

EXHIBIT A

Proposed Amendments to the Village Zoning Code

[Chapters Printed in their Entirety]

DRAFT

Chapter 2 ZONING DEFINITIONS

5-2-1 DEFINITIONS

In the construction of this zoning title, the words and definitions contained in this chapter shall be observed and applied, except when the context clearly indicates otherwise. Words used in the present tense shall include the future, and words used in the singular number shall include the plural number and the plural the singular; the word "shall" is mandatory and not discretionary; the word "may" is permissive; the word "lot" shall include the words "piece" and "parcel"; the word "building" includes all other structures of every kind regardless of similarity to buildings, and the phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", "maintained for" and "occupied for".

ACCESSORY BUILDING OR USE: One which:

- (A) Is subordinate to and serves a principal building or principal use; and
- (B) Is subordinate in area, extent or purpose to the principal building or principal use served; and
- (C) Contributes to the comfort, convenience or necessity of occupants of the principal building or principal use served; and
- (D) Is located on the same zoning lot or lots under the same ownership as the principal building or principal use served, with the single exception of such accessory off street parking facilities as are permitted to locate elsewhere than on the same zoning lot with the building or use served.

ACRE: One "acre" is forty three thousand five hundred sixty (43,560) square feet and any multiple thereof shall mean to be in square feet.

~~AGRICULTURAL BUILDING OR STRUCTURE: Shall imply any building or structure existing or erected on land used principally for agricultural purposes, with the exception of dwelling units.~~

AGRICULTURE: The use of land for agricultural purposes, including farming, dairying, pasturage, apiculture, **specifically limited to growing crops, pasturage**, horticulture, floriculture, or viticulture and animal and poultry husbandry (including the breeding and raising of horses as an occupation) and the necessary accessory uses **buildings used** for handling or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural **products of such** activities.

AGRICULTURE, EXPANDED: The use of land for the breeding and raising, but not the boarding, of domestic livestock (limited to horses, cattle and sheep) and the necessary buildings or structures used for the handling or storing of such livestock and the necessities required for such activities.

ALLEY: A public right of way which normally affords a secondary means of access to abutting property.

ALTERATION: Any change in size, shape, character, occupancy or use of a building or structure.

~~ANIMAL HUSBANDRY: The breeding and raising of livestock, such as horses, cows and sheep, but specifically excluding dogs and cats.~~

AUTO LAUNDRY: A building, or portion thereof, containing facilities for washing more than two (2) automobiles, using production line methods with a chain conveyor, blower, steam cleaning device or other mechanical devices.

AWNING: A roof like cover, temporary in nature, which projects from the wall of a building ~~and overhangs the public way.~~

BASE FLOOD: The flood having a one percent (1 %) chance of being equaled or exceeded in any given year. The base flood is also known as the 100-year flood.

BASE FLOOD ELEVATION: The elevation in relation to mean sea level of the crest of the base flood.

BLOCK: A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights of way, bulkhead lines or shorelines of waterways, or boundary lines of the village.

BOATHOUSE, PRIVATE: A detached accessory building without sanitary facilities on or near the water for the exclusive purpose of storing a boat or boats to be used on the water adjacent to the boathouse and primarily intended for the use of the residents of the property on which the boathouse is located.

BUILDING: Any structure built for the support, shelter or enclosure of persons, animals, chattels or movable property of any kind, and which is permanently affixed to the land.

BUILDING, COMPLETELY ENCLOSED: A building separated on all sides from the adjacent open space, or from other buildings or other structures, by a permanent roof and by exterior walls or party walls, pierced only by windows and normal entrance or exit doors.

BUILDING, DETACHED: A building surrounded by an open space on the same lot.

BUILDING HEIGHT: Reserved.

BUILDING, PRINCIPAL: A "principal building" is a non-accessory building in which a principal use of the lot, on which it is located, is conducted.

BUILDING, RESIDENTIAL: A "residential building" is a building which is arranged, designed, used or intended to be used for residential occupancy by one or more families or lodgers and which includes, but is not limited to, the following types:

- (A) Single-family detached dwellings.
- (B) Two-family dwellings.
- (C) Multiple-family dwellings.

BULK: "Bulk" is the term used to indicate the size and setbacks of buildings or structures and the location of same with respect to one another, and includes 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.

CAPACITY IN PERSONS: The "capacity in persons" of an establishment or use is the maximum number of persons that can avail themselves of the services (or goods) of such establishment, at anyone time, with reasonable comfort and safety.

CARPORT: A "carport" is an open-sided roofed automobile shelter, usually formed by extension of the roof from the side of a building.

CLOSED CUP FLASH POINT: The "closed cup flash point" is the lowest temperature at which a combustible liquid, under prescribed conditions, will give off a flammable vapor which will burn momentarily.

CLUB, PRIVATE (Nonprofit): A "private club" is a nonprofit association of persons, who are bona fide members paying annual dues, which owns, hires or leases a building or portion thereof; the use of such premises being restricted to members and their guests. The affairs and management of such "private club" are conducted by a board of directors, executive committee or similar body chosen by the members at their annual meeting. It may be permissible to serve food and meals on such premises, providing adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests may be allowed, provided it is secondary and incidental to the promotion of some other common objective of the organization, and further provided, that such sale of alcoholic beverages is in compliance with the applicable Federal, State and Village laws.

COLUMBARIUM: A "columbarium" is a vault with niches for cinerary urns.

CONFORMING BUILDING or STRUCTURE: A "conforming building or structure" is any building or structure which:

- (A) Complies with all the regulations of this Zoning Title or of any amendment thereto governing bulk for the zoning district in which such building or structure is located; or
- (B) Is designed or intended for a conforming use.
- (C) Example:

- 1. A single-family detached dwelling in a residence district; or
- 2. An office building in a business district; or
- 3. A factory in a light industrial district.

CROP: A "crop" is a plant that can be grown and harvested for profit or sustenance.

CURB LEVEL: The "curb level" for any building is the level of the established curb in front of such building measured at the center of such front. Where no curb elevation has been established, the mean elevation of the finished lot grade immediately adjacent to a building shall be considered the "curb level".

DECIBEL: A "decibel" is a unit of measurement of the intensity (loudness) of sound. Sound level meters which are employed to measure the intensity of sound are calibrated in "decibels".

DISTRICT: A "district" is a portion of the territory of the Village within which certain uniform regulations and requirements, or various combinations thereof, apply under the provisions of this Zoning Title.

DRIVE-IN ESTABLISHMENT: An establishment of the "drive-in" type is one which accommodates the patrons' automobiles, from which the occupants may deposit, purchase, etc.

DWELLING: A "dwelling" is a building, or portion thereof, but not an automobile house trailer, designed or used exclusively for residential occupancy, including single-family dwellings, two-family dwellings and multiple-family dwellings, but not including hotels or lodging houses.

DWELLING, ATTACHED: An "attached dwelling" is one which is joined to another dwelling at one or more sides by a party wall or walls.

DWELLING, DETACHED: A "detached dwelling" is one which is entirely surrounded by open space on the same lot.

DWELLING UNIT: A "dwelling unit" consists of one or more rooms which are arranged, designed or used as living quarters for one family only. Individual bathrooms and complete kitchen facilities, permanently installed, shall be included for each "dwelling unit".

DWELLING, SINGLE-FAMILY: A "single-family dwelling" is a building containing one dwelling unit only.

DWELLING, TWO-FAMILY: A "two-family dwelling" is a building containing two (2) dwelling units only.

DWELLING, MULTIPLE-FAMILY: A "multiple-family dwelling" is a building, or portion thereof, containing three (3) or more dwelling units.

EFFICIENCY UNIT: An "efficiency unit" is a dwelling unit consisting of one principal room exclusive of bathroom, kitchen, hallway, closets or dining alcove directly off the principal room, providing such dining alcove does not exceed one hundred twenty five (125) square feet in area.

ELEEMOSYNARY INSTITUTION: An "eleemosynary institution" is a building or group of buildings devoted to and supported by charity.

ESTABLISHMENT, BUSINESS: A "business establishment" is a place of business carrying on operations, the ownership and management of which are separate and distinct from those of any other place of business located on the same zoning lot. Direct access to each "business establishment" shall be separate and distinct from direct

access to any other business establishment, and in no case shall there be access to one such establishment from within another such establishment.

FAMILY: A "family" consists of one or more persons each related to the other by blood, marriage or adoption, together with such blood relatives' respective spouses, who are living together in a single dwelling and maintaining a common household. A "family" includes any domestic servants thereof.

FLOOR AREA (For Determining Floor Area Ratio): For the purpose of determining the floor area ratio, the "floor area" of a building is the sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the center line of walls separating two (2) buildings. The "floor area" of a building shall include basement floor area when more than one-half (1/2) of the basement height is above the established curb level or above the finished lot grade level where no curb level has been established, elevator shafts and stairwells at each floor, floor space used for mechanical equipment, except equipment, open or enclosed, located on the roof; penthouses, attic space having headroom of seven feet six inches (7'6") or more, interior balconies and mezzanines, enclosed porches and floor area devoted to accessory uses. The "floor area" of structures devoted to bulk storage of materials including, but not limited to, grain elevators, shall be determined on the basis of height in feet; i.e., ten feet (10') in height shall equal one floor.

FLOOR AREA (For Determining Off-Street Parking And Loading Requirements): "Floor area" when prescribed as the basis of measurement for off-street parking spaces and loading berths for any use shall mean the sum of the gross horizontal areas of the several floors of the building or portion thereof, devoted to such use, including accessory storage areas located within selling or working space such as counters, racks or closets, and any basement floor area devoted to retailing activities, to the production or processing of goods or to business or professional offices.

However, "floor area," for the purpose of measurement for off-street parking spaces shall not include: floor area devoted primarily to storage purposes (except as otherwise noted herein); floor area devoted to off-street parking or loading facilities, including aisles, ramps and maneuvering space; or basement floor area other than area devoted to retailing activities, to the production or processing of goods or to business or professional offices.

FLOOR AREA RATIO (FAR): The "floor area ratio" of the building or buildings on any zoning lot is the floor area of the building or buildings on that zoning lot divided by the area of such zoning lot. The "floor area ratio" requirements, as set forth under each zoning district, shall determine the maximum floor area allowable for the building or buildings (total floor area of both principal and accessory buildings) in direct ratio to the gross area of the zoning lot.

FREE BURNING: A rate of combustion described by a material which burns actively, and easily supports combustion.

FREQUENCY: The number of oscillations per second in a sound wave and is an index of the pitch of the resulting sound.

FRONTAGE: All the property fronting on one side of a street, or road ~~or public way~~, between the two (2) nearest intersecting streets, or roads ~~or public ways~~ measured

along the line thereof, or if dead ended, then all of the property abutting on one side between an intersecting street, or road ~~or public way~~ and the dead end thereof, ~~or in the case of an interior lot not fronting on a public or platted street or road, all the property abutting the front lot or yard line.~~

FRONTAGE, ZONING LOT: The "frontage of a zoning lot" is all the property of such zoning lot fronting on a street, or road ~~or public way~~ and measured between the side lot lines, or in the case of an interior lot not fronting on a ~~public or platted~~ street or road, all of the property abutting the front lot or yard line.

GRADE: The average of the finished surface of the ground adjacent to the exterior walls of the building or structure.

GUESTHOUSE: A detached accessory building located on the same zoning lot as the principal building and containing living quarters for temporary guests; such quarters shall not be rented.

GUESTS, PERMANENT: A "permanent guest" is a person who occupies or has the right to occupy a hotel or apartment hotel accommodation as his domicile and place of permanent residence.

HOTEL: An establishment which is open to transient guests, in contradistinction to a boarding house or lodging house, and is commonly known as a hotel in the community in which it is located and which provides customary hotel services.

INCOMPATIBLE USE: A use or service which is incapable of direct association with certain other uses because it is contradictory, incongruous or discordant.

INTEGRATED CENTER: A grouping of compatible uses on a single zoning lot, such uses being in single ownership or under unified control.

INTENSE BURNING: A rate of combustion described by a material that burns with a high degree of activity and is consumed rapidly.

~~KENNEL: Any premises, on which more than three (3) dogs or cats are maintained, boarded, bred or cared for in return for remuneration, or are kept for the purpose of sale.~~

LIMITED ACCESS HIGHWAY: A ~~traffic way~~ street or road, including expressways and toll roads for through traffic, in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access to or from the same, except at such points only and in such manner as may be determined by the public authority having jurisdiction over such ~~traffic way~~ street or road.

LOT: A zoning lot, except as the context shall indicate a lot of record, in which case a "lot" is a lot of record.

LOT, CORNER: A "corner lot" is a lot situated at the intersection of two (2) streets, or roads ~~or public ways~~, the interior angle of such intersection not exceeding one hundred thirty five degrees (135°).

LOT OF RECORD: A lot which is part of a subdivision, the plat of which has been recorded in the office of the recorder of deeds or registrar of titles of the county or counties in which said lot is situated, or a parcel of land, the deed to which was recorded in the office of such recorder or registrar, prior to the later to occur of: a) April

1, 1963, and b) the effective date of an ordinance annexing such lot or the territory in which such lot is a part, in accordance with the provisions of 65 Illinois Compiled Statutes 5/7-1-1 et seq., as amended.

LOT, REVERSED CORNER: A "reversed corner lot" is a corner lot the street or roadside lot line of which is substantially a continuation of the front lot line of the first lot to its rear.

LOT, ZONING: A "zoning lot or lots" is a single tract of land located within a single block, which (at the time of filing for a building permit) is designated by its owner or developer as a tract to be used, developed or built upon as a unit, under single ownership or control. Therefore, a "zoning lot or lots" may or may not coincide with a lot of record.

LOT, THROUGH: A "through lot" is a lot having a pair of opposite lot lines along two (2) or more or less parallel public streets or roads, and which is not a corner lot. On a "through lot," both street each of the lot lines abutting such streets or roads shall be deemed front lot lines.

LOT AREA, GROSS: The "gross lot area" is the area of a horizontal plane bounded by the front, side and rear lot lines.

(A) Only for purposes of determining "gross lot area" in an R-1 District:

1. The front lot line shall be deemed to be the center line of an existing or dedicated public street or road, or platted street or road a street or road if the lot abuts a street or road, provided however that for purposes of determining gross lot area, the front lot line shall extend no more than thirty three (33) feet from the actual front lot line; and

2. For a corner lot, the side lot line abutting a street or road shall be deemed to be the center line of such street or road, provided for purposes of determining gross lot area, such side lot line shall extend no more than thirty three (33) feet from the actual side lot line; and

3. No more than two and one-half (2-1/2) acres of the lot lying below the base flood elevation shall be included in computing gross lot area.

~~(B)~~ For purposes of determining "gross lot area" in all other districts:

~~1. The front lot line shall be a line parallel to and abutting an existing or dedicated public street or road, or platted street or road and~~

~~2. No no part of the lot lying below the base flood elevation shall be included in computing gross lot area.~~

~~(C)~~ In all cases, that portion of the lot lying above the base flood elevation used in computing gross lot area must be a contiguous parcel of land.

LOT, AVERAGE WIDTH: The average lot width shall be determined in the following manner for every lot line of a lot:

1. Beginning at each lot line, lines shall be drawn at ten foot (10') intervals;

2. The sum of the lengths of each parallel line so drawn, measured within the lot lines, shall be divided by the total number of parallel lines;

3. The quotient is the average width of the lot for that lot line.

If the lot line is not straight, the center point of the lot line shall be determined and a tangent drawn on the center point; lines shall be drawn at ten foot (10') intervals parallel to the tangent and the calculation shall proceed as set forth in subsections 1 through 3 above.

The minimum average width requirements set forth in this Title shall be met for every lot line of the lot.

LOT DEPTH: The "lot depth" is the average horizontal distance between the front lot line and the rear lot line of a lot, measured within the lot boundaries.

LOT LINE, FRONT: The "front lot line" shall be that boundary of a lot which is along the center line or parallel to the center line of an ~~existing or dedicated public street or road, or platted~~ **abutting** street or road, provided that the right of way of such ~~public street or road or platted~~ street or road shall be deemed to be no more than sixty six feet (66') in width for the purpose of determining such front lot line in an R1 District.

The owner of a corner lot shall select one of such streets or roads as the "front lot line".

In the case of a lot that does not abut upon a ~~dedicated public street or road or a platted~~ street or road, the "front lot line" shall be the lot line intersected by the primary access ~~road~~ to the lot.

LOT LINE, REAR: The "rear lot line" shall be that boundary of a lot which is more distant from, and is, or is most nearly, parallel to, the front lot line.

LOT LINE, SIDE: The "side lot line" shall be any boundary of a lot which is not a front lot line or a rear lot line.

MARQUEE or CANOPY: A "marquee" or "canopy" is a roof-like structure of a permanent nature which projects from the wall of a building and ~~overhangs the public way.~~

MEZZANINE: A "mezzanine" is an intermediate or fractional story between the floor and ceiling of a main story, used for a purpose accessory to the principal use. A mezzanine is usually just ~~above~~ ground or main floor and extending over only part of the main floor.

MICRON: A "micron" is a unit of length, equal to one-thousandth part of one millimeter (.001 millimeter).

MODERATE BURNING: "Moderate burning" implies a rate of combustion described by a material which supports combustion and is consumed slowly as it burns.

MOTEL: A "motel" is an establishment consisting of a group of attached or detached living or sleeping accommodations with bathroom and closet space located on a single zoning lot and designed for use by transients. A "motel" furnishes customary hotel services such as maid service and laundering of linen, telephone and secretarial or desk service, and the use and upkeep of furniture. In a "motel", the rentable living and sleeping accommodations must be designed for occupancy and occupied only by transients.

