

VILLAGE OF CHATHAM ZONING ORDINANCE

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF CHATHAM, ILLINOIS, AS FOLLOWS:

CHAPTER 1: GENERAL PROVISIONS

1.01 TITLE

This Ordinance shall be known, cited and referred to as:

VILLAGE OF CHATHAM ZONING ORDINANCE

1.02 INTENT AND PURPOSE

a. The purpose of this Ordinance is to:

1. Promote and protect the public health, safety, comfort, convenience, prosperity and general welfare.
2. Secure adequate light, clean air and safety from fire and other dangers.
3. Conserve the value of land and buildings throughout the Village of Chatham by preventing incompatible uses.
4. Promote the goals of the Chatham Comprehensive Plan.

b. This Ordinance shall accomplish these purposes by:

1. Organizing the Village into districts regulating and restricting therein the location and use of buildings, structures and land.
2. Regulating the height and bulk of buildings and other structures.
3. Regulating the building or setback lines along streets, alleys and property lines.
4. Regulating the intensity of the use of lot areas and determining the area of open spaces surrounding buildings.
5. Providing for certain special permitted uses and variances.
- ~~6. Regulating the size, type and location of signs.~~
6. Regulating accessory off-street parking and loading facilities.
7. Defining the powers and duties of the administrative officers and bodies as provided herein.
8. Providing procedures for variances from the requirements of this Ordinance under certain circumstances.
9. Providing for the amendment of such regulations and boundaries of the respective districts.

10. Prescribing penalties for the violation of the provisions of this Ordinance or of any amendment thereto.

1.03 RULES FOR CONSTRUCTION

The language of this Ordinance shall be interpreted in accordance with the following rules of construction:

1. Where the context admits, the singular number includes the plural and the plural, the singular.
2. The word "shall" is mandatory, while the word "may" is permissive.
3. All measured distances shall be to the nearest integral foot. If a fraction is one-half or less, the integral foot next below shall be taken.
4. Whenever a word, a phrase or a term defined hereinafter appears in the text of this Ordinance, its meaning shall be construed as set forth in the definition thereof.

1.04 DEFINITIONS

The following words, phrases, and terms, whenever they occur in this Ordinance, shall be interpreted as herein defined:

ACCESSORY USE, ACCESSORY BUILDING OR USE

- a. "Accessory building or use" means a subordinate building or use which is located on the same lot on which the main building or use is situated and which is reasonably necessary and incidental to the conduct of the primary use of such building or main use, when permitted by district regulations.
- b. An "accessory use" includes, but is not limited to, the following:
 1. A children's playhouse, garden house, and private greenhouse;
 2. A garage, shed or building for domestic storage;
 3. Storage of merchandise normally carried in stock on the same lot with any retail service or business use, unless such storage is excluded by the district regulations.
 4. Storage of goods used in or produced by manufacturing activities, on the same lot or parcel of ground with such activities, unless storage is excluded by the district regulations.
 5. Off-street motor vehicle parking areas, and loading and unloading facilities;
 6. Signs, as permitted and regulated by the Village Sign Ordinance.

AGRICULTURE

The growing, harvesting and storing of crops, including but not limited to legume, hay, grain, fruit and truck or vegetable crops, floriculture, horticulture, mushroom growing, nurseries, orchards, forestry and greenhouses; the keeping, raising and feeding of including but not limited to, poultry, swine, sheep, beef cattle, ponies, horses, bees, fur farms, and fish and wildlife farms; farm buildings used for growing, harvesting and preparing crop products for market, for agricultural products, farm buildings for storing and protecting farm machinery and equipment from the elements, for housing livestock or poultry products for market; farm dwellings occupied by farm owners, operators, tenants or farm workers.

ALLEY

A public way with a width not exceeding 20 feet in right-of-way used primarily as a service access to the rear or side of a property which abuts on a street.

ANIMAL HOSPITAL (VETERINARY CLINIC)

Any building or portion thereof designed or used for the veterinary care, observation, or treatment of animals.

APARTMENT

A room or suite of rooms arranged, designed, used or intended to be used as a single housekeeping unit, located in a multiple family building.

AUTOMOBILE REPAIR

Engine rebuilding, major reconditioning or replacement of worn or damaged motor vehicles and components or trailers; collision service, including body, frame or fender straightening or repair; and overall painting of vehicles.

AUTOMOBILE SERVICE STATION

A place where fuel, lubricating oil or grease, for operation of automobiles, are offered for sale directly to the public on the premises, and including minor accessories and services for automobiles including washing of automobiles incidental to the sale of fuel, lubricating oil or grease and not including automobile repairs. When the dispensing, sale or offering for sale of motor fuels or lubricants is incidental to the conduct of a public garage, the premises shall be classified as a public garage.

BASEMENT

A portion of a building located partly or wholly underground.

BED AND BREAKFAST

A building, or portion thereof, containing lodging rooms, which accommodate three or more persons who are not members of the keeper's family, and where lodging rooms, or meals, or both, are provided for compensation.

BUILDABLE AREA

The space remaining on a zoning lot after the minimum open space requirements of this title have been complied with.

BUILDING

Any structure having a roof supported by columns or walls built for the support, shelter or enclosure of any kind, but not including any vehicle, trailer, nor any moveable device, such as furniture, machinery or equipment.

BUILDING AREA

The area bounded by the exterior dimensions of the outer walls at the ground line.

BUILDING, DETACHED

A building surrounded by open space on the same lot.

BUILDING HEIGHT

The vertical distance measure from the sidewalk level or its equivalent established grade opposite the middle of the front of the building to the highest point of the roof in the case of a flat roof; to the deck line of a mansard roof; and to the mean height level between eaves and ridge of a gable, hip or gambrel roof; provided that where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished lot grade at the front of the building.

BUILDING, PRINCIPAL

A non-accessory building in which the principal use of the lot on which it is located, is conducted.

BULK

The term used to indicate the size and setbacks of buildings or structures and the location of same with respect to one another, and including the following:

- A. Size and height of buildings;
- B. Location of exterior walls at all levels in relation to lot lines, streets or to other buildings;
- C. Gross floor area of buildings in relation to lot area (floor area ratio);
- D. All open spaces allocated to buildings;
- E. Amount of lot area provided per dwelling unit.

BUSINESS

Any occupation, employment, profession or enterprise wherein merchandise is exhibited or sold, or which occupies time, attention, labor and materials or where services are offered for compensation.

CAR WASH

A building equipped for washing automobiles and other motor vehicles for a consideration, whether the vehicles are washed by hand or by machinery.

CARPORT

A roofed accessory building or structure providing space for the parking of motor vehicles and lattice, or other material. When attached to a principal building, a carport shall be considered a part of the principal building and subject to all applicable bulk regulations for the district in which it is located.

CLUB OR LODGE, PRIVATE

A non-profit association, or persons who are bona-fide members paying dues, which owns, hires, or leases a building or portion thereof, the use of such premises being restricted to members and their guests.

COMMUNITY CENTER

A building or other facility used for programs generally open to the public and designed to serve significant segments of the community.

CONGREGATE HOUSING

A residential facility, usually for older or partially disabled persons, containing 4 or more dwelling units or rooming units providing shared food preparation service and dining areas and other common facilities. A congregate facility does not provide health care.

CORNER SIDE LOT LINE

Side lot line abutting a street.

DAY CARE CENTER

Day Care Center has the same meaning as in section 2-09 of the Child Care Act of 1969, 225 ILCS 10/2-09, meaning a child care facility which regularly provides day care for less than 24 hours per day for (1) more than 8 children in a family home or (2) more than 3 children in a facility other than a family home, subject to the qualifications and exclusions in that Act.

DAY CARE HOME

Day Care Home means a family home which receives more than three up to a maximum of eight children for less than 24 hours per day.

DENSITY

The number of living units per acre allowable under the schedule of district regulations.

DISTRICT

A geographical area in which the use regulations are uniform.

DWELLING

A building or portion thereof designed and used exclusively for residential purposes.

DWELLING UNIT

One or more rooms in a dwelling intended to be occupied as separate living quarters, and containing independent cooking and sleeping facilities.

DWELLING, SINGLE-FAMILY

A detached residential building containing one dwelling unit.

DWELLING, TWO-FAMILY (DUPEX)

A detached residential building containing two dwelling units.

DWELLING, MULTIPLE-FAMILY (APARTMENT)

A building or portion thereof containing three or more dwelling units.

FAMILY

One or more persons related by blood, marriage or adoption, or a group of not more than five persons not so related, maintaining a common household in a dwelling unit.

FAMILY CARE FACILITY

A facility licensed or approved by the State of Illinois having not more than two staff or supervisory personnel, which provides shelter, counseling and other rehabilitative services in a family-like environment to six or fewer residents who are not legally related to the facility operators or supervisors, and who by reason of mental or physical disability, chemical or alcohol dependency, family or school adjustment problems, require a minimal level of supervision, but do not require medical or nursing care or general supervision. A family care facility may include uses such as foster homes, halfway houses, community residential alternative facilities, or home individual programs.

FENCE

A barrier intended to prevent escape or intrusion, to mark a boundary or to create a sense of privacy or security.

FENCE, PRIVACY OR SOLID

A fence, including solid entrance and exit gates, which effectively conceals from view from adjoining property and streets, materials that are stored and activities conducted behind such fence.

FLOOD-CREST ELEVATION

The maximum instantaneous elevation of the water surface during the period of a 100-year flood as established by the U.S. Federal Management Agency, Federal Insurance Administration.

FLOOD-PLAIN AREA

That continuous area, adjacent to a stream or stream bed or other natural drainage channels or areas, whose elevation is equal to or lower than the 100-year flood-crest elevation as established by survey or as indicated in the study, including any land of higher elevation having an area of less than ten acres which is completely surrounded by land equal to or lower than the flood-crest elevation.

FLOOR AREA, GROSS

For the purpose of determining Floor-Area Ratio, the floor area of a building or buildings shall be the sum of the gross horizontal areas of the several floors of such buildings or buildings-measured from the

exterior faces of exterior walls or from the center line of party walls separating two buildings. In particular, "gross floor area" shall include:

- a. Basement space, if at least one-half of the basement story height is above the established curb level.
- b. Elevator shafts and stairwells at each floor.
- c. Floor space used for mechanical equipment where the structural headroom exceeds seven and one-half feet; except equipment, open or enclosed, located on the roof, i.e., bulkheads, water tanks, and cooling towers.
- d. Attic floor space where the structural headroom exceeds seven and one-half feet.
- e. Interior balconies and mezzanines.
- f. Enclosed porches, but not terraces and breezeways.

FLOOR AREA RATIO

The numerical value obtained through dividing the gross floor area of a building or buildings by the total area of the lot or parcel of land on which such building or buildings are located.

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.

GARAGE, PUBLIC

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

GROUP CARE FACILITY

A facility licensed or approved by the State of Illinois, having not more than three staff or supervisory personnel, which provides shelter, counseling, and other rehabilitative services in a family-like environment to more than six but less than 15 residents who are not legally related to the facility operators or supervisors, and who by reason of mental or physical disability, chemical or alcohol dependency, family or school adjustment problems require a minimal level of supervision, but do not require medical or nursing care or general supervision.

HOME OCCUPATION

A "home occupation" is an occupation or profession customarily carried on in a dwelling unit by a person or persons residing in that dwelling unit, and which is clearly incidental or secondary to the residential use of the dwelling unit and does not involve the conduct of a retail business, and which conforms to the following additional conditions:

- a. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding one

square foot in area, non-illuminated, and mounted flat against the wall of the principal building.

- b. No home occupation shall be conducted in any accessory building.
- c. No traffic shall be generated by such home occupation in greater volumes than in a single family residential neighborhood and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in required front yard.
- d. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference reasonably offensive to neighbors, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

Home occupation includes day care for 3 or fewer children cared for solely by a person residing in the dwelling units.

HOTEL

A building in which lodging is provided and offered to the public for compensation and is open to transient guests.

HOUSING, MULTIPLE-FAMILY

A building or portion thereof containing three or more dwelling units.

HOUSING UNIT

One or more rooms which constitute a separate, independent housekeeping establishment containing independent kitchen, sleeping and sanitary facilities.

INTERIOR SIDE LOT LINE

Side lot line that does not abut a street.

JUNK YARD

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

KENNEL, COMMERCIAL

Any lot or premises on which two or more dogs, at least four months of age, are kept, boarded for compensation, or kept or bred for sale.

LIMITED REZONING AMENDMENTS

The reclassification of a property from one zoning classification to another, provided one or more of the following standards are met:

- a) The zoning request is not being submitted in conjunction with a subdivision action; ~~or and~~
- b) Final platting of the property has been approved by the Village Board in the subdivision process; ~~or and~~
- c) The zoning classification from which reclassification is sought is not P-1.

LOADING, OFF-STREET

A space, accessible from a street, alley or way, in a building or on a lot for the use of trucks while loading or unloading merchandise or materials.

LOT

For purposes of this ordinance, 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 such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private 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.
- d. A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this ordinance.

LOT AREA

The area of a horizontal plane bounded by the vertical planes through front, side and rear lot lines.

LOT, CORNER

A lot situated at the junction of and abutting on two or more intersecting streets; or a lot at the point of deflection in alignment of a single street, the interior angle of which is 135 degrees or less.

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 LINE

A property boundary line of any lot held in single or separate 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 right-of-way line.

LOT LINE, FRONT

That boundary of a lot which is along an existing or dedicated street. The owner of a corner lot may select either street lot line as the front lot line.

LOT LINE, REAR

That boundary of a lot which is most distant from and is, or is approximately, parallel to the front lot line. If the rear lot line is less than 10 feet in length, or if the lot forms a point at the rear,, the rear lot line shall be deemed to be a line ten feet in length within the lot; parallel to and at the maximum distance from the front lot line.

LOT LINE, SIDE

Any boundary of a lot which is not a front or rear lot line.

LOT, MOBILE HOME

The area assigned to a mobile home in a mobile home park.

LOT OF RECORD

A lot which is part of a subdivision recorded in the office of the Sangamon County Recorder of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

LOT, REVERSED

A lot which the frontage is at right angles or approximately right angles (interior angle less than 135 degrees) to the general pattern in the area.

LOT, THROUGH

A lot defined as a lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.

LOT, WIDTH

Width of a lot shall be considered to be the distance between straight lines connecting front and rear lots 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 per cent of the required lot width except in the case of lots on the turning circle of cul-de-sac where the 80 per cent requirement shall not apply.

MOBILE HOME

Mobile Home means a structure designed for permanent habitation and so constructed as to permit its transport on wheels, temporarily or permanently attached to its frame, from the place of its construction to the location, or subsequent locations, at which it is intended to be a permanent habitation and designed to permit the occupancy thereof as a dwelling for one or more persons. 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".

MOBILE HOME PARK

A contiguous parcel of land which has been planned and improved for the placement of mobile homes. Developments or portions of development intended for the sale of individual lots or parcels for the placement of

mobile homes on permanent foundations shall not be included within the definition of mobile home park.

MODULAR HOME

A factory-built home which is subject to regulation by the Illinois Department of Public Health. By law a modular home must have affixed to it a yellow seal in the shape of the State of Illinois on the electrical panel box, or a similar seal of the State of Indiana. A modular home on a permanent perimeter foundation extending below the frost depth qualifies as a single family structure in any zone in which single family structures are allowed.

MOTEL

A building containing lodging rooms having adjoining individual bathrooms; where each lodging room has a doorway opening directly to the outdoors; and where more than 50 per cent of the lodging rooms are for rent to transient tourists for a continuous period of less than 30 days.

MOTOR FREIGHT TERMINAL

A building or premises in which freight is received or dispatched by motor vehicle.

MOTOR VEHICLE

Any self-propelled wheeled vehicle designated or intended primarily for the transportation of persons or goods along public streets, alleys or other public ways.

NAMEPLATE

A sign indicating the name and/or address of a building or the name of an occupant thereof.

