**CHAPTER 154: ZONING**

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***GENERAL PROVISIONS***

**§ 154.001 ZONING DISTRICTS ESTABLISHED; ZONING MAP.**

 The city and territory contiguous to the city limits is hereby divided into zone districts as shown on the official zoning district map dated and filed in the office of the City Clerk. The map and all explanatory matter thereon are hereby made a part of this chapter.

(1986 Code, § 28.02.010) (Ord. 970, passed 8-5-1972)

**§ 154.002 EFFECTIVE DATE.**

 This chapter shall take effect and be in force from and after ten days after its passage, approval and publication as provided by law; passed August 15, 1972; approved August 15, 1972.

(1986 Code, § 28.02.020) (Ord. 970, passed 8-15-1972)

**§ 154.003 DEFINITIONS.**

 (A) *Generally.* For the purposes of this chapter, certain terms or works used herein shall be interpreted as follows:

 (1) The word ***PERSON*** includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.

 (2) The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

 (3) The word ***SHALL*** is mandatory; the word ***MAY*** is permissive.

 (4) The words ***USED*** or ***OCCUPIED*** include the words intended, designed or arranged to be used or occupied.

 (5) The word ***LOT*** includes the words plot or parcel.

(1986 Code, § 28.20.010)

 (B) *Definitions.* For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

 ***ACCESSORY USE OR STRUCTURE.*** A use or structure on the same premises with, and of a nature customarily incidental and subordinate to, the principal use of the main structure. (1986 Code, § 28.20.020)

 ***DWELLING, MULTI-FAMILY.*** A residence designed for or occupied by three or more families, with separate housekeeping and cooking facilities. (1986 Code, § 28.20.050)

 ***DWELLING, SINGLE-FAMILY.*** A detached residence designed for or occupied by one family only. (1986 Code, § 29.20.030)

 ***DWELLING, TWO-FAMILY.*** A residence designed for or occupied by two families only, with separate housekeeping and cooking facilities for each. (1986 Code, §28.20.040)

 ***FAMILY.*** One or more person occupying a single housekeeping unit and using common cooking facilities; provided that unless all members are related by blood or marriage, no ***FAMILY*** shall contain over five members.

(1986 Code, § 28.20.060)

 ***HOME OCCUPATIONS.*** Any occupation or activity conducted entirely within a dwelling or accessory structure and carried on only by the inhabitants thereof, which is clearly incidental and an identification sign of no more than three square feet in area. The occupation or activity shall not change the character thereof or adversely affect the uses permitted in the residential district in which it is a part. Adequate off-street parking shall be provided by the owner.

(1986 Code, § 28.20.070)

 ***LOT.*** For zoning purposes, as covered by this chapter, a ***LOT*** is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide yards and other open spaces as are herein required. The ***LOTS*** shall have frontage on an improved public street, and may consist of:

 (a) A Single lot of record;

 (b) A portion of a lot of record,

 (c) A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record; and

 (d) A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residential lot or parcel be created which does not meet the requirements of this chapter.

(1986 Code, § 28.20.080)

 ***LOT FRONTANAGE.*** The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under the definitions for yards in this section.

(1986 Code, § 28.20.090)

 ***MEASURING FRONT SETBACKS.*** To find the proper location, start from the center line of the road, and measure one half of the street’s right of way, then add to that the front setback value.

 ***LOT MEASEUREMENTS.***

(a) ***DEPTH OF LOT*** shall be considered to be the distance between the midpoint of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rea.

 (b) ***WIDTH OF LOT*** shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard; provided, however, that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than 80% of the required lot width except in the case of lots on the turning circle of cul-de-sac, where the 80% requirements shall not apply.

(1986 Code, § 28.20.100)

 ***LOT OF RECORD.*** A lot which is part of a subdivision recorded in the office of the Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

(1986 Code, § 28.20.110)

 ***MOBILE HOME.*** A structure as defined in Ill. Rev. Stat. Ch. 67-1/2, § 502 (a), as amended, or a structure with a United States Housing and Urban Development Department mobile home seal affixed thereto.

(1986 Code, § 28.20.112)

 ***MODULAR HOME.*** A structure as defined in Ill. Rev. Stat. Ch. 67-1/2 § 502 (i), as amended, or a structure with a State Public Health Department modular seal affixed thereto.

(1986 Code, § 28.20.114)

 ***OLD TOWN.*** The territory which lies within the corporate limits of the city upon the effective date of this chapter.

(1986 Code, § 28.20.120)

 ***PARKING PACE, OFF-STREET.*** An ***OFF-STREET PARKING SPACE*** shall comprise not less than 180 square feet of parking stall plus necessary maneuvering space. Space for maneuvering incidental to parking or unparking shall not encroach upon any public way. Any ***OFF-STREET PARKING SPACE*** shall be accessible from a public way.

