

5-1-1

5-1-2

**HANOVER
NON-HOME RULE**

CHAPTER 1

GENERAL ZONING PROVISIONS

SECTION:

- 5-1-1: Short Title
- 5-1-2: Intent and Purpose
- 5-1-3: Interpretation
- 5-1-4: Application of this Ordinance
- 5-1-5: Rules for Construction and Definition
- 5-1-6: Adoption of Comprehensive Plan
- 5-1-7: Definitions

5-1-1: **TITLE:** This Title shall be know, cited and referred to as “The Zoning Ordinance for the Village of Hanover, Illinois”.

5-1-2: **INTENT AND PURPOSE:**

A. This Ordinance is adopted for the purpose of:

1. Promoting and protecting the public health, safety, comfort, convenience, prosperity and general welfare of the people.
2. Securing adequate light, high quality environment and safety from fire and other dangers.
3. Conserving the taxable value of land and buildings throughout the Village.

B. To these ends it is the purpose of this Ordinance to set up and accomplish certain standards and objectives by:

1. Organizing the Village into districts regulating and restricting therein the location, construction, reconstruction, alteration and use of buildings, structures or land, whether for residence, office, business, manufacturing or other specific uses.
2. Regulating and limiting the height and bulk of buildings and other structures.

3. Establishing, regulating and limiting the building or setback lines along streets, alleys or property lines.
4. Regulating and limiting the intensity of the use of the lot area and determining the area of open spaces within and surrounding such buildings.
5. Providing for certain permitted uses and conditional permitted uses.
6. Regulating the size, type and location of signs.
7. Requiring accessory off-street parking and loading facilities.
8. Defining and limiting the powers and duties of the administrative officers and bodies as provided herein.
9. Providing for the change and amendment of such regulations and boundaries of the respective districts.
10. Provide for the continuance of uses of structures of land which were lawful before the Ordinance was passed or amended, but which could be prohibited, regulated, or amendment thereto restricted under the terms of this Ordinance or future amendments.
11. Prescribing penalties for the violation of the provisions of this Ordinance or of any amendment thereto.

5-1-3 **INTERPRETATION:** In the interpretation and application of this Title, the provisions contained herein shall be held to be minimum requirements, adopted for the promotion of public health, morals, safety and general welfare.

In case of any conflict between this Title, or any part hereof, and the whole or part of any existing or future ordinance of the Village or the whole or part of any existing or future private covenants or deeds, the most restrictive shall, in all cases, apply.

5-1-4: **APPLICATION OF THIS ORDINANCE:** No structure shall be constructed, erected, placed or maintained and no land use commenced or continued within the Village except as specifically, or by necessary implication, authorized by this Ordinance. Conditional uses are allowed only on permit granted by the Zoning Board of Appeals upon finding that the specified conditions exist. Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized as indicated in the Land Use Matrix and special regulations.

5-1-5: **RULES FOR CONSTRUCTION AND DEFINITION:** The language set forth in the text of this Ordinance shall be interpreted in accordance with the following rules for construction:

- A. The singular number includes the plural and the plural, the singular.
- B. The present tense includes the past and future tenses and the future, the present.
- C. The words “shall” and “will” are mandatory, while the word “may” is permissive.
- D. The masculine gender includes the feminine and neuter.
- E. All measured distances shall be to the nearest integral foot. If a fraction is one-half (1/2) or less, the integral foot next below shall be taken.
- F. Whenever a word, phrase or a term defined hereinafter appears in the text of this Ordinance, its meaning shall be construed as set forth in the definition thereof. The word “lot” shall include the words “piece” and “parcel”; the word “building” shall include all other structures of every kind regardless of similarity to buildings and, the phrase “use for” shall include the phrases “arranged for”, “intended for”, “maintained for”, “designed for” and “occupied for”. Synonyms in common usage, of certain words, phrases or terms are shown parenthetically.

5-1-6: ADOPTION OF COMPREHENSIVE PLAN: The Village Board of Trustees does hereby go on record adopting the Comprehensive Plan for the Village. Said Comprehensive Plan will be used as the basis for updating the zoning and subdivision ordinances of the Village, and shall be used as a guideline for approving or disapproving actions affecting growth and development within the jurisdiction of the Village.

5-1-7: DEFINITIONS: The following words, phrases, and terms, whenever they occur in this Ordinance, shall be interpreted as herein defined:

Accessory Structure: A subordinate structure detached but located on the same lot as the principal structure, the use of which is incidental and accessory to that of the principal structure.

Accessory Use : A structure or use that: a) is clearly incidental to and customarily found in connection with a principal building or use; b) is subordinate to and serves a principal building or a principal use; c) is subordinate in area, extent, or purpose to the principal building or principal use serviced; d) contributed to the comfort, convenience, or necessity of occupants, business, or industry in the principal building or principle use served; and e) is located on the same lot as the principal building or use served.

Addition: Any walled or roofed expansion to the perimeter and/or height of a building in which the area is connected by a common load-bearing wall. Any walled and roofed area which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

Agent: A person acting on behalf of another.

Agricultural Uses: Included farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture and animal and poultry husbandry, and necessary accessory uses secondary to the normal agricultural activities, but does not include the feeding of garbage or offal to swine or other animals, and provided all animal husbandry operations shall comply with all State, Federal, and Village health and environmental regulations.

Alley: A public right of way which affords a secondary means of vehicular access to the side or rear of premises that front on a nearby street. Alleys are less than fifty feet (50') in width, but not less than sixteen feet (16') in width.

Amusement Center: Any premises which contains four (4) or more coin- or token-operated devices played for a fee, such as pinball machines, foosball tables, pool tables and other similar entertainment or amusement devices.

Apartment: A room or suite of rooms in a multi-family structure, which is arranged, designed, used or intended to be used as a single housekeeping unit. Complete kitchen, bath and toilet facilities, permanently installed, must always be included for each apartment.

As Built Plans: Final plans showing all changes in the proposed plans, indicating in detail how the project was constructed.

Automobile Repair, Major: General repair, rebuilding of or reconditioning of engines of any type, motor vehicles, trucks, buses or trailers. Also including collision service, including body work, frame or fender straightening or repair, overall painting of motor vehicles, trucks, trailers or painting booth. Vehicular repair involving welding or the removal, replacement or opening of the radiator, motor block, transmission or differential for other than fluid check or fill.

Automobile Repair, Minor: Minor repairs, incidental body and fender work, touch-up painting and upholstery, replacement of minor parts and general tune-up service to passenger automobiles and trucks not exceeding one and one-half (1 1/2) tons capacity.

Automobile Service Station: Buildings and premises where gasoline, oil, grease, batteries, tires, and automobile accessories may be supplied and dispensed at retail, and where in addition the following services may be rendered and sales made, and no other:

- a.) Sale and servicing of spark plugs, batteries, distributors and distributor parts;
- b.) Tire servicing and repair, but no recapping or regrooving;
- c.) Replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors, and the like;
- d.) Radiator cleaning and flushing;
- e.) Washing and polishing where no mechanical conveyor, blower, or steam cleaning device is employed provided that no more than one single car bay of the service station shall be equipped with washing equipment; and provided that the lot on which the washing equipment is to be located shall be sufficient to provide on-site waiting storage for a total number of vehicles equal to the number capable of being processed during one-half (1/2) hour; and provided that a drip area shall be provided where vehicles can be dried, located such that water will be confined to the site and will not run onto any street or alley so as to cause a hazard;
- f.) Greasing and lubrication;
- g.) Providing and repairing fuel pumps and lines;
- h.) Minor servicing and repair of carburetors;
- i.) Emergency wiring repairs;

- j.) Adjusting and repairing brakes;
- k.) Minor motor adjustments not involving removal of the head or crank case or racing the motor;
- l.) Sale of cold drinks, packaged foods, tobacco, and similar convenience goods for filling station customers, as accessory and incidental to principal operation;
- m.) Provision of road maps and other informational material to customers and provision of restroom facilities.

It shall be unlawful to provide major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles, trucks or trailers not in operating condition, or other work involving noise, glare, fumes, smoke or other such characteristics. An automobile service station is not a repair garage, a body shop, a car wash, an automobile wrecking yard or junk yard, nor a storage place for rental trailers.

Automobile Wrecking Yard: Any place where two (2) or more vehicles not in running condition, or parts thereof, are stored in the open, and are not being restored to operation, or any land, building or structure used for wrecking or storing of such motor vehicles or parts thereof, and including any used farm vehicles or farm machinery, or parts thereof, stored in the open and not being restored to operating condition; and including the commercial salvaging of any other goods, articles or merchandise.

Balcony: An outside deck located at least on the second floor or any higher floor of a dwelling building, and can be cantilevered or supported on piers.

Basement: A story partly below grade, with at least one-half (1/2) of its height (measured from floor to ceiling) above grade.

Bed and Breakfast: Shall mean an operator-occupied residence/dwelling providing accommodations for a charge to the public with no more than (5) guest rooms for rent, in operation for more than ten (10) nights in a twelve (12) month period. Breakfast may be provided to the guests only. Bed and breakfast establishments shall not include motels, hotels, boarding houses, or food service establishments. "Operator" shall mean the owner of the bed and breakfast establishment, or the owner's agent who is required to reside in the bed and breakfast establishment or on contiguous property.

Block: The distance as measured along a street between intersecting streets from center line to center line; and where the context requires, it also means the enclosed area within the perimeter of the streets or property lines enclosing it.

Board: Unless otherwise indicated, the Board of Trustees of the Village.

Boarding House: An establishment with lodging for compensation offering accommodations for short-term transients or extended periods of time. Meals may or may not be provided. (Also referred to as boarding house, rooming house, lodging house, lodging room, does not include bed and breakfast.)

Building: Any permanently anchored structure used or intended for supporting or sheltering any use or occupancy. When a building is divided into separate parts by unpierced walls, each part shall be deemed a separate building (see definition of Structure).

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 open space on the same zoning lot as the building.

Building, Height of: The vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields a greater height of building:

- a.) The elevation of the highest adjoining sidewalk or ground surface within a five foot (5') horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than ten feet (10') above lowest grade.
- b.) An elevation ten feet (10') higher than the lowest grade when the sidewalk or ground surface described in subsection (a) of this definition is more than ten feet (10') above lowest grade.

The height of a stepped or terraced building is the maximum of any segment of the building.

Building Line: A line so designed on the preliminary plan, which delineates the minimum open space required between the front or side of a structure and the street right of way.

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

Building, Structure: Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Structures include, but are not limited to: buildings, walls, swimming pools, signs and fences. The terms building or structure do not include recreational vehicles or trailers.

Bulk: The term used to indicate the size, setbacks and mutual relationships of buildings or other structures, and includes:

- a.) The size and height of building or other structure,
- b.) The gross floor area of a building in relation to lot area (floor area ratio),
- c.) The amount of lot area provided per dwelling,
- d.) The location of buildings or other structures in relation to lot lines or other buildings and
- e.) All open areas relating to a building or other structure.

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

Café: See “ Restaurant “.

Camp, Recreational: A facility with permanent housing facilities (i.e. cabins) or with pads or electric and water hookup for recreational vehicles or tents.

Carport: A roofed accessory building or structure providing space for the parking of motor vehicles and containing no more than two (2) enclosing walls, screens, lattice, or other material which extend no higher than four feet. When attached to a principal building, a carport shall be considered a part of the principal building and subject to all applicable bulk regulations for the district in which it is located. If walls extend beyond four feet in vertical height, the wall will be considered complete. See “garage”.

Cellar: A story with more than one-half (1/2) of its height (measured from floor to ceiling) below grade.

Clinic, Medical: A building containing the offices and associated facilities of one or more practitioners and allied professional assistants for the purpose of carrying on their professions and providing medical, dental, psychiatric, osteopathic, chiropractic, physical therapy, or similar services for out-patients only. The clinic may include an accessory medical laboratory.

Club or Lodge, Private: A nonprofit association, or group of persons who are bona fide members paying dues, which owns, hires, or leases a building or portion thereof, the use of such premises being restricted to members and their guests.

Club, Non-business: A nonprofit organization of bona fide members paying annual dues, organized for social, educational or recreational purposes.

Code: The Municipal code of Hanover, Illinois and amendments thereto.

Collector Street: A street of relatively short length that serves as a connection between a major or secondary thoroughfare and several minor streets. The term includes the principal entrance streets of a residential development and streets for major circulation within such a development.

Community Facility: A facility that provides a service that is educational, spiritual, social or recreational in nature, and which operates primarily for the benefit and welfare of the residents within the area it is intended to serve.

Community, Welfare, or Health Center: A community service facility where social, recreational, welfare, health, or child care assistance is provided by a public, quasi-public, tax exempt, church, or government agency.

Comprehensive Plan: The plan or any portion thereof adopted by the Village to guide and coordinate the physical and economic development of the Village. The comprehensive plan includes, but is not limited to, plans and programs regarding the location, character, and extent of street, bridges, public buildings or uses, utilities, schools, residential, commercial or industrial land uses, parks, drainage facilities, etc.

Construction: The performance of all things necessary to build, rebuild or improve a road or street. See “Development”.

Construction, office, temporary: An office, which is located in a temporary structure at a construction site, where consulting, record keeping, clerical work, or other businesses of a

construction contractor are carried on during the term of construction. See “Temporary Building”.

Construction Plans: The drawings prepared in the manner and containing the date, documents and information required in this Title.

Contiguous Growth Area: An area contiguous to a municipality in which new development is determined to be both desirable and sustainable. The boundaries of the contiguous growth area (CGA) shall be defined in a legal description set forth in a joint County and municipality. Where no such joint planning agreement exists, the boundaries of the contiguous growth area shall be defined as the area surrounding a municipality within one and one half miles of the corporate limits of the municipality.

Contractor’s, Maintenance Yard: An open yard and/or enclosed structure for storage of construction or contractor’s supplies and operational equipment, but not constituting a junk or salvage yard. May or may not be located on the same zoning lot as the contractor’s office.

Contractor’s Office: A business office, carrying on operations which may be physically separate (on another zoning lot) from the contractor’s yard and/or maintenance yard.

Convenience Store: Any retail establishment offering for sale prepackaged food products, household items, commercial products associated with minor auto servicing (but not automobile parts), and other goods commonly associated with the same including the retail dispensing of vehicular fuels.

County: The County of Jo Daviess, State of Illinois.

Cul-de-sac: A short street having only one outlet for vehicular traffic and having the other end permanently terminated by a turnaround for vehicles.

Curb and Gutter: The level of the established curb in front of a building or structure measured at the center of such front. Where no curb level has been established, it shall be deemed to be the established level of the center line of the street surface in front of a building or structure, measured at the center line of each front.

Daycare Centers: A child care facility which regularly provides daycare for less than twenty four (24) hours per day for: a) more than eight (8) children in a family dwelling unit, or b) more than three (3) children in a facility other than a family dwelling unit. The terms “commercial day-care center” includes facilities commonly called child care centers, day nurseries, nursery schools and kindergartens

Daycare Home: A family dwelling unit which receives more than three (3) and up to a maximum of eight (8) children for less than twenty four (24) hours a day. The maximum of eight (8) children includes the family's natural or adopted children and all other persons under the age of twelve (12). A daycare home may also be a family home which receives adults who are sixty (60) years of age or older.

Dead End Street: See “Cul-de-Sac”.

Deck: An outside porch without a roof not necessarily attached to a dwelling wall, whose floor is built on a foundation, piers, or blocks, as a distinct structure requiring a building permit, above ground grade, limited to a maximum height of the adjacent first floor level in the dwelling. It is not allowed any higher level than above grade, to avoid the deck floor from creating a de-facto roofed porch underneath; but a deck can be located on the existing roof of dwellings and garages.

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

Disability: As defined by the Americans with Disability Act (ADA), a person who has:

- a.) A physical or mental impairment that substantially limits one or more major life activities;
- b.) A record of such an impairment; or
- c.) Is regarded as having such an impairment.

District: A section or part of the incorporated or unincorporated portion of the Village for which the use regulations are uniform.

Drainage Course: A natural watercourse, swale, gully, dry stream or ditch which naturally carries storm water runoff or which is fed by a street or building gutters or by storm water sewers.

Drive: See “Street”.

Drive-in Establishment: An establishment which accommodates patron’s automobiles on the premises, allowing service to the patrons in their automobiles. See: “Restaurant, drive-in”.

Driveway: A private road providing access to a garage, house or other building.

Duplex: A residence containing only two (2) dwelling units. See “Two Family Dwelling”.

Dwelling: A permanent building used primarily for human habitation but not including facilities for the housing of transient residents nor to include mobile homes.

Dwelling, multiple-family: A building or portion thereof designed or altered for occupancy by three (3) or more families living independently of each other.

Dwelling, one family: A building designed exclusively for use and occupancy by one family, and entirely separated from any other dwelling by space.

Dwelling, row (townhouse): A row of two (2) to twelve (12) attached, one-family, party-wall dwellings.

Dwelling, two-family: A building designed or altered to provide dwelling units for occupancy by two (2) families.

Dwelling Unit: One or more rooms which are arranged, designed or used as living quarters for a family or for a community residence as a single housekeeping unit. A dwelling unit includes bathroom and kitchen facilities in addition to sleeping and living areas.

Easement: That portion or quantity of land set aside in which a liberty, privilege or advantage in land without profit is dedicated and is distinct from fee ownership of the land, is granted either to the public, a particular person or a combination of both. A right to use a portion of another person's real property for certain limited purposes.

Educational Institution: Public, private, or parochial school, charitable or nonprofit junior college, college or university, other than trade or business schools, including instructional and recreational uses, with or without living quarters, dining rooms, restaurants, heating plants and other incidental facilities for students, teachers and employees.

Employees: Whenever reference is made in this Code to a Village employee by title only, this shall be construed as though followed by the words "of the Village of Hanover".

Essential Services: The erection, construction, alteration or maintenance by public utilities or Municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, elevated and underground water storage tanks, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or Municipal or other governmental agencies or for the public health or safety or general welfare but not including buildings.

Family: One or more persons each related to them by blood, marriage, or adoption (including foster children), together with such relatives of the respective spouses who are living with the family in a single dwelling and maintaining a common household. A family may also be composed of not to exceed three (3) persons not so related, provided that such unrelated persons live in a single dwelling and maintain a common household and single housekeeping unit. A family includes any domestic servants and not more than one gratuitous guest residing with said family; such servants or guest shall be included in the unrelated persons attained by this definition, and shall not be in addition thereto.

Family Care Facility: A facility providing shelter, counseling, and other rehabilitative services in a family-like environment of six (6) or fewer residents, and not more than two (2) staff or supervisory personnel, not legally related to the facility operators or supervisors, who by reason of mental or physical disability, chemical or alcohol dependency, family or school adjustment problems require a minimum level of supervision, but do not require medical or nursing care or general supervision, and which is licensed and/or approved by the State of Illinois, or by a State agency. A family care facility may also include uses such as foster homes, halfway houses, community residential alternative facilities, or house individual programs.

Family, Immediate Family: One or more persons each related by blood, marriage or adoption and maintaining one common household.

Family, Unrelated Group: A group of no more than five (5) unrelated adults living together as a common household by doing their own cooking and living together, as distinguished from a group occupying a boarding house, lodging house, club, fraternity, sorority, or hotel. Unrelated group families are permitted with administrative approval, provided that they comply with the standards and conditions specified in this Zoning Ordinance.

Farm: Any parcel of land used solely for the growing and harvesting of crops, for the feeding, breeding, and management of livestock, for dairying of or for any other agricultural or horticultural use or combination thereof; including but not limited to hay, grain, fruit, truck or vegetable crops, nurseries, orchards, forestry and sod farming; the keeping, raising and feeding of livestock or poultry, including dairying, poultry swine sheep, beef cattle, ponies or horses, fur farming, bees, fish and wildlife farming. For purposes of this Ordinance, “farm” does not include property that is primarily used for residential purposes even though some farm products may be grown or farm animals bred or fed on the property incidental to its primary use.

Fee: Fixed charges, levied by the Village to defray costs of administration associated with various provisions of the code.

Fence: An enclosure, barrier, or boundary made of posts, boards, wood, wire, stakes, stone, brick, earth, or rails.

Final Plat: The final survey and drawing with supporting material indicating the sub divider’s plan of the subdivision, which after Board approval shall be filed with the Jo Daviess County Recorder of Deeds.

Flood: A general and temporary condition of inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

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

Flood Hazard Area, Special or SFHA: Those lands within the jurisdiction of the Village that are subject to inundation by the base flood. The SFHAs of the Village are general, identified as such on the Flood Insurance Rate Map of the Village prepared by the Federal Insurance Administration and dated November 16, 1983, as amended from time to time.

Floodway: That portion of the SFHA required to store and convey the base flood. If not prohibited, building or placing obstructions in the floodway will increase flood damage to other properties.

Floor area: The sum of the gross horizontal areas of the several floors of a building, measured from the exterior faces of exterior walls or from the center line of walls separating two (2) buildings. However, the floor area of a building does not include:

- a.) Cellar space,

- b.) Elevator shafts or stairwells, accessory water tanks, or cooling towers,
- c.) Attic space, whether or not a floor actually has been laid, providing structural headroom of less than seven feet 6 inches (7'6"),
- d.) Uncovered steps,
- e.) Terraces, breezeways, or open porches, provided that not more than fifty percent (50%) of the perimeter of such terrace, breezeway or open porch is enclosed.
- f.) Floor space used for accessory off-street loading spaces, up to two hundred percent (200%) of the amount required by the applicable regulations, and
- g.) Floor space used for permitted or required accessory off-street parking spaces located at not more than twenty three feet (23') above grade.

Foster Family Home: A family home which provides full-time family care to foster children unrelated to them. Foster family homes are limited to a maximum of eight (8) children, including the foster family's children, unless all of the children unrelated to the foster family are of common parentage, or the applicable department of the State of Illinois has waived the limit of eight (8) unrelated children to facilitate an adoptive placement.

Foster Group Homes: A child care facility which regularly provides care for no more than ten (10) children placed by and under the supervision of a child welfare agency licensed by the applicable department of the State of Illinois. Adult supervision shall be provided on a twenty four (24) hour basis.

Funeral Home: A place where corpses are prepared for visitation, service, or burial.