MOTOR VEHICLE: A "motor vehicle" is any passenger vehicle, truck, truck-trailer or semi-trailer propelled or drawn by mechanical power.

NAMEPLATE: A "nameplate" is a sign indicating the name and address of a building; or the name of an occupant thereof and the practice of a permitted occupation therein.

NONCONFORMING BUILDING or STRUCTURE: A "nonconforming building or structure" is any building or structure which does not comply with all of the regulations of this Zoning Title or of any amendment hereto governing bulk for the zoning district in which such building or structure is located.

NONCONFORMING USE: A "nonconforming use" is any use of land, buildings or structures which use is not permitted in the zoning district in which such use is located.

NOXIOUS MATERIAL or MATERIALS: "Noxious matter" is material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the physical or economic well-being of individuals.

OCTAVE BAND: An "octave band" is a means of dividing the range of sound frequencies into octaves in order to classify sound according to pitch.

OCTAVE BAND FILTER: An "octave band filter" is an electrical frequency analyzer designed according to standards formulated by the American Standards Association and used in conjunction with a sound level meter to take measurements in specific octave intervals.

ODOROUS MATTER: "Odorous matter" is any matter or material that yields an odor which is offensive in any way.

PARTICULATE MATTER: "Particulate matter" is material, other than water, which is suspended in or discharged into the atmosphere in a finely divided form as a liquid or solid.

PERFORMANCE STANDARD: A "performance standard" is a criterion established to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards or glare or heat generated by, or inherent in, uses of land or buildings.

POLO FIELD: A "polo field" is an area of land which is used to play or learn the game of polo, **but not including loud speakers or lighting.**

PROPERTY LINES: "Property lines" are the lines bounding a zoning lot, as defined herein.

~~PUBLIC: The term "public" shall imply the provision of a service to ten (10) or more zoning lots.~~

~~PUBLIC WAY: A "public way" is any sidewalk, street, alley, highway or other public thoroughfare.~~

RAILROAD RIGHT OF WAY: A "railroad right of way" is a strip of land with tracks and auxiliary facilities for track operation, but not including freight depots or stations, loading platforms, train sheds, warehouses, car or locomotive shops or car yards.

RECREATIONAL CLUB: A "recreational club" is a nonprofit association of persons, who are bona fide members paying fees, which owns, hires or leases land or buildings or portions thereof; the use of such premises being restricted primarily to the principal use, which is a generally recognized sport or recreational activity, including without limitation, golf, tennis and polo but not including gun clubs and skeet and trap shooting ranges or

their buildings and structures. The premises shall be restricted to members and their guests. The affairs and management of such "recreational club" are conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting. It may be permissible to serve food and meals on such premises, providing adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests may be allowed, provided it is secondary and incidental to the promotion of some recognized sport or recreational activity, and further provided that such sale of alcoholic beverages is in compliance with the applicable Federal, State, County and Village laws.

RESERVOIR PARKING: "Reservoir parking" facilities are those off-street parking spaces allocated to automobiles awaiting entrance to a particular establishment.

REST HOME or NURSING HOME: A "rest home or nursing home" is a private home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders. Such home does not contain equipment for surgical care or for the treatment of disease or injury.

RINGELMANN CHART: The "Ringelmann Chart" is one which is described in the U.S. Bureau of Mines Information Circular 6888, and on which are illustrated graduated shades of grey for use in estimating the light-obscuring capacity of smoke, and smoke density.

RINGELMANN NUMBER: The "Ringelmann Number" is the number appearing on the Ringelmann Chart ascribed by the observer to the density of the smoke emission. Where the density or light-obstructing capacity of the smoke as observed falls between two (2) consecutive Ringelmann Numbers, the lower Ringelmann Number shall be considered the density of the smoke observed.

ROADSIDE STANDS: A "roadside stand" is a structure for the display and sale of agricultural products produced on the premises where such stand is located, with no space for customers within the structure itself.

SATELLITE ANTENNA, PRIVATE: A "satellite antenna, private" is any accessory structure capable of receiving, for the sole benefit of the principal use, radio or television signals from a transmitter or a transmitter relay located in planetary orbit. This definition includes, but is not limited to, satellite receivers, satellite dish antennas, satellite discs, direct broadcast systems (DBSs), and television reception only systems (TVROs).

SETBACK: "Setback" is the minimum horizontal distance between the front a lot line of the building or structure and the front yard line and a building, sign or other improvement, as the context may require.

SIGN: A "sign" is a name, identification, description, display or illustration which is affixed to, or represented directly or indirectly upon, a building, structure or piece of land and which directs attention to an object, product, place, activity, person, institution, organization or business. However, a "sign" shall not include any display of official court or public office notices nor shall it include the flag, emblem or insignia of a nation, political unit, school or religious group. A "sign" shall not include a sign located completely within an enclosed building unless the context shall so indicate.

SIGN, ADVERTISING: An "advertising sign" is a sign which directs attention to a business, commodity, service or entertainment exclusively related to the premises where such sign is located or to which it is affixed.

SIGN, BUSINESS: A "business sign" is a sign which directs attention to a business or profession conducted or to a commodity, service or entertainment sold or offered upon the premises where such sign is located, or to which it is affixed.

SIGN, FLASHING: A "flashing sign" is any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use. For the purpose of this Zoning Title any revolving, illuminated sign shall be considered a "flashing sign".

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

SIGN, NO SOLICITATION: A "No Solicitation" sign is a sign which serves as notice that no peddling or soliciting, as defined in Chapter 3 of Title 3, shall occur on the posted premises.

SIGN, NO TRESPASS: A "No Trespass" sign is a sign which serves as notice that no person shall enter upon the land posted without permission or invitation from the owner or occupant and may include the prohibition of hunting, fishing, dumping or any other activity the owner may choose to expressly prohibit on his land.

SLOW BURNING or INCOMBUSTIBLE: "Slow burning" or "incombustible" implies materials which do not in themselves constitute an active fuel for the spread of combustion. A material which will not ignite, nor actively support combustion during an exposure for five (5) minutes at a temperature of one thousand two hundred degrees (1,200°) F. shall be designated "incombustible".

SMOKE: "Smoke" is any visible discharge into the air caused by the release of particulate matter.

SMOKE UNIT: A "smoke unit" is the number obtained when the smoke density in Ringelmann number is multiplied by the time of emission in minutes. For the purpose of this calculation, a Ringelmann density reading shall be made at least once a minute during the period of observation; each reading is then multiplied by the time in minutes during which it was observed. The various products are then added together to give the total number of smoke units observed during the entire observation period.

SOUND LEVEL: The "sound level" of an operation or use is the intensity of sound, measured in decibels, produced by such operation or use.

SOUND LEVEL METER: An instrument standardized by the American Standards Association for Measurement of Intensity of Sound.

STABLE: A detached accessory building the primary use of which is the keeping of horses.

STABLE, PRIVATE: A “private stable” is a stable intended solely for the use of the residents of the property on which the stable is located. A private stable shall not be used in connection with a permitted home occupation.

STREET OR ROAD: A public or private right of way which affords a primary means of access to ~~abutting property~~ **and abuts multiple lots**, excepting driveways ~~to buildings~~ **which serve a single lot.**

STRUCTURAL ALTERATION: Any change, other than incidental repairs, which would prolong the life of the supporting members of a building, such as the addition, removal or alteration of bearing walls, columns, beams, girders or foundations.

TENT: Any structure or enclosure, the roof of which, and/or one-half (1/2) or more of the sides, are constructed of silk, cotton, canvas, fabric or a similar light material.

THREE COMPONENT MEASURING SYSTEM: Instrumentation which can measure earthborn vibrations in three (3) directions, that is, vibration occurring in a horizontal as well as a vertical plane.

TOXIC MATTER OR MATERIALS: "Toxic materials" are those materials which are capable of causing injury to living organisms by chemical means when present in relatively small amounts.

TRAILER: Any vehicle, house car, camp car or any portable or mobile vehicle on wheels, skids, rollers or blocks, either self-propelled or propelled by any other means, which is used or designed to be used for residential, living, sleeping or commercial purposes and herein referred to as a trailer.

USE: The "use" of property is the purpose or activity for which the land or building thereon is designed, arranged or intended, or for which it is occupied or maintained, and shall include any manner of performing such activity with respect to the performance standards of this zoning title.

USE, PERMITTED: A "permitted use" is a use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations and performance standards (if any) of such district.

USE, PRINCIPAL: A "principal use" is the main use of land or buildings as distinguished from a subordinate or accessory use. A "principal use" may be either "permitted" or "special". A zoning lot may have only one principal use.

USE, SPECIAL: A "special use" is a use, either public or private, which because of its unique characteristics, cannot be properly classified as a permitted use in any particular district or districts. After due consideration, in each case, of the impact of such use upon neighboring land and of the public or private need for the particular use at the particular location, such "special use" may or may not be granted **in accordance with Section 5-10-7 of this title.**

VIBRATION: The periodic displacement, measured in inches, of earth.

WHOLESALE ESTABLISHMENT: A business establishment engaged in selling to retailers or jobbers rather than consumers.

YARD: An open space, on the same zoning lot with a building ~~or structure~~, unoccupied and unobstructed from its lowest level to the sky, except as otherwise permitted in

section 5-3-9 **(F)** of this title. A "yard" extends along a lot line, except that in the case of a front yard it shall extend along the front yard line, and to a depth or width specified in the yard requirements for the zoning district in which such ~~zoning~~ lot is located.

YARD, CORNER SIDE: A "corner side yard" is a side yard which faces a ~~public~~ street **or road**.

YARD, FRONT: A "front yard" is a yard extending along the full length of the front yard line between the side lot lines.

YARD, FRONT, LINE: The "front yard line" is the line parallel to the front lot line and coincident with the boundary of the ~~public right of way~~ **street or road** within the area of the ~~zoning~~ lot. In the case of interior lots not fronting or coincident with the boundary of a ~~public right of way~~ **street or road** within the area of the ~~zoning~~ lot (~~"public rights of way" to include public streets or roads or platted streets or roads~~) ~~lot~~, the front yard line is the line parallel **same as** to the front lot line.

YARD, INTERIOR SIDE: An "interior side yard" is a side yard which is located immediately adjacent to another ~~zoning~~ lot or to an alley separating such side yard from another ~~zoning~~ lot.

YARD, REAR: A "rear yard" is a yard extending along the full length of the rear lot line between the side lot lines.

YARD, SIDE: A "side yard" is a yard extending along a side lot line from the front yard to the rear yard.

YARD, TRANSITIONAL: A "transitional yard" is that yard which must be provided on a ~~zoning~~ lot, in a business district, which adjoins a ~~zoning~~ lot in a residence district, or that yard which must be provided in a ~~zoning~~ lot, in the light industrial district, which adjoins a ~~zoning~~ lot in either a residence or business district.

ZONING DISTRICT: A section or sections of the incorporated territory of the village for which the regulations and requirements, exclusive of special uses granted therein, governing use, lot and bulk of buildings and premises are uniform

Chapter 3
GENERAL ZONING PROVISIONS

5-3-1: INTERPRETATION:

- (A) In their interpretation and application, the provisions of this Zoning Title shall be held to be the minimum requirements for the promotion of the public health, safety, morals and welfare.
- (B) Where the conditions imposed by any provision of this Zoning Title upon the use of land or buildings or upon the bulk of buildings are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this Title or of any other law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive (or which impose higher standards or requirements) shall govern.
- (C) This Zoning Title is not intended to abrogate any easement, covenant or any other private agreement; provided, that where the regulations of this Title are more restrictive (or impose higher standards or requirements) than such easements, covenants or other private agreements, the requirements of this Title shall govern.
- (D) No building, structure or use which was not lawfully existing at the time of the effective date hereof shall become or be made lawful solely by reason of the adoption of these zoning regulations; and to the extent that, and in any manner that, said lawful building, structure, or use is in conflict with the requirements of this Title, said building, structure or use remains unlawful hereunder.
- (E) Nothing contained in this Zoning Title shall be deemed to be a consent, license or permit to use any property or to locate, construct or maintain any building, structure or facility or to carry on any trade, industry, occupation or activity.
- (F) The provisions in this Zoning Title are cumulative and additional limitations upon all other laws and ordinances, heretofore passed or which may be passed hereafter, governing any subject matter in this Zoning Title.
- (G) Authorization of a structure or use under or pursuant to this Title shall not relieve an owner or permittee from responsibility, or result in imposition of responsibility

on the Village, its officers or agents, for any condition or damage resulting from reliance on this Title or any administrative decision lawfully made there-under.

5-3-2: SEPARABILITY:

It is hereby declared to be the intention of the President and Board of Trustees of the Village that the several provisions of this Title are separable, in accordance with the following:

- (A) If any court of competent jurisdiction shall adjudge any provision of this Title to be invalid, such judgment shall not affect any other provisions of this Title not specifically included in said judgment.
- (B) If any court of competent jurisdiction shall adjudge invalid the application or any provision of this Title to a particular property, building or other structure, such judgment shall not affect the application of said provision to any other property, building or structure not specifically included in said judgment.

5-3-3: SCOPE OF REGULATIONS:

- (A) All buildings erected hereafter, all uses of land or buildings established hereafter, all structural alteration or relocation of existing buildings occurring hereafter, and all enlargements of or additions to existing uses occurring hereafter shall be subject to all regulations of this zoning title which are applicable to the zoning districts in which such buildings, uses or land shall be located.
- (B) However, where a building permit for a building or structure has been issued in accordance with law prior to the effective date hereof, and provided that construction is begun within six (6) months of such effective date and diligently prosecuted to completion, said building or structure may be completed in accordance with the approved plans on the basis of which the building permit has been issued, and further, may upon completion be occupied under a certificate of compliance by the use for which originally designated, subject thereafter to the provisions of chapter 9, "Nonconforming Buildings, Structures, Uses", of this title.
- (C) Where the enforcing officer has issued a permissive use permit, a special use permit or a permit for a variation pursuant to the provisions of this zoning title, such permit shall become null and void unless work thereon is substantially under way within six (6) months of the date of the issuance of such permit by the enforcing officer.
- (D) A special use permit shall be deemed to authorize only one particular special use and shall expire if the special use shall cease for more than six (6) months for any reason.
- (E) No land which is located in a residence district shall be used for driveway, walkway or access purposes to any land which is located in a business or the light industrial district, or used for any purpose not permitted in a residence district.

- (F) No building permit, as required by the ordinance codified herein, shall be issued for any building to be constructed on any tract, parcel, or lot that is not in compliance with 765 Illinois Compiled Statutes and village subdivision regulations and other applicable ordinances except on a lot of record, as defined herein. Parcels exempt from the requirements of 765 Illinois Compiled Statutes and village subdivision regulations¹ shall not be deemed to be in compliance with other requirements of this code.

5-3-4: REGULATIONS FOR SPECIFIC USES:

- (A) ~~Agriculture: The provisions of this title shall not be exercised so as to impose regulations or require permits with respect to land used or to be used for agricultural purposes, or with respect to the erection, maintenance, repair, alteration, remodeling or extension of buildings or structures used or to be used for agricultural purposes upon such land, except that such buildings or structures for agricultural purposes may be required to conform to building or setback lines. In the event that the land ceases to be used solely for agricultural purposes, then, and only then, shall the provisions of the zoning title apply.~~ **Reserved.**
- (B) Public Utility: The following uses are permitted in any district:
 - Cables.
 - Conduits.
 - Laterals.
 - Pipelines.
 - Poles.
 - Towers.
 - Vaults.
 - Wires.Any other similar distributing equipment of a public utility.
- (C) Tents:
 - 1. No tent shall be erected, used or maintained for living quarters.
 - 2. The requirements for tents used for purposes other than residential shall be as specified in subsection 1-6-9(D) 6 of this code.
- (D) Home Occupation: The intent of this subsection is to provide peace, quiet and domestic tranquility within all residential neighborhoods within the village and in order to guarantee to all residents freedom from nuisances, fire hazards, excessive noise, light and traffic, and other possible effects of business or commercial uses being conducted in residential districts. It is further the intent of this subsection to regulate the operation of a home occupation so that the general public will be unaware of its existence. A home occupation shall be conducted in a manner which does not give an outward appearance nor manifest characteristics of a business which would infringe upon the right of neighboring

residents to enjoy the peaceful occupancy of their dwelling units or infringe upon or change the intent or character of the residential district.

1. Authorization: Subject to the limitations of this subsection, any home occupation that is customarily incidental to the principal use of a building as a dwelling shall be permitted in any residential zoning district.

2. Definition: A "home occupation" is any lawful business, profession, occupation or trade conducted from a principal building or an accessory building in a residential district that:

- a. Is conducted for gain or support by a full time occupant of a dwelling unit; and
- b. Is incidental and secondary to the principal use of such dwelling unit for residential occupancy purposes; and
- c. Does not change the essential residential character of such dwelling unit or the surrounding neighborhood.

3. Use Limitations:

a. Employee Limitations:

(1) The owner of every home occupation shall be a person that is a full time occupant of the dwelling unit where such occupation is conducted.

(2) No more than two (2) employees or subcontractors, other than the full time occupants of a dwelling unit shall be engaged or employed in connection with, or otherwise participate in the operation of, a home occupation at anyone time. This limitation on the number of employees or subcontractors shall not apply to employees or subcontractors who are not present and do not work at the dwelling unit devoted to such home occupation.

b. Structural Limitations:

(1) No alteration of any kind shall be made to the dwelling unit where a home occupation is conducted that would change its residential character as a dwelling unit, including the enlargement of public utility services beyond that customarily required for residential use.