NONCONFORMING

Any building, structure or land lawfully occupied by a use or lawfully established at the time of the passage of the ordinance or amendments thereto, which does not conform after the passage of the ordinance or amendments thereto.

NURSING HOME

A private home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders. Such a home may contain equipment for surgical care or for treatment of a disease or injury, but does not include maternity care or mental illnesses. Includes intermediate care facilities licensed by the State of Illinois.

OPEN SALES LOT

Any land used or occupied for but not limited to the purpose of buying and selling secondhand passenger cars and/or trucks, motor scooters, motorcycles, boats, trailers, aircraft, and monuments, and for the storing of same prior to sale.

PATIO

A recreation area adjoining a residential structure which is either paved or constructed of flagstones or the like, which is not raised above the ground level, and which is not covered with a roof or other structure.

PLANNING COMMISSION

The Chatham Planning Commission.

PLANNED UNIT DEVELOPMENT

See Chapter 4.

PORCH

A covered or roofed entrance to a building, or covered or roofed patio deck.

PUBLIC OPEN SPACE

Any publicly-owned open area, including, but not limited to, the following: parks, playgrounds, forest preserves, beaches, waterways, parkways and streets.

PUBLIC SERVICE AREA

An area including such uses as fire and police stations, telephone exchanges, radio and television transmitting and relay stations and towers, filter plants and pumping stations and similar uses.

RECYCLING CENTER

A facility for the collection of recyclable materials defined as such by Village ordinances pertaining to recycling.

RECREATION SPACE

The total area in square feet which is countable as open space but is not paved in streets, walks or driveways and is suitably improved for public or private (recreation pursuits) of all residents. Recreation space should provide for active and passive recreation activities. That part of a recreation area having a dimension of less than twenty feet shall not be included as countable recreation space. In addition, countable recreation space must be at least twenty feet away from any residential wall containing a window on the ground floor.

REFUSE

All waste products resulting from human habitation, except sewage.

RESIDENCE

The act or condition of residing or dwelling in a place.

RETAIL

Retail refers to the sale of relatively small quantities of commodities and services directly to customers.

SANITARY LAND FILL

A method of disposing of refuse by spreading and covering with earth.

SETBACK, FRONT-YARD

The minimum horizontal distance permitted between the front line or side line of the building and the lot line nearest the street line, disregarding steps and unroofed porches.

SHED

A storage structure not intended for dwelling purposes or for storage of automobiles.

STORY

That portion of a building included between the surface of any floor and the floor next above, or if there is no floor above, the space between the floor and the ceiling next above. A basement shall be counted as a story for the purposes of this Ordinance when more than one-half of such basement height is above the adjacent ground level.

STREET

The entire width between boundary lines of every way publicly maintained when any part thereof is open to the public for purposes of vehicular travel.

STREET LINE

The dividing line between a lot and a the right of way of a contiguous street.

STRUCTURAL ALTERATIONS

Any change, other than incidental repairs, in the supporting members of a building or structure, such as bearing walls or partitions, columns, beams or girders; or any substantial change in the roof or exterior walls.

STRUCTURE

Anything erected, the use of which requires a fixed location on the ground, or attached to something having a permanent location on the ground. A sign, billboard, or other advertising medium detached or projecting shall be construed to be a structure.

USE

The purpose or activity for which the land, or building thereof, 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 except for such accessory parking facilities as are specifically authorized to be located elsewhere.

USE, NON-CONFORMING

Any lawfully established use of a building or premises which on the effective date of this ordinance does not comply with all of the applicable use (no bulk) regulation of the zoning district in which such building or premises shall be located. For the purpose of this ordinance, any use lawfully established on the effective virtue of lacking off-street

parking or loading facilities as required hereinafter for new uses, shall not be deemed a non-conforming use.

USE, PRINCIPAL

The main use of land or buildings as distinguished from a subordinate or accessory use.

VILLAGE

The Village of Chatham, Illinois.

VILLAGE'S CONSULTING ENGINEER

A registered professional engineer retained by the Village to perform engineering services.

VISION CLEARANCE TRIANGLE

A triangular space at either:

- a. The corner lot which is bounded by the street right-of-way lines; or
- b. The intersection of the street line and the left side of the line of a private driveway at an egress point facing the public right-of-way which consists of the street lines or street and driveway lines as the case may be, and a setback line connecting points determined by measurements from intersection of the street and driveway lines.

YARD

An open space on a lot which is unoccupied and unobstructed from the ground level to the sky. A yard extends along a line and at right angles to such lot line to a depth or width specified in the yard regulations for the zoning district in which such lot is located.

YARD, FRONT

A yard extending along the full width of the front lot line between side lot lines.

YARD, REAR

A yard extending across the rear of the lot between inner side yard lines. In the case of through lots and corner lots, there will be no rear yards, but only front and side yards.

YARD, SIDE

A yard extending from the rear line of the required front yard to the rear lot line, or in the absence of any clearly defined rear lot line to the point on the lot farthest from the intersection of the lot line involved with the public street. In the case of through lots, side yards shall extend from the rear lines of the front yards required. In the case of corner lots, yards remaining after full- and half-depth front yards have been established shall be considered side yards.

ZONING ADMINISTRATOR

Whenever in this ordinance the term Zoning Administrator is used, it shall mean the Zoning Administrative Officer and such deputies or assistants as have been or shall be duly authorized by the Village.

ZONING BOARD

The Chatham Zoning Board of Appeals.

ZONING LOT

"Zoning lot" means a plot of ground, made up of one or more parcels, which is or may be occupied by a building or buildings, including the open spaces required by this ordinance.

ZONING MAPS

The maps incorporated into this ordinance.

CHAPTER 2: DISTRICT REGULATIONS -- GENERAL PROVISIONS

2.01. ALLOWABLE USE OF LAND OR BUILDINGS.

The following uses of land or buildings listed below are allowed in the districts indicated hereinafter under the conditions specified in this Ordinance.

- a. Uses lawfully established on the effective date of this Ordinance.
- b. Permitted uses as established in Chapter 3.
- c. Special uses as established in Chapter 3.
- d. Accessory uses, subject to Section 2.04 hereof.

2.02. CONTROL OVER USE

In all districts, after the effective date of this Ordinance, and subject to the provisions as set out in Chapter 6 on Non-Conforming Uses:

- a. Any tract of land may be used.
- b. Any lawfully existing or new building or other structure may be used, relocated, enlarged, converted, extended, reconstructed or altered.
- c. The use of any lawfully established existing building or other structure, or tract of land may be continued, changed, extended or enlarged.
- d. Special uses allowed by these regulations for the district in which such building or other structure, or tract of land is located, may be used as specified in the district regulations and shall conform to other regulations set forth for that district, and to other applicable regulations of this ordinance.

2.03. CONTROL OVER BULK

In all districts, after the effective date of this Ordinance and subject to the provisions of Chapter 6 on non-conforming uses, any new building or other structure shall conform to all the bulk, height and area requirements set forth in the regulations for the district in which such building or other structure is located, and to all other applicable regulations of this Ordinance.

2.04. ACCESSORY BUILDINGS, STRUCTURES AND USES

- a. Compatibility. Accessory buildings, structures and uses shall be compatible with the principal uses and shall not be established prior to the establishment of the principal use.
- b. Location. No accessory buildings or structure, unless it conforms with the requirements of accessory buildings for conditional uses, shall be erected or altered at, nor moved to, a location within ten feet of the nearest wall of the principal building, nor within the required area of a front or side yard. An accessory building, structure of use in a rear yard shall be not less than three feet from any property line, except that on a corner lot, a reversed corner lot, or a through lot, such accessory building, structure or use shall be set back from the property line adjoining a street the distance required herein for a specific permitted or special use. No accessory building shall be located on an underground utility easement or on a drainage easement or so as to interfere with the easement.
- c. Encroachment. No accessory building, structure, or use shall encroach upon that side yard of a corner lot which is adjacent to the street, upon that side of a reversed corner lot which is adjacent to the street, upon that part of a rear yard, or of a through lot, which is within 35 feet from the street line abutting the rear lot line, or upon a front yard, except as permitted herein for specific uses.
- d. Height of Accessory Buildings. No building or structure, accessory to dwelling uses, shall have more than one story nor exceed 17 feet in height unless otherwise permitted.

2.05. YARDS, GENERAL

- a. Location.

All yards and other open spaces allocated to a building (or group of buildings comprising one principal use) shall be located on the same lot as such building. The maintenance of yards and other open space and minimum lot area legally required for a building shall be a continuing obligation of the owner of such building or of the property on which it is located, as long as the building is in existence. Furthermore, no legally required yards, other open space, or minimum lot area allocated to any building shall, by virtue of change of ownership or for any other reason, be used to satisfy yard, other open space, or minimum lot area requirements for any other building.

- b. Lot Division.

No improved lot shall hereafter be divided into two or more lots and no portion of an improved lot shall be sold, unless all improved lots resulting from each such division or sale shall conform with

all the applicable bulk regulations of the zoning district in which the property is located.

c. Reduction.

No yards, now or hereafter provided for a building existing on the effective date of this Ordinance, shall subsequently be reduced below, or further reduced if already less than, the minimum yard requirements of this Ordinance for equivalent new construction.

2.06. PERMITTED OBSTRUCTIONS IN REQUIRED YARDS

No obstructions shall be permitted in any required yard except as follows:

- a. In any yards: marquees and awnings adjoining the principal building overhanging roof eaves; chimney, if they do not exceed ten percent of the depth of the yard; and ornamental light standards, domestic television and radio antenna, flag poles, arbors, trellises, trees, shrubs, coin operated telephone, permitted signs and outdoor fuel dispensing equipment. On corner lots, obstructions not higher than 30 inches above curb level, if located in that portion of a required front yard or side yard situated within 20 feet of the lot corner formed by the intersection of any two street lines.
- b. In side yards: open accessory off-street parking spaces, except in a side yard abutting a street.
- c. In rear yards: enclosed, attached or detached off-street parking spaces; open off-street parking spaces; accessory sheds; tool rooms; and any farm accessory building; or any similar structures customarily accessory to the principal use; and balconies, breezeways and open porches.

2.07 BUILDING ERECTION AND CONSTRUCTION REQUIREMENTS

- a. Permits. No application for a building permit zoning certificate shall be approved by the Zoning Administrator, and no permit or license shall be issued by any other village department which would authorize the use or change in use of any land or building contrary to the provisions of this ordinance, or the erection, moving, alteration, enlargement or occupancy of any building designed or intended to be used for a purpose or in a manner contrary to the provisions of this ordinance.
- b. Building Construction -- Compliance with District Limitations. No building shall be erected, reconstructed, relocated or structurally altered so as to have a greater height or bulk, or smaller open space about it than permissible under the limitations set forth in this ordinance for the district in which such building is located.
- c. Building Construction -- Open Space Requirements. No space allocated to a building or dwelling group for the purpose of complying with the side, rear or front yard, or court or other open space, or lot area requirements shall thereafter, by reason of change in ownership, be used to satisfy the yard, open space of lot area requirements of any other building or dwelling group.

- d. Building Construction -- Usable Open Space. No usable open space or off-street parking space or loading space existing or provided for any building shall be reduced below the minimum requirements set forth in this ordinance for such usable open space, parking space, or loading space, nor further reduced if already less than such minimum requirements.
- e. Lot Area and Dimension. Any single lot or parcel of land which was of record on July 1, 1982, that does not meet the requirements for yards or usable open space, may be utilized for a permitted use; provided, that front and rear yards are not less than seventh-five percent of the required minimum and that side yards shall not be not less than 3 feet.
- f. Building Location. Except as otherwise provided for in this ordinance, every building shall be constructed or erected upon a lot, or parcel of land, which abuts upon a public, fully dedicated street or permanent easement of access to a public street.
- g. Buildings Under Construction. Nothing in this ordinance shall be deemed to require any change in the plans, construction or designated use of any building upon which actual construction was lawfully begun prior to the adoption of the ordinance and upon which building construction is diligently carried on; provided, that such building shall be completed within one year from the date of passage and publication of the ordinance.
- h. Accessory Buildings. Conformance to Regulations Applicable to Main Buildings.

Where an accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations pertaining to the main building.
- i. Accessory Building Placement. An accessory building may not be located nearer to any interior lot line than that permitted for the main building, when any part of the accessory building is on line with the main building if extended. However, subject to restrictions on buildings with easement when an accessory building is located in the rear yard, it may then be located within three feet of an interior lot line, but not nearer than five feet of the rear lot line.
- j. Accessory Building, Construction Prior to that of Main Building. An accessory building shall not be erected more than 60 days prior to the establishment or construction of the main building to which it is accessory.
- k. Accessory Building, Prohibited Locations. No accessory building shall be located on a reversed corner lot beyond the front yard required on the adjacent lot to the rear, nor be located nearer than three feet to the side lot line of the adjacent lot.
- l. Excavation, Zoning Certificate. The excavations from or deposits on the earth of rock, stone, gravel, sand, earth, minerals, or building or construction materials shall not be construed to be permitted use in any district established by this ordinance unless and until a land use zoning certificate

has first been secured therefore, except for the following defined extractions and deposits:

1. Excavations for the foundation or basement of any building or for a swimming pool for which a land use permit or a building permit has been issued, or deposits on the earth of any building or construction materials to be used in a structure for which such zoning permit and building permit has been issued.
2. Grading of any parcel of land for a permitted use where no bank is left standing and exposed of more than ten feet in vertical height, or when less than one thousand cubic yards of earth is removed from the premises.
3. Grading in a subdivision which has been approved by the Village in accordance with the Village subdivision regulations and any amendments thereto.
4. Excavation by any public agency or public utility for the installation, operation, inspection, repair or replacement of any of its facilities.

2.08 PROCEDURE FOR ZONING OF TERRITORY TO BE ANNEXED OR ANNEXED TERRITORY

All land which may hereafter become a part of the Village of Chatham, Illinois as a result of annexation shall be classified and placed in zoning districts in the following manner:

- a. Automatic Zoning. Unless otherwise provided pursuant to an annexation agreement, any area which is annexed to the Village shall automatically be classified P-1, Pre-Urban District. Only those uses actually in effect on the date of annexation, or uses permitted in both the R-1 zone and the P-1 zone, may continue until such time as the lot is rezoned from P-1 to some other classification.
- b. Procedures in Event of An Annexation Agreement. When land is annexed pursuant to an annexation agreement, which contains provisions relating to zoning, all hearings which would be required with respect to such zoning provisions if the land were already in the Village shall be conducted prior to the Village's execution of the annexation agreement.

2.09 INCORPORATION OF THE ZONING MAP.

The location and boundaries of the districts established by this ordinance are set forth in the "Zoning District Map", dated November, 1994, as amended from time to time by subsequent ordinances amending or adding to same, which is hereby incorporated as part of this Ordinance. The Zoning Map, including all amendments thereto, shall be as much a part of this ordinance as if fully set forth and described herein. Said map shall be filed with the office of the Village Clerk and shall be made available to public reference at all times during which those offices are open.

2.10 MISCELLANEOUS.

- a. Unclassified or Unspecified Uses. In case of uncertainty where the Zoning Administrator is unable to determine literally whether a use is permitted as a principal or accessory use, he shall consult the Zoning Board of Appeals

for an interpretation.

- b. Temporary Uses. Temporary uses such as real estate field offices or shelters for materials and equipment being used in the construction of a permanent structure may be permitted by the Zoning Administrator through the issuance of a certificate for a period not to exceed six months. This temporary certificate may be renewed semi-annually but in no case shall the effective space of the certificate exceed two years.
- c. Flood Hazard Area. No building or structure other than those accepted by this ordinance shall be erected within the flood plain boundary illustrated on the Zoning District Map. The flood plan area shown on the map is derived from the Flood Hazard Boundary Map for Chatham and vicinity prepared by the U.S. Federal Emergency Management Agency, Federal Insurance Administration.

