

**VILLAGE OF VIRGIL**

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**ORDINANCE NO. 91-12**

**AN ORDINANCE ESTABLISHING ZONING DISTRICTS WITHIN  
THE VILLAGE OF VIRGIL AND REGULATING THE LOCATION AND  
USE OF BUILDINGS, STRUCTURES AND LAND FOR RESIDENCE,  
AGRICULTURE, BUSINESS, INDUSTRY, AVIATION AND OTHER  
SPECIFIED PURPOSES THEREIN**

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**ADOPTED BY THE  
PRESIDENT AND BOARD OF TRUSTEES  
OF THE  
VILLAGE OF VIRGIL**

THIS 2nd DAY OF December, 1991

# VILLAGE OF VIRGIL

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## ORDINANCE NO. 91-12

### AN ORDINANCE

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BE IT ORDAINED by the President and the Board of Trustees of the Village of Virgil, Kane County, Illinois, that the Zoning Ordinance of the Village of Virgil be as follows:

### ZONING

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## ARTICLE I. TITLE

### §1.1 SHORT TITLE.

This ordinance shall be known, cited and referred to as the *Village of Virgil Zoning Ordinance*. It is an ordinance:

- (1) Dividing the Village of Virgil into districts;
- (2) Regulating and restricting the location and use of buildings, structures and land for residence, agriculture, business, industry, aviation and for other specified uses within said districts;
- (3) Regulating and restricting the intensity of such use;
- (4) Establishing building lines;
- (5) Requiring permits; and
- (6) Providing for the administration of said ordinance pursuant to the provisions of the Illinois Municipal Code (Ill. Rev. Stat. Ch. 24, §§1-1-1, *et seq.* (1961), as amended), in such case made and provided.

## ARTICLE II. PURPOSE

### §2.1 STATED PURPOSE.

To the end that adequate light, pure air, and safety from fire and other dangers may be secured, that the taxable value of land and buildings throughout the Village of Virgil may be conserved, that congestion in the public streets may be lessened or avoided, that the hazards to persons and damage to property resulting from accumulation or runoff of storm or flood waters may be lessened or avoided, and that the public health, safety, comfort, morals, and welfare may otherwise be promoted; and to insure and facilitate the preservation of sites, areas, and structures of historical, architectural and aesthetic importance; and to insure and facilitate the preservation of the rural and agricultural profile and landscape of the Village of Virgil; and to decrease land-use frictions and enhance the desirability of living in the community for all residents; and to serve as a guide and tool in the planning process, this ordinance is adopted.

The standards and requirements contained in this ordinance and the district mapping reflected on the Village of Virgil Zoning Maps are intended to further the implementation of the objectives of the Village of Virgil Comprehensive Land-Use Plan, as well as protect all desirable existing structures and uses.

## ARTICLE III. RULES AND DEFINITIONS

### §3.1 RULES OF CONSTRUCTION.

In the construction of this ordinance, the following rules shall apply:

- (1) Words used in the present tense shall include the future; and words used in the singular shall include the plural, and the plural the singular.
- (2) The word "shall" is mandatory and not directory.

- (3) The word "may" is permissive.
- (4) The word "lot" shall include the words "piece", "parcel", and "plot".
- (5) The word "building" includes all other structures of every kind or description regardless of similarity to buildings.
- (6) The phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", "maintained for", and "occupied for".

### **§3.2 DEFINITIONS.**

For the purposes of this ordinance, certain terms and words are hereby defined as follows:

#### **3.2-1 Accessory.**

A building or use which is:

- (1) located or conducted on the same zoning lot as the principal building or use served, except as may be specifically provided elsewhere in this ordinance; and
- (2) clearly incidental to, subordinate in purpose to, and serves the principal use; and
- (3) either in the same ownership as the principal use or is clearly operated and maintained solely for the comfort, convenience, necessity, or benefit of the occupants, employees, customers, or visitors of or to the principal use.

#### **3.2-2 Agriculture.**

Land, buildings and structures, used for the raising of soil crops or the raising of animals. It includes truck-farming, poultry farming, fish hatcheries, bee-keeping, tree nurseries, sod nurseries, the raising of fruit and berries and the sale of the products thereof. It also includes the storage by the federal government or any of its duly designated agencies of surplus grain. It does not include buildings used primarily for residences.

#### **3.2-3 Aircraft.**

Any contrivance now known, or hereafter invented, used or designed for navigation of, or flight in, the air.

#### **3.2-4 Airport.**

Any area of land or water which is used or intended for use for the landing and taking-off of aircraft. It includes all buildings or other facilities or rights-of-way, all necessary taxiways, storage and tie-down areas, hangers, and other necessary buildings and open spaces.

#### **3.2-5 Alley.**

A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those residential, commercial and industrial properties whose principal frontage is on a street.

### **3.2-6 Animal Hospital.**

Any building or portion thereof designed or used for the observation and treatment of domestic animals.

### **3.2-7 Animal Shelter.**

A State licensed operation for the housing and care of domestic animals on a permanent or non-permanent basis pending their adoption.

### **3.2-8 Arcade.**

Any premises and/or place of business whose principal operation consists of the location and/or operation of coin-operated amusement devices, or a premises and/or place of business wherein the area of the use and/or location of said coin-operated amusement devices exceeds 10 percent of the floor area. For determining floor area ratio, only the floor area, of the floor(s) on which the devices are located and/or used shall be counted in this determination.

### **3.2-9 Automobile Service Station.**

Any building or premises used for the dispensing or sale of automobile fuels, lubricating oil or grease, tires, batteries, or minor automobile accessories. Services offered may include the installation of tires, batteries and minor accessories, minor automobile repairs, and greasing or washing of individual automobiles.

### **3.2-10 Auto Wrecking Yard.**

Any place where motor vehicles not in running condition, or the parts thereof, are stored in the open for a period exceeding 30 days and are not being restored to operation, or any land, building, or structure used for wrecking or storing such motor vehicles or the parts thereof.

### **3.2-11 Basement.**

That portion of a building below the first or ground floor level with its entire floor below exit discharge grade.

### **3.2-12 Block.**

A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, municipal boundary lines, township lines or county lines.

### **3.2-13 Boarding House.**

A building, or portion thereof, other than a motel or hotel containing lodging rooms which accommodate, for compensation, 3 or more persons, who are not members of the keeper's family. Meals may or may not be provided.

**3.2-14 Building.**

Any structure which is designed, used or intended for the support, enclosure, shelter, or protection of persons, animals, or other property, and which is permanently affixed to the land. When a structure is divided into separate parts by unpierced walls extending from the ground up, each part is deemed a separate building.

**3.2-15 Building Height.**

The vertical distance from the grade to the highest point of a flat roof or to the deck line of a mansard roof or to the average height between eaves and ridge of a gable, hip or gambrel roof.

**3.2-16 Building, Principal.**

A building which is designed, used, or intended to be occupied and maintained for the principal use of a zoning lot.

**3.2-17 Building, Temporary.**

Any building not designed to be permanently located in the place where it is. Also any building placed or affixed for a period of no longer than one year.

**3.2-18 Building Setback Line.**

A line parallel to the front lot line set at a distance prescribed by the front yard requirements established by this ordinance. Where established buildings on platted lots in a block, or within 400 feet on either side, have an average front yard setback greater than that required in that zoning district, the front yard setback requirement shall be the average setback of the existing buildings.

**3.2-19 Bulk.**

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

- (1) Height and area of buildings;
- (2) Location of exterior walls in relation to lot lines, streets, or other buildings;
- (3) Gross floor area of buildings in relation to lot area (Floor Area Ratio);
- (4) All open spaces allocated to buildings;
- (5) Amount of lot area required for each dwelling unit.

**3.2-20 Car Wash.**

A building, or portion thereof, containing facilities for washing one or more motor vehicles, using production line methods with a chain conveyor, blower, steam cleaning device, or other mechanical devices; or providing space, water, equipment, or soap for the complete or partial hand-washing of such vehicles, whether by operator or by customer.

**3.2-21 Certificate, Zoning.**

The written approval of the Zoning Administrator certifying that the applicant's plans and drawings comply with all applicable provisions of this ordinance. The zoning certificate may consist of a standardized independent form bearing the signature of the Zoning Administrator, or it may be represented as a part of the building permit or application.

**3.2-22 Child Care Facility.**

Any establishment which provides supplemental parental care and supervision, and/or educational instruction to 5 or more children during the whole or any portion of the day.

**3.2-23 Clinic.**

An individual or organization offering medical, psychological and or dental services.

**3.2-24 Club, Private.**

A non-profit association 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.

**3.2-25 Coin-operated Amusement Device.**

Any machine which upon monetary exchange between patron and owner or his employee, or upon the insertion of a coin, slug, token, plate, or disc, may be operated by the public generally for use as a game, entertainment, or amusement, whether or not registering a score. It shall include such devices as marble machines, pinball machines, electronic games, skill balls, mechanical grab machines, pool tables, coin-operated music players and all games, operations or transactions, similar thereto under whatever names games may be known.

**3.2-26 Condominium.**

A form of cooperative ownership which permits individual ownership of a specific part of a building with common ownership of all spaces beyond the specific apartments. Each apartment can be owned in fee simple, with no restrictions on the sale, rental, or transfer of same other than restrictions on all real estate and the requirements of the Illinois Condominium Statutes.

**3.2-27 Decibel.**

A unit of measurement of the intensity (loudness) of sound. Sound level meters which are employed to measure the intensity of sound are calibrated in decibels.

**3.2-28 Discontinuance.**

The cessation or termination of a use or activity for a period of 3 months shall be considered to be a discontinuance of the use or activity under the nonconforming use regulations of this ordinance. The continuance of public utilities — water, gas, electricity or telephone, shall not automatically be considered to be a continuance of the use or activity.

**3.2-29 District.**

A geographical division of the Village of Virgil, as shown on the zoning map, within which regulations governing the use of buildings, structures and land, the height of buildings, the size of yards, and the intensity of use are uniform.

**3.2-30 Drive-In Establishment.**

An establishment which provides no interior seating; or an establishment which provides for interior seating with one or more of the following: (a) service window or carry-out counter, (b) in-car service, (c) majority of merchandise in carry-out form, or (d) outdoor service facilities such as exterior waste receptacles and/or tables.

**3.2-31 Drive-In Theater.**

An outdoor movie theater designed primarily patrons in automobiles.

**3.2-32 Dwelling.**

A building, or portion thereof designed or used exclusively for residential occupancy, but not including mobile homes, house trailers, hotels, or motels.

**3.2-33 Dwelling, Group.**

A dwelling containing accommodations for more than 2 persons, other than a family, in which there are common dining facilities, including dormitories, boarding houses, fraternity and sorority houses, convents, monasteries, and similar uses, but not including motels and hotels.

**3.2-34 Dwelling, Multiple-Family.**

A building, or portion thereof, containing 3 or more dwelling units.

**3.2-35 Dwelling, Single-Family.**

An exclusively residential building having accommodations for one family and entirely separated from any other dwelling by space.

**3.2-36 Dwelling, Townhouse.**

A row or other arrangement of 2 to 8 dwellings attached by party walls and each having an entrance which provides direct access to the outside.

**3.2-37 Dwelling, Two-Family.**

A building containing two dwelling units.

**3.2-38 Dwelling Unit.**

A room or suite of rooms containing complete kitchen and bathroom facilities, permanently installed, which is arranged, designed, used or intended to be used as living quarters for one family.

**3.2-39 Establishment, Business.**

A place of business carrying on operations which are separate and distinct from those of any other place of business located on the same zoning lot.

**3.2-40 Exit Discharge Grade.**

The elevation of the finished exterior surface of paved or unpaved ground at any exit discharge doorsill.

**3.2-41 Family.**

Excepting domestic employees, any number of persons related by blood or marriage, or, not to exceed 5 persons not so related, using common cooking facilities and living and eating together on the premises as a single housekeeping unit, but not including communes, sororities, fraternities, private clubs or other similar organizations.

**3.2-42 Floodway.**

The channel of a river, stream or body of water and those portions of the adjoining flood plain designated by the Village of Virgil as necessary to carry and discharge the floodwater of any such river, stream, or other body of water.

**3.2-43 Floor Area, (For Determining Floor Area Ratio).**

The sum of the gross horizontal area of the several floors of a building measured from the exterior faces of the exterior walls or from the center line of walls separating 2 buildings. The floor area of a building shall include basement floor area, elevator shafts, and stairwells on each floor, floor space used for mechanical equipment (except equipment, open or enclosed, located on the roof), penthouses, attic space having headroom of 7 feet or more, interior balconies and mezzanines, enclosed porches, and floor area devoted to accessory uses. However, any space devoted to off-street parking or loading shall not be included in floor area.

The floor area of structures devoted to bulk storage of materials including, but not limited to, grain elevators and petroleum storage tanks shall be determined on the basis of height in feet. 10 feet in height shall equal one story and each story shall constitute an additional floor.

**3.2-44 Floor Area, (For Determining Off-Street Parking and Loading Requirements).**

The sum of the gross horizontal areas of the several floors of a building, or portion thereof, devoted to such use, including accessory storage areas located within selling or working space such as counters, racks or closets, and any floor area devoted to retailing activities, or to the production or processing of goods, or to business or professional offices.

However, floor area for the purposes of measurement for off-street parking spaces shall not in-

clude: floor area devoted primarily to storage purposes (except as otherwise noted herein), floor area devoted to off-street parking or loading facilities, including aisles, ramps, and maneuvering space, or mechanical or storage floor area other than area devoted to retailing activities, or to the production or processing of goods, or to business or professional offices.

**3.2-45 Floor Area Ratio (FAR).**

The floor area of a building or buildings on a zoning lot divided by the area of such zoning lot, or, in the case of planned unit developments, by the net site area. The floor area ratio requirements — as set forth under certain zoning districts — shall determine the maximum floor area allowable for the building or buildings (total floor area of both principal and accessory buildings) in direct ratio to the gross area of the zoning lot.

**3.2-46 Frontage.**

All the property on one side of a street between 2 intersecting streets (crossing or terminating), measured along the line of the street, or if the street is a dead end, then all of the property abutting on one side between an intersecting street and the dead end of the street measured along the line of the street.

**3.2-47 Garages, Private.**

A detached accessory building or portion of a principal building housing the automobiles of the occupants of the premises.

**3.2-48 Garages, Public.**

A building or portion thereof, other than a private garage or storage garage, designed or used for equipping, servicing, repairing, hiring, selling, storing or parking motor vehicles. The term repairing shall not include an automotive body repair shop or the rebuilding, dismantling, or storage of wrecked or junked vehicles, unless expressly authorized.

**3.2-49 Garage, Storage.**

A building or portion thereof designed or used exclusively for term storage, by prearrangement, of motor vehicles, as distinguished from daily storage furnished transients, and at which motor fuels and oils are not sold, and motor vehicles are not equipped, repaired, hired, or sold.

**3.2-50 Garbage.**

Any solid waste, including, but not limited to, any refuse, litter, debris, or rubbish, any animal or vegetable waste resulting from the handling, preparation, cooking, or consumption of foods, and garden and landscape waste.

**3.2-51 Grade.**

The average level of the finished surface of the ground adjacent to the exterior walls of a building or structure.



**3.2-52 Ground Floor.**

The lowest habitable level of a building, excluding the basement, regardless of its relation to the surrounding exterior grade.

**3.2-53 Guest House.**

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

**3.2-54 Health Club, Recreation Club.**

An organization engaged in the business of providing for its members, services and facilities related to encouraging and promoting health and well-being of its members, by providing recreational facilities such as swimming pools, tennis courts, handball and racquet ball courts, and weight control facilities, sauna and steam baths, weight lifting equipment, exercise equipment, whirlpool and massage, and such other services and facilities consistent with and directly related to fostering the health and well-being of its members.

**3.2-55 Home Occupation.**

Any gainful occupation or profession engaged in by the occupant of a dwelling at or from the dwelling, not including any use of accessory buildings on site and not including any outside employees. Permissible home occupations shall not include the conducting of a retail business, other than by mail, or any manufacturing business on the premises.

**3.2-56 Hospital.**

An institution open to the public in which patients or injured persons are given medical, surgical, or psychiatric care.

**3.2-57 Hotel.**

An establishment consisting of a group of attached living or sleeping accommodations with individual bathrooms and designed for use by transients in contradistinction to a boarding, rooming, or lodging house.

**3.2-58 Illinois Municipal Code.**

Illinois Revised Statutes, Chapter 24, Sections 1-1-1, *et seq.*

**3.2-59 Incompatible Use.**

A use or service which is unsuitable for direct association with certain other uses because it is contradictory, incongruous, or discordant.

**3.2-60 Industrial Park.**

A special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors.

**3.2-61 Junk Yard.**

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

**3.2-62 Kennel.**

An establishment where 4 or more household pets, such as dogs and cats, are bred, trained, boarded or groomed.

**3.2-63 Limited Access Highway.**

A public highway or street, including a toll highway, duly designated as a "freeway" pursuant to the provisions of the Illinois Highway Code.

**3.2-64 Livestock.**

Domestic animals, such as horses, cattle, sheep, hogs or goats raised for house use or for profit.

**3.2-65 Loading Berth.**

An open, hard-surfaced area of land other than a street or public-way, the principal use of which is for standing, loading, and unloading of motor vehicles.

**3.2-66 Lodge.**

(See Club, Private).

**3.2-67 Lodging House.**

(See Boarding House).

**3.2-68 Lot.**

A parcel of land which is either a lot of record or a zoning lot.

**3.2-69 Lot Area, Gross.**

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

**3.2-70 Lot, Corner.**

A lot situated at the intersection of 2 streets, the interior angle of such intersection not exceeding 135 degrees.

**3.2-71 Lot Depth.**

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

**3.2-72 Lot, Interior.**

A lot other than a corner lot or reversed corner lot.

**3.2-73 Lot Line, Front.**

That boundary of a lot which is along an existing or dedicated public street, or where no public street exists, is along a public way. The owner of a corner lot may select either street lot line as the front lot Line. In the case of land-locked or partially land-locked land, the front lot Line shall be that lot line that faces the access to the lot.

**3.2-74 Lot Line, Rear.**

That boundary of a lot which is most distant from, and is, or is most nearly, parallel to, the front lot line.

**3.2-75 Lot Line, Side.**

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

**3.2-76 Lot of Record.**

A lot which is part of a subdivision, the plat of which has been recorded in the office of the County Recorder of Kane County, or a parcel of land, the deed to which was recorded in the office of said County Recorder.

**3.2-77 Lot, Reversed Corner.**

A corner lot the street side lot line of which is substantially a continuation of the front lot line of the first lot to its rear.

**3.2-78 Lot, Through.**

A lot having a pair of opposite lot lines along two more or less parallel public streets, and which is not a corner lot. On a through lot both street lines shall be deemed front lot lines.

**3.2-79 Lot Width.**

The horizontal distance between the side lot lines of a lot, measured at the required setback line.

**3.2-80 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 or lots may or may not coincide with a lot of record.

**3.2-81 Mezzanine.**

An intermediate story between the floor and ceiling of a main story and extending over only part of the main floor.

**3.2-82 Mobile Home.**

A dwelling unit designed to be transported on streets and highways to the place where it is to be occupied as a dwelling unit complete and ready for year-round and permanent occupancy; except for minor and incidental unpacking and assembly operations, location on jacks or permanent foundations, and connection to electrical, water, and sewer systems.

**3.2-83 Mobile Home Park.**

A parcel or tract of land developed with facilities for locating mobile homes, provided each mobile home contains a kitchen, flush toilet, and shower or bath. It shall not include a sales lot in which automobiles or unoccupied mobile homes are parked for the purpose of inspection or sale.

**3.2-84 Motel.**

(See Hotel).

**3.2-85 Motor Freight Terminal.**

A building or area in which freight, shipped by motor truck or railroad is received, assembled, sorted, and/or rerouted for local, intrastate, or interstate shipment by motor truck.

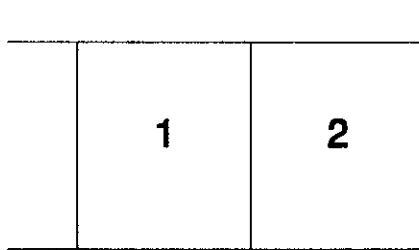
**3.2-86 Motor Vehicle.**

Any self-propelled wheeled vehicle designed primarily for transportation of persons or goods along public streets.

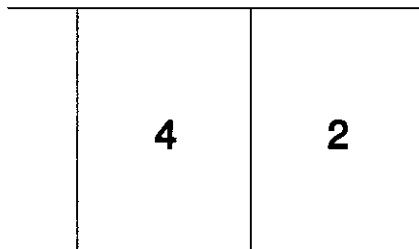
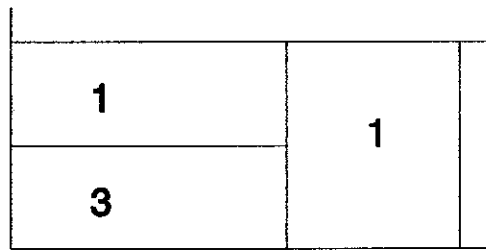
**3.2-87 Museum.**

A place or building in which works of artistic, historical or scientific value are cared for and exhibited.

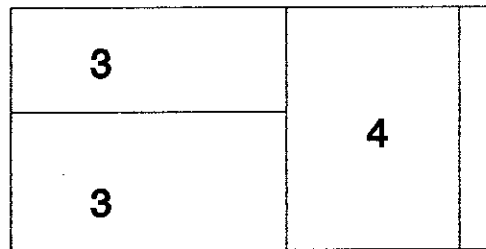
## TYPES OF LOTS



Street



Street



- 
1. Interior Lot
  2. Corner Lot
  3. Reversed Corner Lot
  4. Through (Double Frontage) Lot

**3.2-88 Nonconforming Building or Structure.**

Any building or structure, lawful at the time of enactment of this ordinance, which:

- (1) does not comply with all of the regulations of this ordinance or of any amendment hereto governing bulk for the zoning district in which such building or structure is located; or
- (2) is designed or intended for a nonconforming use.

**3.2-89 Nursing Home.**

A private home for the care of the aged or infirm but not including hospitals, clinics, or similar institutions devoted primarily to diagnosis, treatment, or care of the sick or injured. It does not include care of insane or alcoholic patients.

**3.2-90 Obstruction.**

Any building or structure, or parts thereof, which is located so as to come in the way of any open area required by this ordinance. Trees or shrubs shall not be considered obstructions.

**3.2-91 Office.**

The building, room, or series of rooms in which services, clerical work, professional duties and the like are carried out.

**3.2-92 Open Sales Lot.**

Any land used or occupied for the purposes of buying and selling merchandise, passenger cars, trucks, motor scooters, motorcycles, boats, and monuments, or for the storage of the same prior to sale.

**3.2-93 Open Space.**

Any land developed as yards, parks, recreational areas, or landscaped green areas, exclusive of area developed for off-street parking.

**3.2-94 Parking Space.**

A 10 feet by 20 feet hard surfaced off-street area designed, intended, arranged or made available for the storage of one automobile. A single lane driveway, having only one street access, shall be considered as one parking space.

**3.2-95 Party Wall.**

A wall starting from the foundation and extending continuously through all stories to or above the roof which separates one building from another, and is jointly used by each building.

**3.2-96 Particulate Matter.**

Dust, smoke, or any other form of airborne pollution in the form of minute separate particles.

**3.2-97 Pets.**

Animals kept for amusement or companionship, such as dogs and cats.

**3.2-98 Plan Commission.**

The Village of Virgil Plan Commission.

**3.2-99 Planned Unit Development (PUD).**

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 control, to be developed as a single entity, and the environment of which is compatible with adjacent parcels; the developer or developers may be granted relief from specific land-use regulations and design standards in return for assurances of an overall quality of development, including any specific features which will be of exceptional benefit to the Village as a whole.

**3.2-100 Pornography.**

Written, printed, audio, or video material which under the local standards which prevail within the Village is obscene, appeals solely to the prurient interests and is utterly without any redeeming social value.

**3.2-101 Poultry Farm.**

Any tract of land on which poultry or poultry products are raised or produced for sale.

