

# **Title 10 ZONING REGULATIONS**

## **Chapter 1 TITLE; OBJECTIVES; APPLICATION AND INTERPRETATION**

### **10-1-1: SHORT TITLE:**

This title may be cited as the *VILLAGE OF CAPRON ZONING ORDINANCE, 2003*. (1997 Code § 22-1-1)

### **10-1-2: PURPOSE AND OBJECTIVES:**

This title is adopted for the purpose of protection and promotion of the public health, safety, convenience, and general welfare of the citizens of the village; and:

- A. To divide the village into districts regulating therein the construction, location, erection, reconstruction, alteration, and use of structures, buildings and land for residential, commercial, industrial, recreational, and other specified uses, thereby providing a framework for orderly growth and development for the village;
- B. To establish a rational pattern of land uses and encourage the most appropriate use of individual parcels and land throughout the village;
- C. To protect the character and value of existing residential, commercial, industrial, and recreational areas in the village from the encroachment of incompatible uses;
- D. To prevent overcrowding of land within each district through the use of regulations dealing with the use and bulk of structures in relation to the land surrounding them;
- E. To secure adequate natural light, clean air, privacy, a safe environment, and convenience of access to property;
- F. To provide for the gradual elimination of nonconforming uses that adversely effect the character and value of permitted development;
- G. To prevent harm to persons or property from fire, toxic fumes, and other hazards; and
- H. To protect the public health, safety and general welfare by regulation of land uses within the village as deemed necessary to limit traffic and pedestrian conflicts and traffic congestion on all public streets. (1997 Code § 22-1-2)

### **10-1-3: APPLICATION AND INTERPRETATION; COMPLIANCE REQUIRED:**

- A. Minimum Requirements:

1. The regulations provided by this title within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.
2. No yard or lot existing at the effective date hereof shall be reduced in dimension or area below the minimum requirements set forth herein. Required yards or lots created after the effective date hereof shall meet at least the minimum requirements established in this title.

#### B. Compliance Required:

1. No building, structure or land shall hereafter be used or occupied and no building or structure or any part thereof shall hereafter be erected, converted, enlarged, constructed, reconstructed, moved or structurally altered unless in conformity with all the regulations herein specified for the district in which located.
2. No building or other structure shall hereafter be erected or altered:
  - a. In excess of the height;
  - b. With lot area, ground floor area, or total floor area less than the minimum;
  - c. To accommodate or house a number of families in excess of that permitted in this title;
  - d. To occupy a greater percentage of lot area;
  - e. To provide for rear, side, or front yards or other open space with less than the minimum dimensions herein required; or
  - f. In any other manner contrary to the provisions of this title.

C. Most Restrictive Provisions Apply: Whenever the requirements of this title are at variance with the requirements of any other lawfully adopted rule, regulation, ordinance or resolution, the most restrictive, or that imposing higher standards, shall govern. (1997 Code § 22-1-3)

D. Interpretation Of Permitted Uses: Unless otherwise prohibited or restricted, a permitted use also allows uses, buildings and structures customarily incidental thereto if located on the same site or building plat. However, such incidental uses shall not be established prior to the establishment of the principal use and shall be compatible with the principal use. (1997 Code § 22-1-5)

#### **10-1-4: EXEMPT USES:**

The following structures and uses are exempted by this title and permitted in any district: poles,

towers, wires, cables, conduits, vaults, laterals, pipes, mains, valves or any other similar distributing equipment for telephone or other communications, electric power, gas, water and sewer lines; provided, that the installations shall conform to the federal communications commission and federal aeronautics administration rules and regulations and the regulations of other authorities having jurisdiction. (1997 Code § 22-1-4)

## **Chapter 2**

# **RULES AND DEFINITIONS**

### **10-2-1: RULES OF WORD CONSTRUCTION:**

The rules and definitions contained in this chapter shall be observed and applied in the interpretation of the text of this title. For clarity of the interpretation of the text, the following finite definitions of word use shall apply:

- A. Words used in the present tense shall include the future; and words used in the singular number shall include the plural number, and the plural shall include the singular.
  
- B. The word "shall" is always mandatory, and the word "may" is permissive.
  
- C. The word "lot" shall include the words "piece", "parcel", and "plot"; the word "building" shall include all other structures of every kind regardless of similarity to buildings; and the phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", "maintained for" and "occupied for".
  
- D. Words not defined in this chapter shall be interpreted in accordance with definitions contained within the most current edition of Webster's Dictionary. (1997 Code § 22-2-1)

### **10-2-2: DEFINITIONS:**

**ABANDONMENT:** A voluntary action to give up one's rights or interests in property.

**ACCESSORY BUILDING:** One which:

- A. Is subordinate to and serves a principal building or principal use;

- B. Is subordinate in area, extent, or purpose to the principal building or principal use served;
- C. Contributes to the comfort, convenience, or necessity of occupants of the principal use served; and
- D. Is located on the same zoning lot as the principal building or principal use served.

**ADULT BOOTH:** Any area of an adult entertainment establishment set off from the remainder of such establishment by one or more walls or other dividers or partitions and used to show, play, observe or otherwise demonstrate any adult materials or to view any live performance that is distinguished or characterized by an emphasis on the exposure, depiction, or description of specified anatomical areas or the conduct or simulation of specified sexual activities.

**ADULT CABARET:** Any commercial establishment that, as a substantial or significant portion of its business, features or provides any of the following:

- A. Persons who appear nude or seminude;
- B. Live performances that are distinguished or characterized by an emphasis on the exposure, depiction, or description of specified anatomical areas or the conduct or simulation of specified sexual activities; or
- C. Films, motion pictures, video or audio cassettes, slides, computer displays, or other visual representations or recordings of any kind that are distinguished or characterized by an emphasis on the exposure, depiction, or description of specified anatomical areas or the conduct or simulation of specified sexual activities.

**ADULT ENTERTAINMENT ESTABLISHMENT:** An "adult cabaret", "adult store", or "adult theater" as defined in this section.

**ADULT MATERIAL:** Any of the following, whether new or used:

- A. 1. Books, magazines, periodicals, or other printed matter, or digitally stored materials; or
- 2. Films, motion pictures, video or audio cassettes, slides, computer displays, or other visual representations or recordings of any kind that are distinguished or characterized by an emphasis on the exposure, depiction, or description of specified anatomical areas or the conduct or simulation of specified sexual activities.

- B. Instruments, novelties, devices, or paraphernalia that are designed for use in connection with specified sexual activities or that depict or describe specified anatomical areas.

**ADULT STORE:** Any commercial establishment that:

- A. Contains one or more adult booths;
- B. Offers for sale, rental, or viewing any adult materials as a substantial or significant portion of its business; or
- C. Has a segment or section devoted to the sale or display of adult materials.

**ADULT THEATER:** Any commercial establishment that, as a substantial or significant portion of its business, features or provides:

- A. Films, motion pictures, video or audio cassettes, slides, or other visual representations or recordings that are distinguished or characterized by an emphasis on the exposure, depiction, or description of specified anatomical areas or the conduct or simulation of specified sexual activities; or
- B. Live performances that are distinguished or characterized by an emphasis on the exposure, depiction, or description of specified anatomical areas or the conduct or simulation of specified sexual activities.

**ALLEY:** A public way used as a secondary means for vehicular access to the rear or side of properties otherwise abutting on a street.

**APARTMENT:** A room or rooms in a multiple-family or multiple use building which is intended to be used as a single housekeeping unit. Complete kitchen and bathroom facilities, permanently installed, must always be included for each apartment.

**AUTOMOBILE SERVICE STATION:** A place where gasoline, stored only in underground tanks, lubricating oil, grease or kerosene, for operation of automobiles, are offered for sale directly to the public, on the premises, and including minor accessories and the servicing of automobiles. Automobile service stations shall not include sales or storage of automobiles.

**BASEMENT:** A portion of a building with the floor located below grade level. A basement shall be counted as a story for the purpose of height regulations if one-half ( $1/2$ ) or more of its height is above grade level.

**BOARDING HOUSE:** A building containing a single dwelling unit and lodging rooms accommodating, for compensation, three (3) or more persons, but not exceeding twelve (12), who are not of the keeper's family. Lodging may be provided with or without meals.

**BUILDABLE AREA:** The space remaining on a lot after there has been compliance with the

minimum open space, yard and setback requirements of this title.

**BUILDING:** Any structure, including a roof supported by walls, designed or built for the support, enclosure, shelter or protection of persons, animals, chattels, or property of any kind. Each portion of a building which is completely separated from other portions by firewalls complying with the international building code as adopted by the village and as amended from time to time shall be considered as a separate building.

**BUILDING, EXISTING:** Any structure occupied prior to the effective date hereof or one for which a legal building permit has been issued.

**BUILDING HEIGHT:** The vertical distance measured from the mean grade level to the highest point of a flat surface roof, to the deck line of a mansard roof, or to the mean height level between the eaves and ridge of gable, hip and gambrel roofs.

**BUILDING, PRINCIPAL:** A building which is constructed and maintained as the primary use of the zoning lot on which it is situated.

**CELLAR:** A portion of a building or structure more than one-half ( $1/2$ ) underground and not used or intended to be used for human occupancy.

**CLINIC:** An establishment of physicians or dentists, or both, who have their offices in a common building.

**COMMERCIAL ESTABLISHMENT:** Any place where admission, services, performances, or products are provided upon payment of any form of consideration.

**COMPLETE KITCHEN AND BATHROOM FACILITIES:** Kitchen facilities shall consist of a sink, electric or gas connections for cooking, and refrigeration facilities; and bathroom facilities shall consist of a permanently installed water faucet, lavatory and either shower or tub fixtures.

**DAYCARE CENTER:** Any childcare facility, located at a building or structure which is not the occupant's residence, receiving more than eight (8) children for daytime care during all or part of a day.

**DAYCARE HOME:** A family home, which receives not more than eight (8) children for care during the day. The maximum of eight (8) children includes the family's natural or adopted children under age sixteen (16) and those children who are in the home under full time care.

**DISTRICT:** A section of the village in which the regulations governing the use of buildings and premises, the size of yards and intensity of use are uniform.

**DWELLING:** A building or portion thereof, but not including a motor home or camping trailer, designed or used exclusively for residential occupancy, including one-family dwelling units, two-family dwelling units and multiple-family dwelling units, but not including motels, hotels or boarding houses.

**DWELLING (MULTIPLE-FAMILY):** A building having accommodations for and occupied exclusively by more than two (2) families living independently of each other with separate and complete kitchen and bathroom facilities.

**DWELLING (SINGLE-FAMILY):** A building having accommodations for not more than one family.

**DWELLING (TWO-FAMILY):** A building having accommodations for and occupied exclusively by two (2) families living independently of each other with separate and complete kitchen and bathroom facilities.

**FAMILY:** An individual or two (2) or more persons related by blood, marriage or adoption, living together as a single housekeeping unit, or a group of not more than five (5) persons who need not be related by blood, marriage or adoption, living as a single housekeeping unit in a dwelling unit; in either case, exclusive of usual servants.

**FENCE:** A freestanding barrier device constructed of metal, wood, masonry, concrete or composition plastic material intended for use as fencing (example: recycled plastic material); and designed for exclusion, confinement or screening, provided said device shall not be electrically charged. Except with respect to restricted areas of public utilities and potentially dangerous installations or enclosures protecting livestock, barbed wire shall not be used in or adjacent to any R-1 or R-2 district.

**FLOOR AREA:** The total usable floor area in a building, measured from the exterior faces of exterior walls or from the centerline of party walls separating two (2) buildings, and including interior balconies and mezzanines, elevator shafts, stairwells, and utility rooms, but excluding basements, garages, breezeways, and unenclosed porches.

**GARAGE, PRIVATE:** An accessory building or an accessory portion of the principal building which is intended for and used to store the private passenger vehicles of the family or families resident upon the premises, and in which no business, service or industry connected directly or indirectly with automotive vehicles is carried on; provided, that no more than one-half ( $1/2$ ) of the space may be retained for the private vehicles of the persons not resident on the premises; except, that all the space in a garage of one or two (2) car capacity may be so rented.

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

**GRADE:** The average level of the ground adjacent to the exterior walls of the building or structure.

**HOME OCCUPATION:** Any gainful occupation customarily conducted within a dwelling by the residents thereof that is clearly secondary to the residential use and that does not change the character of the structure as a residence.

**HOSPITAL:** An institution devoted primarily to the maintenance and operation of facilities for the treatment, diagnosis or cure of disease, illness, injury or other abnormal physical condition.

**KENNEL:** Any lot or premises, or portion thereof, on which more than four (4) of any combination of dogs, cats, and any other household domestic animals over three (3) months old are boarded, bred and/or offered for sale.

**LIVING AREA:** The sum of the gross horizontal area of the several floors of a dwelling, or portion thereof, devoted to such use, including living room, dining room, family or recreational room, bedrooms, kitchen, hallways and bathrooms, but excluding basements or cellars, if at least one-half ( $1/2$ ) of the basement or cellar story is below grade level, garages, breezeways, unenclosed porches, and attics.



**LOT:** A tract of land, whether legally described or subdivided as one or more lots or parts of lots, located within a single block, which is to be used, developed or built upon as a unit under single ownership or control, and having its principal frontage upon a street.

**LOT, CORNER:** A lot situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding one hundred thirty five degrees (135°).

**LOT COVERAGE:** The area of the zoning lot occupied by the principal building or buildings and accessory buildings.

**LOT, INTERIOR:** A lot other than a corner lot with only one frontage on a street other than an alley.

**LOT LINE:** A property boundary line of any lot held in single ownership; except, that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the street or alley line.

#### **LOT MEASUREMENTS:**

**Lot Area:** The area of a horizontal plane bounded by the front, side and rear lot line, but not including any area occupied by the waters of a duly recorded lake or river.

**Lot Depth:** The mean horizontal distance between the front lot line and the rear lot line of a lot, measured within the lot boundaries.

**Lot Width:** The horizontal distance between the side lot lines of a lot measured at the narrowest width within the first thirty feet (30') of lot depth immediately in back of the front yard setback line.

**LOT OF RECORD:** A lot which is part of a subdivision, the plat of which has been duly recorded; or a parcel of land, the deed of which was recorded prior to the effective date hereof.

**LOT, THROUGH:** A lot other than a corner lot with frontage on more than one street other than an alley. Through lots with frontage on two (2) streets may be referred to as double frontage lots.

**MANUFACTURING:** The making of anything by agency or process.

**MOBILE HOME:** A manufactured single-family living unit designed and intended for permanent human habitation which, after fabrication, can either be transported on streets and highways on its own wheels, or on a flatbed or other trailer, and which is delivered substantially assembled and ready for human habitation except for utility connections and temporary or permanent foundations which may or may not be installed.

**MOBILE HOME PARK:** An area of land upon which mobile homes and/or single-family detached dwellings are located for permanent habitation.

**MODULAR HOME:** A manufactured building or structure, designed and intended to be used as a single-family dwelling, constructed with standardized units or dimensions that meet all building code requirements.

**MOTEL OR HOTEL:** An establishment containing lodging accommodations designed for use by transients, travelers, or temporary guests. Facilities provided may include maid service, laundering of linen used on the premises, telephone and desk service.

**MOTOR HOME:** A portable, temporary dwelling to be used for travel, recreational or vacation uses, constructed as an integral part of a self-propelled vehicle.

**NONCONFORMING LOT:** A lot of record existing at the effective date hereof, which does not have the minimum width or contain the minimum area for the district in which it is located.

**NONCONFORMING STRUCTURE:** A lawful structure which exists upon the effective date hereof, that could not be built under the terms of this title by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure, or its location on the lot.

**NONCONFORMING USE:** The use of any structure or land, lawfully occupied and maintained, but which does not conform with the use regulations or required conditions for the district in which it is located, by reason of adoption of this title.

**NUDE OR STATE OF NUDITY:** A state of dress or undress that exposes to view:

- A. Less than completely or opaquely covered human genitals, pubic region, anus, or female breast below a point immediately above the areola, but not including any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areola is not exposed; or
- B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered, or any device or covering that, when worn, simulates human male genitals in a discernibly turgid state.

**NURSERY SCHOOL:** Daycare center which receives children between the ages of two (2) and six (6) years and which is established and professionally operated primarily for educational purposes to meet the developmental needs of the children served.

**NURSING HOME:** A place which undertakes, through its ownership or management, to provide maintenance, personnel or nursing for three (3) or more persons who, by reason of illness, physical infirmity or old age, are unable to properly care for themselves, but not including facilities used primarily for the treatment of sickness, injuries or surgical care.

**OPEN SALES LOT:** Any lot used or occupied for the purpose of buying and selling automobiles, trucks, motor scooters, motorcycles, boats, trailers, mobile homes, aircraft or any other product.

**PARKING AREA:** A suitably surfaced and maintained area, whether privately or publicly owned, exclusive of any street, alley or other accessway, designed or used for the parking of motor vehicles, but not including trailers, motor homes or boats.

**PARKING SPACE, OFF STREET:** A space containing one hundred eighty (180) square feet, within a parking area or enclosed building, permanently reserved and available for the storage of one automobile and has satisfactory ingress or egress to a public street or alley.

**PERFORMANCE STANDARDS:** Criteria established to regulate uses according to the effect of their existence. Such criteria are noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, and glare or heat.

**PLANNED COMMUNITY DEVELOPMENT (PCD):** A development occupying not less than ten (10) acres which shall include all land within the project boundaries, plus one-half ( $1/2$ ) of all adjacent public rights of way involving a related group of associated uses, planned as an entity and, therefore, acceptable for development and regulation as one complex land use unit.

**PLANNED UNIT DEVELOPMENT (PUD):** A development occupying three (3) or more gross acres, including all land within the project boundaries, plus one-half ( $1/2$ ) of all adjacent public rights of way, to be constructed by a single owner or group of owners acting jointly, located on a lot of record, involving a related group of residential uses, planned as an entity and, therefore, acceptable for development and regulation as one complex land use unit, rather than as a mere aggregation of individual buildings located on separate unrelated lots.

**PLAT:** A map or document that shows a division of land and is to be filed for record and which conforms to the plat act of the state of Illinois.

**PROTECTED USES:** The following uses are protected from exposure to any adult entertainment establishment under the provisions of this title:

- A. Any church, synagogue, mosque, or other place of worship.
- B. Any public or private nursery, elementary, or secondary school.
- C. Any childcare facility, daycare center, or daycare home.
- D. Any public park, playground, playing field, forest preserve, conservation district land, or other recreational area.
- E. Any public or private cemetery.
- F. Any public housing authority.