2.11 EXCEPTIONS.

- a. Exceptions to Use Regulations. The following uses are exempted in all districts by this ordinance and permitted by right: public rights-of-way by easement; telephone booths; poles, towers, wires, cables, conduits, vaults, laterals, pipes, mains, valves, or any other similar distributing equipment for telephone or other communication and electric power, gas, water and sewer lines.
- b. Exceptions to Height Regulations. The height limitations of this ordinance shall not apply to the following structures: cooling towers, church spires, belfries, cupolas, elevator bulkheads and domes not intended for human occupancy; monuments, water towers, transmission towers, chimneys, smoke stacks, derricks, conveyors, flag poles, radio towers, masts, aerials and necessary mechanical appurtenances.

CHAPTER 3: ZONING DISTRICTS

3.01 ESTABLISHMENT OF DISTRICTS

In order to carry out the purposes and provisions of this ordinance, the following districts are hereby established:

- a. PREURBANIZED DISTRICT.

- P-1 Preurbanized District.

- This district provides for low density uses presenting a rural appearance.

- b. RESIDENCE DISTRICTS.

- 1) R-1 Residential, Single Family, Low Density.

- This District is intended to provide a suitable open character for single-family detached dwellings at the lowest densities, and community facilities and public open spaces which serve the residents of these districts or are benefitted by an open residential environment.

2) R1A Residential, Single Family, Low Density.

This District is intended to provide a suitable open character for single-family detached dwellings at low densities, and community facilities and public open spaces which serve the residents of these districts or are benefitted by an open residential environment

3) R-2 Residential, Single Family and Two-Family, Low Density.

This District is intended to provide a suitable open character for single and two-family detached dwellings at medium densities, and community facilities and public open spaces which serve the residence of these districts or are benefitted by an open residential environment at medium densities.

4) R-3 Residential District, Multiple Family, Medium Density.

This District provides a suitable open character for multiple family dwellings at medium densities and community facilities and public open spaces which serve the residents of these districts or are benefitted by an open residential environment at medium densities.

5) RM-4 Residential-Mobile Home

This District allows exclusively mobile home parks.

6) RO-5 Residential-Office, Duplex and Multiple Family, High Density. (Obsolete)

This zoning district classification, allowed by the 1982 Zoning Ordinance, provided for a mixture of single duplex and multiple family residences and offices. It is considered to be a potential transitional district to serve as a buffer between business and residential areas and business and industrial areas. The Village Board hereby declares this zoning classification to be obsolete and no longer appropriate for the Village of Chatham. No further rezonings to this classification will be allowed. Properties zoned RO-5 as of the date of this ordinance shall continue to be subject to the use regulations for the RO-5 zone contained in the 1982 Ordinance. They shall be subject to the height and bulk regulations contained in the Schedule of Height and Bulk Regulations by Districts, Section 3.05 hereto.

c. BUSINESS DISTRICTS.

1) B-1 Community Business District

This District provides for community wide retail shopping and personal services. It is intended to be located to serve a wide area and be easily accessible to a large number of people.

2) B-2 General Business District

This District provides for the business and services needed by the population of the community.

d. INDUSTRIAL DISTRICTS.

1) I-1 Restricted Performance Manufacturing.

This District provides for a range of light manufacturing uses.

2) I-2 General Performance Manufacturing.

This District provides for heavier manufacturing uses than I-1, or uses creating appreciable truck and/or train usage.

e. PLANNED UNIT DEVELOPMENTS -- See Chapter 4.

3.02 INCORPORATION OF MAPS.

The location and boundaries of districts established by this ordinance are shown upon the zoning map, dated November, 1994, as amended from time to time by subsequent ordinance amending or adding to same, which is hereby incorporated as a part of this Ordinance.

3.03 BOUNDARIES OF DISTRICTS.

When uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning District Map, the following rules shall apply:

- a. District boundary lines are either the center lines of railroads, highways, streets, alleys, or easements; and lot lines and tract lines, or such lines extended, unless otherwise indicated.
- b. Wherever a district is indicated as a strip adjacent to and paralleling a railroad, highway or street, the depth of such strips shall be in accordance with dimensions shown on the maps measured at right angles from the center line of a railroad, street or highway, and the length of frontage shall be in accordance with dimensions shown on the map from the center lines of railroad, highway or street rights-of-way unless otherwise indicated.
- c. Where a district boundary line divides a lot in single ownership, the regulations for either portion of the lot may, at the owner's discretion, extend to the entire lot, but not more than 25 feet beyond the boundary line of the district.

3.04 SCHEDULE OF USE REGULATIONS BY DISTRICTS

The following schedule sets forth the permitted uses and special uses for the various zoning districts.

a. PREURBANIZED DISTRICT, P-1

Permitted Uses

Agriculture
~~Animal Hospital~~
Home Occupations
Residences, Single Family
~~Veterinary Clinic~~

Special Uses

Campgrounds
Cemeteries and Mausoleums
Churches
Fruit and Vegetable Stands
Golf Courses
Greenhouses
Heliports and Airports
Historic Sites
Kennels
Nurseries
Nursery School
Parks, Public
Planned Unit Developments
Police and Fire Stations
Private Outdoor Recreation (including stables)
Public Outdoor Recreation
~~Satellite Receiving Station or Uplinks, Commercial~~
Schools, Elementary and High
Wildlife Game Preserve

b. RESIDENTIAL, SINGLE FAMILY, LOW DENSITY, R-1

Permitted Uses

Home Occupations
Public Open Spaces
Single-Family Dwelling Units

Special Uses

The following institutional uses, provided that principal buildings shall be located not less than 20 feet from adjoining lot lines in a residential district.

Cemeteries
Churches
Day Care Home
~~Golf Course~~
Police and Fire Stations
Private Outdoor Recreation Centers
Private Swimming Pool
Public Libraries
Public Open space, including customary public parks
Public Outdoor Recreation Centers
Schools, Public or Private, to be used for elementary, junior and senior high, with adjacent space for playgrounds, athletic fields, dormitories and other accessory uses required for operation
Seminaries, convents, monasteries and similar religious institutions, including dormitories and other accessory uses required for operation

c. RESIDENTIAL, SINGLE FAMILY, LOW DENSITY, R-1A

Permitted Uses

Same as R-1 District

Special Uses

Same as R-1 District

d. **RESIDENTIAL, SINGLE FAMILY AND TWO-FAMILY, LOW DENSITY, R-2**

Permitted Uses

Same as R-1 District
Duplexes

Special Uses

Same as R-1 District

e. **RESIDENCE DISTRICT, MULTIPLE FAMILY, MEDIUM DENSITY, R-3**

Permitted Uses

Day Care Homes
Multiple Family, Attached Dwelling Units
Congregate Housing

Special Uses

Same as R-1 District
Nursing Homes
Family Care Facility
Group Care Facility
Shelter Care Facility

f. **RESIDENCE-MOBILE HOME DISTRICT, RM-4**

g. **RESIDENCE-OFFICE DISTRICT**
(Obsolete -- See Appendix A)

h. **COMMUNITY BUSINESS DISTRICT, B-1**

Permitted Uses

Antique, Coin, Stamp and Other Collectibles Shop
Art Galleries
Art Supplies
Banks and Financial Institutions
Barber Shops
Beauty Parlors
Bed and Breakfast
Book Stores
Restaurants without drive-through facilities
Camera and Photographic Supply
Candy Shops
Churches
Clubs -- Private
Convenience Stores, no gasoline sales
Day Care Center
Delicatessens

Dress Making
Drug Store without liquor sales
Dry Cleaning
Funeral Homes
Gift Shops
Ice Cream Shops
Jewelry Stores
Laundromat
Libraries
Locksmith Shops
Millinery Shops
Museums
Offices
Parking, Off-street
Shoe Repair
Stationery store
Tailor Shops
Video Sales and Rentals

Special Uses

Animal Hospital without outside runs or boarding
Community Centers
Fire Stations
Health Service Facility
Owner-occupied Dwelling Units Above First Floor
~~Satellite Receiving Station or uplinks, commercial~~
~~Private Club or Lodge~~

i. GENERAL BUSINESS DISTRICT, B-2

Permitted Uses

Uses permitted in the B-1 District

Advertising sign shops
Animal Hospitals ~~without outside runs and boarding~~
Auction houses and rooms, excluding livestock
Auto Parts
Automobile service stations
Automotive repairs and auto body repair and painting
Bakers
Banquet Halls
Boat Sales
Bicycle stores, sales, rentals and repairs
Blueprinting establishments
Bowling alleys
Building material sales without outdoor storage
Business machine sale and services
Business schools
Carpet and rug stores
Casket and casket supplies
Catering establishments
Clothing and costume rental establishments
Commercial printing
Community centers
Construction offices
Crematorium
Currency exchanges
Dance halls

Diet centers
Dental laboratories
Department stores
Drug sales with liquor sales
Electric shops
Electrical appliance stores
Electronic sales and service
Exterminating
Feed stores
Frozen food shops and lockers
Fuel sales, retail only
Furniture stores
Furrier shops
Garages
Garden supply stores
Greenhouses
Grocery stores
Gymnasium
Hat and repairs
Hardware stores
Hobby shops
Hotels
Household appliance stores
Ice sales, retail only
Interior decoration shops
Laundries
Leather goods
Liquor stores
Mail order houses
Meeting halls
Medical appliances
Medical laboratories
Motels
Motor vehicle equipment sales
Motor vehicle sales
Musical instrument, sales and repairs
Newspaper offices
Office supply stores
Orthopedic appliance stores
Paint
Parking, commercial
Pet shops
Pawn shops
Photographic, studio, sales and service
Picture framing
Plumbing shop
Private Club or Lodge
Pool Halls
Post office
Radio broadcasting
Recording studios
Recreation building
Research laboratories
Restaurants, with drive-through facilities
Restaurants and bars with live entertainment and dancing
School supply stores
Schools, dance, music
Sewing machine sales and service
Shoe stores
Skating rinks, indoor
Small engine repair
Sporting goods

Swimming pools, indoor
Taverns
Taxidermists
Telephone offices
Testing laboratories
Television broadcasting studios
Theaters
Toy stores
Trade schools
Trailer sales
Transportation ticket offices
Travel bureaus
Variety stores
Video arcades
Vending machines, sales and service
Wholesale establishments - storage limited to samples
All retail uses compatible with the foregoing list

Special Uses

~~Animal Hospital with outside runs or boarding~~
Antenna towers
Car Wash
Electrical distribution centers
Fire stations
Hospitals
Police stations
Private outdoor recreation centers
Public outdoor recreation centers
Zoo

j. **RESTRICTED PERFORMANCE MANUFACTURING, I-1**

Permitted Uses

- (a) Uses permitted in the I-1 District are subject to the following condition: Dwelling units and lodging rooms are not permitted, except for watchmen's quarters.
- (b) The following uses are permitted in the I-1 District:
- (1) Any establishment, engaged in production, processing, cleaning, servicing, testing, repair or storage of materials, goods, or products.
 - (2) The following additional uses:

Arenas, open or enclosed
Auditoriums, open or enclosed
Auto laundries
Automobile service stations
Building material sales with outside storage
Bus terminals and garages
Cartage and express facilities
Construction equipment storage
Contractors' office, shops and yards
Dental service facilities
Dry cleaning plant
Dwelling units for watchmen and their families,
when located on the premises where employed

Electric, wholesale
Electric, gas, telephone and water service substations
Extermination
Feed sales and service
Fertilizer sales and services
Fire stations
Food locker
Fuel sales
Furniture, repair and upholstery
Garages for storage, repair and servicing of
motor vehicles
Gas regulator stations
Grain elevators
Greenhouses - wholesale
Highway maintenance shops and yards
Hotels sleeping, lodging, eating and related facilities
Ice sales
Laundries
Machinery sales
Mail order houses
Medical service facilities
Motor freight terminals
Offices and lodges of labor organizations
Packing and crating
Police stations
Publishing establishments
Railroad passenger stations
Recreational center building (public and private)
Restaurants - including the sale of liquor in conjunction
therewith
~~Satellite Receiving Station or uplink, commercial~~
Stadiums, open or enclosed
Taverns
Telephone exchanges
Telephone transmission equipment buildings
Temporary buildings for construction purposes for a
period not to exceed the duration of such construction
Temporary real estate tract offices, for the purposes of
conducting the sale of lots of the tract upon which
such tract office is located, for a period not to
to exceed two years
Truck wash
Waterworks
Warehouses
Weighing stations
Wholesale establishments
Accessory uses, incidental to and on the same lot and
zoning district as the principal use

Special Uses

Airports, private and commercial
Auxiliary facilities
Flying schools
Grain elevators
Hangars
Heliports and other flight strips

k. GENERAL PERFORMANCE MANUFACTURING; I-2

(1) Permitted Uses

All permitted uses in I-1

Air-freight terminals
Fertilizer manufacturing
Railroad-classification yards
Railroad-freight terminals
Railroad-switching yards
Railroad-repair shops
Roundhouses

(2) Special Uses

Same as I-1

Bulk Fuel Sales
Junk Yards
Sanitary landfill
Radio and TV transmitting or relay stations and antennas
Utility-transmission towers
Extraction of minerals

1. **PLANNED UNIT DEVELOPMENT**

See Chapter 4.

3.05 SCHEDULE OF HEIGHT AND BULK REGULATIONS BY DISTRICTS.

Dimensions requirements by district shall be as follows:

<u>District</u>	<u>Minimum Area (Sq.Ft.)</u>	<u>Minimum Width (Feet)</u>	<u>Minimum Yard Setbacks (feet)</u>			<u>Side</u>		<u>Maximum Bldg. Height (Feet)</u>
			<u>Front</u>	<u>Rear</u>	<u>Interior</u>	<u>Corner</u>		
P-1	43,560	180	30	30	25	30	35	
R-1	12,000	80	30	30	10	30	35	
R-1A	10,000	70	30	25	8	25	35	
R-2	10,000 per dwelling unit	70	30	25	8	25	35	
R-3	3,500 per dwelling unit	70	25	25	5	25	50b	
R-M4	10,000	65	30	25	8	25	35	
R-O5 (obsolete)	1,500 per office	60	20	20	5	20	30	
B-1	None	None	20a	20	None c	None	35	
B-2	None	None	20a	20	None c	None	50b	
I-1	None	None	25	None	10d	None	50b	
I-2	None	None	20a	None	10d	None	80b	
PUD	xxxxxxxx See Note e xxxxxxxxxxxxxxxxxxxx							

- a. Where adjacent structures have front yard setbacks different from those required, the minimum front yard setback shall be the average setback of such structures.
- b. Buildings over 35 feet in height shall have an additional 5 feet of side yard for each ten feet of height over 30 feet.
- c. A lot within a B District abutting a lot within an R District shall maintain a side yard equal to one-half the front yard required in the abutting R District.
- d. A lot within an I District abutting a lot within an R District shall maintain a side yard of twenty-five feet, and not permit parking of automobiles closer than five feet to the R District lot.
- e. A lot within a PUD district abutting a lot within an R District shall maintain a setback from the boundary of the R District of one-half the lot width required in the abutting R District.

CHAPTER 4: PLANNED UNIT DEVELOPMENTS

4.01 DEFINITIONS.

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

Developer. The person, firm or corporation proposing to develop the Planned Unit Development. If such person is different from the owner of record, the owner of record shall join in all submissions required by this Chapter.

Net Development Area. An arithmetic value determined for the purpose of calculating the allowable number of dwelling units. The net development area shall be determined by subtracting from the total planned unit development area the area set aside for:

- a) Right of way;
- b) Churches;
- c) Schools
- d) Commercial, offices, and other non-residential uses;
- e) Water bodies except where the shoreline has been incorporated in the common open space plan; provided that in no case shall the submerged land constitute more than 10% of the net development area.

Open Space. Land or water that is not built upon or used for parking and is used for creation, conservation, or aesthetic purposes. To qualify as open space under this chapter, the land:

- a) Must be owned in perpetuity by a homeowner or property owners' association;
- b) Cannot be required side, rear or front yards;
- c) Cannot be a right-of-way or easement; and
- d) Must have guaranteed access.