Garage, Bus or Truck: A building which is used or intended to be used for the storage of motor trucks, truck trailers, tractors, commercial vehicles, and buses exceeding one and one-half (1 1/2) ton capacity.

Garage, Private: A detached accessory building or portion of a principal building used for storage of self-propelled passenger vehicles or trailers of the occupants of the premises and/or not more than one truck of a rated capacity not exceeding one and one-half (1 1/2) tons.

Garage, Private Commercial: An accessory building occupied by the motor vehicles of the business or businesses located on the same zoning lot.

Garage, Public: Any building, other than that herein defined as a private garage, used for storage or care of motor vehicles, or where such vehicles are equipped for operation, minor repairs, or kept for remuneration.

Garbage: Food waste, refuse, something left as worthless or useless.

Gas Station: See "Service Station". (Automobile Service Station).

Grade: "Grade" with reference to a building or structure, is the average elevation of the ground adjoining the building or structure on all sides. In case walls are parallel to and within five feet (5') of a sidewalk, the ground level shall be measured at the sidewalk.

Grinder Pump: An electrical pump used to reduce sewer mass into sewer waste and pump said sewer waste through Village sewer lines.

Group Care Facility: A facility providing shelter, counseling, and other rehabilitative services in a family-like environment to more than six (6) but less than fifteen (15) residents, and not more than three (3) staff or supervisory personnel not legally related to the facility operators or supervisors, who by reason of mental or physical disability, chemical or alcohol dependency, family or school adjustment problems require a minimum level of supervision, but do not require medical or nursing care or general supervision, and which is licensed and/or approved by the State of Illinois or by a State agency.

Guest Accommodations: Any facility containing 16 or fewer units, used as sleeping accommodations, which are made available to the public on a transient basis, for a charge. A transient basis shall be any period of time less than thirty (30) consecutive days. Guest accommodations shall include, but are not limited to, lodging houses, rooming houses, resorts, guest house/home, apartment, and cabins. Unless otherwise specified, such facilities shall meet the requirements of Chapter 20 of the "Life Safety Code."

Guest House: Living quarters within a detached accessory building located on the same premises with the main building for use by temporary guests of the occupants of the premises. Such quarters shall have no kitchen facilities nor be rented or otherwise used as a separate building.

Halfway House/Group Home: A temporary residential living arrangement for up to five (5) persons, excluding staff, who are receiving therapy, counseling and/or care from support staff who are present at all times residents are present, for the following purposes:

- a.) To help them re-enter society while housed under supervision while under constraints of alternatives to imprisonment including, but not limited to, pre-release, work release, and probationary programs;
- b.) To help persons with family or school adjustment problems that require specialized attention and care in order to achieve personal independence;
- c.) To provide temporary shelter for persons who are victims of domestic abuse and/or neglect; or
- d.) To provide adult congregate living arrangements without nursing care.

Hazardous Material: Any material or substance in any form or quantity which might be harmful to life, property, or the environment as defined by the Illinois Revised Statutes and applicable regulations.

Health/Recreational and Physical Training Club: An indoor facility including uses such as game courts, exercise equipment, locker rooms, training studios, jacuzzi and/or sauna, and pro shop.

Height: See definition of Building, Height Of.

Home Occupation: An occupation or profession customarily carried on by an occupant of a dwelling unit as a secondary use, and which is clearly incidental to the use of the dwelling unit for residential purposes and which meets the criteria contained in Section 5-9-18.

Hospital or Sanitarium: An institution which patients or injured persons are given medical or surgical care; or for the care of contagious diseases or terminal patients.

Hotel: A facility offering transient lodging accommodations on a daily rate to the general public and providing additional services, such as restaurants, meeting rooms, and recreational facilities and is not a bed and breakfast (also see definition of Motel).

Hotel, Apartment: A building or part of a building, with a common entrance or entrances, in which the dwelling units or rooming units are used primarily for permanent occupancy and may have kitchen units, and in which one or more of the following special services are provided:

- a.) Maid service,
- b.) Furnishing or laundering of linen,
- c.) Telephone, secretarial, or desk service,
- d.) Bellboy service.

An apartment hotel may include a restaurant, beauty shop, or drug store, provided that in residence districts such facilities shall be accessible only through the lobby and that no signs shall be visible from the street, except as permitted by the applicable district regulations. An apartment hotel which includes public banquet halls, ballrooms, or meeting rooms shall be treated as a hotel for the purposes of this Ordinance.

Hotel, Transient: See definition of Boarding House.

Institution: A facility or establishment providing shelter, counseling, general or specialized care, or nursing care, dedicated to public service, education, fraternal or philanthropic purposes. An institution includes uses such as nursing homes, sanitariums, all types of facilities for children, the aged, mentally and physically disabled.

Junkyard: Open area where waste, scrap metal, paper, rags, or similar materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including auto and building wrecking yards.

Junk Yard, (Salvage, Wrecking Yard, Auto Grave Yard): Any establishment, building, or area maintained used or operated, for the storing, keeping, , dismantling, disassembling, buying, or selling of machinery, appliances, or other similar materials, or inoperable, wrecked, scrapped, ruined, or discarded automobiles, automobile parts, vehicles, or vehicle parts. Any premises on which there remains an inoperable, partially dismantled, wrecked, or junk automobile(s) or vehicle(s) as a permanent storage place shall be considered dead storage and for the purposes of this Ordinance shall be deemed an automobile grave yard or junk yard.

Kennel: Any structure or premises where dogs and cats over four (4) months of age are kept, raised, bred or boarded for commercial purposes excluding animal hospitals, clinics and pet shops.

Kennel, Commercial: Any lot or premises on which two (2) or more dogs, at least four months of age, are kept, boarded for compensation, or kept or bred for sale.

Land Use Plan: The comprehensive long range plan for the desirable use of land in the jurisdiction, as officially adopted and as amended from time to time by the City Council, the purpose of such plan being among other things, to serve as a guide to the zoning and prospective changes in the zoning of land to meet changing community needs in the subdividing and use of undeveloped land.

Legal Objector: The owner of a lot, parcel, or tract of land, which is next to a lot, parcel, or tract of land, for which a special use is proposed or which is the subject of an amendment of this Ordinance. For the purposes of this Ordinance, a lot shall be deemed to be next to another if the lots, parcels, or tracts share a common lot boundary line in whole or in part or if a common lot boundary in whole or in part would occur if all street, highway, or alley right of way between such lots were excluded.

Level: Adjoining the portion or portions of the wall or walls along total length of the building.

License: The permission granted for the carrying on of a business, profession or occupation.

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

Loading and Unloading Space, Of Street: An open hard-surfaced area of land other than a street or public way, the principal use of which is for the standing, loading and unloading of motor trucks, tractors, and trailers, to avoid undue interference with the public use of streets and alleys.

Location Map: A preliminary drawing of a proposed subdivision indicating the outline of the area to be subdivided with approximate boundary dimensions and total acreage along with any existing and proposed roads, utilities, and other public facilities expected to service the area.

Lodging Room: A room rented as sleeping and living quarters, but without cooking facilities and with or without an individual bathroom. In a suite of rooms without cooking facilities, each room which provides sleeping accommodations shall be counted as one lodging room. See "Boarding House".

Lot: For the purposes of this Ordinance, a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on any improved public street and may consist of:

- a.) A single lot of record,

- b.) A portion of a lot of record,
- c.) A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record,
- d.) A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this Ordinance, and the Plat Act. (Illinois Revised Statutes chapter 109)

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

Lot, Corner: A lot having at least two (2) adjacent sides that abut for their full length upon streets. A lot situated at the junction and abutting on two (2) or more intersecting streets; or a lot at the point of deflection in alignment of a single street, the interior angle of which is one hundred thirty five degrees (135) or less.

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

Lot, Front Or Frontage: The length of any one property line of a premises, which property line abuts a legally accessible street right of way, except alleys.

Lot, Interior: A lot other than a corner or reversed corner lot.

Lot Line, Rear: The lot line or lot lines most nearly parallel and most remote from the front lot line.

Lot Line, Side: A lot line that is not a front or rear lot line.

Lot, Multiple Frontage: A lot that fronts on two (2) or more street rights of way, such as corner lots, through lots, etc.

Lot of Record: An area of land designated as a lot on a plat recorded with the Recorder of Deeds of Jo Daviess County, Illinois in accordance with State law.

Lot, Reversed Corner: A corner lot, the rear of which abuts upon the side of another lot, whether across an alley or not.

Lot, Through: A lot having a pair of approximately parallel lot lines that abut two (2) approximately parallel streets. Both such lot lines shall be deemed front lot lines.

Lot, Width: The horizontal distance between the side lot lines measured at right angles to the side lot lines at the front building line.

Lot, Zoning: 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" may or may not coincide with a lot of record.

Maintenance: The performance of all things necessary to keep a highway in serviceable condition for vehicular traffic. Maintenance includes the plowing of snow.

Mayor: See “Village President”.

Misdemeanor: Any offense for which a sentence to a term of imprisonment in other than a penitentiary for less than one year may be imposed.

Mobile Home: A detached residential dwelling unit designed for transportation after fabrication on streets or highways on its own wheels or on a flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling, complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities, and the like. A travel trailer, self-contained motor home or other recreational vehicle is not to be considered a mobile home.

Mobile Home Conversion: When a mobile home has been modified, adapted, and/or converted and approved pursuant to the codes and regulations and attached to the ground by a permanent foundation. A mobile home or a mobile home conversion shall not be allowed as a building, but shall remain subject to all provisions of this Code applicable to mobile homes. *Mobile homes and trailers shall be defined as the same and not allowed outside a mobile home park.*

Mobile Home or Trailer Coach: Transportable **nonpermanent** single-family dwelling unit on wheels suitable for year-round occupancy and containing the same water supply, waste disposal, heating and air conditioning, electrical conveniences and with self-contained toilet and bath or shower facilities as conventional housing. This definition is not intended to include travel trailers or camper buses.

Mobile Home Subdivisions: A contiguous parcel of land divided for sale of lots for the placement of mobile homes or single-family detached dwellings.

Mobile Structure: Those units defined in 77 ILL Adm Code as “mobile homes”. The term shall include units designed for the purpose of housing more than one family, commercial units, industrial units and educational units. Single family units constructed in accordance with the Federal Manufactured Home construction and Safety Standard (42 U.S. C. 5401) are not considered “mobile structures.” These units are identified by a red emblem at the tailgate end of each unit.

Modular Home: A dwelling designed partially or intended for **permanent** habitation which is constructed at a factory or plant and then assembled at the building site. Modular homes shall meet the minimum building standards established by Jo Daviess County.

Mortuary: See “Funeral Home”.

Motel: A building or a group of buildings, whether attached or in connected units, used as individual sleeping units designed primarily for transient travelers and providing for accessory off-street parking facilities. The term "motel" includes but is not limited to

buildings designated as auto courts, tourist courts, motor hotels, motor lodges, and similar terms.

Motor Freight Terminal: A building or area in which trucks, including tractor or trailer units, are parked, stored, or serviced, including the transfer, loading or unloading of goods. A terminal may include facilities for the temporary storage of loads prior to shipment.

Natural Grade: The mean level of the ground immediately adjoining the portion or portions of the wall or walls along total length of the building.

Non-conforming Building or Other Structure: Any lawful building or other structure which does not conform with the applicable bulk regulations for the district, either on the effective date of this Ordinance or amendments thereto.

Non-conforming Use: Any lawful use of a building or other structure or a tract of land, which does not conform to the applicable use regulations for the district, either on the effective date of this Ordinance or as a result of a subsequent amendment thereto. However, no principal use shall be deemed nonconforming because of failure to provide required accessory off-street parking spaces or required accessory off-street loading spaces, nor because of the existence of accessory signs, business entrances, or show windows which are themselves nonconforming uses.

Nightclub: A tavern or other commercial establishment where alcoholic beverages and/or food are served for consumption on premises and a dance floor and/or entertainment are provided. See also definition of Tavern.

Nuisance: Anything detrimental to the public health, safety, welfare or well-being; any at or omission detrimental to the health, welfare, safety or well-being of the Village or its inhabitants. (see Hanover Code 4-2-1 and 4-2-2)

Nursing Home: A private home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders. Such a home may contain equipment for surgical care or for treatment of a disease or injury, but does not include maternity care or mental illnesses.

Nursery School: An institution providing instructional/educational services for six (6) preschool aged children.

Occupant: As applies to a building or land, this term shall include any person who occupies or controls the whole or any part of such building or land, whether alone or with others.

Offense: Any act forbidden by any provision of the Code or the omission of any act required by the provisions of this Code.

Officers: Any officers of the Village of Hanover. Whenever reference is made in this Code to a Village officer by title only, this shall be construed as though followed by the words "of the Village of Hanover".

Off-Street Loading Space: An on-the-property space for temporary parking of a commercial vehicle while loading or unloading which abuts upon a street, alley or other appropriate means of access. Such space shall not be less than ten feet (10') in width, fourteen feet (14') in height and twenty five feet (25') in length, exclusive of access isles and maneuvering space, unless other wise specified.

Off-Street Parking Space (Accessory): A space provided to service a principle use with or without remuneration.

Off Street Parking Space (Commercial): A space provided which is not intended to serve a principal use, or is intended to serve a general area or a variety of uses, and in which cars are parked subject to remuneration, whether such space is contained within a ramp or structure, or whether such space is contained within a surface level parking lot.

Operator: A.) The person who is in charge of any operation, business or profession. B.) The person who is in control of the operation of any motor vehicle within the corporate limits of the Village.

Open Porch: An unobstructed entrance to a building, which has no enclosing or confining walls, but which may be covered and have poles or posts as supports for the covering.

Open Space: The total area in square feet which is countable as open space but is not paved in streets, walks, or driveways and is suitably improved for public or private recreation pursuits of all residents. Recreation space should provide for active and passive recreation activities. That part of a recreation area having a dimension of less than twenty feet (20') shall not be included as countable recreation space. In addition, countable recreation space must be at least twenty feet (20') away from any residential wall containing a window on the ground floor.

Ordinance: Reference to "Ordinance" herein shall be construed as the Zoning Ordinance.

Owner: Any person with an ownership or interest in property whether real, personal or mixed, including but not limited to any fee simple ownership, tenant in common, joint tenant, lessee, trustee, beneficiary under any trust, receiver, assignee or personal representative.

Package Liquor: Where alcoholic beverages are sold in original packages at retail for consumption off the premises.

Park: Any publicly owned park, playground, beach or parkway.

Parking Area, Accessory: An area of one or more parking spaces located at the same property as the building, structure or premises it is intended to serve, or on adjoining or nearby property and of such shape and nature as to be appropriate and usable for the parking or storage, loading and unloading of self-propelled vehicles.

Parking Space, Automobile: Space within a public or private parking area of not less than one hundred sixty feet (160') (8 1/2' x 19') exclusive of access drives or aisles, ramps, columns, or office and work areas, for the storage of one passenger automobile or commercial vehicle under one and one-half (1 1/2) ton capacity.

Pedestrian Way: A public right of way across or within a block designed primarily for use by pedestrian traffic.

Permanent Foundation: a closed perimeter formation consisting of materials such as concrete, mortared concrete block, or mortared brick extending into the ground below the frost line (normally four feet) which shall include, but not necessarily be limited to, cellars, basements, or crawl spaces, but does exclude the use of piers. [430 ILCS 115]

Person: Any public or private corporation, firm, partnership, association, organization, government or any other group acting as a unit, and any trustee, receiver, assignee or personal representative, as well as a natural person.

Personal Property: Every description of money, goods, chattels, effects, evidence of rights in action and all written instruments by which any pecuniary obligation, right or title to property is created, acknowledged, transferred, increased, defeated, discharged or diminished and every right of interest therein.

Plan Commission: The Planning Committee of the Village of Hanover.

Planned Unit Development: A planned unit development is a parcel of land or contiguous parcels of land of a size sufficient to create its own environment, controlled by a single landowner or by a group of landowners in common agreement as to which is compatible with adjacent parcels, and the intent of the zoning district or districts in which it is located. The developer or developers of a planned unit development may be granted relief from specific land use regulations and design standards and may be awarded certain premiums in return for assurances of an overall quality of development, including any specific features that will be of exceptional benefit to the community as a whole.

Porch: Is a roofed, (either enclosed or unenclosed), attached to one or two (2) permanent exterior walls of a dwelling building, whose floor is at or just below the level of the dwelling first floor adjacent to the porch.

Preliminary Plan: Refers to a preliminary survey, drawings, and supportive material indicating the proposed layout of a subdivision.

Public Improvement: Refers to site grading, or any street, curb and gutter, sidewalk, drainage ditch, sewer, catch basin, pedestrian way, street name and traffic control sign, or other facility necessary for the general use of property owners in a subdivision.

Public Service Area: An area including such uses as fire and police stations, telephone exchanges, radio and television transmitting and relay stations and towers, filter plans and pumping stations and similar uses.

Recorder: The Recorder of Deeds for Jo Daviess County.

Recreation Space: See "Open Space".

Recyclable Materials: Any non-hazardous municipal solid waste materials subject to recovery techniques.

Recycling Center: A facility dedicated to operations involving the collection, segregation and processing of non-hazardous materials including: glass, newspapers, cardboard, magazines, office paper, soda/beer cans, rubber tires, food/juice cans, plastics, food, yard waste, appliances and motor oil.

Recycling Drop Off Point: A place where recyclable materials may be deposited for collection and off-site processing.

Refuse: All waste products resulting from human habitation, except for sewage.

Residence or Residential: A building or part of a building containing dwelling units or rooming units used primarily for permanent occupancy. For the purposes of this Title, residences include all single-family or two-family houses, multiple dwellings, boarding or rooming houses, or apartment hotels. However, residences do not include:

- a.) Transient accommodation, including accommodations in hotels, motels, or tourist cabins or trailer or mobile home parks, trailer or mobile home, or
- b.) In a mixed building that part of the building used for any nonresidential uses, except accessory to residential uses. "Residential" means pertaining to a residence.

Residence, Single Family: A building containing only one dwelling unit.

Rest Home A private home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders, but not including equipment for the treatment of sickness or injuries or for surgical care.

Restaurant, (Cafeteria, Inn, Café): An establishment in which foods, refreshments or beverages are offered for sale for consumption in the building in which the establishment is located, or at tables situated on the lot upon which the establishment is located. If any portions of the foods, refreshments, or beverages are sold for consumption in automobiles parked on the zoning lot upon which the establishment is located, the establishment shall be considered to be a drive-in restaurant. The terms restaurant does not apply to churches, religious fraternal, youth or patriotic organizations, service clubs, and civic or union organizations which occasionally prepare to serve or sell meals or lunches to transients or to the general public, nor shall it include any public or private school lunchroom.

Restaurant, Carry-Out: An eating establishment where food or beverages are primarily packaged to be carried away from its place of sale and not consumed on the premises.

Restaurant, Drive-in: An eating establishment where food or beverages are dispensed and where such food or beverages may be generally consumed on the premises within automobiles or vehicles.

Restaurant, Fast Food: An establishment whose principal business is the sale of rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building or off-premises. The establishment may include a drive-up or drive-through service facility or offers curbside service.

Restrictive Covenants: Contracts entered into between private parties and constitute a restriction on the use of all private property within a subdivision for the benefit of property owners, and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values and shall be required to accompany the final plat at the time of recording.

Retailer: Unless otherwise specifically defined, this term shall be understood to relate to the sale of goods, merchandise, articles or things in small quantities direct to the consumer.

Right of Way: A strip of land dedicated to the City or other unit of government for streets, alleys, and other public improvements.

Roadbed: The graded portion between edge of shoulder and edge of shoulder.

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

Sanitary Sewer: A constructed conduit for the collection and carrying of liquid and solid sewage wastes, other than storm waters, to a sewage treatment plant.

Service Access, Street: A street parallel to and adjacent to a controlled access thoroughfare which serves abutting properties.

Service Station: Any building, structure, land area or other premises, or portion thereof used for the sale at retail of motor vehicle fuels, oils, or for servicing (minor repairs) or lubricating motor vehicles, which activity may be accompanied by accessory uses and sales. See "Automobile Service Station".

Setback: The minimum horizontal distance between the lot or property line and the nearest front, side or rear line of the building, including terraces or any covered projection thereof, including steps.

Setback, Front Yard: The minimum horizontal distance permitted between the front line or side line of the building and the lot line nearest the street line.

Sewage System, Individual: A system of piping, tanks, septic or connected to the Village, and other facilities serving only one lot.

Sidewalks: A paved pedestrian way, intended for pedestrian use only.

Sign: The term "sign" shall mean and include every device, frame, letter, figure, character, mark, plane, point, design, picture, logo, stroke, stripe, trademark, or reading material, which is used or intended to be used to attract attention or convey information when the same is placed out of doors in view of the general public; in addition, any of the above which is not placed out of doors, but which is illuminated with artificial or reflected light. Also, the above, when near the inside surface of a window in such a way as to be in view of the general public and used or intended to be used to attract attention or convey information to motorists. See Chapter 7 Comprehensive Sign Regulations.

Sign, Off-Site: A sign which directs attention to a business, commodity, service, entertainment or attraction sold, offered, or existing elsewhere than upon the same lot where such sign is displayed. The term off-site shall include an outdoor advertising sign (billboard) on which space is leased or rented by the owner thereof to others for the purpose of conveying a commercial or noncommercial message.

Sign, On Site: A sign which directs attention to a business, commodity, service, entertainment or attraction sold, offered or existing on the same lot where such sign is displayed; provided, an onsite sign may also display a non commercial message.

Sign, Wall: Any sign that shall be affixed parallel to the wall or printed on the wall of any building in such a manner as to read parallel to the wall on which it is mounted; provided, however, said wall sign shall not project above the top of the wall or beyond the end of the building. For the purpose of this Ordinance, any sign display surface that is affixed flat against the sloping surface of a mansard roof shall be considered a wall sign. Any sign that is affixed to the building marquee, building awning, or a building canopy shall be considered a wall sign.

Solar Energy System: An assembly or structure, including passive designs, used for gathering, concentrating, absorbing, and/or storing radiant energy from the sun.

Stable, riding: A stable shall mean a building/buildings including other structures and grounds used for the boarding or housing of horses used for riding sessions or pleasure riding on the premises.

State: The State of Illinois.