(2) No separate entrance from the outside of the building where the home occupation is located shall be added to such building for the sole use of the home occupation.

c. Operational Limitations:

(1) Every home occupation shall be conducted wholly within either:
a) a principal building or b) an accessory building, but not both.

(2) The floor area ratio (FAR) of the area of the building used for any such home occupation shall not exceed .01 (exclusive of garage floor area devoted to permissible parking of vehicles used in connection with the home occupation).

(3) There shall be no direct retail sales of merchandise, other than by personal invitation or appointment, nor any permanent display shelves or racks for the display of merchandise to be sold in connection with the home occupation.

(4) No routine attendance of patients, clients, customers, subcontractors, or employees (except employees and subcontractors as provided in subsection (D) 3a (2) of this section) associated with any home occupation shall be permitted at the premises of the home occupation, provided, however, that the attendance of up to four (4) persons at anyone time may be allowed for the purpose of receiving private instruction in any subject of skill. "Routine attendance" means that the conduct of the home occupation requires persons, other than the owner or permitted employees and subcontractors, to visit the premises of the home occupation as part of the regular conduct of the occupation, without regard to the number, frequency, or duration of such visits.

(5) No vehicle or mechanical, electrical, or other equipment, that produces noise, electrical or magnetic interference, vibration, heat, glare, emissions, odor, or radiation outside the principal building or accessory building containing the home occupation that is greater or more frequent than that typical of vehicles or equipment used in connection with residential occupancy shall be used in connection with any home occupation.

(6) All storage of goods, materials, products or merchandise used or sold in conjunction with a home occupation shall be wholly within the principal building or accessory building containing the home occupation.

(7) No refuse in excess of the amount permitted under section 5-3-9 of this chapter shall be generated by any home occupation.

d. Signage And Visibility:

(1) No exterior business signs on a principal building, accessory building or vehicle used in connection with the home occupation, shall be permitted in connection with any home occupation unless otherwise permitted under section 5-5-11 of this title.

(2) There shall be no exterior indications of the home occupation or exterior variations from the residential character of the principal building or accessory building containing the home occupation.

e. Traffic Limitations: No home occupation shall generate significantly greater vehicular or pedestrian traffic than is typical of residences in the surrounding neighborhood of the home occupation.

f. Nuisance Causing Activities: In addition to the foregoing specific limitations, no home occupation shall cause or create any act, which endangers public health or results in annoyance or discomfort to the

public, said act being defined as a nuisance under title 7, Chapter 1 of this code.

g. Boarding And Training Of Horses: ~~Notwithstanding anything to the contrary contained in this subsection (D),~~ **The** boarding of horses in a stable and the training of horses and their riders shall be a permitted home occupation **subject to the provisions of sub-subsections 3(a) through (f) of this Section 5-3-4(D)**; provided that no persons engaged to facilitate such boarding, other than the immediate family residing on the premises, shall be permitted to carry out their functions except between the hours of eight o'clock (8:00) A.M. and eight o'clock (8:00) P.M. or sunset, whichever is later, and further provided that no vehicles or machinery, other than that belonging to the immediate family residing on the premises shall be permitted to be operated on the premises except during the hours of eight o'clock (8:00) A.M. and **to the later of** eight o'clock (8:00) P.M. or sunset, ~~whichever is later.~~

5-3-5: SEWAGE DISPOSAL AND WATER SUPPLY:

Regardless of other provisions of this zoning title, in all classifications and in all districts there shall always be sufficient ground area left unoccupied by a structure or paving for a proper system of sewage disposal and water supply conforming with the standards and requirements of the village building code² and other applicable requirements of the county in which the land in question is situated or of the state of Illinois. Plot plans accompanying building permit applications shall show clearly the proposed sewage disposal system and well locations, if any.

5-3-6: ZONING OF ADDITIONS AND OMISSIONS OF LAND:

Any additions to the incorporated area of the village shall be automatically classified as R1 single-family residence district until otherwise reclassified by amendment. Any land, when classification is not shown thereon, shall be classified as in the R1 single-family residence district, until otherwise reclassified by amendment.

5-3-7: NUMBER OF BUILDINGS ON ZONING LOT:

Not more than one principal detached residential building **dwelling** shall be located on a zoning lot, nor shall a principal detached residential building **dwelling** be located on the same zoning lot with any other principal building. **For any zoning lot, the principal use of which is agriculture or expanded agriculture, the principal building shall be the building used in connection with such agricultural purposes. Dwelling units shall not be located on any zoning lot, the principal use of which is agriculture or expanded agriculture.**

5-3-8: ACCESSORY BUILDINGS, STRUCTURES AND USES:

- (A) Time of Construction: No accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory.
- (B) ~~Percentage of Required Yard Occupied: No detached accessory building or buildings shall occupy more than fifty percent (50%) of the area of a required yard.~~ **Reserved.**
- (C) Reserved.
- (D) Satellite Antenna, Private: The size and location of any such antenna shall comply with all of the following requirements in order to be a conforming accessory structure:
 - 1. Size: No antenna shall exceed an overall diameter of twelve feet (12') or an overall height of fifteen feet (15') above existing grade.
 - 2. Ground Mounted: The antenna shall be permanently ground mounted. No antenna shall be installed on a portable or movable structure, such as a trailer.
 - 3. Screening: The antenna shall be totally screened, for its entire height, from view at ground level from any adjacent lot or street, public or private. Screening shall be provided by anyone or more of the following: the dwelling on the lot where such antenna is located; garages, storage buildings, or other accessory buildings which meet all provisions of this zoning title; or landscaping and plantings which provide year round screening.
 - 4. Construction: All provisions of the building code, title 4 of this code, as may pertain to satellite antennas, shall be met.

5-3-9: BULK REGULATIONS:

- (A) Continued Conformity With Bulk Regulations: 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 **zoning lot**.
- (B) Division Of Zoning Lots: No improved zoning lot shall hereafter be divided into two (2) or more zoning lots unless all improved zoning lots resulting from each such division shall conform with all the applicable bulk regulations of the zoning district in which the property **such zoning lot** is located.
- (C) Location Of Required Open Space: All yards and other open spaces allocated to a building shall be located on the same zoning lot as such building.
- (D) Required Yards, Existing Buildings: No yards, now or hereafter provided for a building existing on the effective date hereof, shall subsequently be reduced below, or further reduced if already less than, the minimum yard requirements of this zoning title for equivalent new construction.

- (E) **Setback From Watercourses:** If the base flood elevation, as defined in section 4-5-1 of this code, is interior to one or more lot lines, the base flood elevation shall serve as the beginning point for measurement of the minimum yard requirements as provided in accordance with the regulations of this title. Upon an application made by the owner of the subject property as further provided herein, the setback from a watercourse may be less than the applicable yard requirement if unobstructed open space is guaranteed in a conservation easement, restrictive covenant, or other perpetual agreement recommended by the plan commission and after a public hearing, approved by the board of trustees based on an affirmative finding that the guarantee of open space: 1) provides equal or greater protection for the natural resources of the area, and 2) preserves the quality of light, air, and views of the subject property and other property in the locality, and 3) the reduction in the setback will not otherwise have an adverse impact on the watercourse or the drainage from the subject property or onto other properties in the locality. An application for relief from the setback requirements shall be made by the owner of the subject property, or if by another person having interest therein, with the written concurrence of the owner of the subject property. An application for relief shall be filed in writing with the enforcing officer. The application shall contain such information as the plan commission may, from time to time, by rule, require. Notice of the time and place of the public hearing shall contain such information as the plan commission may, from time to time, by rule, require. Notice of the time and place of the public hearing shall be published at least once, not less than fifteen (15) days' prior written notice of the time and place of the public hearing by certified mail, return receipt requested, to all owners of property within two hundred fifty feet (250') (not including street rights of way) of the boundary of the subject property.
- (F) **Permitted Obstructions In Required Yards:** The following shall not be considered to be obstructions when located in the required yards specified:
1. **In All Yards:** Open terraces but not including a permanently roofed over terrace or porch; awnings and canopies; steps which are necessary for access to a permitted building or for access to a zoning lot from a street or alley; chimneys projecting eighteen inches (18") or less into the yard; recreational and laundry drying equipment; arbors and trellises; flagpoles; fences and walls not exceeding five feet (5') in height above natural grade level; and open type fence exceeding five feet (5') in height, but not more than eight feet (8') in height, provided that visibility at right angles to any surface of such fence not be reduced by more than fifty percent (50%); and containers of one cubic yard or larger in which refuse, manure or similar substances are placed but only on the day preceding, the day of, and the day after scheduled pick up or collection of the contents of the container, provided that if the container is three (3) cubic yards or larger, then the container may remain in the required yard at all times if the container is screened, for its entire height, from the view of any adjacent lot and any public or private street and right of way.
 2. **In Front Yards:** One-story bay windows projecting three feet (3') or less into the yard; overhanging eaves and gutters projecting three feet (3') or less into the yard.

3. In Rear Yards: Open off street parking spaces; balconies; breezeways and open porches; one-story bay windows projecting three feet (3') or less into the yard; and overhanging eaves and gutters projecting three feet (3') or less into the yard.

4. In Side Yards: Overhanging eaves and gutters projecting eighteen inches (18") or less into the yard.

5. In All Yards on Lots used for Agriculture or Expanded Agriculture: Growing crops, pasturage, horticulture, floriculture and viticulture may be performed in all yards.

5-3-10: OFF STREET PARKING AND LOADING FACILITIES:

(A) Scope Of Regulations: The off street parking and loading provisions of this zoning title shall apply as follows:

1. For all buildings and structures erected and all uses of land established after the effective date hereof, accessory parking and loading facilities shall be provided as required by the regulations of the districts in which such buildings or uses are located. However, where a building permit has been issued prior to the effective date hereof, and provided that construction is begun within six (6) months of such effective date and diligently prosecuted to completion, parking and loading facilities in the amount required for issuance of said building permit may be provided in lieu of any different amounts required by this zoning title.

2. When the intensity of use of any building, structure or premises shall be increased through addition of dwelling units, gross floor area, seating capacity or other units of measurement specified herein for required parking or loading facilities, parking or loading facilities as required herein shall be provided for such increase in intensity of use. However, no building or structure lawfully erected or use lawfully established prior to the effective date hereof shall be required to provide such additional parking or loading facilities unless and until the aggregate increase in units of measurement shall equal not less than fifteen percent (15%) of the units of measurement existing upon the effective date hereof, in which event, parking or loading facilities as required herein shall be provided for the total increase; provided, however, that in the case of the expansion or alteration of residential buildings, required parking or loading facilities shall be provided on the basis of the total required units of measurement for the entire capacity of the building.

3. Whenever the existing use of a building or structure shall hereafter be changed to a new use, parking or loading facilities shall be provided as required for such new use. However, if the said building or structure was erected prior to the effective date hereof, additional parking or loading facilities are mandatory only in the amount by which the requirements for the new use would exceed those for the existing use if the latter were subject to the parking and loading provisions of this title.

- (B) Existing Parking Facilities: Accessory off street parking facilities in existence on the effective date hereof and located on the same lot as the building or use served shall not hereafter be reduced below, or if already less than, shall not be further reduced below the requirements for a similar new building or use under the provisions of this title.
- (C) Permissive Parking And Loading Facilities: Nothing in this title shall be deemed to prevent the voluntary establishment of off street parking or loading facilities to serve any existing use of land or buildings; provided, that all regulations herein governing the location, design and operation of such facilities are adhered to.
- (D) Damage Or Destruction: For any conforming or legally nonconforming building or use which is in existence on the effective date hereof, which subsequently thereto is damaged or destroyed by fire, collapse, explosion or other cause, and which is reconstructed, reestablished or repaired, off street parking or loading facilities need not be provided, except that parking or loading facilities equivalent to any maintained at the time of such damage or destruction shall be restored or continued in operation. However, in no case shall it be necessary to restore or maintain parking or loading facilities in excess of those required by this zoning title for equivalent new uses or construction.
- (E) Control Of Off Site Parking Facilities: In cases where parking facilities are permitted on and other than the zoning lot on which the building or use served is located, such facilities shall be in the same possession as the zoning lot occupied by the building or use to which the parking facilities are accessory. Such possession may be either deed or long term lease, the term of such lease to be determined by the zoning board of appeals. The owner of the land on which the parking facilities are to be located shall be bound by covenant filed on the record in the office of the recorder of deeds or the registrar of titles of that county or counties in which said land is situated, requiring such owner, his heirs and assigns, to maintain the required number of parking facilities for the duration of the use served or of the said lease, whichever shall terminate sooner.
- (F) Submission Of Plot Plan: Any application for a building permit, or for a certificate of compliance where no building permit is required, shall include therewith a plot plan, drawn to scale and fully dimensioned, showing any parking or loading facilities to be provided in compliance with this zoning title.

5-3-11: REGULATIONS FOR SPECIAL USES:

- (A) Where a use is classified as a special use in the district in which it is zoned under this zoning title, and exists as a special or permitted use under the terms of any zoning ordinance effective immediately prior to the effective date hereof, it shall be considered to be a legal special use.
- (B) Where a special use is not allowed as a special or permitted use in the district in which it is zoned under this zoning title, and exists as a special use under the terms of any zoning ordinance in effect immediately prior to the effective date hereof, it shall be considered to be a nonconforming use and shall be subject to the applicable nonconforming use provisions set forth in chapter 9 of this title.

- (C) No special use permit shall be granted for a private boathouse unless the size of the private boathouse complies with all of the following requirements:
1. Floor Area: No private boathouse shall exceed an overall floor area of three hundred (300) square feet, excluding the area of in-water boat slips.
 2. Height: No private boathouse shall exceed an overall height of twenty feet (20') as measured by the vertical distance from the base flood elevation of the watercourse on which the boathouse is located or adjoins opposite the center of the front of the boathouse to the highest point on the boathouse.
 3. Covered Area: No private boathouse shall have a permanent covered area exceeding six hundred (600) square feet. When calculating the covered area of a private boathouse, the covered area of the in-water boat slips shall be included in the calculations.

Footnote 1: See title 6 of this code.

Footnote 2: See title 4. Chapter 1 of this code.

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CHAPTER 5 RESIDENTIAL DISTRICTS

5-5-1: USE, LOT AND BULK REGULATIONS:

Use, lot and bulk regulations applying specifically to residence districts are set forth in the following sections of this chapter. Also applying to residence districts are regulations set forth in other chapters of this title as follows:

CHAPTER 2, "Zoning Definitions", of this title.

CHAPTER 3, "General Zoning Provisions", of this title.

CHAPTER 9, "Nonconforming Buildings, Structures, Uses", of this title.

CHAPTER 10, "Administration And Enforcement", of this title.

5-5-2: PERMITTED USES:

Permitted uses of land or buildings, as hereinafter listed, shall be permitted in the districts indicated under the conditions specified. Other than accessory uses, only one of the enumerated permitted uses may be established on a zoning lot. Unless otherwise specifically set forth, wherever a permitted use is named as a major category in this chapter, it shall be deemed to include all and only those itemized uses listed under the said major category in the R1 through R4 districts, as set forth in this section. No building or zoning lot shall be devoted to any use other than a use permitted hereinafter in the zoning district in which such building or zoning lot shall be located, with the exception of the following:

Special uses allowed in accordance with the provisions of section 5-5-3 of this chapter.

~~Uses lawfully established on April 1, 1963.~~

Uses lawfully established on April 1, 1963, and ~~rendered nonconforming thereafter,~~ shall be subject to the regulations of chapter 9 of this title.

(A) Permitted Uses, R1 District: The following uses are permitted in the R1 district:

- 1.** **Single-family detached dwellings.**
- 2.** **Agriculture.**
- 3.** **Signs, as regulated by section 5-5-11 of this chapter.**
- 4.** Accessory uses, incidental to and on the same or an adjacent zoning lot or lots under one ownership, as the principal use:
 - a.** ~~Agricultural buildings and structures~~ **Agriculture for consumption of such agricultural products by the owner of such lot, as accessory only to single-family dwellings.**
 - b.** Garages and carports, **as accessory only to single-family detached dwellings.**
 - c.** Greenhouses and conservatories, private.
 - d.** Guesthouses, private, **as accessory only to single-family detached dwellings.**
 - e.** Home occupations, **as accessory only to single-family detached dwellings.**
 - f.** Living quarters, detached, for persons employed on the premises if occupied only by such persons and their immediate family, **as accessory only to single-family detached dwellings.**
 - g.** ~~Playhouses and summer houses.~~
 - h.** **Private stables and the keeping of horses owned by the owner of the lot, as accessory only to single-family detached dwellings.**
 - i.** ~~Roadside stands,~~ **as accessory only to agriculture.**
 - j.** Satellite antennas, private.
 - k.** Sewage disposal units, individual, as regulated by section 5-3-5 of this title.
 - l.** **Stables and the keeping of horses, in connection to a permitted home occupation, as accessory only to single-family detached dwellings.**
 - m.** Storage of building materials and equipment, and temporary buildings for construction purposes, for a period not to exceed the duration of such construction.
 - n.** Swimming pools, **as accessory only to single-family detached dwellings.**
 - o.** Tennis courts, private, **as accessory only to single-family detached dwellings.** The lighting of tennis courts by artificial illumination is prohibited.

- p.** Tool houses, sheds and other similar buildings, for the storage of domestic supplies.
- q.** Water systems, individual, as regulated by section 5-3-5 of this title.

