whereupon such non-conforming use shall cease and thereafter such building or structure shall be removed or changed to a conforming use.
(E) The foregoing provisions, in so far as these limit reconstruction or require certain uses to cease or buildings or structures to be removed or changed, shall not be applicable where any such building, structure or use would be conforming under the Land Use Plan of the community as defined in Section 40-2-1.

40-4-4 STREET FRONTAGE REQUIRED - REAR DWELLINGS. No lot shall contain any building used as a dwelling unless it abuts at least thirty feet (30') on a street.

40-4-5 NUMBER OF BUILDINGS ON A LOT. Not more than one (1) principal detached residential building shall be located on a lot, nor shall a principal detached residential building be located on the same lot with any other principal building.

40-4-6 ACCESSORY BUILDINGS IN RESIDENCE DISTRICTS.
(A) No accessory building shall be erected in any required court, or in any yard other than a rear yard; nor shall it occupy more than thirty percent (30%) of a required rear yard. Accessory buildings shall not exceed fifteen feet (15') in height, and shall be distant at least three feet (3') from all lot lines of adjoining lots which are in any "R" District and at least six feet (6') from alley lines and from any other building or structure on the same lot.
(B) Where the natural grade of a lot at the front wall of the principal building is more than eight feet (8') above the average established curb grade in front of the lot, a private garage may be erected within any yard or court, but not within ten feet (10') of any street line, provided that at least one-half (½) of the height of such private garage shall be below the level of the yard or court.
(C) An accessory building may be erected as an integral part of the principal building or, if at least six feet (6') therefrom, may be connected thereto by a breezeway or similar structure, provided all yard and court requirements of this Code for a principal building are complied with.

40-4-7 REQUIRED YARD CANNOT BE REDUCED OR USED BY ANOTHER BUILDING.
(A) Except when expressly permitted by special action of the City Council, no lot, yard, court, parking area, or other open space should be so reduced in area or dimension as to make any such area or dimension less than the minimum required by this Code; nor should any building be reduced in area or dimension to less than the minimum required by this Code; except that if unnecessary hardship would be caused by the required dimension
or areas, the property owner may apply, by letter, to the City Council requesting consideration. After the owner or occupant of property contiguous to that property being considered has been notified by certified on hand-delivered letters of the date of regular or special meeting at which such consideration is to be made, and notice of a public meeting has appeared in an area newspaper, the applicant's name will be placed on the agenda for new business and the applicant will be notified to appear. If the City Council, after due consideration, wishes to change dimensions or areas of the property under consideration, it may do so by resolution requiring a two-thirds (2/3) vote of its elected membership.

(B) No required open space provided about any building or structure shall be included as part of any open space required for another building or structure. The space occupied by a required private garage or parking area shall be considered the same as any required open space provided about a principal building, and such space shall not be reduced or included as any part of any required open space for another building or structure.

40-4-8 WHEN COURTS ARE REQUIRED. If, in the opinion of the Building Inspector, any room in which persons were to live, sleep, or work, except storage rooms, would not be adequately lighted and ventilated from a street or from a required side or rear yard, a court conforming with the provisions of the Building Code shall be provided on which such rooms shall open. Any required court which is to serve rooms for residential purposes, other than a bathroom, toilet compartment, pantry, hall, closet, storage room or other accessory room not for living or sleeping, shall be an outer court.

40-4-9 CONVERSION OF DWELLINGS. The conversion of any building into a dwelling, or the conversion of any dwelling so as to accommodate an increased number of dwelling units or families, shall be permitted only within a district in which a new building for similar occupancy would be permitted under the Zoning Code, and only when the resulting occupancy will comply with the requirements governing new construction in such district with respect to minimum lot size, lot area per dwelling unit, dimensions of yards and other open spaces, and off-street parking. Each conversion shall be subject also to such further requirements as may be specified hereinafter within the section applying to such district.

40-4-10 TRANSITIONAL USES IN "R" DISTRICTS. In any "R-1", "R-2" District, a transitional use shall be permitted on a lot, the side lot line of which adjoins either directly or across an
alley, any "B" or "M" District. The permitted transitional uses
for any such lot in an "R-1" District shall be any use permitted in
the "R-2" District; for any such lot in an "R-2" District, any
use permitted in the "R-3" District. In the case of any such lot
in an "R-1" and "R-2" District, the requirement governing lot
area per dwelling unit, off-street parking, yards and other open
spaces should be the same as for the district respectively next
listed in Article V. Any transitional use authorized under this
section shall not extend more than one hundred feet (100') from
the side lot line of the lot abutting on the zoning district
boundary line.

40-4-11 TRAFFIC VISIBILITY ACROSS CORNER LOTS. In any "R"
District on any corner lot, no fence, structure or planting shall
be erected or maintained within twenty feet (20') of the "corner"
so as to interfere with traffic visibility across the corner.

40-4-12 ESSENTIAL SERVICES. Essential services shall be
permitted as authorized and regulated by law and other ordinances
of the community, it being the intention hereof to exempt such
essential services from the application of the Zoning Code.

40-4-13 OFF-STREET PARKING AND LOADING. In any district,
espaces for off-street parking and for loading or unloading shall
be provided in accordance with the provisions of Article VI.

40-4-14 PENDING APPLICATIONS FOR BUILDING PERMITS. Nothing
herein contained shall require any change in the overall layout,
plans, construction, size or designated use of any development,
building, structure, or part thereof, for which official approvals
and required building permits have been granted before the enact-
ment of the Zoning Code, the construction of which, conforming
with such plans, shall have been started prior to the effective
date of the Zoning Code and completion thereof carried on in a
normal manner within the subsequent six (6) month period, and not
discontinued until completion, except for reasons beyond the
builder's control.

[NOTE: All rights granted under this Section have expired.]
ARTICLE V - ZONE DISTRICTS - PERMITTED USES

DIVISION I - "A-1" AGRICULTURAL DISTRICT

40-5-1 USES PERMITTED. The regulations set forth in this Code, when referred to in this Article, are the regulations in the "A-1" Agricultural District.

40-5-2 PERMITTED PRINCIPAL USES.
(A) Agriculture and agricultural buildings provided that no livestock shall be housed closer than two hundred feet (200') from any lot in any "R" District.
(B) Any buildings or structures occupied by or used for churches, Sunday schools, parish houses, public and parochial schools, public libraries, museums and similar public cultural uses, located not less than forty feet (40') from any other side lot line in any "B" District.
(C) Open air recreational use such as parks and playgrounds.
(D) Essential services as defined in Section 40-2-1, and public service buildings or properties, except such uses as storage yards, warehouses, garages, or other uses customarily conducted as gainful business, provided any building is located not less than forty feet (40') from any other lot in any "R" District.
(E) Cemeteries.
(F) Existing railroad rights-of-way, not including switching, storage, freight yards or sidings.
(G) Sale of nursery and greenhouse products where production or growth of products takes place on the premises.
(H) Country clubs, golf courses, swimming clubs and similar recreational uses provided that any principal or accessory building in connection therewith shall be located not less than two hundred feet (200') from any other lot in any "R" District.
(I) Farm dwellings and single-family non-farm dwellings.
(J) Billboards and signboards subject to the following restrictions:

1. No billboard or signboard shall be located within three hundred feet (300') of any "R" District.
2. No billboard or signboard shall be located within eighty feet (80') of a Federal or State Highway or within sixty feet (60') of any other public road.
3. No billboard or signboard shall contain more than three hundred (300) square feet of surface area nor be higher than twenty-five feet (25') above the average grade.
4. No billboard or signboard shall be located within five hundred feet (500') of an exit or entrance to a controlled access route.
(5) Billboards or signboards may have constant or flashing illumination, provided that any such sign located in the direct line of vision of any traffic control signaling device shall not have contrasting or flashing intermittent illumination or red, green or amber color. Where a sign is illuminated by light reflected upon it, direct rays of light shall not project upon any part of an existing State or Federal Highway, existing residential structure or any "R" District.

40-5-3 SPECIAL PERMITS - BOARD OF APPEALS. A special permit may be granted by the Zoning Board of Appeals (for the following uses), after the appropriate public hearing has been held according to this Code.

(A) Sanitary landfills, in accordance with other applicable requirements and regulations provided that no such landfill shall be operated within one thousand three hundred twenty feet (1,320') of any "R" District.

(B) Mining, loading of coal, sand, or gravel, including equipment, buildings, or structures for washing, crushing, screening, mixing, or storage subject to the following conditions and restrictions:

(1) No open pit or shaft shall be located less than five hundred feet (500') from any residence.

(2) No open pit or shaft shall be located less than one thousand three hundred twenty feet (1,320') from any "R" District.

(3) All buildings or structures for washing, crushing, screening, mixing, or storage shall be located not less than five hundred feet (500') from any residence and one thousand three hundred twenty feet (1,320') from any "R" District.

(4) The operator of an open pit mine shall be required to furnish the Board with a topographic map for that area proposed for open pit mining and upon completion of the mining operation, shall replace the ground as near to the original topography as is possible.

(5) A surety bond of a State of Illinois approved bonding company shall be posted with the Corporate Authorities equal to One Thousand Dollars ($1,000.00) an acre for the land to be open pit mined. Such bond shall be held until the mine operator has fulfilled the provisions of this section, or has defaulted when such money shall be used by the Corporate Authorities to complete the provisions of this section.
(6) Oil wells and the storage of crude oil, provided that no such operation shall be conducted within two hundred feet (200') of any residence and five hundred feet (500') of any lot in an "R" District.

40-5-4 PERMITTED ACCESSORY USES. Accessory uses customarily incidental to a permitted principal use on the same lot therewith, including:

(A) Private garages or parking areas.

(B) Buildings and structures: accessory to agriculture uses including roadside stands selling produce grown on the premises, provided that such stands are located not less than fifty feet (50') from a street or highway right-of-way.

(1) Signs accessory to roadside stands shall be limited to two (2) per lot with no sign being larger than ten (10) square feet and set back thirty feet (30') from the right-of-way. Such signs shall be less than fifteen feet (15') in height and pertain to agricultural products offered for sale and identification of such stand.

(C) Real estate signs of a temporary nature, not exceeding two (2) in number per lot, nor larger than twelve (12) square feet, set back twenty feet (20') from any highway, street, or road.

(D) Small announcement or professional signs, not exceeding four (4) square feet in area, except that an announcement sign or bulletin board, not over twelve (12) square feet in area, set back twenty feet (20') from any right-of-way may be erected in connection with any of the permitted principal uses of a non-residential character.

(E) Living quarters of persons employed on the premises.

(F) Office of a physician, dentist, lawyer, architect, engineer, accountant or insurance agent within his dwelling.

(G) Customary incidental home occupations such as handicraft, dressmaking, millinery and preserving, but not including beauty shop, barber shop, dancing or music school with more than one (1) pupil at any one (1) time, or similar activity carried on solely by resident occupants within their residence, subject to the following conditions:

That no more than one (1) room is used for such purposes by any resident family; that no such use shall require internal or external alterations or involve construction features or the use of mechanical equipment not customary in dwellings; that nothing not produced on the premises is sold or offered for sale; and that not display of goods or services pertaining to such is visible from the street, road or highway.
(H) A sign or signs flat against a building appertaining to a non-conforming use on the premises, not exceeding in the aggregate fifty (50) square feet in area; except as may be authorized by the Board of Appeals.