Storage, Accessory Uses: To a retail store such as storerooms, or stockrooms, which may be used to store materials and merchandise clearly related and incidental to the business. Storage area(s) may be part of the building and/or separate building located on the same zoning lot.

Storm Sewer: A constructed conduit for carrying storm waters to a drainage course.

Story: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused under-floor space is more than six feet (6') above grade as defined herein for more than fifty percent (50%) of the total perimeter or is more than twelve feet (12') above grade as defined herein at any point, such usable or unused under-floor space shall be considered as a story.

Story, Half: A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than four feet (4') above the floor of such story, provided however that any partial story used for residence purposes, other than for a janitor or caretaker and his family shall be deemed a full story.

Street: A public or private way for motor vehicle travel. The term "street" includes a highway, thoroughfare, parkway, throughway, road, pike, avenue, boulevard, lane, place, drive, court and similar designations, but excludes an alley or way for pedestrian use only.

Street and Thoroughfare Plan: The portion of the Official Village Plan providing and planning for the present and future system of streets for the Village.

Structural Alteration: Any changes in the supporting members of a building including but not limited to bearing walls, load-bearing walls, load-bearing partitions, columns, beams or girders or any substantial change in the roof or the exterior walls.

Standard Specifications: The standard specifications for road and bridge construction, adopted by the Department of Transportation, State of Illinois, latest revision at time of construction plan approval.

Structural Change, (Major): Any change in the supporting members of a building or structure such as bearing walls or partitions, columns, beams, or girders, or any substantial structural change in the roof or in the exterior walls, but not to include repairs such as painting, glazing, siding, roofing and patching needed for normal maintenance.

Structure: Anything constructed or erected, the use of which requires more or less permanent location on the ground or attachment to something having a permanent location on the ground.

Sub divider: Any owner, agent or person controlling land who commences proceedings under this Title by submitting a location map to the Planning Committee.

Surety: A bonding agency that is financially qualified to do business in the State of Illinois.

Swale: A natural or man-made grass water drainage system utilized to accommodate surface runoff.

Tavern: Any premises wherein alcoholic beverages are sold at retail for consumption on the premises as the principal uses; and where sandwiches, snacks and other food products are available for purchase. "Tavern" does not include "restaurants", where the principal business is serving food (includes "bar" and "cocktail lounge"). See also definition of "Nightclub".

Temporary buildings: Temporary buildings may include a construction office and construction storage facilities, and may be permitted in any district, when approved pursuant to the codes and regulations under the jurisdiction of the Director of Building Services and/or Village Engineer during the period that the construction work is in progress, but such temporary buildings shall be removed upon completion of the construction work or within one year, whichever comes first. Removal of wheels or other transporting device, except the temporary detachment of a towing unit for any house car trailer shall not be construed as converting the same into a permanent structure.

Tenant: As applied to a building or land, this term shall include any person who occupies the whole or any part of such building or land, whether alone or with others.

Terrace/Patio: An unroofed deck located outside at ground grade, which is paved as concrete, stone, brick or wood pavers blocks (also known as patio).

Theater: An establishment used to observe films and other visual material which is neither an adult motion picture theater nor adult mini-motion picture theater.

Tourist Courts, Motor Lodges: A group of attached or detached buildings containing individual sleeping or living units, designed for or used temporarily by automobile, tourists or transients, with garage attached or parking space conveniently located to each unit, including auto courts, motels, motor lodges or other similar type uses.

Tourist Home: A building which contains a single dwelling unit and in which meals or lodging or both are provided or offered to transient guests for compensation.

Towing and Temporary Storage of Vehicles: Towing and temporary storage of vehicles is allowed

(1) as a principal use, or

(2) as an incidental use to motor vehicles services and related business, in order to service or repair such vehicles, or where such vehicles are temporarily retained for service or repairs, or for return to the lawful owner, or other appropriate agency for further processing.

Township Highway Commissioner: The township highway commissioner for the township(s) in which the subdivision is located.

Trailer, Travel: A non-motorized vehicular, portable structure built on a chassis designed to be used as a temporary dwelling for travel and recreational purposes, having a body width not exceeding eight feet (8') and a body length not exceeding thirty four feet (34').

Trailer Park or Mobile Home Park: An area of land upon which two (2) or more occupied trailer coaches or mobile homes are harbored either free of charge or for revenue purposes, and shall include any building, structure, tent, vehicles, or enclosure used or intended for as, a part of the equipment of such trailer coach park. Developments or portions of development intended for the sale of individual lots or parcels for the placement of mobile homes on permanent foundation shall not be included within the definition of a mobile home park.

Truck Parking area or yard: Any land used or intended to be used for the storage or parking of trucks, tractors, truck trailers, and including commercial vehicles, while not loading or unloading. Does not include Class B trucks.

Traffic Control Device: Any sign, markings and devices placed on or adjacent to a street or highway by authority of the Village of Hanover, the State of Illinois, Department of Transportation or the Jo Daviess County Superintendent of Highways.

Trailer Park: A zoning lot occupied by or designed to accommodate more than one trailer.
See “Mobile Home.”

Travel Trailer: All vehicles and portable structures built on a chassis, designated as a temporary dwelling for travel, recreational and vacation uses, and containing less than two hundred (200) square feet of floor area.

Travel Trailer Park: Any plot of ground upon which two (2) or more travel trailers, occupied for dwelling and sleeping purposes, are located, regardless of whether or not a charge is made for such accommodations.

Use: The purpose or activity for which a building, structure or land is occupied or maintained.

Use, Accessory: See Accessory, Use

Vehicle: Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway except devices moved by human power or used exclusively upon stationary rails or tracks.

Village: The Village of Hanover, County of Jo Daviess, State of Illinois.

Village Clerk: The Village Clerk of the Village of Hanover.

Village Engineer: The Village Engineer of the Village of Hanover.

Village President: The President of the Village Board may be referred to as “Mayor” or “President of the Village”.

Warehouse: A building used for the storage of goods for compensation or the storage of goods that will be subsequently transported to another location for sale or consumption.

Wholesaler and Wholesale Dealer: Unless otherwise specifically defined, such terms shall be understood to relate to the sale of goods, merchandise, articles or things in quantity to persons who purchase for the purpose of resale.

Written, in Writing: These terms may include printing and any other mode of representing words and letters, but when the written signature of any person is required by law, it shall be in the proper handwriting of such person, or in case he is unable to write, by his proper mark.

Yard: An open space on the same lot with a principal building, open, unoccupied and unobstructed by buildings, except as otherwise provided in this Title.

a.) **Front Yard:** The yard extending across the entire width of the lot between the principal building and the right-of-way line or street line which the building faces.

b.) **Rear Yard:** The yard extending across the entire width of the lot between the rear lot line and the nearest part of the principal building.

c.) Side Yard: The yard extending along the side lot line from the front yard to the rear yard and lying between the side lot line and the nearest part of the principal building. See fence regulations for specific height restriction for use of side yard fence.

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

Zoning Board: The Hanover Zoning Board of Appeals.

Zoning Lot: A lot that is to be used for a use permitted in the district in which it is located at the time of applying for a building permit. It is a plot of ground, made up of one or more parcels, which is or may be occupied by a building or buildings, including the open spaces required by this Ordinance. A “zoning lot” may or may not coincide with a lot of record.

ZONING MAPS The maps incorporated into this Ordinance. (Ord.,1-17-89; revised Ord., July 26, 2007)

CHAPTER 2

ZONING DISTRICT REGULATIONS; ZONING DISTRICT MAP

SECTION:

- 5-2-1: Establishment and Purpose of Districts
- 5-2-2: Zoning District Map
- 5-2-3: Rules as to Boundaries of Districts
- 5-2-4: Permitted and Conditional Permitted Uses
- 5-2-5: Prohibited Uses

5-2-1: **ESTABLISHMENT AND PURPOSE OF DISTRICTS:** In order to carry out the purpose and provisions of this Ordinance, the following districts are hereby established:

A.) AG - AGRICULTURAL DISTRICT

Purpose: The purpose of the Agricultural District is to encourage the preservation of proper setting for an pleasant approaches to the Village; to provide an area for certain types of agricultural pursuits protected from infringements of unguided urban development; to create and preserve a setting for rural small estate residential development; to conserve areas physically unsuitable for intensive development; and to provide in the area immediately surrounding the Village, an environment capable of accommodating future expansion of the Village in an orderly and efficient manner.

B.) R - RESIDENTIAL

Purpose: The purpose of the residential districts is to provide an area for residential uses and those public and semi-public uses considered an integral part of the community they serve.

- 1.) **R-1 Residential, Single-Family, Low Density:** This District provides for single-family dwellings, large lot development for families wishing a lower density and more open space in the neighborhood and accompanying community facilities.
- 2.) **R-2 Residential, General Residence District, Single-Family, Two-Family, and Multiple-Family, High Density:** This District provides for multiple-family dwellings so that a high density of development may be achieved and a greater variety of

building structural types may be erected. The increased density is intended to provide for the advantages of a wider choice of housing type, housing expenses, and for the opportunity to be free from the maintenance demands associated with lower density housing.

C.) **B - BUSINESS DISTRICTS**

Purpose: The purpose of the business district is to provide an area for commercial uses and those public and semi-public uses normally considered an integral part of a self-sufficient community.

- 1.) **B-1 Business District:** This District provides for community wide retail and personal services as well as the sales and services needed by the general population and businesses. It is intended to establish and preserve optimum conditions and access for high traffic retail intensive establishments and commercial shopping centers, as well as to establish and preserve conditions conducive to efficient transfer of goods and services from business to business.

D.) **I -INDUSTRIAL DISTRICTS**

Purpose: The purpose of the industrial districts is to provide an area for those uses considered incompatible with day-to-day commerce.

- 1.) **I-1 Restricted Performance Manufacturing:** This District provides for a range of manufacturing uses which can meet stringent performance standards. (See Chapter 8 of this Title)
- 2.) **I-2 General Performance Manufacturing:** This District provides for a range of manufacturing uses which can meet less stringent performance standards. (See Chapter 8 of this Title)

5-2-2: **ZONING DISTRICT MAP:** The location and boundaries of districts established by this Ordinance shall be shown on the Zoning Districts Map dated July 26, 2007 which are hereby incorporated as part of this Ordinance.

5-2-3 **RULES AS TO BOUNDARIES OF DISTRICTS:** Boundaries are shown on the Zoning District Map as amended from time to time. When uncertainty exists with regard to the boundaries of districts as shown on the Zoning Districts Map, the following rules shall apply:

- A.) District boundary lines are either the center lines of railroads, highways, streets, alleys, easements, or streams; or are lot lines and tract lines, or such lines extended, unless otherwise indicated.
- B.) Wherever a district is indicated as a strip adjacent to and paralleling a railroad, highway, street, the depth of such strips shall be in accordance with the dimensions shown on the maps measured at the right angles from

the center line of a railroad, street or highway, and the length of frontage shall be in accordance with the dimensions shown on the map from the center lines of railroad, highway or street rights of way unless otherwise indicated.

- 5-2-4 **PERMITTED AND CONDITIONAL PERMITTED USES:** Uses which are permitted in the various zoning districts within the Village are identified under the appropriate column in the Land Use Matrix (Chapter 3 of this Title) as “P” for permitted. Conditional permitted uses are identified under the appropriate column in the Land Use Matrix as “C” for conditional permitted uses. Conditional permitted uses are only allowed by the Village Board after a public hearing before the Zoning Board of Appeals and after the required findings have been made that the use is necessary and desirable at the particular location.

- 5-2-5 **PROHIBITED USES:** All uses not specifically allowed within a given district as permitted or conditionally permitted in the Land Use Matrix are prohibited. In order to establish a prohibited use, a petition must be filed to amend the Land Use Matrix. The procedure for filing amendments shall be followed. See 5-10-7 (Ord., 1-17-89)

5-3-1

5-3-1

CHAPTER 3

Land Use Matrix

5-3-1: **LAND USE MATRIX:** A “P” in the matrix indicates a use that is permitted. A “C” in the matrix indicates a use that is a conditional permitted use.

The zoning classifications are

AG = Agricultural

R-1 = Residential (single family)

R-2 = Residential (multi family)

I-1 = Industrial (light)

I-2 = Industrial (heavy)

Detailed descriptions are included in the Subtitle 1 and Subtitle 2. Some general headings are included with an “X” in the column to identify them as headings only.

Land Use Name	Sub Title 1	Sub Title	AG	R-1	R-2	B-1	I-1	I-2
LAND USE DISTRICTS- Land Use Name	Sub Title 1	Subtitle 2	AG	R-1	R-2	B-1	I-1	I-2
Abrasive manufacture								P
Acoustical material manufacture								P
Advertising display manufacture							P	P
Adult bookstore							C	C
Agriculture			P					
Agricultural machinery	Display, sales, repair & service		P			P	P	P
Agricultural machinery	Manufacture							P
Agricultural machinery	Storage yards		C				P	P
Aircraft manufacture, incl. Parts								P
Airports								P
Ambulance service					C	P	P	
Amusement center						P	P	
Amusement parks	Limited as to total area & distance	from residential district				P	P	
Amusement parks	Unlimited					C	P	
Animal hospitals						C	P	
Animal kennels						C	P	
Animal pounds							P	P
Animal training and grooming						P	P	
Antique shops						P	P	
Appliances	Electrical appliance manufacturing						P	P
Appliances	Electrical or household appliance	store & repair				C	P	P
Aquariums	Private					C		
Aquariums	Public					C		
Arcades						P		
Arenas, auditoriums, or stadiums						C	C	C
Army & Navy surplus store						C		
Art galleries	Commercial					P		
Art galleries	Noncommercial					C		
Art goods, manufacture,	religious or church						P	P
Art needlework						P		
Artists supply stores						P		
Arts and crafts supply stores						P		
Asbestos & asbestos products manufacture							C	
Athletic equipment manufacture							P	P

Land Use Name	Sub Title 1	Sub Title	AG	R-1	R-2	B-1	I-1	I-2
Athletic goods store						P		
Auction rooms							C	P
Auditoriums	Civic					C		
Auditoriums	Commercial					C		
Automobiles	Dead storage, junk yards, grave yards							C
Automobiles	Driving schools					C		
Automobiles	Glass or mirror shops					C		
Automobiles	Wash						P	P
Automobiles	Manufacture							C
Automobiles	Parts manufacture						C	C
Automobiles	Rental, establishment						P	P
Automobiles	Repairs	Major				C	P	P
Automobiles	Repairs	Minor				C	P	P
Automobiles	Sales, new from enclosed showroom					C	P	P
Automobiles	Sales, new or used, open or enclosed					C	P	P
Automobiles	Seat cover or convertible top estabs.					C	P	P
Automobiles	Service station	(also see gasoline serv. station)				P	P	P
Automobiles	Showrooms					C	P	P
Automobiles	Supply stores, with repair service					C	P	P
Automobiles	Towing					C	P	P
Automobiles	Wrecking yard							C
Awning manufacture	Custom, including repairs					C	P	P
Awning manufacture	Unlimited						P	P
Bait sales						C	P	P
Bakeries						C	P	P
Banks and trust companies						P	P	P
Barber and beauty shop equipment sales						P	P	P
Barber shops						P	P	P
Baths, steam (see physical culture estabs.)						C	C	C
Battery manufacture, including rebuilding							C	P
Beauty parlors				C	C	P	P	P
Bed & Breakfast	Lodging		C	C	C	C		
Beverages	Bottling works		C				P	P
Beverages	Manufacture alcoholic		C				C	C
Bicycle	Manufacture						P	P
Bicycle	Rental or repair shops					P	P	P

Land Use Name	Sub Title 1	Sub Title	AG	R-1	R-2	B-1	I-1	I-2
Bicycle	Sales					P		
Billiard parlors						C		
Blacksmith shops							P	P
Blueprinting establishments							P	P
Boarding houses			C	C	C	C		
Boats	Building or repair						P	P
Boats	Fuel sales, open or closed						P	P
Boats	Showrooms, with no repair services					C	P	P
Boats	Storage, repair or painting, including	the incidental rental, sale of boats,					P	P
Boiler manufacture							C	P
Books	Hand binding or tooling					P	P	
Books	Stores					P		
Bowling Alleys						C	P	
Brick manufacture							C	P
Brokerage house						P		
Brooms or brushes manufacture							P	P
Building and loan associations						P	C	C
Building materials	Manufacture, including prefabricated	houses and composition wallboard				C	C	C
Building materials	Sales, open or enclosed	ie. Storefront with lumber elsewhere				P	C	C
Building materials	Yards, open or closed, limited to lot area					C	P	C
Business machines	Manufacture						P	P
Business machines	Sales, rental and incidental repair					P	P	P
Business machines	Small, repair shops					C	P	P
Business schools and colleges			C			C	P	C
Café			C			P	P	P
Calimine manufacture								C
Camera manufacture							P	P
Camps, outdoor day			C			P		
Candle manufacture	productions vs incidental					C	P	P
Candy stores						P		
Canvas or canvas products	Manufacture						P	P
Carnival grounds			C			C		
Carpentry shops			C				P	P
Carpet	Cleaning establishment						P	P
Carpet	Manufacture						C	P
Carpet, rug, linoleum or other floor	covering store					P		
Catering establishments				C	C	P		

Land Use Name	Sub Title 1	Sub Title	AG	R-1	R-2	B-1	I-1	I-2
Cement manufacture								C
Cemeteries			C					
Ceramic products	Manufacture, custom						C	C
Ceramic products	Manufacture						C	C
Charcoal manufacture								C
Chemicals, compounding or packaging								C
Churches			C	C	C	C		
Cigar stores						P		
Cigarette and cigar manufacture							C	C
Circus grounds			C			C		
Clay products manufacture							C	C
Clothing	Custom manufacturing or altering	for retail				C	P	P
Clothing	Manufacture						P	P
Clothing	Rental establishment					P		
Clothing	Stores and clothing accessory stores					P		
Clubs	Fraternal		C			C		
Clubs	Nonbusiness	Night (see eating & drinking places)	C			C		
Clubs	Nonbusiness	Night (see eating & drinking places)	C			C		
Coal	Sales, open or closed							C
Coal	Storage, open or closed							P
Coin dealers						P		
Coin machines, rental and service						P	P	P
Coke products manufacture								C
Colleges or universities	except business		C			C		
Community centers			C	C	C	C		
Concrete or concrete products	manufacture							C
Construction machinery	manufacture and repair							C
Contractors establishments-	glazing, heating, painting	paperhanging, plumbing, roofing,					P	P
Contractors yards							P	P
Convents			C	C	C	C		
Cork and cork products manufacture							C	P
Cosmetics or toiletries manufacture							C	P
Country clubs			P					
Dairies, pasteurization & products			C				C	P
Dairy products stores, except drive-in						P		
Dance halls			C			C		

Land Use Name	Sub Title 1	Sub Title	AG	R-1	R-2	B-1	I-1	I-2
Day camps, outdoors			C			C		
Day care center	Commercial		C			P		
Day care center	Family		P	C	C			
Dead junk yard for appliances-	machinery							C
Delicatessen stores						P		
Dental	Instruments manufacture							P
Dental	Laboratories						P	P
Dental	Offices					P	P	
Department stores						P		
Diaper supply establishments						P		
Diesel engines manufacture								P
Disinfectants manufacture								C
Drafting instruments manufacture							P	P
Dressmakers, custom						C	P	
Drive-in refreshment stands						P	P	
Drive-in restaurants						P	P	
Drive-in retail outlet						P	P	
Drive-in theaters						C		
Drug stores						P		
Dry cleaning and clothes pressing establishments						C	P	P
Dry Cleaning and laundry distribution	and pick up stations					P	P	P
Dry cleaning and laundry establishments	Automatic or self service				P	P	P	
Dry goods stores						P		
Dwellings	Multiple-family (Apartments)			P				
Dwellings	Single-family		P	P	P	P		
Dwellings	Two-family				P			
Eating, except drive-in			C		P	P	P	
Electric	Power and steam generating plants							P
Electric	Substations, serving distribution	areas	C	C	C	P	P	P
Electrical	Appliance manufacture						P	P
Electrical	Contractors (see contractors' estab.)		X	X	X	X	X	X
Electrical	Stores, including repair					C	P	P
Engraving or photo-engraving						C	P	P
Equipment assembly, not including	electrical machines						P	P
Equipment assembly, not including	Supplies manufacturing						P	P
Equipment or machinery repair shops						C		

Land Use Name	Sub Title 1	Sub Title	AG	R-1	R-2	B-1	I-1	I-2
Excelsior manufacture							P	P
Exterminating or fumigation,	commercial shops						C	C
Fairgrounds			P				C	
Feathers	Bulk processing, washing, curing	or dyeing					C	C
Feathers	Products						C	C
Feed stores			P			C	P	
Felt	Bulk processing, washing, curing	or dyeing					C	P
Felt	Products manufacture, except	washing, curing or dyeing					C	P
Fertilizer manufacture								C
Filling stations	(see auto service stations)					P	P	P
Film, photographic manufacture								C
Finance companies						P	P	P
Fire protection equipment sales,	repair and service					C	P	P
Fire stations			P	P	P	P	P	P
Fish, curing or preparation	for packaging						C	C
Fishing tackle or equipment, rental	or sales					P		
Florist shops						P		
Food	Products processing, except meat	slaughtering, preparation of						C
Food	Stores, including grocery stores					P	C	
Foundries, ferrous or nonferrous								C
Frozen food lockers						P		
Fuel briquettes manufacture								C
Funeral houses			C			P	C	
Fur	Goods manufacture, not including	tanning or dyeing						C
Fur	Tanning, curing finishing or dyeing							C
Furnace cleaning and repairing shops							C	P
Furniture	Custom shops					C		
Furniture	Manufacture					C	P	P
Furniture	Repairing and refinishing					C	P	
Furniture	Stores					P		
Furrier shops, custom, including	custom cleaning, remodeling,	repairing and storing				P		
Garages	(see parking garages, commercial)		c			C	P	P
Garden supply stores						P	P	
Gas (excluding gasoline)	Manufacture							C
Gas (excluding gasoline)	Valve & regulator sites serving	a distribution area	C			C	P	P
Gas (excluding gasoline)	Storage						C	C
Gasoline service stations						P	P	P
Gift shops			C			P		