**3.2-102 Property Lines.**

The lines bounding a lot of record or a zoning lot, as defined herein.

**3.2-103 Public Utility.**

A private business or organization regulated by the State of Illinois, which provides an essential service or commodity such as water, sewer, electricity, natural gas, transportation, or communication to the consuming public.

**3.2-104 Public Way.**

Any sidewalk, street, alley, highway, or other public thoroughfare.

**3.2-105 Recreational Vehicle.**

Any boat, boat trailer, trailer, any camping trailer, travel trailer, coach, motor home, or other unit built or mounted on a vehicle or chassis, without permanent foundations, which may legally be driven or towed by motor vehicles.

**3.2-106 Research Laboratory.**

A building or group of buildings in which are located facilities for scientific research, investigation, testing or experimentation, but no facilities for the manufacture of products for sale.

**3.2-107 Reservoir Parking Facilities.**

Those off-street parking spaces allocated to automobiles awaiting entrance to a particular establishment.

**3.2-108 Restaurant.**

A business establishment within which food is offered for sale and consumption within the structure on the premises, or off the premises.

**3.2-109 Roadside Stand.**

A structure for the display and sale of agricultural products, with no space for customers within the structure itself.

**3.2-110 Salvage Yard.**

(See Junk Yard).

**3.2-111 Screening.**

A structure erected or vegetation planted for concealing from view the area behind it.

3.2-112 “*sign*” means a mark or device visible to the public that conveys a meaning, name, identification, description, display, illustration, or other commercial or noncommercial speech which is affixed to or represented directly or indirectly upon a building, structure, or piece of land;

(a) “*on-premises advertising sign*” means a sign that directs attention to a business, commodity, service or entertainment conducted, sold or offered on the premises upon which such sign is located or to which it is affixed and may or may not be indirectly lit but may not be self-illuminated;

(b) “*off-premises advertising sign*” means a sign that directs attention to a business, commodity, service or entertainment conducted, sold or offered on premises other than those upon which such sign is located or to which it is affixed and may or may not be indirectly lit but may not be self-illuminated;



**3.2-118 Stable, Boarding.**

A building or structure where horses are kept for remuneration but limited to not more than 10 horses and not including the sale of any products.

**3.2-119 Stable, Private.**

A building or structure which is located on a lot on which a dwelling is located, and which is designed, arranged, used or intended to be used, for housing horses for the private use of the occupants of the dwelling.

**3.2-120 Stable, Public.**

A building or structure where more than 10 horses are kept for remuneration, hire or sale, and may include the sale of riding equipment or products.

**3.2-121 Story.**

That part of a building between any floor and the floor next above, and if there be no floor above, then the ceiling above. A basement is a story if its ceiling is 6 feet or more above the level from which the height of the building is measured, or if it is used for business purposes, or if it contains any dwelling units other than one dwelling unit for the caretaker of the premises.

**3.2-122 Street.**

A public or private right-of-way which affords a primary means of vehicular access to abutting property, whether designated as a street, avenue, highway, road, boulevard, lane, throughway, or otherwise, but does not include driveways to buildings.

**3.2-123 Structure.**

Anything erected, the use of which requires a location on or in the ground, or attached to something having a location on or in the ground, including advertising signs and billboards and supports and frames thereof, gas holders, oil tanks, water tanks, grain elevators, coal bunkers, and other similar structures.

**3.2-124 Structural Alterations.**

Any change in the supporting members of a building or structure, including any change in bearing walls, columns, beams, girders, and supports and frames of signs and billboards.

**3.2-125 Telephone Booth.**

A small, enclosed, structure usually accommodating a single person, and equipped with a telephone for use by the public.

**3.2-126 Telephone, Pedestal Mounted.**

A small, semi-enclosed structure mounted on a pedestal-type support and containing a telephone for use by the public.

**3.2-127 Tourist or Trailer Camp.**

An area which may contain one or more structures, designed or intended to be used as temporary living facilities for 2 or more families.

**3.2-128 Toxic Material.**

A substance (liquid, solid, or gaseous) which by reason of an inherent deleterious property tends to destroy life or impair health.

**3.2-129 Travel Trailer.**

See Recreational Vehicle.

**3.2-130 Trucks.**

1/2 ton — 4,000 pounds, empty weight; 3/4 ton — 4,500 pounds, empty weight; one ton — 5,000 pounds, empty weight.

**3.2-131 Use.**

The purpose or activity for which the land or building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

**3.2-132 Use, Nonconforming.**

Any use of land, buildings, or structures, lawful at the time of the enactment of this ordinance, which does not comply with all of the regulations of this ordinance or of any amendment hereto, applicable within the zoning district in which such use is located.

**3.2-133 Use, Permitted.**

Any use of land, buildings, or structures which on the effective date of this ordinance or of any amendment hereto, complies with the regulations applicable within the zoning district in which such use is located.

**3.2-134 Use, Principal.**

The main use of land or buildings as distinguished from a subordinate or accessory use. A principal use may be permitted or special.

**3.2-135 Use, Special.**

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

**3.2-136 Village.**

The Village of Virgil, Kane County, Illinois.

**3.2-137 Village Board.**

The President and Board of Trustees of the Village.

**3.2-138 Yard.**

An unoccupied open space on the same zoning lot with a building or structure. A yard extends along a lot line, and to a depth or width specified in the yard requirements for the zoning district in which such zoning lot is located.

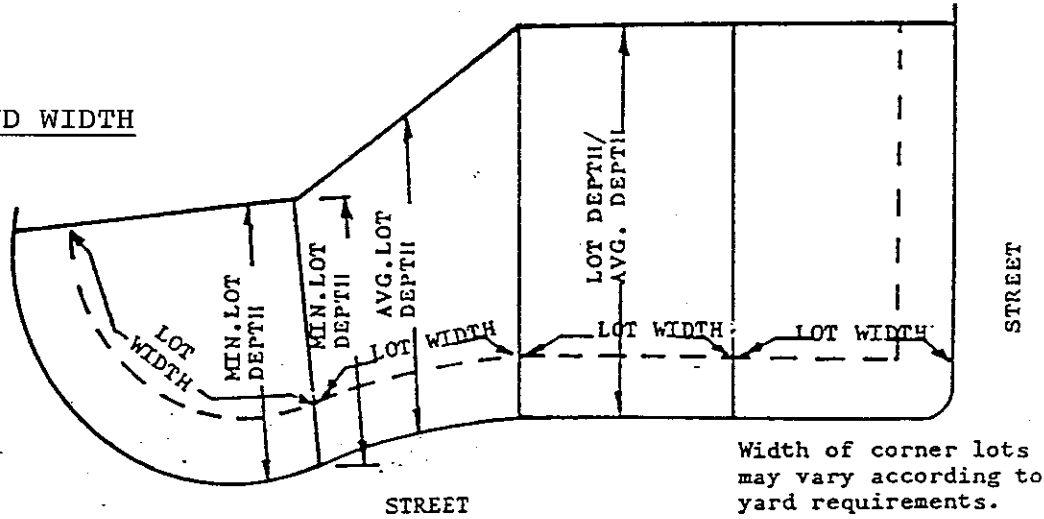
**3.2-139 Yard, Corner Side.**

A side yard which adjoins a public street.

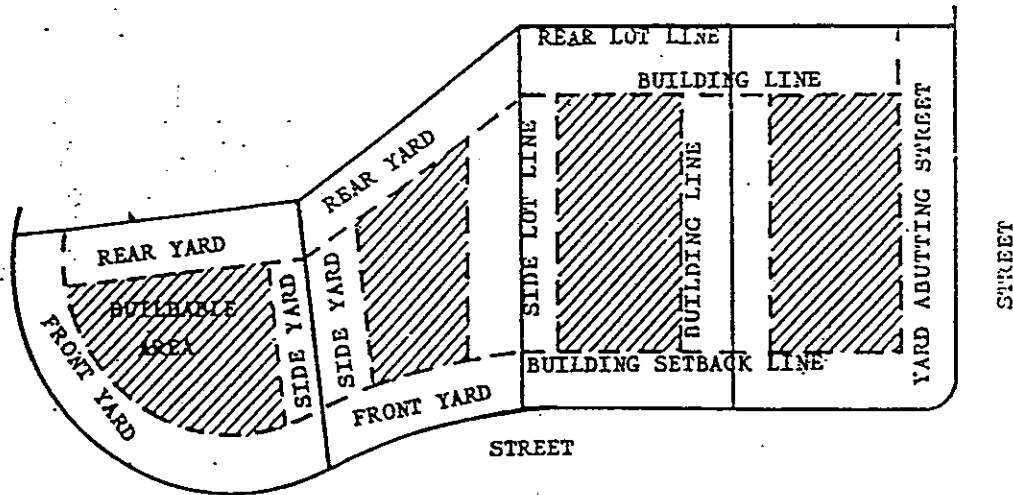
**3.2-140 Yard, Front.**

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

LOT DEPTH AND WIDTH



YARD AND BUILDING LINES



FOR ILLUSTRATION PURPOSES ONLY  
 Not a part of the Zoning Ordinance. The regulations of the Zoning Ordinance govern in all cases.

**3.2-141 Yard, Interior Side.**

A yard which is located immediately adjacent to another recorded or zoning lot or to an alley separating such side yard from another lot.

**3.2-142 Yard, Rear.**

A yard extending along the full length of the rear lot line between the side lot lines.

**3.2-143 Yard, Side.**

A yard extending along a side lot line from the front yard to the rear yard.

**3.2-144 Yard, Transitional.**

That yard which must be provided on a zoning lot in a business district which adjoins a zoning lot in a residence district, or that yard which must be provided on a zoning lot in an industrial district which adjoins a zoning lot in either a residence or business district.

**3.2-145 Zoning Administrator.**

The officer designated as responsible for enforcing and administering all requirements of this ordinance.

**3.2-146 Zoning Board of Appeals.**

The Zoning Board of Appeals of the Village.

**3.2-147 Zoning District.**

(See District).

**ARTICLE IV. ADMINISTRATION AND ENFORCEMENT**

**§4.1 GENERALLY.**

The primary administration and enforcement responsibilities of this ordinance are hereby vested in the Zoning Administrator and the Zoning Board of Appeals of the Village.

**§4.2 ZONING ADMINISTRATOR.**

There is hereby created the position of Zoning Administrator, whose office shall be located within the Village. It shall be his or her duty to administer and enforce the provisions of this ordinance, and to that end he or she shall have the power to make such orders, requirements, decisions, and determinations as are necessary with respect to applications for permits and the enforcement of this ordinance.

## **§4.3 ZONING BOARD OF APPEALS.**

### **4.3-1 Formation.**

There is hereby created a Zoning Board of Appeals. Such Zoning Board of Appeals shall consist of 7 members appointed by the President of the Village Board and confirmed by the Trustees. One member shall be appointed for one year, one for 2 years, one for 3 years, one for 4 years, one for 5 years, one for 6 years, and one for 7 years, the successor to each member so appointed to serve for a term of 5 years.

The amount of compensation to be paid to members, if any, shall be fixed by the Village Board. Vacancies shall be filled by the President of the Village Board and confirmed by the Trustees for the unexpired term of the member whose place has become vacant. A member may be removed for cause by the Village Board, after a public hearing upon 10 days written notice thereof.

### **4.3-2 Chairman and Meetings.**

The President of the Village Board shall name one of the members of the Zoning Board of Appeals as chairman at the time of his or her appointment. All meetings of the Zoning Board of Appeals shall be held at the call of its chairman and at such other times as the Zoning Board of Appeals may determine. The chairman, or in his or her absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Zoning Board of Appeals shall be open to the public.

The Zoning Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact, and shall also keep records of its examinations and other official actions. No hearing shall be conducted without a quorum of the Board being present, which shall consist of a majority of all the members. Any absent member who certifies that he or she has read the transcript of the proceedings before the Board may vote upon any question before the Board. Every rule, regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the Zoning Board of Appeals shall immediately be filed in the office of the Zoning Board of Appeals and shall be a public record. In the performance of its duties, the Zoning Board of Appeals may incur such expenditures as shall be authorized by the Village Board. The Zoning Board of Appeals shall adopt its own rules of procedure not in conflict with the Illinois Municipal Code or this ordinance.

### **4.3-3 Jurisdiction.**

The Zoning Board of Appeals shall hear and decide appeals from and review any order, requirement, decision or determination made by the Zoning Administrator charged with the enforcement of this ordinance. It shall also hear and decide all matters referred to it or upon which it is required to pass under this ordinance. The concurring vote of 4 members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator, or to decide in favor of the applicant any matter upon which the Board is required to pass under this ordinance or to effect any variation in this ordinance, or to recommend any variation or modification of this ordinance.

## **§4.4 ZONING PERMITS.**

### **4.4-1 When Required.**

A written permit shall be obtained from the office of the Zoning Administrator for any of the following:

- (1) To establish any new use of property;
- (2) To excavate for or build any foundation;
- (3) To erect, construct, reconstruct, enlarge, alter or move any building or structure;
- (4) To erect, construct, reconstruct, enlarge, alter or move any sign (except as herein provided) or fence which cannot be viewed through, and any concrete, stone or masonry wall.
- (5) To change the use of any building, structure, or land from one zoning district classification to another;
- (6) In the case of a nonconforming use, to change from one use to another;
- (7) To dig or drill any well; or
- (8) To install, add to or repair any sewage disposal system.

### **4.4-2 Coverage and Expiration.**

Each permit issued for a principal building shall also cover any accessory buildings constructed at the same time. Any new use or change in use authorized by permit, but not started or made within 90 days of issuance, shall require a renewal permit.

### **4.4-3 Applications.**

Applications for permits shall be filed in written form with the Zoning Administrator, shall state the legal description of the property as of public record and the name of owner and applicant and shall describe the uses to be established or extended, and shall give the estimated cost and such other information as may be required for the enforcement of this ordinance. Each copy of the application shall be accompanied by a dimensioned drawing of the building plot showing the location of all buildings and structures, lot areas to be used, auto parking areas, and other pertinent information. All applications for permits and copies of permits issued shall be systematically kept for ready public reference by the Zoning Administrator.

### **4.4-4 Application of Other Statutes and Ordinances.**

No permit required by this ordinance shall be issued for a building to be constructed on any lot, piece, parcel or tract of land that does not conform with the provisions of Ill. Rev. Stat. Chapter 109, in force from time to time, the Building Ordinance of the Village adopted on July 10, 1991 as amended from time to time, and the subdivision regulations and other applicable ordinances in force from time to time within the Village.

## **§4.5 VARIATIONS.**

### **4.5-1 Purpose.**

Whenever in a specific case, after an application for a permit has been made to the Zoning Administrator, an appeal is made to the Zoning Board of Appeals that there are practical difficulties or particular hardship in the way of carrying out the strict letter of any of the regulations contained herein relating to the use, construction, alteration or location of buildings or structures, or the use of the land, the Zoning Board of Appeals may determine and vary their application in harmony with the general purpose and intent of such regulations, upon such conditions as may be considered appropriate and in the public interest, and in accordance with the rules herein set forth.

### **4.5-2 Public Hearing.**

No variation shall be made by the Zoning Board of Appeals except in a specific case and 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 30 nor less than 15 days before the hearing, in one or more newspapers published in the Village, or if no newspaper is published therein, then in one or more newspaper with a general circulation within the Village which is published in Kane County. This notice shall contain the particular location for which the variation is requested as well as a brief statement of what the proposed variation consists.

### **4.5-3 Standards for Variations.**

In its consideration of the standards of practical difficulties or particular hardship the Zoning Board of Appeals shall require evidence that:

- (1) The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that district; and
- (2) The plight of the owner is due to unique circumstances; and
- (3) The variation, if granted, will not alter the essential character of the locality.

In making a determination as to whether or not the variation, if granted, will alter the essential character of the locality, the Zoning Board of Appeals may consider whether the variation will (a) impair an adequate supply of light and air to adjacent property; (b) increase the hazard from fire and other dangers to adjacent property; (c) diminish the value of adjacent land and buildings; (d) increase the congestion or traffic hazards in the public streets and highways; and (e) otherwise impair the public health, safety, comfort, morals and general welfare.

### **4.5-4 Decision of the Zoning Board of Appeals.**

The Zoning Board of Appeals shall reach its decision within 30 days from the date of the public hearing on the request for variation. 4 of the 7 members of the Zoning Board of Appeals must concur in order to grant a variation. If the variation is granted, the action of the Zoning Board of Appeals in granting a variation shall contain or be accompanied by a finding of fact and shall refer to any exhibits containing plans and specifications for the proposed variation, which shall remain a part of the permanent records of the Zoning Board of Appeals. The findings of facts shall specify the reason for making such variation. The terms of relief shall be specifically set forth in a conclusion or statement separate from the findings of fact of the Zoning Board of Appeals. Property for which



relief has been granted shall not be used in violation of the specific terms of the Zoning Board of Appeals' findings of fact unless its usage is changed by further findings of fact of the Zoning Board of Appeals.

#### **4.5-5 Appeals.**

##### **(a) Scope of Appeals.**

Any person aggrieved or any officer, department, board or bureau of the Village may appeal to the Zoning Board of Appeals to review any order, requirement, decision or determination made by the Zoning Administrator or to interpret the regulations. Such appeal shall be taken within 45 days of the action complained of by filing with the officer from whom the appeal is taken and with the Zoning Board of Appeals a notice of appeal, specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Zoning Board of Appeals all the papers constituting the record upon which the action appealed from was taken.

##### **(b) Stay of Any Action.**

An appeal stays all proceedings in furtherance of the action appealed from, unless the officer certifies to the Zoning Board of Appeals, after the notice of appeal has been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Board of Appeals, or by a circuit court on application and on notice to the officer from whom the appeal is taken, and on due cause shown.

##### **(c) Notice of Hearing.**

The Zoning Board of Appeals shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the parties and decide the same within 30 days of the hearing. Upon the hearing, any party may appear in person or by agent or by attorney. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be made in the premises, and to that end shall have all the powers of the officer from whom the appeal is taken.

##### **(d) Appeals to Courts.**

All final administrative decisions of the Zoning Board of Appeals are subject to judicial review pursuant to the provisions of the Administrative Review Law (Ill. Rev. Stat. Ch. 110, §3-101 *et seq.*), and all amendments and modifications thereof, and the rules adopted pursuant thereto. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure. (Ill. Rev. Stat. Ch. 110, §3-101).

#### **§4.6 AMENDMENTS.**

##### **4.6-1 Initiation of Amendments.**

Amendments may be proposed by the Village Board, the Zoning Board of Appeals and by any person, firm, or corporation having (a) a freehold interest in the subject property, (b) a possessory interest entitled to exclusive possession, or (c) a contractual interest which may become a freehold

interest or a possessory interest entitled to exclusive possession, and which is specifically enforceable. Proposals to amend shall be directed to the Zoning Board of Appeals for consideration and report to the Village Board.

#### **4.6-2 Public Hearing.**

No amendment to this ordinance shall be made without a hearing before the Zoning Board of Appeals. Notice shall be given of the time and place of the hearing, not more than 30 nor less than 15 days before the hearing by publishing a notice thereof in one or more newspapers published in the Village, or, if no newspaper is published therein, then in one or more newspapers with a general circulation within the Village. If no newspaper is published within the Village, publication may be made instead by posting a notice in 3 prominent places with the Village. Within 30 days after the final hearing, the Zoning Board of Appeals shall file an official report of the proceedings in the office of the Village Clerk.

#### **4.6-3 Action by the Village Board.**

No map amendment of this ordinance shall be passed except by the favorable vote of two-thirds of all members of the Village Board in case a written protest against the proposed amendment of the regulations or districts is filed with the Village Clerk, signed and acknowledged by the owners of 20% of the frontage,

- (1) proposed to be altered, or
- (2) immediately adjoining or across an alley therefrom, or
- (3) directly opposite the frontage proposed to be altered.

In such cases, a copy of the written protest shall be served by the protestor or protestors on the applicant for the proposed amendment and a copy upon the applicant's attorney, if any, by certified mail, return receipt requested, at the address of such applicant and attorney shown in the application for the proposed map amendment.

#### **4.6-4 Optional Revocation.**

In the case of property zoned by the Village Board but not used within one year from date of said zoning, for purposes permitted in the classification to which said property has been zoned, or, if the use of said property has been discontinued for a continuous period of 3 years, the Zoning Board of Appeals shall have the power to institute proceedings, on its own motion, to consider the rezoning of said property to another classification.

### **§4.7 SPECIAL USES.**

#### **4.7-1 Purpose.**

The development and execution of this ordinance is based upon the division of the Village into zoning districts, within which the use of land and buildings, and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however that there are certain uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts, without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for the particular use in the particular location.

To provide for the location of special classes of uses which are deemed desirable for the public welfare within a given district, but which are potentially incompatible with typical uses herein permitted within them, a classification of special uses is hereby established.

#### **4.7-2 Public Hearing.**

Uses as hereinafter enumerated, which may be proposed for classification as special uses, shall be considered at a public hearing before the Zoning Board of Appeals. There shall be a notice of the time and place of the hearing published at least once, not more than 30 nor less than 15 days before the hearing, in one or more newspapers published in the Village, or if no newspaper is published therein, then in one or more newspaper with a general circulation within the Village which is published in Kane County. This notice shall contain the particular location for which the special use is requested as well as a brief statement of what the proposed special use consists.

#### **4.7-3 Standards for Permission of Special Use.**

A special use shall be permitted only upon evidence that such use meets the following standards, and in its report of findings of fact and recommendations to the Village Board following the public hearing the Zoning Board of Appeals shall not recommend a special use unless it shall find:

- (1) That the establishment, maintenance or operation of the special use will not be unreasonably detrimental to or endanger the public health, safety, morals, comfort or general welfare;
- (2) That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
- (3) That the establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;
- (4) That adequate utilities, access roads, drainage and/or other necessary facilities have been or are being provided;
- (5) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets and roads;
- (6) That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the Village Board, pursuant to the recommendations of the Zoning Board of Appeals.

#### **4.7-4 Standards for Specific Special Uses.**

In addition to the general standards for special uses established above, the following special uses shall comply with the specific standards established herein.

- (a) **Airports.**

- (1) The provisions of this ordinance are in addition to the rules and regulations of the Federal Aviation Administration and the Illinois Department of Transportation, Division of Aeronautics, which rules and regulations are the minimum standards for purposes of this ordinance for the class of airport proposed. In the event of conflict between the provisions of this ordinance and the rules and regulations of the Federal Aviation Administration or the Illinois Department of Transportation, Division of Aeronautics, the more restrictive of the two shall prevail.
  - (2) No airport shall be located:
    - (a) Within any circle drawn from any point on the subject property with a radius of 2000 feet that contains more than 200 dwelling units.
    - (b) Within 5 miles of the boundary of any other airport.
    - (c) In a location which is inconsistent with the plans, policies, and ordinances of the Village which are now and may from time to time be in effect.
  - (3) Runways shall not be located within 1,000 feet of any highway, street or railroad right-of-way if the runway is perpendicular to such right-of-way and shall not be located within 500 feet of such right-of-way if the run is parallel to such right-of-way.
  - (4) Any building, hangar, or other structure shall be at least 100 feet from any street or boundary line.
  - (5) No run up area or blast area shall be located within a distance of 200 feet from any residence or property line except a residence or property line within the boundaries of an airport or a residence adjacent to and owned by the state licensee of the airport.
  - (6) There shall be adequate off-street parking spaces. The off-site parking design shall be reviewed for approval by the Village.
  - (7) Every landing area used by any aircraft under its own power shall be provided with a dustless surface.
  - (8) Any proposed runway or landing strip shall be situated so that the approach zones are free of any flight obstructions such as towers, chimneys, other tall structures or natural obstructions outside the airport site. If air rights or easements have been acquired from owners of adjoining properties in which approach zones fall, evidence thereof shall be submitted with the application.
- (b) **Automobile Wrecking Yard.**
- (1) Any automobile wrecking yard, junk yard, scrap yard, or salvage yard for which permission is granted under this section shall, at all times, be subject to the performance standards established for the I District - General Industry zoning district.