(1986 Code, § 28.20.130)

 ***SIGN.*** Any device designed to inform or attract the attention of persons not on the premises on which the sign is located; provided, however, that the following shall not be included in the application of the regulations herein;

 (a) Signs not exceeding one square foot in area and bearing only property numbers, post box numbers, names of occupants of premises or other identification of premises not having commercial connotations;

 (b) Flags and insignias of any government except when displayed in connection with commercial promotion;

 (c) Legal notices; identification, information or directional signs erected or required by government bodies;

 (d) Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights; or

 (e) Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

(1986 Code, § 28.20.140)

 ***SIGN, OFF-SITE.*** A sign other than an on-site sign.

(1986 Code, § 28.20.170)

 ***SING, ON-SITE.*** A sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services or activities on the premises. ***ON-SITE SIGNS*** do not included signs erected by the outdoor advertising industry in the conduct of the outdoor advertising business.

(1986 Code, § 28.20.160)

 ***SIGNS, NUMBER AND SURFACE AREA.*** For the purpose of determining ***NUMBER OF SIGNS,*** a sign shall be considered to be a single display surface or display device containing elements organized, related or composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, or where there is reasonable doubt about the relationship of elements each element shall be considered to be a single sign. The ***SURFACE AREA OF A SIGN*** shall be computed as including the entire sign are within a regular geometric form or combinations or regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of the surface area.

(1986 Code, § 28.20.150)

 ***SPECIAL EXCEPTIONS.*** A use that would not be appropriate generally or without restriction throughout the zoning division or district by which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety or general welfare. These uses may be permitted in a zoning division or district as ***SPECIAL EXCEPTIONS*** if specific provisions for the ***SPECIAL EXCEPTIONS*** are made in §§ 154.075 through 154.084 and 154.095 through 154.099. ***SPECIAL EXCEPTIONS*** may also be granted for a variance in height, area and size of structures, or spaces if all provision of §§ 154.095 through 154.099 are met.

(1986 Code, § 28.20.180)

 ***STRUCTURE.*** Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground, among other things, structures included buildings, mobile homes, walls, billboards and poster panels.

(1986 Code, § 28.20.190)

 ***TAILER PARK.*** A plot of ground upon which tow or more mobile homes, occupied for dwelling or sleeping purposes, are located.

(1986 Code, § 28.20.200)

 ***YARD.*** A required open space unoccupied and unobstructed by any structure or portion of a structure from 30 inches above the general ground level of the graded lot upward; provided however that walls may be permitted in any yard subject to height limitations as indicated herein.

(1986 Code, § 28.20.210)

 ***YARD, FRONT.*** A yard extending between side lot lines across the front of a lot. In any required ***FRONT YARD,*** no fence or wall shall be permitted which materially impedes vision across the yard above the height of 30 inches, and not hedge or other vegetation shall be permitted which materially impedes vision across the yard between the heights of 30 inches and ten feet.

(1986 Code, § 28.20.210)

 ***YARD, REAR.*** A yard extending across the rear of the lot between inner sider yard lines.

(1986 Code, § 28.20.240)

 ***YARD, SIDE.*** A yard extending from the rear line of the required front yard to the rear lot line.

(1986 Code, § 28.20.230)

(Ord. 970, passed 8-15-1972; Ord. 1293, passed - - 1987)

***INTERPRETATIONS***

**§ 154.015 USES.**

In each zone district, land and structures may be used only for purposes specified in the zoning schedule. §§ 154.075 through 154.084.

(1986 Code, § 28.04.010) (Ord. 970, passed 8-15-1972)

**§ 154.016 NONCONFORMING USES.**

(A) Any use of structure existing at the time of enactment or subsequent amendment of this chapter but not in conformity with its provisions may be continued with the following limitations:

 (B) Any use or building which does not conform to this chapter may not be:

 (1) Changed to another nonconforming use;

 (2) Reestablished after discontinuance for two years; or

 (3) Enlarged, increased or moved, except in conformity to this chapter.

 (C) Any structure existing at the time of the enactment of a subsequent amendment of this chapter but not in conformity by reason only of setback lines or side yard lines may be rebuilt on the same lines or be built on different lines so long as it is rebuilt no closer to the property lines than the original building where the building was not in conformity to the setback lines and no closer to other property lines than is provided in §§ 154.075 through 154.084.

(1986 Code, § 28.04.020) (Ord. 1045, passed 8-10-1976)

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(1986 Code, § 28.04.020) (Ord. 1045, passed 8-10-1976)

**§ 154.017 OPEN SPACE AND HEIGHT.**

(A) In each zone district each structure erected or altered shall be provided with the yards specified, shall be on a lot of the area and width specified, and shall not exceed the heights specified in the zoning schedule, §§ 154.075 through 154.084.

 (B) No open space or lot required for a building or structure shall during its life be occupied by or counted as open space for another building or structure.

(1986 Code, § 28.04.030) (Ord. 970, passed 8-15-1972)

**§ 154.030 APPLICATION.**

In the case of a housing project consisting of a group of five or more buildings to be constructed on a plot ground of at lease three acres not subdivided into the customary streets and lots and which will not be so subdivided or where the existing or contemplated street and lot layout make it impracticable to apply the requirements of this chapter to the individual buildings in the housing projects, the application of the requirements to the housing project shall be made by the Zoning Board of Appeals in a manner that will be in harmony with the character of the neighborhood, will ensure a density of land use no higher and a standard of open space at least as high as required by this chapter in the district in which the proposed project is to be located.