40-5-5 HEIGHT REGULATIONS. No principal structure shall exceed two and one-half (2½) stories or thirty feet (30') in height, and no accessory structure shall exceed one (1) story or fifteen feet (15') in height, except as provided in Section 40-7-2.

40-5-6 LOT AREA, FRONTAGE, YARD AND FLOOR AREA REQUIREMENTS. The following minimum requirements shall be observed, subject to the additional requirements, exceptions and modifications in Article VII, Sections 40-7-2 through 40-7-7, inclusive.

<table>
<thead>
<tr>
<th>Lot Area</th>
<th>Lot Width</th>
<th>Front Yard Width</th>
<th>Side Yard Depth</th>
<th>Rear Yard Depth</th>
<th>Floor Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 - 2½ Stories (acres)</td>
<td>4</td>
<td>300'</td>
<td>80'</td>
<td>30'</td>
<td>100'</td>
</tr>
</tbody>
</table>

60' (along State and Federal Highways)

60' (along other public roads)

40-5-7 - 40-5-11 RESERVED.
DIVISION II

"R-1" ONE-FAMILY RESIDENCE DISTRICTS

40-5-12 USES PERMITTED. The regulations set forth in this Article or set forth elsewhere in this Code, when referred to in this Division, are the regulations in the "R-1" District, as follows:

40-5-13 PERMITTED PRINCIPAL USES.
(A) One-family detached dwellings.
(B) Any buildings or structures occupied by or used for churches, Sunday Schools, parish houses, public and parochial elementary and secondary schools, public libraries, museums and similar public cultural uses, located not less than fifty feet (50') from any other lot line in any "R" District.
(C) Essential services as defined in Section 40-2-1, and municipal administrative or public service buildings or properties, except such uses as storage yards, warehouses, garages, or other uses customarily conducted as gainful business, provided any building is located not less than fifty feet (50') from any other lot in any "R" District.
(D) Public and civic parks, playgrounds and community centers.
(E) Existing railroad rights-of-way, not including switching, storage, freight yards, or sidings.
(F) Gardening and general farming, nurseries and greenhouses, including sale of produce grown on the premises, but not including chicken raising, hog raising, or other commercial animal raising, except nothing in this provision is intended to preclude the raising of pets.
(G) Country clubs, golf courses, swimming clubs, and similar recreational uses, provided that any principal or accessory building in connection therewith shall be located not less than one hundred feet (100') from any other lot in an "R" District.
(H) Static transformer stations, and booster or pressure regulating stations, without service yard or storage.

40-5-14 PERMITTED ACCESSORY USES. Accessory uses customarily incidental to a permitted principal use on the same lot therewith, including:
(A) Private garages or parking areas.
(B) Living quarters of persons employed on the premises.
(C) Office of a physician, dentist, lawyer, architect, engineer, accountant or insurance agent within his dwelling.
(D) Customary incidental home occupations, such as handicraft, dressmaking, millinery and preserving, but not including beauty shop, barber shop, dancing or music school with
more than one (1) pupil at one (1) time, or similar activity, carried on solely by resident occupants within their residence, subject to the following provisions:

That no more than one (1) room is used for such purposes by any resident family; that no such use shall require internal or external alterations or involve construction features or the use of mechanical equipment not customarily found in dwellings; that anything not produced on the premises is sold or offered for sale; and that no display of goods or services pertaining to such is visible from the street.

(E) Real estate signs of a temporary nature, not exceeding two (2) in number per lot, nor larger than twelve (12) square feet in area, set back twenty feet (20') from any street.

(F) Small announcement or professional signs, not exceeding four (4) square feet in area, except that an announcement sign or bulletin board, not over twelve (12) square feet in area, set back twenty feet (20') from any right-of-way may be erected in connection with any of the permitted principal uses of a non-residential character.

40-5-15 HEIGHT REGULATIONS. No principal structure shall exceed two and one-half (2½) stories or thirty feet (30') in height, and no accessory structure shall exceed one (1) story or fifteen feet (15') in height, except as provided in Section 40-7-2.

40-5-16 LOT AREA, FRONTAGE, YARD AND FLOOR AREA REQUIREMENTS. The following minimum requirements shall be observed, subject to the additional requirements, exceptions and modifications in Sections 40-7-2 through 40-7-7, inclusive.

(A) Lot Area.

(1) Fifteen thousand (15,000) square feet where neither public water or sewer is available.

(2) Ten thousand (10,000) square feet where public water is available, with or without public sewer.

(B) Front Yard Depth: Thirty feet (30').

(C) Side Yard Width: Ten feet (10') for each yard.

(D) Rear Yard Depth: Thirty feet (30') with public sewer.

(E) Lot Requirements. When there is no public sewer, a buried sand filter system is required, and the yard (side, front or rear) where the filter system is located must have a minimum of six hundred (600) square feet for a three (3) bedroom house and eight hundred (800) square feet for a four (4) bedroom house; also, there must be a like square footage for filter bed renewal.

(F) Floor Area: Twelve hundred (1,200) square feet.

(G) Maximum Lot Coverage by Principal and Accessory Structures: Twenty-five percent (25%).

40-5-17 - 40-5-22 RESERVED.
DIVISION III

"R-2" ONE-AND-TWO-FAMILY RESIDENCE DISTRICTS

40-5-23 USES PERMITTED. The regulations set forth in this Article or set forth elsewhere in this Code, when referred to in this Division, are the regulations in the "R-2" District, as follows:

40-5-24 PERMITTED PRINCIPAL USES.
(A) Any use or structure permitted and as regulated in the "R-1" District, except as hereinafter modified.
(B) Two-family dwellings.
(C) Hospitals, sanitariums, and nursing homes not for contagious diseases or for epileptics, drug or liquor addicts, and institutions not for penal or correctional purposes or for the insane or feeble minded, provided that any such building shall be at least fifty feet (50') from any other lot in any "R" District; and other hospitals or sanitariums for human care provided that any such buildings used for the treatment of contagious diseases, the care of epileptics, drug addicts, the feeble minded or insane, shall be at least one hundred feet (100') from any other lot in any "R" District.
(D) Cemeteries.
(E) Parking areas for uses in an adjoining less restricted district, when abutting or directly across an alley, subject to the applicable conditions in Section 40-6-1.

40-5-25 SPECIAL PERMITS. When authorized by the Board of Appeals, the following special permits may be granted:
(A) Residence Development Projects. (See Section 40-6-8)
(B) Dwelling Groups. (See Section 40-6-7)

40-5-26 PERMITTED ACCESSORY USES. "R-1" Residence District accessory uses, as follows:
(A) Private garages or parking areas.
(B) Living quarters of persons employed on the premises.
(C) Office of a physician, dentist, lawyer, architect, engineer, accountant or insurance agent within his dwelling.
(D) Customary incidental home occupations, such as handicraft, dressmaking, millinery and preserving, but not including beauty shop, barber shop, dancing or music school with more than one (1) pupil at one (1) time, or similar activity, carried on solely by resident occupants within their residence, subject to the following provisions:
That no more than one (1) room is used for such purposes by any resident family; that no such use shall require internal or external alterations or involve construction features or the use of mechanical equipment not customarily found in dwellings; that anything not produced on the premises is sold or offered for sale; and that no display of goods or services pertaining to such is visible from the street.

(E) Real estate signs of a temporary nature, not exceeding two (2) in number per lot, nor larger than twelve (12) square feet in area, set back twenty feet (20') from any street.

(F) Small announcement or professional signs, not exceeding four (4) square feet in area, except that an announcement sign or bulletin board, not over twelve (12) square feet in area, set back twenty feet (20') from any right-of-way may be erected in connection with any of the permitted principal uses of a non-residential character.

40-5-27 HEIGHT REGULATIONS. No principal structure should exceed two and one-half (2½) stories or thirty feet (30') in height, and no accessory structure should exceed one (1) story or fifteen feet (15') in height, except as provided in Section 40-7-2.

40-5-28 LOT AREA, FRONTAGE, LOT COVERAGE, YARD AND FLOOR AREA REQUIREMENTS. The following minimum requirements shall be observed subject to the additional requirements, exceptions and modifications in Sections 40-7-2 through 40-7-7, inclusive:

(A) Lot Area: Eight Thousand (8,000) square feet.

(B) Lot Width: Sixty feet (60').

(C) Front Yard Depth: Thirty feet (30').

(D) Side Yard Width: Ten feet (10') each yard.

(E) Rear Yard Depth: Thirty feet (30') with City sewers; except where City sewers are not available, the yard in which the required buried sand filter sewage system is used, that yard shall have a minimum of six hundred (600) square feet for a three (3) bedroom, eight hundred (800) square feet for a four (4) bedroom house; also, there must be a like square footage for a filter bed renewal.

(F) Lot Area Per Family: Four Thousand (4,000) square feet.

(G) Floor Area: One Thousand Fifty (1,050) square feet per family for single-family and seven hundred (700) square feet for each family in a two-family residence.

(H) Maximum lot coverage by principal and accessory structures: Thirty percent (30%).
DIVISION IV
"R-3" MULTI-FAMILY RESIDENCE DISTRICTS

40-5-34 USES PERMITTED. The regulations set forth in this Article or set forth elsewhere in this Code, when referred to in this Division, are the regulations in the "R-3" District, as follows:

40-5-35 PERMITTED PRINCIPAL USES.
(A) Any use or structure permitted and as regulated in the "R-2" District, except as hereinafter modified.
(B) Dwellings for any number of families.
(C) Boarding and lodging houses providing one hundred fifty (150) square feet of floor area for each occupant.
(D) Kindergartens, day nurseries, or nursery schools, provided that any play lot used in connection therewith be surrounded by a fence not less than three feet (3') in height.
(E) Private clubs and lodges.
(F) Tourist homes; motels or motor hotels on lots abutting on State or Federal Highways, subject to the applicable provisions of Section 40-6-10.
(G) Office of civic, religious or charitable organizations and financial or insurance institutions conducting their activities primarily by mail and not handling merchandise or rendering services on the premises.
(H) Physicians' and dentists' offices and private clinics for human care, professional offices of architects, engineers, lawyers, and the like; offices devoted to real estate, insurance, management, and similar enterprises when conducting their activities primarily by mail or telephone and not displaying or handling merchandise on the premises.

40-5-36 SPECIAL PERMITS. When authorized by the Board of Appeals, the following special permits may be granted:
(A) "R-2" Residence District Board of Appeals Uses.

40-5-37 PERMITTED ACCESSORY USES. Accessory uses customarily incidental to a permitted principal use on the same lot therewith, including "R-2" Residence District accessory uses:
(A) Private garages or parking areas.
(B) Living quarters of persons employed on the premises.
(C) Office of a physician, dentist, lawyer, architect, engineer, accountant or insurance agent within his dwelling.
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(D) Customary incidental home occupations, such as handicraft, dressmaking, millinery and preserving, but not including beauty shop, barber shop, dancing or music school with more than one (1) pupil at one (1) time, or similar activity, carried on solely by resident occupants within their residence, subject to the following provisions:

That no more than one (1) room is used for such purposes by any resident family; that no such use shall require internal or external alterations or involve construction features or the use of mechanical equipment not customarily found in dwellings; that anything not produced on the premises is sold or offered for sale; and that no display of goods or services pertaining to such is visible from the street.