- (2) All outdoor storage areas shall be screened or fenced with a solid fence at least 6 feet in height but no more than 8 feet in height, earth berms, or enclosed with dense evergreen growth at least 6 feet in height. Storage between the street and such fence or screen is expressly prohibited. Storage above the height of the fence or screening is prohibited unless fully enclosed.
- (3) Any junk or salvage yard which offers to the public at retail any new or used merchandise shall provide at least 2 parking spaces in an off-street parking lot per each 100 square feet of retail floor space.

(c) **Cemetery.**

- (1) The site proposed for a cemetery shall not interfere with the development of a system of collector and larger streets in the vicinity. In addition, the site shall have direct access to a public thoroughfare.
- (2) Any new cemetery shall be located on a site containing at least 10 acres.
- (3) All burial buildings shall be set back at least 80 feet from any street bounding the cemetery and at least 55 feet from all side and rear lot lines. A burial building is any building used for the interment of bodies or other remains of persons who have died, including mausoleums, vaults and columbaria.
- (4) All graves and burial lots shall be set back at least 30 feet from any street bounding the cemetery and at least 25 feet from all side and rear lot lines.
- (5) Existing cemeteries may continue to operate in a manner consistent with the existing development in the area presently occupied. Any expansion to land not occupied must comply with the requirements of this subsection subsequent to the issuance of a special use permit.
- (6) Adequate parking shall be provided on the site, and no cemetery parking shall be permitted on any public street.

(d) **Drive-In Theater, Summer Theater, Amphitheater.**

- (1) The site shall contain at least 5 acres.
- (2) The site shall have direct access to a major street.
- (3) All structures, viewing area, and seating areas shall be set back at least 100 feet from any street or boundary line.
- (4) All parking areas and access ways shall be adequately lighted; provided, however, that such lighting shall be shielded to prevent glare or reflection onto neighboring properties or public streets.

- (5) Off-street parking spaces shall be provided in accordance with Article XII.
- (6) The following accessory uses may be permitted as incidental to, and limited to, patrons of the principal use:
  - (a) Amusement park, kiddieland;
  - (b) Refreshment stands or booths;
  - (c) Souvenir stands or booths.
- (7) For any drive-in theater:
  - (a) The theater screen shall not be visible from any collector or major street within 2,500 feet. The viewing area shall be screened in such a manner that it cannot be observed from outside the property;
  - (b) Off-street space for automobiles of patrons awaiting admission to the theater shall be equal to 30% of the capacity of the viewing area. All entrances and exits shall be separated and internal circulation shall be laid out to provide one-way traffic;
  - (c) All property lines shall be screened by a solid fence at least 6 feet in height.

**(e) *Extraction of Earth Products.***

It is declared to be the policy of the Village to provide for the reclamation of lands disturbed by mining in order to encourage productive use thereof, including, but not limited to, the planting of forests; the seeding of grasses and legumes for grazing purposes; the planting of crops for harvest; the enhancement of wildlife and aquatic resources; the establishment of recreational, home and industrial sites; and for the conservation, development, management and appropriate use of all the natural resources of such areas for compatible multiple purposes; to aid in maintaining or improving the tax base; and protecting the health, safety and general welfare of the people, as well as the natural beauty and aesthetic values, in the affected areas of the Village.

- (1) An application for extraction operations shall be accompanied by a map, drawn to a scale of one inch equals 100 feet showing the following:
  - (a) Existing topography at 2 foot contour levels; greater than 7% grade would require 5 foot contours.
  - (b) Locations of watercourses and drainage systems;
  - (c) An outline of the area to be excavated.
- (2) An additional map, at a scale of one inch equals 100 feet, shall show a general plan for proposed operations and rehabilitation of the site including the following:
  - (a) The locations of proposed watercourses and drainage systems, including lakes, ponds and retention areas;

- (b) The sequence of operations and the schedule of rehabilitation measures;
- (c) The proposed locations of storing, grading, crushing and similar equipment necessary to the operation and initial distribution of the excavated products;
- (d) The proposed locations of any buildings, scalehouse, equipment storage areas, and equipment repair sheds or areas;
- (e) Site rehabilitation plan shall include proposed future land uses, proposed roadways, park lands and recreational features.

The reclamation plan and map shall specify progress and completion dates of the reclamation; provided, however, the reclamation is to be completed prior to the expiration of 3 years after the termination of the mining operation on the land. Changes may be made in the original reclamation plan only by mutual consent of the operator and the Zoning Board of Appeals of the Village, which changes shall preserve, as substantially as possible, the original reclamation plan.

- (3) The operation and rehabilitation of extractive products areas shall be in accordance with the following conditions and restrictions;
  - (a) The mining operation shall be conducted in compliance with the laws of the State of Illinois and of the United States, and ordinances and resolutions of the Village, as amended from time to time.
  - (b) Sand and gravel operations shall be conducted only during the hours from 6:00 a.m. to 6:00 p.m.
  - (c) Clearing of the mining site shall include the moving of existing trees and shrubs to such locations as will provide screening as hereinafter provided whenever possible or as will conform with the ultimate use of the property pursuant to the reclamation plan.
  - (d) Not more than one entrance and one exit from a highway or road shall be provided to the area of operation. Such entrance shall be subject to approval by the Village Board or the department of highways having jurisdiction. Completion of the reclamation plan shall be carried on as excavation progresses. Where ground cover or other planting is indicated on the approved plan, such planting shall be made in areas where excavation is completed and land is not being used for material storage before further overburden is removed in order to ensure development as operations proceed.
  - (e) Weeds and other unsightly or noxious vegetation shall be cut or trimmed at least twice a year or as may be necessary to present a reasonably neat appearance and to prevent seeding on adjoining property.
  - (f) Excavation shall not take place within a minimum of 100 feet of any street or boundary line. Where deep quarrying 30 feet or more is planned, boundary setbacks shall be a minimum of 150 feet and shall conform to State reclamation standards.

- (g) Existing trees and ground cover along public road frontage shall be preserved, maintained, and supplemented for the depth of the required roadside setback.
- (h) Buildings, structures and storage or repair areas shall be located in conformance with yard requirements of the zone in which they are located.
- (i) Access ways and roads shall be maintained in a dust-free condition either by oiling or by spraying with calcium chloride.
- (j) Perimeter roads shall be buffered from extraction activities with earth mounds at least 10 feet in height which store topsoil. Mounds shall be planted with grass or other suitable material, such as viburnum, as an erosion retardant.
- (k) All truck loads of extracted materials removed from the site shall be covered with tarpaulins in conformance to State standards to insure public safety and prevent damage to individuals or their vehicles.
- (l) All operations shall be conducted in a safe manner, especially with respect to hazards to persons, damage to adjacent lands or improvements, and damage to any street by slides, sinking or collapse of supporting soil adjacent to an excavation. All operations shall be fenced. No extraction operation shall be conducted in a manner so as to lower the water table on surrounding properties.
- (m) No excavation, removal or fill shall be permitted if the finished conditions would contain the following:
  - (1) Deep pits having side slopes of greater than thirty degrees;
  - (2) Serious on-site erosion problems or erosion problems which could extend to neighboring properties;
  - (3) Undrained depressions other than artificial lakes or drainage problems which adversely affect neighboring properties.
- (n) No processing and stock piling operations shall be conducted closer than 660 feet from any estate, residential, or business district or within 660 feet of any public or private educational facility or medical facility. All processing operations should be enclosed whenever the operation is to be in existence for a longer period of time than 9 months. Stockpile areas shall be screened from view.
- (o) No extraction operations shall be conducted in such a manner that the groundwater table of surrounding properties is lowered. This determination is to be made from data secured from testing wells installed, located, operated and maintained by the operator on the perimeter of the excavation site.
- (p) Graded or backfilled areas or banks in the cases of excavations made to water producing depth shall be covered with topsoil to a minimum depth of 6 inches. Such topsoil shall have a minimum of 25% organic material.
- (q) Whenever production on any property shall have been completed, all buildings,



plants, structures (except fences) and equipment shall be entirely removed within 6 months after such completion, unless same are to be used in connection with the reclamation plan or relative to the removal of stored materials. Any and all stockpiled materials shall be removed within 2 years following cessation of production and the area occupied by such stockpiled material, or materials, shall then be restored as provided for in the reclamation plan.

- (4) Special use permits for the extraction of earth products shall be issued for a period of time not to exceed 5 years. Such permits are renewable for additional 5 year periods. At the expense of the operator, an examination of the premises shall be made by an engineering firm chosen by the Village Board at intervals of not more than each 6 months during the term of operation.
  - (5) A corporate surety bond or guaranteed letter of credit shall be furnished to the Village to assure compliance with the approved rehabilitation map. The bond or letter of credit shall be in the amount of \$100,000 dollars or \$1,500 per acre, whichever is greater, for the completion of operations and the rehabilitation of the tract.
  - (6) Upon failure by the permittee to fully comply with the provisions hereof the Zoning Board of Appeals shall give notice to said permittee, and the owner of the land (which notice may be given by mail addressed to their last known address) setting forth the provision of this section being violated, and the time and place of hearing to be held by the Zoning Board of Appeals to consider the same; and upon such hearing being held, if the Zoning Board of Appeals shall find that the provisions of this section have not been complied with by the permittee the mining operations may thereupon be suspended or terminated by the Zoning Board of Appeals.
- (f) **Planned Unit Development (PUD).**

(1) PURPOSE.

The regulations contained in this section are established to encourage imaginative design of coordinated land uses and to provide relief from the subdivision and zoning district requirements which are designed for conventional developments, but which may inhibit innovation and cause undue hardship with regard to the use of parcels which present technical development problems. These regulations are further established to provide a safe and desirable living environment for residential areas characterized by a unified building and site development program, to preserve natural features of the site, and to provide adequate open space for recreation and other community purposes.

(2) WHEN REQUIRED.

- (a) Two or more primary structures on a single zoning lot of any size must be developed as a PUD.
- (b) Any multiple family project which contains 3 or more dwelling units on one zoning lot, whether in one building or more than one building, must be developed as a PUD.
- (c) All lands zoned B2 or B3 - Shopping Center must be developed as a PUD.

(3) WHERE PERMITTED.

A Planned Unit Development may be located in any zoning district as shown in Table B, subject to the procedures and standards set forth below and subsequent to the issuance of a special use permit.

(4) STANDARDS FOR PUDS.

- (a) For any PUD, the regulations and standards established in this subsection shall be substituted for the general regulations set forth elsewhere in this ordinance.
- (b) **Ownership.** PUDs shall remain under one ownership and/or unified control. A sale of a portion of a parcel designated PUD may occur only after a final plat of subdivision is approved and recorded. Further, no final plat of subdivision for a parcel designated PUD shall occur until a final planned development plan has been approved by the Village Board. However the Village shall continue to treat the subdivided parts as a single PUD and require the individual parcel owners to conform with the previously approved final planned development. (Also see Section 4.7-4(f)(7), *Formal Subdivision of Parcels in Planned Unit Development - When Required*).
- (c) **Required Parking.** The off-street parking requirements found in Article XII of this ordinance shall apply to all PUDs. Additional parking for guests shall be provided in such number as is determined adequate by the Village Board.
- (d) **Street Improvements.** All streets and street improvements shall be designed by a registered professional engineer. The width of streets and the design of the pavement and other structures shall be based upon their intended use, shall be related to the overall design of the PUD, and shall be constructed to the standards of the Subdivision Regulations of the Village.
- (e) **Required Setbacks.** All structures located on the perimeter of a PUD shall be set back from the property line or street right-of-way a distance equal to or greater than the required setback in the adjacent zone. Interior yards and setbacks shall be in conformity with good site planning practice. Any variations from Table A requirements must be identified.
- (f) **Height Restriction.** Any structure within a PUD may be 35 feet in height. Any structure may exceed 35 feet in height provided it is set back from the perimeter of its respective section of the PUD 2 feet horizontally for every one foot of building height.
- (g) **Minimum Site Area.** The minimum land area to be included in a PUD shall be 2½ acres, or such lesser size as may be determined acceptable as a PUD by the Village Board upon review of the Zoning Board of Appeals or as indicated in this ordinance.
- (h) **Bonding Required.** A bond or letter of credit to cover the cost of required public improvements submitted prior to the issuance of any permits for the PUD.

(i) **Design Standards.** The development plan shall be prepared by professional persons, architects, planners, engineers, landscape architects and surveyors. The benefits of the PUD and the improved design of the development must justify the intended variation from the normal requirements of this ordinance. In preparing the development plan, particular consideration shall be given to the following:

- (1) The provision of open spaces for recreation and other outdoor benefits and activities in residential portions of PUDs.
  - (a) Open space shall not be less than 50% of the net PUD development acreage (gross acreage less public right-of-way acreage and unbuildable acreage). Open space shall consist of areas not covered by buildings or pavement. Open recreation facilities, sidewalks, swimming pools, decks and tennis courts shall be considered open space.
  - (b) The school and park land dedication or cash in lieu standards of the subdivision regulations of the Village shall be complied with in all PUDs with residential housing.
  - (c) Required school and park dedication open space shall be so situated that it is accessible to all.
  - (d) Adequate private play areas above the required park dedication or cash donation shall be provided for use by residents in the PUD.
- (2) The conservation of significant natural features of the site including but not limited to floodplains, wetlands, forest scenic areas and vistas and historical or archaeological areas.
- (3) Maximum separation of vehicular traffic from pedestrian ways and play areas.
- (4) A unified design based upon significant architectural features, compatible building materials and a distinctive arrangement of structures and open space.
- (5) The provision of adequate sites for retail shopping and service areas, schools, places of worship and other community services where the development is large enough to support these services.
- (6) The relationship of the development to surrounding uses and property.
- (7) Surface drainage and storm water detention facilities shall be designed so that the runoff from the developed site shall not exceed the runoff from the site in its natural state during a storm of 2 year frequency as published by the U.S. Weather Bureau for the Chicago area. The capacity of the storm water detention facilities shall be based on a storm of 100 year frequency and the runoff coefficient for the fully developed planned development less the volume of water released based on a storm of 2 year

frequency and the runoff coefficient of the site in its natural state. Storm drainage piping (both on-site and roadway) shall be sized to carry the 10 year frequency storm runoff. Provision should be made, and plans prominently labeled to allow for emergency overflow of runoff volumes in excess of piping design capacity. Elements of the design regarding method of drainage computation, allowance for off-site runoff, maximum ponding depths, and other considerations shall meet the approval of the Village Engineer, and conform to requirements of all other applicable Village ordinances.

- (j) **Permitted Uses.** The following uses are principal but not exclusive uses permitted in a planned development subject to the regulations of this section and subject to the zoning district designation to which the PUD special use is attached.
- (1) For parcels inside the Village limits, uses listed as principal uses in Table B of this ordinance.
  - (2) Single-family detached dwelling.
  - (3) Two-family dwellings, patio homes and zero lot line dwellings.
  - (4) Convenience shopping facilities.
  - (5) Any retail use as an integral part of a shopping center.
  - (6) Any office use.
  - (7) Any public facility use.
  - (8) Church or other place of worship.
  - (9) Any manufacturing use subject to the performance standards in the LI and I districts.
  - (10) Facilities for the maintenance of the PUD.
  - (11) Recreational facilities for the use of the occupants of the PUD or the general public.
- (k) **Density Standards for Residential Projects.** In recognition of the purpose of a PUD, the density standards for PUDs retain some flexibility to allow innovation and to promote the achievement of the development goals of the Village. Accordingly, PUD densities may exceed the densities allowed in the underlying zoning districts (Allowable Density) provided the Village Board, after review by the Plan Commission and Zoning Board of Appeals, determines that the project benefits merit the increased density proposed. Density accumulated for a proposal shall start at or below the Allowable Density for the underlying zoning and may, if justified, increase through Bonus Units. Density relates to the project as a whole and shall be construed to mean total housing units for the project divided by total net acreage.

- (1) The Allowable Densities which are the density equivalents for the various zoning districts listed in Table B of this ordinance are shown in Table 2.

**Table 2**

| <u>Residential Type</u> | <u>Density</u> |
|-------------------------|----------------|
| E-1                     | .2             |
| E-2                     | .1             |
| R-1                     | .7             |
| R-2                     | .4             |
| R-3                     | 1.3            |

- (2) Bonus units per acre above the allowable densities may be obtained for project amenities which promote achievement of the development goals of the Village. Bonus units may be granted only after the petitioner has demonstrated that the project benefits merit the additional density. Criteria under which density may be evaluated shall include but not be limited to that which is listed below. Satisfaction of several criteria may be necessary to acquire bonus units.
- (a) Quality of site design, including innovative clustering of units, orientation of units for energy conservation and similar considerations.
  - (b) Relationship to surrounding land uses and compatibility of building heights to preserve views and solar rights of existing structures.
  - (c) Preservation of significant natural features of the site.
  - (d) Proximity to necessary services including shopping, public transportation, medical services, government facilities, recreational areas, etc.
  - (e) Provision of needed public facilities such as sites for public use, critical linkages in the major street system or necessary extensions of the utility networks beyond those required by Village ordinances.
  - (f) Provision of public and/or private recreational facilities in excess of the requirements of this ordinance.
  - (g) Provision of units for low and moderate income individuals and families.
  - (h) Quality of architectural design including style, size, height, compatibility and innovative features.
  - (i) Creative use of landscaping, screening and/or buffering beyond the requirements of this ordinance.

- (j) Handling of on-site traffic flow for efficiency of circulation, safety and privacy and off-site traffic flow to minimize impact on surrounding community beyond normal requirements.
- (k) Logical extension of existing development patterns into areas contiguous to the Village, avoiding "leap frog" development.
- (l) Attached garages designed as an integral part of the primary structures which meet the parking requirement of this ordinance.
- (m) Provision of foot or bicycle paths.
- (n) Preservation of historic sites.
- (o) Quality of exterior materials used in the structures.
- (p) Other creative or unusual amenities not listed above which may meet the development goals of the Village.

Final bonus value to be determined by the Village Board upon review of the recommendations of the Plan Commission and Zoning Board of Appeals.

- (3) For direction concerning development features which may or may not be appropriate, consult the "Village of Virgil PUD Guidelines." The Guidelines shall serve as a current indication of Village policy on site planning of PUDs and an advisory tool for petitioners to use in preparing the development plans.

**(5) REVIEW PROCEDURES.**

**(a) Conceptual Planned Unit Development Review (Optional).**

- (1) The developer may appear before the Plan Commission (optional) and the Zoning Board of Appeals (optional) to informally discuss the initial concept for the proposal. Neither body shall be required to provide a formal position statement on the proposal, and the developer shall not be required to comply with any position statements which are offered by either body.
- (2) 11 copies of a general concept plan showing at a minimum all streets, local land uses, residential densities, total site acreage, phase acreage and the location of all limiting and advantageous naturally occurring and manmade physical features must be submitted to the Village at least one week prior to a scheduled conceptual review by the Plan Commission. 9 copies of the same materials must be submitted at least one week prior to a scheduled conceptual review by the Zoning Board of Appeals.

**(b) Preliminary Planned Unit Development Review.**

- (1) Following the conceptual PUD review (optional), the developer must

submit the required materials for preliminary PUD approval, should he wish to proceed. Preliminary PUDs are reviewed by the Plan Commission, the Zoning Board of Appeals and the Village Board in that order. Materials required for submittal to the Plan Commission and Zoning Board of Appeals for preliminary PUD review must be submitted to the Village a minimum of 4 weeks prior to the respective hearing date. The Village may require an earlier submittal date if the proposed PUD is expected to require additional staff review time. Hearing dates shall not be established until all required submittals are received by the Village.

- (2) The Plan Commission shall review the preliminary PUD proposal on the basis of criteria set forth herein and forward its recommendation to the Zoning Board of Appeals.
- (3) The Zoning Board of Appeals shall conduct a public hearing on the preliminary PUD within 30 days of the conclusion of the Plan Commission review (unless an extension is requested by the petitioner) on the basis of the criteria set forth herein. Zoning sought for each segment of the proposed planned development shall be referenced in all notice requirements and cited by the petitioner at the zoning hearing on the proposal. Notice requirements delineated in Section 4.7-2 of this ordinance shall be complied with. Recommendations of the Zoning Board of Appeals shall be forwarded to the Village Board.
- (4) Upon receipt of the recommendations of the Plan Commission and Zoning Board of Appeals, the preliminary PUD proposal shall be placed on the next available Village Board meeting agenda provided there are at least 10 days between receipt of the recommendations and the date of such Village Board meeting to allow adequate time for Board consideration of the proposal and recommendations. The Village Board shall approve, approve with modifications, refer the proposal back to the Zoning Board of Appeals or Plan Commission or disapprove the proposal within 60 days of the conclusion of the Zoning Board of Appeals hearing. The Village Board may continue the consideration of the proposal to a future date with the consent of the petitioner. In that event, any such extension period shall not be counted in the 60 day period. In the event the Village Board disapproves the preliminary PUD, the petitioner may request to be referred back to the Plan Commission and/or Zoning Board of Appeals for re-consideration.
- (5) The number and content of materials required to be submitted to the Village to initiate a review of a preliminary PUD are delineated below. The time frame under which required materials must be submitted is delineated above in Section 4.7-4(f)(5)(b)(1) above.

30 copies of each of the following shall be submitted:

- (a) Completed Planned Unit Development Application form (available from the Village Clerk).
- (b) Site Plan indicating:

- i. Project title.
  - ii. Notation the plan is a *Preliminary Planned Unit Development Site Plan*.
  - iii. Name and address of developer and preparer of plans.
  - iv. Date.
  - v. Scale (1" = 100' or larger).
  - vi. North point.
  - vii. Legal description and proposed zoning for each segment of the parcel.
  - viii. Area of entire parcel and approximate areas of the different land use parcels.
  - ix. Proposed number of units and density of the various residential land use parcels (based on area net of public right-of-ways).
  - x. Floor area of non-residential structures in each separate section.
  - xi. Approximate location of buildings proposed.
  - xii. Schematic representation of existing trees and landscaping proposed.
  - xiii. Zoning of all adjacent parcels.
  - xiv. Character of immediately contiguous property within 100' showing location of streets, easements, utilities, property lines and principal structures.
  - xv. Location of proposed streets showing dimensions of right-of-ways and pavement.
  - xvi. Location and approximate areas of parcels to be dedicated to public bodies and/or reserved for property owner associations.
  - xvii. Flood plain limits as delineated on HUD Flood Hazard Maps (if available) or USGS Flood Quadrangle Maps.
- (c) Topographic map showing one foot contour intervals.
- (d) Correspondence from the park district and school district within which the site lies indicating they have received the plans and are reviewing them at board level. A formal position statement from the respective boards regarding the proposal must be received by the



Village before the Village Board will approve a preliminary Planned Development.

- (e) Details of all variations requested in the PUD. If no variations are requested, so state none are being requested.
- (f) Traffic analysis indicating: (may be waived by the Zoning Administrator if the project size is not expected to have substantial impact upon the existing road system).
  - i. Traffic generation of proposal.
  - ii. Impact on existing traffic.
  - iii. Improvements needed to minimize negative impact of site generated traffic on street network.

3 copies of each of the following must be submitted:

- (g) Proof of ownership. If ownership is in a land trust, beneficial holders of trust shall be disclosed.
- (h) Preliminary engineering plans.
- (i) Plat of Survey of parcel.

In addition: One copy of a Natural Resources Inventory from the U.S. Soil Conservation Service. All appropriate fees must be paid.

Prior to the Zoning Board of Appeals hearing on the preliminary PUD, receipts for all certified mailings required and proof of all required publications must be submitted.

**(c) Review Criteria - Preliminary Planned Unit Development Review.**

- (1) *Plan Commission.* The Plan Commission shall review and evaluate the preliminary PUD in terms of whether the proposal:
  - (a) Is compatible with the Village Comprehensive Plan and community goals.
  - (b) Promotes high standards in design, site planning and construction.
  - (c) Provides a safe and desirable living environment.
  - (d) Preserves natural features of the site.
  - (e) Provides adequate open space for recreation and other community purposes.
  - (f) Represents a creative approach in land development.