Planned Unit Development. A subdivision or development having a PUD zoning district classification that allows the development of ten or more acres of land with variations of some of the restrictions of standard zoning and subdivision regulations.

4.02 PURPOSE.

Traditional land development through subdivision is in general designed to apply to individual lots, sometimes making innovative, creative, and efficient land development more difficult than necessary. It is the purpose of a planned unit development to provide innovation, creativity and efficiency by:

- a) Producing a development which would be as good as or better than traditional development;
- b) Permitting developments which will provide a desirable and stable environment in harmony with the surrounding area and in accord with adopted plans for the Village.
- c) Permitting flexibility that will encourage a more creative approach in the development of land, which will result in a more efficient, aesthetic and desirable integration of open space with housing and other land uses.

d) Protecting and preserving scenic and natural features such as streams, trees and topographic features;

e) Permitting development of more energy efficient living areas by encouraging bicycle and pedestrian circulation facilities which will reduce reliance on automobiles, allowing for the proper orientation of streets, lots, and buildings to facilitate current and future solar energy application, and in general promoting a way of life that will lessen the consumption of scarce energy resources;

f) Encouraging a more stable neighborhood by permitting a mixture of housing types.

4.03 PERMITTED USES.

The planned unit development district allows all permitted uses and conditional permitted uses in all districts of the Chatham Zoning Ordinance except for the RM4, I-1 and I-2 districts. The uses may be mixed if arranged in such a way as to ensure compatibility among users.

4.04. MINIMUM SIZE.

The planned unit development must be at least ten acres in area and of reasonable dimensions to allow a practical arrangement of improvements, open spaces, and land uses.

4.05. VARIANCE.

The provisions or requirements of this chapter may be varied by the Village Board upon application to the Planning Commission at the time of the Preliminary PUD Application submission. The planning commission shall make whatever recommendations it deems in the best interest of the Village with respect to the requested variance and the Village Board shall either approve or reject such recommendation as a part of its approval of the planned unit development zoning classification.

4.06. MAXIMUM DENSITY.

a) The aggregate residential densities within a planned unit development shall not exceed 35 persons per acre of the net development area. Computation of the net development area shall include public parks and open space. Computation of the net development area shall not include non-residential areas or rights-of-way. Water bodies will be included in the computation of the net development area when the shorelines are incorporated in the common open space plan; provided that in no case shall the submerged land constitute more than 10% of the net development area.

b) To calculate the persons per acre of the net development area for compliance with this density requirement, the following schedule of persons per unit in single, duplex, and multiple family dwellings shall be used:

Bedrooms per Dwellings Unit in Duplex and Multiple Family Dwellings	Persons per Unit
0 Bedroom	1.0
1 Bedroom	1.5
2 Bedrooms	2.4
3 Bedrooms	3.0
4 Bedrooms	3.5
For single-family dwellings	3.5

4.07. PROCEDURE

a) The procedure for approval of PUDs consist of the following discrete steps in the following order:

- 1) Preapplication conference (optional)
- 2) Conceptual PUD Submission Plan
- 3) Preliminary PUD Plan
- 4) PUD Zoning Application
- 5) Plat/Plan Submission
- 6) Construction Plan submission

b) In order to obtain a PUD zoning classification, the procedures set forth in this chapter must be followed step by step without variation or exception. When a PUD classification has been granted, the approved site plans and supporting documentation shall control use of land, regulate the spacing and height structures, control use of signs, and outline any deviations from the zoning and subdivision regulations of the Village. Where no indication or exception is given to the zoning or subdivision regulations of the Village, the requirements of the appropriate section of the zoning or subdivision regulations shall apply.

4.08 PREAPPLICATION CONFERENCE.

To assist developers in the preparation of a planned unit development, a pre-application conference with the Zoning Administrator may be requested by the developer. The purpose of the meeting will be to ensure that the developer fully understands the procedures and required submissions necessary for obtaining a PUD zoning classification as well as to make an initial assessment as to the suitability of the site for a PUD. The Zoning Administrator shall point out any potential problems that might be anticipated and make suggestions for their resolution, if resolution is possible. Within ten days following the conference, the Zoning Administrator shall inform the developer in writing to proceed with the Conceptual PUD submission. If the Zoning Administrator has ascertained that there are problems with the site, he shall so inform the developer in his letter and make clear that the problem or problems must be addressed before approval of the PUD submission and resolved prior to Preliminary Plan approval by the Planning Commission.

4.09 CONCEPTUAL PUD SUBMISSION.

a) The first stage of the PUD process is submission of a conceptual submission consisting of the location map, along with a narrative describing the developer's plans for the planned unit development including, but not limited to:

- 1) A general description of the proposed site.
- 2) The overall concept for development, including the type of land uses to be included, their approximate location, and the approximate percentage of the development that the land uses will occupy.
- 3) A preliminary sketch of automobile and pedestrian circulation systems, and
- 4) The availability and adequacy of utilities to serve the development.

b) The purposes of the conceptual PUD submission is:

- 1) To enable the technical personnel of the Village to formally address the adequacy of utilities to serve the site.

- 2) To make a preliminary assessment of the impact of the planned unit development of the vicinity and the Village as a whole.
- 3) Insure that the proposal is in accord with the official Village plan, and
- 4) To determine if the proposed planned unit development is in accord with the purposes of the PUD District.

4.10 REVIEW OF CONCEPTUAL PUD SUBMISSION

a) The owner/developer shall submit to the Zoning Administrator 12 copies of the location map and other required submissions. The Planning Commission shall, after consultation with the Village's Consulting Engineer, complete its review within 30 days and direct any comments in writing that they might have to the Village Board. The Planning Commission shall indicate if the developer should or should not proceed with the Preliminary Plan before any problems the Planning Commission has identified, if any, are resolved.

b) After all the comments of the Planning Commission have been received, the Village Board shall consider the Conceptual PUD Submission at its next regularly scheduled meeting and by resolution approve, disapprove or approve subject to modification, the Conceptual PUD Submission.

4.11 TECHNICAL REQUIREMENTS FOR LOCATION MAP.

The location map shall consist of data added to an existing base map such as a United States Geological Survey map, a township base map that can be obtained from the regional planning commission office, or other base map to a suitable scale covering an area of at least a one-mile radius from the tract proposed for a planned unit development. If possible, the map should be no smaller than 8-1/2 inches by 14 inches. The location map shall show the following information:

- a) The outline of the proposed planned unit development with approximate boundary dimensions and total acreage;
- b) Existing streets and principal utility lines of adjacent property expected to serve the PUD;
- c) North point, scale, and date;
- d) The title of the proposed PUD along with the names and addresses of the owner/developer, engineer, and professional land surveyor;
- e) A legal description for the property;
- f) The approximate percentage of the planned unit development to be occupied by the proposed land uses along with a sketch showing their approximate location in relation to proposed streets and pedestrian ways;
- g) The approximate densities of the areas within the PUD which will be occupied by dwelling units. This information should be presented for the project as a whole and for the individual areas within the PUD which will be occupied by different housing types;
- h) A signed statement by the owner/developer or his agent stating that the owner/developer holds fee title to the land for the proposed PUD.

4.12 PRELIMINARY PUD PLAN PROCEDURE.

a) Following notification from the Zoning Administrator that the Conceptual PUD Submission is approved, the developer shall file 12 copies of the Preliminary Plan in the office of the Village Zoning Administrator at least ten days before the meeting of the Planning Commission.

b) The Preliminary PUD Plan shall include sufficient information and drawings at a fixed scale along with written statements to properly document all items called for below. The submissions shall include:

- 1) The name of the proposed PUD.
- 2) The name of the owner and developer of the PUD. If the owner or developer is a trust, the beneficiaries of the trust shall be listed in an affidavit.
- 3) The layout of the vehicular circulation system. A traffic analysis is required where the number of dwellings for the PUD exceeds 200. This shall include the assignment of traffic generated by the PUD on the existing street network and those streets included in the comprehensive plan. The area on which traffic volume assignments shall be made includes all street sections where the traffic volume attributable to the PUD would be equal to or greater than 10% of the total after the surrounding area is developed at the density permitted under its current zoning.
- 4) The layout of the pedestrian circulation system.
- 5) Identification of outstanding topographical problems, if any.
- 6) The approximate location of lot lines for the exchange of ownership, if any.
- 7) The location, quantity, and use of open space along with a maintenance plan in general terms.
- 8) The control over height, spacing and setback of structures, given by individuals areas within the proposed planned unit development. The restrictions shall be stated in the same terms that are used in the zoning code.
- 9) The general drainage pattern within the proposed planned unit development and general plans for retention.
- 10) The proposed parking facilities stated in ratios as they are in the zoning acct.
- 11) The general development schedule, particularly indicating phases if the planned unit development is to be constructed over a period of years.
- 12) A statement granting blanket easements to the appropriate utilities.
- 13) A list of uses to be included in the planned unit development. Separate lists shall be prepared for individual areas or phases within the planned unit development.
- 14) Illustrate the location of the land uses.

- 15) Indicate the approximate quantity of land area to be devoted to each land use.
- 16) Explain how the planned unit development land uses relate to the surrounding area.
- 17) Give the population density in terms of persons per acre of the net development area for the project as a whole and for the areas to be developed individually.
- 18) Floor area ratios for non-residential uses.

4.13 TENTATIVE APPROVAL

a. At its first regularly scheduled meeting after receipt of the Village's Consulting Engineer's comments regarding the Preliminary PUD Plan, the Planning Commission shall review the Plan and shall make a recommendation to the Village Board regarding the Plan. In formulating its recommendations the Planning Commission shall make written findings as to each of the following issues:

(1) whether the PUD will meet the use and density requirements of this ordinance, including sections 4.03 through 4.07.

(2) whether the proposals for maintenance and conservation of the common open space are reliable.

(3) whether the proposed planned unit development shall retain as much of the natural features of the site as is feasible including but not limited to:

- i. Existing trees.
- ii. Natural water bodies
- iii. Steep slopes.

(4) Whether provision for public services, control over vehicular and pedestrian traffic, and the amenities of light and air, recreation, and visual enjoyment is adequate.

(5) In the case of a proposed planned unit development which contemplates construction over a period of years, whether the terms and conditions intended to protect the interest of the public and of the residents, occupants and owners of the proposed planned unit development in the total completion of the project are adequate.

(6) Whether the proposed planned unit development will not have an unreasonably adverse impact upon the area in which it is proposed to be established.

(7) Whether the proposed planned unit development is in accord with the general purposes of planned unit development set forth in this ordinance.

b) If upon meeting, the Planning Commission finds that the proposed Preliminary Plan and documentation satisfies the requirements of this chapter, the chairman of the Planning Commission shall certify the approval of the commission of the plan in substantially the following language:

The Preliminary Plan as shown herein is recommended for approval.

Dated: _____

By: _____

c) No Preliminary Plan shall be approved by the Planning Commission unless there has been a prior review by the Village's Consulting Engineer .

4.14 REVIEW OF PRELIMINARY PLAN BY VILLAGE BOARD

The Planning Commission shall forward its findings and the minutes of its meeting to the Village Board, which shall by resolution approve or disapprove the Preliminary Plan meeting. Approval of the Plan shall be conditional on zoning.

4.15 ZONING PROCEDURES.

a) Once the Preliminary PUD Plan has been approved by the Village Board, the petition for PUD zoning may be filed for consideration at a public hearing by the Planning Commission. The petition for PUD zoning shall be filed and the hearing shall be held in accord with the standard hearing requirements for zoning district amendments, except that each petition shall have attached a copy of the approved Preliminary Plan.

b) Once the Planning Commission has concluded its hearing and made a recommendation to the Village Board, the Village Board may, in accord with standard zoning requirements, approve or deny the petition for PUD zoning, except that if the petition is approved on condition or denied subject to certain requested revisions, the petitioner may immediately file revised Preliminary Plan, and subject to the required approvals as outline above, an amended PUD zoning petition. If the Preliminary Plan and Zoning are approved, the Village President shall sign the Preliminary Plan and documentation and enter them into the official records of the Village.

4.16 SITE PLAN/FINAL PLAT REVIEW.

a) If the Developer intends to sell individual lots within the Planned Unit Development, it shall be platted in accordance with the final plat procedures of the Village Subdivision Ordinance. The approved Preliminary PUD Plan submission shall serve as the Preliminary Plan, for purposes of the Zoning Ordinance. However, only one final plat shall be permitted for a PUD.

b) If the Developer does not intend to sell individual lots within the Planned Unit Development, or if any individual lot will have an internal network of roads, utilities or other facilities, the developer shall submit 12 copies of a Site Plan for the PUD or for the individual lots within the PUD to the Zoning Administrator. Any Site Plan for the individual lots shall be submitted simultaneously with the Final Plat.

c) The Site Plan shall contain, as a minimum, the following information, drawn to scale as in the case of a final plat:

- 1) The name of the PUD, its owner and developer.
- 2) Locations and heights of all buildings.
- 3) Existing and proposed changes in topography at one foot contour intervals.
- 4) The pattern of surface water drainage.
- 5) The location of lot lines and setback lines from the streets and easements.
- 6) The detailed maintenance plan for open space and responsibilities for all public and private improvements.

- 7) The locations of streets, sidewalks, pedestrian and bicycle paths, and the type of pavement and curbs.
- 8) The location of sewers, water mains, utilities and fire hydrants.
- 9) The type and location of the street lighting system.
- 10) The major landscaping plans for the development.
- 11) A certificate lettered on the plan indicating that the owner/developer agrees to abide by the plan for the physical development of the site and that future owners will be required to abide by the same covenant.
- 12) Any proposed restrictive covenants.
- 13) All certificates as required in the case of a final plat.

d. The Site Plan shall be reviewed and approved by the Planning Commission and Village Board using the same procedures and criteria as in the case of a final plat under the Subdivision Ordinances. The Site Plan shall, upon approval by the Village Board, be filed for record by the Developer with the Sangamon County Recorder of Deeds.

4.17 CONSTRUCTION PLANS.

a) After receiving approval of the Preliminary Plan and before approval of the Final Plat and Site Plan, the developer shall submit two sets of construction plans to the Village's Consulting Engineer, one set to the Electric Department of the Village and one set to the Chatham Fire Protection District.

b) The construction plans shall be prepared for the area to be covered by individual final plats or site plans except when specific additional information is requested by the Village's Consulting Engineer.

4.18 REQUIRED INFORMATION.

a) The construction plans shall be submitted on appropriate size sheets (24 inches by 36 inches) and to a minimum scale of one inch equals 100 feet. Construction plans shall contain the following information:

- 1) Cover sheet containing the location of the development; symbols that are used; index to sheets; summary of quantities; scales that are used; appropriate place for approval of the engineer; and the signature and seal of a registered professional engineer.
- 2) North arrow and bench marks with their elevations noted. Bench marks shall be referenced to mean sea level datum as determined by the United States Geological Survey, current datum.
- 3) Plan sheets showing the locations of all existing and proposed streets, right-of-way lines, sanitary sewers, storm sewers, sidewalks, drainage ditches, easements, rear lot drainage, direction of storm drainage flow, survey monuments, water mains, fire hydrants, and any other appurtenance or structure that might influence design considerations.
- 4) Profile sheets indicating the existing ground line and proposed grades and elevations for all proposed streets,

sanitary sewers, storm sewers, drainage structures, drainage ditches and rear lot drainage. Elevations shall be referenced to the current United States Geological Survey datum.