Land Use Name	Sub Title 1	Sub Title	AG	R-1	R-2	B-1	I-1	I-2
Glass	Cutting Shops					P		
Glass	Manufacture							C
Glass Products manufacture from	previous manufacture						P	P
Glazing contractors	(see contractors' establishments)		X	X	X	X	X	X
Golf courses, lighted or unlighted			P	P	P	P	P	P
Golf courses, lighted or unlighted	Courses, miniature		P			P		
Golf courses, lighted or unlighted	Driving ranges		P			P		
Golf courses, lighted or unlighted	Lighted driving ranges		P	P	P	P	P	P
Grain	Milling or processing		P				P	P
Grain	Storage		P				P	P
Graphite or graphite products								C
Greenhouses			P			P	P	P
Grocery stores (see food stores)						P	P	
Gunsmiths, repairs			P			P	P	P
Gymnasiums, commercial						C		
Gypsum manufacture								C
Hair	Bulk processing, washing, curing,	dyeing					C	P
Hair	Products manufacture (except	washing, curing, dyeing					C	P
Hardware	Manufacture						C	C
Hardware	Stores					P	P	
Harness repair							P	
Hat	Bodies manufacture						P	P
Hat	Repair shops					C	P	P
Hatcheries			C					
Health services (see physical	culture establishments)					C		
Heating contractors	(see contractors' establishments)					P	P	
Heating equipment showrooms without	repair facilities					P	P	
Home occupations			P	P	P			
Home products manufacture			C		C	C		
Horseshoeing			C			C		
Hosiery manufacture						C	P	
Hospitals, except animal hospitals						P		
Hotels	Apartment		C			C		
Hotels	Transient		C			P		
Household	Appliance stores and repair					P		
Household	Equipment or machinery repair shops					C	P	P
Housing	(see Dwellings)							
Ice	Manufacture, dry or natural						P	P

Land Use Name	Sub Title 1	Sub Title	AG	R-1	R-2	B-1	I-1	I-2
Ice	Sales, open or enclosed		C			C	P	P
Ice cream shops						P		
Infant goods stores						P		
Ink manufacture							C	P
Insecticides manufacture								C
Institutions, fraternal,	philanthropic or for children	or the aged	P			C	C	
Instruments manufacture							C	P
Interior decorating establishments						P		
Jewelry	Manufacture costume bulk						C	C
Jewelry	From precious metal						C	C
Junk yards (see automobile)								C
Jute products manufacture							C	C
Knit goods manufacture							C	P
Laboratories	Medical or dental, for research	or testing with limitations on				C	P	
Laboratories	Research, experimental or testing						P	P
Landscape gardeners & contractors			P			P	P	
Laundries, automatic or self service						P		
Laundries, without limitation on	type of operation						C	P
Leather	Goods store					P		
Leather	Products manufacture						P	P
Leather	Tanning, curing, finishing or dyeing							C
Libraries	Private rental		P			P		
Libraries	Public		P			P		
Linen supply establishments	Manufacture							P
Linen supply establishments	Stores (see carpet stores)					P		
Linseed oil manufacture								C
Liquor stores, package						P		
Loan association						P		
Locksmith shops						P		
Lots (see parking lots, commercial)			C			C		
Luggage	Manufacture						C	P
Luggage	Stores					P		
Lumber	Limited as to lot area						C	P
Lumber	Processing or woodworking,	bulk yards					P	P
Lumber	Unlimited							P
Machine	Shops including tool, die or	pattern making					C	P
Machine	Tools manufacture							P
Machinery	Manufacture or repair	Heavy					C	P
Machinery	Miscellaneous or electrical equip.						P	P

Land Use Name	Sub Title 1	Sub Title	AG	R-1	R-2	B-1	I-1	I-2
Machinery	Rental or sales establishment					C	P	P
Machinery	Repair shops					C	P	P
Machines, business	(see business machines)		X	X	X	X	X	X
Manure storage			C					
Masseurs	(see physical culture estabs.)					C		
Matches manufacture								C
Mattress manufacture, rebuilding,	renovating						C	P
Meat	Retail					P	P	
Meat	Wholesale					C	P	P
Meat	Slaughtering or preparation of	packing						C
Medical	Appliances, custom manufacture					C	P	P
Medical	Appliances, manufacture						C	P
Medical	Stores					P	P	P
Medical	Instruments manufacture						C	P
Medical	Laboratories	(see laboratories, medical)	X	X	X	X	X	X
Medical	Laboratories Offices or group medical clinics					P	P	
Meeting halls			P			P		
Messenger services						C		
Metals manufacture	Alloys or foil, miscellaneous						C	P
Metals manufacture	Castings or foundry products, heavy							C
Metals manufacture	Finishing, plating, grinding,	sharpening, polishing, cleaning,					C	P
Metals manufacture	Products, treatments or processing	Reduction,refining,smelting,or						C
Metals manufacture	Stamping or extrusion							C
Metals manufacture	Treatment or processing							C
Microwave towers (see radio towers)			P			C	C	C
Military bases or installations				C			P	
Millinery shops						P		
Mining machinery manufacture and	repairs							C
Mirror silvering shops							C	P
Model construction supply stores							P	P
Monasteries			P	C	C	C		
Monument	Sales establishment, with	incidental processing to order	C					
Monument	Works with no limitations on	processing						C
Motels			C	C		C	P	C
Motor freight stations	(see trucking terminals)						P	P
Motorcycles	Manufacture						C	P
Motorcycles	Repairs, body					C	P	P
Motorcycles	Repairs, except body					C	P	P

Land Use Name	Sub Title 1	Sub Title	AG	R-1	R-2	B-1	I-1	I-2
Motorcycles	Sales, open or enclosed					C	P	P
Motorcycles	Showrooms with no repair services					C	P	P
Movers and transfer companies							P	P
Museums	Commercial		P			P	P	P
Museums	Public		P			P	P	P
Music and musical equipment stores						P		
Musical instruments	Manufacture						P	P
Musical instruments	Repair shops					P		
Newspaper publishing	Office					P		
Newspaper publishing	Printing						P	P
Newspaper publishing							P	P
Newsstands, open or enclosed						P	P	P
Novelty products manufacture							C	P
Nurseries			P			P		
Nursing homes						P		
Office buildings						P	P	P
Office equipment	Manufacture						C	P
Office equipment	Repair shops					C	P	P
Office or business machine stores,	sales or rentals					P	P	P
Offices	Business (involving no retail sales),	professional or governmental				P	P	P
Offices	Dental, medical or osteopathy					P	P	P
Offices	Wholesale, storage restricted to samples						P	P
Oil cloth manufacture								C
Optical	Equipment manufacture						C	P
Optical	Goods manufacture						C	P
Optician or optometrist establishments						P		
Orthopedic appliances	Custom manufacture						C	P
Orthopedic appliances	Manufacture						C	P
Orthopedic appliances	Stores					P	P	
Osteopathic offices						P		
Oxygen equipment, rental or	distribution					C	P	P
Packing materials manufacture							C	C
Packing or crating establishments						C	C	P
Paint stores						P	P	P
Painting contractors	(see contractors' establishments)						P	P
Paper	Mills (see wood pulp or fiber)	Products manufacture					C	P
Paperhanging contractors	(see contractors' establishments)						P	P

Land Use Name	Sub Title 1	Sub Title	AG	R-1	R-2	B-1	I-1	I-2
Parish houses			P	C	C	C		
Parking garages, commercial			C			C	P	P
Parking lots, commercial			C			C	P	P
Parks, commercial			P			C		
Parks, non-commercial/public	Recreational		P	C	C		P	P
Pawn shops						P		
Peat storage							C	P
Penny arcades						P		
Perfume or perfumed soaps,	compounding only, not including	soap manufacture				C	P	P
Pet shops						P		
Petroleum and petroleum products	Sales					C	C	C
Petroleum and petroleum products	Storage					C	C	C
Pharmaceutical products manufacture							C	C
Photographic	Developing or printing establishments					C	P	P
Photographic	Equipment manufacture (except film)						P	P
Photographic	Equipment stores					P		
Photographic	Equipment studios					P		
Photographic	Equipment supply stores					P		
Photographic	Retail					P	P	P
Photographic	Wholesale limited as to floor area						P	P
Photographic	Wholesale unlimited						P	P
Photostatting establishment						P	P	P
Physical culture establishments						C		
Picture framing shops, custom						P		
Plastics	Products manufacture							C
Plumbing	Contractors	(see contractors' establishments)					P	P
Plumbing	Equipment manufacture (see tools and hardware manufacture)						C	P
Plumbing	Showrooms, without repair facilities					C	P	P
Police stations			P	P	P	P	P	P
Pool halls						P		
Porcelain products manufacture								C
Post offices	Branch		P			P	P	P
Post offices	Main		P			P	P	P
Poultry	Killing establishments, retail	sales on the same zoning lot only						C
Poultry	Packing or slaughtering							C
Precision instruments manufacture	Optical equipment, clocks, or like products						P	P
Precision instruments manufacture	Medical, dental, drafting instruments,	optical goods or like products					P	P

Land Use Name	Sub Title 1	Sub Title	AG	R-1	R-2	B-1	I-1	I-2
Printing						C	P	P
Produce or meat markets, wholesale			C				P	P
Products manufactured from	previous manufacture						P	P
Products, treatments or processing	Reduction, refining, smelting, or						C	P
Public garage						C	P	P
Pump repairing and rental						C	P	P
Pumping stations, water or sewage			P	C	C	P	P	P
Rabbit	Killing establishments, retail	sales on the same zoning lot only						C
Rabbit	packing or slaughtering							C
Race tracks								C
Radio	Stores and repair shops					P	P	P
Radio	Studios		P			P	P	P
Radio	Towers (includes microwave)		P			C	C	C
Railroad	Equipment manufacture, including	railroad cars or locomotives						C
Railroad	Freight terminals, yards, or	appurtenances, or facilities or					C	C
Rectories			P	C	C	C		
Recycling centers					C	P	P	
Reducing salons					P			
Refreshment stands	Drive-in					P		
Refreshment stands	Non drive-in					P		
Refrigerating plants							C	C
Religious or church art goods	Manufacture						C	P
Rental lodging	Apartment hotels		C			P		
Rental lodging	Hotels (see hotels)		C	C		C		C
Rental lodging	Motels (see motels)		C	C		C	P	
Rent-alls, small equipment						P	P	P
Residences (see dwelling or housing)			X	X	X	X	X	X
Riding equipment shops						P		
Riding stables			P			C		
Road building equipment sales							C	P
Roofing contractors	(see contractors' establishments)						P	P
Rooming houses						P		
Rubber	Products manufacture (excluding	all rubber or synthetic processing)					C	C
Rug stores						P		
Sanitariums						P		
Savings and loan associations							P	
Sawmills							P	P
Scales, commercial weighing			P				P	P

Land Use Name	Sub Title 1	Sub Title	AG	R-1	R-2	B-1	I-1	I-2
Schools	Elementary		P	C	C			
Schools	Nursery		P	C	C			
Schools	Secondary		P	C	C			
Schools	Trade or other schools for adults	limited as to objectionable effects	P			P	P	
Scrap metal, paper or rages storage								C
Seed stores						P		
Sewage disposal plants								C
Sewing machine stores selling	household machines only					P		
Shoe	Manufacture							C
Shoe	Repair shops					P		
Shoe	Stores					P		
Shoe polish manufacture								C
Shoe shine stands						P	P	P
Sign fabrication, metal and neon							P	P
Sign painting shops							P	P
Silver plating shops, custom, & repair						C	P	P
Silverware manufacture, plate	or sterling						P	P
Sisal products manufacture							C	C
Size manufacture								C
Skating rinks, indoor			C			C		
Slag piles								C
Slaughtering of animals or poultry								C
Soaps or detergent	Manufacture including fat rendering							C
Soaps or detergent	Packaging only						C	C
Soldering shops							P	P
Solvent extracting								C
Sound systems & equipment sales						C	P	P
Sporting equipment manufacture							C	P
Sporting goods store						P		
Stamp dealers (nongovernmental)						P		
Stamp redemption centers						P		
Starch manufactures								C
Stationary stores						P		
Statuary, mannequins, figurines,	religious or church art goods	Manufacture					P	P
Statuary, mannequins, figurines,	religious or church art goods	Sales				P		
Steel products	Miscellaneous fabrication	or assembly					P	P
Steel products	Structural products manufacture						C	P
Stock and bond market exchange						P		

Land Use Name	Sub Title 1	Sub Title	AG	R-1	R-2	B-1	I-1	I-2
Stock yards								C
Storage, wholesale			C				P	P
Studios	Music, dancing or theatrical					C		
Studios	Radio or television					C		
Sugar refining								C
Swimming pools, commercial	Indoor		C			P		
Swimming pools, commercial	Outdoor		C			P		
Tackle shops						P		
Tailors, custom						P		
Tanning (see leather or fur)								C
Tapestries manufacture							P	P
Tattoo shop							C	C
Taverns						P	P	P
Taxicab stands						P	P	P
Taxidermist shops						C	P	P
Telegraph offices					P	P	P	
Telephone exchangers			P	C	C	P	P	P
Television	Stores and repair shops					P		
Television	Studios		P			P	P	P
Television	Towers		P			C	P	P
Textiles	Bleaching							C
Textiles	Products manufacture							C
Textiles	Spinning, weaving, manufacturing,	dyeing, printing, knit goods,						C
Textiles		yarn, thread or cordage						C
Theatres, drive-in			C					
Tile manufacture								C
Tire recapping and repairing							C	P
Tobacco	Curing and manufacture, or	tobacco products					C	C
Tobacco	Stores	manufacture				P		
Toiletries manufacture, not	including soap manufacture						C	P
Tool, die or pattern making	establishments						C	P
Tool or hardware manufacture							C	P
Topsoil storage			P				C	C
Tourist cabins			C			P		
Tourist houses			C	C		P		
Towel supply establishments							P	P
Toys	Manufacture						P	P
Toys	Stores					P		

Land Use Name	Sub Title 1	Sub Title	AG	R-1	R-2	B-1	I-1	I-2
Trailer or mobile home	Manufacture, including parts						C	P
Trailer or mobile home	Rental, U-Haul						C	P
Trailer or mobile home	Repair, body						C	P
Trailer or mobile home	Sales, open or enclosed						C	P
Trailer or mobile home	Showrooms, with no repair services						C	P
Travel bureaus							P	P
Truck	Engine rebuilding						P	P
Truck	Manufacture							C
Truck	Parts manufacture						C	C
Truck	Repairs, body					C	P	P
Truck	Sales (new or used), open or enclosed					C	P	
Truck	Showrooms, with no repair services					C	P	P
Trucking terminals or motor freight stations	Limited as to lot area						P	P
Trucking terminals or motor	Unlimited						P	P
Turpentine manufacture								C
Typewriter or other small business	machine repair shops					C	P	
Typewriter sales stores, with incidental repairs						P	P	
Umbrellas manufacture							P	P
Upholstering	Bulk, excluding shops dealing directly with the consumer					P	P	
Upholstering	Shops dealing directly with the consumer					P	P	
Variety stores						P		
Vehicles, manufacture, children's							C	P
Venetian blinds	Custom shops, including repairs					P		
Venetian blinds	Manufacture						C	P
Ventilating contractors	(see contractor's establishments)						P	P
Ventilating equipment showrooms,	without repair facilities						P	P
Veterinarian			P			P	P	
Village hall						C		
Wallpaper stores						P		
Warehouses							C	P
Watch or clock repair stores						P		
Watch making						P		
Waterproofing materials, manufacture								C
Wax products manufacture								C
Weaving, hand						P		
Welding	Supply shops						P	P
Welding							P	P

Land Use Name	Sub Title 1	Sub Title	AG	R-1	R-2	B-1	I-1	I-2
Wholesale establishment-accessory	storage limited to 2500 sq. ft.						P	P
Window shade	Custom shops, including repairs					P		
Window shade	Manufacture						C	P
Wood	Bulk processing or woodworking						P	P
Wood	Distillation							C
Wood	Products manufacture						C	P
Wood	Sales, open or enclosed					C	P	P
Woodworking shops, custom						C	P	P

CHAPTER 4

BULK REGULATIONS

SECTION:

- 5-4-1: Required Lot Area and Widths by District
- 5-4-2: Basic Yard Requirements
- 5-4-3: Maximum Building Heights
- 5-4-4: Exceptions to Height Limits
- 5-4-5: Exceptions to Yard Requirements
- 5-4-6: Required Yards for Lots Adjoining Residential District
- 5-4-7: Obstructions to Vision at Intersections Prohibited
- 5-4-8: Small Lots of Record

5-4-1: **REQUIRED LOT AREA AND WIDTHS BY DISTRICT:**

In the districts as indicated, no residence is permitted on a zoning lot with an area or width less than that specified in the following table:

<u>District</u>	Minimum Lot Area per dwelling unit (square feet)	Minimum <u>Lot Width</u>
A. AG - Agriculture	43,560	150'
B. R-1 District		
With public sewer and water	10,000	80
Without public sewer or public water	43,560	150
C. R-2 District		
Single-Family Dwelling		
With public sewer and water	10,000	80
Without public sewer or water	43,560	150
Two-Family Dwelling		
With public sewer and water	10,000	100
Without public sewer or water	43,560	125
Multiple-Family Dwelling		
Public sewer and water	10,000	125

5-4-2: **BASIC YARD REQUIREMENTS: (SETBACKS)**

Subject to any applicable exceptions, modifications or additional requirements provided in Sections 5-4-5 and 5-4-6, front, side and rear yards are required as set forth in the following provisions and table:

- A. The minimum yard space required for one building or other structures shall not again be considered as yard space for an adjoining structure on the same or an adjoining zoning lot.
- B. No zoning lot, unless otherwise specified, shall be reduced in area so that the yards become less than those required by this Title.
- C. On corner lots where side yards are required, any side yard abutting a street shall be at least one-half (1/2) the depth of the required front yard.

FRONT, SIDE AND REAR YARD DIMENSIONS

<u>District</u>	<u>Front Yard Minimum Depth</u>	<u>Either Side Yard Minimum Width</u>	<u>Total Required of both Side Yards Minimum Width</u>	<u>Rear Yard Minimum Depth</u>
R-1*	25'	5	15	20
R-2*	25'	5	15	20
* See 5-4-8 Small Lots of Record for shorter minimum requirements. This allows three foot (3') side and rear yards.				
B-1	15'	None See Section 5-4-6	None See Section 5-4-6	10
I-1	20'	None See Section 5-4-6	None See Section 5-4-6	20
I-2	20'	None See Section 5-4-6	None See Section 5-4-6	20

5-4-3: **MAXIMUM BUILDING HEIGHTS:**

- A. Residential Districts: No building shall exceed two (2) stories or thirty feet (30') in height unless each side yard is increased over the required minimum by five feet (5') or fraction thereof, of additional building height over thirty feet (30'). In no case shall the building height exceed fifty feet (50').
- B. Business Districts:
 - 1.) In the B-1 Business District no building shall exceed two (2) stories or thirty feet (30').

C. Industrial Districts:

1.) In the I-1 Restricted Performance Manufacturing District no building shall exceed thirty five feet (35') in height.

2.) In the I-2 General Performance Manufacturing District no building shall exceed fifty feet (50') in height.

5-4-4: **EXCEPTIONS TO HEIGHT LIMITS:** The height limitations of this Title shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy; monuments, water towers, transmission towers, chimneys, smokestacks, derricks, conveyors, flagpoles, radio towers, masts and serials.

5-4-5: **EXCEPTIONS TO YARD REQUIREMENTS:**

A. Allowable Projections of Residential Structures Into Yards: Architectural features of residential buildings such as window sills, cornices and roof overhangs may project into the required yard, provided such projection is not more than four feet (4') and does not reach closer than four feet (4') to any lot line.

B. Allowable Projections of Business Structures Over Sidewalk: Signs, awnings, canopies and marquees are permitted to overhang the sidewalk in the B-1 Business District only, providing that the overhanging signs are a minimum of eight feet (8') above the sidewalk at any point and that all other structures are a minimum of six feet-eight inches (6'8") above the sidewalk at any point.

C. Allowable Projections of Accessory Building Into Rear Yard: One story accessory buildings may project into rear yards, providing such projection extends not closer than five feet (5') to the rear lot line or easement and two feet (2') to a side lot line.

5-4-6: **REQUIRED YARDS FOR LOTS ADJOINING RESIDENTIAL DISTRICT:** In any business or industrial district, where a side lot line coincides with a side lot line or rear lot in an adjacent residential district, a side yard shall be provided with at least the width set forth in the following table; and in any business or industrial district where a rear lot line in an adjacent residential district, a rear yard shall be provided with at least the depth set forth in the following table:

<u>District</u>	<u>Side Yard Minimum Width</u>	<u>Rear Yard Minimum Depth</u>
B-1	15'	25'
I-1	25'	30'
I-2	25'	30'

No yard required by this Section shall be used for storage or processing of any kind. No side yard required by this Section shall be used for accessory off-street loading.

5-4-7: OBSTRUCTIONS TO VISION, INCLUDING FENCES, AT

INTERSECTIONS PROHIBITED: No permitted obstruction, including a fence, is allowed within twenty five feet (25') of a zoning lot corner formed by the intersection of any two (2) street lines unless the obstruction is less than three feet (3') in height above the ground, or more than ten feet (10') in height above the ground. Any portion of such a permitted obstruction on a corner lot, which is between three feet (3') and ten feet (10') in height above the ground shall not be greater than fourteen inches (14") in diameter. See also section 5-9-1.