- (g) The design is compatible with adjacent properties and neighborhood.
- (2) *Zoning Board of Appeals.* The Zoning Board of Appeals shall review and evaluate the preliminary PUD in terms of whether the proposal:
- (a) Is compatible with the Village Comprehensive Plan and community goals.
  - (b) Provides for land uses, both initial and potential, which will be compatible with existing surrounding land uses.
  - (c) Provides zoning which will be compatible with existing surrounding zoning.
  - (d) By virtue of its benefits to the Village and creative design, justifies the intended variations from the strict interpretation of the Zoning Ordinance, and justifies specific special uses requested.
  - (e) Protects the public health, safety, convenience and general welfare.
- (d) **Final Planned Unit Development Review.**
- (1) Following approval of the preliminary PUD by the Village Board, the developer must submit required materials for final PUD approval should he wish to proceed. Final PUD approval may be sought for the entire PUD or segments thereof. However, if final PUD approval is sought for a portion of the PUD, the segment must conform to the previously approved preliminary PUD. Improvements on or off site necessary to support the segment shall be required and a final plat of subdivision for the segment shall be approved by the Village Board before permits will be issued.
  - (2) *Review Procedure.* Final PUDs are reviewed by the Plan Commission and the Village Board in that order. The final PUD must be in general conformance with the previously approved preliminary PUD plans. If the final PUD plans are substantially different than the preliminary PUD, then the development must be reviewed as a new preliminary PUD proposal. If the proposed zoning areas within the final PUD vary in legal description from that which was approved in the preliminary Planned Development, or additional variations other than those requested at the preliminary PUD review hearing, the proposed final PUD shall be required to also be reviewed by the Zoning Board of Appeals. Should a Zoning Board of Appeals hearing be necessary during the final PUD review procedure, schedules under which action must be taken shall follow time frames set forth in the preliminary PUD review procedures. Upon approval of the development plan, the Village Board shall cause to be issued a special use permit authorizing the planned development in accordance with the approved development plan and such modifications the Board may make to said plans to assure the development conforms with the intent of the previously approved preliminary PUD.

(3) *Scheduling of Hearings.* Materials required for submittal to the Plan Commission and Zoning Board of Appeals for final PUD review must be submitted to the Village a minimum of 4 weeks prior to the respective hearing dates. The Village may require an earlier submittal date if the proposed PUD is expected to require additional staff review time. Hearing dates shall not be established until all required submittals are received by the Village.

(a) The Plan Commission shall review the final PUD on the basis of criteria set forth herein and forward its recommendations to the Village Board within 30 days after complete information has been received from the petitioner.

(b) The Village Board shall take under advisement the recommendations of the Plan Commission (and Zoning Board of Appeals if required) when considering the final PUD. The Village Board shall approve, approve with modification, or disapprove the final PUD within 60 days of the receipt of the Plan Commission recommendations (unless a Zoning Board of Appeals hearing is required) unless an extension is requested by the petitioner. Should the final PUD be disapproved by the Village Board, the petitioner may resubmit revised plans to the Village Board for reconsideration, if permission to submit is requested and granted by the Board.

(4) *Required Submittal - Final PUD Review.* The number and content of materials required to be submitted to the Village to initiate a review of a final PUD are delineated below. The time frame under which required materials must be submitted is set forth in subsection 4.7-2 above.

20 copies of each of the following. (NOTE: If a new zoning hearing is required, 10 additional copies shall be submitted):

(a) Completed PUD Application Form (available from the Village Clerk).

(b) Site Plan Indicating:

i. Project Title.

ii. Notation the plan is a Final Planned Unit Development Site Plan.

iii. Name and address of developer and preparer of plans.

iv. Date.

v. Scale (1" = 100' or larger).

vi. North point.

vii. Zoning of all adjacent parcels.

- viii. Character of immediately contiguous property within 100 feet showing location of streets, easements, utilities, property lines and principal structures.
  - ix. Location of proposed streets showing proposed dimensions of right-of-ways and pavement and whether intended to be private or public.
  - x. Location and areas of parcels to be dedicated to public bodies and/or reserved for property owners associations.
  - xi. Flood plain limits as delineated on HUD Flood Hazard Maps (if available) or USGS Flood Quadrangle Maps.
  - xii. Sidewalks.
  - xiii. Specific details by parcel for separate zoning districts or areas of differing use intensity to include:
    - a. Gross area.
    - b. Net area (gross area less public right-of-way area).
    - c. Building coverage, floor area, and height.
    - d. F.A.R.
    - e. Parking spaces.
    - f. Number of housing units by bedroom mix and net density.
    - g. Hard surface coverage (including buildings, excluding sidewalks and recreation facilities).
  - xiv. Building locations.
  - xv. Floor plans (if not available, parking requirements will be based on the total square footage of the building(s)).
- (c) Landscape plan detailing:
- i. Proposed types (common names), sizes, trunk diameter, and whether sodded or seeded.
  - ii. Existing trees with trunk diameters eight (8) inches or greater and whether or not to be saved.
  - iii. Berming and/or fencing where proposed.
- (d) Building elevations (all sides).
- (e) Plans showing trash receptacle accommodation.

- (f) Development schedule by phase including projected start and completion dates, and proposed date of dedication of public areas.

3 copies of each of the following:

- (g) Covenants and restrictions for ownership, use and maintenance of common areas.
- (h) Final engineering plans.
- (i) Proof of ownership. If ownership is in a land trust, beneficial holders of trust shall be disclosed.
- (j) Plat of Survey.

In addition: All appropriate fees must be paid.

If a new public hearing is required at the final PUD review stage, the following must be submitted to the Zoning Administrator prior to the hearing:

- (k) Receipts for all certified mailings required.
- (l) Proof of all publications required.

**(e) Review Criteria - Final Planned Unit Development Review.**

- (1) *Plan Commission.* The Plan Commission shall review and evaluate the Final PUD in terms of whether the proposal:
  - (a) Is in general conformance with the previously approved preliminary PUD plans.
  - (b) By virtue of its imaginative and creative design and benefits to the Village, justifies the intended variations from the strict interpretation of the Subdivision Ordinance.
  - (c) Requires additional conditions and restrictions to protect the public interest and adjacent areas, improve the development and assure compliance with existing Village Ordinances.

Should a public hearing before the Zoning Board of Appeals be required at final PUD review, the Zoning Board of Appeals shall review and evaluate the final PUD plan under the criteria delineated in Section 4.7-4(f)(5)(c)(2) above.

**(6) MINOR MODIFICATIONS OF FINAL PLANS.**

The Village President may, from time to time, approve minor changes within the project, but such changes shall not be of a nature that would affect the character and standards of the PUD.

(7) FORMAL SUBDIVISION OF PARCELS IN A PLANNED UNIT DEVELOPMENT - WHEN REQUIRED.

- (a) No division into two or more parts of any parcel designated PUD at the time of passage of this Ordinance shall occur for purposes of sale, whether immediate or future, unless and until both a Final PUD and a final plat of subdivision have been approved by the Village Board. For purposes of this section, the Final PUD shall be considered a preliminary plat of subdivision.
- (b) If approval of Final PUD plans are sought for a segment of a planned development for which Preliminary PUD plans have been approved, a final plat of subdivision for the segment must be approved by the Village Board before permits will be approved.
- (c) If PUD designation is sought for a parcel and no Preliminary PUD plans are concurrently presented for consideration, a final plat of subdivision designating the separately zoned segments must be approved by the Village Board before the zoning for each segment becomes effective. The Village Board may impose such conditions or restrictions as appear necessary to minimize possible detrimental effects of such special use upon other properties in the area. Subsequent to approval of PUD zoning in this manner, procedures leading to approval of a Final PUD must be followed.

(8) FAILURE TO BEGIN PLANNED UNIT DEVELOPMENT.

Unless the petitioner or a successor to the petitioner has substantially completed construction of the public improvements and has commenced construction of the uses approved in the PUD, the Special Use Permit shall automatically lapse two years after the date of issuance of the Special Use Permit. The Village Board upon a written petition from the holder of the Special Use Permit may for good cause extend for a period of up to one additional year the period for beginning the PUD. The Village Board shall be entitled to grant no more than 3 such extensions beyond the original expiration date for the PUD. If the Special Use Permit lapses under the provisions of this section, the Village shall remove the PUD from the zoning map and if the basic zoning classification was approved at the time of approval of the PUD by the Village Board, the basic zoning category shall continue in effect.

**4.7-5 Public and Private Utilities and Services.**

Buildings and structures not included in the Illinois Utility Exemption and not specifically permitted as a matter of right in the various zones, pertaining to water, sewerage, gas, telephone and electric utilities through applicable franchise agreements; and police, fire, radio and television stations, including broadcasting antennae are required to secure a special use permit.

(a) **Lot Area and Location.**

The required lot area and location shall be specified as part of the special use permit and be determined in relation to the proposed use, the intensity of such use and the effects of such use upon the environment.

**(b) Fencing and Screening.**

If findings indicate that a hazard may result or that interference with the development or use and enjoyment of surrounding properties may ensue, fencing or screening with a densely planted evergreen hedge or other shielding material may be required in a manner consistent with such findings.

**4.7-6 Conditions and Guarantees.**

Prior to the granting of any special use, the Zoning Board of Appeals may recommend and the Village Board may adopt such conditions and restrictions upon the establishment, location construction, maintenance, and operation of the special use as is deemed necessary for the protection of the public health, safety and welfare. In all cases in which special uses are granted the Village Board shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

**4.7-7 Effect of Denial of a Special Use.**

Any special use which fails to receive the approval of the Zoning Board of Appeals shall not be approved except by a favorable vote of two-thirds of the Village Board. No application for a special use, which has been denied wholly or in part by the Village Board, shall be resubmitted for a period of one year from the date of said order of denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the Village Board.

**4.7-8 Revocation.**

In any case where a special use has not been established (substantially under way) within one year from the date of granting thereof, then, without further action by the Village Board, the special use or authorization thereof shall be null and void, unless in the opinion of the Zoning Administrator, circumstances beyond the control of the permittee indicate that establishment of the use has been impossible.

If the special use has been established and subsequently discontinued, the Zoning Board of Appeals shall have the power to institute proceedings on its own motion to consider revocation of said special use.

**§4.8 FEE SCHEDULE.**

The fee schedule for activities associated with the enforcement of the requirements of this ordinance shall be established by the Village Board.

#### **§4.9 Enforcement and penalties**

(a) Any person, firm, company, corporation or other entity who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of any of the provisions of this ordinance shall pay a civil fine not less than \$25 nor more than \$500 for each such offense. Each day that such violation continues to exist shall constitute a separate offense.

(b) If any building, structure or land is constructed, reconstructed, altered, repaired, converted, maintained or used in violation of this ordinance, the Village Board, or any owner or tenant of real property within 1,200 feet in any direction of such building, structure or land, who shows that his property or person will be substantially affected by such violation, in addition to other remedies, may institute any appropriate proceeding to—

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

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

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

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

(a) When any such action is instituted by an owner or tenant, notice of such action shall be served upon the Village at the time suit is begun, by serving a copy of the complaint on the President of the Village Board. No such action may be maintained until such notice is given.

(Ordinance 1997-06, eff. 11/13/97)



## **ARTICLE V. GENERAL PROVISIONS**

### **§5.1 INTERPRETATION, PURPOSES AND CONFLICTS.**

The provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, morals, comfort and general welfare. Due allowance shall be made for existing conditions, the conservation of property values, and the direction of building development to the best interests of the entire Village.

It is not intended by this ordinance to interfere with or abrogate or annul any ordinance, resolution, rules, regulations or permits, previously adopted or issued and not in conflict with any of the provisions of this ordinance relative to the use of buildings, structures or land, nor is it intended by this ordinance to interfere with, abrogate or annul any easements, covenants or other agreements between parties, provided, however, that wherever this ordinance imposes a greater restriction upon the use of buildings, structures, land, or requires greater setback, then the provisions of this ordinance shall control.

### **§5.2 CONFLICTING ORDINANCES.**

All ordinances or resolutions or parts thereof in conflict with the provisions herein set forth are hereby repealed insofar as they conflict.

### §5.3 VALIDITY.

Should any section, clause or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

### §5.4 SCOPE OF REGULATIONS

#### 5.4-1 Things Regulated.

Hereafter, within the boundaries of the Village and within those areas outside the Village to which the provisions of this ordinance are made applicable by law or by agreement or otherwise, the erection of any new building or structure, or the relocation, enlargement or structural alteration of any existing building or structure, or any changes in use or any new or additional use made of any tract of land or existing building or structure:

(1) shall be for only those principal uses as permitted in the district in which such building, structure or land is located, including any use or activity customarily accessory thereto unless otherwise restricted or prohibited;

(2) shall conform to the provisions of this ordinance concerning population density;

(3) shall provide and preserve the required setback distance from adjoining roads or streets, the required side-yards, and the required parking space;

(4) shall observe the regulations of the Illinois Department of Transportation, Division of Highways, concerning "freeways"; and

(5) shall be done only after obtaining a zoning permit, all as specified in this ordinance.

#### 5.4-2 Jurisdiction Limited.

This ordinance shall apply to territory within the boundaries of the Village and within those areas outside the Village to which the provisions of this ordinance are made applicable by law or by agreement or otherwise.

#### 5.4-3 Public Utility Exemption.

As required by statute, the type or location of any poles, towers, wires, cables, conduits, vaults, laterals or any similar distributing equipment of a public utility are exempt from the requirements of this ordinance.

#### 5.4-4 Underground Installation Exemption.

Pipe lines and other underground installations, to the extent that the same are completely buried beneath the surface of the soil, are exempt from the requirements of this ordinance, provided that any Incidental or associated structures, installations or equipment, except markers, used in connection with such pipe lines or other underground installations, and which protrude or are extended above the surface of the soil, shall to the extent of such protrusion or extension be subject to all of the applicable provisions hereof.

#### §5.5 NUMBER OF BUILDINGS ON A RECORDED OR ZONING LOT.

Except in the case of planned unit development, not more than one principal residential building shall be located on a recorded or zoning lot, nor shall a principal residential building be located on the same recorded or zoning lot with any other principal building; and not more than 2 detached structures accessory to a dwelling shall be located on a recorded or zoning lot. In the R1 residential district no pole buildings are permitted. Any accessory building in the R1 residential district larger than 100 ft.<sup>2</sup> shall be compatible with the exterior finish, color and architecture of the principal residential building.

#### §5.6 MINIMUM LOT SIZE.

Every lot or parcel of land created subsequent to the effective date of this ordinance shall conform to the lot size requirement of the district within which it is located.

#### §5.7 LOT AREA, YARD AND BULK REGULATIONS.

##### 5.7-1 Lot Area.

Any principal use together with all accessory uses shall be on a lot having an area as shown in Table A, exclusive of alleys, streets or other rights of way.

##### 5.7-2 Lot Width.

Any principal use together with all accessory uses shall be located on a lot having a minimum width as shown in Table A.

##### 5.7-3 Front Yard.

Each lot shall have a front yard as shown in Table A except as provided in Section 5.7-13.

##### 5.7-4 Rear Yard.

Each lot shall have a rear yard as shown in Table A, except as provided in Section 5.7-13.

#### 5.7-5 Side Yard.

Each lot shall have a side yard extending along each side lot line, the total width of which in no less than shown in Table A and no side yard shall be less than shown in Table A, Minimum Side, except as provided in Section 5.7-13.

#### 5.7-6 Yard Abutting Street.

Any side or rear yard which abuts a street shall have a width of not less than shown in Table A, except as provided in Section 5.7-13.

#### 5.7-7 Yard Abutting a Residential Zone.

Any side or rear yard in a business or industrial district which abuts a residential district shall have a width as shown in Table A.

#### 5.7-8 Lot Coverage.

The total ground area occupied by any principal building, together with all accessory buildings shall not exceed the percent of total area of the lot as shown in Table A.

#### 5.7-9 Floor Area Ratio.

The combined floor area ratio for any principal building together with all accessory buildings shall not exceed the ratio shown in Table A.

#### 5.7-10 Height of Principal Use.

No principal building or other structure shall exceed the height in feet, nor the height in stories shown in Table A.

#### 5.7-11 Lot Coverage of Accessory Buildings

The total ground area occupied by all accessory buildings shall not exceed the percent of the total area of the lot as shown in Table A.

#### 5.7-12 Height of Accessory Use.

No accessory building or other structure shall exceed the height in feet, nor the height in stories shown in Table A.

### 5.7-13 Additional Provisions.

The minimum yard space required for one building or structure shall not again be considered as yard space for another adjoining building or structure. No lot area shall be so reduced or diminished that the yards or other open spaces shall be smaller than prescribed by this ordinance, nor shall the density of population be increased in any manner except in conformity with the area regulations herein established for the district in which such building is located.

### 5.7-14 Permitted Obstructions in Required Yards.

The following shall not be considered to be obstructions when located in the required yards specified.

#### (a) In All Yards.

(1) Open terraces not over 3 feet above the average level of the adjoining ground, but not including a permanently roofed-over terrace or porch; awnings and canopies; steps 4 feet or less above grade which are necessary for access to a permitted building or for access to a zoning lot from a street or alley; chimneys projecting 24 inches or less into the yard; approved free-standing signs; arbors and trellises; flagpoles, window unit air-conditioners projecting not more than 18 inches into the required yard.

(2) Business signs attached to a building which is located at less than the required minimum distance from the right-of-way line of any public street or highway.

(3) Telephone booths in Estate districts and Residential districts.

(4) Light poles and standards for the lighting of business areas, such as gasoline service stations and parking lots. These may be placed immediately inside the right-of-way line, providing no portion of said pole or standard or any bracket or any part of any fixture attached thereto extends over the right-of-way line, and providing that the lights so supported are directed on to the business area and not toward the road or neighboring property in such fashion as would constitute a nuisance or a traffic hazard.

(5) In the case of a corner lot officially on record at the time of passage of this ordinance, or subsequently officially approved by the Village Board, the yardage requirements shall not reduce the building area to less than 25 feet by 80 feet, except that the minimum setback from the property lines of said lot, adjoining any public or private street or highway or right-of-way, shall in no case be less than the side yard for said lot.

(6) Within 100 feet of the center line of any intersecting road, street or railroad at grade, no fence or hedge which cannot be viewed through or over from a 3 foot height above the

traveled roadway shall be constructed, planted or allowed to grow nearer to the road or street center line than the distance set forth in Table A for the district within which such fence or hedge is located.

No fence equipped with or having barbed wire, spikes or any similar device, or any electrically charged fence, sufficient to cause shock, shall be erected, placed or maintained on or within any lot used for residential purposes.

(b) In Front Yards.

One story bay windows projecting 3 feet or less into the yards and overhanging eaves and gutters projecting 3 feet or less into the yard.

(c) In Rear Yards.

Open off-street parking spaces; balconies; fallout shelters; breezeways and open porches; one story bay windows projecting 3 feet or less into the yard; and overhanging eaves and gutters projecting 3 feet or less into the yard.

(d) In Side Yards.

Overhanging eaves and gutters projecting 36 inches or less into the yard.

Permitted obstructions shall not, in the aggregate, occupy more than 5% of any required yard.

## §5.8 CONTIGUOUS PARCELS.

When 2 or more parcels of land, each of which lacks adequate area and dimension to qualify for a permitted use under the requirements of the use district in which they are located or Subsection 6.3-4(a), are contiguous and are held in one ownership, at the time of or subsequent to the adoption of this ordinance or amendment thereto, they shall be used as one zoning lot for such use.

## §5.9 ACCESSORY BUILDINGS.

### 5.9-1 Time of Construction.

No accessory building or structure constructed on any lot prior to the time of construction of the principal building to which it is accessory shall be used for living purposes.

#### 5.9-2 On Reversed Corner Lots.

On a reversed corner lot in a residential district, no accessory building or portion thereof shall be located within 5 feet of any part of a rear lot line which coincides with the side lot line or portion thereof of property in any residential district.

No accessory building shall be erected in or encroach upon the required side yard of a corner lot which is adjacent to the street, nor upon the required side yard of a reversed corner lot which is adjacent to the street.

#### 5.9-3 Separation Between Buildings.

Detached accessory buildings or structures shall be located no closer to any other accessory or principal building than 5 feet.

### §5.10 BULK REGULATIONS.

#### 5.10-1 Continued Conformity with Bulk Regulations.

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

#### 5.10-2 Division of Zoning lots.

No zoning lot shall hereafter be divided into 2 or more zoning lots and no portion of any zoning lot shall be sold, unless all zoning lots resulting from each such division or sale shall conform with all the applicable bulk regulations of the zoning district in which the property is located.

#### 5.10-3 Location of Required Open Space.

All yards and other open spaces allocated to a building or dwelling group shall be located on the same zoning lot as such building or dwelling group.

#### 5.10-4 Required Yards, Existing Buildings.

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

#### §5.11 EXISTING SPECIAL USES.

Where a use is classified as a special use under this ordinance, and exists as a special use at the date of the adoption of this ordinance, it shall be considered to be a legal use.

#### §5.12 REGULATIONS ALONG LIMITED ACCESS HIGHWAYS.

Along all limited access highways, the setback of all buildings and structures shall be not less than 50 feet from the existing or recorded proposed right-of-way line.

#### §5.13 DEVELOPMENT OF AIR RIGHTS.

The development of air rights above land located in any zoning district and utilized for public or private use, shall be permitted subject to all the requirements of the zoning district within which such development is located. However, plans for all such air rights development shall be submitted to the Zoning Administrator for recommendations as to the appropriateness of the development in regard to the location of structures, traffic control, placement of utilities, and all other matters related to the physical development of said air rights. Such recommendations shall be forwarded to, and shall be subject to the approval of, the Zoning Board of Appeals.

#### §5.14 INTERPRETATION OF USE LISTS.

The Zoning Administrator may allow land uses which, though not contained by name in a zoning district list of permitted or special uses, are deemed to be similar in nature and clearly compatible with the listed uses. However, such non-listed uses shall not be approved until the application for such use has been reviewed by the Zoning Board of Appeals and a favorable report has been received by the Zoning Administrator. The non-listed uses which are approved shall be added to the appropriate use list at the time of periodic updating and revision.

