

ARTICLE 1

TITLE, SCOPE, AND PURPOSE

SECTION 1. This Ordinance shall be known as the Village of Alpha Zoning Ordinance or as the Zoning Ordinance.

SECTION 2. Scope and Purpose. Except as specified herein, no land or structure shall be used and no structure shall be located, constructed, extended, converted, altered, or otherwise developed without full compliance with the terms of this Ordinance. The purpose of this Ordinance is to promote public health, safety, morals, comfort, and general welfare; to conserve and protect property values; and to encourage the most appropriate use of land and structures through orderly development.

ARTICLE 2

DEFINITIONS

- SECTION 1.** For the purpose of this Ordinance, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word, "building," shall include the word, "structure," and the word "shall," is mandatory and not directory.
- SECTION 2. Accessory Buildings.** A subordinate building or a portion of the main building, the use of which is incidental to that of the main building or to the main use of the premises. An accessory use is one which is incidental to the main use of the premises.
- SECTION 3. Alley.** A public or private thoroughfare which affords only a secondary means of access to property abutting thereon.
- SECTION 4. Apartment.** A room or suite of rooms in a multiple or two-family dwelling, or where more than one living unit is established above non-residential uses, intended, or designed for use as a residence by a single family.
- SECTION 5. Apartment House.** See Dwelling, Multiple.
- SECTION 6. Basement.** A story partly or wholly underground, where more than one-half (1/2) of its height is below the average level of the adjoining ground.
- SECTION 7. Boarding House.** A building other than a hotel where, for compensation, meals, or lodging and meals, are provided for three (3), but not more than twelve (12) persons.
- SECTION 8. Building.** Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals, chattels, or property, and which is permanently affixed to the land. When a structure is divided into separate parts by unpierced walls extending from the ground up, each part is deemed a separate building.
- SECTION 9. Village inspector.** An officer appointed by the President with the consent of the Village Board, whose vested duty is to administer and enforce all the regulations of this Ordinance.
- SECTION 10. Cellar.** A story having more than one-half (1/2) of its height below grade and distinguished from a basement by not being well lighted and fitted for living purposes.
- SECTION 11. Clinic.** An establishment where patients, who are not lodged overnight, are admitted for examination or treatment by physicians, dentists, or other practitioners.
- SECTION 12. Club, or Lodge, Private.** A "private club or lodge" is a non-profit association of persons who are bona fide members paying annual dues, which owns, hires, or leases a building, or portion thereof the use of such premises being restricted to members and their guests. It shall be permissible to serve food and meals on such premises providing adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests shall be allowed providing such sale is secondary and incidental to the operation of the dining room for the purpose of serving food and meals, and further provided that such sale of alcoholic beverages is in compliance with the applicable federal, state, and municipal laws.

- SECTION 13. Convenience Store.** An establishment selling motor fuel, food medicine, and various other products.
- SECTION 14. District.** A section or sections of the Village of Alpha for which the Zoning Regulations governing the use of buildings and premises, the size of yards and the intensity of use are uniform.
- SECTION 15. Dwelling.** Any building or portion thereof, but not a mobile home, which is designed and used exclusively for residential purposes.
- SECTION 16. Dwelling, Single-Family.** A building, other than mobile home, designed for or occupied exclusively by one family; and permanently attached to a perimeter foundation.
- SECTION 17. Dwelling, Multiple.** A building designed for, or occupied exclusively by, two or more families.
- SECTION 18. Dwelling, Mobile Home.** A detached residential dwelling unit other than a sectional home designed for transportation, after fabrication, on streets or highways on its own wheels or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking or assembly operations, location on jacks or other temporary foundations, connections to utilities, and the like. A travel trailer is not to be considered as a mobile home.
- SECTION 19. Dwelling, Sectional Home.** A detached permanent residential dwelling unit, consisting of two or more fabricated modular units delivered to the site where the residence is to be permanently installed and erected on a foundation and completed for permanent occupancy.
- SECTION 20. Family.** One or more persons occupying a dwelling and living as a single house-keeping unit and doing their own cooking on the premises, as distinguished from a group occupying a boarding house or hotel as herein defined.
- SECTION 21. Agricultural.** An area which is used for the growing of the usual farm products such as vegetables, fruit, trees, and grain, and their storage on the area, as well as for the raising thereon of the usual farm poultry and farm animals for the use or consumption of the person or persons operating the farm. The term "farming" includes the operating of such an area for one or more of the above uses, including the necessary accessory uses for treating or storing the produce, provided, however, that the operation of any such accessory uses shall be secondary to that of the normal farming activities, and provided further, that farming does not include the feeding of garbage or offal to swine or other animals.
- SECTION 22. Filling or Service Station.** Any building or premises used for the dispensing, sale, or offering for sale at retail of any automobile fuels or oils. When the dispensing, sale or offering for sale is incidental to the conduct of a public garage, the premises are classified as a public garage

SECTION 23. Frontage. All property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street, or if the street is dead ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.