~~Agriculture.~~

~~Signs, as regulated by section 5-5-11 of this chapter.~~

~~Single-family detached dwellings.~~

- (B) Permitted Uses, R2 District:
Any use permitted in the R1 district, **except agriculture.**
- (C) Permitted Uses, R3 District:
Any use permitted in the R1 district, **except agriculture.**
- (D) Permitted Uses, R4 District:
Any use permitted in the R1 district, **except agriculture.**

5-5-3: SPECIAL USES:

Special uses, as hereinafter listed, may be allowed in the zoning districts indicated, subject to the issuance of special use permits in accordance with the provisions of section 5-10-7 of this title. Unless otherwise specifically set forth, wherever a special use is named as a major category in this chapter, it shall be deemed to include all and only those itemized uses listed under the said major category in the R1 district, subsection (A) of this section.

- (A) Special Uses, R1 District: The following special uses may be allowed in the R1 district:

 - 1.** Accessory uses, incidental to and on the same or adjacent zoning lot or lots under one ownership as the principal use, as established in subsection 5-5-2(A) of this chapter.
 - 2.** Amateur radio and television stations and towers (transmitting and receiving).
 - 3.** Artificial lakes.
 - 4.** Boathouses, private.
 - 5.** Cemeteries:

 - a.** Cemeteries.
 - b.** Mausoleums, crematories and columbariums in cemeteries.
 - 6.** Educational institutions and cultural institutions.

 - a.** Athletic fields and playgrounds on the grounds of educational or cultural institutions.
 - b.** Colleges, junior colleges and universities, including fraternity and sorority houses, dormitories and other structures and facilities necessary

in the operation of a college or university, but not business colleges or trade schools.

c. Nursery, elementary and high schools.

d. Public libraries and public art galleries.

7. Expanded agriculture.

8. Landfill.

9. Private landing fields for aircraft.

10. Public utility and service uses.

a. Electric substations.

b. Fire stations.

c. Gas regulator stations.

d. Police stations.

e. Post offices.

f. Railroad right of way, but not including railroad yards and shops.

g. Telephone exchanges and telephone transmission equipment buildings.

h. Waterworks, reservoirs, pumping stations and filtration plants.

i. Other governmental buildings, including a village hall.

11. Recreational facilities.

a. Athletic fields and playgrounds in public parks.

b. Buildings, clubhouses and accessory structures, located on the grounds of athletic fields, playgrounds, recreational clubs, golf courses and polo fields, including the sale therein of sports equipment and the serving of beverages, including alcoholic beverages, and food, if incidental to the principal activity.

c. Forest preserves.

d. Golf courses, but not including commercially operated driving ranges, pitch and putt, miniature or par 3 courses, and not including buildings or structures.

e. Grounds of recreational clubs, noncommercial.

f. Polo fields, except their buildings and structures.

g. Public parks.

12. Religious institutions.

a. Athletic fields and playgrounds on the grounds of religious institutions.

b. Churches, chapels, temples and synagogues.

c. Columbariums associated with religious institutions.

d. Rectories, parsonages and parish houses.

- (B) Special Uses, R2 District: Any use allowed as a special use in the R1 district, **with the exception of expanded agriculture.**
- (C) Special Uses, R3 District: Any use allowed as a special use in the R1 district, with the exception of the following:
 - 1. Amateur radio and television stations and towers (transmitting and receiving).
 - 2. Expanded agriculture.**
 - 3. Private landing fields for aircraft.
- (D) Special Uses, R4 District: Any use allowed as a special use in the R1 district, with the exception of the following:
 - 1. Amateur radio and television stations and towers (transmitting and receiving).
 - 2. Expanded agriculture.**
 - 3. Private landing fields for aircraft.

5-5-4: LOT AREA:

Lot area requirements shall be as set forth under each zoning district.

- (A) No use shall be established or hereafter maintained on a lot recorded after April 1, 1963, which is of less area than prescribed hereinafter for such use in the zoning district in which it is to be located.
- (B) In any residence district, on a lot which was a lot of record, a single-family dwelling may be established regardless of the area of the lot, provided that all other requirements of this title are met.
- (C) In any residence district a lot of record which does not meet the area requirements of this title may be voluntarily increased in area, provided that all other requirements of this title are met.
- (D) No existing building shall be converted so as to conflict with, or further conflict with, the lot area requirements of the district in which such building is located.

5-5-4-1: MINIMUM LOT AREA, PERMITTED USES:

For each principal permitted use in section 5-5-2 of this chapter, located in the R1 to R4 districts inclusive, a zoning lot shall be provided in accordance with the requirements specified in this section.

Agriculture:

- R1 **10** acres
- R2 **Not allowed**
- R3 **Not allowed**
- R4 **Not allowed**

Single-family detached dwellings:

- R1 5 acres
- R2 3 acres
- R3 2 acres
- R4 1 acre

5-5-4-2: MINIMUM LOT AREA, SPECIAL USES:

For each principal special use in section 5-5-3 of this chapter located in the R1 to R4 districts inclusive, a zoning lot shall be provided in accordance with the requirements specified in this section.

Amateur radio and television stations and towers:

- R1 As specified by the zoning board of appeals R2 Not allowed
- R3 Not allowed
- R4 Not allowed

Artificial lakes:

- R1 As specified by the zoning board of appeals
- R2 As specified by the zoning board of appeals
- R3 As specified by the zoning board of appeals
- R4 As specified by the zoning board of appeals

Boathouses, private:

- R1 5 acres
- R2 3 acres
- R3 2 acres
- R4 1 acre

Cemeteries:

- R1 5 acres
- R2 5 acres
- R3 5 acres
- R4 5 acres

Educational institutions and cultural institutions:

- R1 5 acres
- R2 5 acres
- R3 5 acres
- R4 5 acres

Expanded Agriculture:

- R1 20 acres**
- R2 Not allowed**
- R3 Not allowed**
- R4 Not allowed**

Private landing fields for aircraft:

- R1 As specified by the zoning board of appeals
- R2 As specified by the zoning board of appeals
- R3 Not allowed
- R4 Not allowed

Public utility and service uses:

- R1 As specified by the zoning board of appeals
- R2 As specified by the zoning board of appeals
- R3 As specified by the zoning board of appeals
- R4 As specified by the zoning board of appeals

Recreational facilities:

- R1 5 acres
- R2 5 acres
- R3 5 acres
- R4 5 acres

Religious institutions:

- R1 5 acres
- R2 5 acres
- R3 5 acres
- R4 5 acres

5-5-4-3: MINIMUM LOT AREA, ACCESSORY USES:

For each accessory use in sections 5-5-2 and 5-5-3 of this chapter, located in the R1 to R4 districts inclusive, the minimum lot area requirements shall not be less than those specified for the principal uses in sections 5-5-4-1 and 5-5-4-2 of this chapter; except, however, the following accessory uses which must meet the minimum lot area requirements specified in this section:

Guesthouses, private:

- R1 5 acres
- R2 3 acres
- R3 3 acres
- R4 3 acres

Living quarters, detached, for persons employed on the premises:

- R1 5 acres
- R2 3 acres
- R3 3 acres
- R4 3 acres

Sewage disposal units, individual:

- R1 5 acres

- R2 3 acres
- R3 2 acres
- R4 1 acre

Stables, including private stables:

- R1 5 acres
- R2 5 acres
- R3 5 acres
- R4 5 acres

Water systems, individual:

- R1 5 acres
- R2 3 acres
- R3 2 acres
- R4 1 acre

5-5-5: AVERAGE LOT WIDTH:

Average lot width requirements shall be as set forth under each zoning district.

- (A) No use shall be established on a lot which was recorded as a lot after January 26, 1981, which is of less "average lot width", as that phrase is defined and determined according to section 5-2-1 of this title, than is prescribed hereinafter for such use in the zoning district in which it is to be located.
- (B) In any residence district, on a lot which was recorded between April 1, 1963, and January 26, 1981, the average lot width as prescribed hereinafter shall be calculated using only the front lot line.
- (C) In any residence district, on a lot which was a lot of record, a single-family dwelling may be established regardless of the width of the lot, provided that all other requirements of this title are met.

5-5-5-1: MINIMUM AVERAGE LOT WIDTH, PERMITTED USES:

For each principal permitted use in section 5-5-2 of this chapter, located in the R1 to R4 districts inclusive, a minimum average lot width shall be provided in accordance with the requirements specified in this section.

Agriculture:

- R1 300 feet
- R2 300 feet **Not allowed**
- R3 300 feet **Not allowed**
- R4 300 feet **Not allowed**

Single-family detached dwellings:

- R1 300 feet
- R2 250 feet
- R3 200 feet

R4 150 feet

5-5-5-2: MINIMUM AVERAGE LOT WIDTH, SPECIAL USES:

For each principal special use in section 5-5-3 of this chapter, located in the R1 to R4 districts inclusive, a minimum average lot width shall be provided in accordance with the requirements specified in this section:

Amateur radio and television stations and towers:

- R1 As specified by the zoning board of appeals
- R2 Not allowed
- R3 Not allowed
- R4 Not allowed

Artificial lakes:

- R1 As specified by the zoning board of appeals
- R2 As specified by the zoning board of appeals
- R3 As specified by the zoning board of appeals
- R4 As specified by the zoning board of appeals

Boathouses, private:

- R1 300 feet
- R2 250 feet
- R3 200 feet
- R4 150 feet

Cemeteries:

- R1 300 feet
- R2 300 feet
- R3 300 feet
- R4 300 feet

Educational institutions and cultural institutions:

- R1 300 feet
- R2 300 feet
- R3 300 feet
- R4 300 feet

Expanded Agriculture:

- R1 500 feet**
- R2 Not allowed**
- R3 Not allowed**
- R4 Not allowed**

Private landing fields for aircraft:

- R1 As specified by the zoning board of appeals
- R2 As specified by the zoning board of appeals
- R3 Not allowed
- R4 Not allowed

Public utility and service uses:

- R1 As specified by the zoning board of appeals
- R2 As specified by the zoning board of appeals
- R3 As specified by the zoning board of appeals
- R4 As specified by the zoning board of appeals

Recreational facilities:

- R1 300 feet
- R2 300 feet
- R3 300 feet
- R4 300 feet

Religious institutions:

- R1 300 feet
- R2 300 feet
- R3 300 feet
- R4 300 feet

5-5-5-3: MINIMUM AVERAGE LOT WIDTH, ACCESSORY USES:

For each accessory use in sections 5-5-2 and 5-5-3 of the chapter, located in the R1 to R4 districts inclusive, the minimum average lot width requirements shall not be less than those specified for the principal uses in sections 5-5-5-1 and 5-5-5-2 of this chapter; except, however, the following accessory uses which must meet the minimum average lot width requirements specified in this section:

Guesthouses, private:

- R 1 300 feet
- R2 250 feet
- R3 250 feet
- R4 250 feet

Living quarters, detached, for persons employed on the premises:

- R 1 300 feet
- R2 250 feet
- R3 250 feet
- R4 250 feet

Sewage disposal units, individual:

- R 1 300 feet
- R2 250 feet
- R3 200 feet
- R4 150 feet

Stables, including private stables:

- R1 300 feet
- R2 300 feet
- R3 300 feet

R4 300 feet

Water systems, individual:

R1 300 feet

R2 250 feet

R3 200 feet

5-5-6: FRONT YARDS:

Front yards shall be provided in accordance with the regulations hereinafter indicated. Front yards shall be unobstructed from ground level to sky, except as allowed in sub section 5-3-9 **(F)** of this title.

5-5-6-1: MINIMUM FRONT YARD, PERMITTED USES:

For each principal permitted use in section 5-5-2 of this chapter, located in the R1 to R4 districts inclusive, a front yard shall be provided in accordance with the requirements specified in this section.

Agriculture:

R1 ~~No requirements~~ **150 feet**

R2 ~~No requirements~~ **Not allowed**

R3 ~~No requirements~~ **Not allowed**

R4 ~~No requirements~~ **Not allowed**

Single-family detached dwellings:

R1 50 feet

R2 50 feet

R3 50 feet

R4 50 feet

5-5-6-2: MINIMUM FRONT YARD, SPECIAL USES:

For each principal special use in section 5-5-3 of this chapter, located in the R1 to R4 districts inclusive, a front yard shall be provided in accordance with the requirements specified in this section.

Amateur radio and television stations and towers:

R1 As specified by the zoning board of appeals

R2 Not allowed

R3 Not allowed R4 Not allowed

Artificial lakes:

R1 As specified by the zoning board of appeals

R2 As specified by the zoning board of appeals

R3 As specified by the zoning board of appeals

R4 As specified by the zoning board of appeals

Boathouses, private:

- R1 As specified by the zoning board of appeals
- R2 As specified by the zoning board of appeals
- R3 As specified by the zoning board of appeals
- R4 As specified by the zoning board of appeals

Cemeteries:

- R1 No requirements
- R2 No requirements
- R3 No requirements
- R4 No requirements

Educational institutions and cultural institutions:

- R1 50 feet
- R2 50 feet
- R3 50 feet
- R4 50 feet

Expanded Agriculture:

- R1 150 feet**
- R2 Not allowed**
- R3 Not allowed**
- R4 Not allowed**

Private landing fields for aircraft:

- R1 As specified by the zoning board of appeals
- R2 As specified by the zoning board of appeals
- R3 Not allowed
- R4 Not allowed

Public utility and service uses:

- R1 As specified by the zoning board of appeals
- R2 As specified by the zoning board of appeals
- R3 As specified by the zoning board of appeals
- R4 As specified by the zoning board of appeals

Recreational facilities:

- R1 As specified by the zoning board of appeals
- R2 As specified by the zoning board of appeals
- R3 As specified by the zoning board of appeals
- R4 As specified by the zoning board of appeals

Religious institutions:

- R1 50 feet
- R2 50 feet
- R3 50 feet
- R4 50 feet

5-5-6-3: MINIMUM FRONT YARD, ACCESSORY USES:

For each accessory use in sections 5-5-2 and 5-5-3 of this chapter, located in the R1 to R4 districts inclusive, the minimum front yard requirements shall not be less than those specified for the principal uses in sections 5-5-6-1 and 5-5-6-2 of this chapter; except, however, the following accessory uses which must meet the minimum front yard requirements specified in this section:

~~Agricultural buildings and structures:~~

- ~~R1 — 150 feet~~
- ~~R2 — 150 feet~~
- ~~R3 — 150 feet~~
- ~~R4 — 150 feet~~

Guesthouses, private:

- R1 100 feet
- R2 Front yard requirements of the R1 district shall apply
- R3 Front yard requirements of the R1 district shall apply
- R4 Front yard requirements of the R1 district shall apply

Living quarters, detached, for persons employed on the premises:

- R1 100 feet
- R2 Front yard requirements of the R1 district shall apply
- R3 Front yard requirements of the R1 district shall apply
- R4 Front yard requirements of the R1 district shall apply

Mausoleums, crematories and columbariums in cemeteries:

- R1 300 feet
- R2 300 feet
- R3 300 feet
- R4 300 feet

~~Roadside stands, on zoning lots where the principal use is agricultural:~~

- ~~R1 20 feet~~
- ~~R2 20 feet **Not allowed**~~
- ~~R3 20 feet **Not allowed**~~
- ~~R4 20 feet **Not allowed**~~

Satellite antennas, private:

- R1 100 feet
- R2 100 feet
- R3 100 feet
- R4 100 feet

Stables, including private stables:

- R1 150 feet
- R2 150 feet
- R3 150 feet

[**Additions**/~~Deletions~~]

DRAFT

R4 150 feet

Stadiums and grandstands in athletic fields:

R 1 300 feet

R2 300 feet

R3 300 feet

R4 300 feet

DRAFT

Temporary buildings for construction purposes:

- R1 No requirements, provided that there shall not be undue interference with the use and enjoyment of neighboring property
- R2 No requirements, provided that there shall not be undue interference with the use and enjoyment of neighboring property
- R3 No requirements, provided that there shall not be undue interference with the use and enjoyment of neighboring property
- R4 No requirements, provided that there shall not be undue interference with the use and enjoyment of neighboring property

5-5-7: INTERIOR SIDE YARDS:

Interior side yards shall be provided in accordance with the regulations hereinafter indicated. Interior side yards shall be unobstructed from ground level to sky, except as allowed in section 5-3-9 of this title. All accessory buildings which are attached to principal buildings (as attached garages) shall comply with the yard requirements of the principal buildings. However, on a lot of record which is less than one hundred feet (100') in width, each side yard shall be not less than ten percent (10%) of the lot width, but in no case less than five feet (5'); or if the width of such a lot shall be less than one hundred fifty feet (150') but shall be one hundred feet (100') or more, each side yard shall be not less than fifteen percent (15%) of the lot width.

5-5-7-1: MINIMUM INTERIOR SIDE YARD, PERMITTED USES:

For each principal permitted use in section 5-5-2 of this chapter, located in the R1 to R4 districts inclusive, the interior side yards shall be provided in accordance with the requirements specified in this section.

Agriculture:

- R1 ~~No requirements~~ **150 feet**
- R2 ~~No requirements~~ **Not allowed**
- R3 ~~No requirements~~ **Not allowed**
- R4 ~~No requirements~~ **Not allowed**

Single-family detached dwellings:

- R1 50 feet
- R2 50 feet
- R3 35 feet
- R4 25 feet

5-5-7-2: MINIMUM INTERIOR SIDE YARD, SPECIAL USES:

For each principal special use in section 5-5-3 of this chapter, located in the R1 to R4 districts inclusive, the interior side yards shall be provided in accordance with the requirements specified in this section.