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TABLE A

|      |                | LOT SIZE |       | YARDS |      |            |              |                 |                           | PRINCIPAL USE                  |                  |                          |    | ACCESSORY USE  |  |    |  |  |
|------|----------------|----------|-------|-------|------|------------|--------------|-----------------|---------------------------|--------------------------------|------------------|--------------------------|----|--|--|----|--|--|
|      |                | Area     | Width | Front | Rear | Total Side | Minimum Side | Abutting Street | Abutting Residential Zone | Total Lot Coverage - All Bldgs | Floor Area Ratio | Height of Principal Bldg |    | Lot Coverage of All Accessory Bldgs                  | Height of Accessory Bldg   |    |  |  |
| ZONE | USE            | Ac       | Ft    | Ft    | Ft   | Ft         | Ft           | Ft              | Ft                        | %                              |                  | Ft                       | St |  | Ft   | St |  |  |
| R1   | One Family     | 1½       | 150   | 50    | 10   | 30         | 10           | 30              |                           | 20                             | .4               | 25                       | 2  | 5% or 1200 Ft <sup>2</sup><br>whichever is smaller   | Height of<br>Principal<br>Use but<br>not more<br>than 25<br>feet |    |  |  |
|      | All Other Uses | 1½       | 150   | 50    | 10   | 50         | 20           | 30              |                           | 20                             | .4               | 40                       | 3  |  |  |    |  |  |
| R2   | One Family     | 2½       | 225   | 50    | 10   | 30         | 20           | 40              |                           | 20                             | .4               | 25                       | 2  | 5 % or 2000 Ft <sup>2</sup><br>whichever is smaller  |  |    | Height of<br>Principal<br>Use but<br>not more<br>than 25<br>feet |  |
|      | All Other Uses | 2½       | 225   | 50    | 10   | 50         | 30           | 40              |                           | 20                             | .4               | 40                       | 3  |  |  |    |  |  |
| R3   | Two Family     | 1½       | 150   | 50    | 10   | 30         | 10           | 30              |                           | 30                             | .4               | 25                       | 2  | 5 % or 2000 Ft <sup>2</sup><br>whichever is smaller  | Height of<br>Principal<br>Use but<br>not more<br>than 25<br>feet |    |  |  |
|      | All Other Uses | 1½       | 150   | 50    | 10   | 50         | 20           | 30              |                           | 20                             | .4               | 40                       | 3  |  |  |    |  |  |
| E1   | One Family     | 5        | 250   | 100   | 30   | 50         | 50           | 50              |                           | 20                             | .4               | 25                       | 3  | 2 % or 4350 Ft <sup>2</sup><br>whichever is smaller  |  |    | Height of<br>Principal<br>Use but<br>not more<br>than 25<br>feet |  |
|      | All Other Uses | 5        | 250   | 100   | 30   | 50         | 50           | 50              |                           | 20                             | .4               | 40                       | 3  |  |  |    |  |  |
| E2   | One Family     | 10       | 250   | 100   | 30   | 50         | 50           | 50              |                           | 20                             | .4               | 35                       | 3  | 2 % or 10000 Ft <sup>2</sup><br>whichever is smaller | 35   | 2  |  |  |
|      | All Other Uses | 10       | 150   | 100   | 30   | 50         | 50           | 50              |                           | 30                             | .4               | 40                       | 3  |  |  |    |  |  |
| B1   | All Uses       | 1        | 100   | 30    | 20   |            |              | 20              | 30                        | 50                             | 1.0              | 25                       | 2  | 1%   | 15   | 1  |  |  |
| B2   | All Uses       | 1½       | 150   | 30    | 20   |            |              | 20              | 30                        | 50                             | 1.0              | 25                       | 2  | 1%   | 15   | 1  |  |  |
| B3   | All Uses       | 2        | 150   | 50    | 40   |            |              | 20              | 30                        | 50                             | 1.0              | 40                       | 3  | 1%   | 25   | 2  |  |  |
| B4   | All Uses       | 4        | 200   | 50    | 40   |            |              | 20              | 30                        | 50                             | 1.0              | 40                       | 3  | 1%   | 25   | 2  |  |  |
| LI   | All Uses       | 2        | 150   | 50    | 40   | 30         | 15           | 20              | 40                        | 50                             | 1.0              | 40                       | 3  | 1%   | 25   | 2  |  |  |
| I    | All Uses       | 2½       | 150   | 50    | 40   | 30         | 15           | 20              | 50                        | 50                             | 1.0              | 45                       | 3  | 1%   | 25   | 2  |  |  |
| A    | All Uses       | 40       | 150   | 30    | 30   | 30         | 15           | 30              | 30                        | 5                              | .10              | 25                       | 2  | 1%   | 60   | 3  |  |  |

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## **ARTICLE VI. NONCONFORMING BUILDINGS, STRUCTURES AND USES**

### **§6.1 PURPOSE.**

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

The purposes of this Article is to provide for the regulation of nonconforming buildings, structures, and uses and to specify those circumstances and conditions under which those nonconforming buildings structures, and uses shall be permitted to continue.

## **§6.2 AUTHORITY TO CONTINUE NONCONFORMING BUILDINGS, STRUCTURES, AND USES.**

Any nonconforming building, structure, or use which existed lawfully at the time of the adoption of this ordinance and which remains nonconforming, and any such building, structure, or use which shall become nonconforming upon the adoption of this ordinance, or of any subsequent amendment thereto, may be continued subject to the regulations which follow.

## **§6.3 RESTRICTIONS ON NONCONFORMING BUILDINGS, STRUCTURES AND USES.**

### **6.3-1 Repairs or Alterations.**

So long as a building, structure, advertising sign, or business sign is used or is eligible for use in a nonconforming manner, only ordinary repairs and maintenance, including replacement of roof covering and veneering of outer walls, shall be permitted. In no case shall such repairs include structural alterations, or other work which will extend appreciably the normal life of the building, structure, advertising sign, or business sign.

For the purpose of this section, repairs shall include the replacement of storage tanks where the safety of operation of the installation requires such replacement, and other replacements of, or substitutions for, machinery or equipment not involving structural alterations to the building or structure, except as herein above provided.

### **6.3-2 Relocation of Building or Structure.**

No building or structure shall be moved in whole or in part to any other location on the same or any other lot unless every portion of such building or structure which is moved, and the use thereof, is made to conform to all of the regulations of the district in which it is to be located.

### **6.3-3 Restoration of Damaged Building or Structure.**

Any building or structure devoted to a nonconforming use which may be destroyed or damaged by fire or otherwise to the extent of 50% or more of its full assessed value shall not be repaired or rebuilt, and no building or structure shall be hereafter erected and used upon any land devoted to a nonconforming use, except in conformity with the regulations of this ordinance.

### **6.3-4 Exception - Existing Nonconforming Recorded Lots.**

#### **(a) Construction on Existing Vacant Lots.**

In any residential or estate district, a one-family detached dwelling and its accessory structures may be erected on any vacant legal lot or parcel subdivided and recorded before the effective date of this ordinance provided that the lot area, lot width, and yard requirements are not less than 70% of the minimums required by this ordinance and that all other applicable zoning, wastewater disposal, and building ordinance requirements are complied with.

#### **(b) Reconstruction, Repair and Alteration on Existing Improved Nonconforming Lots.**

In any district, repair or alteration of existing buildings that are being used for permitted uses but are located on nonconforming recorded lots shall be permitted. If any building is damaged or destroyed it may be rebuilt for its original development, or a new building may be

constructed for any permitted use to the extent permitted in this Article.

#### **6.3-5 Discontinuance of a Nonconforming Use.**

If the nonconforming use of a building, structure, or premises is discontinued it shall not be renewed, and any subsequent use of the building, structure, or premises shall conform to the use regulations of the district in which such building, structure, or premises is located.

#### **6.3-6 Expansion of Nonconforming Use.**

##### **(a) *Building or Structure.***

A nonconforming use occupying a part of a building or structure may be extended only throughout that part of the building or structure originally designed for such use, but in no case shall an addition be made which will provide for an expansion of the nonconforming use. A use customarily accessory to a residence shall not expand beyond an area that is clearly accessory to the amount used for residence.

##### **(b) *Land.***

The nonconforming use of land, not involving a building or structure, or in connection with which any building or structure thereon is accessory to the principal use of the land, shall not be expanded or extended beyond the area it occupies at the time of the passage of this ordinance, or at the time of a later amendment creating the nonconformity.

#### **6.3-7 Change of Nonconforming Use.**

##### **(a) *Building or Structure.***

A nonconforming use may be changed to another nonconforming use of the same or higher classification, provided the provisions of subsection 6.3-7(b) of this section relating to expansion are complied with, or a nonconforming use may be changed to a conforming use. In neither case, however, shall a change in use again be made to one of lower classification.

##### **(b) *Land.***

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

### **§6.4 ELIMINATION OF NONCONFORMING BUILDINGS AND STRUCTURES.**

In any district, any building or structure, all or substantially all of which is designed or intended for a use allowed only in a less-restricted district, and any nonconforming sign in any zoning district, shall be removed or shall be altered, remodeled or converted for a permitted use within six (6) months after the amortization period of such building or structure, which is hereby established as set forth below:

- (1) If the full fair cash value of the buildings or structures is \$5,000 or less as appears on the books of the assessor at the time of enforcement proceedings, then within 3 years from the effective date of this ordinance.

- (2) If the full fair cash value of the buildings or structures is more than \$5,000 but less than \$12,000 as appears on the books of the assessor at the time of enforcement proceedings, then within 6 years from the effective date of this ordinance.
- (3) The provisions of this section shall not be applicable to any buildings or structure having a full fair cash value in excess of \$12,000 as appears on the books of the assessor at the time of enforcement proceedings.

## **§6.5 ELIMINATION OF NONCONFORMING USES.**

This section is intended to gradually eliminate inappropriate uses of buildings or structures designed or intended for uses allowed within the district in which they are located, but is not intended to eliminate any use not permitted in the district if such use is appropriate to the design or intent of such building or structure.

### **6.5-1 Residential and Agriculture Districts.**

In all Residential and Farming districts, any use of a building or structure, all or substantially all of which is designed or intended for a use permitted only in a Residential or Agriculture district, but is being used for a use permitted only in a Business or an Industrial district, shall be terminated within 5 years of the effective date of this ordinance.

### **6.5-2 Business Districts.**

In all Business districts, any use of a building or structure, all or substantially all of which is designed or intended for a use permitted only in a Business district, but is being used for a use permitted only in a Residential or an Industrial district, shall be terminated within 10 years of the effective date of this ordinance.

### **6.5-3 Industrial Districts.**

In all Industrial districts, any use of a building or structure, all or substantially all of which is designed or intended for a use permitted only in an Industrial district, but is being used for a use permitted only in a Residential or a Business district, shall be terminated within 15 years of the effective date of this ordinance.

### **6.5-4 Land.**

The nonconforming use of land shall be discontinued and cease 3 years after the effective date of this ordinance in each of the following cases:

- (1) Where no buildings or structures are employed in connection with such use.
- (2) When the only buildings or structures or other physical improvements are accessory to such use.
- (3) A nonconforming use of land which is accessory to the nonconforming use of buildings or structure shall be discontinued.
- (4) Improvements underground or substantially at ground level, which comprise all or substantially all of the improvements employed in a nonconforming use of land, and which have a full fair

cash value of \$5,000 or less, as it appears on the books of the assessor at the time of enforcement proceedings, shall be deemed a nonconforming structure and shall be subject to the applicable provisions of this Article.

The provisions of this Section shall not be applicable to any nonconforming use associated with any building or structure, a substantial portion of which is designed or intended for such a nonconforming use regardless of the district in which such building or structure is located.

#### **§6.6 PERFORMANCE AND PROTECTIVE STANDARDS FOR NONCONFORMING USES.**

All nonconforming uses shall conform to the performance and protective standards, including but not limited to screening, noise levels, air pollution and vibration levels, within a period of one year after the effective date of this ordinance.

#### **§6.7 RECORDS.**

The Zoning Administrator shall make and keep a record, including photographs, of all buildings, structures and land-uses which do not conform to the use regulations of the districts in which they are located.

### **ARTICLE VII. ZONING DISTRICTS**

#### **§7.1 CLASSIFICATION.**

For the purpose of this ordinance, all the land lying within the boundaries of the Village is hereby divided and classified into the following districts:

##### **7.1-1 Agricultural District.**

A District - Agriculture

##### **7.1-2 Residential Districts.**

E1 District - Estate Residential  
E2 District - Estate Residential  
R1 District - One Family Residential  
R2 District - One Family Residential  
R3 District - Two Family Residential

##### **7.1-3 Business Districts.**

B1 District - Business  
B2 District - Business  
B3 District - Business  
B4 District - Business

#### **7.1-4 Industrial districts.**

LI District - Light Industry  
I District - General Industry

#### **§7.2 ZONING MAPS.**

Such land and the classification thereof shall be as shown on maps designated the "Zoning Maps of the Village of Virgil, Illinois". These maps shall be numbered consecutively, each map to be signed and dated by the Village Clerk. These zoning maps, and all notations, colors, dimensions, references and symbols shown thereon, pertaining to such districts, shall be as much a part of this ordinance as if fully described herein and shall be filed as part of the ordinance with the Village Clerk. Such maps shall be available for public review in the office of the Village. Later alterations of any of these maps, adopted by amendment as herein provided, shall be similarly signed, dated, filed and made available for public review.

#### **§7.3 ADDITIONAL AREAS.**

Any addition to the area regulated by this ordinance as shown on the zoning maps, resulting from annexation into the Village or otherwise, shall be automatically placed in the A district - Agriculture until otherwise classified by amendment. Within these districts, no building, structure or land shall be used, nor shall any building or structure be erected, moved, enlarged, or the structural members thereof be altered for any use other than those as permitted in such A district - Agriculture and in conformance with the other provisions of this ordinance. Any use customarily accessory to a permitted use is also permitted unless otherwise restricted or prohibited.

#### **§7.4 BOUNDARIES OF DISTRICTS.**

In determining the boundaries of the various districts as shown on the zoning maps, district boundary lines are either the center lines of railroads, highways, streets, alleys, or boundary lines of sections, quarter sections, tracts, parcels or lots or such lines extended unless otherwise indicated.

### **ARTICLE VIII. AGRICULTURE DISTRICTS**

#### **§8.1 A DISTRICT - AGRICULTURE.**

#### 8.1-1 Permitted Uses.

In the A district, the uses marked with an "X" in the column entitled "A" in Table B are permitted.

(a) *Single Family residence, Restriction.*

- (1) The single family residential use was an existing residential structure on the effective date of this ordinance; provided that the size of the zoning lot may not be reduced after the effective date of this ordinance, unless done in compliance with this ordinance; or
- (2) If not existing on the effective date of this ordinance, the land on which the single family residential use is proposed is a parcel of land recorded with the Kane County Recorder of Deeds prior to the effective date of this ordinance, whether the recording was by a deed or deeds to a *bona fide* third party, or by a contract to purchase or memorandum of purchase by a *bona fide* third party, on which there is a detailed legal description; provided the parcel contains a minimum of 20,000 square feet and is at least 75 feet in width; provided further that all other zoning, waste water disposal and building ordinance requirements are complied with. A member of the immediate family of the grantor under any such deed or deeds or of the seller under any such contract or memorandum of purchase, or any corporation, partnership, trust, or other entity, 50% or more of which is owned, directly or indirectly, by such grantor or seller or by a member of such grantor's or seller's immediate family, is not a *bona fide* third party for the purposes of this subsection; or
- (3) The residence is located on a parcel of not less than 40 acres in area and the principal use of said zoning lot is agricultural.

(Ordinance 1992-03, eff. 4/9/92)



### **8.1-2 Special Uses.**

In the A district, the uses marked with an "S" in the column entitled "A" in Table B may be allowed.

### **8.1-3 Uses Expressly Prohibited.**

The following uses are prohibited in the A district:

- (a) Mobile homes.
- (b) Storage of boats, recreational vehicles and trailers of any kind closer than required setback lines.
- (c) Parking within any public or private right-of-way.
- (d) Disposal of garbage.
- (e) Sale of pornography.

## **ARTICLE IX. RESIDENTIAL DISTRICTS**

### **§9.1 E1 DISTRICT - ESTATE.**

#### **9.1-1 Permitted Uses.**

In the E1 district, the uses marked with an "X" in the column entitled "E1" in Table B are permitted.

#### **9.1-2 Special Uses.**

In the E1 district, the uses marked with an "S" in the column entitled "E1" in Table B may be allowed.

### **9.1-3 Uses Expressly Prohibited.**

- (a) The storage or parking of any truck or other commercial vehicles in excess of one ton.
- (b) The storage or parking outside of more than one truck or commercial vehicle less than or equal to one ton.
- (c) Garages or other accessory buildings except as accessory to the residential use.
- (d) Storage of boats, recreational vehicles and trailers of any kind closer than required setback lines.
- (e) Parking within any public or private right-of-way.
- (f) Mobile homes.
- (g) Sale of pornography.

## **§9.2 E2 DISTRICT - ESTATE.**

### **9.2-1 Permitted Uses.**

In the E2 district, the uses marked with an "X" in the column entitled "E2" in Table B are permitted.

### **9.2-2 Special Uses.**

In the E2 district, the uses marked with an "S" in the column entitled "E2" in Table B may be allowed.

### **9.2-3 Uses Expressly Prohibited.**

The uses expressly prohibited in the E1 district are expressly prohibited herein.

## **§9.3 R1 DISTRICT - ONE-FAMILY RESIDENTIAL.**

### **9.3-1 Permitted Uses.**

In the R1 district, the uses marked with an "X" in the column entitled "R1" in Table B are permitted.

### **9.3-2 Special Uses.**

In the R1 district, the uses marked with an "S" in the column entitled "R1" in Table B may be allowed.

### **9.3-3 Uses Expressly Prohibited.**

The following uses are prohibited in the R1 district:

- (a) Storing of lumber or other building materials and/or equipment, not in connection with an authorized building project in progress on the immediate premises.
- (b) Mobile homes.
- (c) The storage or parking of any truck or commercial vehicle in excess of one ton.
- (d) The storage or parking outside of more than one truck or commercial vehicle less than or equal to one ton.
- (e) Garages or other accessory buildings except as accessory to the residential use.
- (f) Storage of boats, recreational vehicles and trailers of any kind closer than required setback lines.
- (g) Parking within any public or private right-of-way.
- (h) Sale of pornography.

## **§9.4 R2 DISTRICT - ONE-FAMILY RESIDENTIAL.**

### **9.4-1 Permitted Uses.**

In the R2 district, the uses marked with an "X" in the column entitled "R2" in Table B are permitted.

### **9.4-2 Special Uses.**

In the R2 district, the uses marked with an "S" in the column entitled "R2" in Table B may be allowed.

### **9.4-3 Uses Expressly Prohibited.**

Uses prohibited in the R1 district are prohibited in the R2 district.

## **§9.5 R3 DISTRICT - TWO-FAMILY RESIDENTIAL.**

### **9.5-1 Permitted Uses.**

In the R3 district, the uses marked with an "X" in the column entitled "R3" in Table B are permitted.

**9.5-2 Special Uses.**

In the R3 district, the uses marked with an "S" in the column entitled "R3" in Table B may be allowed.

**9.5-3 Uses Expressly Prohibited.**

Uses prohibited in the R1 district are prohibited in the R3 district.

**ARTICLE X. BUSINESS DISTRICTS**

**§10.1 B1 DISTRICT - BUSINESS.**

**10.1-1 Permitted uses.**

In the B1 district, the uses marked with an "X" in the column entitled "B1" in Table B are permitted.

**10.1-2 Special Uses.**

In the B1 district, the uses marked with an "S" in the column entitled "B1" in Table B may be allowed.

**10.1-3 Uses Expressly Prohibited.**

The following uses are prohibited in the B1 district:

- (a) Any establishment serving beer or alcoholic liquor or selling beer or alcoholic liquor at retail.
- (b) The manufacture or storage of ammunition, dynamite, nitroglycerine or other high explosives in such manner or quantity as to be hazardous to persons and property beyond the premises.
- (c) Auto wrecking yards.
- (d) Dance halls and roller skating rinks.
- (e) Mobile Homes.
- (f) Sale of pornography.

**§10.2 B2 DISTRICT - BUSINESS.**

**10.2-1 Permitted Uses.**

In the B2 district, the uses marked with an "X" in the column entitled "B2" in Table B are permitted.

### **10.2-2 Special Uses.**

In the B2 district, the uses marked with an "S" in the column entitled "B2" in Table B may be allowed.

### **10.2-3 Uses Expressly Prohibited.**

The following uses are prohibited in the B2 district:

- (a) Any establishment serving beer or alcoholic liquor or selling beer or alcoholic liquor at retail.
- (b) The manufacture or storage of ammunition, dynamite, nitroglycerine or other high explosives in such manner or quantity as to be hazardous to persons and property beyond the premises.
- (c) Auto wrecking yards.
- (d) Mobile homes.
- (e) Sale of pornography.

## **§10.3 B3 DISTRICT - BUSINESS.**

### **10.3-1 Permitted Uses.**

In the B3 district, the uses marked with an "X" in the column entitled "B3" in Table B are permitted.

### **10.3-2 Special Uses.**

In the B3 district, the uses marked with an "S" in the column entitled "B3" in Table B may be allowed.

### **10.3-3 Uses Expressly Prohibited.**

The following uses are prohibited in the B3 district:

- (a) The manufacture or storage of ammunition, dynamite, nitroglycerine or other high explosives in such manner or quantity as to be hazardous to persons and property beyond the premises.
- (b) Auto wrecking yards.
- (c) Mobile Homes.
- (d) Sale of pornography.

**§10.4 B4 DISTRICT - BUSINESS.**

**10.4-1 Permitted Uses.**

In the B4 district, the uses marked with an "X" in the column entitled "B4" in Table B are permitted.

**10.4-2 Special Uses.**

In the B4 district, the uses marked with an "S" in the column entitled "B4" in Table B may be allowed.

**10.4-3 Uses Expressly Prohibited.**

The following uses are prohibited in the B4 district:

- (a) The manufacture or storage of ammunition, dynamite, nitroglycerine or other high explosives in such manner or quantity as to be hazardous to persons and property beyond the premises.
- (b) Sale of pornography.

**ARTICLE XI. INDUSTRIAL DISTRICTS**

**§11.1 LI DISTRICT - LIGHT INDUSTRY.**

The Light Industry district is intended to provide an environment suitable for industrial activities that do not create appreciable nuisances or hazards, or that require a pleasant, hazard-free and nuisance-free environment. Any use established in a Light Industry district shall be operated in such a manner as to comply with the performance standards hereinafter set forth governing noise, smoke, particulate matter, toxic or noxious matter, odors, fire and explosive hazards, vibration, glare and heat, or radiation hazards; and no use already established on the effective date of this ordinance shall be so altered or modified as to conflict with such performance standards. Upon request of the Zoning Administrator, certification from an approved testing laboratory indicating compliance with the applicable performance standard shall accompany any application for a building permit, or a change of use.

**11.1-1 Permitted Uses.**

In the LI district, the uses marked with an "X" in the column entitled "LI" in Table B are permitted.

**11.1-2 Special Uses.**

In the LI district, the uses marked with an "S" in the column entitled "LI" in Table B may be allowed.

**11.1-3 Uses Expressly Prohibited.**

In the LI district, residences and apartments are prohibited, except those required for watchmen or attendants whose continual presence on the premises is necessary. In this connection, trailers or mobile homes shall not be permitted. Sales of pornography are not permitted.

**11.1-4 Performance Standards.**

**(a) Noise.**

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 sound level meter and shall include continuous noise and those noises which cause rapid fluctuations of the needle of the sound level meter with a variation of not more than plus or minus 2 decibels. Noise incapable of being so measured shall be measured with the impact noise meter manufactured by the General Radio Company, or its equivalent, and shall comply with the applicable performance standards for noise.

At no point on the boundary of a Residence or Business district shall the sound pressure level of any individual operation or plant other than background noises produced by sources not under control of this ordinance, such as operation of motor vehicles or other facilities exceed the decibel levels in the designated octave bands shown in Table 3.

Table 3

| <b>Maximum Permitted Sound Level (Decibels)</b>        |   |  |
|--|---|--|
| <i>Octave Band<br/>Frequency<br/>Cycles per Second</i> | <i>Along Residential,<br/>Estate or Farming<br/>District Boundaries</i> | <i>Along Business<br/>and Industry<br/>District Boundaries</i> |
| 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   |
| Above 4800   | 32  | 39   |

**(b) Smoke and Particulate Matter.**

The emission of smoke or particulate matter in such manner or quantity as to endanger or to be detrimental to the public health, safety, comfort or welfare shall henceforth be unlawful.

For the purpose of grading the density of smoke, the Ringelmann Chart published by the U.S. Bureau of Mines shall be employed. The emission of smoke or particulate matter of density greater than No. 2 on the Ringelmann Chart, or in quantity of more than 8 smoke units per hour per stack, is prohibited at all times except as otherwise provided herein.

During one one-hour period in each 24 hour day, and only during that length of time, each stack may exceed these limits when blowing soot or cleaning fires. Smoke of Ringelmann No. 3 density or greater shall then be permitted for not more than 3 minutes per period.

Dust and other types of air pollution, borne by wind from such various sources as storage areas, yards, roads, and the like within lot boundaries, shall be kept to a minimum by appropriate landscaping, paving, oiling, fencing, or other acceptable means.

The rate of emission of particulate matter from all sources within the boundaries of any lot shall not exceed a net figure of one pound per acre of lot area during any one hour.

**(c) Toxic or Noxious Matter.**

No use for any period of time shall discharge across the boundaries of the lot wherein it is located, toxic or noxious matter in such concentration as to be a nuisance or detrimental to or endanger the public health, safety, comfort, or welfare, or cause injury or damage to property or business.

**(d) Odors.**

The emission of odorous matter in such concentrations as to be readily detectable at any point along the boundaries of the property or in such concentrations as to create a nuisance or hazard beyond such boundaries prohibited.