**RECREATIONAL VEHICLE:** A vehicular, portable structure, built on a chassis, or a camper shell, with or without complete kitchen, toilet, bath and shower facilities, designed to be used for temporary human habitation for travel or recreation.

**SCHOOL:** A building or group of buildings maintained by the public or by a private organization for the purpose of education and which is accredited by the state of Illinois. Schools include grades kindergarten through twelve (12) but not trade schools that do not teach the state required courses for high school graduation in addition to the vocation instruction.

**SEMINUDE:** A state of dress or undress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by

supporting straps or devices or by other minor accessory apparel such as hat, gloves, and socks.

**SETBACK LINES:** The lines which run parallel to the front, rear, and side lot lines at the minimum horizontal distance, as required by this title, between the building, structure, or use and the lot line.

**SPECIFIED ANATOMICAL AREA:** Includes any of the following:

- A. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point above the top of the areola, but not including any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areola is not exposed.
- B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered, or any device or covering that, when worn, simulates human male genitals in a discernibly turgid state.

**SPECIFIED SEXUAL ACTIVITIES:** Includes any of the following:

- A. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
- B. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
- C. Masturbation, actual or simulated; or
- D. Excretory functions as part of or in connection with any of the activities set forth in subsections A, B and C of this definition.

**STORY:** That part of a building between any floor and the floor next above, and if there be no floor above, then the ceiling above. A basement is a story if more than one-half ( $1/2$ ) of its height is above the average grade.

**STREET:** A right of way established by a recorded plat to provide the primary means of access to abutting property.

**STRUCTURAL CHANGE:** Any change or repair, other than incidental repairs, in the supporting members of a building or structure, or the roof or exterior walls, which would extend the building or structure in height, width or bulk, or would prolong the life of the building or structure.

**STRUCTURE:** Anything constructed or erected that requires location on the ground or attachment to something having location on the ground, including, but not limited to, buildings,

mobile homes, walls, fences, signs, and television or radio towers.

**STRUCTURE, ACCESSORY:** A subordinate structure which is clearly and customarily incidental to the principal use of a building or premises and which is located in the same lot as the principal building or use.

**STRUCTURE, TEMPORARY:** Any structure not designed for the permanent protection of property of any kind. A structure without any foundation or footings.

**USE:** The purpose or activity for which the land, or buildings thereon, is designed, arranged or intended or for which it is occupied or maintained.

**USE, ACCESSORY:** A subordinate use which is clearly and customarily incidental to the principal use of a building or premises and which is located on the same lot as the principal building or use. The term includes, but is not limited to, the following:

- A. A children's playhouse, garden house and private greenhouse;
- B. A garage, carport, shed or building for domestic storage;
- C. Any structure which contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use served, and is located on the same zoning lot as the principal building or principal use served with the single exception of such accessory off street parking facilities as are permitted to locate elsewhere than on the same zoning lot with the building or use served;
- D. Any structure used for the storage of goods used in or produced by manufacturing activities, unless such storage is excluded by the district regulations;
- E. A private swimming pool for use by the occupant and his guests;
- F. Off street motor vehicle parking areas and loading and unloading facilities;
- G. Signs (other than advertising signs) as permitted and regulated in [title 3, chapter 6, article A](#) of this code; and
- H. Public utilities, facilities, telephone, electric, gas, water and sewer lines, their supports and incidental equipment.

**USE, PERMITTED:** A use of structures or land allowed in a particular district or districts as a matter of right, provided it conforms with all other requirements, regulations and standards of such district.

**USE, PRINCIPAL:** The main use of land or buildings as distinguished from a subordinate or accessory use.

**USE, SPECIAL:** A use, either public or private, which, because of its unique characteristics, cannot be properly classified as a permitted use in a particular district or districts. After due consideration, in each case, of the impact of such use upon neighboring land and of the public need for the particular use at the particular location, such special use may or may not be granted, subject to the terms of this title.

**VARIANCE:** A relaxation of the terms of this title where such variance will have no adverse effect on the public, no adverse effect on neighborhood, and the property has characteristics due to the property itself and not the result of actions by the applicant which makes it eligible for a variance. A variance may be only granted for height and area of structures or dimensions of yards where the literal enforcement of this title would result in unnecessary and undue hardship on the property owner. Establishment or expansion of a use otherwise prohibited in the zoning district shall not be allowed by variance.

**WIND OPERATED ENERGY DEVICES:** Those devices, such as windmills, which transform wind energy into mechanical force to operate electricity generators, pump water, or perform other work.

**YARD:** An open space on the same zoning lot with a principal building or structure, or group of buildings or structures, unoccupied and unobstructed from its lowest level to the sky, except as otherwise authorized by this title, and which extends along a lot line and at right angles thereto to a depth or width specified in the yard or setback regulations for the district in which the zoning lot is located.

**YARD, FRONT:** The yard extending along the full length of the front lot line between the side yard lines, and being the minimum horizontal distance between the property line and the front setback line.

**YARD, REAR:** The yard extending along the full length of the rear lot line between the side lot lines, and being the minimum horizontal distance between the rear lot line and the rear setback line.

**YARD, SIDE:** The yard extending along the side lot line, between the front setback line and the rear setback line.

**ZONING LOT:** A parcel of land considered or treated as a single unit. A zoning lot may or may not correspond with a lot of record.

**ZONING MAP:** The map or maps incorporated into this title as a part thereof designating zoning districts. (1997 Code § 22-2-2; amd. Ord. 12-13, 5-29-2012; 2013 Code)

## **Chapter 3**

# **ADMINISTRATION AND ENFORCEMENT**

### **10-3-1: ENFORCEMENT OFFICER:**

It shall be the duty of the code enforcement officer/building inspector, appointed by the president and approved by the board of trustees, to enforce the provisions of this title regarding zoning regulations. (Ord. 13-07, 8-12-2013)

### **10-3-2: CERTIFICATE OF OCCUPANCY:**

A. Certificate Required: No land shall be occupied or used, except for agriculture or free recreational purposes, and no building hereafter erected or structurally altered shall be occupied or used until a certificate of occupancy has been issued by the code enforcement officer/building inspector.

B. Application For And Issuance Of Certificate:

1. New Or Altered Buildings: A certificate of occupancy for a new building or the structural alteration of an existing building shall be applied for coincident with the application for a building permit, and such certificate shall be issued within five (5) days after request for the same which shall have been made in writing to the code enforcement officer/building inspector after the erection or alteration of such building or part thereof shall have been completed in conformity with the provisions of this title.
2. Change In Use Of Building: A certificate of occupancy for a change in the character of the use of a building shall be applied for before any such building permit shall be issued within five (5) days after the application has been made, provided such use is in conformity with the provisions of this title.
3. Change In Use Of Land: A certificate of occupancy for a change in the character of the use of land shall be applied for before any such land shall be occupied or used, and the certificate of occupancy shall be issued within five (5) days after the application has been made, provided such use is in conformity with the provisions of this title.

C. Contents Of Application: The application for a certificate of occupancy shall state facts showing that the building or proposed use of a building or land complies with all building and health laws and ordinances and with the provisions of this title. The certificate of occupancy shall state these facts. A record of all applications and certificates shall be kept on file in the office of the code enforcement officer/building inspector, and copies shall be furnished on request to any person having a proprietary or tenancy interest in the property. A fee of one dollar (\$1.00) shall be charged for each copy of the certificate. (1997 Code § 22-19-2)

### **10-3-3: AMENDMENTS:**

The board of trustees may, on its own motion or on petition of one or more persons, amend this title from time to time by ordinance, but no such amendments shall be made without public hearing first being had before the board of appeals. At least fifteen (15) but not more than thirty (30) days' notice of the time and place of such hearing shall be published in an official newspaper or in some newspaper of general circulation within the village. Said petition shall be accompanied by the filing fee and costs as provided in section [10-3-5](#) of this chapter and plats or drawings indicating clearly the proposed use of the property under said zoning change. (1997 Code § 22-19-3; amd. 2013 Code)

#### **10-3-4: VARIANCES:**

- A. Definition: For purpose of this section, a "variance" shall be defined as a relaxation of the terms of this title 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 this title would result in unnecessary and undue hardship. As used herein, a variance is authorized only for height, area and size of the structure or size of required yards and open space. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or adjoining zoning districts. (1997 Code § 22-17-1)
- B. Authority To Grant Variances; Application And Fee: The village board may authorize, upon appeal or written application, such variance from the terms of this title as will not be contrary to the public interest, where, owing to special conditions, the literal enforcement of the provisions of this title would result in unnecessary hardship. A fee and costs as provided in section [10-3-5](#) of this chapter are required. (1997 Code § 22-17-1; amd. 2013 Code)
- C. Findings And Hearing:
1. A variance from the terms of this title shall not be granted by the board unless the required public hearing is held, and unless and until all of the following findings are made by the board:
    - a. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district.
    - b. That the literal interpretation of this title would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this title.
    - c. That the special conditions or circumstances do not result from the actions of the applicant.
    - d. That granting of the variance requested will not confer on the applicant any special



privilege that is denied by this title to other lands, structures or buildings in the same district.

2. Notice of the time and place of such hearing shall be published at least once not more than thirty (30) nor less than fifteen (15) days before the hearing in an official newspaper or a newspaper of general circulation in the village; said notice to contain the particular location for which the variance is requested as well as a brief statement of what the proposed variance consists.
3. Every variance shall be accompanied by a finding of fact specifying the reason for making the variance. (1997 Code § 22-17-1)

### 10-3-5: FEES:

The applicant's petitioning for zoning amendments and zoning variations, applications for special use permits and applications for planned community developments shall be required to pay all fees for publications, shall be responsible for preparation of all notices which are required by this title and shall be responsible for all other costs incurred by the village or its designated agents. In addition thereto, the applicant shall be required to pay filing fees in accordance with the following fee schedule:

Amendments	\$250 .00
Variances	250 .00
Special use permits	250 .00

(1997 Code § 22-18-6; amd. 2013 Code)

### 10-3-6: PENALTIES:

- A. Fine: Any person who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this title shall be fined as provided in section [1-4-1](#) of this code for each offense, and a separate offense shall be deemed committed for each day that a violation is permitted to exist. (1997 Code § 22-19-4; amd. 2013 Code)
- B. Additional Remedies: In case any building or structure is erected, constructed, reconstructed, enlarged, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this title, the proper authorities of the village, in addition to other remedies, may institute any appropriate action or proceeding to prevent such unlawful erection, 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 such premises. (1997 Code § 22-19-5)

## **ARTICLE A. ZONING BOARD OF APPEALS**

### **10-3A-1: ESTABLISHED; MEMBERSHIP; TERMS:**

A zoning board of appeals is hereby established. The board shall consist of seven (7) members appointed by the village president, with the approval of the village board. When first appointed, the members of the board shall serve respectively for the following terms: one for one year, one for two (2) years, one for three (3) years, one for four (4) years, one for five (5) years, one for six (6) years, and one for seven (7) years. The successor to each member so appointed shall serve for a term of five (5) years. Upon creation of the board, one of the members so appointed shall be named as chair at the time of his/her appointment for a period of one year. Each successor to the chair shall be elected by the membership by a majority vote. (1997 Code § 22-18-1; amd. Ord. 12-10, 5-14-2012)

### **10-3A-2: REMOVAL AND VACANCIES:**

#### **A. Removals:**

1. The village trustees shall have the power to remove any member of the zoning board of appeals for cause and after public hearing.
2. Failure by a board member to attend three (3) consecutive, regularly scheduled meetings, or three (3) of any seven (7) consecutive regular meetings, without the consent of the chair, shall be cause for removal. The appointing authority has the power to remove any member for such cause after a public hearing.

#### **B. Resignations:** When members propose to resign, if reasonably feasible, they shall give notice of their intent to the chair or secretary, or make the date of resignation effective in such a manner as to allow time for appointment of a replacement.

#### **C. Vacancies:** Vacancies upon the zoning board of appeals shall be filled for the unexpired term of the member or the chair whose seat has become vacant by appointment by the village president, with the consent of the village board of trustees. (1997 Code § 22-18-1)

### **10-3A-3: MEETINGS:**

- A. Regular Meetings: The zoning board of appeals shall hold regular meetings on the first Monday of February, May, August and November. If the first Monday should fall on a holiday, the board shall meet on the next subsequent Monday, with proper notice having been given. (1997 Code § 22-18-2)
  
- B. Special Meetings: Any meeting of the zoning board of appeals, not regularly scheduled, shall be held at the call of the chair, at such other times as the board of appeals may determine, or as directed by the corporate authorities. (1997 Code § 22-18-2; amd. 2013 Code)
  
- C. Duties Of Chair: The chair, or in his absence the acting chair, may administer oaths and compel the attendance of witnesses. (1997 Code § 22-18-2)
  
- D. Open Meetings: All meetings of the board of appeals shall be open to the public.
  
- E. Quorum: A quorum of the board of appeals shall consist of four (4) members. (1997 Code § 22-18-2; amd. 2013 Code)

### **10-3A-4: MINUTES AND RECORDS:**

The board of appeals shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact, and shall also keep records of its examinations and other official actions. Every rule, regulation, amendment or repeal thereof and every order, requirement, decision or determination of the board of appeals shall immediately be filed in the office of the board and shall be a public record. (1997 Code § 22-18-3; amd. 2013 Code)

### **10-3A-5: JURISDICTION:**

The zoning board of appeals shall hear and decide appeals from, and review any order, requirement, decision, or determination made by, the code enforcement officer/building inspector or any other village official with respect to this title. The board of appeals shall also hear and decide all matters referred to it or upon which it is required to pass under this title. The concurring vote of four (4) members of the board is necessary to reverse any order,

requirement, decision, or determination of the code enforcement officer/building inspector or other village official, to decide in favor of the applicant any matters upon which it is required to pass under this title, or to recommend any variation in or amendment to this title to the board of trustees. (1997 Code § 22-18-4)

### **10-3A-6: POWERS:**

Except as otherwise provided in this title, the board of appeals shall not have the power to change the classification of property as shown on the official zoning map, nor to make any changes in the regulations of this title, but shall have the following powers only: (1997 Code § 22-18-5; amd. 2013 Code)

- A. To adopt from time to time such rules and regulations as may be deemed necessary to carry into effect the provisions of this title.
- B. To interpret the provisions of this title, and to hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the code enforcement officer/building inspector or other village official, in the enforcement of this title.
- C. To permit public utilities and public service uses and structures in any district when found to be necessary for the public health, convenience or welfare.
- D. To permit a temporary building for commerce or industry in the residential districts which is incidental to the residential development, such permit to be issued for a period of not more than one year.
- E. To make recommendation to the village board of trustees for amendments to or variations of this title. (1997 Code § 22-18-5)

### **10-3A-7: APPEALS:**

- A. Right To Appeal; Notice: An appeal to the board of appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the village. Such appeal shall be taken within forty five (45) days of the action complained of by filing with the code enforcement officer/building inspector or the village official involved in the controversy and

with the board of appeals a notice of appeal, specifying the grounds thereof. The code enforcement officer/building inspector or the village official involved in the controversy shall forthwith transmit to the board of appeals the papers constituting the record upon which the action appealed from was taken.

- B. Stay Of Proceedings: An appeal stays all proceedings in furtherance of the action appealed from, unless the code enforcement officer/building inspector or the village official involved in the controversy certifies to the board of appeals, after the notice of appeal has been filed with him, that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In this event, such stay may be lifted by the board of appeals on good cause shown.
- C. Hearing: The board of appeals shall fix a reasonable time for the hearing of the appeal, and the proceedings shall not be stayed otherwise than by a restraining order, and shall give due notice thereof to the parties and decide the appeal within a reasonable time. Upon the hearing, any party may appear in person or by agent or attorney. The zoning board of appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be made in the premises, and, to that end, has all the powers of the code enforcement officer/building inspector. (1997 Code § 22-18-6)
- D. Fee: A fee of twenty five dollars (\$25.00), plus all costs incurred by the village or its designated agents to cover the hearing, are required and shall be paid to the village clerk at the time the notice of appeal or petition is filed, which official shall forthwith pay over to the village treasurer to the credit of the general revenue fund of the village. (1997 Code § 22-18-6; amd. 2013 Code)

## **ARTICLE B. SPECIAL USES**

### **10-3B-1: INTRODUCTION:**

Most types of land use covered by this title are grouped according to compatibility and function, and each group is permitted outright in one or more of the various districts established in this title. In addition to those permitted uses, there are other uses which may be necessary or desirable to allow in certain districts, but because of their potential impact on adjacent land or public facilities, need particular and individual consideration prior to location in the community. Such uses are classified in this title as "special uses" and fall into two (2) general categories:

- A. Those municipally operated or operated by publicly regulated utilities and uses traditionally affected by public interest.

- B. Uses entirely private in character which, because of their peculiar locational needs or the nature of the service they offer to the public, may have to be established in a district in which they cannot be allowed as a permitted use under this title. (1997 Code § 22-16-3-1)

### **10-3B-2: LIST OF PERMITTED SPECIAL USES:**

The village board shall have the authority to permit the following uses of land or structures in any district, except as herein qualified and subject to the conditions and procedures herein set forth:

Cemetery or mausoleum.

Churches.

Daycare center or nursery.

Hospitals.

Illuminated sign.

Kennel, boarding or breeding.

Lodge, recreational club or organization.

Mobile home parks.

Nursing homes.

Public and government buildings.

School; public, parochial or private.

Three (3) or four (4) apartments converted from an existing dwelling.

Veterinary clinic in a residential district.

Other uses as determined by the village board. (1997 Code § 22-16-3-2; amd. 2013 Code)

### **10-3B-3: PROCEDURE FOR GRANTING SPECIAL USE:**

The village board shall hear and decide only such special uses specifically authorized by the terms of this title. The board is authorized to decide such questions as are involved in determining whether special uses should be granted and to grant special uses with such conditions and safeguards as are appropriate under this title, or to deny special uses when not

in harmony with the purpose and intent of this title. A special use shall not be granted by the board unless and until: (1997 Code § 22-17-2)

- A. A written application for a special use is submitted indicating the section of this title under which the special use is requested. A fee plus costs as provided in section [10-3-5](#) of this chapter are required.
  
- B. Notice shall be given by the village at least fifteen (15) but not more than thirty (30) days in advance of the public hearing in an official newspaper or a newspaper of general circulation in the village. (1997 Code § 22-17-2; amd. 2013 Code)
  
- C. A public hearing shall be held. Any party may appear in person or by agent or attorney.
  