(1986 Code, § 28.06.010) (Ord. 970, passed 8-15-1972)

**§ 154.031 RESTRICTION.**

 In no case shall the Zoning Board of Appeals authorize a use or a building height prohibited in the district in which the housing project is to be located.

(1986 Code, § 28.06.020) (Ord. 970, passed 8-15-1972)

***OFF-STREET LOADING AND PARKING***

**§ 154.045 COMMERCIAL PURPOSES.**

Space for off-street loading of vehicles shall be provided for every building used or designed for commercial purposes in an amount considered adequate by the Zoning Officer for the proposed use for new construction, except in the Old Town Area, after the effective date of this chapter.

(1986 Code, § 28.08.010) (Ord. 970, passed 8-15-1972)

**§ 154.046 OFF-STREET AUTOMOBILE STORAGE OR STANDING SPACES.**

 Off-street automobile storage or standing spaces shall be provided on every lot, except in the Old Town Area, on which any of the following uses are hereafter established; the space shall be provided with vehicular access to a street or alley and shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner:

|  |  |
| --- | --- |
| Assisted living facility | 1 parking spacer for every 3 units |
| Dwelling | 1 parking space for each unit |
| Industrial, manufacturing or wholesale establishment | 1 parking space fore each 5 workers, based on peak employment and adequate space for loading and unloading all vehicles used incidental to the operation of the industrial or manufacturing establishment. |
| Office Building | 1 parking space for each 200 square feet of officer floor area |
| Stores and other retail business establishments | 1 parking space fore each 1,000 square feet of total sales area |
| Theater, stadium, auditorium, church or other places of public assembly | 1 parking space for each 10 seats, based on maximum seating capacity |
| Tourist accommodations | 1 parking space for each room unit offered for tourist accommodations |

(1986 Code, § 28.08.020) (Ord. 970, passed 8-15-1972; Ord. 1260, passed 12-28-2004)

**§ 154.047 SPACE PERMITTED ON DIFFERENCT LOT THAN PRINCIPAL USE.**

Where space cannot be reasonably provided on the same lot with the principal use, the Zoning Board of Appeals may permit space to be located on other off-street property provided the space is within 500 feet of the permitted use measure along lines of public access.

(1986 Code, § 28.08.030) (Ord. 970, passed 8-15-1972)

***REMOVAL OF NONCONFORMING SIGNS AND OPEN LAND USES***

**§ 154.060 PROPER NOTIFICATION; TIME LIMIT.**

All nonconforming signs, or all types and not exempted by the definition thereof, and all nonconforming open land uses such as storage yards, junk yards, parking lots open to public use and the like shall be removed and made to conform to the provisions of this chapter within a period of two years after the adoption of this chapter and the mailing of a notice instructing the removal by the Zoning
Officer.

(1986 Code, § 28.10.010)

**§ 154.075 R-1 DISTRICT.**

(A) *Basic provisions.* Single-family dwellings and accessory structures.

 (B) *Special exceptions that may be granted by the Zoning Board of Appeals.*

 (1) Schools;

 (2) Churches;

 (3) Parks; and

 (4) Home occupations.

 (C) *Requirements.*

|  |
| --- |
| ***Minimum Requirements*** |
| Lot Area | 9,000 sq. ft. |
| Lot width | 75 ft. |
| Front setback | 30 ft.\* |
| Side yard total | 20 ft. |
| Interior minimum | 5 ft. |
| Corner side yard | 20 ft. |
| Rear yard | 10 ft. |
| Floor area | 1,200 sq. ft. |
| ***Maximum Limitations*** |
| Height (stories) | 2.5 |
| Total lot coverage | 30 % |
| *\** Setback lines in Old Town shall conform to setback lines of existing adjacent buildings. |

(1986 Code, § 28.12.010) (Ord. 1293, passed - - 1987; Ord. 18-0612-156, passed 6-12-2018)

**§ 154.076 R-2 DISTRICT.**

(A) *Basic provisions.* Single – and two-family dwellings and accessory structures.

 (B) *Special exception that may be granted by the Zoning Board of Appeals.*

 (1) Same as R-1 District;

 (2) New multi-family dwellings;

 (3) Modular homes; and

 (4) Home occupations.

 (C) *Requirements.*

|  |
| --- |
| ***Minimum Requirements*** |
| Lot area |  |
|  First unit | 6,000 sq. ft. |
| Each additional unit | 2,000 sq. ft |
| Lot width | 50 ft. |
| Front setback | 25 ft.\*  |
| Side yard total |  |
|  First unit | 15 ft. |
| Each additional unit | 18 ft. |
| Interior minimum |  |
|  First unit | 5ft. |
|  Each additional unit | 8ft. |
| Corner side yard | 20ft. |
| Rear yard | 7ft. |
| Floor area |  |
|  First unit | 600 sq. ft. |
| Additional unit | 500 sq. ft. |
| ***Maximum Limitations*** |
| Height (stories) | 2.5 |
| Total lot coverage | 30% |
| \* Setback lines in Old Town shall conform to setback lines of existing adjacent buildings. |

(1986 Code, § 28.12.020) (Ord. 992, passed 1-8-1974: Ord. 1109, passed - -; Ord. 1293, passed - - 1987; Ord. 18-0612-156, passed 6-12-2018)

**§ 154.077 R-3 DISTRICT.**

 (A) *Basic provisions.*

(1) Multi-family dwellings;

 (2) Rest homes;

 (3) Modular homes;

 (4) Mobile homes;

 (5) Business and private offices;

 (6) R-1 and R-2 uses;

 (7) Home occupations; and

 (8) Accessory structures.