SECTION 24. Garage, Private. An accessory building housing motor-driven vehicle which are the property of and for the private use of the occupants of the lot on which the private garage is located. Not more than one (1) of the vehicles may be a commercial vehicle of not more than two (2) tons Manufacturer's capacity.

SECTION 25. Garage, Public. Any building or premises used for the housing, hiring, storing, equipping, or repairing of motor-driven trucks, commercial or other vehicles owned, leased or operated by the occupant or the premises in the conduct of or as accessory to a business or occupation.

SECTION 26. Home Occupation. A "home occupation" is an occupation or profession customarily carried on by an occupant of a dwelling unit as secondary use which is clearly incidental to the use of the dwelling unit for residential purposes. Such a "home occupation" shall be carried on wholly within the principal building or within a building accessory thereto, and not more than one person outside the family shall be employed. There shall be no exterior display, nor exterior sign except as allowed in the sign regulations for the district in which such "home occupation" is located, no exterior storage of materials, no other exterior indication of the "home occupation" or variation from the residential character of the principal building, and no offensive noise, vibration, smoke, dust, odors, heat or glare shall be produced. "Home Occupation" shall include but is not limited to the following: art studio, dressmaking, professional office of physician; dentist; architect, engineer; accountant; barber shop or beauty shop; real estate office or restaurant, when located in a dwelling unit occupied by the same; and teaching, with musical instruction limited to one pupil at a time. However, "home occupation" shall not be construed to include the following: commercial stable or kennel.

SECTION 27. Hotel or Lodging House. A building in which lodging is provided and offered for more than 12 persons for compensation, and which is open to transient guests, in contradistinction to a boarding house or lodging house

SECTION 28. Institution. A building occupied by a nonprofit corporation or a nonprofit establishment for public use.

SECTION 29. Laundromat. An establishment providing home-type washing, drying, dry cleaning machines, or ironing machines for use by customers on the premises.

SECTION 30. Lot. A parcel of land occupied or intended for occupancy by a use permitted in this Ordinance, including one (1) main building together with its accessory buildings, the open spaces and parking spaces required by this Ordinance, and having its principal frontage upon an officially approved place.

SECTION 31. Lot, Corner. A lot abutting upon two (2) or more streets at their intersections.

SECTION 32. Lot, Depth of. The mean horizontal distance between the front and rear lot lines.

- SECTION 33. Lot, Double Frontage.** A lot having a frontage on two (2) nonintersecting streets, as distinguished from a corner lot
- SECTION 34. Lot of Record.** A lot which is a part of a subdivision, the map of which has been recorded in the Office of the Recorder of Deeds of Henry County, Illinois, or a parcel of land, the deed to which was recorded In the Office of the Recorder of Deeds of Henry County, Illinois, prior to the date of the adoption of this Ordinance.
- SECTION 35. Manufacturing or Industry.** Any use in which the major activity is the treatment, processing, rebuilding, repairing or wholesale storage of material, products or items and where the finished product is not acquired by the ultimate user on the premises, as distinguished from a retail use where the treatment, processing, repairing or storage is secondary to the sale, exchange, or repairing of materials or products on the premises.
- SECTION 36. Mobile Home.** A structure designed for permanent habitation and so constructed as to permit its transport on wheels, temporarily or permanently attached to its frame, from the place of its construction to the location or subsequent locations, at which it is intended to be a permanent habitation and designed to permit the occupancy thereof as a dwelling place for one or more persons.
- SECTION 37. Mobile Home Park.** A tract of land or two or more contiguous tracts of land upon which contain sites with the necessary utilities for five or more independent mobile homes for permanent habitation, either free of charge or for revenue purposes, and shall include any building, structure, vehicle or enclosure used for or intended to be used as part of the equipment of such mobile home park. Neither an immobilized mobile home nor a motorized recreational vehicle shall be construed as being part of a mobile home park.
- SECTION 38. Non-Conforming Use.** Any building or land lawfully occupied by a use at the time of passage of the original Zoning Ordinance or any amendment thereto, which does not conform after the passage of the Zoning Ordinance or amendment thereto with the use regulations of the district in which it is situated.
- SECTION 39. Parking Space.** A durable surfaced area, enclosed in the main building, in an accessory building, or unenclosed, sufficient in size to store one (1) standard automobile, and if the space is unenclosed, composing an area of not less than one hundred and forty (140) square feet, exclusive of a durably surfaced driveway connecting the parking space with a street or alley and permitting satisfactory ingress and egress of an automobile.
- SECTION 40. Place.** An open unoccupied space other than a street or alley permanently reserved as the principal means of access to abutting property.
- SECTION 41. Road.** Any property dedicated for public or private passage and used for purposes of travel including streets, roadways, driveways, lanes or other means of ingress and egress which are created by written descriptions or are established by usage, including easements.
- SECTION 42. Service Establishments.** Shops wherein the major activities are the repair and maintenance of wearing apparel, sporting goods, and articles for use in the home, including household appliances.