Amateur radio and television stations and towers:

- R1 As specified by the zoning board of appeals
- R2 Not allowed
- R3 Not allowed
- R4 Not allowed

Artificial lakes:

- R1 As specified by the zoning board of appeals
- R2 As specified by the zoning board of appeals
- R3 As specified by the zoning board of appeals
- R4 As specified by the zoning board of appeals

Boathouses, private:

- R1 50 feet
- R2 50 feet
- R3 35 feet
- R4 25 feet

Cemeteries:

- R1 No requirements
- R2 No requirements
- R3 No requirements
- R4 No requirements

Educational institutions and cultural institutions:

- R1 50 feet, plus 1 foot for each 2 feet by which the building height exceeds 15 feet
- R2 50 feet, plus 1 foot for each 2 feet by which the building height exceeds 15 feet
- R3 50 feet, plus 1 foot for each 2 feet by which the building height exceeds 15 feet
- R4 50 feet, plus 1 foot for each 2 feet by which the building height exceeds 15 feet

Expanded Agriculture:

- R1 150 feet**
- R2 Not allowed**
- R3 Not allowed**
- R4 Not allowed**

Private landing fields for aircraft:

- R1 As specified by the zoning board of appeals
- R2 As specified by the zoning board of appeals
- R3 Not allowed
- R4 Not allowed

Public utility and service uses:

- R1 As specified by the zoning board of appeals
- R2 As specified by the zoning board of appeals
- R3 As specified by the zoning board of appeals
- R4 As specified by the zoning board of appeals

Recreational facilities:

- R1 As specified by the zoning board of appeals
- R2 As specified by the zoning board of appeals
- R3 As specified by the zoning board of appeals
- R4 As specified by the zoning board of appeals

Religious institutions:

- R1 50 feet, plus 1 foot for each 2 feet by which the building height exceeds 15 feet
- R2 50 feet, plus 1 foot for each 2 feet by which the building height exceeds 15 feet
- R3 50 feet, plus 1 foot for each 2 feet by which the building height exceeds 15 feet
- R4 50 feet, plus 1 foot for each 2 feet by which the building height exceeds 15 feet

5-5-7-3: MINIMUM INTERIOR SIDE YARD, ACCESSORY USES:

For each accessory use in sections 5-5-2 and 5-5-3 of this chapter, located in the R1 to R4 districts inclusive, the minimum interior side yard requirements shall not be less than those specified for the principal uses in sections 5-5-7-1 and 5-5-7-2 of this chapter; except, however, the following accessory uses which must meet the minimum interior side yard requirements specified in this section:

~~Agricultural buildings and structures:~~

- ~~R1 — 100 feet~~
- ~~R2 — 100 feet~~
- ~~R3 — 100 feet~~
- ~~R4 — 100 feet~~

Buildings accessory to single-family dwellings, except those uses specifically itemized in this section:

- R1 50 feet
- R2 50 feet
- R3 35 feet
- R4 25 feet

Guesthouses, private:

- R1 50 feet
- R2 50 feet
- R3 50 feet
- R4 50 feet

Living quarters, detached, for persons employed on the premises:

- R1 50 feet
- R2 50 feet
- R3 50 feet
- R4 50 feet

Mausoleums, crematories and columbariums in cemeteries:

- R 1 300 feet
- R2 300 feet
- R3 300 feet

R4 300 feet

Roadside stands, ~~on zoning lots where the principal use is agriculture;~~

R1 75 feet

R2 ~~75 feet~~ **Not allowed**

R3 ~~75 feet~~ **Not allowed**

R4 ~~75 feet~~ **Not allowed**

Stables:

R1 100 feet

R2 100 feet

R3 100 feet

R4 100 feet

Stadiums and grandstands in athletic fields:

R 1 300 feet

R2 300 feet

R3 300 feet

R4 300 feet

Temporary buildings for construction purposes:

R1 No requirements, provided that there shall not be undue interference with the use and enjoyment of neighboring property

R2 No requirements, provided that there shall not be undue interference with the use and enjoyment of neighboring property

R3 No requirements, provided that there shall not be undue interference with the use and enjoyment of neighboring property

R4 No requirements, provided that there shall not be undue interference with the use and enjoyment of neighboring property

5-5-8: CORNER SIDE YARDS:

Corner side yards shall be provided in accordance with the regulations hereinafter indicated.

Corner side yards shall be unobstructed from ground level to the sky, except as allowed in section 5-3-9 of this title. All accessory buildings which are attached to principal buildings (as attached garages) shall comply with the yard requirements of the principal buildings.

On a reversed corner lot, the side yard adjacent to the street shall be in no case less in width than fifty percent (50%) of the least depth required under this title for the front yard of the next property to the rear-fronting on such street.

5-5-8-1: MINIMUM CORNER SIDE YARD, PERMITTED USES:

For each principal permitted use in section 5-5-2 of this chapter, located in the R1 to R4 districts inclusive, a corner side yard shall be provided in accordance with the requirements specified in this section.

Agriculture:

- R1 ~~No requirement~~ **150 feet**
- R2 ~~No requirement~~ **Not allowed**
- R3 ~~No requirement~~ **Not allowed**
- R4 ~~No requirement~~ **Not allowed**

Single-family detached dwellings:

- R1 50 feet
- R2 50 feet
- R3 35 feet
- R4 25 feet

5-5-8-2: MINIMUM CORNER SIDE YARD, SPECIAL USES:

For each principal special use in section 5-5-3 of this chapter, located in the R1 to R4 districts inclusive, a corner side yard shall be provided in accordance with the requirements specified in this section.

Amateur radio and television stations and towers:

- R1 As specified by the zoning board of appeals
- R2 Not allowed
- R3 Not allowed
- R4 Not allowed

Artificial lakes:

- R1 As specified by the zoning board of appeals
- R2 As specified by the zoning board of appeals
- R3 As specified by the zoning board of appeals
- R4 As specified by the zoning board of appeals

Boathouses, private:

- R1 50 feet
- R2 50 feet
- R3 35 feet
- R4 25 feet

Cemeteries:

- R1 No requirement
- R2 No requirement
- R3 No requirement
- R4 No requirement

Educational institutions and cultural institutions:

- R1 50 feet, plus 1 foot for each 2 feet by which the building height exceeds 15 feet

- R2 50 feet, plus 1 foot for each 2 feet by which the building height exceeds 15 feet
- R3 50 feet, plus 1 foot for each 2 feet by which the building height exceeds 15 feet
- R4 50 feet, plus 1 foot for each 2 feet by which the building height exceeds 15 feet

Expanded Agriculture:

- R1 150 feet**
- R2 Not allowed**
- R3 Not allowed**
- R4 Not allowed**

Private landing field for aircraft:

- R1 As specified by the zoning board of appeals
- R2 As specified by the zoning board of appeals
- R3 Not allowed
- R4 Not allowed

Public utility and service uses:

- R1 As specified by the zoning board of appeals
- R2 As specified by the zoning board of appeals
- R3 As specified by the zoning board of appeals
- R4 As specified by the zoning board of appeals

Recreational facilities:

- R1 As specified by the zoning board of appeals
- R2 As specified by the zoning board of appeals
- R3 As specified by the zoning board of appeals
- R4 As specified by the zoning board of appeals

Religious institutions:

- R1 50 feet, plus 1 foot for each 2 feet by which the building height exceeds 15 feet
- R2 50 feet, plus 1 foot for each 2 feet by which the building height exceeds 15 feet
- R3 50 feet, plus 1 foot for each 2 feet by which the building height exceeds 15 feet
- R4 50 feet, plus 1 foot for each 2 feet by which the building height exceeds 15 feet

5-5-8-3: MINIMUM CORNER SIDE YARD, ACCESSORY USES:

For each accessory use in sections 5-5-2 and 5-5-3 of this chapter, located in the R1 to R4 districts inclusive, the minimum corner side yard requirements shall not be less than those specified for the principal uses in sections 5-5-8-1 and 5-5-8-2 of this chapter; except, however, the following accessory uses which must meet the minimum corner side yard requirements specified in this section:

~~Agricultural buildings and structures:~~

- ~~R1 150 feet~~
- ~~R2 150 feet~~
- ~~R3 150 feet~~

~~R4 150 feet~~

Guesthouses, private:

- R1 100 feet
- R2 100 feet
- R3 100 feet
- R4 100 feet

Living quarters, detached, for persons employed on the premises:

- R1 100 feet
- R2 100 feet
- R3 100 feet
- R4 100 feet

Mausoleums, crematories and columbariums in cemeteries:

- R 1 300 feet
- R2 300 feet
- R3 300 feet
- R4 300 feet

~~Roadside stands, on zoning lots where the principle use is agriculture:~~

- R1 75 feet
- R2 ~~75 feet~~ **Not allowed**
- R3 ~~75 feet~~ **Not allowed**
- R4 ~~75 feet~~ **Not allowed**

Satellite antennas, private:

- R1 50 feet
- R2 50 feet
- R3 50 feet
- R4 50 feet

Stables; including private stables:

- R1 150 feet
- R2 150 feet
- R3 100 feet
- R4 100 feet

Stadiums and grandstands in athletic fields:

- R 1 300 feet
- R2 300 feet
- R3 300 feet
- R4 300 feet

Temporary buildings for construction purposes:

- R1 No requirements, provided that there shall not be undue interference with the use and enjoyment of neighboring property
- R2 No requirements, provided that there shall not be undue interference with the use and enjoyment of neighboring property

- R3 No requirements, provided that there shall not be undue interference with the use and enjoyment of neighboring property
- R4 No requirements, provided there that there shall not be undue interference with the use and enjoyment of neighboring property

5-5-9: REAR YARDS:

Rear yards shall be provided in accordance with the regulations hereinafter indicated. Rear yards shall be unobstructed from ground level to the sky, except as allowed in section 5-3-9 of this title. All accessory buildings which are attached to principal buildings (as attached garages) shall comply with the yard requirements of the principal buildings.)

5-5-9-1: MINIMUM REAR YARD, PERMITTED USES:

For each principal permitted use in section 5-5-2 of this chapter, located in the R1 to R4 districts inclusive, a rear yard shall be provided in accordance with the requirements specified in this section.

Agriculture:

- R1 ~~No requirements~~ **150 feet**
- R2 ~~No requirements~~ **Not allowed**
- R3 ~~No requirements~~ **Not allowed**
- R4 ~~No requirements~~ **Not allowed**

Single-family detached dwellings:

- R1 50 feet
- R2 50 feet
- R3 50 feet
- R4 50 feet

5-5-9-2: MINIMUM REAR YARD, SPECIAL USES:

For each principal special use in section 5-5-3 of this chapter, located in the R1 to R4 districts inclusive, a rear yard shall be provided in accordance with the requirements specified in this section.

Amateur radio and television stations and towers:

- R1 As specified by the zoning board of appeals
- R2 Not allowed
- R3 Not allowed
- R4 Not allowed

Artificial lakes:

- R1 As specified by the zoning board of appeals
- R2 As specified by the zoning board of appeals
- R3 As specified by the zoning board of appeals
- R4 As specified by the zoning board of appeals

Boathouse, private:

- R1 As specified by the zoning board of appeals
- R2 As specified by the zoning board of appeals
- R3 As specified by the zoning board of appeals
- R4 As specified by the zoning board of appeals

Cemeteries:

- R1 No requirements
- R2 No requirements
- R3 No requirements
- R4 No requirements

Educational institutions and cultural institutions:

- R1 100 feet
- R2 100 feet
- R3 100 feet
- R4 100 feet

Expanded Agriculture:

- R1 150 feet**
- R2 Not allowed**
- R3 Not allowed**
- R4 Not allowed**

Private landing fields for aircraft:

- R1 As specified by the zoning board of appeals
- R2 As specified by the zoning board of appeals
- R3 Not allowed
- R4 Not allowed

Public utility and service uses:

- R1 As specified by the zoning board of appeals
- R2 As specified by the zoning board of appeals
- R3 As specified by the zoning board of appeals
- R4 As specified by the zoning board of appeals

Recreational facilities:

- R1 As specified by the zoning board of appeals
- R2 As specified by the zoning board of appeals
- R3 As specified by the zoning board of appeals
- R4 As specified by the zoning board of appeals

Religious institutions:

- R1 100 feet
- R2 100 feet
- R3 100 feet
- R4 100 feet

5-5-9-3: MINIMUM REAR YARD, ACCESSORY USES:

For each accessory use in sections 5-5-2 and 5-5-3 of this chapter, located in the R1 to R4 districts inclusive, the minimum rear yard requirements shall not be less than those specified for the principal uses in sections 5-5-9-1 and 5-5-9-2 of this chapter; except, however, the following accessory uses which must meet the minimum rear yard requirements specified in this section:

~~Agricultural buildings and structures:~~

~~R1 — 100 feet~~

~~R2 — 100 feet~~

~~R3 — 100 feet~~

~~R4 — 100 feet~~

Buildings accessory to single-family dwellings, except those uses specifically itemized in this section:

R1 50 feet

R2 50 feet

R3 50 feet

R4 50 feet

Guesthouses, private:

R1 50 feet

R2 50 feet

R3 50 feet

R4 50 feet

Living quarters, detached, for persons employed on the premises:

R1 50 feet

R2 50 feet

R3 50 feet

R4 50 feet

Mausoleums, crematories and columbariums in cemeteries:

R 1 300 feet

R2 300 feet

R3 300 feet

R4 300 feet

~~Roadside stands, on zoning lots where principle use is agricultural:~~

~~R1 No requirements~~

~~R2 No requirements~~ **Not allowed**

~~R3 No requirements~~ **Not allowed**

~~R4 No requirements~~ **Not allowed**

Stables, **including private stables:**

R1 100 feet

R2 100 feet

R3 100 feet

R4 100 feet

Stadiums and grandstands in athletic fields:

- R 1 300 feet
- R2 300 feet
- R3 300 feet
- R4 300 feet

Temporary buildings for construction purposes:

- R1 No requirements, provided that there shall not be undue interference with the use and enjoyment of neighboring property
- R2 No requirements, provided that there shall not be undue interference with the use and enjoyment of neighboring property
- R3 No requirements, provided that there shall not be undue interference with the use and enjoyment of neighboring property
- R4 No requirements, provided that there shall not be undue interference with the use and enjoyment of neighboring property

5-5-10: FLOOR AREA RATIO:

The floor area ratio requirements, as set forth under each zoning district, shall determine the maximum floor area allowable for the building or buildings (total floor area of both principal and accessory buildings) in direct ratio to the gross area of the zoning lot.

5-5-10-1: MAXIMUM FLOOR AREA RATIO, PERMITTED USES:

For each principal permitted use in section 5-5-2 of this chapter, located in the R1 to R4 districts inclusive, a maximum floor area ratio shall be provided in accordance with the requirements specified in this section.

Agriculture:

- R1 0.05 times the lot area**
- R2 Not allowed**
- R3 Not allowed**
- R4 Not allowed**

Single-family detached dwellings:

- R1 0.05 times the lot area
- R2 0.08 times the lot area
- R3 0.12 times the lot area
- R4 0.15 times the lot area

5-5-10-2: MAXIMUM FLOOR AREA RATIO, SPECIAL USES:

For each principal special use in section 5-5-3 of this chapter, located in the R1 to R4 districts inclusive, a maximum floor area ratio shall be provided in accordance with the requirements specified in this section.

Amateur radio and television stations and towers:

[Additions/Deletions]

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- R1 As specified by the zoning board of appeals
- R2 Not allowed
- R3 Not allowed
- R4 Not allowed

Cemeteries:

- R1 0.05 times the lot area
- R2 0.05 times the lot area
- R3 0.05 times the lot area
- R4 0.05 times the lot area

Educational institutions and cultural institutions:

- R1 0.05 times the lot area
- R2 0.05 times the lot area
- R3 0.05 times the lot area
- R4 0.05 times the lot area

Expanded Agriculture:

- R1 0.05 times the lot area**
- R2 Not allowed**
- R3 Not allowed**
- R4 Not allowed**

Private landing field for aircraft:

- R1 As specified by the zoning board of appeals
- R2 As specified by the zoning board of appeals
- R3 Not allowed
- R4 Not allowed

Public utility and service uses:

- R1 As specified by the zoning board of appeals
- R2 As specified by the zoning board of appeals
- R3 As specified by the zoning board of appeals
- R4 As specified by the zoning board of appeals

Recreational facilities:

- R1 0.05 times the lot area
- R2 0.05 times the lot area
- R3 0.05 times the lot area
- R4 0.05 times the lot area

Religious institutions:

- R1 0.05 times the lot area
- R2 0.05 times the lot area
- R3 0.05 times the lot area
- R4 0.05 times the lot area

5-5-10-3: MAXIMUM FLOOR AREA RATIO, ACCESSORY BUILDINGS:

For each accessory building in sections 5-5-2 and 5-5-3 of this chapter, located in the R1 to R4 districts inclusive, the maximum floor area ratio shall be provided in accordance with the requirements specified in this section.

- (A) R1 District: In an R1 district the floor area of the accessory buildings shall be included in the total allowable floor area permitted on the zoning lot, as specified for the principal uses in sections 5-5-10-1 and 5-5-10-2 of this chapter.
- (B) R2 District: In an R2 district the floor area of the accessory buildings shall be included in the total allowable floor area permitted on the zoning lot, as specified for the principal uses in sections 5-5-10-1 and 5-5-10-2 of this chapter.
- (C) R3 District: In an R3 district the floor area of the accessory buildings shall be included in the total allowable floor area permitted on the zoning lot, as specified for the principal uses in sections 5-5-10-1 and 5-5-10-2 of this chapter.
- (D) R4 District: In an R4 district the floor area of the accessory buildings shall be included in the total allowable floor area permitted on the zoning lot, as specified for the principal uses in sections 5-5-10-1 and 5-5-10-2 of this chapter. (Ord. 63-1, 4-1-1963; amd. 1977 Code)

5-5-11: SIGNS

In residence districts signs shall be classified and permitted in accordance with the regulations set forth hereinafter.