(E) Real estate signs of a temporary nature, not exceeding two (2) in number per lot, nor larger than twelve (12) square feet in area, set back twenty feet (20') from any street.

(F) Small announcement or professional signs, not exceeding four (2) square feet in area, except that an announcement sign or bulletin board, not over twelve (12) square feet in area, set back twenty feet (20') from any right-of-way may be erected in connection with any of the permitted principal uses of a non-residential character.

40-5-38 HEIGHT REGULATIONS. No principal structure should exceed six (6) stories or seventy-five feet (75') in height, at the required front, side and rear yard line, other than as provided in Section 40-7-2, except that one foot (1') may be added to the height permitted at said yard lines for each one foot (1') that the building is set back from the required yard lines.

40-5-39 LOT AREA, FRONTAGE, LOT COVERAGE AND FLOOR AREA REQUIREMENTS. The following minimum requirements should be observed subject to the additional requirements, exceptions and modifications in Sections 40-7-2 through 40-7-7, inclusive:

(A) Lot Area: Five Thousand Five Hundred (5,500) square feet.

(B) Lot Width: Sixty feet (60').

(C) Front Yard Depth: Thirty feet (30').

(D) Rear Yard Depth: Thirty feet (30') with City sewers; except where City sewers are not available, the yard in which the required buried sand filter sewage system is used, that yard shall have a minimum of six hundred (600) square feet for a three (3) bedroom house, eight hundred (800) square feet for a four (4) bedroom house; also there must be a like square footage for a filter bed renewal.

(E) Side Yard Width: Ten feet (10') each yard.

(F) Lot Area Per Family: Three thousand (3,000) square feet.
(G) Floor Area: Nine Hundred (900) square feet for one-family residence; six hundred (600) square feet for each family in a two-family residence; and three hundred fifty (350) square feet for each family in a multi-family residence.

(H) Maximum lot coverage by principal and accessory structures: Thirty-five percent (35%).

40-5-40 - 40-5-44 RESERVED.

DIVISION V

"B-1" SECONDARY BUSINESS DISTRICTS

40-5-45 USES PERMITTED. The regulations set forth in this Article, or as set forth elsewhere in this Code, when referred to in this Division are the regulations in the "B-1" District, as follows:

40-5-46 PERMITTED PRINCIPAL USES.

(A) "R-3" District residential uses or structures.

(B) Any retail business establishment, supplying commodities primarily for residents of the surrounding residential area or to persons in vehicles passing in front of an establishment, such as appliance store, auto accessory store, bakery shop, book or stationery store, camera or photography shop, candy or ice cream store, drug store, fabric shop, floor covering store, florist shop, furniture store, gift shop, grocery store, clothing store, hardware or paint store, hobby shop, jewelry store, meat market, motor fuel station, subject to the conditions stipulated in Section 40-6-6, restaurant or bar, shoe store, variety store, motels or motor hotels, liquor store, second-hand store and rummage shop, heating and air-conditioning shop, plumbing shop, electrical shop, sheet metal shop, drive-in, trailer sales, automobile and truck sales with minor repair, bowling alley, pool or billiard hall, animal hospital and the like.

(C) Any service establishment such as a bank or other financial enterprise, barber or beauty shop, business or professional office, funeral home and self-service laundry.
Revised Code

(D) Billboards and signboards subject to the same height and location requirements as stated in Sections 40-5-48 and 40-5-49 for all structures and also subject to the following conditions and restrictions in "B-1" Districts:

(1) No billboard, signboard, or similar advertising sign should be located at an intersection so as to obstruct vision, hearing, or interfere with pedestrian or vehicular safety.

(2) No billboard, signboard, or similar advertising sign should be located within fifty feet (50') of any lot in an "R-1" District or within forty feet (40') of any lot in an "R-2" or "R-3" District.

(3) No billboard, signboard or similar sign should be constructed or located so that it will unreasonably interfere with the use and enjoyment of adjoining or abutting property.

40-5-47 PERMITTED ACCESSORY USES. Accessory uses customarily incidental to a permitted principal use on the same lot therewith, including "R-3" Residence District accessory uses:

(A) Private garages or parking areas.

(B) Living quarters of persons employed on the premises.

(C) Office of a physician, dentist, lawyer, architect, engineer, accountant, or insurance agent within his dwelling.

(D) Customary incidental home occupations, such as handicraft, dressmaking, millinery and preserving, but not including beauty shop, barber shop, dancing or music school with more than one (1) pupil at one (1) time, or similar activity, carried on solely by resident occupants within their residence, subject to the following provisions:

That no more than one (1) room is used for such purposes by any resident family; that no such use shall require internal or external alterations or involve construction features or the use of mechanical equipment not customarily found in dwellings; that anything not produced on the premises is sold or offered for sale; and that no display of goods or services pertaining to such is visible from the street.

(E) Real estate signs of a temporary nature, not exceeding two (2) in number per lot, nor larger than twelve (12) square feet in area, set back twenty feet (20') from any street.

(F) Small announcement or professional signs, not exceeding four (4) square feet in area, except that an announcement sign or bulletin board, not over twelve (12) square feet in area, set back twenty feet (20') from any right-of-way may be erected in connection with any of the permitted principal uses of a non-residential character.

(G) Other accessory uses customarily incidental to a permitted principal use, including signs integral with or
attached flat against a building. Elevated signs not extending past any lot line. Projecting signs located not less than ten feet (10') above average grade and not extending more than ten feet (10') from any building to which they are attached. The total gross area of all signs on a lot should not exceed two (2) times the lineal frontage of the lot.

40-5-48 HEIGHT REGULATIONS. No principal structure should exceed two (2) stories or twenty-five feet (25') in height, and no accessory structure should exceed two (2) stories or thirty feet (30') in height, except as provided in Section 40-7-2.

40-5-49 LOT AREA, FRONTAGE, AND LOT COVERAGE REQUIREMENTS. The following minimum requirements should be observed, subject to the additional requirements, exceptions and modifications in Sections 40-7-2 through 40-7-7, inclusive:

<table>
<thead>
<tr>
<th>Lot Area</th>
<th>Lot Width</th>
<th>Front Yard Depth</th>
<th>Side Yard Width</th>
<th>Rear Yard Depth</th>
<th>Lot Coverage (Maximum)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwellings (Same as &quot;R-3&quot; District)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other Permitted Uses</td>
<td>10,000 sq.ft.</td>
<td>100'</td>
<td>40'</td>
<td>None, 20'</td>
<td>50% (except where adjacent to &quot;R&quot; District, then 15')</td>
</tr>
</tbody>
</table>

40-5-50 - 40-5-55 RESERVED.
DIVISION VI
"B-2" PRIMARY BUSINESS DISTRICT

40-5-56 USES PERMITTED. The regulations set forth in this Article or set forth elsewhere in this Code when referred to in this Division, are the regulations in the "B-2" District, as follows:

40-5-57 PERMITTED PRINCIPAL USES.
(A) "B-1" Business District uses.
(B) Bus terminal.
(C) Business or trade schools.
(D) Cabinet shop, electrical, heating, air-conditioning or plumbing shop, furniture upholstering shop only when operated in conjunction with a retail business on the premises; printing, publishing, engraving or lithographing shop, laundry and dry-cleaning shop, and similar establishments, but not within one hundred feet (100') of any "R" District.
(E) Dance hall, bar, or cocktail lounge, night club, and similar enterprises, but not within one hundred feet (100') of any "R" District.
(F) Department stores.
(G) Hotels.
(H) Meeting halls, clubs and fraternal organizations.
(I) Music and dancing studios.
(J) Public parking lots, customer and other accessory parking areas, subject to the applicable provisions of Article VI.
(K) Radio and other wireless broadcasting stations or studios, not including transmitting towers.
(L) Other business, professional or service establishments, or retail or wholesale business, except the uses first permitted in the "M-1" District, unless authorized by the Board of Appeals as provided hereinafter, under Section 40-5-58 and except such as are expressly prohibited hereinafter under Section 40-5-60.

40-5-58 SPECIAL PERMITS. When authorized by the Board of Appeals, the following special permits may be granted:
(A) Automobile sales, service and storage garages, subject to the provisions of Section 40-6-6. Drive-in sales or service establishments requiring vehicular access across a public sidewalk, in such locations where interference with the conduct of retail business on adjoining or adjacent premises or hazard to pedestrians will be minimized.
(B) Any of the uses permitted in the "M-1" District, under the conditions and limitations specified in such district,
and subject to such further conditions and limitations in regard to amount of floor area to be occupied by mechanical equipment and in other respects as the Board may consider necessary to safeguard against features which may become objectionable in a "B-2" Business District.

40-5-59 PERMITTED ACCESSORY USES. Accessory uses customarily incidental to a permitted principal use on the same lot therewith, including:
(A) "B-1" Business District Accessory Uses.
(B) Other accessory uses customarily incidental to a permitted use.

40-5-60 PROHIBITED USES. The following uses are hereby prohibited in the "B-2" District:
(A) Any commercial or manufacturing use which may become noxious or offensive in a "B-2" Business District.
(B) Motor Fuel Stations and Fuel Storage Tanks.
(C) Used Car Lots.

40-5-61 HEIGHT REGULATIONS. No structure shall exceed in height two (2) times that distance measured from the center of the street to the supporting wall of the building nearest the street, except as provided in Section 40-7-2.

40-5-62 YARD REQUIREMENTS. The following minimum requirements shall be observed, subject to the additional requirements, exceptions and modifications in Sections 40-7-2 through 40-7-7, inclusive:

<table>
<thead>
<tr>
<th></th>
<th>Front Yard Depth</th>
<th>Side Yard Widths Each</th>
<th>Rear Yard Depth</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permitted Uses</td>
<td>None</td>
<td>None, except adj. &quot;R&quot;</td>
<td>10', except adj. &quot;R&quot; Dist., then same as &quot;R&quot; Dist.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>District, then, same as &quot;R&quot; Dist.</td>
<td></td>
</tr>
</tbody>
</table>

40-5-63 - 40-5-67 RESERVED.
DIVISION VII
"M-1" LIGHT INDUSTRIAL DISTRICTS

40-5-68 USES PERMITTED. The regulations set forth in this Article, or set forth elsewhere in this Code, when referred to in this Division, are the regulations in the "M-1" District, as follows:

40-5-69 PERMITTED PRINCIPAL USES.
(A) Any use or structure permitted and as regulated in the "B-2" District, except as hereinafter modified.
(B) Builder's or contractor's plant or storage yard, building material sales and storage yard, including concrete mixing, lumber yard, including millwork, open yard for storage and sale of feed or fuel, if located not less than one hundred feet (100') from any "R" District, provided any such operations are enclosed by a solid wall or fence not less than six feet (6') in height.
(C) Sewage disposal plant, when operated by the municipality.
(D) The following uses, provided no part of a building occupied by such uses shall have any openings other than stationary windows or required fire exits within one hundred feet (100') of any "R" District:

1. Automobile repair garage doing major repair, including tire retreading or recapping, battery service and repair.
2. Bag, carpet and rug cleaning, provided necessary equipment is installed and operated for the effective precipitation or recovery of dust.
3. Carpenter, electrical, heating, ventilating, plumbing or sheet metal shop, furniture repair or upholstering shop, laundry and clothes cleaning or dyeing establishment, printing or publishing plant.
4. The manufacture, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, pharmaceuticals, toiletries, and food products, including light meat packing, canning, milk products and the like, but excluding fish products, slaughter houses, sauerkraut, vinegar, yeast, and rendering and refining of fats or oils.
5. The manufacture, compounding, assembling or treatment of articles of merchandise from the following previously prepared material: bone
canvas, cellophane, cloth, feathers, felt, fibre, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stone, rubber, sheet metal, including stamping or welding shop [except where presses over twenty (20) tons rated capacity are employed], shell, textiles, tobacco, wax, wood and yarn.