 (B) *Special exceptions that may be granted by the Zoning Board of Appeals.*

 (1) Utility structures;

 (2) Clubs or noncommercial type;

 (3) Mobile home parks; and

 (4) Neighborhood shopping facilities.

 (C) *Requirements.*

|  |
| --- |
| ***Minimum Requirements*** |
| Lot area |  |
|  First unit | 6,000 sq. ft. |
|  Each additional unit | 2,000 sq. ft. |
| Lot width | 50 ft. |
| Front setback | 25 ft. \* |
| Side yard total | 15 ft. \*\* |
| Interior minimum | 5 ft. \*\* |
| Corner side yard | 15 ft. |
| Rear yard | 7 ft. |
| Floor area |  |
|  First unit | 600 sq. ft. |
|  Each additional unit | 500 sq. ft. |
| ***Maximum Limitations*** |
| Height (stories) | 4 |
| Total lot coverage | 35% |
| \* Setback lines in Old Town shall conform to setback lines of existing adjacent buildings. |
| \*\* Buildings 2.5 stories in height or less |

(1986 Code, § 28.12.030) (Ord. 1012, passed - -; Ord. 1047, passed - -; Ord. 1048, passed - -; Ord. 1293 passed - - 1987; Ord. 18-0612-156, passed 6-12-2018)

**§ 154.078 B-1 DISTRICT.**

(A) *Basic provisions.*

 (1) Neighborhood business;

 (2) Service business; or

 (3) Retail business.

 (B) *Special exceptions that may be granted by the Zoning Board of Appeals.* Same as R-1 and R-2 Districts.

 (C) *Requirements.*

|  |
| --- |
| ***Minimum Requirements*** |
| Corner side yard | 15 ft. |
| Front setback | 25 ft. \* |
| Interior minimum | 10 ft. |
| Rear yard | 20 ft. |
| Side yard total | 20 ft. |
| ***Maximum Limitations*** |
| Height (stories) | 2.5 |
| Total lot coverage | 40% |
| * Setback lines in Old Town shall conform to setback lines of existing adjacent buildings.
 |

(1986 Code, § 28.12.040)

**§ 154.079 B-2 DISTRICT.**

 (A) *Basic provisions.*

(1) Central business district;

 (2) General commercial uses, shops and services;

 (3) R-1 and R-2 District uses; and

 (4) Assisted living facilities.

 (B) *Special exceptions that may be granted by the Zoning Board of Appeals.*

 (1) Auto services stations and repair garages;

 (2) Off-site signs; and

 (3) Apartments.

(1986 Code, § 28.12.050) (Ord. 1620, passed 12-28-2004)

**§ 154.080 B-3 DISTRICT.**

(A) *Basic provisions.*

 (1) Highway commercial roadside uses for convenience of travelers;

 (2) Drive-ins;

 (3) Motels;

 (4) Tourist homes;

 (5) Eating establishments;

 (6) Commercial recreation;

 (7) R-1 and R-2 District uses;

 (8) Auto sales;

 (9) Garage and related business; and

 (10) Box truck bodies and portable cargo containers, except as prohibited in § 154.131.

 (B) *Special exceptions that may be granted by the Zoning Board of Appeals.*

 (1) Same as B-2 District;

 (2) Automatic car washes;

 (3) Minimum interior may be reduced to four feet;

 (4) Total side yard to eight feet;

 (5) Rear yard to conform to setback lines of adjacent buildings; and

 (6) Offices and retain businesses.

|  |
| --- |
| ***Minimum Requirements*** |
| Corner side yard | 15 ft. |
| Front setback | 25 ft. \* |
| Interior minimum | 8 ft. |
| Rear yard | 15 ft. |
| Side yard total | 18 ft. |
| ***Maximum Limitations*** |
| Height (stories) | 2.5 |
| Total lot coverage | 50% |
| * Setback lines Old Town shall conform to setback lines of existing adjacent buildings
 |

(1986 Code, 28.12.060) (Ord. 1056, passed - -; Ord. 1426, passed - -)

**§ 154.081 I DISTRICT.**

(A) *Basic provisions.*

 (1) Research facilities;

 (2) Office buildings;

 (3) Interior storage facilities;

 (4) Electronic manufacturing;

 (5) Assembly plants;

 (6) Light manufacturing;

 (7) Warehouses;

 (8) Small repair shops;

 (9) Fertilizer and feed stores;

 (10) Grain elevators;

 (11) Open storage of vehicles and non-junk materials when adequately screened;

 (12) Cold storage plants;

 (13) On-site signs;

 (14) Heavy manufacturing;

 (15) Oil field equipment storage and repair;

 (16) On- and off-site signs;

 (17) Outdoor advertising; and

 (18) Box truck bodies and portable cargo containers, except as prohibited in § 154.131.