- D. Before any special use is issued, the board shall make written findings certifying compliance with the specific rules governing special uses and that satisfactory provision and arrangement have been made concerning the following, where applicable:
  - 1. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe.
  - 2. Off street parking and loading areas, where required, with particular attention to the items in subsection D1 of this section and the economic, noise, glare or odor effects of the special use on adjoining properties and properties generally in the district.
  - 3. Utilities, with reference to locations, availability and compatibility.
  - 4. Screening and buffering, with reference to type, dimensions and character.
  - 5. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district.
  - 6. Required yards and other open space.
  - 7. General compatibility with adjacent properties and other properties in the district. (1997 Code § 22-17-2)

## **Chapter 4**

# **ZONING DISTRICTS AND MAP**

### **10-4-1: DISTRICTS ESTABLISHED:**

For the purpose and provisions of this title, the village is hereby organized into the following zoning districts:

A-1	Agricultural district
R-1	Single-family residence district
R-2	Two-family residence district
R-3	Multi-family residence district
R-4	Existing residence district
C-1	Central business district
C-2	Commercial district
I-1	Restricted industrial district
I-2	Light industrial district
O-1	Open space district
MMH	Mobile/manufactured home district

(1997 Code § 22-3-1; amd. 2013 Code; Ord. 13-12, 11-11-2013; Ord. 14-08, 5-12-2014)

#### **10-4-2: OFFICIAL ZONING MAP:**

- A. **Adoption Of Map:** The boundaries of the zoning districts are hereby established as shown on the map(s) entitled "Village Of Capron Zoning Map", dated December 2003. The official zoning map and all explanatory matter thereon and attached thereto are hereby adopted by reference and declared to be part of this chapter.
- B. **Signatures And Seal Required:** The official zoning map, and all official explanatory matter attached thereto, shall be signed by the village president, attested to by the village clerk, and shall bear the official seal of the village. The official zoning map shall be filed in the village hall. (1997 Code § 22-3-2)
- C. **Amendments To Map:** If, through the action of the village trustees, changes are made in district boundaries or other matters portrayed on the official zoning map, such changes shall be made on the official zoning map promptly after the amendment has been approved by the village trustees. No amendment to this title which involves matters portrayed on the official zoning map shall become effective until after such change and entry has been made



on said map. (1997 Code § 22-3-3)

- D. Replacement Of Map: In the event that the original official zoning map becomes damaged, destroyed, lost or difficult to interpret because of the number of changes or age, the village trustees may, by ordinance, adopt a new official zoning map which shall supersede the prior map. The new official zoning map may correct drafting or other errors or omissions in the prior official zoning map, but no such correction shall have the effect of amendment thereof. The new official zoning map shall be signed by the village president, attested to by the village clerk, and bear the seal of the village. (1997 Code § 22-3-4)

### **10-4-3: INTERPRETATION OF DISTRICT BOUNDARIES:**

Where uncertainty exists with respect to the boundaries of the various districts, as shown on the official zoning map, the following rules shall apply:

- A. District boundary lines are either the centerlines of railroads, highways, streets, alleys or easements, or the boundary lines of sections, quarter sections, divisions of sections, tracts or lots, or such lines extended or otherwise indicated;
- B. In areas not subdivided into lots and blocks, wherever a district is indicated as a strip adjacent to and paralleling a street or highway, the depth of such strips shall be in accordance with the dimensions shown on the maps measured at right angles from the centerline of the street or highway, and the length of frontage shall be in accordance with dimensions shown on the map from section, quarter section or division lines, or centerlines of streets, highways, or railroad rights of way, unless otherwise indicated;
- C. Where a lot held in one ownership and of record on the effective date hereof is divided by a district boundary line, the entire lot shall be construed to be within the less restricted district; provided, that this construction shall not apply if it increases the less restricted frontage of the lot by more than twenty five feet (25').
- D. Boundaries indicated as parallel to or an extension of features indicated in subsections A, B and C of this section shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.
- E. Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map and in situations not covered by subsections A, B, C and D of this section, the board of appeals shall interpret the district boundaries. (1997 Code

§ 22-3-5)

**10-4-4: ZONING OF PUBLIC WAYS, WATERWAYS AND RAILROAD RIGHTS OF WAY:**

All streets, alleys, public ways, waterways, and railroad rights of way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such alleys, streets, public ways, waterways, or railroad rights of way. Where the centerline of a street, alley, public way, waterway, or railroad right of way serves as a district boundary, the zoning of such area, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such centerline. (1997 Code § 22-3-6)

**10-4-5: ZONING OF NEW OR ANNEXED LAND:**

- A. All land annexed to or consolidated with the village shall automatically be classified as an R-1 single-family residence district and shall be subject to all conditions and regulations applicable to said land in such district until such land is later zoned in a manner provided under this title.
  
- B. No change in the use of land or existing buildings or structures shall be made until an ordinance designating the zoning district classification of such annexed land is duly adopted by the board of trustees. The owner may petition for said zoning classification simultaneously with the petition for annexation. The village board of trustees may either adopt or deny the recommendation of the zoning board of appeals for the proposed zoning amendment at the time of adoption of the final ordinance annexing the land.
  
- C. If the property to be annexed is partially developed, the proper nearest comparable zoning classification shall apply separately or collectively to the undeveloped portions and the developed portions. (1997 Code § 22-3-7)

**Chapter 5**  
**A-1 AGRICULTURAL DISTRICT**

**10-5-1: PURPOSE:**

The purpose of the A-1 agricultural district is:

- A. To maintain, enhance, and conserve prime agricultural soils and historically farmed soils, to protect sensitive natural features, and to prevent the uncontrolled spread of nonagricultural development, while permitting controlled nonagricultural uses that require large land areas that will not detract or adversely affect the normal agricultural pursuits of the rural area;
- B. To give primary consideration to agricultural pursuits and secondary consideration to large urban supporting uses; and
- C. To discourage residential development other than those that desire to associate and identify with a rural agricultural community, accepting its relevant and known environmental conditions. (1997 Code § 22-4-1)

### **10-5-2: PERMITTED USES<sup>1</sup>:**

Unless otherwise provided under this title, no building or land may be used, and no building may be erected, converted, enlarged, or structurally altered, in the A-1 district except for one or more of the following uses:

All uses commonly classed as agricultural, horticultural, or forestry, including crop and tree farming, truck gardening, and wholesale nursery operations, together with the operation of any machinery or vehicles incidental to the above uses.

Accessory uses, as defined in section [10-2-2](#) of this title.

Artificial lakes of less than three (3) acres, reviewed and approved by the county highway department.

Churches, rectories, and parish houses.

Commercial dog kennels.

Golf courses, regulation size, but not including "par 3" golf courses, commercially operated driving ranges or miniature golf courses; and provided, that no clubhouse or accessory building shall be located nearer than two hundred feet (200') to any dwelling.

Home occupations, as permitted in accordance with the provisions of this title.

Parks, forest preserves, and recreational areas when publicly owned and operated.

Private and public stables.

Public service uses, including filtration plants, pumping stations and reservoirs; sewage

treatment plants; police and fire stations; telephone exchanges; electric and gas substations and booster stations; and any other governmental uses.

Railroad rights of way and trackage, but not including classification yards, terminal facilities, or maintenance facilities.

Sale of products produced on the premises from temporary stands or from existing farm buildings.

Schools: public, denominational or private; elementary; and high, including playgrounds and athletic fields auxiliary thereto.

Seminaries, convents, monasteries, and similar religious institutions, including dormitories and other accessory uses required for operation, provided such uses are located on a tract of land of not less than ten (10) acres.

Single-family residences.

Temporary buildings for construction purposes, not for human habitation, and not to exist after termination of the project. (1997 Code § 22-4-2; amd. Ord. 12-13, 5-29-2012)

### **10-5-3: SPECIAL USES:**

The following uses may be allowed by special use permit in accordance with the provisions of [chapter 3, article B](#) of this title:

Airports, landing strips, and heliports.

Automobile wrecking yards.

Bed and breakfast establishments.

Cemeteries, including crematories and mausoleums in conjunction therewith, if not located within five hundred feet (500') of any dwelling.

Day nursery schools, daycare centers, and daycare homes.

Extraction and removal of sand, gravel, topsoil, or other aggregate, but not including equipment, buildings or structures for screening, mixing, washing, or storage, except as may be specifically authorized for a limited period of time.

Feed, seed, and farm implements, but excluding sales of farm implements used for tillage and harvesting of crops.

Filling of holes, pits, quarries, and lowlands with noncombustible, protrusive material free from refuse or food waste.

Institutions for the rehabilitation, education, or training of handicapped persons.

Manufacturing of asphalt and asphalt products and/or concrete and concrete products; provided, that the same is performed within the excavated portion of the same site where gravel or crushed stone aggregate is extracted therefrom.

Outdoor theaters, and indoor theaters which are an integral part of an outdoor theater complex.

Penal and correctional institutions.

Private and public recreational facilities and commercial entertainment and tourist establishments, including, but not limited to, picnic and recreational campgrounds; dining and dancing establishments; archery clubs; gun clubs; "par 3" golf courses; automobile, cycle, snowmobile racetracks or courses; commercial stables and riding trails; commercial fishing ponds or lakes; and/or similar tourist facilities.

Radio and television towers and accessory facilities.

Sanitary landfills.

Storage of carnival equipment; provided, that:

A. The equipment is for the sole use of the present property owner; and

B. The equipment is stored within an enclosed building or within a completely enclosed perimeter fence of not less than six feet (6') nor more than eight feet (8') in height.

Storage of commercial vehicles.

Veterinary office and/or hospital, medical or dental office or clinic. (1997 Code § 22-4-3)

#### **10-5-4: MINIMUM REQUIREMENTS:**

A. Lot Size:

1. Every principal permitted use in this chapter shall be located on a tract of land having an area of not less than five (5) acres and a width at the established building line of not less than two hundred fifty feet (250'). This requirement shall not apply to railroad rights of way and trackage permitted under section [10-5-2](#) of this chapter. (1997 Code § 22-4-4)
2. The lot size requirements set forth herein may be reduced by variance to said requirements. (1997 Code § 22-4-4; amd. 2013 Code)
3. Every special use authorized in the A-1 district shall be located on a tract of land, the minimum size of which shall be specified in the special use permit.

- B. Yards: No building shall be erected or enlarged unless it is in compliance with the distances specifically enumerated in this subsection for specific uses, or established when a special use permit is approved as follows:
1. Front: One-half ( $1/2$ ) the existing right of way when the right of way has been established by adopted comprehensive plans, not to exceed sixty feet (60') or less than thirty feet (30').
  2. Side:
    - a. Interior lot: Ten feet (10').
    - b. Corner lot: Same as front yard.
  3. Rear: Twenty five feet (25'). (1997 Code § 22-4-4)

## **Chapter 6 RESIDENCE DISTRICTS**

### **ARTICLE A. R-1 SINGLE-FAMILY RESIDENCE DISTRICT**

#### **10-6A-1: PURPOSE AND GOALS:**

The single-family residence district is hereby established in order to promote public safety, convenience, comfort, morals, prosperity, and welfare. The general goals include, among others, the following specific purposes:

- A. To protect residential areas against fire, explosion, noxious fumes, offensive noise, smoke, vibrations, dust, odors, heat, glare, and other objectionable factors;
- B. To protect residential areas to the extent possible and appropriate in each area against unduly heavy motor vehicle traffic, especially through traffic, and to alleviate congestion by promoting off street parking;
- C. To protect residential areas against undue congestion of public streets and other public facilities by controlling the density of population through regulation of the bulk of buildings;

- D. To protect and promote the public health and comfort by providing ample light and air to the buildings and the windows thereof;
- E. To promote public comfort and welfare by providing for usable open space on the same zoning lot with residential development;
- F. To provide sufficient space in appropriate locations to meet the probable need for future residential expansion and to meet the need for necessary safety and amenity for residents and which do not exert objectionable influences; and
- G. To promote the best use and development of residential land in accordance with a comprehensive land use plan, to promote stability of residential development and protect the character and desirable development, and to protect the value of land and improvements and so strengthen the economic base of the village. (1997 Code § 22-5-1)

## **10-6A-2: PUBLIC NUISANCES:**

Consistent with the purposes and goals stated in section [10-6A-1](#) of this article, and to further those goals, the village hereby enacts the following: (1997 Code § 22-5-2)

- A. It shall be a violation and shall constitute a public nuisance to maintain private property in the R-1 residence district in such a manner so as to cause a detrimental effect to adjacent properties by causing to have stored on the exterior of the premises any of the following:
  - 1. Materials and items stored in a haphazard or unorganized manner so as to present an objectionable visual appearance or a nuisance, but not to include more than one and one-half ( $1\frac{1}{2}$ ) cords of stacked firewood for use on the premises or compost material for use on the premises; (1997 Code § 22-5-2; amd. 2013 Code)
  - 2. Yard maintenance equipment, including, but not limited to, lawn mowers, garden tractors, snowblowers, garden tools, and similar items which are stored outside in a haphazard, unorganized, or unprotected manner past the season of the reasonable use of such equipment;
  - 3. Material or items brought to the premises for planned improvements such as landscaping, construction, and similar purposes, including, but not limited to, fill dirt, mulch, and building materials, and which are not used for said improvements within ninety (90) days, or which merely constitute outdoor storage of said material or items;
  - 4. Recreational equipment, or parts thereof, including, but not limited to, bicycles,

motorcycles, boats, jet skis, and snowmobiles, which are stored on the exterior premises out of the normal season of usage, and which are stored in a haphazard, unorganized, or unprotected manner; and

5. Household, commercial, and industrial objects and materials, which are not ordinarily found in residential districts, stored for more than two (2) weeks on the exterior premises, visible from adjacent properties or public rights of way.

B. The detrimental effect to adjacent properties caused by the lack of proper maintenance to any given property shall include, but not be limited to, diminished property value to adjacent properties, the creation of an unsightly and unaesthetically pleasing appearance in the neighborhood in general, and a decline or loss of comfort, convenience, well being and mental health of adjacent property owners. (1997 Code § 22-5-2)

### **10-6A-3: PERMITTED USES:**

Unless otherwise provided under this title, no building or land may be used, and no building may be erected, converted, enlarged, or structurally altered, in the R-1 district except for one or more of the following uses:

Customary home occupations.

Daycare homes.

Parks and playgrounds with customary improvements and facilities.

Single-family dwellings.

Utility facilities necessary for local service to the adjacent residential area. (1997 Code § 22-5-3)

### **10-6A-4: MINIMUM REQUIREMENTS:**

No single-family dwelling shall be erected or enlarged unless the following minimum requirements are met:

Lot area	9,600 square feet
Yards:	
Front yard	20 feet
Side yards	7 feet



Rear yard	20 feet
Side yards on corner lots	20 feet
Lot width	80 feet
Living area	1,000 square feet per family unit

(1997 Code § 22-5-4)

### **10-6A-5: BUILDING HEIGHT:**

No building shall be erected or enlarged to exceed three (3) stories or thirty five feet (35').  
(1997 Code § 22-5-4)

### **10-6A-6: ACCESSORY BUILDINGS AND USES:**

A. Permitted Accessory Buildings And Uses: Accessory buildings and uses are permitted including, but not limited to, the following and meeting the specified restrictions: (1997 Code § 22-5-5)

Detached private automobile garages; provided, that garages accessory to single-family dwellings shall be limited in width to three (3) parking stalls. Garage dimensions shall not exceed thirty feet by thirty feet (30' x 30').

Home occupations, as defined in section [10-2-2](#) of this title.

Private playhouses and greenhouses.

Sheds and utility buildings.

Swimming pools; provided, that they are located only in the buildable portion of the lot or in a required rear yard and are not closer than ten feet (10') to any lot line and meet other applicable village ordinances. A permit must be obtained from the code enforcement officer/building inspector for any swimming pool with a water depth of eighteen inches (18") or more and/or a diameter of twelve feet (12') or more. (1997 Code § 22-5-5; amd. 2013 Code)

B. Location Of Accessory Buildings: No accessory building may be located in a required front or side yard. Accessory buildings may be located in a required rear yard, provided:

1. No accessory building may exceed twenty feet (20') in height.

2. No accessory building may exceed thirty percent (30%) of the rear yard area.
  3. No accessory building line is located closer than six feet (6') to a side or rear lot line, nor shall the eaves of any accessory building be located closer than four feet (4') to a lot line.
  4. No detached accessory building is closer than five feet (5') to the principal building.  
(1997 Code § 22-5-5)
- C. Permit Required: A village building permit shall be required to be obtained prior to constructing or installing any accessory structure. In addition to any other documentation or information which may be required for the issuance of a building permit, each application for a building permit must also contain a site plan and the design of the accessory structure, including the color and type of materials to be used. No accessory structure shall be constructed from used materials. If the village board finds that the proposed design, color or materials of the proposed accessory structure are not appropriate or compatible with the design, color or materials of the principal building or other surrounding structures, then no building permit shall be issued. (Ord. 12-11, 5-14-2012)

## **10-6A-7: FENCES:**

The following fence regulations shall apply in the R-1 district: (Ord. 12-19, 7-9-2012; amd. 2013 Code)

### **A. Height:**

1. Front Yard: Fences shall not exceed four feet (4') in height in the required front yard and must be of a nonprivacy construction.
2. Side Yards: Fences shall not exceed seven feet (7') in height in the required side yards.  
(Ord. 12-19, 7-9-2012)

B. Visibility Obstructions: No fence, structure or planting shall be maintained in such a manner that visibility is obstructed from an intersecting street within eighty feet (80') in each direction from the intersection of the street centerlines. (Ord. 12-19, 7-9-2012; amd. 2013 Code)

### **C. Finished Sides:**

1. All finished sides of a fence shall face out from the interior of the lot on which the fence is located and shall not include any signage that is not integral to the construction elements of the fence.

2. All finished exterior sides of a fence shall be colored, painted or stained in a uniform manner. Fluorescent colored paint shall be prohibited on any fence.

D. Gate: All fences shall have a minimum of one gate for emergency ingress and egress. The minimum width of such gate shall be three feet (3').

E. Materials And Conditions:

1. Permitted Materials: Fences shall be permitted to be constructed from the following materials: wood, metal tubing or wrought iron, stone, masonry and chainlink. Vinyl or fiberglass composite materials may be utilized if the materials are listed, designed and constructed for the purpose of being fencing materials. No person shall construct a fence of wood, metal, tubing or wrought iron, stone, masonry or chainlink that is designed for uses other than fence construction.

