

Rantoul Village Board of Trustees
Regular Board Meeting
February 14, 2017

Order of Business

Board Packet Page(s)

1. Call to Order – Mayor Smith
Invocation – Pastor Christopher King, United Pentecostal Church
Pledge of Allegiance
Roll Call
2. Approval of Agenda
3. Public Participation
Citizens wishing to address the Village Board with respect to any item of business listed upon the agenda or any matter not appearing on the agenda are asked to complete a public participation form and submit it to the Village Clerk prior to the meeting. Comments will be limited to three minutes for each speaker.
4. Recognition of Officer David Sawlaw, on his retirement
5. Presentation by Brenda Runyon, Neighborhood Services

Section A – Consent Agenda

6. Approval of Consent Agenda by Omnibus Vote
All items under the Consent Agenda are considered to be routine in nature and will be enacted by a single motion and subsequent roll call vote. There will be no separate discussion of these items unless a Village Board member so requests, in which event the item will be removed from the Consent Agenda and considered as the first item after approval of the Consent Agenda.
 - (A) Approve Minutes of: Regular Study Session of [January 3, 2017](#);
Regular Board Meeting of [January 10, 2017](#)
 - (B) Approve Bills and Monthly Financial Reports
 - (C) Motion to pass [Resolution No. 2-17-1223](#), A RESOLUTION 1-4, 75-79
DETERMINING WHETHER THE NEED FOR CONFIDENTIALITY
STILL EXISTS OR IS NO LONGER REQUIRED AS TO ALL OR PART
OF MINUTES OF ALL CONFIDENTIAL CLOSED MEETINGS
 - (D) Motion to pass [Resolution No. 2-17-1225](#), A RESOLUTION 23-27, 80
DESIGNATING PARKING PROHIBITIONS (Innovation Road)
 - (E) Motion to pass [Resolution No. 2-17-1226](#), A RESOLUTION 12-22, 81-82
REGARDING TEMPORARY CLOSING OF STATE RIGHT-OF-WAY
FOR A PARADE (FOURTH OF JULY)
 - (F) Motion to pass [Resolution No. 2-17-1227](#), A RESOLUTION 12-22, 83-84
REGARDING TEMPORARY CLOSING OF STATE RIGHT-OF-WAY
FOR A PARADE (CHRISTMAS)
 - (G) Motion to pass [Resolution No. 2-17-1228](#), A RESOLUTION 12-22, 85-86
REGARDING TEMPORARY CLOSING OF STATE RIGHT-OF-WAY
FOR A PARADE (HOMECOMING)
7. Approval of Any Items Removed from Consent Agenda

Section B – Consideration of Bids, Contracts & Other Expenditures

8. Motion to authorize and approve an [internal loan](#) from the Electric Fund to the Storm Water Fund in the amount of \$750,000.00 for the NW Outfall Project 9
9. Motion to authorize and approve Supplemental [Engineering Services](#) Agreement for the Broadmeadow Drainage Project – Burns and McDonnell - \$18,745.00 28-52
10. Motion to authorize and approve purchase of two [circuit breakers](#) through Anixter - \$33,494.00 53-69

Section C – Consideration of Ordinances & Resolutions

11. Motion to pass [Ordinance No. 2508](#), AN ORDINANCE REVISING THE ANNUAL BUDGET (Various Funds) 70-75, 87-89
12. Motion to pass [Ordinance No. 2509](#), AN ORDINANCE AMENDING ORDINANCE NO. 2498, WHICH SUPPLEMENTED SECTION 34-72 OF THE RANTOUL CODE IN CONNECTION WITH THE IMPOSITION OF AN ADDITIONAL MUNICIPAL TAX 5-6, 90-92
13. Motion to pass [Ordinance No. 2510](#), AN ORDINANCE SUPPLEMENTING AND AMENDING DIVISION 4 OF ARTICLE IV OF CHAPTER 2 OF THE RANTOUL CODE IN CONNECTION WITH ESTABLISHING A PLANNING AND ZONING COMMISSION 93-97
14. Motion to pass [Ordinance No. 2511](#), AN ORDINANCE AMENDING CHAPTER 46 OF THE RANTOUL CODE IN CONNECTION WITH THE ESTABLISHMENT OF A PLANNING AND ZONING COMMISSION 98-222
15. Motion to pass [Ordinance No. 2512](#), AN ORDINANCE AMENDING CHAPTER 32 OF THE RANTOUL CODE IN CONNECTION WITH THE ESTABLISHMENT OF A PLANNING AND ZONING COMMISSION 223-261
16. Motion to pass [Ordinance No. 2513](#), AN ORDINANCE SUPPLEMENTING AND AMENDING DIVISION 3 OF ARTICLE IV OF CHAPTER 2 OF THE RANTOUL CODE IN CONNECTION WITH ESTABLISHING A PLANNING AND ZONING COMMISSION 262-265

Order of Business

Board Packet Page(s)

17. Motion to pass [Resolution No. 2-17-1224](#), A RESOLUTION AUTHORIZING OFFICERS OF THE VILLAGE TO EXPLORE THE MERITS OF A POSSIBLE BOND ISSUE **TO FUND THE VILLAGE'S** OBLIGATIONS IN CONNECTION WITH THE POLICE PENSION FUND 7-8, 266

Section D – New Business

Discussion of any items of new business not listed upon the formal agenda. No formal action will be taken on these items during this proceeding.