- 5) Typical sections showing right-of-way lines, proposed pavement widths, pavement thickness, base thickness, sub-base thickness, subgrade, crown, curbs and gutters, sidewalks, and design data when required.
- 6) Detailed sheets showing the details of manholes, inlets, catch basins, curb and gutters, drainage structures, and any other structure or appurtenance to be constructed, or reference made to the latest edition of the Standard Specifications for Road and Bridge Construction or the latest edition of Standard Specifications for Water and Sewer Main Construction in Illinois or the latest edition of the Highway Standards published by the State Department of Transportation.
- 7) Design computations for storm sewer design, special structures, and pavement designs when required, certified by a professional engineer.

b) Basic review of the construction plans shall be completed by the Village's Consulting Engineer within 30 days of the submission date. When construction plans have been resubmitted, they will be re-reviewed and returned to the developer's engineer within 14 days, unless review time is extended by the Village's Consulting Engineer in a letter listing reasons for the extension. This letter will be sent to the engineer who submitted the construction plans. When the construction plans have been approved by the Village's Consulting Engineer and the Village's Consulting Engineer has determined that the other Village departments have approved the construction plans, the developer may install the required public improvements.

c) The Village's Consulting Engineer shall notify the developer when the construction plans are approved and shall send a copy of such approval to the Planning Commission. Once the construction plans have been approved, the developer may proceed with the next step.

4.19 STANDARDS FOR APPROVAL OF CONSTRUCTION PLANS.

Construction plans shall meet the requirements of the current Village Subdivision Ordinance except where such requirements have been explicitly waived in the Preliminary PUD Plan approval process.

4.20 MINIMUM DEVELOPMENT STANDARDS.

a) The uniqueness of each proposal for a planned unit development allows that the requirements for the public improvements serving the development and for the location of the building in the development are subject to modification from the requirements of the prevailing land subdivision regulations.

b) The planning commission may, therefore, recommend waivers or modifications of such requirements if it finds that the requirements are not necessary for the best interest of the residents of the development and that such action is not inconsistent with the interest of the entire Village. No such modification shall be less than the standards indicated below. Where no indication or exception is given in the PUD zoning district classification, the requirements shall be as stated in the appropriate portion of the land subdivision regulations except that for private ways the requirements for the ways shall be only as noted below:

- (1) Off street parking.

- i. A minimum number of off-street parking spaces shall be provided as follows:

<u>Building Classification</u>	<u>Minimum Number of Off-Street Parking Spaces</u>
Single-family, two-family	2 space per unit
Multiple-family buildings	2-1/2 spaces per unit

Where on-street parking is not provided, an additional amount of off-street parking spaces shall be provided for guests and others at a minimum of 1/2 space per unit.

- ii. Off-street parking spaces shall be constructed in accordance with the rules and regulations for the zoning code. For residential use, off-street parking facilities shall be located not more than 300 feet from the dwelling served.
- (2) **Setback.** The minimum setback is 20 feet from the public right-of-way.
- (3) **Setback from Adjoining Residential Districts --** see Schedule, Section 3.05
- (4) **Public streets.**
- i. Provisions shall be made for the continuation and extension of thoroughfare streets adjacent to or through a planned unit development in accordance with the street and thoroughfare plan contained in the land subdivision regulations.
- ii. A planned unit development that adjoins or includes an existing street shall have a dedicated additional right-of-way, if needed, to meet the minimum street width requirements called for on the official street and thoroughfare plan of the Village. The entire additional right-of-way shall be provided where the PUD is on both sides of the existing street. When the PUD is located on one side of the street, 1/2 of the right-of-way shall be provided. However, in no case shall the resulting right-of-way be less than 50 feet.
- iii. When a PUD or portion thereof adjoins a major thoroughfare, as indicated on the official street and thoroughfare plan, access shall be reasonably restricted so that ingress or egress to the major thoroughfares shall occur at 400 foot intervals or longer. Residential lots and business and industries development shall be provided with a frontage on a marginal access street or street other than the major thoroughfare. The classifications, planning, design and construction of public streets shall be in accordance with the land subdivision ordinance and Village standards.
- iv. Public alleys shall not be included in a planned unit development. Adequate off-street access to the rear or

side of commercial buildings shall be provided by means of private driveways or streets.

- v. In subdivisions proposed to have streets with an anticipated average daily volume of 2,500 or more, a barrier type, curb and gutter shall be constructed along all public street pavements. curb and gutter shall be similar to type B-6.18 as described in the "State of Illinois, Department of Transportation, Highway Standards" publication. Other locations where barrier type curb and gutter are required will be determined by the engineer for the subdivision with the approval of the Village engineer.
5. Sidewalks shall be provided to permit easy pedestrian movement throughout the development. Sidewalks need not be located adjacent and parallel to the public streets but shall be provided to meet pedestrian desires or needs. Sidewalks located along public streets, and within or leading to dedicated open spaces from public streets, shall be considered as public sidewalks, provided they are located on dedicated right-of-way or easements and constructed in accordance with the subdivision ordinance.
6. Public sanitary sewers shall be provided to serve all platted building lots and be located on public street right-of-way or dedicated utility easements in accordance with the subdivision ordinance.
7. Public storm sewers and open drainage waterways shall be provided to receive surface water drainage from public streets and each platted lot. Surface drainage from any platted lot must not be diverted across another platted lot except by way of a public storm sewer or well-defined waterway on an easement. Drainage facilities within a platted lot serving that lot only shall be privately owned and maintained facilities. Public drainage facilities shall be designed and constructed in accordance with the subdivision ordinance.
8. There shall be no restrictions on the sizes of blocks or the arrangement of lots except that each platted lot must front upon a public or private street.
9. Private ways, common driveways, parking areas and pedestrian walkways may be used as access to buildings and facilities, provided that protective covenants are recorded which perpetuate access easements for the use of these facilities by the owners of the buildings or facilities being served. Private ways for vehicular movement and common driveways shall be of portland cement concrete or shall be surfaced with bituminous concrete on a crushed stone base course. Pavement thickness and width shall be designed to handle the amount and type of traffic expected but in no case shall be less than the following minimums.
 - i. Thickness. Two inches of class I surface course on six inches of CA-6 crushed stone, base course, six inches of portland cement concrete, or one inch of class I surface course on 5-1/2 inches of BAM base course having a marshall stability of 800.
 - ii. Minimum pavement width, 20 feet.

- iii. Dead-end turnaround, 40-foot radius.

CHAPTER 5: SUPPLEMENTAL REGULATIONS

5.01 MOBILE HOME PARK REGULATIONS.

- a. Permitted

Mobile homes are permitted in the RM-4 District. Mobile homes are not permissible in any other district.

- b. Minimum Size.

The minimum size of a mobile home park shall be five acres.

- c. Conformance with the Village Code and State Regulations.

A mobile home park shall conform to all village ordinances and to state law, including but not limited to the Illinois Mobile Home Park Act and Illinois Department of Public Health regulations.

- d. Screening.

Unless adequately screened by existing vegetative cover, a mobile home park shall be screened on all sides by a planting of fast-growing material, capable of reaching a height of fifteen feet or more, such as hybrid poplar, and a permanent evergreen planting such as White Pine or Norway Spruce, the individual trees to be such a number and so arranged that within ten years they will have formed a screen equivalent in opacity to a solid fence or wall. Such permanent planting shall be grown or maintained to a height of not less than fifteen feet.

- e. Drives, Parking Areas and Walkways.

All drives, parking areas and walkways shall be hard-surfaced.

5.02 SPECIAL REGULATIONS APPLICABLE TO ALL ZONES.

- a. Screening.

1. Where outdoor storage of materials, goods and products exists within business or industrial districts, such storage shall be effectively screened by a solid fence, compact hedge or similar opaque landscaped element located on the property of the party storing the material, goods, and products. Such screening shall not extend within fifteen feet of any street or driveway. The screening shall be placed along property lines or, in the case of screening along a street, fifteen feet from the street right-of-way line with landscaping between the screening and pavement. A louvered fence shall be considered solid if it blocks direct vision.

2. Screening between B and R districts shall consist of fences or berms at least six feet above curb level.

- b. Landscaping.

In all but the B-1, B-2, I-1 and I-2 zoning districts, all developed uses shall provide a landscaped yard along the streets.

- c. Animal Hospitals.

Animal hospitals with outside runs shall be located no closer than one hundred feet to any residential district, restaurant, hotel or motel in any district and shall show that reasonable measures and controls shall be taken to prevent offensive noise and odor. No incineration of refuse shall be permitted on the premises.

d. Country Clubs - Golf Courses.

No building shall be located within one hundred feet of any property line.

Facilities such as restaurants and bars may be permitted ~~with~~ when conducted and entered from within the building.

Swimming pools, tennis courts, and the like shall be located not less than twenty-five feet from any property line and adjoining property in any residence or business district shall be effectively protected by a wall, hedge and/or screen planting.

e. Outdoor Lighting.

Whenever outdoor light is to be used to illuminate a property, the lighting fixture shall be so placed that the light rays are generally directed away from adjacent properties.

f. Agricultural Processing Plants.

Agricultural processing plants in any district which process agricultural products produced on the premises or within a contiguous area shall be so located as to provide convenient trucking access with a minimum of interference to normal traffic and shall provide parking and loading spaces. Proponent shall show that adequate measures shall be taken to control odor, dust, noise, and waste disposal so as not to constitute a nuisance and shall show that the proposed source of water will not deprive others of normal supply.

g. Amusement Parks.

Golf driving ranges and amusement parks shall be located on major or secondary thoroughfares or nonresidential streets. Floodlights used to illuminate the premises shall be so directed and shielded as not to be an annoyance to any developed residential property. Golf driving platforms shall be not less than two hundred feet from any adjacent residence district or existing dwelling.

h. Cemeteries.

Cemetery, crematories, and mausoleums shall provide entrance on a major street or road with ingress or egress so designed as to minimize traffic congestion, shall provide required off-street parking space and shall provide a minimum size six-foot high wall or minimum three-foot thick six-foot high evergreen hedge or provide a minimum twenty feet of permanently maintained planting strip on all property lines abutting any R district or residential street.

i. Airports.

Airports or heliports or landing strips for aircraft shall be located no closer than six hundred feet from any dwelling and shall be located so that air or land traffic shall not constitute a nuisance to neighboring uses. Proponents shall show that the field comes within standards of the Federal Aviation Agency for the particular class of field.

j. Community Buildings, Social Halls, Lodges, Fraternal Organizations and Clubs.

All buildings must be a minimum of 10 feet from the side lot lines and twenty feet from the rear lot line. There shall be no external evidence of any gainful activity, however, other than from within the building.

Any such use must be located on or have access to a major or secondary thoroughfare and cause no heavy traffic on local residential streets.

k. Private Stables.

Private stables and paddocks shall be located in the P-1 zone only on the rear half of the lot and not closer than twenty feet to any property line, nor closer than forty feet from any dwelling on the same or adjoining property. The minimum lot area upon which a horse may be kept is one acre and one additional horse may be kept for each twenty thousand feet by which the parcel of land exceeds one acre.

l. Nursing Homes.

Approval must be obtained from proper agencies concerning health and safety conditions and such home must be licensed by such agencies.

m. Retail Sales for Guests Only.

Community buildings, private clubs, lodges, social or recreational establishments and churches may engage in retail sales for guests provided that:

There shall be no external evidence of any gainful activity, however incidental, nor any access to any space used for gainful activity other than from within the building.

There shall be no harm to adjacent existing or potential residential development due to excessive traffic generation or noise or other circumstances.

n. Amusement Centers.

Amusement centers, bowling alleys and similar places of amusement shall provide parking with ingress and egress designed so as to minimize traffic congestion, shall not be less than twenty feet from any property line, shall comply with screening provisions elsewhere in this Ordinance, and shall show that adequate controls or measures will be taken to prevent offensive noises and vibration.

o. Temporary Tract Offices.

Temporary subdivision offices in any district shall be located on the property to which it is appurtenance shall be limited to a six month period at the expiration of which time the applicant may request a further extension of time. Otherwise the subdivision office shall be removed at the expense of the Owner. The office shall meet all yard requirements of the district in which it is located.

5.03 OFF-STREET PARKING REGULATIONS.

a. Purpose.

These regulations are applicable to all zones and are written to help increase safety, less congestion, and reduce storage of vehicles in the streets.

b. Location of Parking Spaces.

Required parking spaces shall be located in a zoning district having the same zoning prefix, i.e.: residential parking in "R" Districts, except that industrial parking spaces may also be located in a "B" District. No parking shall be located in a required front yard. Where applicable, safety curbing or barrier shall be provided to define the limits of the parking area and prevent encroachment into a required front yard.

c. Central Business District.

In the Central Business District (defined as all streets contiguous to the Village Square except Illinois Route 4, and Mulberry Street between Illinois Route 4 and the railroad tracks), each lot owner shall provide off-street parking for its employees in accordance with these regulations; however, each lot owner shall be otherwise required to provide off-street parking in accordance with these regulations only to the extent that required spaces exceed ten in number.

d. Number of Spaces.

The following are the minimum required off-street parking spaces for the particular use:

Amusement parks -- One per each 500 square feet of lot area for public use.

Apartment, Hotels -- One per dwelling unit.

Aquariums -- One per 800 square feet of floor area.

Art galleries -- One per 800 square feet of floor area.

Auditoriums -- One per 5 seats.

Automobile Service Stations -- One per each two employees plus one per owner or manager.

Boarding and Lodging Houses -- One plus one for each two persons for whom living accommodations are provided.

Bowling Alleys -- Five per each alley plus three per each ten persons accommodated by affiliated uses.

Business offices and Banks -- One per 250 square feet of space used per office and one per 200 square feet of space for customers.

Business Schools -- One per each two employees, plus one per each 100 square feet of instruction space.

Churches -- One per five seats.

Community Centers -- 30 per cent of persons accommodated.

Cultural and Civic Institutions -- One per two employees plus one per each 800 square feet of public area.

Dance Halls -- 30 per cent of persons accommodated.

Dancing Schools -- One per each two employees, plus one per each 100 square feet of instruction space.

Dental Offices or Clinics -- One per each examining or treatment room, plus one per doctor, plus one per each three other employees.

Dwelling Units -- One per dwelling unit.

Eating and Drinking Establishments -- One per each 100 square feet of floor area for public use.

Elementary Schools -- Two per classroom.

Fraternity and Sorority Houses -- One plus one for each two persons for whom living accommodations are provided.

Funeral Parlors -- One per funeral vehicle maintained on premises, plus ten per chapel or parlor.

Gymnasiums -- One per five seats.

Governmental Offices -- One per each 3 employees, plus one per 200 square feet of floor area for customers, client or patron use.

High Schools -- Three per classroom.

Hospitals -- One per each three beds, plus one per staff doctor, plus one per each four employees.

Hotels -- One, plus one for each two persons for whom living accommodations are provided.

Junior High School -- Two per classroom.

Libraries -- One per 800 square feet of floor area.

Medical Offices or Clinics -- One per each examining or treatment room, plus one per doctor, plus one per each three other employees.

Mobile Home Parks -- One per mobile home.

Motels -- One per dwelling unit.

Museums -- One per 800 square feet of floor area.

Music Schools -- One per each 100 square feet of instruction space, plus one per two employees.

Non-Business Clubs -- One per each three members.

Nursing Homes -- One per each four beds, plus one per each staff doctor, plus one per each other two employees.

Private Clubs and Lodges -- One plus one for each two persons for whom living accommodations are provided.

Professional Offices -- Two per each five employees, plus one per 200 square feet of floor area for customer, client or patron use.

Retail Sales -- Two for five employees and one for 200 square feet devoted to public.

Savings and Loan Associations -- One per each 3 employees, plus one per 200 square feet of floor area for customer, client or patron use.

Stadiums and Grandstands -- One per five seats.

Swimming Pool (public) -- three per each ten persons accommodated.

Theaters, Indoor -- One per each five seats up to 400, plus one per each three seats over 400.

Tourist Homes and Cabins -- One per dwelling unit.

Trade Schools -- One per each two employees, plus one per each 100 square feet of instruction space.

Transient Trailer Camps -- One per dwelling unit.

Truck Terminals -- one per two employees.

Undertaking Establishment -- One per funeral vehicle maintained on premises, plus ten per chapel or parlor.

Wholesale, Manufacturing and Industrial Plants -- One per four employees.

Wholesale Offices -- two per each five employees, plus one per 200 square feet of floor area for customer, client or patron use.

Zoos -- One for each two employees, plus five per acre of exhibition space.

e. Calculation of Number of Spaces.