**(e) Vibration.**

No industrial operation or activity except those not under the direct control of the manufacturer shall cause at any time ground-transmitted vibrations in excess of the limits set forth in Table 4. Vibration shall be measured at any point along a Residential district boundary with a 3 component measuring instrument approved by the Village Zoning Administrator and shall be expressed as displacement in inches.

Table 4

| <b>Vibration</b>                       |  |
|--|--|
| <i>Frequency<br/>Cycles per Second</i> | <i>Maximum Permitted Displacement<br/>Along Estate, Residential or<br/>Farming District Boundaries</i> |
| 0 to 10                                | .0006  |
| 10 to 20                               | .0004  |
| 20 and over                            | .0001  |



(f) **Fire.**

- (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 to active burning to intense burning is permitted provided the following conditions are met:
- (3) Said materials or products shall be stored, utilized or manufactured within completely enclosed buildings or structures having incombustible exterior walls and handled in accordance with the standards and regulations of the Village and the National Fire Association.
- (4) All such buildings shall be set back at least 40 feet from all lot lines, or in lieu thereof shall be protected throughout by an automatic fire extinguishing system installed in accordance with the standards and regulations of the Village and the National Fire Association.
- (5) The storage, utilization or manufacture of flammable liquids or materials which produce flammable or explosive vapors under ordinary weather temperatures, shall be permitted in accordance with the following limitations, exclusive of storage in underground tanks and exclusive of storage of finished products in original containers.
- (6) Said materials or products shall be stored, utilized or manufactured within completely enclosed buildings or structures having incombustible exterior walls and handled in accordance with the standards and regulations of the Village and the National Fire Association.
- (7) All such buildings shall be set back at least 40 feet from all lot lines or in lieu thereof shall be protected throughout by an automatic fire extinguishing system installed in accordance with the standards and regulations of the Village and the National Fire Association.
- (8) The storage of flammable liquids in excess of the quantities shown in Table 5 shall not be permitted.

Table 5

| <i>Closed Cup Flash Point</i>            | <i>Quantity<br/>(Gallons)</i> |
|--|-------------------------------|
| Less than 24° F                          | 1,000                         |
| 24° F to less than 105° F                | 10,000                        |
| 105° F to less than 187° F               | 50,000                        |
| Total of all flammable liquids permitted | 50,000                        |

(9) Activities involving the storage or manufacture of materials or products which decompose by detonation are not permitted in an LI district.

(g) **Glare - Heat - Flash.**

Any operation producing intense glare, heat or flash shall be performed within a completely enclosed building in such manner as not to create a nuisance or hazard along lot lines.

(h) **Radiation.**

- (1) Airborne radioactive materials shall not exceed at any point on or beyond the lot line the lowest concentration permitted for the general population by applicable federal and state laws and regulations in effect.
- (2) No activity involving radiation hazards shall be permitted which causes to any individual who may be continuously at any point on or beyond the lot line, radiation in excess of the smallest amount permitted in the applicable federal and state laws and regulations.

**§11.2 I DISTRICT - INDUSTRY.**

**11.2-1 Permitted Uses.**

In the I district, the uses marked with an "X" in the column entitled "I" in Table B are permitted.

**11.2-2 Special Uses.**

In the I district, the uses marked with an "S" in the column entitled "I" in Table B may be allowed.

**11.2-3 Uses Expressly Prohibited.**

- (a) Sale of pornography.

**11.2-4 Performance Standards.**

The performance standards applicable in the LI district are applicable in the I district.

TABLE B  
PERMITTED USES

| USES  | DISTRICTS |     |     |     |     |     |     |     |     |   |   |     |
|---|-----------|-----|-----|-----|-----|-----|-----|-----|-----|---|---|-----|
|   | R-1       | R-2 | R-3 | E-1 | E-2 | B-1 | B-2 | B-3 | B-4 | U | I | A   |
| <b>X = Permitted Use</b>  |           |     |     |     |     |     |     |     |     |   |   |     |
| <b>S = Special Use</b>  |           |     |     |     |     |     |     |     |     |   |   |     |
| <b>T = Temporary Use</b>  |           |     |     |     |     |     |     |     |     |   |   |     |
| <b>AGRICULTURAL USES</b>  |           |     |     |     |     |     |     |     |     |   |   |     |
| <b>FARMING</b>  |           |     |     |     |     |     |     |     |     |   |   |     |
| Apiary  |           |     |     | S   | S   |     |     |     |     |   |   | X   |
| Dairy Farm (including processing)                                       |           |     |     | X   | X   |     |     |     |     |   |   | X   |
| Farming (cultivation of field and garden crops)                         | X         | X   | X   | X   | X   | X   | X   | X   | X   |   | X | X   |
| Fish Hatchery   |           |     |     | X   | X   |     |     |     |     |   |   | X   |
| Flower Farm   | X         | X   | X   | X   | X   | X   | X   | X   | X   |   | X | X   |
| Game Animal Farm  |           |     |     | S   | S   |     |     |     |     |   |   | X   |
| Kennel (private non-commercial)   |           |     |     | S   | S   |     |     |     |     |   |   | X   |
| Nursery   | X         | X   | X   | X   | X   | X   | X   | X   | X   |   | X | X   |
| Orchard   | X         | X   | X   | X   | X   | X   | X   | X   | X   |   | X | X   |
| Raising of Poultry or Small Animals (for private non-commercial use)    | X1        |     |     |     |     |     |     |     |     |   |   |     |
| Sod Farm  | X         | X   | X   | X   | X   | X   | X   | X   | X   |   | X | X   |
| Stable (for private non-commercial use)                                 | X2        | X3  |     | X4  | X5  |     |     |     |     |   |   | X6  |
| Truck Farm  |           |     |     | X   | X   |     |     |     |     |   |   | X   |
| <b>AGRICULTURAL BUSINESS</b>  |           |     |     |     |     |     |     |     |     |   |   |     |
| Animal Shelter (not for profit)   |           |     |     | S   | S   |     |     |     |     |   |   | S   |
| Breeding and/or Feeding Operation                                       |           |     |     | X7  | X8  |     |     |     |     |   | X | X   |
| Feed and Grain Sales  |           |     |     | X   |     | S   | X   | X   | X   |   |   | X   |
| Greenhouse, Commercial  |           |     |     |     | X   |     | X   | X   | X   |   |   | X   |
| Kennel, Commercial  |           |     |     |     |     |     |     | S   | S   |   |   | S   |
| Nursery, Retail Sales   |           |     |     |     |     |     |     | X   | X   |   |   | X   |
| Poultry Hatchery (Commercial)   |           |     |     |     |     |     |     |     |     |   | S | X   |
| Poultry Processing  |           |     |     |     |     |     |     |     |     |   | S |     |
| Seasonal Sale of Farm Products (Produced on Premises)                   | T         | T   | T   | T   | T   | T   | T   | T   | T   |   | T | T   |
| Seasonal Sale of Farm Products (Both Imported and Produced on Premises) |           |     |     |     |     |     | T   | T   | T   |   | T | T   |
| Stable, Commercial  |           |     |     | S9  | S10 |     |     |     |     |   |   | X11 |
| Veterinary Clinic   |           |     |     |     |     |     | X   | X   | X   |   |   | X   |
| <b>BUSINESS USES</b>  |           |     |     |     |     |     |     |     |     |   |   |     |
| <b>AUTOMOTIVE</b>   |           |     |     |     |     |     |     |     |     |   |   |     |
| Agricultural Implement Sales & Service                                  |           |     |     |     |     |     | S   | S   | S   |   |   |     |
| Ambulance Service and Garage  |           |     |     |     |     | X   | X   | X   | X   |   | X |     |
| Automotive Car/Truck Wash   |           |     |     |     |     | S   | S   | S   | S   |   | S |     |
| Automotive Body & Paint Shop  |           |     |     |     |     |     | S   | S   | S   |   | S |     |
| Automobile Rental   |           |     |     |     |     | X   | X   | X   | X   |   |   |     |
| Automobile Repair (Major)   |           |     |     |     |     |     | S   | S   | S   |   | X |     |
| Automobile Sales (Showroom)   |           |     |     |     |     |     | S   | S   | S   |   |   |     |
| Automobile Service (Not Including Sales of Gasoline)                    |           |     |     |     |     | X   | X   | X   | X   |   |   |     |
| Automobile Wrecking Yard  |           |     |     |     |     |     |     |     |     |   | S |     |

TABLE B  
PERMITTED USES

| USES   | DISTRICTS |     |     |     |     |     |     |     |     |    |   |   |
|--|-----------|-----|-----|-----|-----|-----|-----|-----|-----|----|---|---|
|  | R-1       | R-2 | R-3 | E-1 | E-2 | B-1 | B-2 | B-3 | B-4 | LI | I | A |
| <b>X = Permitted Use</b>   |           |     |     |     |     |     |     |     |     |    |   |   |
| <b>S = Special Use</b>   |           |     |     |     |     |     |     |     |     |    |   |   |
| <b>T = Temporary Use</b>   |           |     |     |     |     |     |     |     |     |    |   |   |
| Boat Sales   |           |     |     |     |     |     | S   | S   | S   |    |   |   |
| Gasoline Station (Retail Non-Bulk Sales)                                 |           |     |     |     |     | S   | S   | S   | S   |    | S |   |
| Mobile Home Sales  |           |     |     |     |     |     | S   | S   | S   |    |   |   |
| Motorcycle Sales and Service   |           |     |     |     |     |     | S   | S   | S   |    |   |   |
| Outside Storage of Boats, Trailers or Vehicles (Less than 25' in Length) |           |     |     |     |     |     | S   | S   | S   |    | S |   |
| Recreational Vehicle Sales and Service                                   |           |     |     |     |     |     | S   | S   | S   |    |   |   |
| Taxicab Garage   |           |     |     |     |     |     |     | S   | S   |    | X |   |
| Trailer Rental   |           |     |     |     |     | X   | X   | X   | X   |    |   |   |
| Truck Rental   |           |     |     |     |     |     | X   | X   | X   |    | X |   |
| Truck Repair   |           |     |     |     |     |     | S   | S   | S   |    | X |   |
| Truck Sales (Showroom)   |           |     |     |     |     |     |     | S   | S   |    |   |   |
| Wait Station, Bus  | X         | X   | X   | X   | X   | X   | X   | X   | X   |    |   |   |
| <b>COMMERCIAL RECREATION</b>   |           |     |     |     |     |     |     |     |     |    |   |   |
| Amusement Park   |           |     |     |     |     |     | S   | S   | S   |    |   |   |
| Arcade   |           |     |     |     |     |     | S   | S   | S   |    |   |   |
| Billiard Parlor  |           |     |     |     |     |     | S   | S   | S   |    |   |   |
| Boat Launching Ramp  |           |     |     |     |     | S   | S   | S   | S   |    |   |   |
| Boat Rental/Storage  |           |     |     |     |     |     | S   | S   | S   |    | S |   |
| Bowling Alley  |           |     |     |     |     |     | S   | S   | S   |    |   |   |
| Club, Private (Indoor)   |           |     |     |     |     | S   | S   | X   | X   |    |   |   |
| Club, Private (Outdoor)  | S         | S   | S   | S   | S   | S   | X   | X   | X   |    |   |   |
| Coin-Operated Amusement Devices  |           |     |     |     |     | S12 | S13 | S14 | S15 |    |   |   |
| Conservation Club  |           |     |     | S   | S   |     |     |     |     |    |   | S |
| Country Club   | S         | S   | S   | S   | S   |     |     |     |     |    |   |   |
| Dance Hall   |           |     |     |     |     |     | S   | S   | S   |    |   |   |
| Game Room  |           |     |     |     |     |     | S   | S   | S   |    |   |   |
| Golf Course  | X         | X   | X   | X   | X   |     |     |     |     |    |   |   |
| Golf Driving Range   |           |     |     |     |     | S   | S   | S   | S   |    |   |   |
| Gymnasium  |           |     |     |     |     | S   | X   | X   | X   |    |   |   |
| Health Club  |           |     |     |     |     | S   | X   | X   | X   |    |   |   |
| Marina   |           |     |     | S   | S   | S   | S   | S   | S   |    |   |   |
| Miniature Golf   |           |     |     |     |     |     | X   | X   | X   |    |   |   |
| Park, Commercial Recreation  |           |     |     |     |     |     | X   | X   | X   |    |   |   |
| Race Track   |           |     |     |     |     |     | S   | S   | S   |    |   |   |
| Rink, Roller, Skating or Skateboard                                      |           |     |     |     |     |     | S   | S   | S   |    |   |   |
| Rod and Gun Club   |           |     |     |     | S   |     |     |     |     |    |   | X |
| Shooting Gallery/Range (Totally Enclosed)                                |           |     |     |     |     |     | S   | S   | S   |    | S |   |
| Sports Arena   |           |     |     |     |     |     | S   | S   | S   |    | S |   |
| Swimming Pool, Private Club (Indoor)                                     |           |     |     |     |     | S   | X   | X   | X   |    |   |   |
| Tennis/Racquetball Club (Private)  |           |     |     |     |     | S   | X   | X   | X   |    | S |   |
| Theater (Indoor)   |           |     |     |     |     | X   | X   | X   | X   |    |   |   |
| Theater (Outdoor)  |           |     |     |     |     | S   | S   | S   | S   |    |   |   |

TABLE B  
PERMITTED USES

| USES   | DISTRICTS |     |     |     |     |     |     |     |     |    |   |   |
|--|-----------|-----|-----|-----|-----|-----|-----|-----|-----|----|---|---|
|  | R-1       | R-2 | R-3 | E-1 | E-2 | B-1 | B-2 | B-3 | B-4 | LI | I | A |
| <b>X = Permitted Use</b>                                       |           |     |     |     |     |     |     |     |     |    |   |   |
| <b>S = Special Use</b>   |           |     |     |     |     |     |     |     |     |    |   |   |
| <b>T = Temporary Use</b>                                       |           |     |     |     |     |     |     |     |     |    |   |   |
| Trampoline Center  |           |     |     |     |     |     | X   | X   | X   |    |   |   |
| Wildlife Preserve  |           |     |     | S   | S   |     |     |     |     |    |   | X |
| <b>COMMERCIAL SERVICE</b>                                      |           |     |     |     |     |     |     |     |     |    |   |   |
| Advertising Agency   |           |     |     |     |     | X   | X   | X   | X   |    |   |   |
| Advertising Display, Design/Production                         |           |     |     |     |     |     |     |     |     | X  | X |   |
| Appliance (Service Only)                                       |           |     |     |     |     | X   | X   | X   | X   |    | X |   |
| Auction House  |           |     |     |     |     |     | S   | S   | S   |    | S |   |
| Blacksmith   |           |     |     |     |     |     |     |     |     |    | X |   |
| Blueprint/Copy/Print Shop                                      |           |     |     |     |     | X   | X   | X   | X   |    |   |   |
| Business Machine Repair  |           |     |     |     |     | X   | X   | X   | X   |    | X |   |
| Exterminating and Fumigating                                   |           |     |     |     |     | X   | X   | X   | X   |    | X |   |
| Fuel, Ice, Coal, Wood Sales                                    |           |     |     |     |     |     |     |     |     |    | X |   |
| Furniture Repair/Refinishing                                   |           |     |     |     |     | S   | X   | X   | X   |    | X |   |
| Mail Order House   |           |     |     |     |     | X   | X   | X   | X   |    | X |   |
| Newspaper Publishing   |           |     |     |     |     |     |     | X   | X   |    | X |   |
| Office Equipment Sales   |           |     |     |     |     | X   | X   | X   | X   |    | X |   |
| Outdoor Sales  |           |     |     |     |     |     | S   | S   | S   |    | X |   |
| Real Estate Office   |           |     |     |     |     | X   | X   | X   | X   |    |   |   |
| Stenographic Services  |           |     |     |     |     | X   | X   | X   | X   |    |   |   |
| Window Cleaning Services                                       |           |     |     |     |     | X   | X   | X   | X   |    |   |   |
| <b>FINANCIAL</b>   |           |     |     |     |     |     |     |     |     |    |   |   |
| Bank   |           |     |     |     |     | X   | X   | X   | X   |    |   |   |
| Credit Union   |           |     |     |     |     | X   | X   | X   | X   |    |   |   |
| Currency Exchange  |           |     |     |     |     | X   | X   | X   | X   |    |   |   |
| Personal Loan Agency   |           |     |     |     |     | X   | X   | X   | X   |    |   |   |
| Savings and Loan Association                                   |           |     |     |     |     | X   | X   | X   | X   |    |   |   |
| <b>FOOD SERVICE</b>  |           |     |     |     |     |     |     |     |     |    |   |   |
| Carry-Out Food Service   |           |     |     |     |     | X   | X   | X   | X   |    |   |   |
| Catering Service   |           |     |     |     |     | X   | X   | X   | X   |    |   |   |
| Drive-In Food Service  |           |     |     |     |     | S   | S   | S   | S   |    |   |   |
| Ice Cream Shop   |           |     |     |     |     | X   | X   | X   | X   |    |   |   |
| Restaurant   |           |     |     |     |     | S   | S   | S   | X   |    |   |   |
| Retail Sale of Alcoholic Beverages for Consumption on Premises |           |     |     |     |     |     |     | S   | S   |    |   |   |
| Soft Drink Stand   |           |     |     |     |     | X   | X   | X   | X   |    |   |   |
| Tavern   |           |     |     |     |     |     |     | S   | S   |    |   |   |
| <b>OFFICE</b>  |           |     |     |     |     |     |     |     |     |    |   |   |
| Bookkeeping Service  |           |     |     |     |     | X   | X   | X   | X   |    |   |   |
| Employment Office  |           |     |     |     |     | X   | X   | X   | X   |    |   |   |
| Engineering  |           |     |     |     |     | X   | X   | X   | X   |    |   |   |

TABLE B  
PERMITTED USES

| USES   | DISTRICTS |     |     |     |     |     |     |     |     |    |   |   |
|--|-----------|-----|-----|-----|-----|-----|-----|-----|-----|----|---|---|
|  | R-1       | R-2 | R-3 | E-1 | E-2 | B-1 | B-2 | B-3 | B-4 | LI | I | A |
| <b>X = Permitted Use</b>                         |           |     |     |     |     |     |     |     |     |    |   |   |
| <b>S = Special Use</b>                           |           |     |     |     |     |     |     |     |     |    |   |   |
| <b>T = Temporary Use</b>                         |           |     |     |     |     |     |     |     |     |    |   |   |
| Income Tax Service                               |           |     |     |     |     | X   | X   | X   | X   |    |   |   |
| Insurance Agency                                 |           |     |     |     |     | X   | X   | X   | X   |    |   |   |
| Offices for Executive or Administrative Purposes |           |     |     |     |     |     |     |     |     | X  | X |   |
| Professional Offices                             |           |     |     |     |     | X   | X   | X   | X   |    |   |   |
| Public Accountant                                |           |     |     |     |     | X   | X   | X   | X   |    |   |   |
| Stockbroker                                      |           |     |     |     |     | X   | X   | X   | X   |    |   |   |
| Title Company                                    |           |     |     |     |     | X   | X   | X   | X   |    |   |   |
| Travel Agency                                    |           |     |     |     |     | X   | X   | X   | X   |    |   |   |
| Utility Offices                                  |           |     |     |     |     | X   | X   | X   | X   |    |   |   |
| <b>PERSONAL SERVICES</b>                         |           |     |     |     |     |     |     |     |     |    |   |   |
| Barber Shop                                      |           |     |     |     |     | X   | X   | X   | X   |    |   |   |
| Beauty Shop                                      |           |     |     |     |     | X   | X   | X   | X   |    |   |   |
| Dancing School                                   |           |     |     |     |     | X   | X   | X   | X   |    |   |   |
| Dry Cleaning - Retail                            |           |     |     |     |     | X   | X   | X   | X   |    |   |   |
| Day Care/Nursery School                          | S         | S   | S   | S   | S   | S   | S   | S   | S   |    |   |   |
| Funeral Home                                     |           |     |     |     |     | X   | X   | X   | X   |    |   |   |
| Hotel  |           |     |     |     |     |     |     | X   | X   |    |   |   |
| Laundry - Retail                                 |           |     |     |     |     | X   | X   | X   | X   |    |   |   |
| Locksmith  |           |     |     |     |     | X   | X   | X   | X   |    |   |   |
| Motel  |           |     |     |     |     |     |     | X   | X   |    |   |   |
| Music School                                     |           |     |     |     |     | X   | X   | X   | X   |    |   |   |
| Tailor   |           |     |     |     |     | X   | X   | X   | X   |    |   |   |
| Taxidermist                                      |           |     |     |     |     | X   | X   | X   | X   |    |   |   |
| <b>RETAIL SALES</b>                              |           |     |     |     |     |     |     |     |     |    |   |   |
| Antique Sales                                    |           |     |     |     |     | X   | X   | X   | X   |    |   |   |
| Appliance Sales                                  |           |     |     |     |     | X   | X   | X   | X   |    |   |   |
| Art Gallery                                      |           |     |     |     |     | X   | X   | X   | X   |    |   |   |
| Art Supplies                                     |           |     |     |     |     | X   | X   | X   | X   |    |   |   |
| Auto Accessories                                 |           |     |     |     |     | X   | X   | X   | X   |    |   |   |
| Bait Shop  |           |     |     |     |     | X   | X   | X   | X   |    |   |   |
| Bakery   |           |     |     |     |     | X   | X   | X   | X   |    |   |   |
| Bicycle  |           |     |     |     |     | X   | X   | X   | X   |    |   |   |
| Books  |           |     |     |     |     | X   | X   | X   | X   |    |   |   |
| Cameras  |           |     |     |     |     | X   | X   | X   | X   |    |   |   |
| Camping/Outdoor Sales                            |           |     |     |     |     | X   | X   | X   | X   |    |   |   |
| Clothing   |           |     |     |     |     | X   | X   | X   | X   |    |   |   |
| Convenience Store                                |           |     |     |     |     | X   | X   | X   | X   |    |   |   |
| Department Store                                 |           |     |     |     |     |     | S   | S   | S   |    |   |   |
| Drug Store                                       |           |     |     |     |     | X   | X   | X   | X   |    |   |   |
| Florist  |           |     |     |     |     | X   | X   | X   | X   |    |   |   |
| Furniture Sales                                  |           |     |     |     |     | X   | X   | X   | X   |    |   |   |