2. Prohibited Materials:

a. Fences shall not be permitted to be constructed from the following materials: rope, string, wire products including, but not limited to, chicken wire, hog wire, wire fabric, barbed wire (except as otherwise allowed in this code), razor ribbon wire and similar welded or woven wire fabrics, chain, netting, cut or broken glass, paper, metal panels, corrugated metal panels, galvanized sheet metal, plywood, fiberglass panels or plastic panels or any other materials that are not manufactured specifically for purposes of being fencing materials.

b. No person shall construct a fence out of used, damaged or unsafe materials.

3. Manufacturer's Standards To Village: The village code enforcement officer/building inspector may require any person applying for a building permit to construct a fence to provide the manufacturer's standards to establish the intended use of a proposed fencing material.

4. Maintenance: All fences shall be maintained in a structurally sound condition, plumb and true, and free from damage or deterioration. (Ord. 12-19, 7-9-2012)

## **ARTICLE B. R-2 TWO-FAMILY RESIDENCE DISTRICT**

### **10-6B-1: PURPOSE AND GOALS:**

The two-family residence district is hereby established in order to promote public safety, convenience, comfort, morals, prosperity, and welfare. The general goals include, among others, the following specific purposes:

- A. To protect residential areas against fire, explosion, noxious fumes, offensive noise, smoke, vibrations, dust, odors, heat, glare, and other objectionable factors; (1997 Code § 22-6-1)
- B. To protect residential areas to the extent possible and appropriate in each area against unduly heavy motor vehicle traffic, especially through traffic, and to alleviate congestion by promoting off street parking; (1997 Code § 22-6-1; amd. 2013 Code)
- C. To protect residential areas against undue congestion of public streets and other public facilities by controlling the density of population through regulation of the bulk of buildings;
- D. To protect and promote the public health and comfort by providing ample light and air to the buildings and the windows thereof;
- E. To promote public comfort and welfare by providing for usable open space on the same zoning lot with residential development;
- F. To provide sufficient space in appropriate locations to meet the probable need for future residential expansion and to meet the need for necessary safety and amenity for residents and which do not exert objectionable influences; and
- G. To promote the best use and development of residential land in accordance with a comprehensive land use plan, to promote stability of residential development and protect the character and desirable development, and to protect the value of land and improvements and so strengthen the economic base of the village. (1997 Code § 22-6-1)

## **10-6B-2: PUBLIC NUISANCES:**

Consistent with the purposes and goals stated in section [10-6B-1](#) of this article, and to further those goals, the village hereby enacts the following: (1997 Code § 22-6-2)

- A. It shall be a violation and shall constitute a public nuisance to maintain private property in the R-2 district in such a manner so as to cause a detrimental effect to adjacent properties by causing to have stored on the exterior of the premises any of the following:

1. Materials and items stored in a haphazard or unorganized manner so as to present an objectionable visual appearance or a nuisance, but not to include more than one and one-half (1<sup>1/2</sup>) cords of stacked firewood for use on the premises or compost material for use on the premises; (1997 Code § 22-6-2; amd. 2013 Code)
  2. Yard maintenance equipment, including, but not limited to, lawn mowers, garden tractors, snowblowers, garden tools, and similar items, which are stored outside in a haphazard, unorganized, or unprotected manner, past the season of the reasonable use of such equipment;
  3. Material or items brought to the premises for planned improvements such as landscaping, construction, and similar purposes, including, but not limited to, fill dirt, mulch, and building materials, and which are not used for said improvements within ninety (90) days, or which merely constitute outdoor storage of said material or items;
  4. Recreational equipment, or parts thereof, including, but not limited to, bicycles, motorcycles, boats, jet skis, and snowmobiles, which are stored on the exterior premises out of the normal season of usage, and which are stored in a haphazard, unorganized, or unprotected manner; and
  5. Household, commercial, and industrial objects and materials, which are not ordinarily found in residential districts, stored for more than two (2) weeks on the exterior premises, visible from adjacent properties or public rights of way.
- B. The detrimental effect to adjacent properties caused by the lack of proper maintenance to any given property shall include, but not be limited to, diminished property value to adjacent properties, the creation of an unsightly and unaesthetically pleasing appearance in the neighborhood in general, and a decline or loss of comfort, convenience, well being and mental health of adjacent property owners. (1997 Code § 22-6-2)

### **10-6B-3: PERMITTED USES:**

Any use permitted in an R-1 district.

Two-family dwellings. (1997 Code § 22-6-3)

### **10-6B-4: MINIMUM REQUIREMENTS:**

No building shall be erected or enlarged unless the following minimum requirements are met:

Single-family dwelling	See section <a href="#">10-6A-4</a> of this chapter
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	Two-family dwelling:	
	Lot area	10,800 square feet
	Yards:	
	Front yard	20 feet
	Side yards	7 feet
	Rear yard	20 feet
	Side yards on corner lots	20 feet
	Lot width	80 feet
	Living area	900 square feet per family unit

(1997 Code § 22-6-4)

### 10-6B-5: BUILDING HEIGHT:

No building shall be erected or enlarged to exceed three (3) stories or thirty five feet (35').  
(1997 Code § 22-6-4)

### 10-6B-6: ACCESSORY BUILDINGS AND USES:

A. Permitted Accessory Buildings And Uses: Accessory buildings and uses are permitted including, but not limited to, the following and meeting the specified restrictions: (1997 Code § 22-6-5)

Detached private automobile garages; provided, that garages accessory to single-family dwellings shall be limited in width to three (3) parking stalls, and garages accessory to two-family dwellings shall be limited to four (4) parking stalls. Garage dimensions shall not exceed thirty feet by thirty feet (30' x 30').

Home occupations, as defined in section [10-2-2](#) of this title.

Private playhouses and greenhouses.

Sheds and utility buildings.

Swimming pools; provided, that they are located only in the buildable portion of the lot or in

a required rear yard and are not closer than ten feet (10') to any lot line and meet other applicable village ordinances. A permit must be obtained from the code enforcement officer/building inspector for any swimming pool with a water depth of eighteen inches (18") or more and/or a diameter of twelve feet (12') or more. (1997 Code § 22-6-5; amd. 2013 Code)

B. Location Of Accessory Buildings: No accessory building may be located in a required front or side yard. Accessory buildings may be located in a required rear yard, provided:

1. No accessory building may exceed twenty feet (20') in height.
2. No accessory building may exceed thirty percent (30%) of the rear yard area.
3. No accessory building line is located closer than six feet (6') to a side or rear lot line, nor shall the eaves of any accessory building be located closer than four feet (4') to a lot line.
4. No detached accessory building is closer than five feet (5') to the principal building. (1997 Code § 22-6-5)

C. Permit Required: A village building permit shall be required to be obtained prior to constructing or installing any accessory structure. In addition to any other documentation or information which may be required for the issuance of a building permit, each application for a building permit must also contain a site plan and the design of the accessory structure, including the color and type of materials to be used. No accessory structure shall be constructed from used materials. If the village board finds that the proposed design, color or materials of the proposed accessory structure are not appropriate or compatible with the design, color or materials of the principal building or other surrounding structures, then no building permit shall be issued. (Ord. 12-11, 5-14-2012)

## **10-6B-7: FENCES:**

The following fence regulations shall apply in the R-2 district: (Ord. 12-19, 7-9-2012; amd. 2013 Code)

A. Height:

1. Front Yard: Fences shall not exceed four feet (4') in height in the required front yard and must be of a nonprivacy construction.
2. Side Yards: Fences shall not exceed seven feet (7') in height in the required side yards. (Ord. 12-19, 7-9-2012)

B. Visibility Obstructions: No fence, structure or planting shall be maintained in such a manner that visibility is obstructed from an intersecting street within eighty feet (80') in each direction from the intersection of the street centerlines. (Ord. 12-19, 7-9-2012; amd. 2013 Code)

C. Finished Sides:

1. All finished sides of a fence shall face out from the interior of the lot on which the fence is located and shall not include any signage that is not integral to the construction elements of the fence.
2. All finished exterior sides of a fence shall be colored, painted or stained in a uniform manner. Fluorescent colored paint shall be prohibited on any fence.

D. Gate: All fences shall have a minimum of one gate for emergency ingress and egress. The minimum width of such gate shall be three feet (3').

E. Materials And Condition:

1. Permitted Materials: Fences shall be permitted to be constructed from the following materials: wood, metal tubing or wrought iron, stone, masonry and chainlink. Vinyl or fiberglass composite materials may be utilized if the materials are listed, designed and constructed for the purpose of being fencing materials. No person shall construct a fence of wood, metal, tubing or wrought iron, stone, masonry or chainlink that is designed for uses other than fence construction.
2. Prohibited Materials:
  - a. Fences shall not be permitted to be constructed from the following materials: rope, string, wire products including, but not limited to, chicken wire, hog wire, wire fabric, barbed wire (except as otherwise allowed in this code), razor ribbon wire and similar welded or woven wire fabrics, chain, netting, cut or broken glass, paper, metal panels, corrugated metal panels, galvanized sheet metal, plywood, fiberglass panels or plastic panels or any other materials that are not manufactured specifically for purposes of being fencing materials.
  - b. No person shall construct a fence out of used, damaged or unsafe materials.
3. Manufacturer's Standards To Village: The village code enforcement officer/building inspector may require any person applying for a building permit to construct a fence to provide the manufacturer's standards to establish the intended use of a proposed fencing material.
4. Maintenance: All fences shall be maintained in a structurally sound condition, plumb and true, and free from damage or deterioration. (Ord. 12-19, 7-9-2012)



# ARTICLE C. R-3 MULTI-FAMILY RESIDENCE DISTRICT

## 10-6C-1: PURPOSE AND GOALS:

- A. The multi-family residence district is hereby established in order to promote public safety, convenience, comfort, morals, prosperity, and welfare. The general goals include, among others, the following specific purposes:
1. To protect residential areas against fire, explosion, noxious fumes, offensive noise, smoke, vibrations, dust, odors, heat, glare, and other objectionable factors;
  2. To protect residential areas to the extent possible and appropriate in each area against unduly heavy motor vehicle traffic, especially through traffic, and to alleviate congestion by promoting off street parking;
  3. To protect residential areas against undue congestion of public streets and other public facilities by controlling the density of population through regulation of the bulk of buildings;
  4. To protect and promote the public health and comfort by providing ample light and air to the buildings and the windows thereof;
  5. To promote public comfort and welfare by providing for usable open space on the same zoning lot with residential development;
  6. To provide sufficient space in appropriate locations to meet the probable need for future residential expansion and to meet the need for necessary safety and amenity for residents and which do not exert objectionable influences; and
  7. To promote the best use and development of residential land in accordance with a comprehensive land use plan, to promote stability of residential development and protect the character and desirable development, and to protect the value of land and improvements and so strengthen the economic base of the village.
- B. In addition to the objectives prescribed in subsection A of this section, the multi-family district is established for the following purposes:
1. To reserve appropriately located areas for family living in a variety of types of dwellings at a reasonable range of densities consistent with sound standards of public health and safety;
  2. To preserve as many as possible of the desirable characteristics of single-family and two-family residence districts while permitting higher population densities;
  3. To ensure adequate light, air, privacy, and open space for each dwelling unit;
  4. To minimize traffic congestion and to avoid the overloading of utilities by preventing the

construction of buildings of excessive size in relation to the land around them;

5. To provide necessary space for off street parking of automobiles and, where appropriate, for off street loading of trucks;
6. To protect residential properties from hazards, noise, and congestion created by commercial and industrial traffic;
7. To protect residential properties from noise, illumination, unsightliness, odors, dust, dirt, smoke, vibration, heat, glare, increased water runoff, and other objectionable influences; and
8. To protect residential properties from fire, explosion, noxious fumes and other hazards. (1997 Code § 22-7-1)

## **10-6C-2: PUBLIC NUISANCES:**

Consistent with the purposes and goals stated in section [10-6C-1](#) of this article, and to further those goals, the village hereby enacts the following: (1997 Code § 22-7-2)

- A. It shall be a violation and shall constitute a public nuisance to maintain private property in the R-3 residence district in such a manner so as to cause a detrimental effect to adjacent properties by causing to have stored on the exterior of the premises any of the following:
  1. Materials and items stored in a haphazard or unorganized manner so as to present an objectionable visual appearance or a nuisance, but not to include more than one and one-half (1 1/2) cords of stacked firewood for use on the premises or compost material for use on the premises; (1997 Code § 22-7-2; amd. 2013 Code)
  2. Yard maintenance equipment, including, but not limited to, lawn mowers, garden tractors, snowblowers, garden tools, and similar items, which are stored outside in a haphazard, unorganized, or unprotected manner, past the season of the reasonable use of such equipment;
  3. Material or items brought to the premises for planned improvements such as landscaping, construction, and similar purposes, including, but not limited to, fill dirt, mulch, and building materials, and which are not used for said improvements within ninety (90) days, or which merely constitute outdoor storage of said material or items;
  4. Recreational equipment, or parts thereof, including, but not limited to, bicycles, motorcycles, boats, jet skis, and snowmobiles, which are stored on the exterior premises out of the normal season of usage, and which are stored in a haphazard, unorganized, or unprotected manner; and
  5. Household, commercial, and industrial objects and materials, which are not ordinarily found in residential districts, stored for more than two (2) weeks on the exterior premises, visible from adjacent properties or public rights of way.

- B. The detrimental effect to adjacent properties caused by the lack of proper maintenance to any given property shall include, but not be limited to, diminished property value to adjacent properties, the creation of an unsightly and unaesthetically pleasing appearance in the neighborhood in general, and a decline or loss of comfort, convenience, well being and mental health of adjacent property owners. (1997 Code § 22-7-2)

### 10-6C-3: PERMITTED USES:

Any use permitted in the R-1 and R-2 districts.

Multi-family dwellings. (1997 Code § 22-7-3)

### 10-6C-4: MINIMUM REQUIREMENTS:

No building shall be erected or enlarged unless the following minimum requirements are met:

Single-family dwelling	See section <a href="#">10-6A-4</a> of this chapter
Two-family dwelling	See section <a href="#">10-6B-4</a> of this chapter
Multi-family dwelling:	
Lot area	14,400 square feet
Yards:	
Front yard	30 feet
Side yards	10 feet
Rear yard	30 feet
Side yards on corner lots	30 feet
Lot width	80 feet
Living area	900 square feet per family unit

(1997 Code § 22-7-4)

## **10-6C-5: BUILDING HEIGHT:**

No building shall be erected or enlarged to exceed three (3) stories or thirty five feet (35').  
(1997 Code § 22-7-4)

## **10-6C-6: ACCESSORY BUILDINGS AND USES:**

A. Permitted Accessory Buildings And Uses: Accessory buildings and uses are permitted including, but not limited to, the following and meeting the specified restrictions: (1997 Code § 22-7-5)

Detached private automobile garages; provided, that garages accessory to single-family dwellings shall be limited in width to three (3) parking stalls. Garage dimensions shall not exceed thirty feet by thirty feet (30' x 30').

Home occupations, as defined in section [10-2-2](#) of this title.

Private playhouses and greenhouses.

Sheds and utility buildings.

Swimming pools; provided, that they are located only in the buildable portion of the lot or in a required rear yard and are not closer than ten feet (10') to any lot line and meet other applicable village ordinances. A permit must be obtained from the code enforcement officer/building inspector for any swimming pool with a water depth of eighteen inches (18") or more and/or a diameter of twelve feet (12') or more. (1997 Code § 22-7-5; amd. 2013 Code)

B. Location Of Accessory Buildings: No accessory building may be located in a required front or side yard. Accessory buildings may be located in a required rear yard, provided:

1. No accessory building may exceed twenty feet (20') in height.
2. No accessory building may exceed thirty percent (30%) of the rear yard area.
3. No accessory building line is located closer than six feet (6') to a side or rear lot line, nor shall the eaves of any accessory building be located closer than four feet (4') to a lot line.
4. No detached accessory building is closer than five feet (5') to the principal building.  
(1997 Code § 22-7-5)

C. Permit Required: A village building permit shall be required to be obtained prior to constructing or installing any accessory structure. In addition to any other documentation or information which may be required for the issuance of a building permit, each application

for a building permit must also contain a site plan and the design of the accessory structure, including the color and type of materials to be used. No accessory structure shall be constructed from used materials. If the village board finds that the proposed design, color or materials of the proposed accessory structure are not appropriate or compatible with the design, color or materials of the principal building or other surrounding structures, then no building permit shall be issued. (Ord. 12-11, 5-14-2012)

## **10-6C-7: FENCES:**

The following fence regulations shall apply in the R-3 district: (Ord. 12-19, 7-9-2012; amd. 2013 Code)

### **A. Height:**

1. Front Yard: Fences shall not exceed four feet (4') in height in the required front yard and must be of a nonprivacy construction.
2. Side Yards: Fences shall not exceed seven feet (7') in height in the required side yards. (Ord. 12-19, 7-9-2012)

**B. Visibility Obstructions:** No fence, structure or planting shall be maintained in such a manner that visibility is obstructed from an intersecting street within eighty feet (80') in each direction from the intersection of the street centerlines. (Ord. 12-19, 7-9-2012; amd. 2013 Code)

### **C. Finished Sides:**

1. All finished sides of a fence shall face out from the interior of the lot on which the fence is located and shall not include any signage that is not integral to the construction elements of the fence.
2. All finished exterior sides of a fence shall be colored, painted or stained in a uniform manner. Fluorescent colored paint shall be prohibited on any fence.

**D. Gate:** All fences shall have a minimum of one gate for emergency ingress and egress. The minimum width of such gate shall be three feet (3').

### **E. Materials And Condition:**

1. Permitted Materials: Fences shall be permitted to be constructed from the following

materials: wood, metal tubing or wrought iron, stone, masonry and chainlink. Vinyl or fiberglass composite materials may be utilized if the materials are listed, designed and constructed for the purpose of being fencing materials. No person shall construct a fence of wood, metal, tubing or wrought iron, stone, masonry or chainlink that is designed for uses other than fence construction.

2. Prohibited Materials:

a. Fences shall not be permitted to be constructed from the following materials: rope, string, wire products including, but not limited to, chicken wire, hog wire, wire fabric, barbed wire (except as otherwise allowed in this code), razor ribbon wire and similar welded or woven wire fabrics, chain, netting, cut or broken glass, paper, metal panels, corrugated metal panels, galvanized sheet metal, plywood, fiberglass panels or plastic panels or any other materials that are not manufactured specifically for purposes of being fencing materials.

b. No person shall construct a fence out of used, damaged or unsafe materials.

3. Manufacturer's Standards To Village: The village code enforcement officer/building inspector may require any person applying for a building permit to construct a fence to provide the manufacturer's standards to establish the intended use of a proposed fencing material.