(6) The manufacture of ceramic products, using only previously pulverized clay, and kilns fired only by electricity or gas.

(7) The manufacture of musical instruments, toys, novelties, rubber or metal stamps, and other small moulded rubber products.

(8) The manufacture or assembly of electrical appliances, electronic instruments and devices, phonographs, radio and television sets, electric and neon signs, refrigerators and stoves.

(9) The manufacture of ice; cold storage plant; creamery and bottling plant.

(10) The manufacture or assembly of small tools, dies or jigs.

(11) Laboratory - experimental, film, or testing.

(12) Cabinet shops and other wood-working shops.

(13) Railroad freight stations, trucking or motor freight terminals, but not within one hundred feet (100') of any other lot in any "R" District.

(14) Any other use that is determined by the Board of Appeals to be of the same general character as the foregoing permitted uses, but not including any use which may become noxious or offensive in an "M-1" District.

40-5-70 PERMITTED ACCESSORY USES. Accessory uses customarily incidental to a permitted principal use on the same lot therewith; including:

(A) "B-2" Business District accessory uses.

(B) Other accessory uses customarily incidental to a permitted principal use.

40-5-71 SPECIAL PERMITS. When authorized by the Board of Appeals, any use not prohibited by law may be permitted, but only when necessary incidental accessory to a permitted principal use, except one which may become noxious or offensive in an "M-1" District.
40-5-72 PROHIBITED USES. The following are hereby prohibited uses in this district:
(A) Dwellings, except for watchman or caretaker on the premises.
(B) Schools, hospitals, clinics and other institutions for human care, except when incidental to a permitted principal use.
(C) Any use first permitted or prohibited in the "M-2" Industrial District.

40-5-73 YARD REQUIREMENTS. The following minimum requirements should be observed, subject to the additional requirements, exceptions and modifications in Section 40-7-2 through 40-7-7, inclusive:

<table>
<thead>
<tr>
<th>Height of Permitted Uses</th>
<th>Front Yard Depth</th>
<th>Side Yard Widths Each</th>
<th>Rear Yard Depth</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 to 3 stories or 50' in height</td>
<td>30'</td>
<td>None, except adjoining &quot;R&quot; District, then same as &quot;R&quot; District.</td>
<td>40'</td>
</tr>
<tr>
<td>Greater than 3 stories or 50'</td>
<td>60% of building height</td>
<td>(same as above)</td>
<td>40'</td>
</tr>
</tbody>
</table>
ARTICLE VI - SPECIAL PROVISIONS

40-6-1 OFF-STREET PARKING AREAS AND LOADING SPACES.
   (A) In all districts, in connection with every building or part thereof hereafter erected, having a gross floor area of ten thousand (10,000) square feet or more, which is to be occupied by uses requiring the receipt or distribution by vehicles of materials or merchandise, there shall be provided and maintained on the same premises with such building at least one (1) off-street loading space accessible from an alley, easement of access, or, when there is no such alley or easement of access, from a street, plus one (1) additional such loading space for each twenty thousand square feet or major fraction thereof of gross floor area so used in excess of twenty thousand (20,000) square feet. Such space may occupy all or any part of any required rear yard or court space.
   (B) In all districts, except "B-2", off-street accessory parking areas, in the open or in a garage shall be provided in connection with the uses set forth hereinafter and to the extent indicated therewith, in addition to the above required loading and unloading spaces. Such areas, in the case of "R" Districts and for dwellings in other districts shall be on the premises intended to be served; and in the case of other districts, and in connection with uses other than dwellings, such areas shall be on the premises intended to be served or on adjoining or nearby property within one hundred feet (100') of any part of said premises and in the same or a less restricted district.

40-6-2 NUMBER OF PARKING SPACES REQUIRED. The following spaces shall be required:

<table>
<thead>
<tr>
<th>USE</th>
<th>PARKING SPACES REQUIRED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Automobile or Machinery Sales and Service Garage</td>
<td>1 for each 1,000 sq. ft. of floor area, plus 1 for each full-time employee</td>
</tr>
<tr>
<td>Banks, Business and Professional Offices</td>
<td>1 for each 200 sq. ft. of floor area</td>
</tr>
<tr>
<td>Bowling Alleys</td>
<td>3 for each alley</td>
</tr>
<tr>
<td>Churches</td>
<td>1 for each 4 seats in principal auditorium</td>
</tr>
<tr>
<td>Schools</td>
<td>1 for each 4 seats in principal gym</td>
</tr>
<tr>
<td>Convenience Stores - Drug, Grocery, Hardware, Package Liquor and Similar Stores</td>
<td>1 for each 300 sq. ft. of floor area devoted to sales, plus 1 for each full-time employee</td>
</tr>
</tbody>
</table>
## Revised Code

<table>
<thead>
<tr>
<th>USE</th>
<th>PARKING SPACES REQUIRED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dance Halls and Assembly Halls without fixed seats</td>
<td>1 for each 50 sq. ft. of floor area used for assembly or dancing</td>
</tr>
<tr>
<td>Drive-in Eating Establishments</td>
<td>Not less than 1/3 of the total ground area be devoted exclusively to parking and accessways</td>
</tr>
<tr>
<td>Dwellings</td>
<td>2 for each dwelling unit</td>
</tr>
<tr>
<td>Food Pick-up Establishments</td>
<td>Minimum of 1, plus 1 for each 100 sq. ft. of floor area</td>
</tr>
<tr>
<td>Funeral Homes, Mortuaries</td>
<td>6 per chapel room or parlor or 1 per 50 sq. ft. of rooms used for services, whichever is greater</td>
</tr>
<tr>
<td>Hospitals, Nursing Homes and Similar Care Centers</td>
<td>1 for each 5 beds, plus 1 for each 2 doctors and employees</td>
</tr>
<tr>
<td>Hotels, Clubs and Lodging Houses</td>
<td>1 for each 2 bedrooms</td>
</tr>
<tr>
<td>Manufacturing Plants, Research or Testing Laboratories, Bottling Plants</td>
<td>1 for each 3 employees on maximum working shift</td>
</tr>
<tr>
<td>Medical or Dental Clinics</td>
<td>1 for each 200 sq. ft. of floor area, plus 1 for each full-time employee and 1 for each doctor</td>
</tr>
<tr>
<td>Motels or Motor Hotels</td>
<td>1 for each unit, plus 1 for each 2 employees on maximum shift</td>
</tr>
<tr>
<td>Motor Fuel Stations</td>
<td>1 for each employee on duty, plus 2 for each service bay</td>
</tr>
<tr>
<td><strong>Service Establishments</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Barber Shops</strong></td>
<td>2 for each chair, plus 1 for each 2 employees on maximum shift</td>
</tr>
<tr>
<td><strong>Beauty Shops</strong></td>
<td>1 for each dryer, plus 1 for each 2 employees on maximum shift</td>
</tr>
<tr>
<td><strong>Coin-operated Laundries and/or Dry-cleaning Establishments</strong></td>
<td>1 for each 3 washers and/or cleaning machines, plus 1 for each 2 employees on maximum shift</td>
</tr>
<tr>
<td><strong>Restaurants</strong></td>
<td>1 for each 3 seats, plus 1 for each 2 employees on maximum shift</td>
</tr>
</tbody>
</table>
Revised Code

<table>
<thead>
<tr>
<th>USE</th>
<th>PARKING SPACES REQUIRED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shopper's Goods - Appliance, Household Equipment, Furniture and Similar Stores</td>
<td>1 for each 500 sq. ft. of floor area, plus 1 for each full-time employee</td>
</tr>
<tr>
<td>Taverns or Bars</td>
<td>1 for each 2 seats, plus 1 for each 2 employees on maximum shift</td>
</tr>
<tr>
<td>Theaters</td>
<td>1 for each 4 seats</td>
</tr>
<tr>
<td>Wholesale Establishments</td>
<td>1 for each 4 employees on maximum working shift</td>
</tr>
</tbody>
</table>

In the case of any use which is not specifically mentioned herein, the provisions for a similar use which is mentioned should apply.

40-6-3 UNITS OF MEASUREMENT. The method of determining the number of parking spaces shall be as follows:

(A) Parking Space. Each parking space shall be not less than eight and one-half feet (8½') wide and twenty feet (20') long, or not less than one hundred seventy (170) square feet in area exclusive of access drives or aisles and in no case, shall any portion of the public right-of-way be used for required off-street parking.

(B) Loading Space. Each loading space shall not be less than ten feet (10') wide, forty feet (40') in length and fourteen feet (14') in height, exclusive of access and turning areas.

(C) Floor Area. In the case of offices, merchandising or service types of uses, "floor area" shall mean the gross floor area used or intended to be used by tenants, or for service to the public as customers, patrons, clients or patients, including areas occupied by fixtures and equipment used for display or sale of merchandise. It shall not include areas used principally for non-public purposes, such as storage, incidental repair, processing or packaging of merchandise, for show windows, for offices incidental to the management or maintenance of stores or buildings, for toilet or restrooms, for utilities, or for dressing rooms, fitting or alteration rooms.

(D) Hospital Bassinets. In hospitals, bassinets should not be counted as beds.

(E) Benches in Place of Public Assembly. In stadiums, sports arenas, churches and other places of public assembly in which patrons or spectators occupy benches, pews, or other similar seating facilities, each twenty inches (20") of such seating facilities shall be counted as one (1) seat for the purpose of determining requirements for off-street parking facilities under this Code.
40-6-4 STANDARDS AND EXCEPTIONS.
(A) Development Standards. Off-street accessory parking areas shall be of usable shape, and shall be improved in accordance with requirements of the community with a durable and dustless surface and so graded and drained as to dispose of all surface water accumulation within the area. Any lighting used to illuminate such parking areas shall be so arranged as to reflect the light away from adjoining premises in any "R" District.
(B) Exceptions. The Board of Appeals may, on appeal, authorize a modification, reduction or waiver of the foregoing requirements, if it shall find that in the particular case the peculiar nature of the use, or other exceptional situation or condition would justify such modification, reduction or waiver.

40-6-5 RESERVED.

40-6-6 GARAGES AND MOTOR FUEL STATIONS.
(A) No building, structure or premises shall be used, erected, or altered which is intended or designed to be used as a public garage, automobile repair shop or motor fuel station, having an entrance or exit for vehicles in the same block-front and within two hundred feet (200') of any school, public playground, church, hospital, public library or institution for dependents or for children, and no such entrance or exit shall be located within the same block-front and within twenty feet (20') of any "R" District; nor shall any part of such public garage, automobile repair shop or motor fuel station be located within one hundred feet (100') of any building or grounds of any of the aforesaid public or institutional uses.
(B) Motor fuel stations shall be subject to such further regulations as may be established by ordinance in respect to number of pumps, hours of operation, fencing or screening, lighting, pavement, curbs, and in other respects.