In any determination of total parking requirements, any fraction less than one-half (1/2) may be dropped and any fraction of one-half (1/2) or more shall be counted as one (1) parking space.

When a building or structure is erected, the required spaces shall be recorded. If there is an increase or decrease in number of dwelling units, gross floor area, seating capacity, number of employees, or other unit of measurement specified in this text for determining the required parking or loading facilities, and when such increase or decrease results in a requirement for more or less total parking or loading spaces through application of the requirements, the parking and loading spaces shall be increased or may be decreased accordingly.

If any parking is provided for employees, visitors or both, the minimum number of accessible parking spaces to be provided for handicapped persons shall be as set forth in the Illinois Accessibility Code, Ill.Admin.Code, §400.110 et seq., as amended from time to time. As of the date of passage of this Ordinance, the applicable standards are:

TOTAL OFF-STREET PARKING SPACES REQUIRED	REQUIRED MINIMUM NUMBER OF ACCESSIBLE PARKING SPACES
1 to 20	1
21 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7

301 to 400	8
401 to 500	9
501 to 1000	2% of total number
over 1000	20 plus 1 for each 100

f. Size of Spaces.

An accessory off-street parking space must be at least 18 feet long and at least 8 1/2 feet wide, having a minimum loading area of 153 square feet, exclusive of access drives, aisles, ramps, column, or work areas. Handicapped parking spaces must be a minimum of 16 feet wide in addition to the foregoing requirements.

g. Parking Layout Drawing

An application for a zoning certificate for a new or enlarged building, structure or use, shall include therewith a plot plan drawn to scale, and fully dimensioned showing any parking or loading facilities to be provided in compliance with the requirements of these regulations.

h. Multiple Uses.

If groups of buildings contain uses which vary in their parking requirements, the number of parking spaces shall be the sum of the individual requirements for each use. However, where peak parking requirements occur at distinctly different times of the day or at different times of the week as determined by the Zoning Administrator, joint parking facilities may be shared by two or more uses.

i. Use of Parking Facilities.

Off-street parking facilities accessory to residential use and developed in any residential district in accordance with the requirements of this Ordinance shall be used solely for the parking of non-commercial vehicles owned by occupants of the dwelling structures to which such facilities are accessory or by guests of the occupants. Under no circumstances shall required parking facilities accessory to residential structures in residential zones be used for the storage of commercial vehicles, or for the parking of automobiles belonging to the employees, tenants, visitors, or customers of business or manufacturing establishments. In residential districts, motor homes, trailers and campers may be parked only in enclosed garages and buildings or in rear yards. Parking in other yards may be permitted for a period of not to exceed two weeks by written permit from the Zoning Administrator.

j. Surfacing.

All open off-street parking areas containing more than four parking spaces shall be improved with an adequate stormwater drainage system, and paved with a crushed stone base, or equal, not less than six inches thick, and a wearing surface of asphaltic concrete or comparable hard-surfaced, all-weather dustless material not less than two inches thick. All open accessory off-street parking areas containing not more than four parking spaces shall be surfaced and maintained in such manner as to make them dust-free.

k. Lighting.

Illumination of an accessory off-street parking area shall be arranged so as not to reflect rays of light into adjacent districts and streets.

l. Parking Space -- Screening and Landscaping.

All open off-street parking areas for four or more cars and loading areas shall be effectively screened by a wall, a solid fence, or a densely planted compact hedge along any side which adjoins or is directly across a street or alley from a property in a residential district or an institutional property. Such wall, fence or hedge shall be at least four feet but not more than seven feet in height and shall be maintained in good condition.

All open off-street automobile parking areas either created or redesigned and rebuilt subsequent to the adoption of this Ordinance, containing two or more rows of parking stalls and an area of ten thousand square feet or more, shall provide and maintain canopy-type shade trees along with other forms of vegetation hardy to this region, in tree islands and planting strips.

5.04. OFF-STREET LOADING REGULATIONS.

a. General Provisions.

No building or other structure shall be erected and no extensions, major repairs, or substantial alterations shall be made to an existing building or other structure in any zone unless there already exists on the zoning lot, or unless provision is made for the location of the lot concurrently with such erection or change, off-street loading space on the basis of the following minimum requirements.

b. Multiple-family Dwellings, Boarding or Lodging Houses, Dormitories, Fraternity and Sorority Houses, and Apartment Hotels.

Multiple-family dwellings, boarding or lodging houses, dormitories, fraternity and sorority houses, and apartment hotels. One off-street loading space shall be provided for each building having 10,000 to 150,000 square feet of floor area, plus one additional loading space for each additional 150,000 square feet of floor area or fraction thereof.

c. Hotels, Motels, Private Clubs, and Lodges, Containing No Retail Shops, Convention Halls, Auditoriums, Exhibition Halls, or Business or Professional Offices.

One off-street loading space shall be provided for each building having 10,000 to 150,000 square feet of floor area; plus one additional loading space for each additional 150,000 square feet of floor area or fraction thereof.

d. Hotels, Motels, Private Clubs and Lodges, Containing Retail Shops, Convention Halls, Auditoriums, Exhibition Halls, or Business or Professional Offices.

One off-street loading space shall be provided for each building having 10,000 to 150,000 square feet, plus one additional loading space for each additional 100,000 square feet of floor area or fraction thereof.

e. Community Facilities Uses Such as Auditoriums, Colleges, Hospitals, Museums, Nursing Homes, Sanitariums, Schools, and Similar Institutions.

One off-street loading space shall be provided for each building having 10,000 to 150,000 square feet of floor area, plus one additional loading space for each additional 150,000 square feet of floor area or fraction thereof.

f. Public Service and Public Utility Facilities.

(a) Airports, railroad passenger and freight stations, public transit and bus terminals and post offices. One off-street loading space shall be provided for each building having 10,000 to 50,000 square feet plus one

additional loading space for each additional 50,000 square feet of floor area or fraction thereof.

g. Banks and Business Involves No Retail Sales, Professional and Governmental Offices, and Medical Clinics.

One off-street loading space shall be provided for each building having 10,000 to 150,000 square feet, plus one additional loading space for each additional 150,000 square feet of floor area or fraction thereof.

h. Retail or Service Establishments and Eating and Drinking Establishments.

Retail or service establishments and eating and drinking establishments. Off-street loading spaces shall be provided in accordance with the following table:

<i>Square Feet of Floor Area</i>	<i>Minimum # of Spaces</i>
5,000 to 9,999	1
10,000 to 24,999	2
25,000 to 39,999	3
40,000 to 100,000	4

For each additional 100,000 square feet of floor area, or fraction thereof in such a building, one additional loading space shall be provided.

i. Amusement Facilities.

(1) Bowling alleys, dance halls, gymnasiums, skating rinks, recreation centers, and similar facilities. One off-street loading space shall be provided for each building having 10,000 to 150,000 square feet of floor area, plus one additional space for each additional 150,000 square feet of floor area or fraction thereof.

(2) Theaters. One off-street loading space shall be provided for each building having 8,000 to 50,000 square feet of floor area, plus one additional space for each additional 50,000 square feet of floor area or fraction thereof.

j. School, Business, Dance, Music or Trade.

One off-street loading space shall be provided for each building having 10,000 to 150,000 square feet of floor area, plus one additional space for each additional 150,000 square feet of floor area or fraction thereof.

k. Undertaking Establishments and Funeral Parlors.

One off-street loading space shall be provided for each building having up to 25,000 square feet of floor area, plus one additional space for each additional 25,000 square feet or fraction thereof.

l. Wholesale, Manufacturing and Industrial Plants.

In wholesale, manufacturing and industrial plants, including warehouses and storage building and yards, contractor equipment and lumber yards, business service establishments such as blueprinting and engraving, soft drink bottling establishments, breweries, fabricating plants, research laboratories, and all other establishments devoted to production, processing, cleaning, servicing, testing, or repairing of materials, goods or products. One off-street loading space shall be provided for each building having 5,000 to 39,999 square feet of floor area; two off-street loading spaces shall be provided for each

building having 40,000 to 100,000 square feet of floor area, plus one additional space for each additional 100,000 square feet of floor area or fraction thereof. Each such loading space for buildings over 10,000 square feet shall be not less than 50 feet in length.

m. Other Uses.

Uses not specifically listed in this division. Off-street loading spaces shall be provided in accordance with requirements heretofore set forth for the most similar uses.

n. Size of Loading Spaces.

A required off-street loading space shall be not less than 10 feet in width, 14 feet in height, and 25 feet in length, exclusive of access aisles and maneuvering space, unless otherwise specified.

o. Location of Off-Street Loading Spaces.

All required off-street loading spaces shall be located on the same zoning lot as the use to be served. No loading spaces for vehicles of more than two-ton capacity shall be closer than 50 feet to any property in a residence district unless completely enclosed by building walls, or a uniformly painted solid fence or wall, or any combination thereof, not less than six feet in height. No permitted or required off-street loading space located in a required rear yard shall be open to the sky.

p. Regulation for Access of Off-Street Loading Facilities.

Each required off-street loading space shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movements and subject to approval by the city traffic engineer.

q. Regulations for Surfacing of Off-Street Loading Facilities.

All open off-street loading spaces shall be improved with a durable hard surface pavement. The pavement shall be equal to or superior to a pavement consisting of a base course of macadam not less than six inches thick, with a bituminous surface of not less than two inches thick.

r. Regulations for Repair and Service Facilities Within Off-Street Loading Spaces.

No storage or any kind nor motor vehicle repair or service shall be permitted within any required off-street loading space.

s. Regulations on Space Allowed for Off-Street Loading Spaces.

Space allowed to any off-street loading space shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.

5.05 REGULATIONS PERTAINING TO BOTH ACCESSORY OFF-STREET PARKING AND LOADING FACILITIES.

The schedule of requirements for accessory off-street parking spaces and off-street loading spaces applicable to newly erected or substantially altered structures shall be a continuing obligation of the owner of the real estate on which any such structure is located so long as the structure is in existence and its use requiring vehicle parking or vehicle loading facilities continues and it

shall be unlawful for an owner of any building affected by this chapter to discontinue, change, or dispense with, or to cause the discontinuance or change of the required vehicle parking or loading space which meets the requirements of and is in compliance with this chapter, or for any person, firm, or corporation to use such building without obtaining the use of sufficient land for vehicle parking or loading space to meet the requirements of this division.

5.06 SWIMMING POOL REGULATIONS

a. Definitions.

1. As used herein, "swimming pool" refers to a receptacle for water, or an artificial pool of water having a depth at any point of more than two feet (2'), intended for the purpose of immersion or partial immersion therein of human beings, and including all appurtenant equipment, constructed, installed and maintained in or above the ground inside or outside of a building.

2. As used herein, a "private residential swimming pool" is a swimming pool maintained by an individual primarily for the sole use of his or her household and guests and not for the purpose of profit or in connection with any business operated for profit.

3. As used herein, a "public swimming pool" is a swimming pool maintained by individuals for the use of more than one household, or maintained by a club for the use of its members, or maintained by a business for profit, or maintained by a school, park district, municipality or other public not-for-profit organizations.

4. As used herein, "juvenile pool" refers to a receptacle for water or an artificial pool of water having a depth of less than two feet (2'), intended for the purpose of immersion or partial immersion therein of human beings.

b. Permit Requirements.

1. It shall be unlawful to proceed with the construction, installation, enlargement or alteration of any swimming pool unless permits shall have been obtained from the Village.

2. It shall be unlawful to proceed with the construction, installation, enlargement or alteration of any public swimming pool within the Village unless any required permits shall first have been also been obtained from the State of Illinois.

3. Juvenile pools shall require no permit.

c. Drawings and Plans and Permits.

1. Each application for a swimming pool permit shall be accompanied by a permit fee specified in Chapter 7 and by a set of plans or drawings which shall be drawn to scale. All distances and dimensions shall be accurately figured and drawings shall be explicit and complete showing the lot lines, distance from the residence(s), location of the fence and pool walk. The pool, walk and fence construction, electrical system, and all relevant appurtenances pertaining to the pool, sufficient to show whether the swimming pool will comply with this Ordinance.

d. Location Restrictions.

1. Private residential swimming pools shall be permitted in single-family residential zones only. No portion of the pool shall be located

less than four feet (4') from a side or rear lot line. Pools and appurtenant equipment shall not be permitted in any front yard.

2. Public swimming pools shall be permitted in residential and business zones except that any public swimming pool operated for the purpose of profit or operated in connection with a business operated for profit shall not be operated in a single family residential zone. No portion of a public swimming pool or its appurtenant equipment shall be located less than fifteen feet (15') from a side or rear lot line. Public swimming pools shall not be located in a front yard.

e. Swimming Pool Fences

1. A swimming pool shall be completely enclosed by a fence erected along the periphery of the swimming pool and any immediately adjacent walk, deck or terrace area appurtenant to the swimming pool. The fence shall be at least 36 inches in height and shall be designed and constructed to render the swimming pool inaccessible to children under six years of age. All fence openings shall be equipped with gates, and all gate shall be equipped with self-closing devices and shall have latches.

2. Swimming pools shall be exempt from the requirements of subsection E(1) if they (i) are above ground level in whole or in part, and (ii) have a walkway or deck area greater than thirty inches in height with integral guards or rails and a means of egress which can be removed and locked while the swimming pool is not in use. Persons with such exempt pools ensure that ladders and other means of ingress or egress are kept removed or locked when the swimming pools are not in use.

~~F. Electrical Requirements~~

~~1. Where electrical conductors are adjacent to a swimming pool or juvenile pool they shall have proper insulation and shall be ground fault protected. No overhead electrical wires shall be permitted within fifteen feet (15') of a swimming pool.~~

~~G. Safety Precautions~~

~~1. Swimming pools and juvenile pools shall be maintained in a clean, safe and sanitary condition.~~

~~H. Inspection Requirements~~

The Zoning Administrator may, upon completion of construction of a pool or upon receipt of information that a pool is nonconforming, and with prior notice to the owner, inspect a swimming pool to determine whether it is in compliance with provisions of this Ordinance.