SECTION 43. Sign. Any device designed to inform or attract attention of persons not on the premises on which the sign is located, provided, however, the following shall not be included in the application of the regulations herein:

- a. Signs not exceeding one (1) square foot in area and being only property numbers, post box numbers, names of occupants or premises, or other identification of premises not having commercial connotations.
- b. Flags and insignias of any government except when displayed in connection with commercial promotion.
- c. Legal notices, identification, informal, or directional signs erected or required by governmental bodies.
- d. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving and/or alternating lights.
- e. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

SECTION 44. Stable. A building accommodating one (1) or more horses.

SECTION 45. Story. That portion of a building, other than a basement, which has more than one-half of its height above grade, included between the surface of any floor and the surface floor or attic above it.

SECTION 46. Street. All property dedicated or intended for public or private street, highway, freeway, or roadway purposes or subject to easements thereof.

SECTION 47. Street Line. A building line between a lot, tract or parcel of land and a contiguous street.

SECTION 48. Structure. Anything constructed or erected, that use of which requires permanent location on the ground or attached to something having a permanent location on the ground, including but without limiting the generality of the foregoing, advertising signs, billboards, backstops for tennis courts, pergolas, and satellite antennas.

SECTION 49. Structural Alterations. Any change in the supporting members of a building, such as bearing walls, or partitions, columns, beams, or girders, or any substantial change in the roof or in the exterior walls.

SECTION 50. Toxic Materials. A substance (liquid, solid, or gaseous) which by reason of an inherent deleterious property tends to destroy life or impair health.

SECTION 51. Trailer. Any structure used for living, sleeping, business or storage purposes, having no foundation other than wheels, blocks, skids, lacks, horses, or skirtings and which is, has been, or reasonably can be, equipped with wheels or other devices for transporting the structure from place to place, whether by motive power or other means.

SECTION 52. Use. The purpose or activity for which the land, or building thereon, is designed, arranged, or intended, or for which it is occupied or maintained.

SECTION 53. Variance. A relaxation of the terms of this Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this Ordinance, a variance is authorized only for height, area, and size of structure or size of yards and open spaces. Establishment or expansion of a prohibited use shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining district.

SECTION 54. Yard. An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of the front yard, or the depth of a rear yard, the mean horizontal distance between the lot line and the main building shall be used.

SECTION 55. Yard, Front. A yard extending across the front of a lot, measured between the side yard lines, and being the minimum horizontal distance between the street line and the main building or any protection thereof other than the projection of the usual steps.

SECTION 56. Yard, Rear. A yard extending across the rear of a lot, measured between the side yard lines, and being the minimum horizontal distance between the rear lot line and the rear of the main building or any projections thereof other than steps. On corner lots, the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. On both corner lots and interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard. The minimum horizontal distance between the rear lot line and any part of any structure other than the main building shall be six (6) feet.

SECTION 57. Yard, Side. A yard between the main building and the side line of the lot, and extending from the front lot line to the rear yard line.

SECTION 58. Zoning Board. The Village of Alpha Zoning Board of Appeals.

ARTICLE 3

DISTRICTS AND BOUNDARIES THEREOF

SECTION 1. In order to classify, regulate and restrict the locations of trades, industries and the location of buildings designed for specific uses, to regulate and limit buildings hereafter erected or structurally altered, to regulate and limit the intensity of the use of the lot areas, and to regulate and determine the areas of yards, courts and other open spaces within and surrounding such buildings, the Total Zoning District is hereby divided into districts, of which there shall be six (6) in number, known as:

"A"	Residential District
"B"	Commercial
"C"	Multiple Dwelling District
"D"	Public and Semi-Public District
"E"	Light Industrial District
"F"	Agricultural District

SECTION 2. Rules Where Uncertainty May Arise. Where uncertainty exists with respect to the boundaries of the various districts as shown on the map accompanying and made part of this Ordinance, Sections 4, 5, 6, 7, 8, and 9 apply.