**TABLE B  
PERMITTED USES**

| USES   | DISTRICTS |     |     |     |     |     |     |     |     |    |   |   |
|--|-----------|-----|-----|-----|-----|-----|-----|-----|-----|----|---|---|
|  | R-1       | R-2 | R-3 | E-1 | E-2 | B-1 | B-2 | B-3 | B-4 | LI | I | A |
| <b>X = Permitted Use</b>   |           |     |     |     |     |     |     |     |     |    |   |   |
| <b>S = Special Use</b>   |           |     |     |     |     |     |     |     |     |    |   |   |
| <b>T = Temporary Use</b>   |           |     |     |     |     |     |     |     |     |    |   |   |
| Garden Store   |           |     |     |     |     | X   | X   | X   | X   |    |   |   |
| Gift Shop  |           |     |     |     |     | X   | X   | X   | X   |    |   |   |
| Grocery Store  |           |     |     |     |     | X   | X   | X   | X   |    |   |   |
| Hardware Store   |           |     |     |     |     | X   | X   | X   | X   |    |   |   |
| Health Food Store  |           |     |     |     |     | X   | X   | X   | X   |    |   |   |
| Hobby Shop   |           |     |     |     |     | X   | X   | X   | X   |    |   |   |
| Jewelry Store  |           |     |     |     |     | X   | X   | X   | X   |    |   |   |
| Liquor Store   |           |     |     |     |     | S   | S   | S   | S   |    |   |   |
| Meat Market  |           |     |     |     |     | X   | X   | X   | X   |    |   |   |
| Paint and Wallpaper  |           |     |     |     |     | X   | X   | X   | X   |    |   |   |
| Pet Shop   |           |     |     |     |     | X   | X   | X   | X   |    |   |   |
| Plumbing Supplies (Retail)   |           |     |     |     |     | X   | X   | X   | X   |    |   |   |
| Secondhand Shop  |           |     |     |     |     | X   | X   | X   | X   |    |   |   |
| Sporting Goods   |           |     |     |     |     | X   | X   | X   | X   |    |   |   |
| Stationery/Office Supplies   |           |     |     |     |     | X   | X   | X   | X   |    |   |   |
| Swimming Pool Sales & Service  |           |     |     |     |     | X   | X   | X   | X   |    | S |   |
| Tobacco  |           |     |     |     |     | X   | X   | X   | X   |    |   |   |
| Toys   |           |     |     |     |     | X   | X   | X   | X   |    |   |   |
| Typewriter   |           |     |     |     |     | X   | X   | X   | X   |    |   |   |
| Watches  |           |     |     |     |     | X   | X   | X   | X   |    |   |   |
| <b>CONSTRUCTION</b>  |           |     |     |     |     |     |     |     |     |    |   |   |
| Bulk Material Storage  |           |     |     |     |     |     |     |     |     |    |   | S |
| Contractor Equipment Storage   |           |     |     |     |     |     |     |     |     |    |   | S |
| Electrical Equipment Sales   |           |     |     |     |     |     | X   | X   | X   |    | X |   |
| Machinery Storage  |           |     |     |     |     |     |     |     |     |    |   | S |
| Plumbing Supplies - Wholesale  |           |     |     |     |     |     | X   | X   | X   |    | X |   |
| Pump Sales   |           |     |     |     |     |     | X   | X   | X   |    | X |   |
| Septic Tank Sales & Service  |           |     |     |     |     |     |     |     |     |    | X |   |
| Building Materials (Fabricating, Storage & Distribution in Conjunction with On-Site Wholesale of Retail Sales) |           |     |     |     |     |     |     |     |     |    |   | S |
| <b>INDUSTRY</b>  |           |     |     |     |     |     |     |     |     |    |   |   |
| Bottling Plant   |           |     |     |     |     |     |     |     |     |    |   | X |
| Cement Plant   |           |     |     |     |     |     |     |     |     |    |   | X |
| Cemetery Monument Works  |           |     |     |     |     |     |     |     |     |    |   | X |
| Cheese Factory   |           |     |     |     |     |     |     |     |     |    |   | X |
| Dairy  |           |     |     |     |     |     | X   | X   | X   |    | X |   |
| Light Manufacturing (Totally Enclosed)   |           |     |     |     |     |     | S   | S   | S   | X  | X |   |
| Manufacturing, Assembly, Processing & Storage Incidental Thereto   |           |     |     |     |     |     |     |     |     | X  | X |   |
| Meat Processing Plant  |           |     |     |     |     |     |     |     |     |    |   | S |
| Printing Plant   |           |     |     |     |     |     |     |     |     |    |   | X |
| Research and Development   |           |     |     |     |     |     |     |     |     | X  | X |   |



**TABLE B  
PERMITTED USES**

| USES                                | DISTRICTS |     |     |     |     |     |     |     |     |    |   |   |
|-------------------------------------|-----------|-----|-----|-----|-----|-----|-----|-----|-----|----|---|---|
|                                     | R-1       | R-2 | R-3 | E-1 | E-2 | B-1 | B-2 | B-3 | B-4 | LI | I | A |
| <b>X = Permitted Use</b>            |           |     |     |     |     |     |     |     |     |    |   |   |
| <b>S = Special Use</b>              |           |     |     |     |     |     |     |     |     |    |   |   |
| <b>T = Temporary Use</b>            |           |     |     |     |     |     |     |     |     |    |   |   |
| Slaughterhouse                      |           |     |     |     |     |     |     |     |     |    | S |   |
| Wholesale Equipment                 |           |     |     |     |     |     | X   | X   | X   |    | X |   |
| <b>INDUSTRIAL SERVICE</b>           |           |     |     |     |     |     |     |     |     |    |   |   |
| Carpet and Rug Cleaning Plant       |           |     |     |     |     |     |     |     |     |    | X |   |
| Dry Cleaning and Dyeing Plant       |           |     |     |     |     |     |     |     |     |    | X |   |
| Furniture Cleaning Plant            |           |     |     |     |     |     |     |     |     |    | X |   |
| Laundry Plant                       |           |     |     |     |     |     |     |     |     |    | X |   |
| Mirror and Glass Supply             |           |     |     |     |     | X   | X   | X   | X   |    | X |   |
| Upholstery Shop                     |           |     |     |     |     | X   | X   | X   | X   |    | X |   |
| <b>EDUCATIONAL USES</b>             |           |     |     |     |     |     |     |     |     |    |   |   |
| <b>EDUCATION</b>                    |           |     |     |     |     |     |     |     |     |    |   |   |
| Business School, Commercial         |           |     |     | S   | S   | S   | S   | S   | S   |    | S |   |
| College                             | S         | S   | S   | S   | S   | S   | S   | S   | S   | S  | S | S |
| Elementary School                   | S         | S   | S   | S   | S   |     |     |     |     |    |   |   |
| High School                         | S         | S   | S   | S   | S   | S   | S   | S   | S   | S  | S | S |
| Junior High School                  | S         | S   | S   | S   | S   |     |     |     |     |    |   |   |
| Vocational School, Commercial       |           |     |     | S   | S   | S   | S   | S   | S   |    | S |   |
| <b>MISCELLANEOUS USES</b>           |           |     |     |     |     |     |     |     |     |    |   |   |
| * Signs                             | X16       | X17 | X18 | X19 | X20 | X21 | X22 | X23 | X24 |    |   |   |
| Bulk Fuel Storage (For Private Use) |           |     |     | S   | S   | S   | S   | S   | S   |    | S | S |
| Bulk Fuel Storage (Commercial)      |           |     |     |     |     |     | S   | S   | S   |    | S |   |
| <b>PUBLIC USES</b>                  |           |     |     |     |     |     |     |     |     |    |   |   |
| <b>HEALTH CARE</b>                  |           |     |     |     |     |     |     |     |     |    |   |   |
| Dental Office/Laboratory            |           |     |     |     |     | X   | X   | X   | X   |    |   |   |
| Doctor's Office                     |           |     |     |     |     | X   | X   | X   | X   |    |   |   |
| Hospital                            | S         | S   | S   | S   | S   | S   | S   | S   | S   |    |   |   |
| Medical Clinic                      | S         | S   | S   | S   | S   | S   | S   | S   | S   |    |   |   |
| Mental Health Clinic                | S         | S   | S   | S   | S   | S   | S   | S   | S   |    |   |   |
| Mental Hospital                     | S         | S   | S   | S   | S   | S   | S   | S   | S   |    |   |   |
| Nursing Home                        | S         | S   | S   | S   | S   | S   | S   | S   | S   |    |   |   |
| <b>PUBLIC FACILITIES</b>            |           |     |     |     |     |     |     |     |     |    |   |   |
| Cemetery                            | S         | S   | S   | S   | S   | S   | S   | S   | S   |    |   |   |
| Fire Station                        | S         | S   | S   | S   | S   | S   | S   | S   | S   |    | S |   |
| Government Office & Services        |           |     |     | X   | X   | X   | X   | X   | X   |    |   |   |
| Library                             |           |     |     |     |     | X   | X   | X   | X   |    |   |   |
| Museum                              |           |     |     |     |     | X   | X   | X   | X   |    |   | S |

\* See page 90a - Signs, amended by Ord No 2002-02, eff 6/13/02.

TABLE B  
PERMITTED USES

| USES                                | DISTRICTS |     |     |     |     |     |     |     |     |    |   |   |
|-------------------------------------|-----------|-----|-----|-----|-----|-----|-----|-----|-----|----|---|---|
|                                     | R-1       | R-2 | R-3 | E-1 | E-2 | B-1 | B-2 | B-3 | B-4 | LI | I | A |
| <b>X = Permitted Use</b>            |           |     |     |     |     |     |     |     |     |    |   |   |
| <b>S = Special Use</b>              |           |     |     |     |     |     |     |     |     |    |   |   |
| <b>T = Temporary Use</b>            |           |     |     |     |     |     |     |     |     |    |   |   |
| Orphanage                           | S         | S   | S   | S   | S   |     |     |     |     |    |   |   |
| Police Station                      | S         | S   | S   | S   | S   | S   | S   | S   | S   |    |   |   |
| Post Office                         |           |     |     |     |     | X   | X   | X   | X   |    |   |   |
| <b>PUBLIC RECREATION</b>            |           |     |     |     |     |     |     |     |     |    |   |   |
| Arboretum                           | X         | X   | X   | X   | X   |     |     |     |     |    |   | S |
| Athletic Field                      | S         | S   | S   | S   | S   |     |     |     |     |    |   |   |
| Auditorium                          |           |     |     |     |     |     | X   | X   | X   |    |   |   |
| Community Center                    | S         | S   | S   | S   | S   |     | X   | X   | X   |    |   |   |
| Forest Preserve                     | X         | X   | X   | X   | X   |     |     |     |     |    |   | X |
| Park, Private                       | X         | X   | X   | X   | X   | X   | X   | X   | X   | X  | X | X |
| Park, Public                        | X         | X   | X   | X   | X   | X   | X   | X   | X   | X  | X | X |
| Playground                          | X         | X   | X   | X   | X   | X   | X   | X   | X   |    |   |   |
| Stadium                             |           |     |     |     |     |     |     | S   | S   |    |   |   |
| Swimming Pool, Public (Indoor)      | S         | S   | S   |     |     | X   | X   | X   | X   |    |   |   |
| Swimming Pool, Public (Outdoor)     | S         | S   | S   |     |     | X   | X   | X   | X   |    |   |   |
| Tennis Courts, Public (Indoor)      | S         | S   | S   |     |     | X   | X   | X   | X   |    |   |   |
| Tennis Courts, Public (Outdoor)     | S         | S   | S   |     |     | X   | X   | X   | X   |    |   |   |
| <b>PUBLIC UTILITY</b>               |           |     |     |     |     |     |     |     |     |    |   |   |
| Solid Waste Disposal Site           |           |     |     | S   | S   |     |     |     |     |    |   | S |
| Sub-station                         | S         | S   | S   | S   | S   | S   | S   | S   | S   | S  | S | X |
| Telephone Booth                     | S         | S   | S   | S   | S   | S   | S   | S   | S   | S  | S | S |
| Telephone Exchange                  | S         | S   | S   | S   | S   | S   | S   | S   | S   | S  | S | X |
| Television/Radio Tower              |           |     |     |     |     | S   | S   | S   | S   | S  | S | S |
| Utility Maintenance or Storage Yard |           |     |     |     |     |     |     |     |     |    |   | X |
| Utility Garage                      |           |     |     |     |     |     |     |     |     |    |   | X |
| Water Plant                         | S         | S   | S   | S   | S   | S   | S   | S   | S   | S  | S | S |
| Water Storage Tank                  | S         | S   | S   | S   | S   | S   | S   | S   | S   | S  | S | S |
| Wastewater Treatment Facility       |           |     |     |     | S   |     |     |     |     |    |   |   |
| <b>RELIGIOUS USES</b>               |           |     |     |     |     |     |     |     |     |    |   |   |
| <b>RELIGIOUS</b>                    |           |     |     |     |     |     |     |     |     |    |   |   |
| Church/Temple                       | X         | X   | X   | X   | X   | X   | S   | S   | S   |    |   |   |
| Convent/Monastery                   | X         | X   | X   | X   | X   | X   |     |     |     |    |   |   |
| Rectory                             | X         | X   | X   | X   | X   | X   | S   | S   | S   |    |   |   |
| Religious Retreat                   | S         |     |     | S   | S   |     |     |     |     |    |   |   |
| Sunday School                       | X         | X   | X   | X   | X   | X   | S   | S   | S   |    |   |   |
| <b>RESIDENTIAL USES</b>             |           |     |     |     |     |     |     |     |     |    |   |   |
| <b>RESIDENTIAL</b>                  |           |     |     |     |     |     |     |     |     |    |   |   |

**TABLE B  
PERMITTED USES**

| USES   | DISTRICTS |     |     |     |     |     |     |     |     |     |     |     |
|--|-----------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
|  | R-1       | R-2 | R-3 | E-1 | E-2 | B-1 | B-2 | B-3 | B-4 | LI  | I   | A   |
| <b>X = Permitted Use</b>   |           |     |     |     |     |     |     |     |     |     |     |     |
| <b>S = Special Use</b>   |           |     |     |     |     |     |     |     |     |     |     |     |
| <b>T = Temporary Use</b>   |           |     |     |     |     |     |     |     |     |     |     |     |
| ** Apartments (Above 1st Floor in Business or Office Uses)                                 |           |     |     |     |     | X25 | X26 | X27 | X28 |     |     |     |
| Boarding House   |           |     |     |     |     | X29 | X30 | X31 | X32 |     |     |     |
| Group Dwelling   |           |     | S   |     |     |     |     |     |     |     |     |     |
| Mobile Home Park   |           |     |     |     |     |     |     |     | S   |     |     |     |
| Single Family Dwelling   | X33       | X34 | X35 | X36 | X37 |     |     |     |     |     |     | X38 |
| Two Family Dwelling  |           |     | X   |     |     |     |     |     |     |     |     |     |
| <b>SPECIAL USES</b>  |           |     |     |     |     |     |     |     |     |     |     |     |
| Mining, Extraction or Earth Products   | S         | S   | S   | S   | S   | S   | S   | S   | S   | S   | S   | S   |
| Planned Unit Developments  | S         | S   | S   | S   | S   | S   | S   | S   | S   | S   | S   | S   |
| Shopping Centers (All Shopping Centers shall be PUDs)                                      |           |     |     |     |     |     | S   | S   | S   |     |     |     |
| <b>TRANSPORTATION</b>  |           |     |     |     |     |     |     |     |     |     |     |     |
| Airport  |           |     |     |     |     |     |     |     |     |     | S   | S   |
| Bus Terminal   |           |     |     |     |     |     | S   | S   | S   |     | S   |     |
| Garage, Bus or Truck   |           |     |     |     |     |     | S   | S   | S   |     | X   |     |
| Grain Elevator/Warehouse   |           |     |     |     |     |     | S   | S   | S   |     | S   | S   |
| Motor/Rail Freight Terminal  |           |     |     |     |     |     | S   | S   | S   |     | S   |     |
| Parking Area, Public   |           |     |     |     |     | X   | X   | X   | X   |     |     |     |
| Parking Garage, Public   |           |     |     |     |     | X   | X   | X   | X   |     |     |     |
| Parking of 1 Recreational Vehicle 25' or Less in Length & 1 Boat (Owned by Property Owner) | X         | X   | X39 |     |     |     |     |     |     |     |     |     |
| Parking of Recreational Vehicle(s) for More than 2 Weeks (Not Owned by Property Owner)     | T         | T   | T40 |     |     |     |     |     |     |     |     |     |
| Train Station  |           |     |     |     |     | S   | S   | S   | S   |     | S   |     |
| Truck Terminal   |           |     |     |     |     |     | S   | S   | S   |     | X   |     |
| Warehouse/Storage  |           |     |     |     |     |     | S   | S   | S   |     | X   |     |
| <b>TEMPORARY USES</b>  |           |     |     |     |     |     |     |     |     |     |     |     |
| Carnival or Circus   |           |     |     |     |     |     | T   | T   | T   | T   | T   |     |
| Christmas Tree Sales   | T         | T   | T   | T   | T   | T   | T   | T   | T   | T   | T   |     |
| Contractor's Office and Equipment Shed/Trailer   | T         | T   | T   | T   | T   | T   | T   | T   | T   | T   | T   |     |
| Garage Sale  | T41       | T42 | T43 | T44 | T45 |     |     |     |     |     |     |     |
| Real Estate Sales Office/Trailer   | T46       | T47 | T48 | T49 | T50 | T51 | T52 | T53 | T54 | T55 | T56 | T57 |
| Sale of Food and Non-Alcoholic Beverages   |           |     |     | T58 | T59 |     |     |     |     |     |     |     |
| Seasonal Sales of Christmas Ornaments  | T         | T   | T   | T   | T   |     |     |     |     |     |     |     |
| Special Promotions   |           |     |     |     |     | T   | T   | T   | T   |     |     |     |

See page 90b - Apartments, amended by Ord No 2003-02, eff 5/19/03.

## ENDNOTES

1. Permitted only on lots 20,000 square feet or more and only provided said poultry and/or animals are housed and/or airtight no closer than 100 feet from any residence other than one located on the property.
2. One horse for every 2unbuilt acres, not to be yarded or stabled upon the septic field or within 100 feet of any residence other than one located upon the property. Building area, septic field and yard requirements shall not be counted in calculating acreage for determining the number of horses allowed.
3. See Note 2.
4. See Note 2.
5. See Note 2.
6. See Note 2.
7. Only as accessory to a bona fide general farming operation. Said animals or poultry shall not be housed, stabled, kenneled or airtight closer than 100 feet from any residence other than one located upon the property.
8. See Note 7.
9. See Note 2.
10. See Note 2.
11. See Note 2.
12. Does not include arcades.
13. See Note 12.
14. See Note 12.
15. See Note 12.
16. One sign, which shall not be directly or indirectly illuminated, not over 6 square feet in area, pertaining only to the sale or lease of the premises upon which it is displayed. One sign, which shall not be directly or indirectly illuminated, not in excess of 3 square feet, for the purpose of identifying the premises upon which it is displayed or the occupants thereof, located outside the public right-of-way.
17. See Note 16.
18. See Note 16.
19. One sign not over 6 square feet in area, which may be indirectly illuminated if, in the opinion of the Zoning Administrator, it will not cause a traffic hazard or a nuisance to neighboring property, pertaining only to the sale or lease of the premises upon which it is displayed. One sign, which shall not be directly or indirectly illuminated, not in excess of 3 square feet, for the purpose of identifying the premises upon which it is displayed or the occupants thereof, located outside the public right-of-way.

20. See Note 19.
21. One business sign, not to exceed 32 square feet in area nor higher than the highest gable.
22. See Note 21.
23. See Note 21.
24. See Note 21.
25. Must be located in rear 25% of building. Lot area, exclusive of building and required business and residential parking, must be at least 1,500 square feet per apartment. Not permitted in any building housing coin-operated amusement devices, garage, or laundry.
26. See Note 25.
27. See Note 25.
28. See Note 25.
29. Including one apartment accessory thereto.
30. See Note 29.
31. See Note 29.
32. See Note 29.
33. Home Occupations permitted as an accessory use.
34. See Note 33.
35. See Note 33.
36. See Note 33.
37. See Note 33.
38. See text of ordinance for restrictions.
39. One per dwelling unit.
40. See Note 39.
41. Limited to 2 per year.
42. See Note 41.
43. See Note 41.
44. See Note 41.
45. See Note 41.

46. Limited to 6 years. In this connection, a single sign or double-faced sign on a common support or structure, not exceeding 100 square feet in area for each sign face shall be permitted on the premises being developed, for a period not to exceed 6 years. Such use, structures and signs shall require permits as set forth herein.

47. See Note 46.

48. See Note 46.

49. See Note 46.

50. See Note 46.

51. See Note 46.

52. See Note 46.

53. See Note 46.

54. See Note 46.

55. See Note 46.

56. See Note 46.

57. See Note 46.

58. May be permitted in certain designated areas of parks, playgrounds, or forest preserves and shall be compatible with the general purposes of the classification of this district.

59. See Note 58.

(Ordinance 1992-07, eff. 9/10/92)

VILLAGE OF VIRGIL

(c) Table B, "MISCELLANEOUS USES" - "Signs" is hereby amended as follows:

TABLE B - PERMITTED USES

| USES  | DISTRICTS       |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |
|---|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| Note: X = Principal Use<br>S = Special Use<br>T = Temporary Use | R1              | R2              | R3              | E1              | E2              | B1              | B2              | B3              | B4              | LI              | I               | A               |
| MISCELLANEOUS USES  |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |
| Signs <sup>15</sup>   | X <sup>16</sup> | X <sup>17</sup> | X <sup>18</sup> | X <sup>19</sup> | X <sup>20</sup> | X <sup>21</sup> | X <sup>22</sup> | X <sup>23</sup> | X <sup>24</sup> | X <sup>25</sup> | X <sup>26</sup> | X <sup>27</sup> |

<sup>15</sup>No prohibition or restriction on noncommercial speech of any kind on any sign permitted under this ordinance is intended or imposed. Anything set forth in this ordinance to the contrary notwithstanding, noncommercial speech of any kind is expressly permitted on any sign otherwise permitted under this ordinance.

<sup>16</sup>One sign, not directly or indirectly illuminated, not more than 6 square feet in area, pertaining only to the sale or lease of the premises upon which it is displayed and one sign, not directly or indirectly illuminated, not more than 3 square feet in area, outside the public right-of-way, identifying the premises upon which it is displayed or the occupants thereof.

<sup>17</sup>See N. 16.

<sup>18</sup>See N. 16.

<sup>19</sup>One sign, that may be indirectly illuminated if, in the opinion of the Zoning Officer, it will not cause a traffic hazard or nuisance to neighboring property, not more than 6 square feet in area, pertaining only to the sale or lease of the premises upon which it is displayed and one sign, not directly or indirectly illuminated, not more than 3 square feet in area, outside the public right-of-way, identifying the premises upon which it is displayed or the occupants thereof.

<sup>20</sup>See N. 19.

<sup>21</sup>One on-premises advertising sign, not more than 32 square feet in area, the highest point of which, if attached to the principal building on the premises, is not higher than the highest gable or, if not attached to the principal building is not higher than 12 feet.

<sup>22</sup>See N. 21.

<sup>23</sup>One on-premises advertising sign, or one off-premises advertising sign, or one sign conveying a combination of on-premises and off-premises advertising, in any case not more than 32 square feet in area, the highest point of which, if attached to the principal building on the premises, is not higher than the highest gable or, if not attached to the principal building is not higher than 12 feet.

<sup>24</sup>See N. 23.

<sup>25</sup>See N. 21.

<sup>26</sup>See N. 21.

<sup>27</sup>See N. 21.

Ord. No. 2002-02 effective 6/13/02

**TABLE B - PERMITTED USES**

| USES  | DISTRICTS |    |    |    |    |                 |                 |                 |                 |    |   |   |
|---|-----------|----|----|----|----|-----------------|-----------------|-----------------|-----------------|----|---|---|
| Note: X = Principal Use<br>S = Special Use<br>T = Temporary Use | R1        | R2 | R3 | E1 | E2 | B1              | B2              | B3              | B4              | LI | I | A |
| RESIDENTIAL USES  |           |    |    |    |    |                 |                 |                 |                 |    |   |   |
|   |           |    |    |    |    |                 |                 |                 |                 |    |   |   |
| Apartments (Above first floor only)                             |           |    |    |    |    | X <sup>25</sup> | X <sup>26</sup> | X <sup>27</sup> | X <sup>28</sup> |    |   |   |

<sup>25</sup> Above first floor only. No more than two apartments, each not less than 575 square feet in area. Lot area, exclusive of building and required business and residential parking, must be at least 1500 square feet per apartment. Not permitted in any building housing coin-operated amusement devices, or above any garage or laundry.

<sup>26</sup>See N. 25.

<sup>27</sup>See N. 25.

<sup>28</sup>See N. 25.

**Ord. No. 2003-02 effective 5/8/03**



## ARTICLE XII. OFF-STREET PARKING

### §12.1 PURPOSE.

Motor vehicle parking space shall be provided off the street or highway right-of-way for each dwelling unit in residential uses herein established, and in case of other uses herein established or expanded, for employees, for patrons or customers not served in their motor vehicles, and for customers served in their motor vehicles, in such proportion as to assure free and uninterrupted movement of traffic on the public streets or highways.

#### 12.1-1 General Requirements.

##### (a) *Location.*

All parking spaces required to serve buildings or uses erected or established after the effective date of this ordinance shall be located on the same zoning lot as the building or use served, except that parking spaces to serve business or industrial buildings or uses may be located within 500 feet of such use if said spaces are located in a Business or Industrial district.

Buildings or uses existing on the effective date of this ordinance which are subsequently altered or enlarged so as to require the provision of parking spaces under this ordinance, may be served by parking facilities located on land other than the zoning lot on which the building or use served is located, provided such facilities are within 500 feet of a main entrance to the use served. Owners of property, nonconforming as to parking, who elect to provide parking and become conforming may locate such parking on land other than the zoning lot on which the building or use is located, as allowed in this section.