~~I. Nonconforming Structures~~

~~1. Swimming pools erected prior to the effective date of this Ordinance which do not meet the fence, electrical or safety requirements of this Ordinance shall be made to conform to such requirements within ninety days of the effective date of this Ordinance. No swimming pool existing as of the effective date of this Ordinance shall be rendered illegal solely because of its violation of location or setback provisions of this Ordinance.~~

~~5.07 SATELLITE DISH ANTENNA AND EARTH STATION REGULATIONS~~

~~A. Definitions~~

- ~~1. As used herein, a "dish antenna" is an antenna shaped like a saucer, spherical section or parabola or a similar antenna used to receive electronic signals from satellites.~~
- ~~2. As used herein, "earth station" refers to a dish antenna together with its associated base, mounting and aiming hardware and electronics.~~
- ~~3. As used herein, "receiver" refers to an electronic device which receives electronic signals from an earth station.~~
- ~~4. As used herein, "ground mounted" refers to an earth station installed on the ground or on one or more pedestals, posts or legs placed on the ground.~~
- ~~5. As used herein, "roof mounted" refers to a dish antenna or earth station installed directly on a roof of a primary or accessory building or on a pole or tower rigidly attached to a primary or accessory building.~~

~~B. Regulations Application to All Dish Antennas and Earth Stations~~

- ~~1. All earth stations shall be ground mounted or roof mounted. No earth station shall be mounted upon an appurtenance or structure such as a chimney, free standing tower, tree or spire.~~
- ~~2. No earth station designed for ground mounting shall be installed upon the roof of any structure (including but not limited to any garage, residential dwelling, church, school, apartment building, hospital or any other building or structure).~~
- ~~3. There shall be only one earth station per lot, premises or parcel of land.~~
- ~~4. No earth station shall be linked, physically or electronically, to a receiver which is not located on the same lot, premises or parcel of land as is the earth station.~~
- ~~5. Wiring between an earth station and a receiver shall be placed at least four (4) inches beneath the surface of the ground within rigid conduit.~~
- ~~6. All earth stations shall be bonded to a grounding rod.~~
- ~~7. No form of advertising or identification shall be allowed on earth stations other than a manufacturer's small identification plate, or other identifying marks not exceeding one square foot in size. Dish antennas must be neutral (gray, beige, black or off white) in color.~~

~~C. Regulations Applicable to Ground Mounted Earth Stations Only~~

- ~~1. Ground mounted earth stations shall not be located in a front yard, or in a side yard which adjoins a street or a road.~~
- ~~2. No part of any ground mounted earth station (including posts, pedestals or legs) may be closer to any side or rear property line than the diameter of its dish antenna.~~

- ~~3. Ground mounted dish antennas may be no greater than ten feet in diameter. The bottom of a ground mounted dish antenna may be no more than six (6) feet from the ground level.~~
- ~~4. Ground mounted earth stations shall be designed to withstand a wind force of seventy five (75) miles per hour without the use of supporting guy wires.~~
- ~~5. Space required for ground mounted earth stations shall not be considered when calculating square footage requirements for accessory buildings.~~

~~D. Regulations Applicable to Roof Mounted Earth Stations Only.~~

~~The bottom of a roof mounted dish antenna shall not exceed a height of more than two (2) feet above the roof of the building on which it is mounted or to which its pole or tower is attached.~~

- ~~1. A roof mounted dish antenna shall not exceed six (6) feet in diameter.~~
- ~~2. Roof mounted earth stations shall be designed to withstand a wind force of eighty five (85) miles per hour without the use of supporting guy wires.~~
- ~~3. Any driving motor used for a roof mounted earth station shall be limited to 110V maximum power design and be encased in protective guards.~~

~~E. Trial Period and Permits~~

- ~~1. Prior to the installation of any earth station, the owner or installer thereof shall pay to the Village Clerk a permit fee specified elsewhere in this Ordinance and shall submit reasonable evidence to the Director of Building and Zoning that the installation will comply with the provisions of this Ordinance. If satisfied, the Director of Building and Zoning shall issue an installation permit, but may revoke the permit during or after installation for violations of this Ordinance.~~
- ~~2. An earth station loaned or rented on a trial basis not to exceed ten days is not subject to any of the regulations of this Section except that it must be grounded.~~

5.087 FENCES

~~A. REQUIREMENTS IN RESIDENTIAL DISTRICTS. No fence may be erected within the Village and within a residential zoning district which does not comply with the following specifications:~~

- ~~1. Any fence erected in a required front yard shall be at least 50% open, and no fence erected in a required front yard may exceed four feet in height measured from ground level. A clearance of three inches shall be allowed for installation purposes and shall not count in determining the height of a fence. No privacy fence may be erected in the front of a residence on the same zoning lot. For through lots, that yard which is used as a rear yard, and which would normally be considered a rear yard for lots other than through lots, shall be considered a rear yard for purposes of erecting a fence.~~
- ~~2. Any privacy fence erected on the side street of a corner lot shall be restricted to the same setback requirements as a building or structure.~~

- ~~3. No fence may be erected which exceeds eight feet in height above ground level.~~
- ~~4. No fence may be constructed with barbed wire, metal spikes, or any other sharp pointed materials. All chain link fences shall be installed with the knuckle portion of the fence up and with the barb portion of the fence at or near the ground. No fence may be electrified.~~
5. ~~a.~~ No fence may be erected which will hinder access to any easement or right of way for a public or Village-owned utility, including but not limited to gas, water, sewer, telephone, electric and cable television.
- ~~6. Fence posts shall be placed on the side of the fence facing the owner's lot.~~

~~B. REQUIREMENTS IN COMMERCIAL AND INDUSTRIAL DISTRICTS. No fence may be erected within the Village and within a commercial or industrial zoning district which does not comply with the following specifications:~~

- ~~1. Any fence erected in a required front yard shall be at least 50% open.~~
- ~~2. Any privacy fence erected on the side street of a corner lot shall be restricted to the same setback requirements as a building or structure.~~
- ~~3. No fence may exceed a height of eight feet above ground level. A clearance of three inches shall be allowed for installation purposes and shall not count in determining the height of a fence.~~
- ~~4. No fence may be constructed with barbed wire, metal spikes, or any other sharp pointed materials unless the sharp pointed materials are erected at least six feet above ground level, but not higher than eight feet above ground level. All chain link fences shall be installed with the barbed portion of a fence at or near the ground unless it is installed at least six feet above ground level. No fence may be electrified.~~
- ~~5. No fence may be erected which will hinder access to any easement or right of way for a public or Village owned utility, including but not limited to gas, water, sewer, telephone, electric and cable television.~~
- ~~6. Fence posts shall be placed on the side of the fence facing the owner's lot.~~

~~C. PERMITS~~

- ~~1. ~~a.~~ No fence may be erected unless a fence permit is obtained from the Zoning Administrator. The individual or agency actually constructing the fence shall be responsible for obtaining the permit. No work shall start until the permit has been obtained. Any individual or agency starting work prior to applying for, and receiving said permit shall be subject to a \$25.00 fine. This fine may be in addition to, and not in lieu of, any additional fines or penalties that are provided for in this chapter.~~

~~D. RECREATIONAL PURPOSE FENCES. Fences erected for purposes of providing fencing around sports or recreations facilities or areas as listed below, shall not be subject to the height restrictions specified elsewhere in this Section, provided that such facility or area is not located within 20 feet of a zoning lot corner formed by the intersection of any two street lines, the fence is at least 75% open, and a fence permit is obtained. The maximum height of a fence is listed by each sports or recreational facility or areas as follows:~~

<u>USE</u>	<u>MAXIMUM HEIGHT</u> <u>(Feet)</u>
Tennis court (public or private)	12
Baseball diamond backstop (public or private)	16
Swimming pools (public)	8
Elementary, middle or high schools (Public or private)	8

~~F. SWIMMING POOL FENCES.~~

~~Where there is a conflict between this Section and other regulations relating to swimming pool fences, the other regulations shall apply.~~

5.098 SIGNS.

Signs in all zoning districts shall be governed by the Village of Chatham Sign Ordinance, when such ordinance is passed and approved. Until such time, signs shall be governed by the provisions of the 1982 Zoning Ordinance relating to signs.

5.1009 PERFORMANCE STANDARDS IN INDUSTRIAL ZONES

All uses in industrial zones shall conform to current Illinois Environmental Protection Agency laws and regulations pertaining to water, air and noise pollution.

CHAPTER 6

NON-CONFORMING LOTS, NON-CONFORMING USES OF LAND,
NON-CONFORMING STRUCTURES, NON-CONFORMING USES OF STRUCTURES
AND PREMISES AND NON-CONFORMING CHARACTERISTICS OF USE

6.01 INTENT.

Within the districts established by this Ordinance and amendments that may later be adopted there exist

- a. Lots
- b. Structures
- c. Uses of land and structures; and
- d. Characteristics of Use

which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated or restricted under the terms of this Ordinance or future amendment. It is the intent of this Ordinance to permit these non-

conformities to continue until they are removed, damaged in excess of 50% of the value of the structure, or changed to a conforming use, but not to encourage their survival. It is further the intent of this ordinance that non-conformities shall not be enlarged upon, expended or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Non-conforming uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. A non-conforming use of a structure, a non-conforming use of land, or a non-conforming use of structure and a land in combination shall not be extended or enlarged after passage of this Ordinance by the addition of other uses, of a nature which would be prohibited generally in the district involved.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

6.02 NON-CONFORMING LOTS OF RECORD.

In any district in which single family dwellings are permitted, a single family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance, notwithstanding limitations imposed by other provisions of this Ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than these applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Board of Appeals.

If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Ordinance, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this Ordinance.

6.03 NON-CONFORMING USES OF LAND (OR LAND WITH MINOR STRUCTURES ONLY).

Where at the time of passage of this Ordinance lawful use of land exists which would not be permitted by the regulations imposed by this Ordinance, and where such use involves no individual structure with a replacement cost exceeding \$3,000, the use may be continued so long as it remains otherwise lawful, provided:

a. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.

b. No such non-conforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Ordinance.

c. If any such non-conforming use of land ceases for any reason for a period of more than six months, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.

d. No additional structure not conforming to the requirements of this Ordinance shall be erected in connection with such non-conforming use of land.

6.04 NON-CONFORMING STRUCTURES.

Where a lawful structure exists at the effective date of adoption or amendments of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

a. No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity.

b. Should such existing non-conforming business or industrial non-conforming structure or non-conforming portion of structure be destroyed by any means to an extent of more than 50 per cent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance. (Residential structures or the residential portion of a business or industrial structures are excepted from the 50% portion of a business or industrial structures are excepted from the 50% provision).

c. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

6.05 NON-CONFORMING USES OF STRUCTURES OR OF STRUCTURES AND PREMISES IN COMBINATION.

If lawful use involving individual structures with a replacement cost of \$3,000 or more, or of structure and premises in combinations, exists at the effective date of adoption or amendment of this ordinance, that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

a. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;

b. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building;

c. If no structure alterations are made, any non-conforming use of a structure, or structure and premises, may as a special exception be changed to another non-conforming use provided that the Zoning Board of Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the

existing non-conforming use. In permitting such change, the Zoning Board of Appeals may require appropriate conditions and safeguards in accord with the provisions of this Ordinance;

d. When a non-conforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six consecutive months or for 12 months during any three-year period (except when government action impedes access to the premises), the structure, or structures and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located;

e. Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than 50 per cent of the replacement cost at the time of destruction.

6.06 REPAIRS AND MAINTENANCE.

On any non-conforming structure or portion of a structure containing a non-conforming use, repairs may be made. In any period of 12 consecutive months, repairs or replacement of non-bearing walls, fixture, wiring or plumbing, to an extent not exceeding 10 per cent of the current replacement costs of the non-conforming structure or non-conforming portion of the structure as the case may be, provided that the cubic content existing when it became non-conforming shall not be increased.

If a non-conforming structure or portion of a structure containing a non-conforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations of the district in which it is located.

Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by an official charged with protecting the public safety, upon order of such official.

6.07 USES UNDER SPECIAL USE PROVISIONS NOT NON-CONFORMING USES.

Any use which is permitted as a special use in a district under the terms of this Ordinance (other than a change through Zoning Board of Appeals action from a non-conforming use to another use not generally permitted in the district) shall not be deemed a non-conforming use in such district, but shall without further action be considered a conforming use.

CHAPTER 7 -- ADMINISTRATION

7.01 ZONING CERTIFICATES

No permit pertaining to the use of land or building shall be issued unless the Zoning Administrator has certified, after examination, that it complies with all provisions of this Ordinance.

7.02 DUTIES OF THE ZONING ADMINISTRATOR.

a. Appointment. The Zoning Administrator of the Village of Chatham or other officials that have been or shall be duly appointed by the Village President, with the approval of the Village Board, shall enforce this Ordinance.

b. Duties. In enforcing and administering this Ordinance, the Zoning Administrator shall:

1. Issue all certificates and make and maintain records thereof.
2. Conduct or cause to be conducted inspections of buildings, structures, and uses of land to determine compliance with the terms of this Ordinance.
3. Maintain permanent and current records of the Ordinance, including but not limited to, all maps, amendments and special uses, variations, appeals, and applications therefor.
4. Receive, file and forward to the Zoning Board of Appeals and Planning Commission, and Village Board all applications for appeals, variations, special uses, amendments and other matters on which such Boards and Commission are required to act under this Ordinance.
5. Provide such clerical and technical assistance as may be required by the Zoning Board of Appeals and Planning Commission in the exercise of their duties.
6. Be mindful of the requirements of this Ordinance while administering other ordinances pertaining to buildings, subdivisions and the like.
7. Assist applicants with drafting of newspaper notices required by this Ordinance.
8. Turn over to the office manager all application and other fees received by the Zoning Administrator.

7.03 PLANNING COMMISSION.

a. The Planning Commission shall consist of 9 members who shall be qualified as officers of the Village, except that they need not be residents of the Village if they reside within contiguous territory not more than 1½ miles from the corporate limits of the Village of Chatham, and who shall select a chairman.

b. Jurisdiction and Duties

The Planning Commission is hereby vested with the following powers and duties in the administration of this Ordinance:

1. To meet at least once per month.
2. To post or publish notices of public hearing, and to hold such hearings as requested by the applicable statutes of the State of Illinois, pertaining to proposed amendments to the regulations imposed and the districts created by this Ordinance, pertaining to initial zoning of property upon annexation or in accordance with annexation agreements, and to proposed special uses, as established in this Ordinance. Except, however, that the Planning Commission shall not have jurisdiction over limited rezoning amendments as defined in this Ordinance.
3. To make written reports and recommendations to the Village Board on any such proposed amendments, zoning upon annexation, or proposed special uses;

4. To initiate, direct, and review, from time to time, studies of the provisions of this ordinance and to make reports of its recommendations to the Village Board.

5. To hear and decide all matters which it is required to act upon under this Ordinance.

c. The jurisdiction of the Planning Commission is not limited to zoning; for example, the Planning Commission has other duties under the Village Subdivision Ordinance.

7.04 PLANNING COMMISSION PROCEDURES AND RULES

a. All meetings requested of the Planning Commission shall be held at the call of the Chairman, and at such other times as the Commission may determine. All testimony by witnesses at any hearing provided for in this Ordinance shall, at the option of the chairman, be given under oath. The Chairman, or in the Chairman's absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings shall comply with the Open Meetings Act. The Planning Commission 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 other official actions. Every rule, regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the Planning Commission shall immediately be filed in the office of the village clerk and shall be a public record.

b. The concurring vote of a majority of a quorum of the Planning Commission, is necessary to decide in favor of the applicant any matter under this Ordinance, or to recommend any amendment or special use to the Village Board.

c. The Planning Commission shall have rules of procedure which shall be approved from time to time by the Village Board. The Rules of Procedures effective on the effective date of this Ordinance are attached hereto as Appendix A.

7.05 PROCEDURES FOR ZONING AMENDMENTS.

a. Authority.

The regulations imposed and the districts created under the authority of this Ordinance may be amended from time to time by Ordinance. An amendment shall be granted or denied by the Village Board only after proper notice and a public hearing before the Planning Commission and a report of its findings and recommendations has been submitted to the Village Board.

b. Initiation.

Amendments may be proposed by the Village Board, or by a resident or owner of property in the Village of Chatham.

c. Processing.

A petition for an amendment shall be filed with the Zoning Administrator in a form attached to this Ordinance as Appendix B. Such petition shall be forwarded from the Zoning Administrator to the Planning Commission with a request to hold a public hearing. Notice shall be given of the petition, the relief requested therein, the name of petitioner and the time and place of the hearing (a) by posting at the applicant's land not less than 10 days prior to the hearing, and (b) by publishing a notice thereof at least once in one or more newspapers in general circulation within the Village of Chatham not more than 30

nor less than 15 days prior to the hearing, and (c) by giving a written notice by first class mail at least 15 days before the hearing to the owners of the properties located adjacent to the location for which the amendment is requested. Failure to comply with steps (a) and (c) will not void an amendment.

d. Conduct of Planning Commission Hearing and Report.

The Planning Commission shall conduct a public hearing in accordance with Section 7.04 above. At the hearing, the Planning Commission shall take testimony as necessary and shall consider as a minimum the following questions, and answer each question in the affirmative or negative:

1. Will the proposed change be consistent with the adopted Village Comprehensive Plan?

2. Will the proposed change be consistent with existing commitments and/or planned public improvements?

3. Will the proposed change be beneficial to the neighborhood and its need for development or redevelopment?

4. Have major land use changes occurred, and/or have major changes in the condition of buildings and structures occurred that affect the original zoning of the subject area?

5. Will the proposed change encourage nearby development without the need for additional zoning amendments?

6. Will existing servicing utilities and streets have adequate carrying capacity to accommodate the proposed change?

7. Will the proposed change have a positive effect on vehicular and pedestrian traffic?

8. Will the proposed change improve living conditions in the vicinity by upgrading environmental factors such as sunlight, air and water quality or by reducing noise?