SECTION 3. The district boundaries are either streets or alleys unless otherwise shown and where the districts designated on the map accompanying and made a part of this Ordinance are bounded approximately by street or alley lines, the street or alley shall be construed to be the boundary of the district.

SECTION 4. Where the district boundaries are not otherwise indicated, and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines, and where the districts designated on the map accompanying and made a part of this Ordinance are bounded approximately by lot lines, the lot lines shall be construed to be the boundary of the districts unless the boundaries are otherwise indicated on the map.

SECTION 5. In unsubdivided property, the district boundary lines on the map accompanying and made a part of this Ordinance shall be determined by use of the scale appearing on the map.

SECTION 6. The boundaries of the districts are shown upon the map which is made a part of this Ordinance, which map is designated as the "District Map." The district map and all notations, references and other information shown thereon are a part of this Ordinance and have the same force and effect as if the district map and all the notations, references and other information shown thereon were all fully set forth or described herein, the original of which District Map is properly attested and is on file with the Clerk of the Village.

SECTION 7. All property hereafter annexed to the Village of Alpha shall be classified as "F" Agricultural District until this classification is changed by amendment to this Ordinance, or unless specified in both the petition and ordinance for annexing.

SECTION 8. Whenever any street, alley or other public way is vacated, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such a vacation, and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.

SECTION 9. Except as hereinafter provided:

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

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

(c) The minimum yards and other open spaces, including lot areas per family, required by this Ordinance for each and every building existing at the time of passage of this Ordinance or for considered as yard or open space requirements for any other building.

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

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

ARTICLE 4

"A" RESIDENTIAL DISTRICTS

SECTION 1. The regulations set forth in this Article, or set forth elsewhere in this Ordinance when referred to in this Article, are the district regulations in the "A" Residential District.

SECTION 2. Use Regulations. A building or premises shall be used only for the following purposes.

Dwelling (single family)
Dwelling, Sectional Home
Garage, Private
Home Occupation

SECTION 3. Area Regulations.

Front Yard

(a) There shall be a front yard having a depth of not less than twenty-five (25) feet, unless thirty percent (30%) or more of the frontage is improved with buildings that have absorbed a greater or less depth of front yard in which instance no new building or portion thereof shall project beyond a straight line drawn between the point closest to the street line of the residence upon either side of the proposed structure, or, if there by residences upon only one side, then beyond the straight line projected from the front of the two nearest residences, but this regulation shall not be interpreted to require a front yard of more than sixty (60) feet, nor to permit a front yard of less depth than that of the nearest building.

(b) On a corner lot there shall be a front yard on each street side of such lot, except that the buildable width of such lot need not be reduced to less than thirty-two (32) feet. No accessory building shall project beyond the front yard line on either street.

Side Yard. Except as hereinafter provided in Article 13, there shall be a side yard having a width of not less than six (6) feet, on each side of any building or structure.

Rear Yard. Except as hereinafter provided in Article 12 hereof, there shall be a rear yard having a depth of not less than thirty (30) feet or twenty percent (20%) of the depth of the lot, whichever is smaller.

Intensity of Use. Every lot upon which a building is erected shall have an area of not less than seventy-two hundred (7200) square feet and an average width of not less than fifty (50) feet, except that any of the uses permitted in this district may be erected or constructed upon a smaller lot of record.

ARTICLE 5

"B" COMMERCIAL

SECTION 1. The regulations set forth in this Article, or set forth elsewhere in this Ordinance when referred to in this Article, are the regulations in the "B" Commercial.

SECTION 2. Use Regulations. A building or premises shall be commercial if used only for the following purposes:

Advertising signs and bulletin boards.

Bakery.

Convenience Store.

Doctors Office.

Hotel.

Laundromat.

Plumbing Shop.

Printing Shop.

Public Garage.

Used car sales, but excluding salvage of automobiles or of automobile parts.

Bakery whose products are sold at retail on the premises.

Bank.

Barber Shop and Beauty Shop.

Business or Commercial School, or dancing or music academy.

Catering establishment.

Electric and shoe repair shops.

Filling Stations.

Flower Shop.

Hospitals and clinics for animals, but not open kennels

Office.

Painting and Decorating Shop.

Pharmacy and Gift Shops.

Photograph Gallery.

Private Clubs and Lodges.

Recreation or Amusement Building.

Restaurant.

Sales or Show Room.

Store or shop for the conduct of a retail business.

Store for the collection and distribution of laundry and dry-cleaning articles, but not for the treatment, cleaning, or processing of such articles.

Tailor Shop.

Tire Repair Shop.

Undertaking Establishment.

Service Establishments.

Veterinary Office.