- (A) R1 District:
 - 1. In an R1 district, the following non-flashing, non-illuminated signs are permitted under the conditions specified:
 - a. Nameplates and identification signs, subject to the following:
 - (1) Area And Content, Residential: There shall be not more than one nameplate, not exceeding one square foot in area, for each dwelling unit or driveway entrance, indicating the name or address of the occupant or a permitted occupation. On a corner zoning lot two (2) such nameplates for each dwelling unit, one facing each street, shall be permitted.
 - (2) Area And Content, Nonresidential: For nonresidential buildings, a single identification sign, not exceeding six (6) square feet in area and indicating only the name and address of the building, may be displayed. On a corner zoning lot two (2) such signs, one facing each street, shall be permitted.
 - (3) Height: No sign shall project higher than one story or fifteen feet (15') above the curb level, whichever is lower.
 - b. For sale or for rent signs, subject to the following:
 - (1) Number: No more than one for sale or for rent sign shall be located on a zoning lot.

(2) Location: All for sale and for rent signs shall be located on the lot or tract to which the sign pertains, provided, however, if a lot does not front or abut on a public or private right of way, a for sale or for rent sign permitted in subsection (A)1 b(1) of this section may be located on the lot adjacent to the lot to which it pertains with the permission of the owner.

(3) Setback: Except as provided in subsection (A)1 b(6) of this section, no for sale or for rent sign shall be located closer than twelve feet (12') from the edge of the pavement or other surface of the roadway.

(4) Size: Except as provided in subsection (A)1 b(6) of this section, no for sale or for rent sign shall exceed six (6) square feet in area.

(5) Height: Except as provided in subsection (A)1 b(6) of this section, no for sale or for rent sign shall project higher than six feet (6').

(6) Subdivision For Sale Sign: A subdivision with more than five (5) lots may have one for sale sign, not exceeding twelve (12) square feet in area or projecting higher than eight feet (8'), said sign shall be located on the premises of the subdivision at a location to be determined by the building official.

c. Signs Accessory to Parking Area, subject to the following:

(1) Area and Number: Signs designating parking area entrances or exits are limited to one sign for each such exit or entrance and to a maximum size of two (2) square feet each. One sign per parking area, designating the conditions of use or identity of such parking area and limited to a maximum size of six (6) square feet, shall be permitted. On a corner zoning lot two (2) such signs, one facing each street, shall be permitted.

(2) Projection: No sign shall project beyond the property line into the public way.

(3) Height No sign shall project higher than seven feet (7') above curb level.

d. "No Solicitation" or "No Trespass" signs, subject to the following:

(1) Number: No more than one of each sign shall be located per driveway entrance on a zoning lot.

(2) Location: The sign(s) shall be affixed to a pole, mailbox or tree on the property at or near the entrance so as to be visible from the paved roadway.

(3)Size: The sign(s) shall be in compliance with current Village Ordinances.

2. In an R1 District, the following non-flashing business signs are permitted under the conditions specified:

Church bulletins, subject to the following:

a. Area and Number: There shall be not more than one sign per zoning lot, except that on a corner zoning lot two (2) signs, one facing each street,

shall be permitted. No sign shall exceed six (6) square feet in area nor be closer than fifty feet (50') to any other zoning lot.

- b. Projection: No sign shall project beyond the property line into the public way.
 - c. Height: No sign shall project higher than one story or fifteen feet (15') above curb level, whichever is lower.
- (B) R2 District: The regulations of the R1 District shall apply.
 - (C) R3 District: The regulations of the R1 District shall apply.
 - (D) R4 District: The regulations of the R1 District shall apply.

5-5-12: OFF-STREET PARKING, GENERAL REQUIREMENTS:

Off-street parking spaces accessory to uses allowed in residence districts shall be provided in accordance with the regulations set forth in this Section, Sections 5-5-13 and 5-3-10 of this Title.

- (A) Utilization: Except as may otherwise be provided for the parking of trucks in the granting of special uses, required accessory off-street parking facilities provided for uses listed herein shall be solely for the parking of passenger automobiles of patrons, occupants or employees of such uses.
- (B) Computation: When determination of the number of off-street parking spaces required by this Title results in a requirement of a fractional space, any fraction of one-half (1/2) or less may be disregarded while a fraction in excess of one-half (1/2) shall be counted as one parking space.
- (C) Collective Provision: Off-street parking facilities for separate uses may be provided collectively if the total number of spaces so provided is not less than the sum of the separate requirements for each such use and provided that all regulations governing location of accessory parking spaces in relation to the use served are adhered to. Further, no parking space or portion thereof shall serve as a required space for more than one use unless otherwise authorized by the Zoning Board of Appeals in accordance with Section 5-10-5 of this Title.
- (D) Area: A required off-street parking space shall be at least eight feet in width and at least nineteen feet in length (8' x 19'), exclusive of access drives or aisles, ramps, columns or office or work areas. Such space shall have a vertical clearance of at least seven feet (7').
- (E) Access: Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in such a manner as to minimize interference with traffic movement. No driveway across public property at the right-of-way line shall exceed a width of twenty five feet (25').
- (F) In Yards: Off-street parking spaces open to the sky may be located in any yard except required front yards. Enclosed buildings and carports containing off-street parking shall be subject to applicable yard requirements.

- (G) Design and Maintenance:
1. Parking Spaces: Off-street parking spaces must be open to the sky.
 2. Surfacing: All off-street parking areas, except parking spaces accessory to a single-family dwelling, shall be surfaced or treated with some all-weather dustless material.
 3. Screening and Landscaping: All automobile parking areas containing more than four (4) parking spaces, except those accessory to a single-family dwelling, shall be effectively screened on each side adjoining any property situated in a residence district or any institutional premises by a wall, fence or densely planted compact hedge not less than five feet (5') nor more than eight feet (8') in height.
 4. Lighting: Any lighting used to illuminate off-street parking areas shall be directed away from residential properties in such a way as not to interfere with the residential use. All such lighting shall be extinguished between the hours of ten o'clock (10:00) P. M. and seven o'clock (7:00) A.M. except as may be otherwise permitted by the Enforcing Officer.
 5. Signs: Accessory signs are permitted on parking areas in accordance with the provisions of Section 5-5-11 of this Chapter.
 6. Repair and Service: No motor vehicle repair work or service of any kind shall be permitted in association with parking facilities provided in residence districts.
- (H) Maximum Number of Spaces: The total number of accessory parking spaces provided for a dwelling shall not exceed that required by this Zoning Title for such use or for an equivalent new use by more than fifty percent (50%) or four (4) spaces, whichever number is greater.
- (I) Location: All parking spaces required for uses which are established after the effective date hereof shall be located on the same zoning lot as the use served.
- (J) Employee Parking: Parking spaces required on an employee basis shall be based on the maximum number of employees, on duty or residing, or both, on the premises at anyone time.

5-5-13: OFF-STREET PARKING, SPECIFIC REQUIREMENTS:

- (A) R1 District: Off-street parking spaces accessory to uses allowed in the R1 District shall be provided in accordance with the following minimum requirements:
1. Single-family detached dwellings: No requirements.
 2. Agriculture, including expanded agriculture: There shall be no requirements, except with respect to accessory roadside stands for which shall be provided spaces adequate in number, as determined by the Enforcing Officer, to serve the public.
 3. Cemeteries: Parking spaces shall be provided in adequate number, as determined by the Enforcing Officer, to serve the public.
 4. Educational institutions, boarding:

- ~~a. Colleges, junior colleges and universities: one parking space shall be provided for each 2 employees, and one parking space shall be provided for each 6 students, based upon the maximum number of students attending classes on the premises at any one time during any 24 hour period.~~
- ~~b. Fraternities, sororities and dormitories in conjunction with colleges, junior colleges and universities: one parking space shall be provided for each 3 active members or dormitory residents, plus 1 parking space for the manager~~
- ~~c. Gymnasiums, stadiums and grandstands: one parking space shall be provided for each 6 seats~~
- ~~d. Nursery, elementary high schools, boarding: one parking space shall be provided for each 2 employees~~
- ~~e. School auditoriums: one parking space shall be provided for each 6 seats~~

<u>a. Colleges, junior colleges and universities</u>	<u>1 parking space shall be provided for each 2 employees, and one parking space shall be provided for each 6 students, based upon the maximum number of students attending classes on the premises at anyone time during any 24 hour period</u>
<u>b. Fraternities, sororities and dormitories in conjunction with colleges, junior colleges and universities</u>	<u>1 parking space shall be provided for each 3 with colleges, junior colleges active members or and universities dormitory residents, plus 1 parking space for the manager</u>
<u>c. Gymnasiums, stadiums and grandstands</u>	<u>1 parking space shall be provided for each 6 seats</u>
<u>d. Nursery, elementary and high schools, boarding</u>	<u>1 parking spaces shall be provided for each 2 employees</u>
<u>e. School auditoriums</u>	<u>1 parking space shall be provided for each 6 seats</u>

5. Educational (non-boarding) and cultural institutions:

<u>a. Elementary and nursery schools, nonboarding</u>	<u>1 parking space shall be provided for each 2 employees</u>
<u>b. High schools, nonboarding</u>	<u>1 parking space shall be provided for each 2 employees, and 1 parking</u>

	<u>space shall be provided for each 10 students, based on the maximum number of students attending classes on the premises at any one time during any 24 hour period</u>
<u>c. Public libraries, art galleries</u>	<u>1 space shall be provided for each 800 square feet of gross floor area</u>
<u>d. School auditoriums</u>	<u>1 space shall be provided for each 6 seats</u>
<u>e. School gymnasiums, stadiums and grandstands</u>	<u>1 parking space shall be provided for each 6 seats</u>

- ~~a. Elementary and nursery schools, non-boarding: one parking space shall be provided for each 2 employees~~
 - ~~b. High schools, non-boarding: one parking space shall be provided for each 2 employees, and 1 parking space shall be provided for each 10 students, based on the maximum number of students attending classes on the premises at any one time during any 24 hour period~~
 - ~~c. Public libraries, art galleries: one space shall be provided for each 800 square feet of gross floor area~~
 - ~~d. School auditoriums: one space shall be provided for each 6 seats~~
 - ~~f. School gymnasiums, stadiums and grandstands: one parking space shall be provided for each 6 seats~~
6. Public utility and service uses 1 parking space shall be provided for each 2 employees, plus spaces adequate in number, as determined by the Enforcing Officer, to serve the public
7. Recreational facilities:
- ~~a. Athletic fields, golf courses, polo fields, swimming pools, and tennis courts: Parking spaces shall be provided in adequate number, as determined by the Enforcing Officer, to serve the public~~
 - ~~b. Private clubs: Parking spaces shall be provided equal in number to 30% of the capacity in persons of such club, plus 1 parking space for each lodging room~~
 - ~~c. Recreational and community center buildings, noncommercial: Parking spaces shall be equal in number to 30% of the capacity in persons~~

<u>a. Athletic fields, golf courses, polo fields, swimming pools and tennis courts</u>	<u>Parking spaces shall be provided in adequate number, as determined by the Enforcing Officer, to serve the public</u>
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<p><u>b. Private clubs</u></p>	<p><u>Parking spaces shall be provided equal in number to 30% of the capacity in persons of such club, plus 1 parking space for each lodging room</u></p>
<p><u>c. Recreational and community center buildings, noncommercial</u></p>	<p><u>Parking spaces shall be equal in number to 30% of the capacity in persons</u></p>

8. Religious institutions:

~~a. Churches, chapels, temples and synagogues: one parking space shall be provided for each 3 seats~~

~~b. Rectories, parsonages and parish houses: Parking spaces shall be provided in adequate number, as determined by the Enforcing Officer, to serve persons employed or residing on the premises as well as the visiting public~~

<p><u>a. Churches, chapels, temples and synagogues</u></p>	<p><u>1 parking space shall be provided for each 3 seats</u></p>
<p><u>b. Rectories, parsonages and parish houses</u></p>	<p><u>Parking spaces shall be provided in adequate number, as determined by the Enforcing Officer, to serve persons employed or residing on the premises as well as the visiting public</u></p>

- (B) R2 District: The regulations of the R1 District shall apply.
- (C) R3 District: The regulations of the R1 District shall apply.
- (D) R4 District: The regulations of the R1 District shall apply.

5-5-14: OFF-STREET LOADING, GENERAL REQUIREMENTS:

Off-street loading berths accessory to uses allowed in residence districts shall be provided in accordance with the regulations set forth hereinafter as well as in Section 5-3-10 of this Title.

- (A) Location: All required loading berths shall be located on the same zoning lot as the use served. All motor vehicle loading berths which abut a residence district or intervening alley separating such loading berth from a residence district shall be completely screened there-from by building walls, or a uniformly painted solid fence, wall or door, or any combination thereof, not less than eight feet (8') in height. No permitted or required loading berth shall be located within thirty feet (3D') of the nearest point of intersection of any two (2) streets. No loading berth shall be located in a required front or side yard, and any loading berth located in a required rear yard shall be open to the sky.

- (B) Area: Unless otherwise specified, a required off-street loading berth shall be at least ten feet in width by at least twenty five feet in length (10' x 25'), exclusive of aisle and maneuvering space, and shall have a vertical clearance of at least fourteen feet (14').
- (C) Access: Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in such manner as to minimize interference with traffic movement, and shall be subject to approval by the Enforcing Officer.
- (D) Surfacing: All open off-street loading berths shall be improved with a compacted macadam base, not less than seven inches (7") thick, surfaced with not less than two inches (2") of asphalt or treated with some comparable all-weather dustless material.
- (E) Repair and Service: No motor vehicle repair work or service of any kind shall be permitted in association with loading facilities provided in any residence district.
- (F) Utilization: Space allocated to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.
- (G) Minimum Facilities: Uses for which off-street loading facilities are required herein but which are located in buildings of less floor area than the minimum prescribed for such required facilities shall be provided with adequate receiving facilities, accessible by motor vehicle, off any adjacent alley, service drive or open space on the same zoning lot.

5-5-15: OFF-STREET LOADING, SPECIFIC REQUIREMENTS:

- (A) R1 District: In the R1 District, off-street loading facilities for nonresidential uses shall be provided in accordance with the following minimum requirements:
 - 1. For the uses listed hereunder one loading berth shall be provided for buildings containing ten thousand (10,000) to two hundred thousand (200,000) square feet of gross floor area, plus one additional loading berth for each additional two hundred thousand (200,000) square feet of gross floor area or fraction thereof:
 - a. Educational cultural institutions.
 - b. Religious institutions.
 - 2. Recreational Facilities: For buildings containing ten thousand (10,000) to one hundred thousand (100,000) square feet of gross floor area one loading berth shall be provided; for each additional ten thousand (10,000) square feet of gross floor area up to five hundred thousand (500,000) square feet, one additional loading berth shall be provided, plus one additional loading berth for each additional five hundred thousand (500,000) square feet of gross floor area or fraction thereof in excess of five hundred thousand (500,000) square feet.
 - 3. For all other nonresidential uses, loading facilities shall be provided in accordance with the following requirements:

- a. For buildings containing less than ten thousand (10,000) square feet of gross floor area, there shall be provided on the same zoning lot adequate receiving facilities, accessible by motor vehicle, off any adjacent alley, service drive or open space.
 - b. For buildings containing ten thousand (10,000) to one hundred thousand (100,000) square feet of gross floor area, one off-street loading berth shall be provided.
 - c. For buildings containing over one hundred thousand (100,000) square feet of gross floor area, there shall be provided one loading berth for each one hundred thousand (100,000) square feet of gross floor area or fraction thereof.
- (B) R2 District: The regulations of the R1 District shall apply.
 - (C) R3 District: The regulations of the R1 District shall apply.
 - (D) R4 District: There regulations of the R1 District shall apply.

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**Chapter 9
NONCONFORMING BUILDINGS, STRUCTURES, USES**

5-9-1: STATEMENT OF PURPOSE:

It is the purpose of this Chapter to provide for the regulation of nonconforming buildings, structures and uses, and specify those circumstances and conditions under which those nonconforming buildings, structures and uses which adversely affect the maintenance, development or use, and taxable value of other property in the district in which they are located shall be permitted to continue.

This Zoning Title establishes separate districts, each of which is an appropriate area for the location of the uses which are permitted in that district. It is necessary and consistent with the establishment of those districts that those nonconforming buildings, structures and uses which substantially and adversely affect the orderly development and taxable value of other property in the district not be permitted to continue without restriction.

5-9-2: AUTHORITY TO CONTINUE NONCONFORMANCE:

Any nonconforming buildings, structure or use which existed lawfully at the time of the effective date hereof and which remains nonconforming, and any such building, structure or use which shall become nonconforming upon effective date hereof or upon the adoption of any subsequent amendments of this Title, may be continued, subject to the regulations set forth in this Chapter.

5-9-3: NONCONFORMING BUILDINGS AND STRUCTURES, AND USES THEREOF:

Any lawfully existing building or structure which does not conform to the regulations of the district in which it is located may be continued, subject to the provisions of this Section.

(A) Repairs and Alterations:

1. Building or Structure Designed or Intended for a Nonconforming Use: Repairs and alterations may be made to a nonconforming building or structure, provided that no structural alterations which increase the bulk of the building or structure shall be made in or to a building or structure, all or substantially all of which is designed or intended for a use not permitted in the district in which it is located, except those required by law or except to make the building or structure and use thereof conform to the regulations of the district in which it is located. For the purpose of this Section, repairs shall include the replacement of storage tanks where the safety of operation of the installation requires such replacement, and other replacements of, substitutions for, machinery or equipment not involving structural alterations to the building or structure except as hereinabove provided.