4. Maintenance: All fences shall be maintained in a structurally sound condition, plumb and true, and free from damage or deterioration. (Ord. 12-19, 7-9-2012)

## **ARTICLE D. R-4 EXISTING RESIDENCE DISTRICT**

### **10-6D-1: PURPOSE AND GOALS:**

A. The R-4 existing residence district is hereby established in order to promote public safety, convenience, comfort, morals, prosperity, and welfare. The existing residence district recognizes the residences and lots of record within the village jurisdictional limits which were established prior to the effective date hereof. All properties and lots of record established prior to January 13, 2003, are designated as R-4. The general goals include, among others, the following specific purposes:

1. To protect residential areas against fire, explosion, noxious fumes, offensive noise, smoke, vibrations, dust, odors, heat, glare, and other objectionable factors;

2. To protect residential areas to the extent possible and appropriate in each area against unduly heavy motor vehicle traffic, especially through traffic, and to alleviate congestion by promoting off street parking;

3. To protect residential areas against undue congestion of public streets and other public facilities by controlling the density of population through regulation of the bulk of buildings;

4. To protect and promote the public health and comfort by providing ample light and air to the buildings and the windows thereof;
  5. To promote public comfort and welfare by providing for usable open space on the same zoning lot with residential development;
  6. To provide sufficient space in appropriate locations to meet the probable need for future residential expansion and to meet the need for necessary safety and amenity for residents and which do not exert objectionable influences; and
  7. To promote the best use and development of residential land in accordance with a comprehensive land use plan, to promote stability of residential development and protect the character and desirable development, and to protect the value of land and improvements and so strengthen the economic base of the village.
- B. In addition to the objectives prescribed in subsection A of this section, the existing residence district is established for the following purposes:
1. To reserve appropriately located areas for family living in a variety of types of dwellings at a reasonable range of densities consistent with sound standards of public health and safety;
  2. To preserve as many as possible of the desirable characteristics of single-family and two-family residence districts.
  3. To ensure adequate light, air, privacy, and open space for each dwelling unit;
  4. To minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to the land around them;
  5. To provide necessary space for off street parking of automobiles and, where appropriate, for off street loading of trucks;
  6. To protect residential properties from the hazards, noise, and congestion created by commercial and industrial traffic;
  7. To protect residential properties from noise, illumination, unsightliness, odors, dust, dirt, smoke, vibration, heat, glare, increased water runoff, and other objectionable influences; and
  8. To protect residential properties from fire, explosion, noxious fumes and other hazards. (1997 Code § 22-8-1)

## **10-6D-2: PUBLIC NUISANCES:**

Consistent with the purposes and goals stated in section [10-6D-1](#) of this article, and to further those goals, the village hereby enacts the following: (1997 Code § 22-8-2)

- A. It shall be a violation and shall constitute a public nuisance to maintain private property in the R-4 residence district in such a manner so as to cause a detrimental effect to adjacent properties, by causing to have stored on the exterior of the premises any of the following:
1. Materials and items stored in a haphazard or unorganized manner so as to present an objectionable visual appearance or a nuisance, but not to include more than one and one-half (1<sup>1</sup>/<sub>2</sub>) cords of stacked firewood for use on the premises or compost material for use on the premises; (1997 Code § 22-8-2; amd. 2013 Code)
  2. Yard maintenance equipment, including, but not limited to, lawn mowers, garden tractors, snowblowers, garden tools, and similar items, which are stored outside in a haphazard, unorganized, or unprotected manner, past the season of the reasonable use of such equipment;
  3. Material or items brought to the premises for planned improvements such as landscaping, construction, and similar purposes, including, but not limited to, fill dirt, mulch, and building materials, and which are not used for said improvements within ninety (90) days, or which merely constitute outdoor storage of said material or items;
  4. Recreational equipment, or parts thereof, including, but not limited to, bicycles, motorcycles, boats, jet skis, and snowmobiles, which are stored on the exterior premises out of the normal season of usage, and which are stored in a haphazard, unorganized, or unprotected manner; and
  5. Household, commercial, and industrial objects and materials, which are not ordinarily found in residential districts, stored for more than two (2) weeks on the exterior premises, visible from adjacent properties or public rights of way.
- B. The detrimental effect to adjacent properties caused by the lack of proper maintenance to any given property shall include, but not be limited to, diminished property value to adjacent properties, the creation of an unsightly and unaesthetically pleasing appearance in the neighborhood in general, and a decline or loss of comfort, convenience, well being and mental health of adjacent property owners. (1997 Code § 22-8-2)

### **10-6D-3: PERMITTED USES:**

Any use permitted in the R-1, R-2, and R-3 districts. (1997 Code § 22-8-3)

### **10-6D-4: MINIMUM REQUIREMENTS:**

No building shall be erected or enlarged unless the following minimum requirements are met:



Single-family dwelling:		
<input type="checkbox"/>	Lot area	7,000 square feet
<input type="checkbox"/>	Yards:	
<input type="checkbox"/>	Front yard	20 feet
<input type="checkbox"/>	Side yards	7 feet
<input type="checkbox"/>	Rear yard	20 feet
<input type="checkbox"/>	Side yards on corner lots	20 feet
<input type="checkbox"/>	Lot width	65 feet
<input type="checkbox"/>	Living area	1,000 square feet per family unit
<input type="checkbox"/>		
Two-family dwelling:		
<input type="checkbox"/>	Lot area	8,000 square feet
<input type="checkbox"/>	Yards:	
<input type="checkbox"/>	Front yard	20 feet
<input type="checkbox"/>	Side yards	7 feet
<input type="checkbox"/>	Rear yard	20 feet
<input type="checkbox"/>	Side yards on corner lots	20 feet
<input type="checkbox"/>	Lot width	70 feet
<input type="checkbox"/>	Living area	900 square feet per family unit
<input type="checkbox"/>		
Multi-family dwelling:		
<input type="checkbox"/>	Lot area	3,000 square feet per dwelling
<input type="checkbox"/>	Yards:	
<input type="checkbox"/>	Front yard	30 feet
<input type="checkbox"/>	Side yards	10 feet
<input type="checkbox"/>	Rear yard	30 feet
<input type="checkbox"/>	Side yards on corner lots	30 feet
<input type="checkbox"/>	Lot width	75 feet

Living area	900 square feet per family unit
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(1997 Code § 22-8-5)

### **10-6D-5: BUILDING HEIGHT:**

No building shall be erected or enlarged to exceed three (3) stories or thirty five feet (35').  
(1997 Code § 22-8-5)

### **10-6D-6: ACCESSORY BUILDINGS AND USES:**

A. Permitted Accessory Buildings And Uses: Accessory buildings and uses are permitted including, but not limited to, the following and meeting the specified restrictions: (1997 Code § 22-8-6)

Detached private automobile garages; provided, that garages accessory to single-family dwellings shall be limited in width to three (3) parking stalls. Garage dimensions shall not exceed thirty feet by thirty feet (30' x 30').

Home occupations, as defined in section [10-2-2](#) of this title.

Private playhouses and greenhouses.

Sheds and utility buildings.

Swimming pools; provided, that they are located only in the buildable portion of the lot or in a required rear yard and are not closer than ten feet (10') to any lot line and meet other applicable village ordinances. A permit must be obtained from the code enforcement officer/building inspector for any swimming pool with a water depth of eighteen inches (18") or more and/or a diameter of twelve feet (12') or more. (1997 Code § 22-8-6; amd. 2013 Code)

B. Location Of Accessory Buildings: No accessory building may be located in a required front or side yard. Accessory buildings may be located in a required rear yard, provided:

1. No accessory building may exceed twenty feet (20') in height.
2. No accessory building may exceed thirty percent (30%) of the rear yard area.
3. No accessory building line is located closer than six feet (6') to a side or rear lot line, nor shall the eaves of any accessory building be located closer than four feet (4') to a lot line.

4. No detached accessory building is closer than five feet (5') to the principal building. (1997 Code § 22-8-6)

C. Permit Required: A village building permit shall be required to be obtained prior to constructing or installing any accessory structure. In addition to any other documentation or information which may be required for the issuance of a building permit, each application for a building permit must also contain a site plan and the design of the accessory structure, including the color and type of materials to be used. No accessory structure shall be constructed from used materials. If the village board finds that the proposed design, color or materials of the proposed accessory structure are not appropriate or compatible with the design, color or materials of the principal building or other surrounding structures, then no building permit shall be issued. (Ord. 12-11, 5-14-2012)

## **10-6D-7: FENCES:**

The following fence regulations shall apply in the R-4 district: (Ord. 12-19, 7-9-2012; amd. 2013 Code)

### **A. Height:**

1. Front Yard: Fences shall not exceed four feet (4') in height in the required front yard and must be of a nonprivacy construction.
2. Side Yards: Fences shall not exceed seven feet (7') in height in the required side yards. (Ord. 12-19, 7-9-2012)

B. Visibility Obstructions: No fence, structure or planting shall be maintained in such a manner that visibility is obstructed from an intersecting street within eighty feet (80') in each direction from the intersection of the street centerlines. (Ord. 12-19, 7-9-2012; amd. 2013 Code)

### **C. Finished Sides:**

1. All finished sides of a fence shall face out from the interior of the lot on which the fence is located and shall not include any signage that is not integral to the construction elements of the fence.
2. All finished exterior sides of a fence shall be colored, painted or stained in a uniform manner. Fluorescent colored paint shall be prohibited on any fence.

D. Gate: All fences shall have a minimum of one gate for emergency ingress and egress. The minimum width of such gate shall be three feet (3').

E. Materials And Condition:

1. Permitted Materials: Fences shall be permitted to be constructed from the following materials: wood, metal tubing or wrought iron, stone, masonry and chainlink. Vinyl or fiberglass composite materials may be utilized if the materials are listed, designed and constructed for the purpose of being fencing materials. No person shall construct a fence of wood, metal, tubing or wrought iron, stone, masonry or chainlink that is designed for uses other than fence construction.
2. Prohibited Materials:
  - a. Fences shall not be permitted to be constructed from the following materials: rope, string, wire products including, but not limited to, chicken wire, hog wire, wire fabric, barbed wire (except as otherwise allowed in this code), razor ribbon wire and similar welded or woven wire fabrics, chain, netting, cut or broken glass, paper, metal panels, corrugated metal panels, galvanized sheet metal, plywood, fiberglass panels or plastic panels or any other materials that are not manufactured specifically for purposes of being fencing materials.
  - b. No person shall construct a fence out of used, damaged or unsafe materials.
3. Manufacturer's Standards To Village: The village code enforcement officer/building inspector may require any person applying for a building permit to construct a fence to provide the manufacturer's standards to establish the intended use of a proposed fencing material.
4. Maintenance: All fences shall be maintained in a structurally sound condition, plumb and true, and free from damage or deterioration. (Ord. 12-19, 7-9-2012)

## **Chapter 7 BUSINESS DISTRICTS**

### **ARTICLE A. C-1 CENTRAL BUSINESS DISTRICT**

#### **10-7A-1: PURPOSE AND DESCRIPTION:**

The C-1 central business district is hereby established to meet the day to day shopping and consumer service needs of the low density residential neighborhoods of the village and is characterized by individual businesses and community shopping centers. (This district shall begin at 6th Street, and proceed east along Route 173 to a point adjacent to the bike path on the north side, and a point adjacent to the park on the south side of Route 173 extending north and south <sup>1</sup>/<sub>2</sub> block to the alleyways.) (1997 Code § 22-9-1)

**10-7A-2: PERMITTED USES:**

Automobile service stations.

Bakery, confectionery, dressmaking, dyeing, laundry, printing, tailoring, upholstering, and similar establishments and businesses of similar character.

Banks, offices, studios.

Bus depots.

Clinics.

Clubs and lodges.

Dwelling above first floor business.

Electric distribution centers and gas regulating centers of public utilities.

Funeral parlors.

Manufacturing or processing of goods sold at retail on the premises only.

Offices, both professional and business.

Personal service shops such as barbershops and salons.

Public garages.

Restaurants, tearooms, cafes and other places serving food.

Stores or shops for conducting any retail business.

Telephone office, telegraph or express office.

Theaters, billiard or pool parlors, bowling alleys.

Veterinary hospitals.

Youth centers, teen centers, recreation halls, dance halls. (1997 Code § 22-9-2; amd. 2013 Code; Ord. 15-07, 7-13-2015)

**10-7A-3: DESIGN OF NEW STRUCTURES:**

Any new structure constructed in the C-1 district shall be designed to be compatible in appearance with adjacent residential structures. Flat roofs shall be prohibited. The quality of exterior design and materials shall be equal on facades of the structure. (1997 Code § 22-9-3)

### **10-7A-4: MINIMUM REQUIREMENTS:**

The minimum requirements with regards to lot area, lot width and front, rear and side yard setbacks shall be the same as those of the lots of record as of October 7, 2002. All other building requirements shall be subject to the provisions of [chapter 12](#) of this title and any other applicable federal, state or local laws. (Ord. 13-02, 6-10-2013)

### **10-7A-5: SETBACKS:**

A. Front yard: Zero foot (0') setback, i.e., structures may be built up to the lot line.

B. Side yards: Zero foot (0') setback, i.e., structures may be built up to the lot line.

C. Rear yard: Zero foot (0') setback, i.e., structures may be built up to the lot line. (Ord. 14-03, 3-10-2014)

## **ARTICLE B. C-2 COMMERCIAL DISTRICT**

### **10-7B-1: PURPOSE:**

The C-2 commercial district is hereby established and is intended to encourage a broad range of retail and compatible service uses appropriate for such a district. (1997 Code § 22-10-1; amd. 2013 Code)

### **10-7B-2: PERMITTED USES:**

Any use permitted in the C-1 district.

Grocery stores, supermarkets.

Hotels.

Motor vehicle dealers.

Motorcycle dealers.

Retail nurseries, lawn and garden supply stores with open yards.

Shopping malls.

Theater buildings. (1997 Code § 22-10-2)

### **10-7B-3: MINIMUM REQUIREMENTS:**

Lot area	20,000 square feet
Lot width	70 feet
Yards:	
Front yard	30 feet
Rear yard	30 feet
Side yards	30 feet

(1997 Code § 22-10-3)

## **Chapter 8 INDUSTRIAL DISTRICTS**

### **ARTICLE A. I-1 RESTRICTED INDUSTRIAL DISTRICT**

#### **10-8A-1: PURPOSE AND GOAL:**

The I-1 restricted industrial district is hereby established and is intended to provide adequate space for high quality, nuisance free manufacturing, transportation, warehousing, and wholesaling uses that are compatible with a variety of office and service uses. It is the goal of the I-1 district that no use within the district shall have any direct or indirect adverse aesthetic, environmental or economic impact on any other use either within or outside the district. (1997 Code § 22-11-1)

**10-8A-2: PERMITTED USES:**

All uses listed below are permitted in the I-1 district; provided, that the performance standards listed in section [10-8A-5](#) of this article are met:

Any production, assembly, fabrication, manufacture, cleaning, servicing, testing, repair or storage of materials, goods, equipment or products.

Agricultural uses.

Electrical substations.

Lumberyards and contractor material and equipment storage yards.

Machine shops.

Municipal or privately owned recreation buildings or community centers.

Personal property storage facility.

Public and community service uses.

Radio and television transmission towers.

Recycling, collection and waste transfer stations.

Water filtration plants.

Wholesaling and warehousing; local cartage and express facilities. (1997 Code § 22-11-2; amd. 2013 Code)

**10-8A-3: MINIMUM REQUIREMENTS:**

No building shall be erected or enlarged unless the following minimum requirements are met:

Lot area	10,000 square feet
Lot width	70 feet
Yards:	
Front yard	30 feet
Rear yard	30 feet
Side yards	10 feet

(1997 Code § 22-11-3)



### **10-8A-4: BUILDING HEIGHT:**

No building shall be erected or enlarged to exceed forty five feet (45') in height. (1997 Code § 22-11-4)

### **10-8A-5: PERFORMANCE STANDARDS:**

All uses in the I-1 district shall comply with the following performance standards:

- A. Enclosed Operations: All production, assembly, fabrication, manufacture, cleaning, servicing, testing or repair shall take place within completely enclosed buildings.
- B. Outdoor Storage: Outdoor storage shall be done in the rear yard only. When outdoor storage is adjacent to all other districts or fronts on a street or highway, the storage shall be screened by a site obscuring fence or landscaped hedge.
- C. Compliance With State Regulations: All uses shall comply with the performance standards as cited in the environmental protection act, effective July 1, 1970, as amended, state of Illinois<sup>1</sup>, and any other applicable state or federal law.
- D. Noise: No noise (other than ordinary vehicular noise) from operations of any use in the I-1 district shall be detectable at any point off the zoning lot on which the use is located.
- E. Glare Or Heat: No glare or heat from any operations of any use in the I-1 district shall be detectable at any point off the zoning lot on which the use is located.
- F. Vibrations: No earthborne vibration from any operations of any use in the I-1 district shall be detectable at any point off the zoning lot on which the use is located.
- G. Electromagnetic Interference: Electromagnetic interference from any operations of any use in the I-1 district shall not adversely affect the operation of any equipment located off the zoning lot on which such interference originates.

- H. Fire And Explosive Hazards: Materials that present potential fire and explosive hazards shall be transported, stored and used only in conformance with all applicable federal, state, and local laws.
- I. Hazardous, Toxic And Radioactive Materials: Hazardous, toxic, and radioactive materials shall be transported, stored and used only in conformance with all federal, state and local laws.
- J. Sewer And Water Lines: Adequate sewer and water lines are or will be made adequate to meet the needs of the use.
- K. Off Street Parking And Access: Traffic generated by the use shall be controlled by adequate off street parking and by proper highway access. (1997 Code § 22-11-5)
- L. Loading And Unloading Space: Sufficient loading and unloading space will be provided to eliminate vehicles standing upon public streets. (1997 Code § 22-11-5; amd. 2013 Code)

## **ARTICLE B. I-2 LIGHT INDUSTRIAL DISTRICT**

### **10-8B-1: PURPOSE:**

The I-2 light industrial district is hereby established and is intended to provide for more generalized industrial operations in proximity to the collector transportation system. Permitted and special uses are more intensive than those allowed in the I-1 district but can be accommodated within the village if they are so located and regulated as to avoid adverse impacts on the residential uses and less intensive nonresidential uses that define the essential character of the village. (1997 Code § 22-12-1)

### **10-8B-2: PERMITTED USES:**

All uses listed below are permitted in the I-2 district; provided, that the performance standards listed in section [10-8B-5](#) of this article are met:

All uses permitted in the I-1 district.