5-4-8: SMALL LOTS OF RECORD:

For small lots and parcels of land of record existing at the time of the adoption of this Ordinance in all residence districts and the agricultural district, notwithstanding the minimum lot area per dwelling unit and the lot width requirements for the district, a single-family detached residence, additions to single-family dwellings, and accessory building may be built upon such lot, provided the following conditions can be met:

- 1.) the lot has a width of at least forty feet (40');
- 2.) each side yard shall be at least three feet (3') in width;
- 3.) the rear yard shall be at least three feet (3') in width;
- 4.) the front yard shall be not less than the average front yard of immediately adjacent buildings facing on the same street; and
- 5.) sanitary sewer and public water are available. (Ord., 1-17-89)

CHAPTER 5

NONCONFORMING USES AND NONCOMPLYING BUILDINGS

SECTION:

Part I: Nonconforming Uses

- 5-5- 1: Continuation of Nonconforming Use
- 5-5- 2: Change of Nonconforming Use
- 5-5- 3: Enlargement or Extension of Nonconforming Use
- 5-5- 4: Procedure for Change, Enlargement or Extension
- 5-5- 5: Requirements for Approval of Change of Nonconforming Use
- 5-5- 6: Requirements for Approval of Enlargement or Extension of Nonconforming Use
- 5-5- 7: Discontinuance of Use
- 5-5- 8: Damage or Destruction; Nonconforming Use
- 5-5- 9: Repairs or Alterations

Part II: Noncomplying Buildings

- 5-5-10: Continuation of Use
- 5-5-11: Damage or Destruction
- 5-5-12: Enlargements
- 5-5-13: Repairs or Alterations

Part I: NONCONFORMING USES

5-5-1: CONTINUATION OF NONCONFORMING USE:

Any use of building or land lawfully existing on the effective date of this amendatory Ordinance, or lawfully existing at the time this amendatory Ordinance becomes effective as to such building or land, but which does not conform with the use regulations of the district in which the building or land is situated, may be continued under the regulations of this Chapter, but this Chapter shall not be interpreted as authorizing the continuation of any use of a building of land which was not lawfully existing on the date this amendatory Ordinance became effective as to such building or land.

Any use of a building or land which conformed with the use regulations of the district in which the building or land was classified under the Hanover Zoning Ordinance immediately prior to the adoption of the Ordinance, or which qualified as a nonconforming use under the Hanover Zoning Ordinance at that time is a lawful nonconforming use which may continue as a nonconforming use under the provisions of this Chapter.

If a building or land becomes subject to this Ordinance, whether by the extension of the zoning jurisdiction by reason of extension of the corporate limits or otherwise, and the use of the building or land at the time it becomes subject to this Ordinance is lawful but does not conform with the use regulations of the district in which the building or land is situated, such use is a lawful use which may continue as a nonconforming use under this Chapter.

If a conforming use of a building or land becomes nonconforming by virtue of an amendment of this Ordinance, then such use shall be considered to be a lawful use that may continue as a nonconforming use under this Chapter.

No use of a building or land which neither conforms with the use regulations of the district in which the building or land is situated nor qualified as an authorized nonconforming use under the provisions of this Section shall be considered a lawful use or be permitted to continue under the provisions of this Ordinance.

No use of a building which conforms with the use regulations of the district in which the building is situated shall be considered to be nonconforming merely because the building occupied by the use does not comply with the height regulations of the district in which the building is situated or because the building is so located on the zoning lot that it does not comply with the yard regulations of such district.

The regulations of this Chapter pertaining to a building occupied by a nonconforming use shall apply not only to a building which is completely occupied by such a use, but shall also apply to one in which the nonconforming use occupies only a portion of the building.

5-5-2: CHANGE OF NONCONFORMING USE:

A nonconforming use may be allowed to change to another nonconforming use by the Village Board only following a public hearing before the Zoning Board as provided for in Sections 5-5-5 and 5-5-6.

5-5-3: ENLARGEMENT OR EXTENSION OF NONCONFORMING USE:

A nonconforming use in a residence district may not be enlarged or extended. In other districts, a nonconforming use may be allowed to be enlarged or extended by the Village Board only after a public hearing before the Zoning Board as provided in Section 5-5-5 & 5-5-7.

5-5-4: PROCEDURE FOR CHANGE, ENLARGEMENT OR EXTENSION:

Application for a change of one nonconforming use to another or for an enlargement or extension of a nonconforming use shall be made in the same manner as is provided in Section 5-10-6 for applications for variations and shall be accompanied by the fee provided in Section 5-10-9.

5-5-5: REQUIREMENTS FOR APPROVAL OF CHANGE OF NONCONFORMING USE: The Zoning Board may recommend that the Village Board permit a nonconforming use to be changed to another nonconforming use if the Board finds:

- A. That the substitution or addition will not be detrimental to or tend to alter the character of the neighborhood;
- B. That the substitution or addition will not increase congestion to the streets;
- C. That the new use is no less restricted than the existing use.

5-5-6: REQUIREMENTS FOR APPROVAL OF ENLARGEMENT OR EXTENSION OF NONCONFORMING USE: Except in a residential district, the Zoning Board may recommend that the Village Board permit the enlargement or extension of a nonconforming use if the Zoning Board finds that:

- A. The enlargement or extension does not cause the area to be occupied by a nonconforming use to exceed one hundred fifty percent (150%) of the area occupied by a nonconforming use on the effective date of this amendatory Ordinance;
- B. That the enlargement or extension does not exceed the applicable bulk regulations for the district;
- C. The applicable off-street parking requirements are complied with for the enlarged portion of the use;
- D. The enlargement or extension will not be detrimental to or tend to alter the character of the neighborhood.

5-5-7: DISCONTINUANCE OF USE:

If a nonconforming use discontinues active or continuous operations for a period of one year, the building or land where such nonconforming use existed shall thereafter be occupied and used only for a conforming use.

5-5-8: DAMAGE OR DESTRUCTION; NONCONFORMING USE: If a building containing a nonconforming use is by any means destroyed or damaged to the extent of more than sixty percent (60%) of its value, such building or reconstruction thereof shall thereafter be occupied and used only for a conforming use.

5-5-9: REPAIRS OR ALTERATIONS:

- A. Normal Maintenance: Normal maintenance of a building or other structure containing a nonconforming use is permitted, including necessary nonstructural repairs or incidental alterations.

B. Structural Alterations: No structural alterations shall be made in a building or other structure containing a nonconforming use, except:

1. When required by law or by regulatory authority pursuant to law.
2. When made pursuant to an enlargement or extension permitted by Section 5-5-3 Enlargement or Extension of Nonconforming Use, Section 5-5-4 Procedure for Change, Enlargement, or Extension, and Section 5-5-6 Requirements for Approval of Enlargement or Extension of Nonconforming use.
3. When made to accommodate a conforming use.

However, in any district, a building containing residential nonconforming uses may be altered in any way to improve interior livability, provided that no structural alterations shall be made which would increase the number of dwelling units or would create an enlargement or extension of the building, unless as permitted above.

PART II: NONCOMPLYING BUILDINGS

5-5-10 **CONTINUATION OF USE:** The use of a non complying building or other structure may be continued, except as otherwise provided in the Part II of Chapter 5.

5-5-11: **DAMAGE OR DESTRUCTION:** If a non complying building or other structure is destroyed or damaged by any means, it may be reconstructed as it existed previous to said destruction or damage, provided that such reconstruction neither creates a new noncompliance of any portion of the building or structure as it previously existed.

5-5-12: **ENLARGEMENTS:** A non-complying building or other structure may be enlarged, provided that no enlargement is permitted which would either create a new noncompliance or increase the degree of noncompliance of any portion of the building or structure.

5-5-13: **REPAIRS OR ALTERATIONS:** Normal maintenance, repairs, or structural alterations are permitted in a non-complying building or other structure, except that alterations creating enlargements shall be subject to the provisions of Section 5-5-12. (Ord., 1-17-89)

CHAPTER 6

OFF-STREET PARKING AND LOADING

SECTION:

- 5-6- 1: General Purposes
- 5-6- 2: Required Zoning for Off-Street Parking and Loading Facilities
- 5-6- 3: Number of Spaces by Use
- 5-6- 4: Other Uses
- 5-6- 5: Calculation of Number of Spaces; When Required
- 5-6- 6: Size of Spaces
- 5-6- 7: Parking Layout Drawing and Design
- 5-6- 8: Surfacing
- 5-6- 9: Multiple Uses
- 5-6-10: Use of Parking Facilities
- 5-6-11: Parking Lot Lighting
- 5-6-12: Required Setbacks
- 5-6-13: Landscaping
- 5-6-14: Loading, Unloading Spaces
- 5-6-15: Loading Berth, Description

5-6-1: **GENERAL PURPOSES:** These regulations are written to help increase safety, lessen congestion, and reduce storage of vehicles in the streets.

5-6-2: **REQUIRED ZONING FOR OFF-STREET PARKING AND LOADING**

FACILITIES: Required parking spaces and loading/unloading spaces shall be located in a zoning district having the same zoning prefix i.e.: Residential parking in “R” districts, except that industrial parking spaces may also be located in a “B” district.

5-6-3: **NUMBER OF SPACES BY USE:**

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

- | | | |
|----|---------------------------------|---|
| A. | Amusement parks and race tracks | 1 per each 500 sq. ft. of lot area for public use |
| B. | Hotel and motels | 1 per dwelling or rented unit. |
| C. | Aquariums | 1 per 800 sq. ft. of floor area. |
| D. | Art galleries | 1 per 800 sq. ft. of floor area. |

E.	Auditoriums	1 per 5 seats.
F.	Automobile service stations	1 per each 2 3employees plus 1 per owner or manager.
G.	Bowling alleys	5 per each alley plus 3 per each 10 persons accommodated by affiliated uses.
H.	Business offices and banks	1 per 250 sq. ft. of space used per office and 1 per 200 sq. ft. of space for customers.
I.	Business schools	1 per each 2 employees, plus 1 per each 100 sq. ft. of instruction space.
J.	Churches	1 per 5 seats.
K.	Community Centers	3 per each 10 persons accommodated
L.	Cultural and civic institutions	1 per 2 employees plus 1 per each 800 sq. ft. of public area.
M.	Dance halls	3 per each 10 persons accommodated
N.	Dancing schools	1 per each 2 employees, plus 1 per each 100 sq. ft. of instruction space.
O.	Dental offices or clinics	1 per each examining or treatment room, plus 1 per doctor, plus 1 per each 3 other employees.
P.	Dwelling, single family multi-family	1 per dwelling unit. 1 ½ per dwelling unit.
Q.	Eating and drinking establishments	1 per each 100 sq. ft. of floor area for public use.
R.	Elementary schools	2 per classroom.
S.	Fraternity and sorority houses	1 plus 1 for each 2 persons for whom living accommodations are provided.
T.	Funeral parlors	1 per funeral vehicle maintained on premises plus 10 per chapel or parlor

U.	Gymnasiums	1 per 5 seats.
V.	Governmental offices	1 per each 5 employees, plus 1 per 200 sq. ft. of floor area for customers, clients or patron use.
W.	Health Institutions other than Hospitals or Clinics	1 per each 4 beds, plus 1 per each staff doctor, plus 1 per each other 2 employees.
X.	High schools	3 per classroom.
Y.	Hospitals	1 per each 3 beds, plus 1 per staff doctor, plus 1 per each 4 employees.
Z.	Junior high school	2 per classroom.
AA.	Libraries	1 per 800 sq. ft. of floor area.
BB.	Medical offices or clinics	1 per each examining room or treatment room, plus 1 per doctor, plus 1 per each 3 other employees.
CC	Museums	1 per 800 sq. ft. of floor area.
DD.	Music schools	1 per each 100 sq. ft. of instruction Space.
EE.	Non-business clubs	1 per each 3 members
FF.	Nursing homes	1 per each 4 beds, plus 1 per each staff doctor, plus 1 per each other 2 employees.
GG.	Private clubs and lodges	1 plus 1 per each 2 persons if living accommodations are provided.
HH.	Professional offices	2 per each 5 employees, plus 1 per 200 sq. ft. of floor area for customer, client or patron use.
	Restaurants	See Eating and drinking establishments.
II.	Retail sales	2 for 5 employees and 1 for 200 square feet devoted to the public.

JJ.	Savings and loan associations	1 per each 5 employees, plus 1 per 200 sq. ft. of floor area for customer, client, or patron use.
KK.	Stadiums and grandstands	1 per 5 seats.
LL.	Swimming pool (public)	3 per each 10 persons able to be accommodated.
MM.	Theatres, Indoor	1 per each 5 seats up to 400, plus 1 per each 3 seats over 400.
NN.	Tourist homes, cabins, and Bed & breakfasts	1 per dwelling unit
OO.	Trade schools	1 per each 2 employees, plus 1 per each 100 sq. ft. of instruction space.
PP.	Wholesale, manufacturing and industrial plants	1 per 4 employees.
QQ.	Wholesale offices	2 per each 5 employees, plus 1 per 200 sq. ft. of floor area for customer, client or patron use.

5-6-4: **OTHER USES:** Accessory off-street parking spaces shall be provided as required herein for the most similar case.

5-6-5: **CALCULATIONS OF NUMBER OF SPACES; WHEN REQUIRED:**

In any determination of total parking requirements, any fraction less than one-half (1/2) may be dropped and any fraction of one-half (1/2) or more shall be counted as one parking space. When the number of employees is a factor in determining the number required off-street parking spaces, "employees" means the maximum number of employees on duty at the same time.

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

5-6-6 **SIZE OF SPACES:** Each parking space shall be at least one hundred eighty (180) square feet in area and shall be a definitely designated stall adequate for one motor vehicle so that both doors may be opened. Adequate access to each stall and to the street shall be provided.

5-6-7 **PARKING LAYOUT DRAWING AND DESIGN:** An for a building permit or zoning certificate for a new or enlarged building, structure or use which has a parking requirement of more than four (4) parking spaces, shall include therewith a plot plan drawn to scale, and fully dimensioned showing any parking or loading facilities to be provided in compliance with the requirements of these regulations.

Each off-street parking facility of more than four (4) spaces shall be provided with an appropriate means of vehicular access to a street in a forward manner only. Such off-street parking spaces shall open directly upon an aisle of driveway of such width and design as to afford adequate ingress and egress. No driveway shall have a width exceeding thirty five feet (35'), or be nearer than twenty feet (20') to an intersecting street right-of-way line. All such driveways shall be constructed with a Portland cement concrete approach slab extending from the edge of the roadway to the right-of-way line. The slab shall provide for curbing and ramping of sidewalks, where applicable. The design shall be subject to the inspection and approval of the Village Engineer.

5-6-8: **SURFACING:** All open off-street parking areas containing more than four (4) parking spaces shall be improved with an adequate storm water drainage system, and paved with a crushed stone base, or equal, not less than six inches (6") thick, and wearing surface of asphalt concrete or comparable hard-surfaced, all weather dustless material not less than two inches (2") thick or Portland cement not less than six inches (6") thick on a compacted sub grade. All open off-street parking areas containing not more than four (4) parking spaces shall be surfaced and maintained in such a manner as to make them dust free.

5-6-9: **MULTIPLE USES:** If groups of buildings contain uses which vary in their parking requirements, the number of parking spaces shall be the sum of the individual requirements for each use. Where peak parking requirements occur at different times of the day or week as determined by the Village Enforcement Officer, joint facilities may be shared by two (2) or more uses.

5-6-10: **USE OF PARKING FACILITIES:** Off-street parking facilities accessory to residential use and developed in any residential district in accordance with the requirements of this Ordinance shall be used solely for the parking of noncommercial vehicles owned by occupants of the dwelling structures to which such facilities are accessory or by guests of the occupants. Under no circumstances shall required parking facilities accessory to residential structures in all other residential zones be used for the storage of commercial vehicles or for the parking of automobiles belonging to the employees, tenants, visitors, or customers of business

or manufacturing establishments. Motor homes, trailers and campers may be parked in enclosed garages and buildings or in rear yards.

No major motor vehicle repair work of any kind is permitted in any required accessory off-street parking facility with the exception of a single family accessory structure. Auto service undertaken in an accessory structure shall be limited to minor repairs.” No gasoline or motor oil shall be sold in conjunction with an accessory off-street parking lot, except where such lot is accessory to a business having such sale as a principal use.

No off-street parking area or space shall be used for the purpose, incidental or otherwise, of advertising or selling of cars unless the car is owned by the resident or immediate family member and has a current license plate. Cars which have a dealer’s plate or do not have a title in the name of an immediate family member are prohibited from being sold from such property.

5-6-11: **PARKING LOT LIGHTING:** Any parking lot shall be arranged and maintained so that it is directed downward and does not shine directly upon any adjacent residence or street and does not produce excessive glare.

5-6-12: **REQUIRED SETBACKS:** No parking space or loading space nor portion thereof established on the same zoning lot with a building shall be located within a required front yard. No parking spaces nor portion thereof established on a zoning lot without a building shall be located closer to any street line than the established building line on adjacent properties nor closer than the front yard setback required for the district in which the parking lot is located.

5-6-13: **LANDSCAPING:** All open off-street automobile parking areas either created or redesigned and rebuilt subsequent to the adoption of this Ordinance, containing two (2) or more rows of parking stalls and an area of ten thousand (10,000) square feet or more, shall provide and maintain canopy-type shade trees along with other forms of vegetation hardy to this region, in tree islands and planting strips.

5-6-14: **LOADING, UNLOADING SPACES:** All uses involving receipt or distribution of goods by vehicle shall have space on the premises for the pickup, delivery and service vehicles necessary for normal daily operation. These spaces shall be in addition to the above required parking spaces and shall be subject to Sections 5-6-8 and 5-6-12.

5-6-15: **LOADING BERTH, DESCRIPTION:** An off-street loading berth shall be a hard-surfaced area of land, open or enclosed, other than a street or a public way, used principally for the standing, loading or unloading of motor trucks, tractors, trailers so as to avoid undue interference with the public use of streets and alleys. A required loading space shall be not less than ten feet (10’) in width, and of sufficient feet in length to prevent encroachment on a

street or alley pavement, and fourteen feet (14') in height, exclusive of access aisles and maneuvering space. (Ord., 1-17-89)

5-6-16: **Illinois ACCESSIBILITY CODE:** The number and dimension of parking spaces to be set aside for the handicapped shall be provided in accordance with the standards of the Illinois Capitol Development Board, as set forth in "Accessibility Standards, Illustrated", dated May 1, 1988, as may be amended from time to time

CHAPTER 7

COMPREHENSIVE SIGN REGULATIONS

SECTION:

- 5-7- 1: Statement of Purpose
- 5-7- 2: Definitions
- 5-7- 3: Permit Required
- 5-7- 4: General Prohibitions
- 5-7- 5: Signs and Outdoor Advertising Sign Structures
Specifically Prohibited in All Districts
- 5-7- 6: Signs Allowed in All Districts without a Permit
- 5-7- 7: Special Event Signs Requiring Permit
- 5-7- 8: Removal of Nonconforming and Prohibited Signs
- 5-7- 9: Administrative Action; Notice
- 5-7-10: Residential District Regulations
- 5-7-11: Business District Regulations
- 5-7-12: Industrial District Regulations
- 5-7-13: AG Agricultural District; Permitted Signs
- 5-7-14: Temporary Signs
- 5-7-15: Table of Standards for On-Premises Business Signs in Business and Industrial
Districts
- 5-7-16: Table of Standards for Outdoor (off premises) Advertising Sign Structures
(OASS)

5-7-1: STATEMENT OF PURPOSE:

- A. The sign regulations, controls and provisions set forth in this Chapter are made in accordance with an overall plan and program for the public safety, area development, preservation of property values, and the general welfare of the Village, and are intended to aid in traffic control and traffic safety; preserve and protect property values; lessen congestion of land and air space; provide against undue concentrations of signs which distract and endanger traffic safety and traffic flow; establish reasonable standards for commercial and other advertising through the use of signs in order to maintain and encourage business activity and area development; avoid uncontrolled proliferation of signs; recognize the rights of the public in roads, streets, and highways; preserve the wholesome and attractive character of the Village; and recognize that the general welfare includes a community plan that provides for a community that shall be beautiful as well as healthful, spacious as well as clean, and well balanced in its growth and development.

- B. The sign regulations distinguish between on-premises and off-premises business signs. This distinction is based on the finding that other media (television, radio, newspapers, and outdoor advertising sign structures) adequately present avenues for business advertising. The restriction of off-premises business signs will significantly aid in the realization of the goals and purposes recited above.
- C. The sign regulations expressly exclude from regulations non-business signs except insofar as necessary to prevent imminent danger to the health or safety of the public.
- D. These sign regulations expressly distinguish between outdoor advertising sign structures and signs based on the specific finding that such structures are capable of being utilized for and have been and continue to be utilized for announcements of both a commercial and noncommercial nature, have been a traditional and lawful use of land in the Village, are a unique communication medium involving nationally standardized signs, which is made generally available to the public. At the same time, the regulations recognize that a limitation upon the size and number and spacing of such structures is consistent with and will further the goals expressed in this Chapter.

5-7-2: **DEFINITIONS:**

A. **General Definitions:**

1. **SIGN:** A sign shall include any writing including a word or numeral; pictorial representation including illustration; emblem including device, symbol, or trademark; flag including the flag(s) of any nation with total area over forty (40) square feet of banner or pennant; or any figure of similar character which is used to announce, direct attention to, or advertise and which is a structure or part thereof, or is attached to, painted on, or in any manner represented on a building or a structure. This definition shall not include outdoor advertising sign structures or signs displayed thereon; or writings, representations or other figures of similar character within a building or non-pictorial color treatments on the surface of a building which do not include writing or other direct forms of advertising.

2. **OUTDOOR ADVERTISING SIGN STRUCTURE:** A standardized outdoor advertising display, including the permanent framework, structural members, support or support foundation, scaffolding and illumination, facing or panels, and message, which is intended and whose customary use is to mount periodically changing commercial or non-commercial displays and which is made generally available for display to the public by the owners on a short term basis. Such structures shall be limited to three (3) standardized structures:

- a.. The thirty (30) sheet poster panel or painted bulletin, whose outside dimensions, including trim, if any, but excluding a base, apron, supports and other structural member, is approximately twelve feet (12') by twenty five feet (25'), containing approximately three hundred (300) square feet of total display area;

b. The one hundred fifty (150) square foot face, commonly painted rather than posted; and

c. The junior panel, whose outside dimensions, including trim if any, but excluding the base, apron, supports and other structural members, is approximately six feet (6') by twelve feet (12'), containing approximately seventy two (72) square feet of total face area.

3. SIGN OR OUTDOOR ADVERTISING SIGN STRUCTURE, HEIGHT: The height of a sign or outdoor advertising sign structure shall be the distance from the top of the highest portion of the sign or structure to

(a) the grade at the foundation of the sign or outdoor advertising sign structure;
or

(b) the average grade of the lot, whichever distance is greater.