2. Building or Structure Designed or Intended for a Permitted Use: Repairs, alterations and structural changes may be made to a nonconforming building or structure, all or substantially all of which is designed or intended for a use permitted in the district in which it is located, provided said repairs, alterations or

structural changes conform to the regulations of the district in which said building or structure is located.

- (B) Additions and Enlargements: A nonconforming building or structure which is nonconforming as to bulk, or all or substantially all of which is designed or intended for a use not permitted in the district in which it is located, shall not be added to, or enlarged, in any manner unless such additions or enlargements thereto are made to conform to all the regulations of the district in which it is located, and unless such nonconforming building or structure, including all additions and enlargements thereto, shall conform to the following:
1. Applicable regulations concerning the amount of lot area provided per dwelling unit, as provided in Chapters 5 and 6 of this Title.
 2. The allowable floor area ratio as provided in Chapters 5, 6 and 7 of this Title.
 3. The allowable gross floor area per establishment as provided in Chapter 6 of this Title.
- (C) Relocation of Building or Structure: No building or structure which does not conform to all of the regulations of the district in which it is located, except those required by law, shall be moved in whole or in part to any other location unless every portion of such building or structure which is moved and the use thereof is made to conform to all the regulations of the district in which it is to be located.
- (D) Restoration of Damaged Building or Structure:
1. Building or Structure Designed or Intended for a Nonconforming Use: A building or structure, all or substantially all of which is designed or intended for a use which is not permitted in the district in which it is located, and which is destroyed or damaged by fire or other casualty or act of God to the extent that the cost of restoration to the condition in which it was before the occurrence shall exceed fifty percent (50%) of the cost of the restoration of the entire building new, shall not be restored, except as required by law, unless said building or structure and the use thereof shall conform to all the regulations of the district in which it is located.

In the event such damage or destruction is less than fifty percent (50%) of the cost of restoration of the entire building new, no repairs or reconstruction shall be made unless such restoration is started within one year from date of the partial destruction and is diligently prosecuted to completion.
 2. Building or Structure Designed or Intended for a Permitted Use: A building or structure, all or substantially all of which is designed or intended for a use which is permitted in the district in which it is located, and which is destroyed or damaged by fire or other casualty or act of God to the extent that the cost of restoration to the condition in which it was before the occurrence shall exceed fifty percent (50%) of the cost of restoration of the entire building new, shall not be restored, except as required by law, unless said building or structure and the use thereof shall conform to all of the regulations of the district in which it is located. In the event such damage or destruction is less than fifty percent (50%) of the cost of restoration of the entire building new, no repairs or reconstruction shall be made unless such restoration is started within one year from date of the partial destruction and is diligently prosecuted to completion.

(E) Discontinuance of Nonconforming Use:

1. In Building or Structure Designed or Intended for a Nonconforming Use: A building, structure or portion thereof, all or substantially all of which is designed or intended for a use which is not permitted in the district in which it is located, which is, or hereafter becomes, vacant and remains unoccupied or is not used for a continuous period of one year, shall not thereafter be occupied or used except by a use which conforms to the use regulations of the district in which it is located.

2. In Building or Structure Designed or Intended for a Permitted Use: If a nonconforming use of a building or structure, all or substantially all of which building or structure is designed or intended for a use permitted in the district in which it is located, is discontinued for a period of six (6) consecutive months, it shall not be renewed and any subsequent use of the building or structure shall conform to the use regulations of the district in which the premises are located .

3. Land: The nonconforming use of land, not involving a building or structure, or in connection with which any building or structure thereon is incidental or accessory to the principal use of the land, if discontinued for a period of six (6) consecutive months, shall not thereafter be renewed, and any subsequent use of the land shall conform to the regulations of the district in which it is located.

(F) Expansion of Nonconforming Use:

1. In Building or Structure Designed or Intended for a Nonconforming Use: The nonconforming use of part of a building or structure, all or substantially all of which is designed or intended for a use not permitted in the district in which it is located, may be extended throughout the building or structure in which said use is presently located, but no changes or structural alterations which increase the bulk of the building or structure, except those required by law, shall be made unless such changes or structural alterations and the use thereof conform to all the regulations of the district in which the building or structure is located.

2. In Building or Structure Designed or Intended for a Permitted Use: The nonconforming use of part of a building or structure, all or substantially all of which building or structure is designed or intended for a use permitted in the district in which it is located, shall not be expanded or extended into any other portion of such building or structure, nor changed to any nonconforming use.

3. Land: The nonconforming use of land, not involving a building or structure, or in connection with which any building or structure thereon is incidental or accessory to the principal use of the land, shall not be expanded or extended beyond the area it occupies.

(G) Change of Nonconforming Use:

1. In Building or Structure Designed or Intended for a Nonconforming Use: The nonconforming use of a building or structure, all or substantially all of which is designed or intended for a use not permitted in the district in which it is located may not be changed to another nonconforming use, but may be changed to a use permitted in the same district as the nonconforming use which presently occupies the building or structure or to a use permitted in a more restrictive district. For the purpose of this subsection only, the R1 District shall be

considered the more restrictive and the Light Industrial District the least restrictive district.

2. In a Building or Structure Designed or Intended for a Permitted Use: No nonconforming use shall be changed to another nonconforming use when such nonconforming use is located in a building or structure, all or substantially all of which building or structure is designed or intended for a permitted use.

3. Land: The nonconforming use of land, not involving a building or structure, or in connection with which any building or structure thereon is incidental or accessory to the principal use of the land, shall not be changed to any other use except to a use permitted in the district in which the land is located.

4. Any nonconforming agriculture or expanded agriculture use that has not been terminated pursuant to any other provision of this chapter shall be terminated no later than seven (7) years after the effective date of the amendment to this Title creating such nonconforming use.

DRAFT

[Additions/~~Deletions~~]

DRAFT

EXHIBIT A

Proposed Amendments to the Village Zoning Code

[Additions and Deletions Only]

DRAFT

Chapter 2 ZONING DEFINITIONS

5-2-1 DEFINITIONS

In the construction of this zoning title, the words and definitions contained in this chapter shall be observed and applied, except when the context clearly indicates otherwise. Words used in the present tense shall include the future, and words used in the singular number shall include the plural number and the plural the singular; the word "shall" is mandatory and not discretionary; the word "may" is permissive; the word "lot" shall include the words "piece" and "parcel"; the word "building" includes all other structures of every kind regardless of similarity to buildings, and the phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", "maintained for" and "occupied for".

* * * *

~~AGRICULTURAL BUILDING OR STRUCTURE: Shall imply any building or structure existing or erected on land used principally for agricultural purposes, with the exception of dwelling units.~~

~~AGRICULTURE: The use of land for agricultural purposes, including farming, dairying, pasturage, apiculture, **specifically limited to growing crops, pasturage**, horticulture, floriculture, or viticulture and animal and poultry husbandry (including the breeding and raising of horses as an occupation) and the necessary accessory uses **buildings used** for handling or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural **products of such** activities.~~

~~**AGRICULTURE, EXPANDED: The use of land for the breeding and raising, but not the boarding, of domestic livestock (limited to horses, cattle and sheep) and the necessary buildings or structures used for the handling or storing of such livestock and the necessities required for such activities.**~~

* * * *

~~ANIMAL HUSBANDRY: The breeding and raising of livestock, such as horses, cows and sheep, but specifically excluding dogs and cats.~~

* * * *

~~AWNING: A roof like cover, temporary in nature, which projects from the wall of a building and overhangs the public way.~~

* * * *

~~**CROP: A "crop" is a plant that can be grown and harvested for profit or sustenance.**~~

* * * *

~~DWELLING, TWO-FAMILY: A "two-family dwelling" is a building containing two (2) dwelling **units only**.~~

* * * *

FRONTAGE: All the property fronting on one side of a street, or road ~~or public way~~, between the two (2) nearest intersecting streets, or roads ~~or public ways~~ measured along the line thereof, or if dead ended, then all of the property abutting on one side between an intersecting street, or road ~~or public way~~ and the dead end thereof, ~~or in the case of an interior lot not fronting on a public or platted street or road, all the property abutting the front lot or yard line.~~

FRONTAGE, ZONING LOT: The "frontage of a zoning lot" is all the property of such zoning lot fronting on a street, or road ~~or public way~~ and measured between the side lot lines, or in the case of an interior lot not fronting on a ~~public or platted~~ street or road, all of the property abutting the front lot or yard line.

* * * *

~~KENNEL: Any premises, on which more than three (3) dogs or cats are maintained, boarded, bred or cared for in return for remuneration, or are kept for the purpose of sale.~~

LIMITED ACCESS HIGHWAY: A ~~traffic way~~ street or road, including expressways and toll roads for through traffic, in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access to or from the same, except at such points only and in such manner as may be determined by the public authority having jurisdiction over such ~~traffic way~~ street or road.

* * * *

LOT, CORNER: A "corner lot" is a lot situated at the intersection of two (2) streets, or roads ~~or public ways~~, the interior angle of such intersection not exceeding one hundred thirty five degrees (135°).

* * * *

LOT, THROUGH: A "through lot" is a lot having a pair of opposite lot lines along two (2) or more or less parallel ~~public~~ streets or roads, and which is not a corner lot. On a "through lot," ~~both street~~ each of the lot lines abutting such streets or roads shall be deemed front lot lines.

LOT AREA, GROSS: The "gross lot area" is the area of a horizontal plane bounded by the front, side and rear lot lines.

(A) Only for purposes of determining "gross lot area" in an R-1 District:

1. The front lot line shall be deemed to be the center line of an ~~existing or dedicated public street or road, or platted street or road~~ a street or road if the lot abuts a street or road, provided however that for purposes of determining gross lot area, the front lot line shall extend no more than thirty three (33') feet from the actual front lot line; and
2. For a corner lot, the side lot line abutting a street or road shall be deemed to be the center line of such street or road, provided for purposes of determining gross lot area, such side lot line shall extend no more than thirty three (33') feet from the actual side lot line; and
3. No more than two and one-half (2-1/2) acres of the lot lying below the base flood elevation shall be included in computing gross lot area.

(8B) For purposes of determining "gross lot area" in all other districts:

1. ~~The front lot line shall be a line parallel to and abutting an existing or dedicated public street or road, or platted street or road and~~
2. No no part of the lot lying below the base flood elevation shall be included in computing gross lot area.

(C) In all cases, that portion of the lot lying above the base flood elevation used in computing gross lot area must be a contiguous parcel of land.

* * * *

LOT LINE, FRONT: The "front lot line" shall be that boundary of a lot which is along the center line or parallel to the center line of an ~~existing or dedicated public street or road, or platted~~ **abutting** street or road, provided that the right of way of such ~~public street or road or platted street or road~~ shall be deemed to be no more than sixty six feet (66') in width for the purpose of determining such front lot line in an R1 District.

The owner of a corner lot shall select one of such streets or roads as the "front lot line".

In the case of a lot that does not abut upon a ~~dedicated public street or road or a platted street or road~~, the "front lot line" shall be the lot line intersected by the primary access road to the lot.

* * * *

MARQUEE or CANOPY: A "marquee" or "canopy" is a roof-like structure of a permanent nature which projects from the wall of a building ~~and overhangs the public way.~~

* * * *

POLO FIELD: A "polo field" is an area of land which is used to play or learn the game of polo, but not including loud speakers or lighting.

* * * *

~~PUBLIC: The term "public" shall imply the provision of a service to ten (10) or more zoning lots.~~

~~PUBLIC WAY: A "public way" is any sidewalk, street, alley, highway or other public thoroughfare.~~

* * * *

SETBACK: "Setback" is the minimum horizontal distance between the front a lot line of the building or structure and the front yard line and a building, sign or other improvement, as the context may require.

* * * *

STABLE, PRIVATE: A "private stable" is a stable intended solely for the use of the residents of the property on which the stable is located. A private stable shall not be used in connection with a permitted home occupation.

STREET OR ROAD: A public or private right of way which affords a primary means of access to ~~abutting property~~ and abuts multiple lots, excepting driveways to buildings which serve a single lot.

* * * *

USE, PRINCIPAL: A "principal use" is the main use of land or buildings as distinguished from a subordinate or accessory use. A "principal use" may be either "permitted" or "special". A zoning lot may have only one principal use.

USE, SPECIAL: A "special use" is a use, either public or private, which because of its unique characteristics, cannot be properly classified as a permitted use in any particular district or districts. After due consideration, in each case, of the impact of such use upon neighboring land and of the public or private need for the particular use at the particular location, such "special use" may or may not be granted **in accordance with Section 5-10-7 of this title.**

* * * *

YARD: An open space, on the same zoning lot with a building or structure, unoccupied and unobstructed from its lowest level to the sky, except as otherwise permitted in section 5-3-9 (F) of this title. A "yard" extends along a lot line, except that in the case of a front yard it shall extend along the front yard line, and to a depth or width specified in the yard requirements for the zoning district in which such zoning lot is located.

YARD, CORNER SIDE: A "corner side yard" is a side yard which faces a **public street or road.**

* * * *

YARD, FRONT, LINE: The "front yard line" is the line parallel to the front lot line and coincident with the boundary of the public right of way **street or road** within the area of the zoning lot. In the case of interior lots not fronting or coincident with the boundary of a public right of way **street or road** within the area of the zoning lot ("public rights of way" to include public streets or roads or platted streets or roads) **lot**, the front yard line is the line parallel **same as** to the front lot line.

YARD, INTERIOR SIDE: An "interior side yard" is a side yard which is located immediately adjacent to another zoning lot or to an alley separating such side yard from another zoning lot.

* * * *

YARD, TRANSITIONAL: A "transitional yard" is that yard which must be provided on a zoning lot, in a business district, which adjoins a zoning lot in a residence district, or that yard which must be provided in a zoning lot, in the light industrial district, which adjoins a zoning lot in either a residence or business district.

Chapter 3
GENERAL ZONING PROVISIONS

* * * *

5-3-4: REGULATIONS FOR SPECIFIC USES:

(E) ~~Agriculture: The provisions of this title shall not be exercised so as to impose regulations or require permits with respect to land used or to be used for agricultural purposes, or with respect to the erection, maintenance, repair, alteration, remodeling or extension of buildings or structures used or to be used for agricultural purposes upon such land, except that such buildings or structures for agricultural purposes may be required to conform to building or setback lines. In the event that the land ceases to be used solely for agricultural purposes, then, and only then, shall the provisions of the zoning title apply.~~ **Reserved.**

* * * *

(D) Home Occupation:

* * * *

3. Use Limitations:

* * * *

g. Boarding And Training Of Horses: ~~Notwithstanding anything to the contrary contained in this subsection (D),~~ **The** boarding of horses in a stable and the training of horses and their riders shall be a permitted home occupation **subject to the provisions of sub-subsections 3(a) through (f) of this Section 5-3-4(D)**; provided that no persons engaged to facilitate such boarding, other than the immediate family residing on the premises, shall be permitted to carry out their functions except between the hours of eight o'clock (8:00) A.M. and eight o'clock (8:00) P.M. or sunset, whichever is later, and further provided that no vehicles or machinery, other than that belonging to the immediate family residing on the premises shall be permitted to be operated on the premises except during the hours of eight o'clock (8:00) A.M. and **to the later of** eight o'clock (8:00) P.M. or sunset, ~~whichever is later.~~

* * * *

5-3-7: NUMBER OF BUILDINGS ON ZONING LOT:

Not more than one principal detached residential building **dwelling** shall be located on a zoning lot, nor shall a principal detached residential building **dwelling** be located on the same zoning lot with any other principal building. **For any zoning lot, the principal use of which is agriculture or expanded agriculture, the principal building shall be the building used in connection with such agricultural purposes. Dwelling units shall not be located on any zoning lot, the principal use of which is agriculture or expanded agriculture.**

5-3-8: ACCESSORY BUILDINGS, STRUCTURES AND USES:

* * * *

~~(B) Percentage of Required Yard Occupied: No detached accessory building or buildings shall occupy more than fifty percent (50%) of the area of a required yard. **Reserved.**~~

* * * *

5-3-9: BULK REGULATIONS:

(G) Continued Conformity With Bulk Regulations: 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 **zoning lot**.

(H) Division Of Zoning Lots: No improved zoning lot shall hereafter be divided into two (2) or more zoning lots unless all improved zoning lots resulting from each such division shall conform with all the applicable bulk regulations of the zoning district in which the property **such zoning lot** is located.

* * * *

(F) Permitted Obstructions In Required Yards: The following shall not be considered to be obstructions when located in the required yards specified:

* * * *

5. In All Yards on Lots used for Agriculture or Expanded Agriculture: Growing crops, pasturage, horticulture, floriculture and viticulture may be performed in all yards.

* * * *

Chapter 5 RESIDENTIAL DISTRICTS

5-5-1: USE, LOT AND BULK REGULATIONS:

Use, lot and bulk regulations applying specifically to residence districts are set forth in the following sections of this chapter. Also applying to residence districts are regulations set forth in other chapters of this title as follows:

CHAPTER 2, "Zoning Definitions", of this title.

CHAPTER 3, "General Zoning Provisions", of this title.

CHAPTER 9, "Nonconforming Buildings, Structures, Uses", of this title.

CHAPTER 10, "Administration And Enforcement", of this title.

5-5-2: PERMITTED USES:

Permitted uses of land or buildings, as hereinafter listed, shall be permitted in the districts indicated under the conditions specified. Other than accessory uses, only one of the enumerated permitted uses may be established on a zoning lot. Unless otherwise specifically set forth, wherever a permitted use is named as a major category in this chapter, it shall be deemed to include all and only those itemized uses listed under the said major category in the R1 through R4 districts, as set forth in this section. No building or zoning lot shall be devoted to any use other than a use permitted hereinafter in the zoning district in which such building or zoning lot shall be located, with the exception of the following:

Special uses allowed in accordance with the provisions of section 5-5-3 of this chapter.