Accessory buildings and uses customarily incident to the above uses, including a sign or a bulletin board relating only to services, articles and products offered within the building to which the sign is attached.

Any building used primarily for any of the above enumerated purposes may have not more than forty percent (40%) of the floor area devoted to industry or storage purposes incidental to such primary use; provided, that not more than five (5) employees shall be engaged at any time on the premises in such incidental use.

SECTION 3. Parking Regulations. Whenever a commercial structure is erected or reconstructed for any of the other purposes permitted in this district, except as provided In Article 12, Section 6 of this Ordinance, there shall be provided parking spaces in the ratio of not less than one (1) parking space for each two hundred (200) square feet of floor space in the building which is used for commercial purposes, and except that any recreation or amusement building or any restaurant or establishment whose primary use is to serve meals, lunches or drinks to patrons, either in their cars or in the building, shall provide parking spaces on the lot in the ratio of not less than one (1) parking space for each one hundred (100) square feet of floor space in the building. Such parking space may be located on the same lot as the building or on an area within three hundred (300) feet of the building. Two or more owners of buildings may join together in providing this parking space, provided that the minimum requirements of this paragraph are maintained.

ARTICLE 6

"C" MULTIPLE DWELLINGS

SECTION 1. The regulations set forth in this Article, or set forth elsewhere in this Ordinance when referred to in this Article are the regulations in the "C" Multiple Dwellings.

SECTION 2. **Use Regulations.** A building or premises shall be Multiple Dwelling if used only for the following purposes:

- Single-Family Dwellings
- Multiple Dwellings
- Boarding and Lodging Houses
- Apartments
- Transportation and Public Utility Easements
- Private Garage Incident to Above Uses

SECTION 3. **Parking Regulations.** Where a lot is occupied by a Multiple Dwelling, there shall be provided and maintained adequate off-street parking space on the lot, or Within two hundred (200) feet thereof, available to and adequate to accommodate two (2) cars for each dwelling unit in the multiple dwelling.

SECTION 4. **Uses Permitted on Review.** The following uses may be permitted on review of the Board of Appeals in accordance with the provisions contained In Article 12.

- Clinics.
- Mobile Home Parks.
- Off-Street Parking for Above Mentioned Uses Permitted on Review.

SECTION 5. **Height Regulations.** No building used as a dwelling shall exceed two and one-half (2-1/2) stories or thirty-five (35) feet in height. All other buildings shall not exceed a maximum height to the peak of the building of eighteen (18) feet.

SECTION 6. **Area Regulations.** All buildings shall comply with the following yard requirements:

6.1. Intensity of Use. All lots shall be in compliance with the following list of lot sizes according to the type of development.

6.1.1 A lot occupied by a single family dwelling shall contain a lot area of not less than seven thousand two hundred (7,200) square feet and a minimum width of sixty (60) feet.

6.1.2 A lot occupied by a multiple-family dwelling shall contain a lot are of not less than six thousand (6,000) square feet per apartment unit and a minimum width of seventy-five (75) feet.

6.1.3 Where a lot has less area than herein required and was of record on the effective date of this Chapter, that lot may be used for single family dwelling purposes.

6.1.4. Where a mobile home park is permitted upon review the layout of the area shall be such that no trailer or related building shall be located closer than fifteen (15) feet to any front, rear or side lot line.

6.2. Front Yard. There shall be a front yard having a depth of not less than twenty-five (25) feet from the street line. The required front yard shall be provided on both streets where a lot is located at the intersection of two (2) streets, and where other platted lots front upon the street lines.

6.3. Side Yard. For a dwelling located on interior lots there shall be a side yard on each side of the main building of not less than five (5) feet for dwellings of one (1) story, and of not less than ten (10) feet for dwellings of more than one (1) story.

For dwellings and accessory buildings located on corner lots there shall be a side yard building line from the intersecting street of not less than ten (10) feet In case such lot is back to back with another corner lot, and twenty (20) feet in every other case. The Interior side yard of a corner lot shall be the same as for dwellings and accessory buildings on an interior lot.

6.4. Rear Yard. There shall be a rear yard having a depth of not less than thirty (30) feet or twenty percent (20%) of the depth of the lot, whichever amount is smaller, but in no case shall it be less than twenty (20) feet in depth.

ARTICLE 7

"D" PUBLIC AND SEMI-PUBLIC DISTRICT

SECTION 1. The regulations set forth in this Article or set forth hereafter in this Ordinance when referred to in this Article, are the district regulations in the "D" Public and Semi-Public District.