The Planning Commission shall prepare and transmit to the Village Board a written recommendation regarding the proposed amendment, along with a copy of its minutes.

e. ACTION BY THE VILLAGE BOARD.

The Village Board, after receiving the report of the Planning Commission and without further public hearing, except for any new matter not presented to the Planning Commission and which the Village Board deems relevant, may grant by ordinance any proposed amendment or may refer it back to the recommending body for further consideration. A failure to pass an ordinance shall be deemed a denial of the petition. Any written protest against any proposed amendment of the regulations or districts may be signed and acknowledged by the owners of 20 per cent of the frontage proposed to be altered, or by the owners of 20 per cent of the frontage immediately adjoining or across an alley therefrom, or by the owners of 20 per cent of the frontage directly opposite the frontage proposed to be altered. If such written protest in such manner is filed with the Clerk of the Village and the applicant and his attorney five (5) days prior to public hearing, the amendment shall not be passed except by a favorable vote of two-thirds of the Village Board then holding office.

7.06 PROCEDURES FOR INITIAL ZONING PURSUANT TO ANNEXATION AGREEMENT.

Whenever a proposed annexation agreement containing provisions for zoning is filed with the Village, the proposed agreement shall serve as a petition for amendment in accordance with Section 7.05(c). The provisions of Section 7.05(D) and (E) shall apply to any zoning requested in a proposed annexation agreement. In the event a proposed annexation agreement requests variations of the provisions of the Zoning ordinance, the Planning Commission shall consider the variations requested along with the other zoning issues. The notices required by Section 7.05(c) shall include a notice of the requested variation.

7.07 SPECIAL USES.

a. Purpose.

The development and execution of the Zoning Ordinance is based upon the division of the Village into districts, within any one of which the use of land, buildings, and the bulk and location of buildings or structures, as related to the land, are essentially uniform. It is recognized, however, that there are special uses which, because of their unique character, cannot be properly classified in any particular district or districts without consideration, in each case, of the impact of those districts without consideration, in each case, of the impact of those uses upon neighboring lands and upon public need for the particular use of the particular location. Such special uses fall into two categories:

1. Uses operated by a public agency or publicly-regulated utilities, or uses traditionally affected with a public interest.
2. Uses entirely private in character, but of such a nature that the operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.

b. Initiation.

A written petition for a special use may be made by any person, firm, or corporation who is the owner of real estate for which such special use is sought, requesting or intending to request application for a special use.

c. Processing.

A petition for a special use in the form attached to this Ordinance as Exhibit C shall be filed with the Zoning Administrator. Such petition shall be forwarded by the Zoning Administrator to the Planning Commission with a request to hold a public hearing. Notice shall be given of the petition, the relief requested therein, the name of the petitioner and the time and place of the hearing (i) by posting on the applicant's land not less than 10 days prior to the hearing, and (ii) by publishing a notice thereof at least once in one or more newspapers in general circulation within the Village of Chatham not more than 30 days nor less than 15 days prior to the hearing, and (iii) by mailing a written notice before the hearing to the owners of the properties located adjacent to the location for which the special use is requested. Failure to comply with (a) and (c) shall not void the special use.

3. The Planning Commission shall make a finding on the request and shall submit a recommendation to the Village Board for decision.

d. Findings.

Before any special use shall be recommended to the Village Board, the Planning Commission shall make written findings certifying that the special use is:

1. Necessary for the public convenience at the location.
2. Proposed to be operated, designed, and located so that the public health, safety and welfare will be protected; and
3. Will not cause substantial injury to the value of other property in the vicinity in which it is located.

e. Decisions.

The Village Board, after receiving the finding and recommendation and minutes of the Planning Commission and without further public hearing, may grant or deny by majority vote the proposed special use or may refer it back to the Planning Commission for further consideration.

7.08 ZONING BOARD OF APPEALS.

a. Creation.

A Zoning Board of Appeals is hereby created for the Village of Chatham, Illinois. The Board of Appeals, shall consist of seven members who shall serve for a term of five years, provided that the members first appointed after the enactment of this Ordinance shall serve terms as follows: One shall serve a term of one year; one for two years; one for three years; one for four years; one for five years; one for six years; and one for seven years; the successor to each member so appointed to serve a term of five years. One of the members so appointed shall be named as Chairman at the time of his appointment. The terms of the members shall commence on the date of their appointment. The amount of compensation, if any, shall be fixed by the President and Board of Trustees. The members shall be subject to removal by the President and Board of Trustees of the Village for good cause after public hearing. Members of the Zoning Board of Appeals shall have the powers and duties assigned to the Zoning Board of Appeals by statute and Ordinance.

b. Membership.

All appointments to the Zoning Board of Appeals shall be made by the Village President subject to approval of the Village Board. One of the members so appointed shall be named as Chairman by the Village President with approval of the Village Board at the time of his appointment. Vacancies shall be filled as soon as possible for the unexpired term of any members whose place has become vacant. In the event that the office of Chairman is vacated for any reason, the Village President with approval of the Village Board shall immediately appoint, at his option, either one of the remaining members of the Board, or any member who is appointed to fill such vacancy on the Board as the new Chairman.

c. Jurisdiction and Authority.

The Zoning Board of Appeals is hereby vested with the powers as granted by the statutes of the State of Illinois and this Ordinance as follows:

1. To hear and recommend appeals from any order, requirement, decision, or determination made by the Zoning Administrator pertaining to conformance with requirements of this Ordinance.
2. To hear and recommend variations from the terms provided in this Ordinance in the manner and subject to the standards set forth in this section.
3. To hear and decide all other matters upon which it is required to pass under this Ordinance.

4. To hear and make recommendations as to limited rezoning amendments as defined in this Ordinance.

5. To hear all requests for unclassified or unspecified uses as defined in this Ordinance (see Section 2.10 of this Ordinance).

7.09 PROCEDURES OF THE ZONING BOARD OF APPEALS.

All meetings requested of the Zoning Board of Appeals shall be held at the call of their Chairman, and at such other times as the Board may determine. All testimony by witnesses at any hearing provided for in this Ordinance shall, at the option of the Chairman, be given under oath. The Chairman, or in the Chairman's absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings shall comply with the Open Meetings Act. The Zoning 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 other official actions. Every rule, regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the Zoning Board of Appeals shall immediately be filed in the office of the village Clerk and shall be a public record.

The concurring vote of four members of the Zoning Board of Appeals is necessary to reverse or affirm, wholly or partly, any order, requirement, decision, or determination made by the Zoning Administrator, or to decide in favor of the applicant any matter under this Ordinance or to any effect any variation in this Ordinance.

7.10 PROCEDURES FOR LIMITED REZONING AMENDMENTS

a. Authority.

A limited rezoning amendment shall be granted or denied by the Village Board only after proper notice and a public hearing before the Zoning Board of Appeals and a report of its findings and recommendations has been submitted to the Village Board.

b. Initiation.

Amendments may be proposed by the Village Board, or by a resident or owner of property in the Village of Chatham.

c. Processing.

A petition for a limited rezoning amendment shall be filed with the Zoning Administrator in a form attached to this Ordinance as Appendix B. Such petition shall be forwarded from the Zoning Administrator to the Zoning Board of Appeals with a request to hold a public hearing. Notice shall be given of the petition, the relief requested therein, the name of petitioner and the time and place of the hearing (a) by posting at the applicant's land not less than 10 days prior to the hearing, and (b) by publishing a notice thereof at least once in one or more newspapers in general circulation within the Village of Chatham not more than 30 nor less than 15 days prior to the hearing, and (c) by giving a written notice by first class mail at least 15 days before the hearing to the owners of the properties located adjacent to the location for which the amendment is requested. Failure to comply with steps (a) and (c) will not void an amendment.

d. Conduct of Zoning Board of Appeals Hearing and Report.

The Zoning Board of Appeals shall conduct a public hearing in accordance with Section 7.04 above. At the hearing, the Zoning Board of Appeals shall take testimony as necessary and shall consider as a minimum the following questions, and answer each question in the affirmative or negative:

1. Will the proposed change be consistent with the adopted Village Comprehensive Plan?
2. Will the proposed change be consistent with existing commitments and/or planned public improvements?
3. Will the proposed change be beneficial to the neighborhood and its need for development or redevelopment?
4. Have major land use changes occurred, and/or have major changes in the condition of buildings and structures occurred that affect the original zoning of the subject area?
5. Will the proposed change encourage nearby development without the need for additional zoning amendments?
6. Will existing servicing utilities and streets have adequate carrying capacity to accommodate the proposed change?
7. Will the proposed change have a positive effect on vehicular and pedestrian traffic?
8. Will the proposed change improve living conditions in the vicinity by upgrading environmental factors such as sunlight, air and water quality or by reducing noise?

The Zoning Board of Appeals shall prepare and transmit to the Village Board a written recommendation (see Appendix E) regarding the proposed amendment, along with a copy of its minutes.

e. ACTION BY THE VILLAGE BOARD.

The Village Board, after receiving the report of the Zoning Board of Appeals and without further public hearing, except for any new matter not presented to the Zoning Board of Appeals and which the Village Board deems relevant, may grant by ordinance any proposed limited rezoning amendment or may refer it back to the recommending body for further consideration. A failure to pass an ordinance shall be deemed a denial of the petition. Any written protest against any proposed limited rezoning amendment of the regulations or districts may be signed and acknowledged by the owners of 20 per cent of the frontage proposed to be altered, or by the owners of 20 per cent of the frontage immediately adjoining or across an alley therefrom, or by the owners of 20 per cent of the frontage directly opposite the frontage proposed to be altered. If such written protest in such manner is filed with the Clerk of the Village and the applicant and his attorney five (5) days prior to public hearing, the amendment shall not be passed except by a favorable vote of two-thirds of the Village Board then holding office.

7.11 APPEALS PROCEDURES.

a. Initiation.

An appeal may be taken to the Zoning Board of Appeals by any person, firm, or corporation or by any office, department board, bureau, or commission, aggrieved by an administrative order, requirement, decision, or determination under this Ordinance by the Zoning Administrator or other authorized official of the Village of Chatham.

b. Processing.

An appeal shall be filed with the Zoning Administrator, who shall forward such petition with all exhibits and papers constituting the record upon which the action was taken to the Zoning Board of Appeals for processing in accordance with the applicable statutes of the State of Illinois. The Board of Appeals shall within 30 days fix a time for the hearing of the appeal and give due notice thereof to the parties and decide the appeal. Upon the hearing, any party may appear in person or by agent or by attorney.

c. Stay of Proceedings.

An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken 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 or her opinion, cause imminent peril to life or property. In this event, the proceedings shall not be stayed, or otherwise than by a restraining order which may be granted by the Board of Appeals or by a circuit court on application and on notice to the officer from whom the appeal is taken, and on due cause shown.

7.12 VARIATIONS.

a. Initiation.

A written petition for a variance in the form attached to this Ordinance as Appendix D may be made by any person, firm or corporation which is the owner of real estate for which such variation is sought.

b. Processing.

A petition for a variance shall be filed with the Zoning Administrator. Such petition shall be forwarded to the Zoning Board of Appeals with a request to hold a public hearing. Notice shall be given of the petition, the relief requested therein, the name of the petitioner, and the time and place of the hearing (a) by posting at the applicant's land not less than 10 days prior to the hearing, and (b) by publishing a notice thereof at least once in one or more newspapers in general circulation within the Village of Chatham not more than 30 nor less than 15 days prior to the hearing, and (c) by giving a written notice by mail the hearing to the owners of the properties located adjacent to the location for which the variation is requested. Failure to comply with (a) and (c) will not void the proposed variance.

c. Standards

1. The Zoning Board of Appeals shall not recommend variance of the provisions of this Ordinance as authorized in this Section unless it shall have made findings based upon the evidence presented to it that all of the following conditions apply:

i. That the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located;

ii. That the plight of the owner is due to unique circumstances; and

iii. That the variance, if granted, will not alter the essential character of the locality.

2. The Zoning Board of Appeals, in making the foregoing determination may take into consideration the extent to which the following facts, favorable to the applicant, have been established by the evidence:

i. That the particular physical surroundings, shape or topographical conditions of the specific property involved would bring a particular hardship upon the owner as distinguished from a mere inconvenience if the strict letter of regulation were to be carried out;

ii. That the conditions upon which the petition for variance is based would not be applicable generally to other property within the same zoning classification;

iii. That the purpose of the variance is not based exclusively upon a desire to make more money out of the property;

iv. That the alleged difficulty or hardship has not been created by any person presently having an interest in the property;

v. That the granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; or

vi. That the proposed variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety or substantially diminish or impair property values within the neighborhood.

3. The Zoning Board of Appeals may require such conditions and restrictions upon the premises benefitted by a variance as may be necessary to comply with the standards set forth in this Section to reduce or minimize the injurious effect of such variance upon other property in the neighborhood, and to implement the general purpose and intent of this Ordinance.

e. Authorized Variations.

Variations from the regulations of this Ordinance may be recommended by the Zoning Board of Appeals only in accordance with the standards set forth in this section and only in the following instances:

1. To permit a height greater than allowed;
2. To permit a yard less than the yard required by the applicable regulation.
3. To permit the use of a lot located in a Residence District having insufficient area and width for a single-family dwelling, provided such lot is of record on the effective date of this Ordinance.

4. To permit the use of any lot not covered above, for a use otherwise prohibited solely because of insufficient area of the lot;
5. To permit the same off-street parking spaces to qualify as required spaces for two or more uses, provided that the maximum use of such facility by each user does not take place during the same hours of the same days of the week;
6. To reduce the applicable off-street parking or loading requirements;
7. To authorize a use of land where an amendment to the Village zoning district classification causes practical difficulties or hardships.
8. To vary requirements for fences, ~~and~~ swimming pools. and ~~satellite dishes.~~

f. Decisions.

1. The Zoning Board of Appeals at the conclusion of the public hearing promptly thereafter shall submit a report of its findings and recommendations on each petition to the Village Board.

2. The Village Board, after receiving the report of the Zoning Board of Appeals and without further public hearing, except for any new matter not presented to the Zoning Board of Appeals and which the Village Board deems relevant, may grant or deny by majority vote and proposed variation or may refer it back to the recommending body for further consideration.

7.13 FEES FOR VARIANCES, APPEALS AND AMENDMENTS.

Any application for a variance or appeal filed by or on behalf of the owner or owners of the property affected shall be accompanied by a fee of \$200.00.

Any application for an amendment or special use filed by or on behalf of the owner or owners of the property affected shall be accompanied by a fee of \$200.00.

Any application for any action, filed by an officer, board or commission of the Village of Chatham, Illinois, not on behalf of any specific private interest, shall not be accompanied by any fee.

7.14 VIOLATION, PENALTY AND ENFORCEMENT.

Any person, firm, or corporation, who violates, omits, neglects, or refuses to comply with, or who resists the enforcement of any of the provisions of this Ordinance shall, upon conviction, be fined not less than \$50.00 nor more than \$500.00 for each offense. Each day that a violation is permitted to exist shall constitute a separate offense. The Zoning Administrator is hereby designated and authorized to enforce this Ordinance.


7.15 NUISANCES.

Every structure and lot which is in violation of this Ordinance is hereby declared a nuisance. The Village may apply to a court of competent jurisdiction for equitable relief to restrain, enjoin or abate any such nuisance.

7.16 EFFECTIVE DATE; REPEALER.

This Ordinance shall be in full force and effect ~~November 1, 1994, upon its passage and publication.~~ The 1982 Zoning Ordinance of the Village of Chatham, as amended, except for sign regulations contained therein and regulations pertaining to the R05 district, is hereby repealed. The Clerk shall publish this Ordinance in pamphlet form.

Adopted by the President and Board of Trustees of the Village of Chatham on the _____ day of _____, 1994.



Village President

AYES: _____
NAYS: _____
PASSED: _____
APPROVED: _____
ABSENT: _____