Bulk fuel dealers.

Business and professional offices.

Heavy construction equipment rental and leasing.

Medical and dental laboratories.

Membership sports and recreation clubs.

Miscellaneous repair services limited to household equipment, furnishings, and personal articles. (1997 Code § 22-12-2; amd. 2013 Code)

### **10-8B-3: MINIMUM REQUIREMENTS:**

No building shall be erected or enlarged unless the following minimum requirements are met:

Lot area	10,000 square feet
Lot width	70 feet
Yards:	
Front yard	30 feet
Rear yard	30 feet
Side yards	10 feet

(1997 Code § 22-12-3)

### **10-8B-4: BUILDING HEIGHT:**

No building shall be erected or enlarged to exceed forty five feet (45') in height. (1997 Code § 22-12-4)

### **10-8B-5: PERFORMANCE STANDARDS:**

All uses in the I-2 district shall comply with the following performance standards: (1997 Code § 22-12-5; amd. 2013 Code)

- A. Enclosed Operations: All production, assembly, fabrication, manufacture, cleaning, servicing, testing or repair shall take place within completely enclosed buildings.
- B. Outdoor Storage: Outdoor storage shall be done in the rear yard only. When outdoor storage is adjacent to all other districts or fronts on a street or highway, the storage shall be screened by a site obscuring fence or landscaped hedge.
- C. Compliance With State Regulations: All uses shall comply with the performance standards as cited in the environmental protection act, effective July 1, 1970, as amended, state of Illinois<sup>1</sup>, and any other applicable state and federal laws. (1997 Code § 22-12-5)
- D. Noise: No noise (other than ordinary vehicular noise) from operations of any use in the I-2 district shall be detectable at any point off the zoning lot on which the use is located.
- E. Glare Or Heat: No glare or heat from any operations of any use in the I-2 district shall be detectable at any point off the zoning lot on which the use is located.
- F. Vibrations: No earthborne vibration from any operations of any use in the I-2 district shall be detectable at any point off the zoning lot on which the use is located.
- G. Electromagnetic Interference: Electromagnetic interference from any operations of any use in the I-2 district shall not adversely affect the operation of any equipment located off the zoning lot on which such interference originates. (1997 Code § 22-12-5; amd. 2013 Code)
- H. Fire And Explosive Hazards: Materials that present potential fire and explosive hazards shall be transported, stored and used only in conformance with all applicable federal, state, and local laws.
- I. Hazardous, Toxic And Radioactive Materials: Hazardous, toxic, and radioactive materials shall be transported, stored and used only in conformance with all federal, state and local laws.
- J. Sewer And Water Lines: Adequate sewer and water lines are or will be made adequate to meet the needs of the use.

- K. Off Street Parking And Access: Traffic generated by the use shall be controlled by adequate off street parking and by proper highway access. (1997 Code § 22-12-5)
- L. Loading And Unloading Space: Sufficient loading and unloading space will be provided to eliminate vehicles standing upon public streets. (1997 Code § 22-12-5; amd. 2013 Code)

## **Chapter 9**

### **O-1 OPEN SPACE DISTRICT**

#### **10-9-1: PURPOSE:**

The open space district is hereby established and is intended to recognize the existence of major open space and recreational areas within the village. Any use of such spaces inconsistent with their existing, established character will require rezoning. (1997 Code § 22-13-1)

#### **10-9-2: PERMITTED USES:**

All uses listed below are permitted in the O-1 district; provided, that the requirements and performance standards listed in [chapter 8, article A](#) of this title are met:

Agricultural production - crops.

Amusement and recreation services, not elsewhere classified.

Libraries.

Membership sports and recreation clubs.

Museums and art galleries.

Public golf courses.

Publicly owned arbor, botanical and zoo gardens, conservation, recreation and open areas.

Required retention/detention facilities.

Vacant land. (1997 Code § 22-13-2)

**10-9-3: MINIMUM REQUIREMENTS:**

No building shall be erected or enlarged unless the following minimum requirements are met:

Lot area	30,000 square feet, except for parks, playgrounds and other recreational uses
Lot width	70 feet
Yards:	
Front yard	30 feet
Rear yard	30 feet
Side yards	10 feet

(1997 Code § 22-13-3; amd. 2013 Code)

## Chapter 10 OFF STREET PARKING AND LOADING

**10-10-1: PURPOSE:**

Off street parking and loading requirements are established in order to alleviate or prevent congestion of the public streets and so promote the safety and convenience of the public. (1997 Code § 22-14-1; amd. 2013 Code)

**10-10-2: DEFINITION:**

A "parking space" is defined as one hundred eighty (180) square feet, exclusive of driveways, permanently reserved and available for the storage of one automobile and is not in a public right of way, street or alley. (1997 Code § 22-14-2)

**10-10-3: DESIGN AND LOCATION OF PARKING SPACES:**

- A. All off street parking spaces shall be hard surfaced with paved asphalt or concrete, except in an O-1 open space district. Notwithstanding the foregoing:
1. Existing gravel driveways shall be permitted to be maintained.
  2. Existing gravel driveways may be extended toward the rear of the lot to accommodate utility buildings provided a permit is first obtained from the village.
  3. Where a paved asphalt or concrete driveway exists, any extension thereof or additional parking spaces shall be constructed with paved asphalt or concrete.
- B. All parking spaces required herein shall be located on the same lot or parcel with the building or use to be served.
- C. Whenever a parking area is located in or adjacent to a residential district, it shall be effectively screened on all sides which adjoin any residential property by a wall, fence or planting screen. (Ord. 13-06, 8-12-2013)

#### 10-10-4: SCHEDULE OF PARKING SPACES:

In all districts, off street parking spaces shall be provided at the time any building is erected, relocated or rebuilt according to the following schedule:

Type Of Use	Number Of Parking Spaces
Church	1 for each 10 seats
Club or lodge	1 for every 4 seats in the principal meeting room
Commercial or business building in the C-1 district	1 for 300 square feet of floor space
Community center, library, museum, government building	10, plus 1 for each 300 square feet in excess of 2,000 square feet
Funeral home	20 per chapel, plus 1 per funeral vehicle on the premises
Grade school, nursery, daycare	1 per each 10 seats in the auditorium or 1 per classroom, whichever is greater
High school, technical school	1 per 6 auditorium seats or 3 per classroom, whichever is greater

Manufacturing or industrial establishments, warehouses and similar uses	1 per employee on the maximum shift
Medical center, doctor/dentist office	3 for each principal professional
Movie theater	1 for each 7 seats in the theater
Restaurant, nightclub, bar, or cafe	1 per 125 square feet
Single and multiple dwellings	2 per dwelling unit
The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature.	

(1997 Code § 22-14-3)

#### **10-10-5: PARKING VEHICLES WITHOUT PLATES:**

The parking of a vehicle without current plates within a residential or commercial district for a period of more than two (2) weeks shall be prohibited, unless such vehicle is stored in a garage or other accessory building. (1997 Code § 22-14-3)

#### **10-10-6: OFF STREET LOADING AND UNLOADING SPACE:**

All uses in the C-1 district shall provide off street loading and unloading space for building service. (1997 Code § 22-14-3)

## **Chapter 11 SUPPLEMENTARY ZONING REGULATIONS**

#### **10-11-1: MOBILE HOMES, TRAILERS AND RECREATIONAL VEHICLES:**

- A. Recreational vehicles not designed for permanent residency, boats, snowmobiles, campers, and trailers (collectively referred to herein as "recreational vehicles") may be parked on lots in the R-1, R-2, R-3 and R-4 residential districts; provided, that they are kept behind the building setback line or within permitted accessory structures. On corner lots, recreational vehicles must be parked behind the building structures. Recreational vehicles may be



parked in front yards for a period of time not to exceed forty eight (48) hours only for the purpose of maintenance, packing or unpacking of the recreational vehicles and provided they are located on the driveway. Recreational vehicles parked or stored in the rear or side yard of the lot must be located on a bituminous material, concrete, cement or gravel pad. It shall not be permissible to place individual concrete/cement/brick blocks or bags of gravel under each wheel or stand of a recreational vehicle in contact with the ground. It shall be unlawful for any person, party or entity to cause or permit any recreational vehicle to be parked, located or stored on a nonhard surface or on the lawn of the property. (Ord. 16-07, 5-7-2016)

- B. Recreational vehicles and mobile homes designed for permanent occupancy are permitted in mobile home parks only.
  
- C. A trailer may be used as a temporary office or shelter incidental to construction or development of the premises on which the trailer is located only during the time of said construction or development. (1997 Code § 22-15-1)

## **10-11-2: HOME OCCUPATIONS:**

- A. Definition: A "home occupation" is any gainful occupation customarily conducted within a dwelling by the residents thereof that is clearly secondary to the residential use and that does not change the character of the structure as a residence.
  
- B. Limitations: Home occupations shall be subject to the following limitations:
  - 1. No person shall be employed other than residents of the dwelling.
  - 2. Except as permitted by subsection C of this section, no commodity shall be sold on the premises other than that produced on the premises.
  - 3. The occupation shall be conducted wholly within the dwelling or accessory building.
  - 4. No more than fifteen percent (15%) of the floor area of the dwelling may be devoted to the occupational use.
  - 5. There shall be no sign indicating that the dwelling is used for anything other than residential purposes, and there shall be no external alteration of the dwelling or accessory building in which a home occupation is conducted.
  - 6. Not more than three (3) customer vehicles shall be located at the dwelling at any given time.
  - 7. There shall be no outdoor storage of supplies or equipment outside the dwelling.

8. No motor power other than electrically operated motors shall be used in connection with a home occupation.
9. A home occupation shall not create any radio or television interference or create noise in excess of the standards set forth in the village ordinances.
10. No unreasonable odor, liquid or solid waste shall be emitted.
11. Not more than one truck of not more than three-quarter ( $3/4$ ) ton pickup capacity and no semitrailers incidental to a home occupation shall be kept on site.
12. A home occupation shall not create pedestrian, automobile or truck traffic significantly in excess of the normal amount in the zoning district.

C. Specifically Permitted Home Occupation Businesses:

Art/crafts design, production and sales in areas such as painting, sculpting, lapidary, woodworking, glassworking, beading, art restoration, art studio or writing, where no special equipment other than that for normal home use is required.

Auctioneers, private detectives, building contractors, general contractors, where all activities other than clerical and recordkeeping, are conducted off the homeowner's premises, and no equipment, materials, tools or supplies in addition to those for normal home use are needed for the business.

Caregiver, visiting nurse, adult sitting, personal care assistant services performed outside of the homeowner's property or limited to no more than two (2) persons on the homeowner's property at one time.

Computer repair, installation, maintenance, or programming if no part of the business equipment is installed outside of the residence other than telephone cables or wires.

Direct sale, product distribution such as Amway, Avon or Tupperware.

Graphic design, typesetting, layout, interior designer, decorator, event planner, photographer, video producer, web designer, if no more than five (5) vehicles per day are anticipated to enter/exit the property and no equipment, materials, tools or supplies in addition to those for normal home use are needed for the business.

Home cooking or preserving if conducted solely within the residence.

House cleaning, laundry, ironing services.

Internet, eBay, or Craig's List sales.

On site baby sitting and daycare.

Secretarial services, accounting services, typing services, word processing services, mailing services, mail orders, not including retail sales from the site if no part of the business equipment is installed outside of the residence other than telephone cables or wires.

Sewing, alterations.

Telephone answering or telephone soliciting if no part of the business equipment is installed outside of the residence other than telephone cables or wires.

Transportation services utilizing no more than two (2) vehicles (automobiles, personal vans or SUVs), and no buses, commercial vans, trucks or other motorized vehicles of any kind.

Tutoring, music lessons, dance lessons or teaching of any kind where no more than two (2) students are on the homeowner's property at one time. (Ord. 12-17, 7-9-2012)

### **10-11-3: DUMPSTER ENCLOSURES:**

The following shall apply to all dumpsters/bulk waste containers in the single-family residence, two-family residence, multi-family residence, central business, commercial, restricted industrial, light industrial and open space zoning districts within the village. With the exception of temporary dumpsters as provided in subsection D of this section, all dumpsters shall be prohibited on properties utilized as single-family residences. (Ord. 15-20, 10-12-2015)

#### **A. Enclosure Required:**

1. All dumpsters/bulk waste containers shall be enclosed or screened on all sides by a sight obstructing enclosure/fence. The height of each enclosure shall be at least twelve inches (12") but not more than eighteen inches (18") higher than the highest part of any dumpster or container contained therein, but in no event less than six feet (6') in height. Enclosures shall be constructed in such a manner that all structural members, including braces, posts, poles and other projections, shall be on the interior side of the enclosure. A building permit must be obtained from the village prior to commencement of construction of any dumpster enclosure. (Ord. 12-18, 7-9-2012)
2. Notwithstanding subsection A1 of this section, in the central business zoning district, no enclosure shall be required for any dumpster which is located in an alley. Further, no enclosure shall be required on properties where the property is owned or being utilized by a municipality or other unit of government, including, but not limited to, townships and park districts; school district or private school; churches; and the Capron Lions Club. (Ord. 15-20, 10-12-2015)

- B. Gate: All dumpster/bulk waste container enclosures shall have a service gate, and its construction shall be of a sturdy metal frame (or such other material as approved by the village) and metal hinges. The gate shall be constructed with commercial grade hinges, poles and hasps. Enclosure gates that swing out from the dumpster shall be set back from the property line at least a distance equal to the width of the gate. Enclosure gates shall be closed at all times except for the time necessary to service the dumpster/bulk waste containers.

- C. **Materials And Construction Methods:** Enclosures shall be constructed of walls or fences of wood or plastic lumber, (finished) masonry units, (finished) concrete, or any combination of these elements. The materials used shall be compatible with those of adjacent or surrounding buildings or structures and may be used in any combination of the enclosure materials referenced herein.
1. **Wood Lumber:** Wood fences shall be of durable species and of a quality and design acceptable to the village board or its designee. In making this determination, the village board or its designee shall consider the following:
    - a. Whether the wood is pressure treated or has a finish that protects the wood from the elements;
    - b. Adequacy of the supporting inground posts;
    - c. That lumber be a minimum of nominal one inch (1") by nominal six inch (6") boards and shall have a maximum spacing between boards of one inch (1"); and
  2. **Plastic Lumber:** Lumber shall be plastic members of new or recycled materials able to withstand the climatic and ultraviolet conditions of the region and of a quality and design acceptable to the village board or its designee. In making this determination, the village board or its designee shall consider the following:
    - a. Whether the material is coated or has a finish that protects the plastic from the elements;
    - b. Adequacy of supporting inground posts;
    - c. That the lumber be a minimum of nominal one inch (1") by nominal six inch (6") boards and shall have a maximum spacing between boards of one inch (1"); and
  3. **Masonry Walls:** All exterior faces of walls shall have a finish such as stucco, prefinished block, stacked block with struck joints, shadow blacks, painted or similar, installed according to industry standards and meeting with the approval of the village board or its designee; and
  4. **Concrete Walls:** Precast or poured concrete walls shall have the decorative textured finish of a quality acceptable to the village board or its designee. (Ord. 12-18, 7-9-2012)
- D. **Temporary Dumpsters:** Dumpsters or other bulk garbage collection containers may be placed temporarily during the construction or remodeling of residences or buildings within the village for no longer than ninety (90) days. However, prior to the placement of a temporary dumpster in accordance with this subsection, the property owner shall first obtain written authorization from the village clerk for the placement of the dumpster or other bulk garbage collection container. Upon receipt of written permission from the village clerk, the dumpster or other bulk garbage collection container may be placed on the property, or on the side of the street immediately adjacent and in front of the property, or within the right of way for a period not to exceed ninety (90) days. In the event it becomes necessary for any property owner to utilize a temporary dumpster for longer than ninety (90) days, the property owner may make a subsequent application to the village board for an up to ninety

(90) day extension beyond the original ninety (90) day period. Only one extension shall be granted per address per year. There will be a fee of ten dollars (\$10.00) charged for each dumpster request and/or extension request. (Ord. 12-18, 7-9-2012; amd. Ord. 15-08, 7-13-2015)

E. Penalties:

1. Penalties for violation of this section shall be as follows:

a. First offense: Written warning.

b. Second offense: Fifty dollar (\$50.00) fine for each day the violation exists with each day the violation exists constituting a separate offense. (Ord. 15-20, 10-12-2015)

2. All fines levied pursuant to this subsection shall be due and payable within thirty (30) days from the receipt of a notice of the violation. In the event the fine is not paid within said thirty (30) days, the village may seek to enforce the provisions of this section and recover the fines, along with costs and reasonable attorney fees, which were levied pursuant to this section, in any court of competent jurisdiction. (Ord. 12-18, 7-9-2012)

F. Effect Of Provisions: The village has determined that it is in the best interest of the health, safety and welfare of the village and its citizens that this section shall also be applicable retroactively to all existing dumpsters/bulk waste containers in the multi-family residence, central business, commercial, restricted industrial, light industrial and open space zoning districts within the village. Owners of such dumpsters/bulk waste containers shall have six (6) months from the effective date hereof in which to comply with the regulations set forth herein. (Ord. 12-18, 7-9-2012; amd. 2013 Code)

#### **10-11-4: WIND OPERATED ENERGY DEVICES:**

A. Prohibited Generally: The development of wind farms and/or installation, locating, maintaining, operation or use of wind operated energy devices within the village zoning jurisdiction and/or within the one and one-half (1.5) mile radius surrounding the village zoning jurisdiction shall not be permitted.

B. A-1 District Regulations: Notwithstanding subsection A of this section, wind operated energy devices shall be permitted within the village A-1 district zoning jurisdiction and within the one and one-half (1.5) mile radius surrounding the village zoning jurisdiction, provided the following conditions are met:

1. No wind operated energy device shall exceed seventy five feet (75') in height; and

2. Any and all electric power generated or the mechanical output of such wind operated

energy device must be used exclusively for the operation of equipment on the property or for consumption on the property where the wind operated energy device is located. No wind operated energy device shall be permitted where the electrical or mechanical output will be utilized in any manner beyond the property on which such wind operated energy device is located.

- C. Existing Devices: Wind operated energy devices existing as of the effective date hereof shall be permitted to remain and operate in their current location and condition until such time as they become inoperative or unserviceable. At such time, any replacement wind operated energy device shall conform to the requirements and standards of this section. (Ord. 12-13, 5-29-2012)

### **10-11-5: CARGO CONTAINERS:**

The purpose of this section is to regulate the use of cargo containers within the village.