SECTION 2. Use Regulations. Building or premises shall be used only for the following purposes:

- Public Reservations
- Parks and Playgrounds owned by Public Agencies
- Athletic Fields
- Cemeteries
- Churches and Convents
- Community Buildings
- Fire Stations
- Hospitals
- Library
- Parks and Picnic Grounds
- Police Stations
- Schools
- Waterworks

In connection with any of the above said uses customarily incident thereto which do not involve the conduct of a business or industry.

ARTICLE 8

"E" LIGHT INDUSTRIAL DISTRICT

SECTION 1. The regulations set forth in this Article or set forth elsewhere in this Ordinance when referred to in this Article are the District regulations in the "E" Light Industrial District.

SECTION 2. Use Regulations. Any building or premises should be used only for the following purposes:

Coal and Building Material Yards.

Concrete Ready Mix Plant.

Lumber Yards.

Elevators.

Storage Buildings and Storage Lots.

Warehouses.

Wholesale Storage of Oil, Gasoline, or any other Petroleum Products.

Metal Fabricating Plants.

ARTICLE 9

"F" AGRICULTURAL DISTRICT

SECTION 1. The regulations set forth in this Article or set forth elsewhere in this Ordinance when referred to in this Article are for District Regulations in the 'F' Agricultural District.

SECTION 2. Use Regulations. A building or premises shall be used only for the following purposes:

(a) Livestock may be raised on an adequately fenced tract containing not less than ten (10) acres.

(b) Poultry may be raised on an adequately fenced tract containing not less than three (3) acres.

However, no livestock or poultry may be housed or confined within two hundred (200) feet of another tract containing a single-family residence which is owned, leased or occupied by a non-owner of the livestock or poultry.

Truck and Flower Gardening.

Nurseries.

Orchards and Greenhouses.

One sign, not exceeding twelve (12) square feet in area appertaining to the lease, hire or sale of the building or premises or to the sale of non-animal products or services rendered or furnished on the premises upon which the sign is located, provided, however, that not more than one sign of the above character shall be permitted on any lot.

SECTION 3. Area Regulations.

Yards

(a) No building shall be erected within fifty (50) feet of any property or street line.

ARTICLE 10

NONCONFORMING USES

SECTION 1. Any lawful building or structure or lawful use of a building, structure or land existing at the time of the passage of this Ordinance or of a later amendment which does not conform to the regulation of the district in which it is located or of other provisions of this Ordinance shall be known as nonconforming and may remain and the use thereof be continued as hereinafter provided.

A nonconforming use may be extended throughout the building provided no structural alterations are made therein, except those required by law or ordinances or such as may be required for safety, or such as may be necessary to secure or insure the continued advantageous use of the building during its natural life, or of the erection of its full height, as originally planned of a building with foundations and structural members designed to carry a higher building. A nonconforming use of land shall not be expanded or extended beyond the area actually so used at the time of the passage of this Ordinance or of a later amendment creating the nonconformance and such use shall be restricted to that portion of the land being so used at the time of the passage of this Ordinance or of a later amendment creating the nonconformance.

Any nonconforming use of a building, structure or land which is discontinued for a period of two (2) years or more, shall not be continued again, and any future use thereof shall be in conformity with the provisions of this Ordinance.

Any building or structure devoted to a nonconforming use which may be destroyed by fire, or otherwise, may be repaired or rebuilt within a period of two (2) years, but must be in conformity with the provisions of this Ordinance.

A nonconforming use may be changed to another nonconforming use of the same or higher classification, or a nonconforming use may be changed to a conforming use, but such shall not thereafter be changed to a less restrictive use.

A nonconforming use may be changed to another use normally permitted in the same district as the initial use only upon written consent of eighty percent (80%) of the property owners within a radius of three hundred (300) feet.

So long as a billboard or advertising sign is used or is eligible for use in a nonconforming manner, only ordinary repairs and maintenance shall be permitted. In no case shall such repairs include structural alterations, or other work which extend appreciably the normal life of the billboard or advertising sign.

SECTION 2. Special Permits. The President and Village Board may, by Special Permit, after a Public Hearing, held by the Zoning Board of Appeals and advertised and subject to such protective restrictions that it deems necessary authorized the location, extension or structure alteration of any of the buildings or uses in any District from which they are prohibited or limited by this Ordinance, providing that such buildings or uses will not have any serious depreciating effect on the value of the surrounding property.

ARTICLE 11

EXCEPTIONS AND VARIATIONS

- SECTION 1.** No accessory building shall be constructed upon the lot until the construction of the main building has been actually commenced, and no accessory budding shall be used for dwelling purposes.
- SECTION 2.** No fence exceeding four (4) feet in height shall be erected within fifteen (15) feet of any street line. No fence shall be erected to a height exceeding six feet. No fence shall be erected within thirty (30) feet of an intersection of two street lines.
- SECTION 3.** Temporary buildings that are used in conjunction with construction work only may be permitted in any District during the period that the building is being constructed, but such temporary buildings shall be removed upon completion of the construction work.