~~Uses lawfully established on April 1, 1963.~~

~~Uses lawfully established on April 1, 1963, and rendered nonconforming thereafter, shall be subject to the regulations of chapter 9 of this title.~~

(A) Permitted Uses, R1 District: The following uses are permitted in the R1 district:

- 1. Single-family detached dwellings.**
- 2. Agriculture.**
- 3. Signs, as regulated by section 5-5-11 of this chapter.**
- 4. Accessory uses, incidental to and on the same or an adjacent zoning lot or lots under one ownership, as the principal use:**
 - a. Agricultural buildings and structures Agriculture for consumption of such agricultural products by the owner of such lot, as accessory only to single-family dwellings.**
 - b. Garages and carports, as accessory only to single-family detached dwellings.**
 - c. Greenhouses and conservatories, private.**
 - d. Guesthouses, private, as accessory only to single-family detached dwellings.**

- e.** Home occupations, **as accessory only to single-family detached dwellings.**
- f.** Living quarters, detached, for persons employed on the premises if occupied only by such persons and their immediate family, **as accessory only to single-family detached dwellings.**
- g.** Playhouses and summer houses.
- h.** **Private stables and the keeping of horses owned by the owner of the lot, as accessory only to single-family detached dwellings.**
- i.** Roadside stands, **as accessory only to agriculture.**
- j.** Satellite antennas, private.
- k.** Sewage disposal units, individual, as regulated by section 5-3-5 of this title.
- l.** Stables **and the keeping of horses, in connection to a permitted home occupation, as accessory only to single-family detached dwellings.**
- m.** Storage of building materials and equipment, and temporary buildings for construction purposes, for a period not to exceed the duration of such construction.
- n.** Swimming pools, **as accessory only to single-family detached dwellings.**
- o.** Tennis courts, private, **as accessory only to single-family detached dwellings.** The lighting of tennis courts by artificial illumination is prohibited.
- p.** Tool houses, sheds and other similar buildings, for the storage of domestic supplies.
- q.** Water systems, individual, as regulated by section 5-3-5 of this title.

~~Agriculture.~~

~~Signs, as regulated by section 5-5-11 of this chapter.~~

~~Single-family detached dwellings.~~

- (B) Permitted Uses, R2 District:
Any use permitted in the R1 district, **except agriculture.**
- (C) Permitted Uses, R3 District:
Any use permitted in the R1 district, **except agriculture.**
- (D) Permitted Uses, R4 District:
Any use permitted in the R1 district, **except agriculture.**

5-5-3: SPECIAL USES:

Special uses, as hereinafter listed, may be allowed in the zoning districts indicated, subject to the issuance of special use permits in accordance with the provisions of section 5-10-7 of this title. Unless otherwise specifically set forth, wherever a special use is named as a major category in this chapter, it shall be deemed to include all and only those itemized uses listed under the said major category in the R1 district, subsection (A) of this section.

(E) Special Uses, R1 District: The following special uses may be allowed in the R1 district:

1. Accessory uses, incidental to and on the same or adjacent zoning lot or lots under one ownership as the principal use, as established in subsection 5-5-2(A) of this chapter.
2. Amateur radio and television stations and towers (transmitting and receiving).
3. Artificial lakes.
4. Boathouses, private.
5. Cemeteries:
 - a. Cemeteries.
 - b. Mausoleums, crematories and columbariums in cemeteries.
6. Educational institutions and cultural institutions.
 - a. Athletic fields and playgrounds on the grounds of educational or cultural institutions.
 - b. Colleges, junior colleges and universities, including fraternity and sorority houses, dormitories and other structures and facilities necessary in the operation of a college or university, but not business colleges or trade schools.
 - c. Nursery, elementary and high schools.
 - d. Public libraries and public art galleries.
7. **Expanded agriculture.**
8. Landfill.
9. Private landing fields for aircraft.
10. Public utility and service uses.
 - a. Electric substations.
 - b. Fire stations.
 - c. Gas regulator stations.
 - d. Police stations.
 - e. Post offices.
 - f. Railroad right of way, but not including railroad yards and shops.
 - g. Telephone exchanges and telephone transmission equipment buildings.
 - h. Waterworks, reservoirs, pumping stations and filtration plants.

i. Other governmental buildings, including a village hall.

11. Recreational facilities.

a. Athletic fields and playgrounds in public parks.

b. Buildings, clubhouses and accessory structures, located on the grounds of athletic fields, playgrounds, recreational clubs, golf courses and polo fields, including the sale therein of sports equipment and the serving of beverages, including alcoholic beverages, and food, if incidental to the principal activity.

c. Forest preserves.

d. Golf courses, but not including commercially operated driving ranges, pitch and putt, miniature or par 3 courses, and not including buildings or structures.

e. Grounds of recreational clubs, noncommercial.

f. Polo fields, except their buildings and structures.

g. Public parks.

12. Religious institutions.

a. Athletic fields and playgrounds on the grounds of religious institutions.

b. Churches, chapels, temples and synagogues.

c. Columbariums associated with religious institutions.

d. Rectories, parsonages and parish houses.

(F) Special Uses, R2 District: Any use allowed as a special use in the R1 district, **with the exception of expanded agriculture.**

(G) Special Uses, R3 District: Any use allowed as a special use in the R1 district, with the exception of the following:

1. Amateur radio and television stations and towers (transmitting and receiving).

2. Expanded agriculture.

3. Private landing fields for aircraft.

(H) Special Uses, R4 District: Any use allowed as a special use in the R1 district, with the exception of the following:

1. Amateur radio and television stations and towers (transmitting and receiving).

2. Expanded agriculture.

3. Private landing fields for aircraft.

* * * *

5-5-4-1: MINIMUM LOT AREA, PERMITTED USES:

* * * *

Agriculture:

- R1 10 acres
- R2 Not allowed
- R3 Not allowed
- R4 Not allowed

* * * *

5-5-4-2: MINIMUM LOT AREA, SPECIAL USES:

* * * *

Expanded Agriculture:

- R1 20 acres
- R2 Not allowed
- R3 Not allowed
- R4 Not allowed

* * * *

5-5-4-3: MINIMUM LOT AREA, ACCESSORY USES:

* * * *

Stables, including private stables:

- R1 5 acres
- R2 5 acres
- R3 5 acres
- R4 5 acres

* * * *

5-5-5-1: MINIMUM AVERAGE LOT WIDTH, PERMITTED USES:

* * * *

Agriculture:

- R1 300 feet
- R2 ~~300 feet~~ Not allowed
- R3 ~~300 feet~~ Not allowed
- R4 ~~300 feet~~ Not allowed

* * * *

5-5-5-2: MINIMUM AVERAGE LOT WIDTH, SPECIAL USES:

* * * *

Expanded Agriculture:

- R1 500 feet
- R2 Not allowed
- R3 Not allowed
- R4 Not allowed

* * * *

5-5-5-3: MINIMUM AVERAGE LOT WIDTH, ACCESSORY USES:

* * * *

Stables, including private stables:

- R1 300 feet
- R2 300 feet
- R3 300 feet
- R4 300 feet

* * * *

5-5-6: FRONT YARDS:

Front yards shall be provided in accordance with the regulations hereinafter indicated. Front yards shall be unobstructed from ground level to sky, except as allowed in sub section 5-3-9 **(F)** of this title.

5-5-6-1: MINIMUM FRONT YARD, PERMITTED USES:

* * * *

Agriculture:

- R1 ~~No requirements~~ **150 feet**
- R2 ~~No requirements~~ **Not allowed**
- R3 ~~No requirements~~ **Not allowed**
- R4 ~~No requirements~~ **Not allowed**

* * * *

5-5-6-2: MINIMUM FRONT YARD, SPECIAL USES:

* * * *

Expanded Agriculture:

- R1 150 feet**
- R2 Not allowed**
- R3 Not allowed**
- R4 Not allowed**

* * * *

5-5-6-3: MINIMUM FRONT YARD, ACCESSORY USES:

* * * *

Agricultural buildings and structures:

- R1—150 feet
- R2—150 feet
- R3—150 feet
- R4—150 feet

* * * *

~~Roadside stands, on zoning lots where the principal use is agricultural:~~

- R1 20 feet
- R2 20 feet **Not allowed**
- R3 20 feet **Not allowed**

R4 20 feet Not allowed

* * * *

Stables, including private stables:

R1 150 feet

R2 150 feet

R3 150 feet

R4 150 feet

* * * *

5-5-7-1: MINIMUM INTERIOR SIDE YARD, PERMITTED USES:

* * * *

Agriculture:

R1 No requirements 150 feet

R2 No requirements Not allowed

R3 No requirements Not allowed

R4 No requirements Not allowed

* * * *

5-5-7-2: MINIMUM INTERIOR SIDE YARD, SPECIAL USES:

* * * *

Expanded Agriculture:

R1 150 feet

R2 Not allowed

R3 Not allowed

R4 Not allowed

* * * *

5-5-7-3: MINIMUM INTERIOR SIDE YARD, ACCESSORY USES:

* * * *

Agricultural buildings and structures:

R1 100 feet

R2 100 feet

R3 100 feet

R4 100 feet

* * * *

Roadside stands, on zoning lots where the principal use is agriculture:

R1 75 feet

R2 75 feet Not allowed

R3 75 feet Not allowed

R4 75 feet Not allowed

* * * *

5-5-8-1: MINIMUM CORNER SIDE YARD, PERMITTED USES:

* * * *

Agriculture:

R1 No requirement 150 feet

[Additions/Deletions]

- R2 ~~No requirement~~ **Not allowed**
- R3 ~~No requirement~~ **Not allowed**
- R4 ~~No requirement~~ **Not allowed**

* * * *

5-5-8-2: MINIMUM CORNER SIDE YARD, SPECIAL USES:

* * * *

Expanded Agriculture:

- R1 150 feet**
- R2 Not allowed**
- R3 Not allowed**
- R4 Not allowed**

* * * *

5-5-8-3: MINIMUM CORNER SIDE YARD, ACCESSORY USES:

* * * *

Agricultural buildings and structures:

- R1 150 feet
- R2 150 feet
- R3 150 feet
- R4 150 feet

* * * *

Roadside stands, on zoning lots where the principle use is agriculture:

- R1 75 feet
- R2 75 feet **Not allowed**
- R3 75 feet **Not allowed**
- R4 75 feet **Not allowed**

* * * *

Stables; including private stables:

- R1 150 feet
- R2 150 feet
- R3 100 feet
- R4 100 feet

* * * *

5-5-9-1: MINIMUM REAR YARD, PERMITTED USES:

* * * *

Agriculture:

- R1 ~~No requirements~~ **150 feet**
- R2 ~~No requirements~~ **Not allowed**
- R3 ~~No requirements~~ **Not allowed**
- R4 ~~No requirements~~ **Not allowed**

* * * *

Expanded Agriculture:

[Additions/Deletions]

- R1 150 feet
- R2 Not allowed
- R3 Not allowed
- R4 Not allowed

* * * *

5-5-9-3: MINIMUM REAR YARD, ACCESSORY USES:

* * * *

Agricultural buildings and structures:

- R1 100 feet
- R2 100 feet
- R3 100 feet
- R4 100 feet

* * * *

Roadside stands, on zoning lots where principle use is agricultural:

- R1 No requirements
- R2 No requirements Not allowed
- R3 No requirements Not allowed
- R4 No requirements Not allowed

Stables, including private stables:

- R1 100 feet
- R2 100 feet
- R3 100 feet
- R4 100 feet

* * * *

5-5-10-1: MAXIMUM FLOOR AREA RATIO, PERMITTED USES:

* * * *

Agriculture:

- R1 0.05 times the lot area
- R2 Not allowed
- R3 Not allowed
- R4 Not allowed

5-5-10-2: MAXIMUM FLOOR AREA RATIO, SPECIAL USES:

* * * *

Expanded Agriculture:

- R1 0.05 times the lot area
- R2 Not allowed
- R3 Not allowed
- R4 Not allowed

* * * *

5-5-11: SIGNS

In residence districts signs shall be classified and permitted in accordance with the regulations set forth hereinafter.

(E) R1 District:

1. In an R1 district, the following non-flashing, non-illuminated signs are permitted under the conditions specified:

* * * *

b. For sale or for rent signs, subject to the following:

* * * *

5-5-13: OFF-STREET PARKING, SPECIFIC REQUIREMENTS:

(E) R1 District: Off-street parking spaces accessory to uses allowed in the R1 District shall be provided in accordance with the following minimum requirements:

* * * *

2. Agriculture; including expanded agriculture: There shall be no requirements, except with respect to accessory roadside stands for which shall be provided spaces adequate in number, as determined by the Enforcing Officer, to serve the public.

* * * *

4. Educational institutions, boarding:

~~a. Colleges, junior colleges and universities: one parking space shall be provided for each 2 employees, and one parking space shall be provided for each 6 students, based upon the maximum number of students attending classes on the premises at any one time during any 24 hour period.~~

~~b. Fraternities, sororities and dormitories in conjunction with colleges, junior colleges and universities: one parking space shall be provided for each 3 active members or dormitory residents, plus 1 parking space for the manager~~

~~f. Gymnasiums, stadiums and grandstands: one parking space shall be provided for each 6 seats~~

~~g. Nursery, elementary high schools, boarding: one parking space shall be provided for each 2 employees~~

~~h. School auditoriums: one parking space shall be provided for each 6 seats~~

<p><u>a. Colleges, junior colleges and universities</u></p>	<p><u>1 parking space shall be provided for each 2 employees, and one parking space shall be provided for each 6 students, based upon the maximum number of students attending classes on the premises at any one time during any 24 hour period</u></p>
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<u>b. Fraternities, sororities and dormitories in conjunction with colleges, junior colleges and universities</u>	<u>1 parking space shall be provided for each 3 with colleges, junior colleges active members or and universities dormitory residents, plus 1 parking space for the manager</u>
<u>c. Gymnasiums, stadiums and grandstands</u>	<u>1 parking space shall be provided for each 6 seats</u>
<u>d. Nursery, elementary and high schools, boarding</u>	<u>1 parking spaces shall be provided for each 2 employees</u>
<u>e. School auditoriums</u>	<u>1 parking space shall be provided for each 6 seats</u>

5. Educational (non-boarding) and cultural institutions:

- a. ~~Elementary and nursery schools, non-boarding: one parking space shall be provided for each 2 employees~~
- b. ~~High schools, non-boarding: one parking space shall be provided for each 2 employees, and 1 parking space shall be provided for each 10 students, based on the maximum number of students attending classes on the premises at any one time during any 24 hour period~~
- c. ~~Public libraries, art galleries: one space shall be provided for each 800 square feet of gross floor area~~
- d. ~~School auditoriums: one space shall be provided for each 6 seats~~
- f. ~~School gymnasiums, stadiums and grandstands: one parking space shall be provided for each 6 seats~~

<u>a. Elementary and nursery schools, nonboarding</u>	<u>1 parking space shall be provided for each 2 employees</u>
<u>b. High schools, nonboarding</u>	<u>1 parking space shall be provided for each 2 employees, and 1 parking space shall be provided for each 10 students, based on the maximum number of students attending classes on the premises at any one time during any 24 hour period</u>
<u>c. Public libraries, art galleries</u>	<u>1 space shall be provided for each 800 square feet of gross floor area</u>

<u>d. School auditoriums</u>	<u>1 space shall be provided for each 6 seats</u>
<u>e. School gymnasiums, stadiums and grandstands</u>	<u>1 parking space shall be provided for each 6 seats</u>

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7. Recreational facilities:

- ~~a. Athletic fields, golf courses, polo fields, swimming pools, and tennis courts: Parking spaces shall be provided in adequate number, as determined by the Enforcing Officer, to serve the public~~
- ~~b. Private clubs: Parking spaces shall be provided equal in number to 30% of the capacity in persons of such club, plus 1 parking space for each lodging room~~
- ~~c. Recreational and community center buildings, noncommercial: Parking spaces shall be equal in number to 30% of the capacity in persons~~

<u>a. Athletic fields, golf courses, polo fields, swimming pools and tennis courts</u>	<u>Parking spaces shall be provided in adequate number, as determined by the Enforcing Officer, to serve the public</u>
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<u>c. Recreational and community center buildings, noncommercial</u>	<u>Parking spaces shall be equal in number to 30% of the capacity in persons</u>

8. Religious institutions:

- ~~a. Churches, chapels, temples and synagogues: one parking space shall be provided for each 3 seats~~
- ~~b. Rectories, parsonages and parish houses: Parking spaces shall be provided in adequate number, as determined by the Enforcing Officer, to serve persons employed or residing on the premises as well as the visiting public~~

<u>a. Churches, chapels, temples and synagogues</u>	<u>1 parking space shall be provided for each 3 seats</u>
<u>b. Rectories, parsonages and parish houses</u>	<u>Parking spaces shall be provided in adequate number, as determined by the Enforcing Officer, to serve persons employed or residing on the premises</u>

	<u>as well as the visiting public</u>
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**Chapter 9
NONCONFORMING BUILDINGS, STRUCTURES, USES**

5-9-3: NONCONFORMING BUILDINGS AND STRUCTURES, AND USES THEREOF:

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(G) Change of Nonconforming Use:

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4. Any nonconforming agriculture or expanded agriculture use that has not been terminated pursuant to any other provision of this chapter shall be terminated no later than seven (7) years after the effective date of the amendment to this Title creating such nonconforming use.

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