40-6-7 DWELLING GROUPS.
(A) In the case of a project consisting of a group of two (2) or more buildings to be constructed on a plot of ground not subdivided into the customary streets and lots and which will not be so subdivided, or where the existing or contemplated street and lot layout make it impracticable to apply the requirements of this Code to the individual building units in such project, the applying of such requirements to such project shall be done by the Board of Appeals in a manner that will insure substantially the same character of occupancy, maximum intensity of use, and minimum standard of open spaces as suggested by this Code in the district in which the proposed project is to be located.
(B) In no case shall the Board authorize a use or a building height prohibited in the district in which the project
is to be located, or a smaller lot area per family than the minimum required under this Code in such district. Nor shall the Board authorize a building coverage exceeding which would be obtained were the same area to be developed by the customary subdivision thereof into streets and lots in conformance with the Subdivision Code and by the type of buildings customary in the district and in compliance with the requirements of this Code.

40-6-8 RESIDENCE DEVELOPMENT PROJECTS. A Residence Development Project consisting of any number of buildings, the contemplated arrangement of which makes it impossible to apply the requirements of this Code to the individual buildings, may be authorized by the Board of Appeals in districts in which such projects are permitted by this Code. In so doing, the Board shall first refer the plans for such project to the Planning Commission for study, public hearing and report upon finding that the plans of such project meet the following conditions:

(A) That the tract of land on which the project is to be erected comprises at least five (5) acres, unless comprising an entire block.

(B) That the buildings are to be used only for residential purposes and the customary accessory uses, such as private garages, storage spaces, recreational and community activities.

(C) That the average lot area per family of dwelling unit on the site, exclusive of the area occupied by streets, will not be less than eighty percent (80%) of the lot area per family required in the district in which the project is to be located.

(D) That there is to be provided within the tract, or immediately adjacent thereto, parking spaces in private garages or off-street parking areas as specified in Section 40-6-1.

(E) That there are to be provided, as a part of the project, adequate recreation areas to serve the needs of the anticipated population to be housed therein.

(F) That the proposed project will constitute a residential environment of sustained desirability and stability; that is, will be in harmony with the character of the surrounding neighborhood and insure substantially the same type of occupancy as obtained or may be expected to be obtained in said neighborhood; that it will result in intensity of land utilization no higher and standards of open spaces at least as high as permitted or specified in this Code in the district in which the project is to be located.

(G) That the project will be consistent with the intent and purpose of this Code to promote public health, safety and general welfare.

40-6-9 TRAILERS. Except as provided in a trailer code, the parking of a trailer other than a temporary office incidental
to construction on or development of the premises on which it is located in any district for forty-eight (48) hours or longer is prohibited, except for small utility trailers and except that one (1) trailer may be parked or stored on the premises, provided that no living quarters shall be maintained or any business conducted in connection therewith while such trailer is parked or stored without written permission from the City Council.

40-6-10 MOTELS OR MOTOR HOTELS.
(A) No vehicular entrance to or exit from any motel, or motor hotel, wherever such may be located, shall be within two hundred feet (200') along streets from any school, public playground, church, hospital, library or institution for dependents or for children, except where such property is in another block or on another street, which the premises in question do no abut.
(B) Sanitary regulations and such regulations as may otherwise be required by law, shall be complied with in addition to the following:

(1) Any lot to be used for a motel or motor hotel shall be not less than fifteen thousand (15,000) square feet in area, and shall contain not less than one thousand (1,000) square feet per sleeping unit. All buildings and structures on the lot shall occupy in the aggregate not more than twenty-five percent (25%) of the area of the lot.

(2) All areas used for automobile access and parking shall comply with the provisions of Section 40-6-4.

(3) All areas not used for access, parking, circulation, buildings and services shall be completely and permanently landscaped and the entire site maintained in good condition.

(4) No enlargements or extensions to any motel or motor hotel shall be permitted unless the existing one is made to conform substantially with all the requirements for new construction for such an establishment.
ARTICLE VII

ADDITIONAL REQUIREMENTS, EXCEPTIONS AND MODIFICATIONS

40-7-1 HEIGHT LIMITS, LOT AREA, YARDS. The requirements and regulations specified hereinbefore in this Code shall be subject to the additional requirements, exceptions, modifications and interpretations in this Article.

40-7-2 HEIGHT LIMITS. Height limitations stipulated elsewhere in this Code shall not apply:

(A) To barns, silos or other farm buildings or structures on farms, provided these are not less than fifty feet (50') from every lot line, to church spires, belfries, cupolas and domes, monuments water towers, fire and hose towers, masts and aerials; to parapet walls extending not more than four feet (4') above the limiting height of the building. However, if, in the opinion of the Building Inspector, such structures would adversely affect adjoining or adjacent properties, such greater height shall not be authorized, except by the Board of Appeals.

(B) To places of public assembly, such as churches, schools, and other permitted public and semi-public buildings, not to exceed six (6) stories or seventy-five feet (75'), provided that for each foot by which the height of such building exceeds the maximum height otherwise permitted in the district, its side and rear yards shall be increased in width or depth by an additional foot over the side and rear yards required for the highest building otherwise permitted in the district.

(C) To bulkheads, conveyors, derricks, elevator pent-houses, water tanks, monitors and scenery lofts; to monuments, fire towers, hose towers, cooling towers, grain elevators, gas holders or other structures, where the manufacturing process requires a great height. Where a permitted use requires, greater heights than specified may be authorized by the Board of Appeals.

40-7-3 LOT AREA REQUIREMENTS.

(A) Existing Lots of Record. In any district where dwellings are permitted, a one-family detached dwelling may be constructed on any lot of official record at the time of enactment of the Zoning Code, the owner of which does not own any adjoining property, provided that proposed yard spaces satisfy requirements stipulated for the district in which said lot is located, or requirements as may be modified by the Board of Appeals as set forth hereinafter under Article IX.

(B) Lots Unserved by Sewer or Water. In any district, where neither public water supply nor public sanitary sewer is accessible, the otherwise specified lot area and width requirements should be a minimum of fifteen thousand (15,000) square
feet, and a width of one hundred feet (100'); provided, however, that where a public water supply system is accessible and will be installed, these requirements shall be ten thousand (10,000) square feet, and seventy-five feet (75'), respectively; provided further that the Bi-County Health Department, State of Illinois, or any other agency designated by the City Council has certified that the said areas will be large enough to satisfy all applicable requirements concerning water supply and the disposal of sanitary wastes.

40-7-4 LOT AREA PER FAMILY - CORNER LOTS. On a corner lot, for the purpose of determining the lot area per family, one and one-half (1½) of the width of the abutting side street may be included in computing the area of the lot, provided that the area gained thereby shall not exceed twenty-five percent (25%) of the lots itself.

40-7-5 FRONT YARD EXCEPTIONS AND MODIFICATIONS.
(A) Front Yard Requirements Do Not Apply. To bay windows or balconies occupying in the aggregate not more than one-third (1/3) of the front wall; to fences, chimneys, flues, belt courses, leaders, sills, pilasters, uncovered porches or similar features not over three feet (3') high above the average finished grade and distant five feet (5') from every lot line.
(B) Lot Depth. In any district where the average depth of two (2) or more existing front yards on lots within one hundred feet (100') of the lot in question and within the same block-front is less or greater than the least front yard depth prescribed, front yards may be varied. The depth of the front yard on such lot shall not be less than the average depth of said existing front yards or, in the case of a corner lot, the depth of the front yard on the lot immediately adjoining; provided, however, that the depth of a front yard on a lot in any "R" District shall be at least ten feet (10') and need not exceed sixty feet (60').

40-7-6 SIDE YARD EXCEPTIONS AND MODIFICATIONS.
(A) Restricted District - Abutting Side Yard. Along any district boundary line, any abutting side yard on a lot in the less restricted district shall have a width equal to that required in the more restricted district; and in a "B-2" or "M" District, on a lot abutting a lot in any "R" District shall be increased by three feet (3') for each story over such limiting height.
(B) Side Yards May be Reduced, by ten percent (10%) from the otherwise required least width of each side yard on a lot of record at the time of enactment of the Zoning Code if narrower than the lot width specified for the district in which the lot is located, in the case of buildings not higher than two and one-half
(2½) stories, and in case the owner of record does not own any adjoining property; provided, however, that no side yard shall be narrower at any point than three feet (3').

(C) **Side Yards May be Measured to the Center Line of Adjoining Alleys:** but in no case shall a building or structure for which a side yard is required be erected within three feet (3').

(D) **On a Corner Lot:** the least width of a side yard shall be equal to the required front yard along the side street.

(E) **Accessory Building.** No part of any accessory building shall be nearer a side street lot line than the least depth of any front yard required along such side street.

(F) **Side Yards May Be Varied** where the side wall of a building is not parallel with the side lot line or is broken or otherwise irregular, in which case, the average width of the side yard shall not be less than the otherwise required width; provided, however, that such side yard shall not be narrower at any point than one and one-half (1½) of the otherwise required width, or narrower than five feet (5') in any case.

(G) **Structures or Projections Into Side Yards May Be Permitted as Follows.** Fences, planting or walls shall be permitted except that such projections and structures may not be erected so as to obstruct necessary vision of sidewalks and roadways, in order to insure the safe passage of pedestrians and vehicular traffic. All determinations as to whether any projections or structures are in compliance with the provisions of this section shall be made by the City Building Inspector.

(1) Chimneys, flues, belt courses, leaders, sills, pilasters and lintels, ornamental features, cornices, eaves, gutters, and the like, into or over a required side yard not more than one and one-half feet (1½').

(2) Terraces, steps, uncovered porches, stoops or similar features, not higher than the elevation of the ground story of the building and distant three feet (3') from a side lot line.

(Ord. #503-87; 08-10-87)

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**40-7-7 REAR YARD EXCEPTIONS AND MODIFICATIONS.**

(A) **Rear Yards May be Reduced** by ten percent (10%) from the required least depth on a lot which, at the time of enactment of the Zoning Code, is less than one hundred feet (100') deep, in the case of a building not higher than two and one-half (2½) stories, and in case the owner of record does not own adjoining property to the rear; provided, however, that no required rear yard shall be less than ten feet (10') deep.

(B) **Rear Yards May be Measured to the Center Line of Adjoining Alley,** but in no case should a building or structure be erected within six feet (6') of such an alley.

(C) **Structures or Projections Into Rear Yards May be Permitted as Follows.** Fences, planting or walls shall be permitted
except that such projections and structures may not be erected so as to obstruct necessary vision of sidewalks and roadways, in order to insure the safe passage of pedestrians and vehicular traffic. All determinations as to whether any projections or structures is in compliance with the provisions of this section shall be made by the City Building Inspector. Fire escapes, six feet (6') from the building. Bays and balconies, not more than three feet (3') from the building. (Ord. #503-87; 08-10-87)

(1) Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, cornices, eaves, gutters, and the like, into or over a required rear yard not more than one and one-half feet (1½').

(2) Terraces, steps, uncovered porches or similar features not more than ten feet (10') into a required rear yard, nor closer than six feet (6') of an alley or within ten feet (10') of a rear lot line, not an alley lot line, or within six feet (6') of an accessory building.

(D) Fences and walls may be built on (side and rear) property lines except that such projections and structures may not be erected so as to obstruct necessary vision of sidewalks and roadways, in order to insure the safe passage of pedestrians and vehicular traffic. All determinations as to whether any projections or structures are in compliance with the provisions of this section shall be made by the City Building Inspector. (Ord. #503-87; 08-10-87)

ARTICLE VIII - SWIMMING POOLS

40-8-1 REGULATIONS. Swimming pools shall be at least ten feet (10') from all lot lines and shall be fenced from the ground to a height of at least four feet (4').