4. SIGN OR OUTDOOR ADVERTISING SIGN STRUCTURE, SURFACE AREA OF:

The surface area of a sign or surface display area of an outdoor advertising sign structure shall be the area of the smallest convex geometric figure encompassing the maximum projected area of the volume on a flat plane which completely encloses the extreme limits of the surface display area of writing, representation, emblem or other figure of similar character or potential display area of an outdoor advertising sign structure, together with any material or color forming an integral part of the display or used to differentiate such sign or outdoor advertising sign structure from the background against which it is placed. Such measurement shall exclude the necessary supports or uprights on which the sign is placed, unless the supports or uprights constitute part of the display because of the predominant overall concept of the sign.

5. SIGN OR OUTDOOR ADVERTISING SIGN STRUCTURE, NONCONFORMING:

a. A sign or outdoor advertising sign structure lawfully erected, constructed, installed or maintained prior to the adoption of this Ordinance, which does not conform to the standards or requirements for permitted signs and is not specifically prohibited; or

b. A sign or outdoor advertising sign structure lawfully erected, constructed, installed or maintained after the adoption of this Ordinance, which does not conform to existing standards or requirements for permitted signs because of annexation, change in zoning districts, or amendments to this Chapter.

B. Signs Defined According to Type of Message Conveyed:

SIGN, REAL ESTATE: A sign advertising the sale, rental or lease of the premises on which it is located, including a subdivision sign.

SIGN, INSTRUCTIONAL OR DIRECTIONAL: A sign conveying instructions or directions with respect to the lot on which it is located, such as a sign designating the entrance to or exit from a parking area, a trespassing sign, a danger sign and signs of a similar character.

SIGN, BUSINESS: A sign which directs attention to or identifies a business or which directs attention to or identifies a commodity, service or entertainment to be sold or offered for sale. Any sign displaying the name of a business enterprise shall be conclusively presumed to be a business sign. Any sign displayed on a lot occupied by a business enterprise shall be presumed to be a business sign.

SIGN, SPECIAL EVENT: A sign advertising or announcing a special community wide event or activity conducted by or sponsored by or on behalf of local government, schools, a charitable organization or a not-for-profit corporation. A special community wide event or activity is one which occurs not more than twice in any twelve month period and which seeks to attract donations, participants, or customers throughout the Village or surrounding area.

C. Signs and Outdoor Advertising Sign Structures Defined According to Location and/or Methods of Attachment:

1. **SIGN, OR OUTDOOR ADVERTISING SIGN STRUCTURE, WALL:** A sign or outdoor advertising sign structure attached to, erected against or painted upon the wall of any building with the exposed face thereof in a plane parallel to the plane of such wall, and which sign is mounted at a distance measured perpendicular to such wall, no greater than eighteen inches (18"). A wall sign shall include a sign suspended from the ceiling of a marquee, canopy or vestibule where such sign or freestanding outdoor advertising sign structure any part of which is parallel to and any part of which is within twenty four inches (24") of a wall.

2. **SIGN, PROJECTING YARD:** A sign attached to and erected approximately perpendicular to the wall of a building, including a sign erected at the corner of a building and projecting into an open space or yard, but not projecting into the right of way of any street, sidewalk, alley, or other public property.

3. **SIGN OR OUTDOOR ADVERTISING SIGN STRUCTURE, ROOF:** A sign or outdoor advertising sign structure erected upon the roof of any building.

4. SIGN, THEATER MARQUEE: A sign other than a projecting sign mounted on the marquee of any theater.

5. SIGN, CANOPY OR AWNING: An on-premises business sign other than a projecting business sign located upon a canopy or awning.

6. SIGN OR OUTDOOR ADVERTISING SIGN STRUCTURE, FREESTANDING: A sign or outdoor advertising sign structure secured to the ground and not attached to a building.

7. SIGN, TEMPORARY: A sign intended for not more than a thirty (30) day period of display and that is not actually displayed for any longer than thirty (30) days

8. SIGN, PORTABLE: A sign not permanently anchored or secured to either a building or the ground such as, but not limited to, A frame, inverted T shaped signs, and signs affixed to a chassis, which may include wheels for towing, whether or not such wheels are in place.

9. SIGN, ON-PREMISES: A business sign which relates solely to a use or business conducted upon, or to a principal product, service or entertainment sold, provided, or offered upon the lot where the sign is located.

10. SIGN, OFF-PREMISES: A business sign which is not included in the definition of “sign, on premises”.

11. SIGN, BULLETIN BOARD: A sign of permanent character, but with associated with or events conducted upon or products or services offered upon the premises upon which such sign is maintained.

D. Signs Defined According to Degree of Illumination:

SIGN, ILLUMINATED: A sign designed to give forth any artificial light or reflect such light from an artificial source.

SIGN, FLASHING: A sign which exhibits artificially changing light or color effects.

5-7-3: **PERMIT REQUIRED:** No sign or outdoor advertising sign structure may be installed, erected, constructed or placed without a permit from the Zoning Enforcement Officer, except as specifically provided for by this Chapter. The permit fee shall be at the rate of ten cents (\$.10) per square foot of sign or outdoor advertising sign structure surface area but not less than five dollars (\$5.00). No permit may be issued for a sign or outdoor advertising sign structure which is not permitted under this Chapter or which is not in compliance with applicable construction codes. Fees for non-profit organizations will be waived.

5-7-4: **GENERAL PROHIBITIONS:** No sign or outdoor advertising sign structure may be erected, constructed, established maintained, enlarged or relocated or changed by any person except, in accordance with the provisions of this Chapter nor shall any sign or outdoor advertising structure be erected on public right of way.

5-7-5: **SIGNS AND OUTDOOR ADVERTISING SIGN STRUCTURES SPECIFICALLY PROHIBITED IN ALL DISTRICTS:**

- A. Banners, flags pennants, spinners, portable signs, streamers except pursuant to a permit if provided for in this Chapter.
- B. Any flashing sign except the time and temperature signs or any illuminated sign whose lighting projects into a residential area or public right of way or any sign which has any visible moving part, visible revolving parts or visible mechanical movement of any description or other apparent visible movement achieved by electrical, electronic or mechanical means, including intermittent electrical pulsations, or by action of normal wind currents.
- C. Any sign or outdoor advertising sign structure which: .
 - 1.) Is structurally unsafe; or
 - 2.) Constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, or abandonment; or
 - 3.) Is not kept in good repair; or
 - 4.) Is capable of causing electrical shocks to persons likely to come in contact with it.
- D. Any sign or outdoor advertising sign structure which, by reason of its size, location, content, coloring or intensity of illumination, constitutes a traffic hazard or a detriment to traffic safety by obstructing or detracting from the visibility of any governmentally erected sign or control device.
- E. Any sign or outdoor advertising sign structure, not erected by the Village or its agents, which extends over or touches upon any Village property or public right of way unless specifically permitted by this Chapter.
- F. Signs or outdoor advertising sign structures which make use of words such as “Stop”, “Look”, “Danger”, or any other words, phrases, symbols or characters, in such a manner as to interfere with, mislead or confuse traffic.

- G. Any sign or outdoor advertising sign structure which obstructs free ingress to or egress from a required door, window, fire escape or other required exit way.
- H. Any nonconforming sign or outdoor advertising sign structure which refers to a business no longer in existence or in operation at the location advertised.
- I. Business signs advertising nonconforming uses which do not conform to the sign regulations of the most restrictive district where the nonconforming use is permitted.
- J. Any sign or outdoor advertising sign structure unlawfully constructed, installed, erected or maintained.
- K. Any roof sign.

5-7-6: SIGNS ALLOWED IN ALL DISTRICTS WITHOUT A PERMIT: Signs specified in this subsection are in addition to the signs permitted in the respective use districts and shall not require a permit. Such signs are subject to the conditions and limitations set forth in this subsection.

- A. Nonbusiness Sign: Any sign not defined as a business sign and not specifically prohibited by Section 5-7-5 of this Chapter or regulated by this subsection.
- B. Instructional or Directional Sign: Instructional or directional signs which do not exceed a total of fifteen (15) square feet in surface area for all such signs on any premises and which signs do not exceed four feet (4') in height.
- C. Real Estate Sign: One real estate sign may be placed on the lot if the total surface area of the sign does not exceed twelve (12) square feet.
- D. Signs Identifying Architects, Engineers, Developers or Contractors When Placed on Construction Sites: Such signs shall not exceed thirty five (35) square feet in area. Such signs shall be removed within fourteen (14) days from completion of the construction.
- E. Signs used to identify the street address of a commercial building and not exceeding five (5) square feet in area.
- F. Signs Announcing Auctions and Garage Sales Not Exceeding Five (5) Square Feet in Area: Such signs shall be posted not more than two (2) days before and shall be removed two (2) day following the event, with a total time of display not to exceed six (6) days. Such signs shall be confined to private property and shall not be attached to or located on public property.
- G. Political Campaign Signs, Announcing Candidates Seeking Public Office and/or Political Issues and Other Pertinent Information: Such signs shall be confined to private property and shall not be attached to or located on public property. In any residential district, political campaign signs shall not exceed sixteen (16) square feet in area; in

other districts, shall not exceed thirty two (32) square feet. Political campaign signs shall be removed within seven (7) days after the election to which they pertain.

- H. Flags of any County, State, or unit of Local Government: Such flags shall not exceed forty (40) square feet in size.

5-7-7: SPECIAL EVENT SIGNS REQUIRING PERMIT:

- A. No special event sign shall be erected or maintained on or over any property owned or controlled by the Village of public right of way by any person without first obtaining a permit issued by the Zoning Enforcement Officer, who shall consider the requirements and restrictions of Section 5-7-5 of this Chapter and the remainder of this Section in approving or disapproving the method of display, location, number and sizes of signs. The Zoning Enforcement Officer shall require evidence as to general liability insurance or its equivalent which names the Village as an additional insured in amounts of no less than combined property damage and personal injury limits of five hundred thousand dollars (\$500,000.) prior to issuance of a permit.

B. Number and Sizes of Signs:

1.) Permits shall be granted for no more than ten (10) special event signs to be displayed on any day. Where approved applications are received from more than one organization for such signs to be displayed on the same day, and the total number exceeds the maximum provided in this Section, each organization shall receive a permit for a pro rata number of such signs.

2.) Special event signs shall be no larger than fifty (50) square feet in surface area.

C. Length of Time of Display:

1.) Special event signs shall be displayed for not more than a consecutive thirty (30) day period.

2.) No more than two (2) days following the special event for which a sign permit is granted pursuant to this Section, such special event signs shall be removed and the area where such signs have been displayed shall be cleaned and restored to its condition prior to display of such signs.

5-7-8: REMOVAL OF NONCONFORMING AND PROHIBITED SIGNS:

Nonconforming and prohibited signs shall be removed or altered so as to conform to this Chapter subject to the following provisions:

- A. Nonconforming Signs: Nonconforming signs which are nonconforming because of size, number, height, or setback or off-premises nature, except theater marquee signs, shall be removed or made conforming within five (5) years from the date the sign became nonconforming under this Chapter.

B. Nonconforming Outdoor Advertising Signs: Nonconforming outdoor advertising sign structures shall be removed or made conforming within five (5) years of April 30, 1998, provided, however, that:

1.) Nonconforming outdoor advertising sign structures parallel and attached to walls or parallel, freestanding any part of which are within three (3) feet of a wall may continue to be rebuilt or maintained, but not enlarged or increased in height.

2.) Nonconforming outdoor advertising sign structures which are freestanding may continue in existence be rebuilt or maintained but not enlarged or increased in height provided that such structures shall be limited:

a.) To a maximum of three hundred (300) square feet of display space in “B1” zone (back to back three hundred (300) square foot display areas shall be permitted).

b.) To a maximum of three hundred (300) square feet of display in all “I” zones, provided, however, that outdoor advertising sign structure which are currently in existence but which are removed pursuant to this Section may be removed and relocated to any new site which is in an “I” zone. Such relocated nonconforming outdoor advertising sign structures shall not exceed three hundred (300) square feet in surface display nor be located within five hundred feet (500’) of another outdoor advertising sign structure measured along the same side of the street. Relocated nonconforming outdoor advertising sign structures shall also meet separation height and setback restrictions of the Table of Standards for Outdoor Advertising Sign Structures at the end of this Chapter. The relocation of such outdoor advertising sign structures shall occur within not more than twenty four (24) months following their removal. Such relocated outdoor advertising sign structures shall be deemed conforming when relocated in compliance with this subsection.

C. Prohibited Signs or Outdoor Advertising Sign Structures: Specifically prohibited signs or outdoor advertising sign structures shall be removed or modified immediately.

D. Signs which refer to businesses no longer in existence or operation at the locations advertised shall be removed sixty (60) days from the effective date of discontinuance of the business at the location advertised.

5-7-9: **ADMINISTRATIVE ACTION; NOTICE:** Whenever it shall appear to the Zoning Enforcement Officer that any sign has been constructed or erected, or is being maintained in violation of any of the terms of this Chapter, or after a permit for a sign has been revoked or become void, or that a sign is unsafe or in such condition as to be a hazard to the safety of the public, the Zoning Enforcement Officer is empowered to issue a notice in writing to the owner or lessee of the sign, or the owner of the premises of which the sign is erected or maintained. Such notice shall inform such person of the violation, and shall direct him/her to make such alteration, repair or removal as is necessary to secure compliance with this Chapter

within a reasonable time limit, which shall not be more than sixty (60) days. The person receiving such notice shall comply with the terms thereof.

5-7-10: RESIDENTIAL DISTRICT REGULATIONS:

- A. R-1 Single-Family and Two-Family Residential Districts: One non illuminated business on-premises sign, not exceeding one square foot in total surface area, may be displayed in connection with a home occupation.

5-7-11: BUSINESS DISTRICT REGULATIONS:

Business Signs: On-premises business signs shall be permitted subject to the limitations as provided for in this Chapter.

5-7-12: INDUSTRIAL DISTRICT REGULATIONS; PERMITTED SIGNS:

Regulations pertaining to signs and outdoor advertising sign structures in the industrial districts are the same as in the B-2 District except that freestanding sign not mounted on a pole may have a maximum area of one hundred (100) square feet and not exceed six feet (6') in height.

5-7-13: AG AGRICULTURAL DISTRICT; PERMITTED SIGNS:

- A. Outdoor Advertising Sign Structures: Outdoor advertising sign structures shall be permitted subject to the limitations as provided for in this Chapter. .
- B) Outdoor advertising sign structures shall be not closer than three hundred feet (300') to the nearest highway right of way or five hundred feet (500') to the nearest residential or public or semi-public property. Permits shall be valid for not longer than five (5) years.
- C). Fee: Such structures shall be subject to a permit fee of twenty-five dollars (\$25.00) with annual renewal of twenty-five dollars (\$25.00) per year. . .

5-7-14: TEMPORARY SIGNS:

- A. A business shall be permitted to display one temporary or portable sign per business frontage advertising or announcing a new on-site business for a period of not to exceed thirty (30) days from the date the business was started. A business shall also be permitted to display one temporary sign or portable sign advertising on-premises activities for not more than a total of four (4) weeks per calendar year with no period of display being less than one week.

- B. The permit for a temporary sign shall stipulate the number and type of temporary signs and dates of display.

5-7-15: **TABLE OF STANDARDS FOR ON-PREMISES BUSINESS SIGNS IN BUSINESS AND INDUSTRIAL DISTRICTS**

Type of Sign	Maximum Number Permitted	Maximum Area	Maximum Height	Maximum Projection	Miscellaneous Provisions
Freestanding	1 per frontage per business provided that no theater marquee sign exists on the same frontage.	1 sq. ft. per lineal foot of lot frontage up to a maximum of 150 sq. ft.	25 feet if sign is at property line, 1 ft. additional height per 2 ft. additional setback thereafter up to a maximum of 35 feet.	Not to project over any public right-of-way.	
Wall	1 per frontage per business if no fascia* mounted canopy business sign exists.	10% of wall area for any wall up to 150 sq. ft. of total sign area per business.	Wall facing street not above second story; wall perpendicular to street not above roof.	18 inches maximum projection from wall surface.	
Theater marquee Marquee is a permanent canopy often of metal and glass projecting over an entrance (as of a hotel or theater) b : a sign usually over the entrance of a theater or arena that displays the names of featured attractions and principal performers	1 per theater marquee structure facing (3 maximum) provided that no on-premises freestanding or canopy business sign exists on the same frontage.	Up to 100 sq. ft. of changeable copy (billing) per theater marquee structure plus 75 sq. ft. permanent signage.	Shall not extend above second story or roof line.	Theater marquee structure not to project within 2 feet of any curb line.	Minimum clearance from sidewalk to bottom of sign must be in compliance with uniform building codes.
Canopy or awning ⁽²⁾	If no freestanding, marquee, projecting, or roof sign exists, 1 under canopy per business; plus 1 fascia mounted if no wall sign exists.	Under canopy 10 sq. ft.; 1 square foot per lineal foot frontage up to a maximum of 50 sq. ft. for fascia mounted sign.	Shall not extend above second story or roof line.	Must be totally within surface area of canopy structure, not to project within 2 feet of any curb line.	Minimum clearance from sidewalk to bottom of sign must be in compliance with uniform building codes.
Projecting yard	1 per business if no freestanding, marquee, canopy or roof sign exists.	1 square foot per foot of frontage not to exceed 30 sq. ft.	Shall not extend above second story or roof line.	4 feet maximum projection.	Shall be pinned directly to building; 50 feet minimum sign separation; ⁽³⁾

* Fascia - a flat usually horizontal member of a building having the form of a flat band or broad fillet: as **a** : a flat piece used as a molding **b** : a horizontal piece (as a board) covering the joint between the top of a wall and the projecting eaves -- called also *fascia board*

1. **No roof signs are permitted.**
2. Signs at ends of canopy or awning (maximum of 2) may be substituted for suspended signs.
3. Separation measurement applies only to those signs on the same side of the street.

5-7-16 **TABLE OF STANDARDS FOR OUTDOOR ADVERTISING SIGN STRUCTURES (OASS) ⁽¹⁾**

Type of Sign	Maximum Number Permitted	Maximum Area	Maximum Height	Minimum Setback	Separation
Wall or freestanding within 3 feet of and parallel to wall	2 per wall provided no other wall signs on display wall or freestanding OASS on same lot.	300 feet per structure	Not to project above roof line of wall upon which OASS is mounted	Not to project beyond edges of wall upon which structure is mounted.	
Freestanding		300 sq ft. (back-to-back ⁽²⁾ , 300 square foot displays shall be deemed to be single structure)	25 feet at setback line plus 1 foot per additional 2 foot setback to a maximum of 35 feet in height.	10 feet from the curb line of public streets. If located within 150 feet of existing freestanding sign (3) shall not be located closer to public right-of-way than any part of such freestanding sign within such distance.	

- (1) No outdoor advertising sign structures erected on a roof shall be permitted.
- (2) "Back-to-back" shall mean faces erected at no greater than a forty five degree (45 °) angle to each other.
- (3) "Freestanding sign" here excludes instructional or directional signs, for sale signs, temporary signs, portable signs, and noncommercial signs.
- (4) Separation measurements on same side of street from closest.
- (5) At the intersection of two (2) streets, the separation requirement shall be measured along perpendicular right-of-way lines.

CHAPTER 8

INDUSTRIAL PERFORMANCE STANDARDS

SECTION:

- 5-8-1: General
- 5-8-2: Noise
- 5-8-3: Vibrations
- 5-8-4: Smoke and Particulate Matter
- 5-8-5: Toxic and Noxious Matter
- 5-8-6: Odorous Matter
- 5-8-7: Fire and Explosive Hazards
- 5-8-8: Glare and Heat

5-8-1: **GENERAL:** Any new uses established in any zoning district after the effective date of this Ordinance shall be so operated as to comply with the performance standards governing: (1) noise; (2) vibration; (3) smoke and particulate matter; (4) toxic and noxious matter; (5) odorous matter; (6) fire and explosive hazards; and (7) glare and heat, as set forth hereinafter for the district in which such use shall be located. No use already established on the effective date of this Ordinance shall be so altered or modified as to conflict with, or further conflict with, the applicable performance standards established hereinafter for the district in which such use is located.

An application for a building permit in and I-1 and I-2 District when required by the use regulations shall be accompanied by a certification from an engineer or scientific testing laboratory approved by the Village Board, indication that the use of the land and all processing either does or will comply with the applicable performance standards.

Complaints by an individual or individuals of noncompliance with these standards shall be investigated by the Zoning Enforcement Officer. Upon completion of his investigation, if scientific test and investigation is deemed desirable, he shall so inform the Board of Appeals who shall evaluate the recommendation and subsequently recommend to the Village Board that scientific test be carried out. This test shall be carried out by qualified professionals. If such test reveals

violation of the performance standard, the Village Board shall take the prudent actions necessary to assure compliance by any violator with the performance standards and other pertinent provisions of this Ordinance.

5-8-2: **NOISE:**

A. Sound levels shall be measured with a sound level meter and associated octave band filter manufactured according to standards prescribed by the American Standards Association. Measurements shall be made using the flat network of the sound level meter. Impulsive type noises shall be subject to the performance standards hereinafter prescribed, provided that such noises shall be capable of being so measured, for the purpose of this Ordinance, shall be those noises which cause rapid fluctuations of the needle of the sound of the needle of the sound level meter with a variation of no more than plus or minus two decibels. Noise incapable of being so measured, such as those of an irregular and intermittent nature, shall be controlled so as not to become a nuisance to adjacent issues.

B. At no point on the boundary of property shall the sound pressure level of any operation than background noises not directly under the control of the property owner exceed the decibel limits in the octave bands designated below:

<u>Octave Band Frequency (cycles per second)</u>	<u>Along Residence District Boundaries</u>	<u>Along Business District Boundaries</u>
0 to 75	72	79
75 to 150	67	74
150 to 300	59	66
300 to 600	52	59
600 to 1200	46	53
1200 to 2400	40	47
2400 to 4800	34	41
Over 4800	32	39

5-8-3: **VIBRATIONS:**

A. Vibrations within a district shall be controlled so as not to become a nuisance to adjacent uses.

B. No operation or activity (except those not under the direct control of the property owner) cause at any time ground transmitted vibrations in excess of the limits set forth below. Vibrations shall be measured at any point along a property boundary line of the owner with a three component measuring instrument approved by the Zoning Enforcement Officer, and shall be expressed as displacement in inches.