ARTICLE 12

BOARD OF APPEALS

SECTION 1. Creation and Membership. A Board of Appeals is hereby authorized to be established. The word "Board" when used in this section shall be construed to mean the Board of Appeals. The said Board shall consist of seven (7) members appointed by the President and with the consent of the Board of Trustees. The members of the first Board shall serve respectively for the following terms (or until their respective successors are appointed and qualified): One for one year, one for two years, one for three years, one for four years, one for five years, one for six years, and one for seven years, and five years each for those following the first appointment. One of the members of said Board shall be designated by the President, with the consent of the Board of Trustees, as Chairman of said Board, and shall hold his said office as Chairman until his successor is appointed. Such Chairman, or in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses. The President shall have the power to remove any member of said Board for cause and after a public hearing. Vacancies upon said Board shall be filled for the unexpired term of the member whose place has become vacant, in the manner herein provided for the appointment of such member.

SECTION 2. Meetings. All meetings of the Board of Appeals shall be held at the call of the Chairman and at such times as such Board may determine. All hearings conducted by said 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 if absent or falling to vote, indicating that 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, and the reasons for recommending or denying such variation shall be specified. Every rule or regulation, every amendment, or repeal thereof, and every order, requirement, 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 of procedure not in conflict with this Ordinance or with the Illinois Statutes in such case made and provided, and may select or appoint such officers as it deems necessary.

SECTION 3. Appeal. An Appeal may be taken to the Board of Appeals by any person, firm, or corporation, or by any officer, department, Board or Bureau affected by a decision of the Building Inspector relative to this Ordinance. Such appeal shall as shall be prescribed by the Board of Appeals by general rule, be taken within such time by filing with the Village Inspector and with the Board of Appeals a notice of appeal, specifying the grounds thereof. The Village Inspector shall forthwith transmit to the Board all of the papers constituting the record upon which the action appealed from was taken.

An Appeal shall stay all proceedings in furtherance of the action appealed from, unless the Village Inspector certifies to the Board of Appeals after the notice of appeal has been filed with him by that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a court of record on application, on notice to the Village Inspector, and on due cause shown.

The Board shall select a reasonable time and place of 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.

SECTION 4. Fee. A fee of twenty-five dollars (\$25.00) shall be paid at the time the notice of appeal is filed.

SECTION 5. Decision. 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 in the premises.

SECTION 6. Variations. When a property owner shows that a strict application of the terms of this Ordinance relating to the use, construction, or alteration of buildings or structures, or to the use of land, imposes upon him practical difficulties or particular hardship, then the Board may make such variations of the strict application of the terms of this Ordinance as are in harmony with its general purpose and intent when the Board is satisfied, under the evidence heard before it, that a granting of such variation will not merely serve as a convenience to the applicant, but is necessary to alleviate some demonstrable hardship or difficulty so great as to warrant a variation in the following instances:

To permit the extension of a district where the boundary line of a district divides a lot in single ownership as shown on record.

To permit the reconstruction of a nonconforming building which has been destroyed or damaged to an extent of more than fifty percent (50%) of its value, by fire, or act of God, or the public enemy, where the Board shall find some compelling public necessity requiring a continuation of the nonconforming use, but in no case shall such a permit be issued if its primary function is to continue a monopoly.

To permit the reconstruction and use of a building or the use of premises in any location for a public service corporation for public utility purposes with the Board deems reasonably necessary for the public convenience or welfare.

To make a variance where, by reason of an exceptional situation, surroundings, or condition of a specific piece of property, or by reason of exceptional narrowness, shallowness or shape of a specific piece of property of record, or by reason of exceptional topographical conditions the strict application of any provision of this Ordinance would result in peculiar and exceptional practical difficulties or particular hardship upon the owner of such property and amount to a practical confiscation of property, as distinguished from a mere inconvenience to such owner, provided such relief can be granted without substantial detriment to the public good and without substantially impairing the general purpose and intent of the comprehensive plan as established by the regulations and provisions contained in this Ordinance.

To interpret the provisions of this Ordinance where the street layout actually on the ground varies from the street layout as shown on the District Map fixing the several districts.

To extend the period within which a nonconforming commercial or industrial use is to be removed from a dwelling district, when the owner or owners can furnish substantial proof

that the building was so extensively remodeled, reconstructed or structurally altered after the original construction that it practically resulted in a new building, but such extension of the period shall not exceed forty (40) years from the date of such remodeling, reconstruction or structural alteration.