40-8-2 SUBDIVISION COVENANTS. Covenants between developers and property owners in subdivisions developed prior to July 31, 1980, shall be honored by the City.
ARTICLE IX - BOARD OF ZONING APPEALS

40-9-1 CREATION. The "Board", when used in this Code shall be construed to mean the Board of Zoning Appeals. The Board shall consist of seven (7) members appointed by the Mayor, by and with the consent of the City Council. The terms of office shall be five (5) years. The Chairman of the Board shall be appointed by the Mayor with the consent of the City Council, and shall hold office until his term of appointment expires or until removed from office by a majority vote of all the Aldermen.

40-9-2 MEETINGS. Meetings of the Board of Zoning Appeals shall be held at the call of the Chairman or any two (2) members, or at such times as the Board may determine. All hearings conducted by the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or in absence or failing to vote, indicating such fact, and shall also keep records of its hearings and other official actions. Findings of fact shall be included in the minutes of each case of a requested variation, special permit or planned building development and the reason for granting or denying such application shall be specified. Every rule or regulation, every amendment or repeal thereof, and every order, requirement and interpretation, decision or determination of the Board shall be filed immediately in the office of the Board and shall be a public record. The Board shall adopt its own rules and procedures, not in conflict with this Code or with Illinois Statutes.

40-9-3 APPEALS. An appeal may be taken to the Board of Zoning Appeals by any person, firm or corporation, or by any officer, department, board or bureau affected by a decision of the building or zoning official to this Code. Such appeal shall be taken within such time as shall be prescribed by the Board of Zoning Appeals by general rule, by filing with the building and zoning official and with the Board of Zoning Appeals a notice of appeal, specifying the grounds thereof. The building and zoning official shall thereupon transmit to the Board all papers constituting the record upon which the action appealed from was taken. An appeal shall stay all proceedings in furtherance of action appealed from, unless the building and zoning official certifies to the Board of Zoning Appeals after the notice of appeal has been filed with him that by reason of facts stated in the certificate, the stay would, in his opinion, cause eminent peril to life or property, in which case, the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Zoning Appeals or by a Court of Record on application, or notice to the building and zoning official and on due cause
shown. The Board shall select a reasonable time and place for the
hearing of the appeal and give due notice thereof to the parties
and shall render a decision on the appeal without unreasonable
delay. Any person may appear and testify at the hearing, either
in person or by duly authorized agent or attorney. The Board may
reverse or affirm wholly or partly, or may modify or amend the
order, requirement, decision or determination appealed from to the
extent and in the manner that the Board may decide to be fitting
and proper to the premises.

40-9-4 POWERS AND DUTIES. The Board of Zoning Appeals
shall have all the powers and duties prescribed by law and by this
Code, including the following:
(A) Interpretation. Upon an appeal from a decision by
any administrative official, to decide any question involving the
interpretation of any provision or term of this Code, including the
determination of the exact location of any district boundary
if there is uncertainty with respect thereto.
(B) Variances. To vary or adapt the strict application
of any of the requirements of this Code in the case of exception-
ally irregular, narrow, shallow, or steep lots, or other ex-
ceptional physical conditions, whereby such strict application
would result in such practical difficulty and/or unnecessary hard-
sip as would deprive the owner of the reasonable use of land or
building involved, but in no other case. In granting any variance,
the Board shall prescribe any conditions that it deems to be
necessary or desirable for the public interest, convenience or
welfare. However, any USE VARIANCE shall be subject to the appli-
cable provisions of this Code, and no other variance in the appli-
cation of any provisions of this Code shall be granted by the
Board, unless it finds:

(1) that there are special circumstances or condi-
tions fully described in the findings, apply-
ing to the land or buildings for which the
variances are sought, which circumstances or
conditions are peculiar to such land or build-
ings and do not apply generally to the land
or buildings in the neighborhood, and that
said circumstances or conditions are such that
strict application of the provisions of this
Code would deprive the applicant of a reason-
able use of such land or building;

(2) that, for reasons fully set forth in the find-
ings, the granting of the variances necessary
for the reasonable use of land or buildings,
and that the variance as granted by the Board
is the minimum variance that will accomplish
this purpose;

(3) that the granting of this variance will be in
harmony with the general purpose and intent
of this Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. In addition to considering the character and use of adjoining buildings and those in the vicinity, the Board, in making its findings, shall take into account whether the condition of the subject premises is peculiar to the lot or tract described in the petition or is merely part of the general condition of the neighborhood which would appropriately be the proper jurisdiction of the City Council for consideration of rezoning of the area rather than a variance which would affect only a small segment of the area.

(C) Permits for Use Variances and Special Permits. To issue or authorize permits for any of the uses or matter for which this Code allows or requires the obtaining of a variance or special permit from the Board of Zoning Appeals.

40-9-5 PROCEDURE.

(A) The Board of Zoning Appeals shall act in accordance with the procedure specified by law and by this Code. Four (4) members shall constitute a quorum and, except as otherwise provided by this Code, an affirmative vote of at least four (4) members shall be necessary to authorize any action of the Board. All appeals and applications to the Board shall be in writing. Every appeal or application shall refer to the specific provision of the Code involved, and shall exactly set forth the interpretation that is claimed, the use for which the variance or special permit is sought, or the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be.

(B) The City may appear by any designated official of the City Council and be heard as a party in interest in any hearing before the Board, and the City may appeal any decision of the Board to a court of competent jurisdiction.

(C) Notice and Hearing. No action of the Board of Zoning Appeals shall be taken on any case until after notice has been given that public hearing has been held as follows:

(1) A notice of the time and date of said hearing and a brief summary of explanation of the subject matter of the hearing shall be published in the newspaper of general circulation within the City within at least fifteen (15) days prior to the hearing date.

(2) Said notice in the foregoing paragraph (1) shall be sent by first class mail, at least ten (10) days prior to the hearing, to the applicant and owners of property in question in...
cases where a use variance or special permit is applied for. In any other case, such notice shall be sent by first class mail at least ten (10) days prior to the hearing date merely to the applicant and owners of property abutting the property in question.

(D) **Expiration of Permit.** Permit shall expire at such time as may be fixed by the Board; otherwise, six (6) months after the date of the permit.

(E) **Costs.** For applications to the Board of Zoning Appeals, a fee of **Fifteen Dollars ($15.00)** shall be charged by the City for advertising and processing.

**ARTICLE X - AMENDMENTS**

40-10-1 **GENERAL.** The City Council may, from time to time, on its own motion, on petition of any person or persons in interest, or on initial recommendation of the Planning Commission, amend, supplement, or repeal the regulations and provisions of this Code.

40-10-2 **THE PLANNING COMMISSION ADVISORY REPORT.** Any such proposed amendment or change, when initiated by the City Council or by individual petition, shall be referred to the Planning Commission for an advisory report thereon. When a proposed amendment or change is initiated by the Planning Commission, said advisory report shall accompany the initial recommendation of the Planning Commission.

40-10-3 **PROCEDURE BEFORE PLANNING COMMISSION - PUBLIC HEARING; NOTICE.** Before giving an advisory report or an initial recommendation on any proposed amendment, the Planning Commission shall first conduct a public hearing thereon, the date and place of which shall be fixed in advance by the Planning Commission at any regular or special meeting. Notice of the time and date of such hearing and a brief summary or explanation of the subject matter of the hearing shall be given by publishing one (1) notice thereof in a newspaper of general circulation in the City, such publication to be made at least fifteen (15) days prior to the public hearing.
Revised Code

40-10-4 PROCEDURE BEFORE CITY COUNCIL. After receiving the advisory report from the Planning Commission, the City Council shall act upon the report in accordance with their regular procedure. However, notice of the time and place of the action of the City Council shall first be made prior to the Council meeting in a newspaper of general circulation in the City. The City Council may enact any proposed amendment to the Zoning Code, reject the proposed amendment, or refer the proposal back to the Plan Commission for further study.

40-10-5 WRITTEN PROTEST. In case of a written protest against any proposed amendments of the regulations or districts, signed and acknowledged by the owners of twenty percent (20%) of the frontage proposed to be altered, or by the owners of twenty percent (20%) of the frontage immediately adjoining or across an alley therefrom, or by the owners of twenty percent (20%) of the frontage directly opposite the frontage proposed to be altered, if filed with the City Clerk, the amendment shall not be passed, except by a favorable vote of at least two-thirds (2/3) of the City Council then holding office.

40-10-6 COSTS. For individual applications for rezoning of lands, a fee of Fifteen Dollars ($15.00) shall be charged for advertising and processing; for applications for any other proposed change, such fee shall be Fifteen Dollars ($15.00).
ARTICLE XI - ENFORCEMENT AND ADMINISTRATION

40-11-1 ENFORCEMENT BY BUILDING AND ZONING OFFICIAL. Except as otherwise provided in this Code, the Zoning Official of the City shall administer and enforce this Code, including the receiving of applications, the inspection of premises and the issuing of permits and certificates of occupancy. No permit or certificate of occupancy shall be issued by the Zoning Official, except where the provisions of this Code have been complied with.

40-11-2 RIGHT OF ENTRY. The Zoning Official, or any duly authorized person, shall have the right to enter upon any premises at any reasonable time prior to and upon completion of the building or other improvements, for the purpose of making inspections to carry out his duties in the enforcement of this Code.

40-11-3 APPLICATION FOR PERMIT. Every application for a building permit shall be accompanied by three (3) copies of construction plans and two (2) plot plans drawn to scale. This plot plan shall show the shape and dimensions of the lot to be built upon, the exact location, size and height of the structure to be erected or altered, the proposed number of dwelling units to occupy the structure, and any other such information regarding the lot or neighboring lots as may be necessary for the enforcement of this Code. One (1) copy of the plans shall be returned to the applicant along with any permits and a Zoning Certificate indicating that the proposal meets the requirements of the Zoning Code as may be granted. The Zoning Administrator shall keep one (1) copy of the construction plans and the plot plan for his use and transmit the others to the Building Inspector.

40-11-4 OCCUPANCY PERMIT. Before any building or premises or part of either is occupied, the Zoning Administrator shall issue an order indicating that such building or premises is in conformance with the Zoning Code. Such an order shall be called a Certificate of Occupancy and shall be issued only when a use or structure is in conformance with the provisions of the Zoning Code.

40-11-5 PLANS TO BE SUBMITTED WITH APPLICATION. Every application for a building permit shall be accompanied by plans in duplicate and plot plan drawn to scale in ink or blue print, showing the actual shape and dimensions of the lot to be built upon, the exact location, size and height of the building or structure to be erected or altered, the existing and intended use
of each building or part, the proposed number of families or housekeeping units, and such other information with regard to the lot and neighboring lots as may be necessary for the enforcement of this Zoning Code. One (1) copy of such plans should be returned to the applicant when approved by the Zoning Administrator together with such permit as may be granted.

40-11-6 CONSTRUCTION MARKERS. Prior to building construction, survey stakes shall be set and shall be maintained in their proper location in the property during construction.