##### (b) *Control of Off-Site Parking Facilities.*

In cases where parking facilities are permitted on land other than the zoning lot on which the building or use served is located, such facilities shall be in the same possession as the zoning lot occupied by the building or use to which the parking facilities are accessory. Such possession may be either by deed or by lease, the term of which shall at the time of consideration, be not less than 5 years; and such deed or lease shall be filed with the Zoning Administrator. The deed or lease shall require such owner or his or her heirs and assigns to maintain the required number of parking facilities for the duration of the use served or of the deed or lease, whichever shall terminate sooner.

##### (c) *Size.*

Except for parallel parking spaces, each required off-street parking space shall be at least 10 feet in width and at least 20 feet in length, exclusive of access drives or aisles, ramps, columns, or office or work areas. Such space shall have a vertical clearance of at least 7 feet, and shall be measured at right angles to the axis of the vehicle. For parallel parking, the length of the parking space shall be increased to 24 feet.

**(d) Access.**

Except on lots accommodating single family dwellings, each off-street parking space shall open directly upon an aisle or driveway at least 12 feet wide or such additional width and design as to provide safe and efficient means of vehicular access to such parking space. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement. In any event, all driveways shall conform to all applicable driveway specifications adopted by the Village.

**(e) Collective Provision.**

Off-street parking facilities for separate uses may be provided collectively if the total number of spaces so provided is not less than the sum of the separate requirements governing location of accessory parking spaces in relation to the use served are adhered to. Further, no parking space or portion thereof shall serve as a required space for more than one use, unless otherwise authorized by the Zoning Board of Appeals.

**(f) Computation.**

When determination of the number of off-street parking spaces required by this ordinance results in a requirement of a fractional space, any fraction of less than  $\frac{1}{2}$  may be disregarded, while a fraction of  $\frac{1}{2}$  or more, shall be counted as one parking space. Parking spaces required on an employee basis shall be based on the maximum number of employees on duty or residing, or both, on the premises at any one time.

**(g) Utilization.**

Required accessory off-street parking facilities provided for uses listed in the following section shall be determined for the parking of passenger automobiles of patrons, occupants, or employees of such uses.

**12.1-2 Specific Requirements.**

Parking requirements shall be in conformity with the following schedule:

**(a) One-Family dwellings.**

2 spaces for each unit.

**(b) Two-Family dwellings.**

2 spaces for each unit.

**(c) Multiple-Family Dwellings and Apartments.**

2 spaces for each unit.

(d) **Hotels.**

One space for each dwelling unit and one space for each lodging room.

(e) **Boarding Houses.**

One space for each lodging room plus one space for the owner or manager.

(f) **Clubs and Lodges.**

With sleeping facilities, one space for each lodging room, plus spaces equal in number to 10% of the capacity in persons.

Without sleeping facilities, parking spaces equal in number to 20% percent of the capacity in persons.

(g) **Fraternities (Sororities and Dormitories).**

One space for each 5 active members, plus one space for the manager.

(h) **Hospitals.**

One space for each 2 beds, plus one space for each 2 employees, other than doctors, plus one space for each doctor on the staff.

(i) **Sanitariums.**

One space for each 4 beds, plus one space for each 2 employees, other than doctors, plus one space for each doctor on the staff.

(j) **Medical or Dental Clinics.**

3 spaces for each examining or treatment room, plus one space for each doctor and employee.

(k) **Mortuaries or Funeral Parlors.**

6 spaces for each room used as a chapel or parlor, plus one space for each funeral vehicle, plus one space for each employee.

(l) **Bowling Alleys.**

3 spaces for each alley, plus additional space as may be required for affiliated use as restaurants and the like.

(m) **Convention Halls, Dance Halls, Skating Rinks, Assembly Halls and Exhibition Halls.**

Spaces equal in number to 50 % of the capacity in persons.

(n) **Stadia, Sports Arenas, Auditoriums and Gymnasiums (Other than Accessory to a School).**

Spaces equal in number to 50% of the capacity in persons using same.

(o) **Auditoriums for Churches, Sunday Schools, High Schools, Colleges or Universities.**

One space for each 6 seats. Provide space for buses used in connection with activities of the institution. Loading and unloading of passengers shall take place upon the premises.

(p) **Airports, Railroad Passenger Stations, Bus Depots or Passenger Terminal Facilities (Special Use).**

Spaces shall be provided in adequate number as determined by the Zoning Administrator, to serve persons employed or residing on the premises as well as the visiting public.

(q) **Banks, Business and Professional Offices.**

(1) **BANKS.**

One space for each 300 square feet of floor area.

(2) **DRIVE-IN BANKS.**

3 parking spaces per teller window, plus a minimum of 4 waiting spaces for each teller window.

(3) **BUSINESS AND PROFESSIONAL OFFICES.**

One space for each 400 square feet of floor area.

(r) **Public Administration Buildings.**

One space for each 500 square feet of floor area.

(s) **Mixed uses.**

When 2 or more uses are located on the same zoning lot or within the same building, spaces equal in number to the sum of the separate requirements for each such use shall be provided. No parking space or portion thereof shall serve as a required space for more than one use unless otherwise authorized by the Zoning Board of Appeals.

(t) **Establishments Handling the Sale and Consumption on the Premises of Alcoholic Beverages, Food or Refreshments.**

One space for each 150 square feet of floor area.

- (u) **Retail Stores and Service Shops (Individual or in Groups) Under One Roof, Having a Total Floor Area of 2,000 Square Feet Devoted to Retail Sales.**

One space for each 300 square feet in floor area.

- (v) **Furniture and Appliance Stores, Motor Vehicle Sales, Wholesale Stores, Household Equipment or Furniture Repair Shops, or Machinery Sales, Having More Than 2,000 Square Feet of Floor Area Under One Roof (Individual Stores or Groups of Stores in One Building).**

One space for each 600 square feet of floor area.

- (w) **Manufacturing and Industrial Uses; Research and Testing Laboratories; Laundry and Dry Cleaning Plants; Printing, Binding, Publishing and Issuing of Newspapers, Periodicals, Books and Other Reading Matter; Telephone Exchanges; Warehouse and Storage Buildings; Engraving Shops; Assembly of Materials and Products; and Other Similar Uses.**

One space for each 2 employees, as related to the working period when the maximum number of employees are employed on the premises. For warehouse and storage uses, one space for each 2 employees, plus one space for each vehicle used in the conduct of the enterprise.

- (x) **Tourist Homes, Cabins or Motels.**

One space for each dwelling unit or lodging room.

- (y) **Schools, Elementary, Junior High, Public or Private, High Schools.**

One space for each employee, plus spaces adequate in number as determined by the Zoning Administrator.

- (z) **Theaters.**

- (1) INDOOR.

One space for each 3 seats.

- (2) OUTDOOR.

One waiting space outside the theater enclosure and off the street or highway for each 3 spaces within the enclosure.

- (aa) **Recreation Buildings, Community Centers.**

One space for each 2 employees, plus spaces adequate in number, as determined by the Zoning Administrator, to serve the visiting public.

(ab) **Public Utility, Public Service Uses.**

One space for each 3 employees, plus spaces adequate in number, as determined by the Zoning Administrator, to serve the visiting public.

(ac) **Automobile Service Stations, Car Wash.**

(1) SERVICE STATIONS.

One space for each employee, plus 10 spaces for each service stall.

(2) CAR WASH.

5 spaces for each manual wash rack and 20 spaces for each automatic wash rack, plus one additional space for each 4 employees.

(ad) **Libraries and Museums.**

One space for each one 1,000 square feet of gross floor area.

(ae) **Colleges, Universities and Business, Professional and Trade Schools.**

One space for each employee, plus one space for each 3 students, based on the maximum number of students attending classes on the premises at any one time during any 24 hour period.

(af) **Health Centers, Government .**

3 spaces to be provided for each staff and visiting doctor.

(ag) **Mental Institutions.**

One space for each staff doctor, plus spaces adequate in number as determined by the Zoning Administrator.

(ah) **Nursing Homes.**

One space for each 4 beds, plus one space for each 2 employees other than doctors, plus one space for each doctor assigned to the staff.

## ARTICLE XIII. MISCELLANEOUS PROVISIONS

### §13.1 PLATS AND DEDICATIONS.

All subdivisions of land shall be in accordance with the provisions of the Subdivision Regulations of the Village, as amended from time to time.

**§13.2 PROCEDURES FOR IMPLEMENTATION AND ENFORCEMENT.**

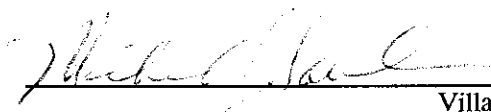
The Zoning Administrator is hereby authorized, with the concurrence of the Zoning Board of Appeals to promulgate forms and procedures relative to the implementation and enforcement of this ordinance. Such instructions and procedures shall be attached for informational purposes as an appendix to this ordinance.

**§13.3 EFFECTIVE DATE.**


This ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

|         |          |
|---------|----------|
| AYES    | <u>6</u> |
| NAYS    | <u>0</u> |
| ABSENT  | <u>0</u> |
| ABSTAIN | <u>0</u> |

APPROVED: This 2nd day of December, 1991.

  
\_\_\_\_\_  
Village President

ATTEST:

  
\_\_\_\_\_  
Village Clerk

STATE OF ILLINOIS )  
                                  ) SS.  
COUNTY OF KANE    )

CERTIFICATE

I, Debbie Washburn, certify that I am the duly elected and acting municipal clerk of the Village of Virgil, Kane County, Illinois.

I further certify that on December 2, 1991, the Corporate Authorities of such municipality passed and approved Ordinance No. 91-12, entitled AN ORDINANCE ESTABLISHING ZONING DISTRICTS WITHIN THE VILLAGE OF VIRGIL AND REGULATING THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND FOR RESIDENCE, AGRICULTURE, BUSINESS, INDUSTRY, AVIATION AND OTHER SPECIFIED PURPOSES THEREIN, which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 91-12, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the municipal building and in three public places within the Village, commencing on December 3, 1991, and continuing for a least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the village clerk.

DATED at Virgil, Illinois, this 2nd day of December, 1991.

(SEAL)

Debbie Washburn  
Municipal Clerk



## ARTICLE XIV. APPENDIX

### §14.1 INSTRUCTIONS FOR MAKING APPLICATION FOR A VARIATION.

Application for a variation from the Zoning Ordinance of the Village of Virgil must be addressed to the Village of Virgil Zoning Board of Appeals, P.O. Box 93, Virgil, Illinois 60182, attention of the Secretary. No special form of application is required. Request may be made in a letter or petition. An original and 2 copies must be submitted.

The application must set forth the legal description of the property involved. This description should be copied from the deed covering the property and must be accurate, as it is necessary to locate the property on the zoning maps, using said description. In addition to the description, the actual variation desired must be set forth, with a clear explanation of what is wanted and why the request is made. This explanation should show why the regular requirements of the Zoning Ordinance cannot be met, and must show proof that a particular hardship would result if a variation were not granted. Such a hardship must not be a self-created one.

A sketch of the property involved, drawn to scale, must accompany the application for a variation. This sketch should show the outline and dimensions of the property and all the buildings and structures located thereon. The distances from the buildings to the property line must be measured accurately and shown on the sketch. The portion of the building or structure for which a variation is requested should be clearly shown on the sketch. The name and address of the applicant must be given. The petition must be signed by the owner of record of the property. In case the property is under purchase contract, the owner of record must sign and the contract purchaser should also sign the petition.

Certification that adjacent and adjoining property owners have been notified of intention must be filed with the Village of Virgil Zoning Board of Appeals along with variation application. The form for filing certification is available in the office of the Village Clerk.

In submitting an application for a variation, a fee as set forth in the fee schedule must accompany same.

Pursuant to the Land Trust Disclosure Act of the State of Illinois, if property involved is in a land trust, a notarized certification, signed by the Trust Officer, giving names, addresses and percentage of interest, of all beneficiaries, is to be filed with all petitions.

Upon receipt of such an application, certification and fee, the secretary contacts the Chairman of the Zoning Board of Appeals for a hearing date. A public notice is then published according to the ordinance at least 15 days but not more than 30 days in advance of the hearing.

The applicant and/or a representative must attend the hearing.

## **§14.2 INSTRUCTIONS FOR FILING REQUEST FOR REZONING OR SPECIAL USE.**

Requests for the rezoning of property, or for certain special uses of property, as set forth in this ordinance, must be addressed to the Village of Virgil Zoning Board of Appeals, P.O. Box 93, Virgil, Illinois 60182, attention of the Secretary. No special form of application is required and request may be made by letter or formal petition. An original and 3 copies must be submitted.

The request must set forth the legal description of the property involved. This description must be accurate, as any rezoning is actually an amendment to the Zoning Ordinance itself, and upon adoption by the Village Board, the maps, which are a part of the ordinance, are changed to show the reclassification.

A soils report must accompany the petition for rezoning or special use. Application blanks for this purpose may be obtained from the Kane-DuPage Soil and Water Conservation district office located at 545 Randall Road, St. Charles, Illinois 60174.

The request should also state what the existing classification of the property is, under the Zoning Ordinance, and what classification is desired. Information regarding the necessary classification for the use desired can be obtained directly from the Zoning Ordinance or by calling the Office of the Zoning Board of Appeals. In the case of a request for certain special uses, requiring a hearing before the Zoning Board of Appeals, and approval by the Village Board, it must be determined first, if the zoning classification is correct and then a request for establishing the particular use desired should be submitted. If the zoning classification is not correct for the special use desired, the request for rezoning and for special use may be incorporated in the same petition.

It is desirable that a detailed sketch, showing the location of proposed buildings and parking areas, in the case of a business classification, be submitted with the petition. This should also show proposed entrances and exits to and from the public highway. Authority for location of such entrances and exits must be obtained from the particular highway commissioner having jurisdiction. To promote safety, these should be kept to a minimum and it is necessary to consult the State Highway Department at Elgin regarding the locations of such entrances and exits, where said entrances and exits are located on State Highways.

An aerial photo showing the parcel involved in rezoning or special use and surrounding area is required.

Certification is required to show that adjacent and adjoining property owners have been notified of intention. The form for filing certification is available in the office of the Village Clerk.

The petition must be signed by the owner of record of the property. In the case of property under purchase contract, the owner of record must sign and the contract purchaser should also sign the petition, as such purchaser is usually the person who will eventually establish the use proposed.

In the case of a request for residential or Estate zoning of large tracts of land, involving numerous owners, the Zoning Board of Appeals has established a policy of requiring signatures of the owners of at least eighty (80) percent of the area involved. In such cases, it is necessary to submit a map showing the various ownerships, by name, and indicating all areas within the described property where owners have not signed.

Pursuant to the Land Trust Disclosure Act of the State of Illinois, if property is a land trust a

notarized certification, signed by the Trust Officer, giving names, addresses and percentage of interest, of all beneficiaries, is to be filed with all petitions for rezoning or special use.

Upon receipt of application, other required documents and fee, the secretary contacts the Chairman of the Zoning Board of Appeals for a hearing date. A public notice is then published in a newspaper in accordance with the ordinance at least 15 days but not more than 30 days in advance of the hearing. A notice is sent, by mail, to the applicant giving the time and place of hearing. The applicant must attend, or be represented, at the public hearing.

In submitting an application for a rezoning or special use, a fee as set forth in the fee schedule must accompany same.

### **§14.3 PROCEDURES FOR SCHEDULING OF ZONING PETITION SPEAKERS AND FOR FILING OF FORMAL PROTESTS.**

Persons in favor of or in opposition to a rezoning petition who wish to speak before the Zoning Board of Appeals must file their intention with the Secretary c/o Village of Virgil Zoning Board of Appeals, P.O. Box 93, Virgil, Illinois 60182, not later than the Friday preceding such meeting giving the name(s) of person(s) who will address the board. The Secretary will arrange with the Chairman of the Zoning Board of Appeals as to time to be apportioned to such person(s). Opponents, either adjacent and adjoining property owners, who wish to file a legal protest against a petition are required by statute and the zoning ordinance to provide a written copy of their protest to the applicant and the applicant's attorney, if any, by certified mail at the address of such applicant and attorney shown in the application for the proposed amendment. A copy of the written protest must also be filed with the Village Clerk, P.O. Box 93, Virgil, Illinois 60182, not later than the Friday preceding the Board Meeting. The protest must be acknowledged before a Notary Public or other appropriate officer.

### **§14.4 VILLAGE OF VIRGIL PLANNED UNIT DEVELOPMENT GUIDELINES.**

The Village of Virgil PUD Guidelines are a compilation of current policies of the Village Board concerning design and composition of potential PUD projects in the Village. They are advisory in nature and designed to help petitioners prepare development plans which are consistent with the development goals of the Village.

The guidelines are updated periodically. As such, the Zoning Administrator should be consulted to obtain the most current set of guidelines.

14.4-1 Development type on the perimeter of the PUD should be similar to that which lies just beyond the perimeter of the PUD. If a development type more intense than that which lies beyond the perimeter is proposed, extensive buffering by physical separation, berming, landscaping, screening and/or other means should be provided.

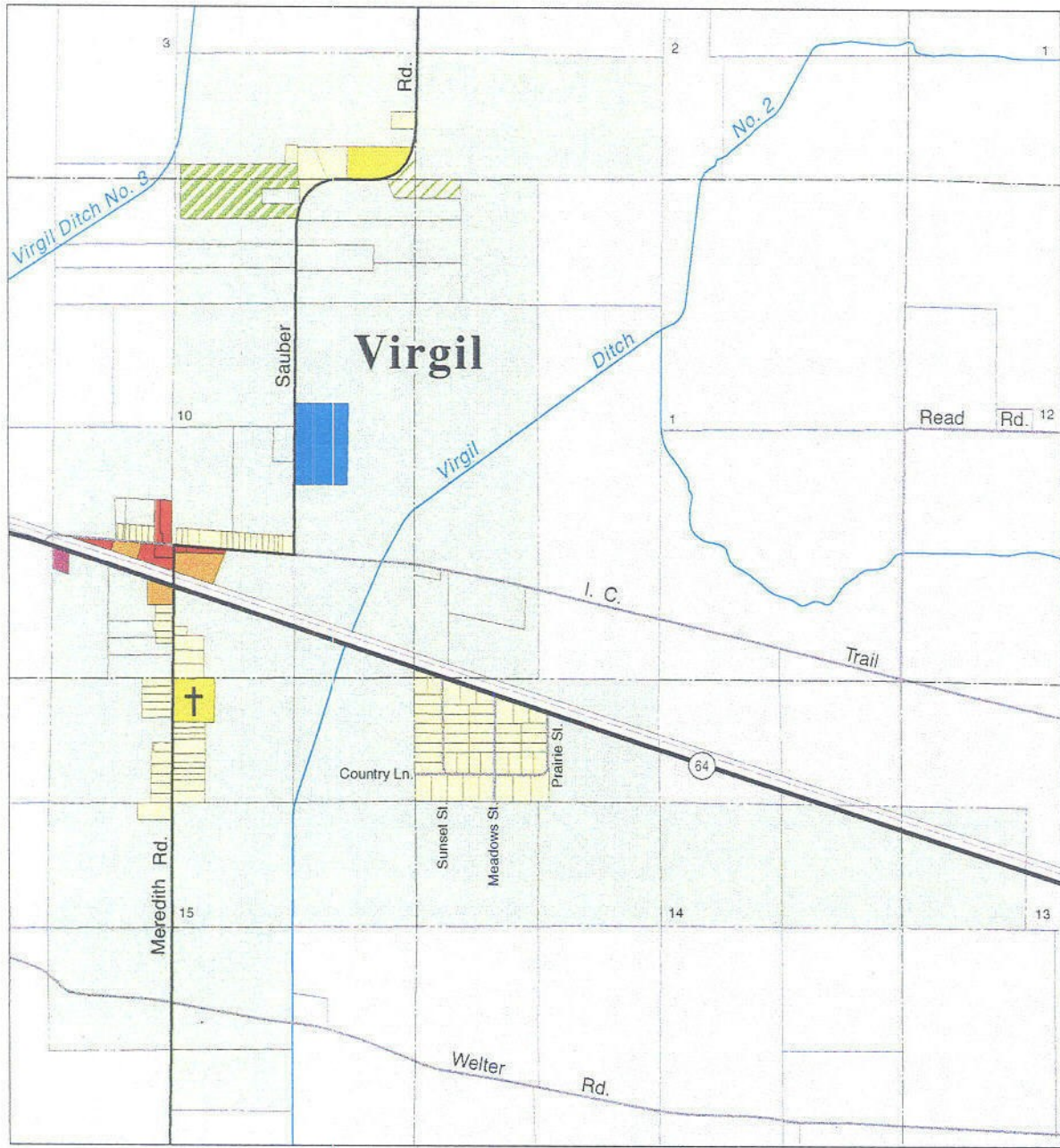
14.4-2 Parking areas shall be arranged so as to prevent through traffic to other parking areas via driving aisles between parking spaces.















14.4-3 Guest parking/overflow parking beyond the required parking stalls per unit figure should be provided either in separate parking areas or on internal streets wide enough to accommodate such parking and the safe flow of vehicular traffic. If necessary, a restriction of parking on one

or both sides of internal streets should be included in the ordinance approving the PUD.

- 14.4-4 The declaration of covenants and restrictions governing the Homeowners Association where such associations exist should include provisions which, in addition to the standard clauses, include:
- (a) Establishment of an escrow fund for the maintenance of the common elements of the development.
  - (b) Prohibition of outdoor parking of recreational vehicles.
  - (c) Delineation of what structures or activities may occur on property deeded to individual property owners or on common property.
  - (d) Delineation of the restrictions on exterior alterations of the individual units.
- 14.4-5 Streets intended to be dedicated to the Village shall be designed and constructed to Village specifications and in order to be dedicated should serve local or areawide through traffic. Minor streets (non-collector or non-arterial) within the development should not be connected to streets beyond the development in such a way as to encourage their use by through traffic regardless if they are intended to be dedicated or remain private.
- 14.4-6 When proposed PUDs include substantial acreage in commercial or industrial development, consideration should be given to provision of frontage roads, larger landscaped setbacks and increased landscaped buffering on the perimeter sections which abut less intensive development.
- 14.4-7 To the greatest extent possible, driveway curbcuts should be limited on collector and arterial streets. Preferably, said cuts should be provided on minor residential streets.
- 14.4-8 Zoning requested for the PUD should be the same as or more restrictive than neighboring zoning. Land uses in various segments of the proposed zoning district (with development as a PUD) may vary in type and intensity of development. However, the entire project will be evaluated as a single development when zoning and compatibility with surrounding properties are considered.
- 14.4-9 Traffic analysis when required shall take into consideration not only the analysis of the internal street network of the PUD, but also the impact of the traffic from the PUD on the adjoining street network during peak hours.
- 14.4-10 Unbuildable acreage and areas unsuitable for passive or active recreation such as swamp or marsh land, retention areas and steep slopes should not be used in calculating density for the proposed planned development.
- 14.4-11 Utilization of active or passive solar energy systems and superior energy conservation features are preferred over conventional construction.
- 14.4-12 Existing trees, floodplains, wetlands, natural drainageways, and sites or buildings of local or areawide archaeological or historical significance should be preserved whenever possible.
- 14.4-13 As a general rule, bonus units should not exceed 20% of the Allowable Density.

# Village of Virgil Zoning Map No. 1



- |  |   |  |
|--|---|--|
|  R1 Residential |  B1 Business         |  Municipal Boundary  |
|  R2 Residential |  B2 Business         |  Section Line        |
|  R3 Residential |  B3 Business         |  Parcel Line         |
|  E1 Estate      |  LI Light Industrial |  Great Western Trail |
|  E2 Estate      |  A Agriculture       |  |

Passed by the Virgil President & Board of Trustees this 13 day of Feb, 1997.

Signed: *Debbie Washburn*  
Debbie Washburn, Village Clerk

0 1/2 Mile  
Scale