 (B) *Special exceptions that may be granted by the Zoning Board of Appeals.*

(1) Junk or salvage yards; and

 (2) Paint or fertilizer manufacture and other uses inclined to be obnoxious due to excessive noise, odor, heat or safety hazard.

(1986 Code, § 28.12.070)

**§ 154.082 P DISTRICT.**

(A) Basic provisions:

 (1) Public use-parks;

 (2) Recreation uses;

 (3) Schools;

 (4) Hospitals;

 (5) Library;

 (6) Cemetery;

 (7) Fairgrounds;

 (8) Public offices and other public buildings of a non-industry nature;

 (9) Airport and airplane related businesses;

 (10) Medical office buildings; and

 (11) Box truck bodies and portable cargo containers, except as prohibited § 154.131.

(1986 Code, § 28.12.080) (Ord. 1426, passed - -; Ord. 1489, passed - - 1997)

**§ 154.083 A DISTRICT.**

(A) *Basic provisions.*

(1) Cultivation and growing crops;

 (2) Orchards and nurseries;

 (3) Dairy farming;

 (4) Keeping or raising animals for sale;

 (5) Residences and accessory buildings, necessary to the permitted uses;

 (6) Recreational and public uses; and

 (7) Box truck bodies and portable cargo containers, except as prohibited in § 154.131.

 (B) *Special exceptions that may be granted by the Zoning Board of Appeals.*

(1) Commercial feed lots; and

 (2) Facilities for slaughtering, selling and processing animals.

 (C) *Lot area.* One acre (43,560 square feet).

(1986 Code, § 28.12.090)

**§ 154.084 ADDITIONAL PROVISIONS.**

The following are additional basic provisions that apply to §§ 154.075 through 154.083.

 (A) No off-site or on-site signs, other than traffic signs, and other than home occupation signs, shall be permitted in R-1 and R-2 Districts. No signs other than on-site signs, not to exceed three units or 45 square feet per establishment, shall be permitted in B-1 and B-3 Districts.

 (B) Any use adjacent to an R-1 or R-2 District shall not create excessive noise, odor, heat or light.

(1986 Code, § 28.12.100) (Ord. 970, passed 8-15-1972)

***SPECIAL EXCEPTIONS***

**§ 154.095 PERMIT; APPLICATION.**

 Exceptions to the basic provisions of the zoning district schedule shall be permitted only after the issuance of a special exception permit. An Application for a special permit shall be filed with the Zoning Officer on a form furnished for that purpose. The application shall be accompanied by plans and other data as prescribed on the form together with the fee as set forth in § 154.195.

(1986 Code, § 28.14.010) (Ord. 970, passed 8-15-1972)

**§ 154.096 SPECIAL USE PERMIT; PUBLICATION.**

 A notice of the time and place of a public hearing before the Zoning Board of Appeals on each application for a special exception permit shall be published at least once, not more than 30 nor less than 15 days before the public hearing, in one or more newspapers published in the city. The notice shall contain the particular location for which the special permit is requested as well as a brief statement of what the proposed special exception consists.

(1986 Code, § 28.14.015)

**§ 154.097 USE PERMIT; ISSUANCE.**

 Each application for a special exception permit shall be reviewed by the Zoning Board of Appeals and approved by the concurring vote of four members before a use permit may be issued.

(1986 Code, § 28.14.020) (Ord. 970, passed 8-15-1972)

**§ 154.098 GRANTING OR DENYING APPLICATION.**

 The Zoning Board of Appeals may grant or deny any application for a special exception permit following the policy hereafter set forth. No special exception permit shall be granted unless the Zoning Board of Appeals shall find:

 (A) The special exception will not be injurious to the use and enjoyment of the environment or of other property in the immediate vicinity, nor substantially diminish and impair property values within the surrounding neighborhood;

 (B) The proposed development will not increase local or state expenditures in relation to costs of servicing or maintaining neighborhood properties;

 (C) The establishment of the special exception will not impede the normal and orderly development and improvement of surrounding property for uses predominant in the area; and

 (D) The location and character of the proposed development are considered to be consistent with a desirable pattern of development for the locality in general.

(1986 Code, § 28.14.030) (Ord. 970, passed 8-15-1972)

**§ 154.099 REVERSAL OF DECISION OF ZONING BOARD OF APPEALS.**

 An applicant denied a permit may make application for a hearing before the City Council. The City Council may reverse a decision of the Zoning Board of Appeals if the City Council deems the issuance of a permit is necessary for the protection of the public interest.

(1986 Code, § 28.14.040) (Ord. 970, passed 8-15-1972)

***MULTI-FAMILY DWELLINGS***

**§ 154.110 CONDITIONS FOR SPECIAL EXCEPTIONS.**

Notwithstanding the provisions of §§ 154.095 through 154.099, the Zoning Board of Appeals **may grant a special exception in and R-2 District for the construction of new multi-family dwellings only** upon the conditions set forth below.

(1986 Code, § 28.15.010) (Ord. 992, passed 1-9-1974)

**§ 154.111 APPLICATION FOR PERMIT.**

A written application for the special exception shall be filed with the Zoning Board accompanied by the fee as is provided in § 154.195.