To permit a lot or tract to be subdivided and used by more than one main building even though the width of the lot and other similar requirements may not be fully complied with, but only when the distances between the proposed use and other existing structures or lot lines conform to the minimum requirements of the district in which the lot is located and when adequate vehicular access can be provided.

SECTION 7. Vote Required. In considering all appeals and all proposed variations to this Ordinance the Board shall, before making any variation from the Ordinance in a specific case, first determine that the proposed variation will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets, or increase the danger or fire or endanger the public safety, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the Village. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirements, decision or determination of the Village Inspector, or to decide in favor of the applicant any matter upon which it is authorized by this Ordinance to render a decision.

SECTION 8. Notice. The Board shall make no recommendation except in a specific case and after a public hearing conducted by the Board. A notice of the time and place of such public hearing shall be published in a paper of general circulation in the Village at least fifteen (15) days previous to the hearing. Such notice shall contain the address or location of the property for which the variation or other ruling by the Board is sought, as well as a brief description of the nature of the appeal.

ARTICLE 13

BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY

SECTION 1. No person shall commence excavation for, or the erection, construction or alteration of, any building without a building permit which shall be issued only upon application made to the Village Inspector on forms to be provided for such purpose accompanied by a fee as follows:

<u>ESTIMATED CONSTRUCTION COST</u>		<u>FEE</u>
\$0	- \$10,000	\$25
\$10,000	- \$25,000	\$50
Over	- \$25,000	\$75

SECTION 2. Building permits shall be valid for a period of one year following the date of issue. A new permit shall be required for any work not completed under the initial permit. An additional fee, in proportion to the cost of remaining work, shall be paid before a new permit is issued.

SECTION 3. Subsequent to the effective date of this Ordinance no change in the use of occupancy of land, nor any change of use or occupancy in an existing building shall be made, nor shall any new building be occupied for any purpose, until a certificate of occupancy has been issued by the Village Inspector. A certificate of occupancy shall be issued only after completion of the work and inspection and approval thereof by the Village Inspector and it shall state that the new occupancy complies with all provisions of this Ordinance.

A record of all certificates of occupancy shall be kept on file in the office of the Village Inspector, and copies shall be furnished on request to any person having a proprietary or tenancy interest in land or in a building affected by such certificate of occupancy.

SECTION 4. **Nonconfining Uses.** A certificate of occupancy shall be required of all nonconforming uses of land or buildings created by the passage of this amending Ordinance. Application for such certificate of occupancy for nonconforming uses shall be filed with the Village Inspector by the owner or lessee of the land or building occupied by such nonconforming use within two (2) years from the effective date of this Ordinance. It shall be the duty of the Village Inspector to issue a certificate of occupancy for nonconforming use.

Any nonconforming use for which an Occupancy Permit has not been obtained in conformity with the requirements of Section 3 of this Article shall be presumed to be operating in violation of this Ordinance and such use shall thereupon be abated.

ARTICLE 14

ENFORCEMENT

- SECTION 1.** It shall be the duty of the Village Inspector to enforce this Ordinance. It shall also be the duty of all officers and employees of the Village to assist the Village Inspector by reporting to him upon new construction, reconstruction, or land uses, or upon seemingly violation. The Village Inspector shall send a description of any violations of the zoning regulations to the Zoning Board of Appeals within fifteen (15) days after he discovers such Violation.
- SECTION 2.** Appeal from the decision of the Village Inspector may be made to the Board of Appeals, as provided in Article 12.

ARTICLE 15

VIOLATION AND PENALTY

SECTION 1. Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with, or who resists the enforcement of any of the provisions of this Ordinance shall, upon conviction be fined not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00) for each offense. A separate offense shall be deemed committed on each day a violation occurs or continues.

SECTION 2. In case any building or structure is erected, constructed, reconstructed, altered, repaired or converted, or any building, structure or land is used in violation of this Ordinance, the Village President, in addition to other remedies, may Institute any proper action or proceedings in the name of the Village to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business or use in or about said premises.

ARTICLE 16

SEPARABILITY

SECTION 1. Should any section, provision, part or clause of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

ARTICLE 17

DATE OF EFFECT

SECTION 1. This Ordinance is hereby declared to be urgent and necessary for the immediate preservation of the public peace, health, and safety and shall be in full force and effect from an after its due passage, approval and recording and publication as provided by the Laws of the State of Illinois.

ARTICLE 18

AMENDMENT BY SECTION

SECTION 1. This Ordinance may be amended from time to time by publication of an amended section, or sections, without publication of the entire Ordinance.