- A. Definition: "Cargo containers" means standardized reusable vessels that were:

1. Originally designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities; and/or
2. Originally designed for or capable of being mounted or moved by rail, truck or ship by means of being mounted on a chassis or similar transport device. This definition includes the terms "transport containers" and "portable site storage containers" having a similar appearance to and similar characteristics of cargo containers.

- B. Nonpermitted Locations: Cargo containers shall not be permitted to be located on or used as accessory storage buildings on property residentially zoned (i.e., R-1, R-2, R-3 or R-4) within the village.

Notwithstanding the foregoing, the temporary placement of a cargo container on residentially zoned property for the limited purpose of loading and unloading household contents shall be permitted for a period of time not exceeding thirty (30) days in any one calendar year.

- C. Permitted Locations: Cargo containers shall be permitted to be located on or used as accessory storage buildings on property zoned:

1. C-1 central business district.
2. C-2 commercial district.

3. I-1 restricted industrial district.
4. I-2 light industrial district.
5. O-1 open space district.

The placement of a cargo container in the above referenced zoning districts shall also only be permitted if the property upon which the cargo container is proposed to be located is not primarily used for residential purposes.

- D. Permit Required: A permit shall be required to be obtained from the village prior to the placement of any cargo container and/or temporary cargo container. An application for said permit shall be available at the village clerk's office and a nonrefundable application fee of twenty five dollars (\$25.00) shall be paid to the village at the time of submitting a fully completed application for review by the village. All applications shall be accompanied with a site plan drawn to scale which shall include, but not be limited to, the location of all setback lines, location and dimensions of all structures and the location and size of the cargo container. A yearly permit renewal shall be required for all cargo containers, with the exception of temporary cargo containers. The fee for the yearly renewal permit shall be twenty five dollars (\$25.00). Prior to the issuance of any yearly renewal permit, the village shall have the right to inspect the cargo container to ensure that the cargo container is in conformance with any and all applicable laws, codes, regulations and/or ordinances.
- E. Regulations: The following regulations shall apply to all cargo containers, except as otherwise provided herein:
1. Cargo containers shall meet the setback requirements of the underlying zoning district.
  2. Cargo containers, with the exception of temporary cargo containers, shall not be permitted in the front yard of any property and must be located in the rear yard and to the back of any building located on the property.
  3. Cargo containers, with the exception of temporary cargo containers, shall be securely anchored to the ground at all times.
  4. Cargo containers shall not be stacked above the height of a single container.
  5. Cargo containers, with the exception of temporary cargo containers, shall not be used for any advertising purpose and shall be kept clean of all alphanumeric signage and writing.
  6. Cargo containers shall be fenced or screened from abutting properties and/or rights of way pursuant to the provisions of the underlying zoning regulations or as may be required by the village board.
  7. Cargo containers shall only be located as identified in an approved site plan and on the same property as the principal use and shall be included in the calculation of overall lot coverage.
  8. Cargo containers shall not occupy required off street parking, loading or landscaping areas.

9. Materials stored within cargo containers shall be subject to review and approval by the fire district.
10. All cargo containers shall be kept in good repair and condition and free of significant rust and/or chipping paint.
11. Cargo containers shall be used for storage only and shall not be equipped with plumbing, electrical power or lighting.
12. No more than one cargo container shall be permitted on a single property.
13. Upon the change in ownership of the property on which a cargo container is located or the business which owns the cargo container ceasing to operate on the property, the cargo container shall be removed from the property.

F. Penalties: Penalties for violation of this section shall carry the following penalties:

1. First offense: Written warning.
2. Second offense: Fifty dollar (\$50.00) fine.
3. Third offense: Seven hundred fifty dollar (\$750.00) fine and a revocation of the violator's cargo container permit. Upon revocation of a cargo container permit, the violator shall have thirty (30) days to remove the cargo container from the property.
4. All fines levied pursuant to this section shall be due and payable within thirty (30) days from the receipt of a notice of the violation. In the event the fine is not paid within said thirty (30) days, the village may seek to enforce the provisions of this section and recover the fines, along with costs and reasonable attorney fees, which were levied pursuant to this section, by any and all means available to the village, including, but not limited to, filing suit in any court of competent jurisdiction. (Ord. 15-09, 7-13-2015)

## **Chapter 12**

# **NONCONFORMING LOTS, STRUCTURES AND USES**

### **10-12-1: NONCONFORMING LOTS AND STRUCTURES:**



A. Intent: Within the districts established in this title, there exist lots and structures which were lawful before the effective date hereof and which do not contain any nonconforming uses but which would be otherwise prohibited, regulated or restricted under the terms of this title. Furthermore, there exist lots and structures which were unlawful before the effective date hereof and which were prohibited under the prior zoning ordinance. It is the intent of this title that all lots and structures in the village be allowed to continue the permitted use at the effective date hereof, subject to the requirements set forth in this section. (1997 Code § 22-16-1-1)

B. Grandfather Clause:

1. Any building or structure, or lot of record upon which such building or structure sits, lawfully existing at the effective date hereof, which does not meet the minimum requirements for ground floor area, lot area, width and depth, or yard setback contained in this title may, in the event of damage or destruction by fire or natural disaster, be restored or reconstructed in accordance with the minimum requirements for ground floor area, lot area, width and depth, and yard setback contained within this title which existed at the time that either the building or structure was built or the lot recorded, whichever is later in time. However, said restored or reconstructed building or structure shall be developed in accordance with the use district in which it is located under this title.
2. Any lot of record which is undeveloped at the effective date hereof shall be developed in accordance with the use district in which it is located under this title, and shall further be subject to the minimum dimension requirements provided for such district under this title, except if the village grants a variance. (1997 Code § 22-16-1-2)

C. Continuance Of Use: Any building, structure or lot of record described in subsections A and B of this section may continue to operate at the level of operation on the effective date hereof, subject to the following:

1. Said building or structure may be added to or enlarged so long as it is within the lot setback requirements under this title, or if the village grants a variance.
2. Repairs shall be made in order to keep the building or structure in safe condition.
3. No building or structure shall be moved, in whole or in part, to any other location unless the building or structure and its use conform to all of the regulations of the district in which it is located. (1997 Code § 22-16-1-3)

D. Discontinuance Of Use: The following occurrences shall cause a loss of legal status. All subsequent buildings or structures must conform to the regulations of the district in which it is located under this title.

If a building or structure, herein described under this section, is voluntarily abandoned for a continuous period of twelve (12) months, or if there is evident a clear intent on the part of the owner to abandon such building or structure, it shall not be used for anything but a

conforming use in the future, and any building or structure must conform to all regulations of the district in which it is located under this title. (1997 Code § 22-16-1-4)

## **10-12-2: NONCONFORMING USES:**

- A. Intent: Within the districts established in this title, there exist uses of buildings, structures and lots which were lawful before the effective date hereof, but which would be prohibited, regulated or restricted under the terms of this title. It is the intent of this title to permit these uses to continue under this title, subject to the requirements set forth in this section. (1997 Code § 22-16-2-1; amd. 2013 Code)
- B. Continuance Of Use: Any use described in subsection A of this section may continue to operate at the level of operation on the effective date hereof, subject to the following:
1. Said building or structure containing such a use shall not be structurally altered, added to, or enlarged unless the entire building, structure or use thereof shall thereafter conform to the regulations of the district in which it is located, except if the village grants a variance.
  2. Repairs and ordinary maintenance shall be made in order to keep the building or structure in safe condition.
  3. Such a use shall not be extended, expanded, enlarged or increased in intensity to include any building, structure or ground floor area not occupied by said use at the effective date hereof.
  4. No building or structure containing such a use shall be moved, in whole or in part, to any other location unless the building or structure and its use conform to all of the regulations of the district in which it is relocated.
  5. No building or structure containing such a use which is damaged by fire or natural disaster to such an extent that the cost of restoration exceeds fifty percent (50%) of the current replacement cost of the entire building or structure shall be restored or repaired unless said building or structure and the use thereof shall thereafter conform to the regulations of the district in which it is located under this title. Moreover, if such damage is fifty percent (50%) or less, no building or structure containing such a use shall be restored or repaired unless the repair or restoration is actually begun within one year after the date of such partial destruction and is diligently pursued to completion. (1997 Code § 22-16-2-2)
- C. Discontinuance Of Use: The following occurrences shall cause a loss of legal nonconforming status. All subsequent uses must conform to the regulations of the district:
1. If any part of a building, structure or lot containing such a use is changed to or replaced by a use conforming to the regulations of the district in which it is located, such building,

structure or lot shall not thereafter be used or occupied by a nonconforming use, even though the structure may have been originally designed and constructed for the prior nonconforming use.

2. If a use described in this section is voluntarily abandoned for a continuous period of twelve (12) consecutive months, or if there is evident a clear intent on the part of the owner to abandon such a use, it shall not be used for anything but a conforming use in the future, and any building or structure must conform to all regulations of the district in which it is located under this title. (1997 Code § 22-16-2-3)

## **Chapter 13**

# **MOBILE AND MANUFACTURED HOME PARK/SUBDIVISION REGULATIONS**

### **10-13-1: PURPOSE:**

It is the purpose of this title to regulate the placement of mobile homes and manufactured homes and mobile/manufactured home parks/subdivisions within the village in order to assure that mobile/manufactured home parks/subdivisions are located in areas which are compatible with them, and assure that residents of mobile/manufactured homes are provided a healthy, safe, and habitable environment. (Ord. 13-12, 11-11-2013)

### **10-13-2: DEFINITIONS:**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**LICENSEE:** Any person licensed to operate and maintain a mobile home park under the provisions of this chapter.

**MOBILE HOME:** A structure, transportable in one or more sections, eight feet (8') or more in width, thirty two feet (32') or more in length, built on a permanent chassis and designed to be used as a dwelling unit (including the plumbing, heating, air conditioning and electrical systems). The term "mobile home" shall include manufactured homes constructed after June 30, 1976, in accordance with the federal national manufactured housing construction and safety standards act of 1974 (42 USC 5401 et seq.).

**MOBILE HOME LOT:** A plot of ground within a mobile/manufactured home park designed for the accommodation of one mobile/manufactured home.

**MOBILE HOME PARK:** A parcel or tract of land which has been approved and developed for the placement of one or more mobile/manufactured homes, either free of charge or for revenue purposes, including all accessory buildings, structures, utilities, facilities, or uses.

**MOBILE HOME SUBDIVISION:** A form of a residential development which is exclusively reserved for individually sold or rented lots containing mobile/manufactured home units.

**STAND:** "Mobile home stand" means that part of an individual mobile home lot/space which has been reserved for the placement of the mobile home, appurtenant structures or additions. (Ord. 13-12, 11-11-2013)

### **10-13-3: ZONING APPLICATION AND REVIEW PROCEDURES:**

The mobile/manufactured home (MMH) district is established as a zoning district in the village of Capron zoning ordinance pursuant to this chapter. Mobile and manufactured home parks and subdivisions are allowed with a special use permit in the MMH districts. Any application for a mobile home or manufactured park/subdivision must comply with the special use permit application and review procedures outlined in section [10-3B-3](#) of this title. (Ord. 14-08, 5-12-2014)

### **10-13-4: LICENSE REQUIREMENT:**

A. It shall be unlawful for any person to maintain or operate a mobile/manufactured home park/subdivision within the village limits unless such person shall first obtain a license therefor from the village of Capron in addition to the license required by the state of Illinois department of public health<sup>1</sup>. All applications for the license required by this section shall be filed with the village clerk. The application shall be in writing, signed by the applicant and shall include the following information:

1. The name and address of the applicant.
2. The location and legal description of the mobile/manufactured home park/subdivision.
3. A complete plan of the mobile/manufactured home park/subdivision in conformity with the requirements of village of Capron zoning ordinance.
4. Plans and specifications of all buildings, improvements and facilities constructed or to be constructed within the mobile/manufactured home park/subdivision, including, but not limited to, a development layout plan showing location and number of proposed lots; lot dimensions; location and dimensions of ingress/egress/utility easements for roads, water, stormwater, sewer and sidewalks; and designated utility easement locations along the back of lots for electric, cable, phone, gas, and any other utilities.
5. Such further information as may be required by the village building inspector/code enforcement officer to enable him or her to determine if the proposed mobile/manufactured home park/subdivision will comply with all existing regulations and ordinances of the village and any applicable state law.

- B. The application for the license required by this section and all accompanying plans and specifications shall be filed in triplicate.
- C. The village of Capron building inspector/code enforcement officer shall investigate the applicant and inspect the application and proposed plan and specifications. If the proposed mobile home or manufactured park/subdivision will, when constructed or altered in accordance with such plans and specifications, be in compliance with all provisions of this chapter and all other applicable village ordinances and state statutes, the village board shall approve the application. Upon completion of the mobile/manufactured home park/subdivision according to the plans, payment of the license fee and filing of the bond in accordance with this section, the village shall authorize the issuance of the license.
- D. Each application for the license required by this section shall be accompanied by a license fee of fifty dollars (\$50.00). Before any license shall be issued to any licensee, whether it is the initial license, renewal license or temporary license, a surety bond in the sum of one thousand dollars (\$1,000.00) shall be filed with any application, conditioned to guarantee payment by the licensee of any fines or forfeiture including court costs, imposed upon the licensee for any violation of this chapter.
- E. Each license issued pursuant to this section shall expire at the end of the fiscal year in which it is issued. Each license must be renewed with an annual application.
- F. Any license issued pursuant to this section shall be conspicuously posted on the premises of the mobile/manufactured home park/subdivision for which it is issued at all times.
- G. Upon application in writing by a licensee and upon payment of the annual license fee and the filing of a bond in accordance with this section, the village clerk shall issue a certificate renewing such license for another year, provided that all the terms and conditions of this chapter and of the initial license have been fully complied with, and provided further that before any license issued pursuant to this section shall be renewed, the premises of the mobile home or manufactured park/subdivision for which such license is issued shall be subject to the same inspection as required for the original application for such license.
- H. No license issued pursuant to this section shall be transferred unless an application in writing is made therefor to the village clerk, who shall transfer such license, provided that all of the following requirements are made:
1. Presentment of a written application of the holder of such license which has been approved by the building inspector/code enforcement officer.

2. Filing of a surety bond.
  3. All the terms and conditions of this chapter and of the initial license have been fully complied with.
- I. If at any time a mobile home or manufactured park/subdivision is found to be violating any provision of this chapter or any other pertinent ordinance of the village, any duly constituted officer or agent of any department of the village charged with the duty to inspect mobile home parks/subdivisions shall notify the licensee of such mobile home park/subdivision of such condition. If any such violation is not corrected to the satisfaction of the department complaining within a reasonable time after notification, the license for such mobile home park/subdivision may be revoked by the village board on the recommendation of such department.
- J. Any license issued pursuant to this section shall be subject to suspension or revocation, for cause, by the village board upon complaint filed with the village clerk, signed by any law enforcement officer, health officer or building inspector after a public hearing upon such complaint; provided, however, that the holder of such license shall be given ten (10) days' notice, in writing, of such hearing. (Ord. 13-12, 11-11-2013)

### **10-13-5: MOBILE/MANUFACTURED HOME PARK/SUBDIVISION REQUIREMENTS:**

This land use is a form of residential development which is exclusively reserved for individually sold lots (subdivisions) or rented air right pads (parks) containing mobile home units. Each of the lots and/or pads and mobile home units must meet the requirements of this title. Under this development option, approximately ten percent (10%) of a development's gross site area (GSA) can contain natural resource areas which must be protected (or other permanently protected natural resource areas) without a reduction in maximum gross density (MGD). (Ord. 13-12, 11-11-2013)

### **10-13-6: MINIMUM MOBILE/MANUFACTURED HOME PARK/SUBDIVISION SIZE:**

The minimum size of the mobile/manufactured home park/subdivision shall be five (5) acres and is only permitted by special use.

Mobile or manufactured homes may not be split into two (2) or more residences or be directly attached to another mobile or manufactured home. (Ord. 13-12, 11-11-2013)

**10-13-7: MAXIMUM CAPACITY:**

There shall be a maximum of six (6) mobile or manufactured homes per gross acre. (Ord. 13-12, 11-11-2013)

**10-13-8: COMMUNITY FACILITIES/RECREATIONAL AREA:**

A mobile home or manufactured park/subdivision shall provide indoor and outdoor community use facilities and recreational open spaces of which not less than five thousand (5,000) square feet in area for each ten (10) acres or portion thereof shall be developed for recreational use. The aggregate community use facilities and open spaces shall not be less than two hundred (200) square feet for each mobile home space. (Ord. 13-12, 11-11-2013)

**10-13-9: LANDSCAPING REQUIREMENTS:**

A thirty foot (30') wide landscaped buffer which provides continuous year round screening to a minimum height of eight feet (8') shall be required along all property lines abutting residentially zoned property, and may be required around the entire perimeter of the subject property.

Fencing and hedges, shall be limited in mobile home spaces to three feet (3') in height, and the design and material used for fencing must be acceptable to the building inspector/code enforcement officer. (Ord. 13-12, 11-11-2013)

**10-13-10: SEWERS AND SEWAGE DISPOSAL AND WATER SUPPLY:**

The mobile/manufactured home park/subdivision shall be served by village sewer and water lines adequate to meet the needs of the mobile/manufactured home park and pursuant to village and state standards. (Ord. 13-12, 11-11-2013)

**10-13-11: GARBAGE:**

- A. Garbage cans with tightfitting covers shall be provided in quantities adequate to permit disposal of all garbage and rubbish. Garbage cans shall be located on the mobile home space. The cans shall be kept in sanitary condition at all times. Garbage and rubbish shall be collected and disposed of as frequently as may be necessary to ensure that the garbage cans shall not overflow.
  
- B. All garbage and trash in each mobile/manufactured home park/subdivision shall be deposited in cans or other suitable containers with tightfitting covers, with a sufficient supply of such containers for adequate disposal of all such garbage and trash.
  
- C. All receptacles used for storage or collection of garbage and trash shall be kept in a sanitary condition at all times.
  
- D. All garbage and trash in each mobile/manufactured home park/subdivision shall be collected and disposed of at least once each week or more frequently as is necessary to ensure that garbage and trash containers do not overflow or create an odor or otherwise cause a nuisance.
  