(1986 Code, § 28.15.020) (Ord. 992, passed 1-8-1974)

**§ 154.112 PLANS AND SPECIFICATIONS.**

 The application for special exception shall be in writing, signed by the applicant and shall be accompanied by detailed plans and specifications of the multi-family dwelling to be constructed and if the special exception is granted, the structure shall substantially conform with those plans and specifications and no certificate of occupancy and compliance shall be issued ty the Zoning Officer unless the structure does substantially comply with the plans and specifications.

(1986 Code, § 28.15.030) (Ord. 992, passed 1-8-1974)

**§ 154.113 GRANTING OR DENYING APPLICATION.**

 No special exception shall be granted unless the Zoning Board of Appeals finds that the granting of a special exception will promote the public health, safety and welfare of the neighborhood and the community and further finds as follows:

 (A) The special exception will not be injurious to the use and enjoyment of the environment or of other property in the immediate vicinity, nor substantially diminish and impair property values within the surrounding neighborhood;

 (B) The proposed development will not increase local or state expenditures in relation to costs of servicing or maintaining neighborhood properties;

 (C) The establishment of the special exception will not impede the normal and orderly development and improvement of surrounding property for uses predominant in the area; and

 (D) The location and character of the proposed development are considered to be consistent with a desirable patter of development for the locality in general.

(1986 Code, § 285.15.040) (Ord. 992, passed 1-8-1974)

**§ 154.114 PRIOR NOTICE BY PUBLICATION.**

 Upon filing of an application for special exception, the Zoning Officer shall cause to be published a notice a least 15 days prior to the hearing thereon before the Zoning Board of Appeals, which notice shall be in a newspaper having general circulation in the city and which notice shall give the date, time and place of the hearing, the location, including lot number and street address where the special exception is sought, a general description of the multi-family dwelling to be constructed and which notice shall state that any person having objections to the granting of the special exception may file the same with the Zoning Officer prior to the hearing.

(1986 Code, § 28.15.050) (Ord. 992, passed 1-8-1974)

**§ 154.115 REAR YARD, TOTAL LOT COVERAGE; LOT AREA REDUCTION.**

 If requested by the applicant, the Zoning Board of Appeals, upon approval of the special exception may also reduce the rear yard to ~~ten~~ five feet and increase the maximum lot coverage to 40%. If the proposed multi-family dwelling is to be a two-story construction, then the minimum requirements for lot area may be divided by two.

(1986 Code, § 28.15.060) (Ord. 992, passed 1-8-1974)

**§ 154.116 OFF-STREET PARKING.**

 No special exception shall be granted unless there is to be at least one off-street parking space for each family unit.

(1986 Code, § 28.15.070) (Ord. 992, passed 1-8-1974)

**§ 154.117 ZONING BOARD OF APPEALS; ACTION.**

(A) If at the hearing the Zoning Board of Appeals by a vote of four or more members approves the application, then the approval shall be announced; however, a permit shall not be issued by the Zoning Officer until at least ten days subsequent to the approval by the Zoning Board of Appeals.

 (B) If any person who would be adversely affected by the granting of a special exception shall file with the City Clerk written objections thereto within ten days, then the special exception shall not be granted until approved by the City Council.

 (C) If no objections are filed within ten days, then the permit shall be issued.

(1986 Code, § 28.15.080) (Ord. 992, passed 1-8-1974)

**§ 154.118 SPECIAL EXCEPTION FOR CHANGE IN USE OR ALTERATION OF STRUCTURE.**

 (A) No land or structure for which a special exception is granted as herein provided shall be changed in use and no structure shall be erected, altered or moved until the change, erection, alteration or move has been authorized by special exception granted by the Zoning Board of Appeals.

 (B) The procedure for obtaining a special exception for the change, erection, alteration or move shall be the same as herein set forth.

(1986 Code, § 28.15.090) (Ord. 992, passed 1-8-1974)

**§ 154.119 REVERSAL OF DECISION OF ZONING BOARD OF APPEALS.**

 An applicant denied a permit may make application for a hearing before the City Council. The City Council may reverse the decision of the Zoning Board of Appeals if the City Council deems the issuance of a permit necessary for the protection of the public interest.

***TRUCK BODIES AND PORTABLE CARGO CONTAINERS***

**§ 154.130 PROHIBITION OF PLACEMENT IN CERTAIN AREAS.**

Placement, parking and/or storage of box truck bodies removed from the truck chassis and portable cargo containers removed from the trailer used to transport the cargo container within the city limits is hereby prohibited in R-1, R-2, R-3, B-1 and B-2 Districts.

(Ord. 10-1228-18, passed 12-28-2010)

**§ 154.131 PROHIBITION OF PLACEMENT CLOSE TO CERTAIN STREETS AND ROADS.**

Placement parking and/or storage of box truck bodies removed from the chassis and portable cargo containers removed from the trailer used to transport the cargo container within the city limits is hereby prohibited at any location which is within 250 feet of the right-of-way of:

 (A) Main Street;

 (B) Delaware Street;

 (C) Illinois Route 15; and

 (D) U.S. Route 45.