40-11-7 CERTIFICATE OF OCCUPANCY. Before using any building or premises or part thereof hereafter created, erected, changed, converted or enlarged in use or structure, a Certificate of Occupancy shall be obtained from the Zoning Administrator. Such Certificate shall show that such building or premises, or part thereof, and the proposed use thereof conform with the provisions of the Zoning Code.

40-11-8 VIOLATION OF CODE. 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 the provisions of this Code, the City Attorney, in addition to other remedies under the Illinois Revised Statutes shall be authorized to institute an action to enjoin, or any other appropriate action or proceeding to prevent such erection, construction, reconstruction, alteration, repair, conversion, maintenance or use.
APPENDIX I

ZONING ADMINISTRATION

I. ADMINISTRATION OF THE ZONING CODE

The Zoning Code is administered by the Zoning Administrator, and the mechanics of its administration shall be combined with that of a modern building code.

As provided by the Code, every person who desires to erect a building, or to reconstruct, enlarge, structurally alter or move an existing building or structure, must apply for a Building Permit. Every such application must be accompanied by plans in duplicate, showing the nature of the work to be done, the exact location of the building on the lot, and the use to which the building is to be put; and must contain such other information and in such manner as stipulated in the Code. Every person proposing to change the use of a building, structure of land, even if not involving new construction, must apply for a Certificate of Occupancy and furnish such information as called for by the Application Form.

The plans and information required will enable the Zoning Administrator to determine whether or not the proposed building and its use, or the proposed use of land when no building is involved, conform to the provisions of the Zoning Code. When he finds they do so in every particular, he will issue a Certificate of Occupancy. In every other case, he will refuse to grant such Certificate.

The Zoning Code, with minor exceptions, does not vest any discretionary powers in the Zoning Administrator. In general, he shall administer the Code in accordance with its literal terms. Whenever the plans for a building or alteration do not conform, whether in respect to use, height, lot area, yard spaces or other features, to the provisions of the Code, or whenever a change in the use of a building or parcel of land does not conform, the Zoning Administrator shall refuse to issue a Certificate of Occupancy. He shall do likewise in all cases of the "special exception" type, which are specified as such in the Zoning Code and for which, under the terms of the Code a Certificate of Occupancy may be granted by him only when authorized by the Board of Appeals. In cases of this latter type, the Board has original jurisdiction, and the Zoning Administrator shall therefor, refer them to the Board without action on his part.

An appeal from a decision of the Zoning Administrator may be taken to the Board of Appeals established under the terms of the Zoning Code and under authority of the statutes. It is the function of the Board to apply in special and unusual cases the Zoning
Revised Code

Code as adopted by the Corporate Authorities. It has the authority to grant exceptions and variances from the strict letter of the Code; but all such exceptions and variances must be consistent with the Zoning Map and the zoning regulations as set forth in the Code and in harmony with its general purpose and intent. It shall be clearly understood that - aside from applications for an interpretation of a specific provision of the Zoning Code or of the location on the ground of a zoning district boundary shown on the Zoning Map - the cases coming before the Board of Appeals are of two (2) distinctly different types: (A) **Special Exceptions**, and (B) **Variances**.

(A) **Special Exceptions** consist of those cases specifically designated as such in the Zoning Code. They are not exceptions from the terms of the Code and do not involve modifications in such terms. They are exceptions in the sense of being uses of a category different from those permitted throughout the particular zoning district and, therefore, may be authorized only by the Board in accordance with such general and specific rules and limitations as may be stipulated in the Code for each particular type of "special exception". No demonstration of practical difficulty or undue hardship is required to support an application for a special exception. The determination by the Board of Appeals as to whether a special exception is to be or not to be authorized involves only the following questions:

1. Whether specific authority for granting the special exception is given in the Code;
2. Under what conditions that exception could be granted and;
3. Whether the grant could be made without harm to the neighborhood or the community and without conflict with the purposes the Code is intended to serve.

(B) **Variances** are modifications of the standards and requirements of the Zoning Code which the Board of Appeals is empowered to grant on showing by the appellant, to the satisfaction of the Board, that the literal enforcement of these standards or requirements would cause practical difficulty or undue hardship in his case owing to the exceptional narrowness, shallowness or shape of the specific piece of property, or difficult topography, or other peculiar conditions of such piece of property; or owing to the nature of existing uses or structures immediately adjoining such piece of property. The showing by the appellant of practical difficulty or of unnecessary or undue hardship, and that such difficulty and hardship arise from conditions peculiar to the specific piece of property in question, are an absolute prerequisite to the granting of a variance by the Board of Appeals.
A request for a special exception comes before the Board of Appeals on direct application; a request for a variance comes on appeal from the decision of the Zoning Administrator.

A clear understanding by the members of the Board of Appeals of the field within which the Board must operate and of the fundamental principles of zoning are of utmost importance. Under the Zoning Code, experienced guidance, at least during the formative period of its administration, will have lasting and beneficial influence, and may indeed be a decisive factor in conditioning the quality of the Board's work and of the effectiveness of the Zoning Code in general.

The Board shall officially adopt rules of procedure and should follow these in its operation. It shall keep accurate and complete records of its transaction - always remembering that its procedure may have a very real bearing on judicial decisions and that its records will constitute the major evidence in any litigation involving its actions.

II. ZONING AMENDMENTS

The Corporate Authorities may, from time to time, amend the Zoning Map or the regulations set forth in the Zoning Code. However, each proposed amendment will have to be submitted first to the Planning Commission for approval, disapproval, or suggestions, as required by the Code. The Commission is required to hold a public hearing on the proposed amendment before submitting its recommendation to the Corporate Authorities.

Despite the care and thought with which the Zoning Code was prepared, amendments will be necessary. Unexpected developments may occur or the conditions upon which the regulations have been based may undergo considerable change over a period of years, or major improvements carried out under the Plan may make adjustments in zoning districts desirable. However, in every case, there should be compelling reasons for an amendment. The Planning Commission should always remember that zoning is an essential arm of the Comprehensive Plan for which the Commission is the custodian, and the Zoning Code an instrument for carrying this Plan into effect. A proposed amendment should not be approved by the Commission, therefore, merely because the neighborhood favors it or does not object to it. The petitioner shall be required to demonstrate that there is a compelling public necessity for the proposed amendment. The promoting of the public good and the welfare of the whole community must, at all times, be the controlling consideration borne in mind by the Commission in shaping its recommendations to the Corporate Authorities on zoning amendments.

4 Suggested Rules of Procedure, along with Statement of Principles for the guidance of the Board will be found elsewhere in this Report.
APPENDIX II

BASIC PRINCIPLES CONCERNING FUNCTION
AND SCOPE OF JURISDICTION OF THE
ZONING BOARD OF APPEALS

I. GENERAL SCOPE OF FUNCTION OF BOARD OF ZONING APPEALS

Statement of Principle:

The Board of Appeals must accept the Zoning Code and Zoning Map as correct. Curing what it considers bad zoning is not within its province.

II. TYPES OF CASES REVIEWED BY BOARD OF APPEALS

Statement of Principle:

The cases coming before the Board of Appeals are of three (3) entirely different types, as follows:

1. Interpretation of the Zoning Code
2. Special Exceptions
3. Variances

Clear understanding of the difference between them is most important, because the procedures, principles and limitations in handling each type of case by the Board are quite different; and failure to distinguish between them has been found to result not only in confusion and inappropriate action by the Board, but adverse decision by reviewing courts.

III. SPECIAL EXCEPTIONS BY BOARD OF APPEALS

Statement of Principle:

The Zoning Code authorized the Board of Appeals to make certain special exceptions, that is, to authorize the issuance of permits for certain special uses in particular special situations stipulated in the Code. In such cases, the Zoning Code prescribes the conditions, the principle or the test which the Board must observe in the grant of such an exception or the authorizing of the issuance of such a permit. The Board is not granted the legislative power of itself creating the principle, rule or test, as this is a legislative function; nor is the Board granted the unregulated power to make these exceptions or to authorize the issuance of these permits as it may deem wise. The Board's authority to grant special exceptions is strictly limited to the cases and situations
set forth in the Zoning Code, and then only in accordance with the principles and under conditions prescribed therein for each type of case.

IV. VARIANCES BY BOARD OF APPEALS - ONLY ON DEMONSTRATION OF UNDUE HARDSHIP AND SUCH HARDSHIP MUST BE THAT OF THE INDIVIDUAL LOT

Statement of Principle:

A showing that the strict application of the provisions of the Zoning Code would result in unnecessary and undue hardship is prerequisite of the granting of a variance by the Board of Appeals. Moreover, the hardship which justifies a variance from the provisions of the Zoning Code must be that of the individual lot, and not a hardship due to those aspects of the regulations or districting which affect other properties not possessing the peculiar or exceptional characteristics from which the hardship ensues. The Zoning Code specifically lists the conditions under which a variance may be granted. While every effort should be made to hear the comments of owners of nearby properties, the decision must be based on a finding of facts.

V. VARIANCES OF USE REGULATIONS AND USE EXCEPTIONS

Statement of Principle:

Use variations should be rare indeed and granted only in the case of extraordinary situations.

There may exist within a particular district a lot which, at the time of the enactment of the Zoning Code, is of extraordinary and exceptional topography, shape, size or location as to be physically incapable of economic use for a conforming use. Such a situation, however, if the original zoning study was carefully drawn, should be so exceptional as to be almost negligible in any statement of zoning principles. Provision for the grant of temporary permits for temporary non-conforming uses may be made without violating the true principles of zoning. Other than these, there ought to be no use variations, except in the rarest and most extraordinary cases produced by the physical conditions of the lot for which the variation is sought. Otherwise, the integrity of the Zoning Code would be impaired, and the Board of Appeals would be invading the field of zoning amendment which belongs to the Corporate Authorities.
Revised Code

VI. APPROPRIATE INFLUENCE OF THE FACTOR OF FINANCIAL EFFECT OF ZONING REGULATIONS ON INDIVIDUAL LOTS

Statement of Principle:

Adverse financial effect does not demonstrate hardship, unless it arises from some facts or factors peculiar to the particular lot in question and not resulting from the effects of the zoning of the neighborhood or district in which the lot is located.

VII. APPROPRIATE INFLUENCE OF THE FACTOR OF APPEARANCE IN CONSIDERING VARIANCES OR EXCEPTIONS UNDER THE ZONING CODE

Statement of Principle:

The jurisdiction of the Board of Appeals in the granting of variances or special exceptions is not based on the purpose of promoting or preserving the appearance of a neighborhood. Where the facts of exceptional hardship due to topographic or other physical reasons exist and justify the variance or exception, the Board may impose conditions which relate to preservation and promotion of the appearance of the neighborhood; but these conditions are solely for mitigation, that is, mitigating the effect of the variance or exception, and in and of themselves can never justify the variance or exception.
APPENDIX III
"Suggested"

RULES OF PROCEDURE
ZONING BOARD OF APPEALS

SECTION I - OFFICERS:

1. The Board shall hold an organization meeting annually during the month of __________ and elect a Vice-Chairman by majority vote of members present.

2. The Chairman shall preside at all meetings and hearings of the Board. In the event of the absence or disability of the Chairman, the Vice-Chairman shall preside.

3. The Chairman, subject to these rules, shall decide all points of order or procedure, unless otherwise directed by a majority of the members of the Board in session at that time.

4. The Chairman shall appoint any committees that may be found necessary.

5. The Chairman shall report at each meeting on all official business that does not otherwise come to the attention of the Board.