<u>Frequency</u> <u>(cycles per second)</u>	<u>Maximum Permitted Displacement</u> <u>along Residence Boundaries (Inches)</u>
0 to 10	.0008
10 to 20	.0005
20 to 30	.0002
30 to 40	.0002
40 and over	.0001

5-8-4: **SMOKE AND PARTICULATE MATTER:**

- A. Any use already established on the effective date of this Ordinance shall be permitted to be altered, enlarged, expanded or modified, provided that new sources of smoke and/or particulate matter conform to the performance standards established hereinafter for the district in which such use is located. The total emission weight of particulate matter from all sources within the boundaries of the lot shall not exceed the net amount permitted in the district in which the use is located after such alteration, enlargement, expansion or modification.
- B. In addition to the performance standards specified hereinafter, the emission of smoke or particulate matter in such manner or quality as to be detrimental to or endanger the public health, safety, comfort, or welfare is hereby declared to be a public nuisance and shall henceforth be unlawful. (see Hanover Code 4-2-1 thru 4-2-2)
- C. For the purpose of grading the density of smoke, the Ringelmann Chart, published and used by the United States Bureau of Mines, shall be employed. The emission of smoke or particulate matter of a density equal to No. 2 on the Ringelmann Chart is prohibited at all times, except as otherwise provided hereinafter.
- D. The emission, from all sources within any lot area, of particulate matter containing more than five percent (5%) by weight of particles having a particle diameter larger than forty four (44) microns is prohibited.
- E. Dust and other types of air pollution, borne by the wind from such sources as storage areas, yards, roads, and so forth within lot boundaries, shall be kept to a minimum by appropriate landscaping, paving, oiling, or other acceptable means. Emission of particulate matter from such sources in excess of the weight limitations specified hereinafter for the district in which such use shall be located is prohibited.
- F. In the I-1 and I-2 districts all uses shall comply with the State of Illinois, Environmental Protection Agency Air Pollution Control Regulations

dated December, 1976 or updated versions as they occur after December, 1976.

Particulate Emission Standard and Limitations Rule 203 of the State Standards shall apply to all I-1 and I-2 districts as follows and as excerpted from the State of Illinois Air Pollution Regulations referred to above.

Rule 203: Particulate Emission Standards and Limitations for New Process Emission Sources.

Except as further provided in this Rule 203, no person shall cause or allow the emission of particulate matter into the atmosphere in any one hour period from any new process emission source which, either alone or in combination with the emission of particulate matter from all other similar new process emission sources at a plant or premises, exceeds the allowable emission rates specified in Table 2.1.

TABLE 2.1
STANDARDS FOR NEW PROCESS EMISSION SOURCES
Allowable

	<u>Process Weight Rate</u> <u>Pounds Per Hour</u>	<u>Process Weight rate</u> <u>Tons Per Hour</u>	<u>Emission Rate</u> <u>Pounds Per Hour</u>
	100	0.05	0.55
	200	0.10	0.77
	400	0.20	1.10
	600	0.30	1.35
	800	0.40	1.58
	1,000	0.50	1.75
	1,500	0.75	2.40
	2,000	1.00	2.60
	4,000	2.00	3.70
	6,000	3.00	4.60
	8,000	4.00	5.35
F)	<u>Process Weight Rate</u> <u>Pounds Per Hour</u>	<u>Process Weight Rate</u> <u>Tons Per Hour</u>	<u>Allowable</u> <u>Emission Rate</u> <u>Pounds Per Hour</u>
	10,000	5.00	6.00
	20,000	10.00	8.70
	30,000	15.00	10.80
	40,000	20.00	12.50
	50,000	25.00	14.00
	60,000	30.00	15.60

70,000	35.00	17.00
80,000	40.00	18.20
90,000	45.00	19.20
100,000	50.00	20.50
200,000	100.00	29.50
300,000	150.00	37.00
400,000	200.00	43.00
500,000	250.00	48.50
600,000	300.00	53.00
700,000	350.00	58.00
800,000	400.00	62.00
900,000	450.00	66.00
1,000,000	500.00	67.00

Interpolated and extrapolated (up to process weight rates of 450 tons per hour) values of the date in Table 2.1 shall be determined by using the equation:

$0.534E + 2.54(P)$ where E = allowable emission rate in pounds per hour and P = process weight rate in tons per hour. Interpolated and extrapolated values of the data of Table 2.1 for process weight greater than or equal to 450 tons per hour shall be determined using the equation: $0.16E = 24.8(P)$ where E = allowable emission rate in pounds per hour and P = process weight rate in tons per hour.

5-8-5: **TOXIC AND NOXIOUS MATTER:** No activity or operation shall cause, at any time, the discharge of toxic or noxious matter across lot lines in such concentration as to be detrimental to or endanger the public health, safety, comfort or welfare or cause injury or damage to property or business.

5-8-6: **ODOROUS MATTER:**

- A. The emission of odorous matter of a quantity as to be detrimental to or endanger the public health, safety, comfort or welfare is hereby declared to be a public nuisance and shall henceforth be unlawful. (see Hanover Ord. 4-2-1)
- B. No activity or operation shall cause, at any time, the discharge of odorous matter in such concentrations as to be detectable without the use of instruments at any point along lot lines.

5-8-7: **FIRE AND EXPLOSIVE HAZARDS:**

- A. The manufacture, utilization or storage of pyrophoric and explosive dusts shall be in accordance with the safety codes of the National Fire Protection Association. Such dusts include, but are not limited to: aluminum, bronze, and magnesium powder, powdered coal, powdered plastics, flour and feed, spices, starches, sugar, cocoa, sulphur, grain (storage) and wood flour.

B. In the I-1 District, the following additional regulations shall apply:

1.) The storage, utilization, or manufacture of solid materials or products ranging from incombustible to moderate burning is permitted.

2.) The storage, utilization, or manufacture of solid materials or products ranging from free or active burning to intense burning is permitted provided the following condition is met:

Said materials shall be stored, utilized, or manufactured within completely enclosed buildings having incombustible exterior walls, or protected throughout by an automatic fire extinguishing system or said materials may be stored outdoors in conformance with the regulations of the Department of Safety, State of Illinois, and such storage shall have fifty feet (50') clearance from all property lines.

C. In the I-2 District, the following additional regulations shall apply:

1.) The storage, utilization, or manufacture of solid materials ranging from incombustible to intense burning are permitted, subject to applicable rules and regulations of the Department of Safety of the State of Illinois.

2.) The storage and utilization of flammable liquids or materials, which produce flammable or explosive vapors or bases, shall be permitted in accordance with the regulations of the Department of Safety of the State of Illinois.

5-8-8: **GLARE AND HEAT:** Any operation producing intense glare or heat shall be performed within a completely enclosed building in such manner as not to create a public nuisance or hazard along lot line. Exposed sources of light shall be shielded so as not to create a nuisance across lot lines.

CHAPTER 9

SUPPLEMENTARY REGULATIONS

SECTION:

5-9- 1:	Fences and Screening
5-9- 2:	Refuse
5-9- 3:	Private Swimming Pools
5-9- 4:	Animal Hospitals
5-9- 5:	Country Clubs, Golf Courses
5-9- 6:	Outdoor Lighting
5-9- 7:	Agricultural Processing Plants
5-9- 8:	Drive-In Theaters
5-9- 9:	Amusement Parks
5-9-10:	Cemeteries
5-9-11:	Airports, Municipal
5-9-12:	Private Stables
5-9-13:	Nursing Homes
5-9-14:	Retail Sales for Guests Only
5-9-15:	Amusement Centers
5-9-16:	Family and Commercial Day Care Homes
5-9-17:	Temporary Tract Offices
5-9-18:	Home Occupations
5-9-19:	Junk Yards and Salvage Yards
5-9-20:	Large Scale Development
5-9-21:	Satellite Receiving Dishes
5-9-22:	Solar Energy Systems
5-9-23:	Streets and Railroads

5-9-1: **SCREENING:** Where outdoor storage of materials, goods and products exists within business or industrial districts, such storage shall be effectively screened by a solid fence, compact hedge or similar opaque landscaped element located on the property of the party storing the material, goods, and products. Such screening shall not extend within fifteen feet (15') of any street or driveway. The screening shall be placed along property lines or, in the case of screening along a street, fifteen feet (15') from the street right-of-way line with landscaping between the screening and pavement. A louvered fence shall be considered solid if it blocks direct vision. See also 5.4.7.

5-9-1 A. Fence Construction – Fence construction can be used a method to screen, protect and improve the appearance of landscaping in all zoning districts without causing undue hardship to the adjoining neighbor. Therefore, a minimum of one foot (1') setback of the fence from the property line is required to allow mowing and maintenance on the side facing the adjoining property unless the adjoining neighbor agrees in writing to a closer proximity. The fence owner is responsible in maintaining the yard on the outer side that is exposed to the neighbor. See also 5.4.7.

In addition, the following regulations are meant to make sure the appearance is maintaining safety and property values for all nearby property owners:

- (a) Residential District zoning lot may have up to a maximum of six foot (6') fence in the rear and side yards or as otherwise allowed by this chapter, constructed of solid decorative wood, cedar poles, painted or stained wood pickets, PVC, or ornamental iron. However, a fence over three (3) feet high may not extend nearer to a front lot line than the front facade of the principal building. (sample figures in appendix). All posts for any such fence must be on the owner's side of the fence. Fences may be placed up to the property line with the consent of the adjoining neighbor or one foot within the owner's property line.
- (b) In a Residential District no plastic or metallic slats shall be added or interwoven to a chain link fence to create a privacy fence. No fence shall have any sharp, dangerous or impaling members. A chain link fence not exceeding four foot in height shall be allowed if a top bar is added at the top for safety reasons. No corrugated metal, plastic, barbed wire or chicken wire of any kind is permitted as construction material for a fence in any zoning district.
- (c) A fence for a recreation park, playground, amusement park, school or church must comply with the regulations set forth for fences in residential districts, except that open chain-link fences for such uses may reach six feet in height.
- (d) In a Business or Industrial District, an open chain-link fence may be erected to a height of six feet for the enclosure of rear or side yards of commercial or industrial businesses when the storage of unsightly vehicles or materials is desired. In a Business or Industrial District a chain-link fence and the interweaving of aluminum slats will be allowed. All other fences in such District must comply with the provisions of this chapter regulating fences other than the open chain-link.
- (e) In a Business or Industrial District, if the business property is on a corner lot, any fence erected thereon must be set back three feet or more from the lot line which runs parallel to the building on such lot and must have plantings of yews or privet hedges that will be trimmed to form a hedge not more than three feet high along any public sidewalk.
- (f) An alley fence in a Business or Industrial District must be set back two feet from the lot lines.

- (g) A fence for a railroad yard must conform to the regulations concerning a fence in a Business or Industrial District.
- (h) Plants, bushes, shrubs, hedges, trees and other vegetation, of any and every kind, arranged in series or intermittent, shall be subject to the same height limitations set forth in this Zoning Code for fences when such vegetation is being used as a fence, whether as a substitute for a fence or as a fence or a screen for a fence adjacent and parallel to an existing fence at any lot line."

5-9-2: **REFUSE:** All waste material, debris, refuse, or garbage not disposed of through the public sanitary sewerage system shall be kept in an enclosed building or contained on the property in a closed container designed for such purposes. The owner of vacant land shall be responsible for keeping such land free of refuse.

5-9-3: **PRIVATE SWIMMING POOLS:** A private swimming pool, shall be any pool, pond, lake or open tank, not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater than two feet (2'). No such swimming pool shall be allowed in any residential district except as an accessory use and unless it complies with the following conditions and the Village Ordinance Regulating Swimming Pools.

- A. The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located.
- B. The pool, including any walks, paved areas of accessory structures adjacent thereto, may not be located closer than ten feet (10') to any adjacent residential property line, except when the pool is screened by a privacy fence, then the pool may be located five feet (5') from a property line.
- C. Lights used to illuminate swimming pools shall be so arranged as to reflect light away from adjoining premises and away from the vision of passing motorists. In the ground swimming pools shall be enclosed with fencing with self closing gates which are to be kept locked when the pool is not in use. Such fencing shall be at least four feet (4') in height above the surrounding grade level. Above the ground swimming pools shall be either fenced in the same manner as in the ground swimming pools or shall be equipped with removable ladders. Above the ground swimming pools with decks that do not have removable ladders or steps shall be equipped with locking gates or shall be fenced as required for in the ground swimming pools. Existing swimming pools shall have until one year from ordinance adoption to comply with this subsection C.
- D. The owner shall be responsible for draining in the ground pools and for draining and dismantling above the ground pools when any one of the following conditions exist:

- 1.) The property becomes vacant for three (3) consecutive weeks.
- 2.) Odor is detectable at property lines resulting from algae or some other substance.
- 3.) Insufficient water level in the pool, causing the pool sides to shift or collapse.

5-9-4: **ANIMAL HOSPITALS:** Animal hospitals without outside runs shall be located no closer than one hundred feet (100') to any residential district, restaurant, hotel or motel in any district and shall show that reasonable measures and controls shall be taken to prevent offensive noise and odor. No incineration of refuse shall be permitted on the premises.

5-9-5: **COUNTRY CLUBS, GOLF COURSES:** No building shall be located within 100 feet (100') of any property line. Facilities such as restaurants and bars may be permitted when conducted and entered from within the building.

Public swimming pools, tennis courts and the like shall be located not less than twenty five feet (25') from any property line and adjoining property in any residence or business district shall be effectively protected by a wall, hedge and/or screen planting.

5-9-6: **OUTDOOR LIGHTING:** Whenever outdoor light is to be used on a property the lighting fixture shall be so placed that the light rays are generally directed downward and/or away from properties and from the vision of passing motorists.

5-9-7: **AGRICULTURAL PROCESSING PLANTS:** Agricultural processing plants in any district which process agricultural products produced on the premises or within a contiguous area shall be so located as to provide convenient trucking access with a minimum of interference to normal traffic and shall provide parking and loading spaces. Proponent shall show that adequate measures shall be taken to control odor, dust, noise, and waste disposal so as not to constitute a nuisance (4-2-1) and shall show that the proposed source of water will not deprive others of normal supply. Such a processing plant shall not be closer than five thousand feet (5,000') from a residential district.

5-9-8: **DRIVE-IN THEATERS:** Drive-in theaters shall be located only on major or secondary thoroughfares, shall provide ingress and egress so designed as to minimize traffic congestion, shall be located sufficiently distanced from any residence district or existing dwelling and shall be screened from the street and dwelling units so that view shall not disturb residents and shall maintain lighted signs and other lights diffused downward and only in such a way as not to disturb neighboring residents. In no case shall a drive-in theater be located closer than two thousand feet (2,000') from a residential district.

- 5-9-9: **AMUSEMENT PARKS:** Golf driving ranges and amusement parks shall be located on major or secondary thoroughfares or nonresidential streets. Floodlights used to illuminate the premises shall be so directed and shielded as not to be an annoyance to any developed residential property. Golf driving platforms shall be not less than two hundred feet (200') from any adjacent residence district or existing dwelling. A temporary certificate may be renewed for a period of one year at the expiration of such certificate, provided all requirements of this Chapter have been and can continue to be complied with. With the exception of a golf driving range, no amusement park shall be closer then two thousand feet (2000') to any residential district.
- 5-9-10: **CEMETERIES:** Cemetery, crematory, and mausoleum shall provide entrance on a major street or road with ingress or egress so designed as to minimize traffic congestion, shall provide required off-street parking space and shall provide a minimum size six foot (6') high wall or minimum three foot (3') thick, six foot (6') high evergreen hedge or provide a minimum twenty feet (20') of permanently maintained planting strip on all property lines abutting any "R" district or residential district.
- 5-9-11: **AIRPORTS, MUNICIPAL:** Airports or heliports or landing strips for aircraft shall be located no closer then two thousand feet (2,000') from any dwelling and shall be located so that air and land traffic shall not constitute a nuisance to neighboring uses. Proponents shall show that the field in question comes up to standards of the Federal Aviation Agency for the particular class of field.
- 5-9-12: **PRIVATE STABLES:** Private stables and paddocks shall be located on the rear half of the lot and not closer than twenty feet (20') to any property line, nor closer than forty feet (40') from any dwelling on the same or adjoining property. The minimum lot area upon which a horse may be kept is one acre and two (2) horses may be kept for each twenty thousand (20,000) square feet by which the parcel of land exceeds one acre.
- 5-9-13: **NURSING HOMES:** Approval must be obtained from proper agencies concerning health and safety conditions and such home must be licensed by such agencies.
- 5-9-14: **RETAIL SALES FOR GUESTS ONLY:** Community buildings,

private clubs, lodges and social or recreational establishments may be accessory retail sales for guests. The sales must be clearly incidental to the principal use and signs advertising such sales are prohibited.

5-9-15: **AMUSEMENT CENTERS:** Amusement center, arcade, bowling alley, dance hall and similar places of amusement shall provide parking with ingress and egress designed so as to minimize traffic congestion. Such parking shall not be less than twenty feet (20') from any property line, shall provide on its property a minimum six foot (6') solid board fence, masonry wall or dense hedge separating parking area from abutting residential property and shall show that adequate controls or measures will be taken to prevent offensive noises and vibration.

5-9-16: **FAMILY AND COMMERCIAL DAY CARE HOMES:** Family day care homes are permitted uses in the R-1 and R-2 districts provided the day care home does not employ more than one person outside of the immediate family members.

Commercial day care centers shall only be permitted on lots or parcels that have a minimum of twenty thousand (20,000) square feet and the playgrounds shall be screened from the street by a non obtrusive fence.

5-9-17: **TEMPORARY TRACT OFFICES:** Temporary subdivision offices are permitted in any district and shall be located on the property which is being developed and/or sold. Tract offices are limited to a six (6) month period at which time the applicant may request an additional six (6) months of operation. Otherwise the subdivision office shall be removed at the expense of the owner. The office shall meet all yard requirements of the district in which it is located.

5-9-18: **HOME OCCUPATIONS:**

A. Specifications: A use or activity conducted entirely within a dwelling unit By a person or persons who reside therein, provided that:

1.) It does not result in any alteration of the appearance of the dwelling unit;

2.) The home occupation is clearly incidental and secondary to the primary use of the property for residential purposes;

3.) There is no exterior storage of materials and no exterior indication of the home occupation except for a sign not exceeding two (2) square feet in size, non illuminated, and attached to the principal building;

4.) It does not result in the production of any additional noise, vibration, light, odor, dust, fumes, smoke, traffic or other, audibly or visually noticeably detectable to the normal senses, outside the dwelling unit by the sense of normal human beings;

5.) It does not involve the storage of goods or materials in excess of an area twenty five (25) square feet in size;

6.) No retail sales of stocks, merchandise, supplies, or products except those incidental to the home occupation;

7.) The home occupation is limited to an area of the residence not exceeding two hundred (200) square feet in size including storage.

- B. Permitted Home Occupations: Uses permitted as home occupations (that meet the criteria listed above) include, but are not limited to:

One chair beauty parlors and barber shops

Tutoring, limited to no more than eight students per day without any use of electronically amplified sound

Mail order operations

Home crafts for off-site sale

Telephone solicitation work

Home and health care products for off-site sale

Independent contractors, involving no storage of contractor's equipment

Professional offices maintained as an adjunct to a primary office maintained off premises

Authors

Composers

Other similar uses

- C. Registration of home occupations: Home occupations are to be registered with the Zoning Enforcement Officer.

5-9-19: **JUNK YARDS AND SALVAGE YARDS:** Any outside use conditionally permitted or permitted to be used as a salvage yard storage area or junk yard shall be surrounded by an eight foot (8') fence which blocks one hundred percent (100%) of the view of the contents inside the perimeter. The fencing shall be set in place no less than six feet (6') from the property line and shall completely enclose the facility. The fence shall be constructed of standard fencing material and shall be consistent in color and appearance. The fence shall be kept in good condition. Any repairs ordered by the Zoning Enforcement Officer shall be completed by the owner or operator within seven (7) days.

5-9-20: **LARGE SCALE DEVELOPMENT:** Whenever a development in the Village of Hanover is proposed which would involve more than one principal structure on a lot or parcel, the developer builder must present his physical development plans to the Planning Committee for review and recommendations to the Village. The plans shall be prepared at a scale of thirty to forty feet (30'-40') per inch and shall be prepared by an Illinois registered surveyor, architect or engineer.

- A. Requirements: The required plans and supporting documentation may be submitted on one or more sheets of paper and must clearly indicate the following:
- 1.) The boundaries of the property
 - 2.) Existing and proposed easements
 - 3.) The owner(s) of the property
 - 4.) On-site vehicular circulation
 - 5.) Vehicular parking
 - 6.) Sidewalks
 - 7.) The location and size of sanitary sewers and water mains if public facilities or approved community facilities are available. If public facilities are not available, the location of on-site systems shall be shown.
 - 8.) Proposed site grading
 - 9.) Storm water drainage
 - 10.) The location of structures
 - 11.) The location of fire hydrants
 - 12.) Letters form serving utility companies indication availability and adequacy of utility service for the development.
- B. Permitted Uses: No building or land may be used and no building may be erected, converted, enlarged or structurally altered in a large scale development except for a permitted use listed in the district in which the large scale development is applied for.
- C. Spacing: In lieu of front, side, and rear yard requirements, buildings twenty five feet (25') or less in height shall be no closer then ten feet (10') to any other building, street or parking area. For buildings over twenty five feet (25') in height, spacing shall be increased two feet (2') for every four feet (4') or fraction thereof by which the building height exceeds twenty five feet (25'). A twenty five foot (25') yard shall be provided around the perimeter of the development. In addition, where a commercial or industrial development adjoins a residential district, an additional ten feet (10') shall be provided. No additional yard shall be required for a residential district across a street from a large scale

development.