(Ord. 10-1228-18, passed 12-28-2010)

**§ 154.132 REMEDIES AVAILABLE.**

 This subchapter shall be a basis for the city to obtain a court order in the County Circuit Court ordering removal of any unit placed within the city limits which violates this subchapter, and shall further be the basis for the owner and/or lessee of the offending unity being required to pay all attorney’s fees and court costs incurred by the city in enforcing this subchapter.

(Ord. 10-1228-18, passed 12-28-2010)

**§ 154.133 BUILDING PERMIT REQUIRED.**

Placement, parking, moving and/or storage of box truck bodies removed from the truck chassis, and portable cargo containers removed from the trailer used to transport the cargo container within the city limits is hereby prohibited until and unless the owner of the unit obtains a building permit from the Zoning Officer of the city.

(Ord. 10-1228-18, passed 12-28-2010)

***ENFORCEMENT AND ADMINISTRATION***

**§ 154.145 APPOINTMENT OF BUILDING AND ZONING OFFICER.**

 This chapter shall be enforced by a qualified Building and Zoning Officer, appointed by the City Council. The salary of the Zoning Officer is fixed at $110 bi-weekly.

(1986 Code, § 28.16.010) (Ord. 970, passed 8-15-1972; Ord. 1406, passed - - 1993)

**§ 154.146 POWERS AND DUTIES OF BUILDING AND ZONING OFFICER.**

No land or structure shall be changed in use and no structure shall be erected, altered or moved until the Zoning Officer has issued a building permit certifying that the plans and intended use of land, buildings and structures are in conformity with this chapter. ~~No land or structure hereafter erected, moved or altered in its use shall be used until the Zoning Officer shall have issued a certificate of occupancy and compliance stating that the land or structure is found to be in conformity with the provisions of this chapter. A certificate of occupancy and compliance shall be obtained annually for all home occupations.~~

(1986 Code, § 28.16.020) (Ord. 970, passed 8-15-1972)

**§ 154.147 VIOLATIONS.**

(A) In case any building or structure is constructed, altered, repaired, converted or maintained or any building, structure or land is used in violation of this chapter, the Zoning Officer or any owner or tenant of real property in the same contiguous zoning district as the building or structure in question, in addition to other remedies, may institute any appropriate action or proceeding:

 (1) To prevent the unlawful construction, reconstruction, alteration, repair, conversion, maintenance or use;

 (2) To prevent the occupancy of the building, structure or land;

 (3) To prevent any illegal act, conduct, business or use in or about the premises; or

 (4) To restrain, correct or abate the violation.

 (B) When any action is instituted by an owner or tenant, notice of the action shall be served upon the municipality at the same time suit is begun, by serving a copy of the complaint on the Mayor.

 (C) No action may be maintained until notice has been given.

(1986 Code, § 28.16.030) (Ord. 970, passed 8-15-1972)

***ZONING BOARD OF APPEALS***

**§ 154.160 ESTABLISHED.**

 (A) There shall be a Zoning Board of Appeals consisting of seven members.

 (B) The members shall be appointed by the Mayor with the approval of the City Council for terms to be established by the City Council.

(1986 Code, § 28.18.010) (Ord. 970, passed 8-15-1972)

**§ 154.161 WHO MAY MAKE AN APPEAL.**

Appeals to the Zoning Board of Appeals may be taken by any person aggrieved.

(1986 Code, § 28.18.020) (Ord. 970, passed 8-15-1972)

**§ 154.162 HEARING; NOTIFICATION; REPRESENTATION.**

 The Zoning Board of Appeals shall fix a reasonable time for the hearing of an appeal, giving public notice thereof, as well as due notice to the parties in interest and decide the same within a reasonable time. At the hearing, any party may appear in person, or by agent or by attorney.

(1986 Code, § 28.18.030) (Ord. 970, passed 8-15-1972)

**§ 154.163 POWERS.**

 (A) The powers of the Zoning Board of Appeals are:

 (1) To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Zoning Officer;

 (2) To hear and decide on appeals, special exceptions, variances and all other matters referred to it or upon which it is required to pass under this chapter; and

 (3) In passing upon variances, the enforcement officer shall be present where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this chapter to vary or modify the application of any of the regulations or provisions of this chapter relating to the use, construction or alteration of buildings or structure or the use of land so that the spirit of this chapter shall be observed, public safety and welfare secured and substantial justice done.

 (B) In exercising the above mentioned powers, the Board may reverse or affirm wholly or partly, or may modify the order, requirements, decision or determination appealed from and may make the order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

(1986 Code, § 28.18.040) (Ord. 970, passed 8-15-1979)

**§ 154.164 CONCURRING VOTE.**

The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Officer, or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter, or to effect any variation in this chapter, or to recommend any variation or modification in this chapter to the corporate authorities.

(1986 Code, § 28.18.050) (Ord. 970, passed 8-15-1972)

**§ 154.165 RULES AND CONDUCT OF AFFAIRS AND MEETINGS.**

 (A) The Zoning Board of Appeals shall adopt rules necessary to the conduct of its affairs, and in keeping with the provisions of this chapter. Meetings shall be held at the call of the Zoning Officer or Chairperson and at other times as the Board may determine.