6. The Secretary, who shall be the Zoning Administrator, shall conduct all official correspondence subject to these rules and direction of the Board; send out all notices required by these rules and the order of the Board; attend all meetings and hearings, keep minutes of the Board's proceedings; compile the required records; maintain the necessary files and indexes and generally supervise all the clerical and technical work of the Board.

SECTION II - JURISDICTION OF THE BOARD:

1. This Board obtains its jurisdiction, powers and limit of authority from the Zoning Code, adopted __________, as it may be amended, and from Division 13, Illinois Municipal Code, 1977.
SECTION III - PROCEDURE FOR SUBMITTING APPEALS AND APPLICATIONS:

1. Every appeal or application shall be made on the forms adopted by the Board, which can be secured at the office of the Board. Such appeal or application shall be filed with the Secretary of the Board by the owner of the property involved, or by his agent.

All items shown on the form which apply to the case must be filled in.

Special attention should be given to the following items:

a. Arguments in support of the appeal or application. In the case of appeal for a variance, these should pertain to the peculiar conditions of the site, rather than special problems or desires of the appellant, and should clearly demonstrate practical difficulty or unnecessary hardship.

b. Plans, drawn to scale, showing the actual shape and dimensions of the lot, of the buildings and accessory buildings existing, and the lines within which the proposed building shall be erected or altered, the existing and intended use of each building or part of building, the number of families or housekeeping units the building is designed to accommodate, and the location and distance from lot lines of buildings on neighboring lots, as may be necessary to determine and provide for a proper hearing.

c. Each appeal or application shall be accompanied by a required payment in the amount necessary to defray the expense of publishing and serving notices and necessary clerical and stenographic services.

2. The appellant or applicant shall provide the Secretary with such additional information and data as may be required to advise the Board fully with reference to the case, whether such information or data is called for on the official forms or not. Any failure or refusal on the part of the applicant or appellant to furnish such additional information or data shall be grounds for dismissal of the appeal or application by the Board.

3. Every appeal shall be filed within thirty (30) days from the date of any refusal of a permit by the Zoning Administrator, or the date of any order, ruling, decision or determination of such Zoning Administrator from which an appeal was made.
Revised Code

4. Any communication purporting to be an appeal or application shall be regarded as mere notice of intention to seek relief, until it is made in the form required. Upon receipt of any such communication, the writer shall be supplied with the proper form for presenting his appeal or application. If he fails to file with the Board an appeal or application form properly filled out and executed and to supply the required data within thirty (30) days from the date of the refusal of a permit by the Zoning Administrator, or from the date of any order or decision of such Zoning Administrator, his case may be dismissed for lack of prosecution.

5. No appeal or application shall be entertained where a case has been decided previously, involving the same premises and Zoning Ordinance requirements, except in cases where new plans or new facts pertaining to said requirements are presented, showing changed conditions or circumstances which, in the opinion of the Board, materially alter the aspects of the case.

SECTION IV – MEETINGS OF THE BOARD:

1. Regular meetings of the Board for the hearing of cases shall be held on _______ in the _______.
   (day of month) (location)

2. Special meetings may be called by the Chairman or at the request of two (2) members, provided notice of same have been given to each member at least twenty-four (24) hours before the time set, except that the announcement of a special meeting at any meeting at which all the members are present shall be sufficient notice of such special meeting.

3. A quorum of the Board shall consist of four (4) members. Two (2) members may convene to fix another meeting date and adjourn.

SECTION V – THE CALENDAR, NOTICE OF HEARING:

1. Each appeal or application in proper form, together with required data, shall be filed at least twenty (20) days before the date of the Board meeting at which it is to be heard, and shall be placed on the Calendar of the Board by the Secretary, for hearing within thirty (30) days after the date it is filed. Cases shall be numbered serially, beginning with unity at the start of each calendar year, and the calendar or case number shall be hyphenated with the number of the year in which the appeal or application is filed.
2. Appeals or applications will be assigned for hearing in the order in which they appear on the Calendar, except that they may be advanced or postponed for hearing by order of the Board, upon good cause being shown. Where all appeals or applications cannot be disposed of on the day set, the Board may recess from day to day, or to any future day or until the next regular meeting, as it may order. When a recess is taken, the recessed meeting shall be construed as a continuance of the regular meeting, and no further notice need be given thereof.

3. Upon the filing of an appeal or an application, together with the required fee, or as soon thereafter as the date of the hearing is determined, the Secretary shall cause a notice of such hearing to be published and served personally or by mail in accordance with provisions of the Zoning Code.

SECTION VI - ORDER OF BUSINESS:

The order of business at all regular meetings of the Board shall be as follows:

1. Roll Call.
2. Hearing of cases (as set forth in Section VII - #1 and #2 below).
3. Reading of minutes of previous meetings and action thereon.
4. Communications (not relating to cases heard).
5. Reports of committees (if any and not relating to cases heard).
6. Unfinished business.
7. New business, including consideration of cases (as set forth in Section VII - #3 below).
8. Miscellaneous business.

SECTION VII - HEARING OF CASES:

1. At the time of the public hearing, the appellant or applicant shall appear in his own behalf or may be represented by counsel or agent. In the event of absence of the appellant or applicant, the statements of the opposition (if any) may be heard and the transcript thereof presented at the subsequent hearing.
2. The procedure for the hearing of cases shall be as follows:

   a. The Chairman shall call upon the Secretary to name and describe the first case on the Calendar.

   b. The Chairman shall request the Secretary to explain the reasons why a building permit was denied the appellant.

   c. The Chairman then shall call upon the appellant or applicant to give reason why his appeal or application should be granted. Board Members and the Secretary may ask questions as necessary to obtain complete information regarding the case.

   d. The Chairman then shall ask if there are interested persons present who wish to be heard; first, those in favor; second, those who may be opposed. The name and address of each person who appears before the Board shall be recorded in the minutes of the meeting.

   e. The Chairman then shall ask the appellant or applicant whether he wishes to be heard in rebuttal.

   f. The Chairman then shall call for the next case, which shall be treated in the same manner as described in steps a. to e. above. At the termination of the hearing on each case, the Chairman shall inform the appellant or applicant that the case will be taken under advisement and a decision rendered as soon as possible.

3. After all cases to come before the Board have been heard, and the items preceding new business disposed of, the Chairman shall call for official action pertaining to each case, in the order of the hearings, and in so doing:

   a. The Chairman shall call upon the Secretary for a review of each case, and shall ask for comments from the members.

   b. The Chairman then shall call for a motion that a resolution be adopted granting or denying the appeal or application, and if granted, specifying conditions under which it will be granted. If the Board decides that it is not yet in a position to take action, it may agree to inspect the premises in question, or request further information from the appellant or applicant, or from the Secretary, and may set a time for a recessed hearing or action on the case.
SECTION VIII - FINAL DISPOSITION OF CASES:

1. All final actions of the Board pertaining to appeals from the provisions of the Zoning Code shall be by resolution, in accordance with the Code provisions. Such resolution shall contain the following:

   a. Name and address of person making the appeal or application.

   b. Description of premises involved in the appeal or application, by block and lot and by street address; also the zoning district in which located.

   c. Zoning provision from which appeal is made, or under which application is made.

   d. Physical conditions of the premises, of other premises affected, and of the building or use proposed by appellant or applicant which are pertinent to a decision.

   e. Opinion of the Board as to the degree of practical difficulty or unnecessary hardship which compliance with provisions of the Code would place upon the appellant or applicant.

   f. Statement of resolution that the appeal or application be granted; date the action is entered.

2. The concurring vote of four (4) members shall be necessary to act on an appeal or application. If a resolution presented at any meeting fails to receive the required number of concurring votes, it shall be presented again at the next meeting. In the event, after such second presentation, the appeal or application be not granted, the same shall be considered a refusal.

   In cases where no serious controversy exists, and where the Board authorizes, the Secretary may notify the appellant or applicant verbally of the action of the Board prior to the mailing of the final resolution.

3. An appellant or applicant may, by written statement, withdraw his appeal or application at any time prior to decision by the Board thereon.

4. Unless an appeal or application be perfected within thirty (30) days of the date of filing same, the Board may, by a concurring vote of four (4) members, dismiss said appeal for want of prosecution.
Revised Code

5. No re-hearing of the decision of the Board shall be had, except:
   a. On a motion to reconsider the vote, or
   b. On a written request for a re-hearing.

6. If the motion to reconsider received four (4) affirmative votes, a re-hearing shall be held, subject to such conditions as the Board may in each case stipulate.

7. No request to grant a re-hearing will be entertained unless new evidence is submitted, which could not reasonably have been presented at the previous hearing. If the request for re-hearing is granted, the case shall be put on the Calendar for a re-hearing and the owners of adjoining property again notified. In all cases, the request for re-hearing shall be in writing, reciting the reasons for the request, and shall be fully verified and accompanied by the necessary data. The person requesting the re-hearing shall be notified to appear before the Board on the date set.

SECTION IX - FORMS:

The forms referred to in these Rules and Regulations are as follows and are found in Appendix IV:

1. Form BA-1 Application on Appeal under the Zoning Code.
2. Form BA-2 Notice of Hearing of Application or Appeal.
3. Form BA-3 Notice of Public Hearing.
4. Form BA-4 Resolution.
5. Form BA-5 Status Sheet.

SECTION X - RECORDS:

1. The Secretary shall keep minutes of meetings, which shall include the names of Board members in attendance, the name of the appellant or applicant and of other persons appearing before the Board, the case number and description of premises involved, a description of the appeal or application, names of members making and supporting all motions, and the vote of all members thereon.
2. The Secretary shall keep a file for each case, which shall include all forms submitted or mailed as listed in Section IX, correspondence and diagrams pertaining to the case, copy of notice and the original resolution.

3. Such records shall be kept in the office of the Board, and shall be accessible to the public at all reasonable hours.

SECTION XI - GENERAL ACTIONS OF THE BOARD:

Every action of the Board not otherwise provided for shall require four (4) affirmative votes of the members.

SECTION XII:

These rules and regulations may be amended or modified provided that such amendment be presented in writing at a regular meeting and action taken thereon at a subsequent regular meeting.

SECTION XIII - ADOPTION OF RULES AND REGULATIONS:

These regulations are hereby adopted this ______ day of __________________, 19____, by affirmative vote of the following members:

__________________________________  ____________________________________

__________________________________  ____________________________________

__________________________________  ____________________________________

__________________________________  ____________________________________
Revised Code

APPENDIX IV

SUGGESTED FORMS

BA-1

APPLICATION

CASE NO. ______________ DATE FILED __________

BOARD OF APPEALS

I (We) ________________ of ________________ respectfully submit to the Board of Zoning Appeals the following:

_____ An appeal on basis of an error in the Zoning Administrator's decision.

_____ An application to interpret the boundary of a district on the Zoning Map.

_____ An application to interpret the test of the Zoning Code.

_____ An application to permit a special exception as found in the Zoning Code.

_____ An application to substitute one non-conforming use for another.

_____ An application to permit reconstruction of a damaged non-conforming structure.

_____ An appeal for a variance relating to the _______ uses, _______ area, _______ yards, _______ height, or _______

That part of the Code applying to this case is ______________ and requires ______________, the request is ______________.

The property affected is situated at ______________ in the ______________ zone.

Legal description of the property involved in this appeal: ______________

__________________________

Fee paid ________________

Illinois Codification Services [End of Code]