- D. Lot Area Per Dwelling Unit: The required lot area per dwelling unit for the zoning district in which the proposed large scale is located shall apply. Public streets, easements of access, and parking areas shall not be included in the calculation.
- E. Off-Street Parking: The off-street parking regulations of Chapter 6 of the zoning ordinance shall apply.
- F. Height: The permitted height regulations of the zoning district in which the proposed large scale is located shall apply.
- G. Procedure: The plans or plans and any supporting documentation shall be filed with the Village Clerk along with a filing fee of one hundred dollars (\$100.00). The Clerk shall transmit the material to the Planning Committee. Within seven (7) days, the Planning Committee shall transmit copies of the proposed large scale to the Village Engineer, along with notification of the date, time, and location of a meeting to review the development and to determine if the project conforms to Village standards. If the Committee determines that the plans do conform to Village standards, the Planning Committee shall transmit a copy of the proposed large scale to the Village Board, along with a recommendation that the Board approve the proposed large scale development subject to certification by the Village Engineer that all required improvements have been constructed satisfactorily or that a certified check or satisfactory bond guaranteeing completion of such construction has been filed in accordance with the procedures and requirements of the Land Subdivision Regulations.
- H. Village Board Approval: When the Village Board determines that the large scale development has been recommended for approval by the Planning Committee and that the Village Engineer has certified that the required improvements either have been installed in the manner specified by the land subdivision regulations, or that said surety bonds or certified checks are in a form and amount sufficient to assure completion, the Village Board may approve the large scale plan.
- I. Disapproval of a Large Scale Development: If the Committee finds that the proposed large scale does not meet the requirements of the Village, the Planning Committee shall in writing note any deficiencies in the plan to the developer. Once the deficiency is corrected, the Planning Committee shall transmit the proposed large scale to the Village Board.
- J. Required Improvements and Minimum Design Standards: All of the above plans for drives, sidewalks, water mains, etc. shall be designed and engineered in accordance with the minimum design and layout

standards and the required improvements section of the Village Subdivision Regulations except that private drives may be reduced in width. However, private drives must be of sufficient width to accommodate fire vehicles. Alternate pavement designs may be presented to the Village Engineer for consideration.

5-9-21: **SATELLITE RECEIVING DISHES:** Satellite receiving dishes shall not be located in a required front yard, or in a side yard which adjoins a street or road. Satellite receiving dish posts or legs may not be any closer to any side or rear property line than the diameter of the dish. Ground mounted dishes may be no greater than fifteen feet (15') in height. Roof mounted dishes and dishes mounted on poles which are bolted to principal buildings must conform to the zoning district's height limit. No form of advertising or identification is allowed on the dish or framework other than the manufacturer's small identification plates or other identifying marks which shall not exceed one square foot in size. Satellite receiving dishes must be neutral in color.

5-9-22: **SOLAR ENERGY SYSTEMS:** Solar energy systems shall not project above the ridge line of the roof on any building in the following districts: R-1, R-2, and B-1.

5-9-23: **STREETS AND RAILROADS:** Permitted in all zoning districts.

5-10-1

5-10-1

CHAPTER 10

ADMINISTRATION

SECTION:

- 5-10-1: The Office of the Zoning Enforcement Officer
- 5-10-2: Building Permits
- 5-10-3: Zoning Certificate of Compliance
- 5-10-4: The Zoning Board of Appeals
- 5-10-5: Appeals
- 5-10-6: Variations
- 5-10-7: Amendments
- 5-10-8: Conditional Permitted Uses
- 5-10-9: Fees

The administration of this Title is hereby vested in the Zoning Enforcement Officer of the Village and in the Zoning Board of Appeals.

5-10-1: THE OFFICE OF THE ZONING ENFORCEMENT OFFICER:

- A. Creation: There is hereby created the office of the Zoning Enforcement Officer. The Zoning Enforcement Officer shall be appointed by the President of the Village Board with the advice and consent of the Village Board for a term of one year.
- B. Duties of the Zoning Enforcement Officer: The Zoning Enforcement Officer or his duly authorized representative shall enforce this Ordinance. In the performance of his duties, he shall:
 - 1.) Examine and approve applications that conform with this Ordinance and issue building permits and zoning certificates of compliance for all use of land, buildings, and structures when the application conforms with the provisions of this Title.
 - 2.) Determine lot, bulk, and parking requirements in specific instance
 - 3.) For industrial districts, receive certificates indicating compliance with the performance standards for I-1 or I-2 Districts from an engineer

registered with the State or scientific testing laboratory, approved by the Village Board.

4.) Keep records of and pertaining to the Zoning Ordinance including:

a. All maps, amendments, conditional uses, variations, appeals, and other pertinent data.

b. All uses and structures which do not conform with the regulations of each district.

5.) Conduct inspection of buildings, structures, and uses of the land to determine compliance with this Title.

6.) Receive, file and forward to the Zoning Board of Appeals, all petitions for amendments, variances, conditional permitted uses and appeals which are filed in the office of the Zoning Enforcement Officer. All petitions shall have attached a location map illustrating the shape and dimensions of the property in question and a list of contiguous property owners and their addresses including owners across streets and alleys.

7.) Provide clerical technical assistance as may be required by this Ordinance and the Zoning Board of Appeals in the exercise of its duties. Interested parties may copy records at their own expense.

8.) File report with the President of the Village Board relative to findings of the Zoning Enforcement Officer on all reports of zoning violations made to him by a citizen or a Village official.

9.) Provide and maintain a public information bureau relative to all matters arising out of this Ordinance and post all public notices called for in this Ordinance.

5-10-2: **BUILDING PERMITS:**

- A. Required: It shall be unlawful to commence the excavation for or the construction of any building, including accessory buildings and swimming pools, or to commence the moving or major structural change of any buildings, including accessory buildings exceeding a size of 120 square feet, until the Zoning Enforcement Officer has issued a building permit for such work. Construction less than 120 square feet does not require a building permit, but must comply with existing regulations.
- B. Issuance: In applying to the Zoning Enforcement Officer for a building permit, the applicant shall submit a dimensioned sketch or scale plan indicating the shape, size, height and location of all buildings to be

erected, changed structurally, or moved and of any building already on the lot. He shall also state the existing and intended use of all such buildings and supply such other information as may be required by the Zoning Enforcement Officer for determining whether the provisions of this Title are being observed. If the proposed excavation or construction as set forth in the application are in conformity with the provisions of this Title, and other Ordinances of the Village, the Zoning Enforcement Officer shall issue a building permit for such excavating or construction. If a building permit is refused, the Zoning Enforcement Officer shall state in writing, with cause, and shall immediately forward such notice or refusal to the applicant. The Zoning Enforcement Officer shall grant or deny the permit within ten (10) days from the date the application is submitted.

1.) The issuance of a building permit shall in no case be construed as waiving any provisions of this Title.

2.) A building permit shall become void unless:

a. For residential construction, the exterior is completed within six (6) months and totally completed within two (2) years.

b. Commercial construction is completed within two (2) years.

5-10-3: **ZONING CERTIFICATE OF COMPLIANCE:**

- A. Required: No land or buildings or part thereof hereafter erected or changed in its use or structure shall be used until the Zoning Enforcement Officer shall have issued a certificate of compliance indicating that such land, building or part thereof, and the proposed use thereof are found to be in conformity with the provisions of this Title.

Within three (3) days after notification that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the Zoning Enforcement Officer to make a final inspection thereof and to issue a certificate of compliance if the land, building or part thereof and the proposed use thereof are found to conform with the provisions of this Title; or if such certificate is refused, to state the refusal in writing with the cause, and immediately forward such notice of refusal to the applicant.

- B. Issuance: No certificate of compliance shall be issued until the Zoning Officer has determined that the land, building or part thereof and the proposed use are in full compliance with all rules and regulations of the Department of Public Health of Illinois and the Village of Hanover relating to sewage, sanitary facilities and septic tank requirements.

5-10-4: **ZONING BOARD OF APPEALS:**

- A. **Creation:** A Board of Appeals is hereby authorized in accordance with Chapter 24, article 11, division 13 of the Illinois Municipal Code. Said Board of Appeals shall consist of five (5) members to be appointed by the President and Board of Trustees for five year terms. The members of the Board of Appeals shall serve as follows: for the initial appointments, one for one year; one for two (2) years; one for three (3) years; one for four (4) years; and one for five (5) years. One of the members so appointed shall be named chairman at the time of his appointment. The appointing authority has the power to remove any member of the Board for cause and after public hearing. Vacancies shall be filled for the unexpired term of the of the member whose place has become vacant.

- B. **Meetings:** Meetings of the Board of Appeals shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote, or failure to vote, of each member upon every question, and shall keep record of its examinations and other official actions. All Board of Appeals actions shall be a matter of public record. Three (3) members of the Board shall constitute a quorum. The concurring vote of three (3) members is necessary to take action on matters that come before the Board of Appeals.

- C. **Powers of the Board:** The Zoning Board of Appeals is hereby invested with the following jurisdiction and authority, as granted by the Statutes of the State of Illinois and this Ordinance.
 - 1.) To hear and decide appeals from any order, requirement, decision or determination made by the Zoning Enforcement Officer under this Title;

 - 2.) To hear and submit findings and recommendations to the Village Board on applications for variations from the terms provided in this Ordinance in the manner prescribed by, and subject to, the standards established herein;

 - 3.) To hear or submit findings and recommendations to the Village Board on a proposed amendment in the manner prescribed herein;

 - 4.) To hear and submit findings and recommendations to the Village Board on proposed conditional permitted uses in the manner prescribed herein;

5.) To hear and submit findings and recommendations on the extension of a zoning district where the boundary line of a district divides a lot or parcel held in single ownership at the time of passage of this Ordinance;

6.) To grant continuances of public hearings where there is a showing of good cause as to why a delay is necessary;

7.) To hear and decide all matters referred to it or upon which it is required to pass under this Ordinance.

5-10-5: **APPEALS:**

- A. Authority: The Zoning Board of Appeals shall hear and decide appeals from any administrative order, requirement, decision or determination made by the Zoning Enforcement Officer or other authorized officials of the Village, relating to regulations of this Ordinance.
- B. Initiation: An appeal to the Zoning Board of Appeals may be taken by any person aggrieved or by any officer of the Village based in whole or in part upon the provisions of this Title. The appeal shall be filed in the Office of the Zoning Enforcement Officer within twenty (20) days of the action being appealed. The appeal shall be taken by the Zoning Enforcement Officer to the Zoning Board of Appeals within thirty (30) days or within such time as shall be prescribed by the Zoning Board of Appeals by a general rule for hearing appeals. The appeal shall be in writing specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the documents constituting the record upon which the appeal action is taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the action is taken certifies to the Board of Appeals, after the notice of appeals has been filed with him that, by reason of facts stated in the written appeal, a stay would, in his opinion, cause imminent peril to life or property. In this event, the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a court of record on the application and on notice to the officer from whom the appeal is taken, and due cause shown.
- C. Processing:
 - 1.) The Board of Appeals shall fix a reasonable time for said hearing and give notice thereof to parties and shall decide the appeal within reasonable time. At the hearing, any party may appear in person, by agent or by attorney.
 - 2.) The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as in its

opinion ought to be made on the premises and to that end has all powers of the officer from whom the appeal is taken.

- D. Decisions: All decisions, after the Zoning Board of Appeals hearing on appeals from an administrative order, requirement, decision or determination of the Zoning Enforcement Officer or other authorized officials of the Village Board, shall, in all instances, be final administrative determinations and shall be subject to judicial review only in accordance with applicable Statutes of the State of Illinois.

5-10-6: **VARIATIONS:**

- A. Authority: The Village Board shall decide variations of the provisions of this Ordinance in harmony with the general purpose and intent of this Ordinance and shall verify them only in the specific instances hereinafter set forth where the Zoning Board of Appeals shall have made findings of fact based upon the standards hereinafter prescribed that there are practical difficulties or a particular hardship in the way of carrying out the strict letter of the regulations of this Ordinance. Any proposed variation which fails to receive the approval of the Board of Appeals shall not be passed except by the favorable vote of two-thirds (2/3) of all members of the Village Board.
- B. Initiation: A petition for a variation may be filed by any interested property owner or contract purchaser. In cases where a contract purchaser is the petitioner, the contract purchaser shall provide a letter from the owner which states that the owner is aware of the petition and the request(s) contained therein, that the petitioner is indeed a contract purchaser and that the owner approves the action. Such petitions for a variation shall be filed in writing and shall contain such information as the Zoning Board of Appeals may require by rule.
- C. Processing: A petition for a variation shall be filed with the Zoning Enforcement Officer. The Zoning Enforcement Officer shall forward such petition to the Board of Appeals within ten (10) days. The petition shall include a list of adjacent property owners, including owners across the street and across the alley, as well as their mailing address(es). A map shall also be submitted which shows the boundaries of the property, the location of existing and/or proposed structures in relation to property lines, and adjacent land uses.
- D. Hearing on Petition: No variation shall be made by the Village Board except after public hearing before the Zoning Board of Appeals of which there shall be a notice of time and place of hearing published at least once, not more than thirty (30) or less than fifteen (15) days before the hearing, in one or more newspapers with a general circulation within

the Village.

- E. Standards for Variations: The Zoning Board of Appeals shall not recommend to the Village Board that the regulations of this Ordinance be varied as authorized in subsection 5-10-6 A hereof, unless it shall make findings of fact based upon the evidence presented to it in each specific case:
- 1.) That the property in question cannot be economically used or cannot yield a reasonable return, if permitted to be used only for the conditions allowed by the regulations;
 - 2.) That the plight of the owner is due to circumstances unique to the property and not generally applicable to other property in the area; and
 - 3.) That the variation, if granted, will not alter the essential character of the locality, impair and adequate supply of light and air to adjacent property, increase the congestion of traffic, or diminish or impair property values in the locality.
- The Zoning Board of Appeals may impose such conditions and restrictions upon the premises benefited by a variation as may be necessary to comply with the above standards.
- F. Authorized Variations: Variations from the regulations established in this Ordinance shall be recommended to the Village Board by the Zoning Board of Appeals only in accordance with standards established above and in the following instances as examples:
- 1.) To permit a height greater than allowed;
 - 2.) To permit a yard less than the yard required by the applicable regulation;
 - 3.) To permit the use of any lot located in a residence district having insufficient area and width for a single-family dwelling, provided such lot is of record on the effective date of this Ordinance;
 - 4.) To permit the use of any lot not covered above, or a use otherwise prohibited solely because of insufficient area of the lot;
 - 5.) To permit the same off-street parking spaces to qualify as required spaces for two (2) or more uses, provided that the maximum use of such facility by each user does not take place during the same hours of the same days of the week;

6.) To increase by not more than twenty percent (20%) the gross area of any sign; and

7.) To reduce the applicable off-street parking or loading requirements.

5-10-7: **AMENDMENTS:**

- A. Authority: The Village Board may from time to time, in the interest of promoting the public health, safety, morals, comfort, and general welfare, conserving the values of property throughout the Village, and avoiding or lessening congestion throughout the Village, and avoiding or lessening congestion in the public streets and highways, amend the regulations and the districts created in the manner hereinafter set forth.
- B. Initiation of Amendment: A petition for an amendment may be filed by an interested property owner, contract purchaser, or in the case of text amendments or general map amendments, Village Board members. In cases where a contract purchaser is the petitioner, the contract purchaser shall provide a letter from the owner, which states that the owner is aware of the petition and the request(s) contained therein, that the petitioner is indeed a contract purchaser, and that the owner approves of the action. Such petitions for amendments shall be filed in writing and shall contain such information as the Zoning Board of Appeals may require by rule.
- C. Processing: A petition for an amendment shall be filed with the Zoning Enforcement Officer. The Zoning Enforcement Officer shall forward such petition to the Board of Appeals within ten (10) days. The petition shall include a list of adjacent property owners, including owners across the street and across the alley, as well as their mailing address. A map shall also be submitted which shows the boundaries of the property, the location of existing and/or proposed structures in relation to lot lines and adjacent land uses.
- D. Hearing on Petition: No amendment shall be granted by the Village Board except after a public hearing before the Zoning Board of Appeals of which there shall be a notice of the time and place of the hearing published at least once, not more than thirty (30) or less than fifteen (15) days before the hearing, in one or more newspapers with a general circulation within the Village.
- E. Findings of Fact and Recommendations of the Zoning Board of Appeals: Within thirty (30) days after the close of the hearings on a proposed amendment, the Zoning Board of Appeals shall make written findings of fact and shall submit the same together with its recommendations to the Village Board. If the proposed amendment is to change the zoning

classification of a particular property, the Zoning Board of Appeals shall make findings based upon evidence presented to it in each specific case with respect to the following matters:

- 1.) Existing uses of property within the general vicinity of the property in question;
- 2.) The zoning classification of property within the general area of the property in question;
- 3.) The suitability of the property in question for the uses permitted under the existing zoning classification;
- 4.) The trend of development within the vicinity since the property was originally classified.

The Zoning Board of Appeals shall only recommend the adoption of a proposed amendment when it finds that the public interest will be served in addition to the interest of the applicant.

F. Action by the Village Board:

- 1.) The Village Board shall act on a proposed amendment only when it has received a written report and recommendation from the Zoning Board of Appeals on the proposed amendment.
- 2.) After any application for an amendment has been acted upon by the Village Board, another application requesting the same relief shall not be accepted or considered by the Village Board for a period of six (6) months after such action, unless the application shows that there has been a substantial change in circumstances as determined by the Zoning Board of Appeals, since such action.
- 3.) In case of written protest filed with the Village Clerk against any proposed amendment, signed and acknowledged by the owners of twenty percent (20%) of the frontage proposed to be altered, or by the owners twenty percent (20%) of the frontage immediately adjoining or across an alley there from, or by the owners of twenty percent (20%) of the frontage directly opposite the frontage proposed to be altered, such amendment shall not be passed except by the favorable vote of two-thirds (2/3) of all members of the Village Board. In such cases, a copy of the written protest shall be served by the protester or protesters on the applicant for the proposed amendment and a copy upon the applicant's attorney, if any, by certified mail at the address of such application for the proposed amendment. In order to perfect its protest, the protestor(s) shall file protest with the Zoning Enforcement Officer at least twenty four

(24) hours before the Village Board meeting.

5-10-8: **CONDITIONAL PERMITTED USES:**

- A. Classification: The execution of the Zoning Ordinance is based upon the division of the affected area of the Village into zoning districts within any one of which the use of land and buildings and the bulk and location of buildings or structures, as related to the land, are essentially uniform. It is recognized, however, that there are special uses of the land which, because of their unique character, cannot be properly classified in any particular zoning district or districts without consideration, in each case, of the impact of those uses upon neighboring lands, and upon the public need for the particular use or the particular location. These special uses - termed conditional permitted uses in this Ordinance - fall into two (2) categories.
 - 1.) Uses operated by a public agency or public-regulated utilities, or uses traditionally affected with a public interest.
 - 2.) Uses entirely private in character, but of such nature that the operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.
- B. Authorization: Conditional permitted uses shall be authorized by the Village Board, provided that no application for a conditional permitted use shall be acted upon by the Board until after the public hearing has been held by the Zoning Board of Appeals, after due notice by publication as required herein, and its report of findings and recommendations has been transmitted to the Village Board.
- C. Initiation: A petition for a conditional permitted use may be filed by any interested property owner or contract purchase. In cases where a contract purchaser is the petitioner, the contract purchaser shall provide a letter from the owner which states that the owner is aware of the petition and the request(s) contained therein, that the petitioner is indeed a contract purchaser, and that the owner approves the action. Such petition for a variation shall be filed in writing and shall contain information as the Zoning Board of Appeals may require by rule.
- D. Processing: A petition for a conditional permitted use shall be filed with the Zoning Enforcement Officer. The Zoning Enforcement Officer shall forward such petition to the Zoning Board of Appeals within ten (10) days. The petition shall include a list of adjacent property owners, including owners across the street and across the alley as well as their mailing address(es). A map shall also be submitted which shows the boundaries of the property, the location of existing and/or proposed

structures in relation to property lines and adjacent land uses.

- E. Hearing on Petition: No conditional permitted use shall be granted by the Village Board except after a public hearing before the Zoning Board of Appeals of which there shall be a notice of the time and place of the hearing published at least once, not more than thirty (30) days or less than fifteen (15) days before the hearing, in one or more newspapers with a general circulation within the Village.
- F. Standards: No conditional permitted uses shall be granted by the Village Board unless the conditional permitted use:
 - 1.) Is so proposed that the proposed location, design and method of operation of such use will minimize the adjacent effects on the character of the surrounding area;
 - 2.) Is so proposed to be operated, designed and located so that the public health, safety, and welfare will be protected;
 - 3.) Will not cause substantial injury to the value of other property in the vicinity in which it is located.
- G. Conditions: The Zoning Board of Appeals may recommend and the Village Board may provide such restrictions upon the location, construction, and operation of a conditional permitted use, including, but not limited to, provisions for off-street parking and loading, as may be deemed necessary to promote the general objectives of this Ordinance and to minimize the injury to the value of property in the vicinity.

5-10-9: **FEES:**

- A. Any application for variation shall be accompanied by a fee of \$80. An application for an amendment or conditional permitted use for all uses of land or buildings shall be accompanied by a fee of \$150. Appeals shall be accompanied by a fee of \$50. Each applicant shall be responsible for the payment of the legal publication. This filing fee is nonrefundable.
- B. An application for a certificate of compliance shall be accompanied by a fee of \$_____.

CHAPTER 11

ENFORCEMENT AND PENALTIES

SECTION:

5-11-1: Enforcement

5-11-2: Penalties

5-11-1: ENFORCEMENT:

- A. The Zoning Enforcement Officer shall have the power to make such orders, requirements, decisions, and determinations as are necessary to enforce this Title.
- B. In case any building or structure is erected, constructed, reconstructed, enlarged, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this Title within the corporate limits of the Village, the proper authorities of the Village, in addition to other remedies, may institute any appropriate legal action or proceedings to prevent such unlawful erection, alteration, repair, conversion, maintenance or use to restrain, correct or abate such variation to prevent the occupancy of such building, structure or land or to prevent any illegal act, conduct, business or use in or about such premises so located within the said corporate limits.
- C. The Zoning Enforcement Officer or persons under his supervision shall conduct investigations to determine compliance or noncompliance with the provisions of this Title. In the performance of such investigation, the Zoning Enforcement Officer or authorized representatives may enter into and upon and cause any land or structure to be inspected and examined at all reasonable times of the day or night. Inspections shall be conducted after notifying the owners of the property except that when the owner is not available, the Zoning Enforcement Officer or his representative may inspect the land and the exterior of any structures.

5-11-2: PENALTIES:

- A. In the event construction of any structure is commenced prior to application being made to the Zoning Enforcement Officer for a building permit, a fine of \$25 may be enforced.

- B. Any person who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of any of the provisions of this Title shall be fined not more than fifty dollars (\$50.00) for each offense. A separate offense shall be deemed committed for each day of non-compliance.