 (B) The Chairperson, or in his or her absence, the Acting Chairperson, may administer oath sand compel the attendance of witnesses. All meetings shall be open to the public.

(1986 Code, § 28.18.060) (Ord. 970, passed 8-15-1972)

**§ 154.166 RECORD OF OFFICAL ACTS.**

 The Zoning Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote indicating that fact and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Board.

(1986 Code, § 28.18.070) (Ord. 970, passed 8-15-1972)

***AMENDMENTS***

**§ 154.180 AUTHORITY OF CITY COUNCIL**

The City Council may, from time to time, on its own motion or petition, amend, supplement, change, modify or repeal by ordinance the boundaries of districts of regulations or restrictions established.

(1986 Code, § 28.22.010) (Ord. 970, passed 8-15-1972)

**§ 154.181 PUBLIC HEARING.**

 (A) No change in the boundaries of districts or regulations or restrictions established under this chapter shall be made without a public hearing before the Zoning Board of Appeals.

 (B) Notice shall be given of the time and place of the public hearing, not more than 30 nor less than 15 days before the public hearing by publishing a notice thereof at least once in one or more newspapers published in the city.

(1986 Code, § 28.22.015)

**§ 154.182 PASSAGE OF AMENDMENT.**

 Notice shall be given of the time and place of the City Council scheduled to consider an ordinance changing the boundaries of districts or regulation or restrictions established under this chapter, not more than 30 nor less than 15 days before the City Council meeting by publishing a notice thereof at least once in one or more newspaper published in the city. In case of a written protest against any proposed amendment of the districts or regulations or restrictions established under this zoning chapter, signed and acknowledged by the owners of 20% of the frontage proposed to be altered, or by the owners of 20% of the frontage directly opposite the frontage proposed to be altered, is filed with the City Clerk, the proposed amendment shall not be passed except by a favorable vote of two-thirds of the Aldermen of the city then holding office. In these cases, a copy of the written protest shall be served ty the protester or protesters on the applicant for the proposed amendment and a copy upon the applicant’s attorney, if any, by certified mail at the address of the applicant and attorney shown in the application for the proposed amendment.

(1986 Code, § 28.22.020)

***FEES***

**§ 154.195 SPECIAL EXCEPTION PERMIT FEE.**

The City Council establishes a $50 $100 fee for a special exception permit as required by this chapter. No special exception permit shall be issued until the applications fee has been paid in full to the ~~City Clerk~~ Zoning Officer, nor shall any action be taken on proceeding before the Zoning Board of Appeals until the application fee has been paid in full.

(1985 Code, § 28.24.010) (Ord. 970, passed 8-15-1972; Ord. 1408, passed - - 1993)

**§ 154.196 BUILDING PERMIT FEE.**

 (A) The City Council established the following fee for a building permit required by this chapter:

 ~~(1) Twenty-five dollars for a structure requiring the building permit with an estimated construction cost of $100,000 or more; or~~

 ~~(2) Ten dollars for any other use or structure requiring a building permit.~~

 (B) No building permit shall be issued until the application fee has been paid in full to the ~~City Clerk~~ Zoning Officer, nor any action taken on proceeding before the Zoning Board of Appeals until the application fee has been paid in full.

(1986 Code, § 28.24.020) (Ord. 1408, passed - - 1993)

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| --- |
| PERMIT FEE SCHEDULE |
| New Residence | $250.00 |
| Attached/Unattached Garage | $150.00 |
| Residence Addition | $150.00 |
| Storage Building on Foundation | $50.00 |
| Portable Storage Building | $25.00 |
| Carport | $10.00 |
| Deck or Patio | $20.00 |
| Fence | $20.00 |
| Mobile Home Placement | $50.00 |
| Above Ground Pool | $10.00 |
| In Ground Pool | $20.00 |
| Demolition Permit | $250.00 |
|  |  |
| Special Exception/Variance | $100.00 |
| Rezone | $300.00 |
| Annexation of property | $400.00 |
|  |  |
| New Commercial Building | $300.00 |
| Addition to Commercial Building  | $200.00 |
| Signs | $45.00 |
|  |  |
| Industrial Construction | $500.00 |
| Penalty for no Permit Plus Permit Fee | $100.00 |

**§ 154.199 PENALTY.**

 (A) *Violation deemed misdemeanor.* The owner of a building or premises in or upon which a violation has been committed or shall exist, shall be guilty of a misdemeanor punishable by a fine ~~of not less than $10 and not more than $250~~ $100.00 plus the cost of the permit for each conviction thereof.

(1986 Code, § 28.26.010)

 (B) *Continuation of violation.* Any person having been duly served with an order to remove any violation and having failed to comply with the order within ten days after the notice or continuing to violate any provision of the regulation in the respect name in the order, shall be guilty of a misdemeanor and on conviction thereof shall be punished by a find of ~~not less than $100 or more than~~ $500 or by imprisonment for not more than 30 days for each and every conviction thereof, or both a fine and imprisonment, in the discretion of the Court. Each day a violation continues shall constitute a separate offense.

(1986 Code, § 28.26.020)

(Ord. 970, passed 8-15-1972)