- E. Mobile/manufactured home park/subdivision shall utilize the waste hauler contracted for such services by the village. (Ord. 13-12, 11-11-2013)

### **10-13-12: STORAGE BUILDINGS:**

A storage building or garage shall be provided in each mobile or manufactured home park/subdivision and on each lot for inside storage of all equipment and other items used to maintain the mobile/manufactured home park/subdivision. (Ord. 13-12, 11-11-2013)

### **10-13-13: STREETS:**

- A. Except as expressly modified in this chapter, all private roadway systems within any mobile/manufactured home park/subdivision shall be installed and maintained in accordance with existing village specifications or such specifications as may from time to time be modified, and shall be installed with curbs.



- B. All roadways within any mobile/manufactured home park/subdivision shall be maintained by the licensee and shall not be the responsibility of the village.
- C. No direct access from the development shall be made onto local residential streets developed with conventional one- or two-family dwelling units. (Ord. 13-12, 11-11-2013)

### **10-13-14: SIDEWALKS/WALKWAYS:**

Sidewalks/walkways not less than forty eight inches (48") wide constructed of concrete and built pursuant to village standards shall be provided across all lot frontage and located within the roadway easement; shall be provided from mobile/manufactured home to frontage sidewalk/walkway or parking space pad; shall be provided where foot traffic is concentrated such as near park entrance, office, and community facilities.

All streets and walkways shall be lighted at night pursuant to subsection [10-13-19G](#) of this chapter. (Ord. 13-12, 11-11-2013)

### **10-13-15: ELECTRICAL SERVICE:**

#### **A. New Installations Of Mobile/Manufactured Homes:**

1. All electrical distribution systems constructed or replaced shall be designed and constructed to conform to the requirements of the national electrical code, 2008 edition. Article 550-C of the national electrical code contains specific requirements for manufactured home communities.
2. For homes installed after July 1, 1998, the licensee shall be responsible for providing electrical service equipment at least equivalent to the amperage capacity of the home which it serves.

#### **B. Existing Installations: The following minimum requirements shall apply to electrical systems:**

1. The electrical distribution system to the manufactured home sites shall be single phase, one hundred twenty/two hundred forty (120/240) volts nominal.
2. The type, size, installation and location of all conductors shall comply with their approved use as indicated in the edition of the national electrical code in effect at the time of construction.
3. The service equipment shall not be attached to the home, located under the home, or located anywhere that is not readily accessible. Obstructions such as bushes shall not be

located within three feet (3') of the front of the service equipment.

4. All electrical equipment installed outdoors shall be the weatherproof type. Equipment located under the home shall be protected from the weather.
  5. The service equipment and any other electrical devices shall be at least twelve inches (12") above grade and secured to prevent any movement.
  6. The mobile home feeder conductor shall meet the requirements of the manufacturer of the home or a permanently installed feeder as specified by the national electrical code in effect at the time of installation.
  7. All circuits at the service equipment shall be protected by overcurrent protection as required by the national electrical code in effect at the time of installation.
  8. Overhead conductors shall provide an eighteen foot (18') vertical clearance over all streets, a twelve foot (12') clearance over driveways, and a ten foot (10') clearance above grade in all other areas. Electrical conductors emerging from the ground shall be protected by enclosures or raceways for direct buried cable or to the approved buried depth for protected conductors and up to a point eight feet (8') above grade. Acceptable protection shall be rigid metal, intermediate metal or schedule 80 nonmetallic conduit or channel. Manufactured home power supply cords need not be enclosed in conduit or raceways.
- C. Maintenance Of All Systems: All electrical systems shall be maintained in a safe condition. All damaged or defective equipment shall be repaired or replaced, all loose equipment shall be secured, all faceplates and panel fronts shall be in place and all live parts shall be covered to prevent accidental contact. Dead tree branches which overhang distribution wiring shall be removed. All components of the manufactured home community electrical system shall be inspected by the manufactured home community management and it shall be the responsibility of the licensee to have defects corrected. (Ord. 13-12, 11-11-2013)

### **10-13-16: CONVENTIONAL SINGLE-FAMILY HOME:**

Not more than one single-family dwelling shall be located in a mobile or manufactured home park/subdivision. (Ord. 13-12, 11-11-2013)

### **10-13-17: REVOCATION OF LICENSE:**

The village president may revoke any license to maintain and operate a mobile/manufactured home park/subdivision when the licensee has been found guilty by a court of competent jurisdiction of violating any provision of this chapter. After such conviction, the license shall be reissued if the circumstances leading to conviction have been remedied and the mobile/manufactured home park/subdivision is being maintained and operated in full

compliance with the law. (Ord. 13-12, 11-11-2013)

### **10-13-18: INSPECTION:**

The placement of a manufactured home or a mobile home on a mobile/manufactured home space shall be subject to the regulations and control of the village building inspector/code enforcement officer. The village building inspector/code enforcement officer shall be authorized to verify the mobile/manufactured home park/subdivision's compliance with the stipulations of the special use permit as well as all relevant village of Capron building codes. (Ord. 13-12, 11-11-2013)

### **10-13-19: MOBILE/MANUFACTURED HOME STRUCTURAL REQUIREMENTS:**

- A. Attachment Of Mobile/Manufactured Home To Ground; Additions To Mobile Homes: Any action to attach a mobile/manufactured home to the ground by means of posts, piers, foundations, or otherwise, or to add thereto in any way, shall be subject to the requirements of the building code of the village of Capron as well as this chapter, and if the building code does not permit the addition, such addition shall be prohibited.
- B. Support Systems: Each mobile/manufactured home installation must conform with the manufactured home quality assurance act<sup>2</sup> and the manufactured home installation code (77 Ill. adm. code 870) and any amendments, deletions, and additions thereto, now or in the future, and such statutes are adopted by reference as a part of this section.
1. Footings: Footings must be placed on level, firm, undisturbed soil or compacted or controlled fill that is free of grass and organic materials, compacted to a minimum load bearing capacity of two thousand (2,000) pounds per square foot. Preowned homes for which the manufacturer of the home is no longer in business or for which the installation instructions are not available may be placed on an existing footing system if the system meets the requirements of this section.
    - a. Area: The area in square inches of the footings is based on the width of the home, the roof design loads, the soil load bearing capacity and the intended spacing of the piers.
    - b. Types: Footings may consist of the following:
      - (1) Concrete pads a minimum of three and one-half inches (3<sup>1</sup>/<sub>2</sub>" ) thick the approximate dimension of the home.
  2. Piers: Piers or load bearing supports or devices shall be designed and constructed to transmit the vertical live and dead loads to the foundation below. In order to properly

support the home, the piers must be of the proper type, size, location and spacing. Piers shall be installed directly under the main frames of the home. Piers shall be no more than two feet (2') from each end of the frame and adequately spaced. Piers may be concrete blocks or adjustable metal or concrete devices approved and listed for the required load capacities. Load bearing supports or devices shall be listed and labeled, or shall be designed by a licensed professional engineer in Illinois, and shall be approved for the use intended, prior to installation.

- a. Types: Nonmortared concrete blocks conforming to ASTM C 90-96 type N with a nominal size of eight inches by eight inches by sixteen inches (8" x 8" x 16") shall be installed with the sixteen inch (16") dimension perpendicular to the main frame (I-beam), the open cells vertical, stacked level. A two (2) or four inch (4") thick eight inch by sixteen inch (8" x 16") solid concrete cap block that conforms to ASTM C 90-96 type N shall be placed on the top of each stack. The vertical load shall not exceed eight thousand (8,000) pounds per single stack and fourteen thousand (14,000) pounds for a double stack. The blocks must be stacked on a solid base pad in accordance with the soil bearing capacity. As shims not exceeding one inch (1") total thickness must be used to fill any gap between the concrete cap and main frame. Hardwood shims must be a minimum of three inches wide and six inches long (3" x 6") fitted tight between cap or wood plate and main frame.
- b. Clearance And Height: A minimum clearance of twelve inches (12") must be provided between the ground and the bottom of the frame. If piers exceed thirty six inches (36") in height, they shall be double blocked. If the height exceeds eighty inches (80"), the pier must be double blocked and mortared with rebar. If the home is placed in an area subject to flooding, a licensed professional engineer in Illinois shall design a support and anchoring system that will resist flood forces. The federal emergency management agency has information that may assist in the design.
- c. Load Bearing Openings: In addition to the piers under the main I-beams of the home, piers must be placed under openings in the perimeter walls and center mating wall openings greater than four feet (4').
- d. Elevated Manufactured Homes: When more than one-fourth ( $\frac{1}{4}$ ) of the area of a home is installed so that the bottom of the main frame is more than seven feet (7') above ground level, the home support system shall be designed by a licensed professional engineer in Illinois and installation shall be approved by the department prior to the installation.

- C. Stands: Each dwelling unit shall be placed on a foundation and secured with a tiedown technique as outlined in subsection D of this section. At occupancy, the owner of the mobile home shall remove the axle to the mobile home and there must be skirting around the entire structure.

The stand upon which each mobile home is placed shall be designed and built to allow every support point of the mobile home to be located upon a continuous slab of asphaltic concrete. Such stand shall include at least fifty (50) square feet of patio space at the mobile/manufactured home front door location. The gradient shall provide adequate drainage.

**D. Tiedown Installation Requirements:**

1. All mobile homes installed after December 31, 2001, must conform with the manufactured home quality assurance act<sup>3</sup> and the manufactured home installation code (77 Ill. adm. code 870) and any amendments, deletions, and additions thereto, now or in the future, and such statutes are adopted by reference as a part of this section.

E. Skirting: Skirting of mobile/manufactured homes is required and shall be of fireproof material and of uniform appearance. Areas enclosed by such skirting shall be maintained so as not to provide a harborage for rodents or create a fire hazard. The skirting must be securely installed and the skirting must be made of residential masonry or siding materials of a complementary material to the mobile home structure around the entire perimeter of the unit so as to prevent passage by small children and animals.

F. Address Number: Every mobile/manufactured home shall have an address number placed on the mobile home facing the street and visible for emergency use, and no less than six inches (6") in height.

G. Lighting: Pursuant to Illinois, communities constructed after July 1, 1998, shall have an average illumination level of at least 0.6 foot-candle and a minimum illumination level of 0.3 foot-candle maintained for all streets in the manufactured home community. To achieve this level of illumination, the following are acceptable:

1. The use of a one hundred seventy five (175) watt mercury or sodium vapor lamp or a six hundred (600) watt tungsten lamp, at an elevation of twenty five feet (25'), every two hundred fifty feet (250').
2. Yard lights, at each site, having an average equivalent illumination of a one hundred (100) watt electric light bulb. (Ord. 13-12, 11-11-2013)

**10-13-20: MOBILE/MANUFACTURED HOME LOT REQUIREMENTS:**

- A. Minimum Lot Area: There shall be a minimum of seven thousand (7,000) square feet of site area per mobile/manufactured home lot.
- B. Minimum Lot Width: Sixty five feet (65'). All lots shall be established with corner pins.
- C. Mobile Homes Per Lot: Mobile/manufactured homes may not be split into two (2) or more residences or be directly attached to another mobile/manufactured home.
- D. Setbacks: No mobile/manufactured home or dwelling shall be located in a required front yard or less than twenty five feet (25') from the property line of the mobile home park.
- Only one mobile/manufactured home may be located on a mobile/manufactured home lot as designated in a mobile/manufactured home park/subdivision and shall be subject to the following yards and setbacks:
1. Front and rear lot line, a minimum of twenty feet (20').
  2. Side yard, a minimum of ten feet (10').
  3. Minimum distance of twenty feet (20') between mobile homes and/or other permitted structures, including, but not limited to, mobile home units, modular or site built additions, decks, porches or roof structures, excluding decks, patios, or walkways less than thirty inches (30") above grade.
  4. Minimum distance of ten feet (10') from unrelated accessory structures.
- E. Storage: No person shall continuously store for an unreasonable period of time, any lawn equipment, lawn chairs, bicycles, toys, utensils, lumber, debris or any other item outside of any enclosure fully screened from view.
- F. Drainage: Each lot shall be located on a well drained site, properly graded to ensure rapid drainage and free from stagnant pools or water. A grading plan shall be submitted to the village for review and approval prior to the commencement of any grading.
- G. Garage: Each individual attached or detached garage shall not exceed twenty four by twenty four feet (24 x 24') in dimension (576 square feet). All setbacks are to be maintained. Each garage shall not exceed fifteen feet (15') in height. Building permits shall be obtained prior to the construction of any attached or detached garage. (Ord. 13-12, 11-11-2013)

## **10-13-21: PUBLIC NUISANCES:**

Consistent with the purposes and goals stated in section [10-13-1](#) of this chapter, and to further those goals, the village hereby enacts the following: (Ord. 13-12, 11-11-2013)

- A. It shall be a violation and shall constitute a public nuisance to maintain private property in the MMH district in such a manner so as to cause a detrimental effect to adjacent properties by causing to have stored on the exterior of the premises any of the following: (Ord. 13-12, 11-11-2013; amd. Ord. 14-08, 5-12-2014)
1. Materials and items stored in a haphazard or unorganized manner so as to present an objectionable visual appearance or a nuisance, but not to include more than one and one-half (1<sup>1/2</sup>) face cords of stacked firewood for use on the premises or compost material for use on the premises;
  2. Yard maintenance equipment, including, but not limited to, lawn mowers, garden tractors, snow blowers, garden tools, and similar items which are stored outside in a haphazard, unorganized, or unprotected manner past the season of the reasonable use of such equipment;
  3. Material or items brought to the premises for planned improvements such as landscaping, construction, and similar purposes, including, but not limited to, fill dirt, mulch, and building materials, and which are not used for said improvements within ninety (90) days, or which merely constitute outdoor storage of said material or items;
  4. Recreational equipment, or parts thereof, including, but not limited to, bicycles, motorcycles, boats, jet skis, and snowmobiles, which are stored on the exterior premises out of the normal season of usage, and which are stored in a haphazard, unorganized, or unprotected manner; and
  5. Household, commercial, and industrial objects and materials, which are not ordinarily found in residential districts, stored for more than two (2) weeks on the exterior premises, visible from adjacent properties or public rights of way.
- B. The detrimental effect to adjacent properties caused by the lack of proper maintenance to any given property shall include, but not be limited to, diminished property value to adjacent properties, the creation of an unsightly and unaesthetically pleasing appearance in the neighborhood in general, and a decline or loss of comfort, convenience, well being and mental health of adjacent property owners. (Ord. 13-12, 11-11-2013)

## **10-13-22: SAFETY:**

Whenever the village code enforcement officer/building inspector or health inspector finds that an emergency exists which requires immediate action to protect the public health, safety or welfare, he or she may, without notice or hearing, issue an order citing the existence of such

an emergency and requiring that such action be taken as he/she may deem necessary to meet the emergency, including the suspension of the license issued pursuant to this chapter. Such order shall be in writing, shall be notwithstanding any other provisions of this chapter, and shall be effective immediately. Any person to whom such an order is directed shall comply therewith immediately or be subject to penalties as provided by section [10-13-26](#) of this chapter. (Ord. 13-12, 11-11-2013)

### **10-13-23: ENFORCEMENT:**

It shall be the duty of the village of Capron code enforcement officer/building inspector to enforce the general provisions of this chapter. (Ord. 13-12, 11-11-2013)

### **10-13-24: FIRE PROTECTION:**

- A. Fires Generally: No open fires shall be permitted at any place within any mobile or manufactured home park/subdivision.

Bales of straw or other flammable materials shall not be used for skirting or insulation of the manufactured home.

Garages, carports, porches, awnings, sheds, skirting and other similar appurtenances shall be constructed of material designed for exterior use that meets the flame spread rating of two hundred (200) or less in accordance with the American Society Of Testing And Materials, standard method of test for surface burning characteristics of building materials (standard E84).

- B. Fire Hydrants: If an existing mobile or manufactured home park/subdivision has fire hydrants, the fire hydrant valves shall be tested annually and the flow rates documented annually by the Boone County fire protection district, village of Capron public works department or other entity capable of analyzing the available flow from the hydrants. Such test results shall be available to the village upon request.

The licensee shall provide notification in writing to the Boone County fire protection district of any hydrants that have been deemed unsatisfactory, which includes an agreement to either remove the hydrants, reverse the top of the hydrant or provide some other identification acceptable to the fire department to indicate that the hydrant is not acceptable, or install a system that meets the requirements of the Boone County fire protection district.

The residents of the mobile home park/subdivision shall be advised in writing by the licensee within thirty (30) days when a licensee becomes aware that one or more hydrants in the community is inadequate. The location of these fire hydrants shall be specified in writing, along with a plan to correct the situation and an anticipated date for completion. A



copy of the notification shall be provided to the village.

Mobile/manufactured home park/subdivisions constructed or expanded following the effective date hereof must be provided with fire hydrants within five hundred feet (500') of any structure in the mobile/manufactured home park/subdivision. As an alternative to fire hydrants, a holding pond or other source of water of one hundred thousand (100,000) gallons or more accessible to the fire protection district may be used, if the fire protection district is capable of pumping from the body of water and only in the instance that the fire protection district consents. The minimum size water main for providing fire protection shall be six inches (6") in diameter. The system shall be designed to maintain a minimum pressure of thirty five (35) psi at all points in the distribution system under normal conditions of flow.

Flammable liquids and gasoline powered equipment other than motorized vehicles shall not be stored within five feet (5') of a manufactured home, except when stored in a shed or garage.

All intended means of egress shall not be obstructed. (Ord. 13-12, 11-11-2013)

### **10-13-25: MISCELLANEOUS:**

No mobile or manufactured home shall be moved into any mobile or manufactured home park/subdivision until the terms and conditions of the initial license have been fully satisfied and all construction therein completed throughout the entire mobile home park/subdivision area; provided, however, that a staged development plan for a mobile home park/subdivision may be filed; and, if approved by the village board, the mobile home park/subdivision may be occupied and operated in accordance with the terms and conditions of that part of the stage of development as set forth in the plan. (Ord. 13-12, 11-11-2013)

### **10-13-26: PENALTIES:**

Failure to comply with any of the requirements of this chapter shall constitute a violation, and any person, upon conviction, shall be fined not less than one hundred dollars (\$100.00) nor more than seven hundred fifty dollars (\$750.00) for each offense. Each day the violation continues shall be considered a separate offense. The owner or tenant of any building, structure, premises or part thereof, who commits, participates in, assists in or maintains such violations may each be found guilty of a separate offense and subject to such penalties. The village may also take other lawful action as is necessary to prevent or remedy any violation. To the extent a mobile home lot is rented and the lessee of such lot fails to comply with any of the requirements of this chapter, the lessor/owner of such lot shall also be deemed to be in violation of this chapter and subject to the penalty provisions of this section. (Ord. 13-12, 11-11-2013)