Section E – Public Announcements

Section F – Adjournment

18. Motion to Adjourn

Statement Regarding Compliance with the Americans with Disabilities Act (ADA)

The Village of Rantoul wishes to ensure that its programs, services, and activities are accessible to individuals with disabilities. All Village Board meetings are wheelchair accessible. Persons who require an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the Village of Rantoul should contact the ADA Coordinator at (217) 892-6821. TTY users should dial 7-1-1 or call the Illinois Relay Center at 1-800-526-0844 (TTY) or 1-800-526-0857 (V). TTY users requiring Spanish language assistance should call 1-800-501-0864 (TTY).

We would appreciate advance notice of at least 48 hours for any requests to receive an agenda in an alternate format or other types of auxiliary aids and services.

RESOLUTION NO. 2-17-1223

**A RESOLUTION
DETERMINING WHETHER THE NEED FOR
CONFIDENTIALITY STILL EXISTS OR IS NO LONGER REQUIRED
AS TO ALL OR PART OF MINUTES OF ALL CONFIDENTIAL CLOSED MEETINGS**

WHEREAS, Section 2.06 of the Open Meetings Act (5 ILCS 120/2.06) requires each public body to periodically, but no less frequently than semi-annually, to meet to review minutes of all closed meetings and to make a determination, reported in open session, that (1) the need for confidentiality still exists as to all or part of those minutes or (2) that the minutes or portions thereof no longer require confidential treatment and are available for public inspection; and

WHEREAS, the President and Board of Trustees (the “**Corporate Authorities**”) of the Village of Rantoul, Champaign County, Illinois (the “**Village**”) have met to review the minutes of all closed meetings which remain confidential as of the date hereof as detailed on the attached list (the “**Confidential Closed Meeting Minutes**”) in order to make such determination.

NOW THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF RANTOUL, CHAMPAIGN COUNTY, ILLINOIS, as follows:

Section 1. That the Corporate Authorities of the Village hereby expressly find and determine that: (1) confidentiality still exists in connection with those Confidential Closed Meeting Minutes designated by an “X” in the column under the heading “Confidentiality Still Exists”, and (2) confidential treatment is no longer required in connection with those Confidential Closed Meeting Minutes designated by an “X” in the column “To Be Made Available” in that it is no longer necessary to protect the public interest or the privacy of an individual by keeping them confidential.

Section 2. That the Village Clerk shall make those Confidential Closed Meeting Minutes so designated by an “X” in the column “To Be Made Available”, if any, available for public inspection.

This Resolution is hereby passed, the “ayes” and “nays” being called, by the concurrence of a majority of the members of the Corporate Authorities then holding office at a meeting on the date set forth below.

PASSED this 14th day of February, 2017.

Village Clerk

APPROVED this 14th day of February, 2017.

Village President

CLOSED MEETINGS

February 9, 2017

<u>Tape #</u>	<u>Date</u>	<u>Subject</u>	<u>Confidentiality</u>	<u>To Be</u>
			<u>Still Exists</u>	<u>Released</u>
	Feb. 8, 1996	FOP negotiation matters	X	
	June 6, 1996	FOP negotiation matters	X	
	Sept. 25, 1996	Specific employee matter - Comptroller	X	
	Dec. 14, 1996	Specific employee matter - Administrator	X	
	Jan. 14, 1997	Specific employee matter - Administrator	X	
	Feb. 28, 1997	Specific employee matter - Administrator	X	
	June 3, 1997	FOP negotiation matters	X	
	July 1, 1997	FOP negotiation matters	X	
	Dec. 2, 1997	IBEW negotiation matters	X	
	Jan. 13, 1998	Specific employee matter - Elec. Supt.	X	
	May 12, 1998	IBEW negotiation matters	X	
81	Oct. 6, 1998	IBEW negotiation matters	X	
109	April 19, 1999	FOB Negotiations	X	
182	Sept. 12, 2000	FOB Negotiations	X	
210A	June 12, 2001	Specific employee matter - Exec. Sec.	X	
	March 5, 2002	Specific employee matter - Exec. Sec.	X	
242	March 18, 2002	Specific employee matter - Econ. Dev. Dir.	X	
246	May 14, 2002	Specific employee matter - Fire Chief	X	
257	June 4, 2002	Specific employee matter - Fire Chief	X	
259	June 27, 2002	Specific employee matter - Econ. Dev. Dir.	X	
268	August 26, 2002	IBEW negotiation matters	X	
270	Sept. 3, 2002	IBEW negotiation matters	X	
270	Dec. 3, 2002	Specific employee matter - IMS Manager	X	
280	Jan. 7, 2003	Specific employee matter-Sr Computer Tech	X	
284	Feb. 4, 2003	Specific employee matter - IMS employee	X	
291	March 11, 2003	Specific employee matter - CD employee	X	
291	April 1, 2003	Specific employee matter - CD employee	X	
291	April 8, 2003	Specific employee matter - CD employee	X	
295	Nov. 4, 2003	FOP negotiation matters	X	

332	Feb. 3, 2004	FOP negotiation matters	X	
337	Feb. 17, 2004	FOP negotiation matters	X	
354	June 8, 2004	Specific employee matter - Econ. Dev. Dir.	X	
366	August 12, 2004	Specific employee matter - Administrator	X	
368	August 25, 2004	Special Board Meeting - Administrator	X	
370	August 25, 2004	Specific employee matter - Administrator	X	
370	Sept. 2, 2004	Specific employee matter - Administrator	X	
373	Sept. 7, 2004	Specific employee matter - Administrator	X	
374	Sept. 14, 2004	Specific employee matter - Administrator	X	
375	Sept. 14, 2004	Specific employee matter - Administrator	X	

485	Aug. 8, 2006	Specific employee matter - Econ. Dev. Dir.	X	
493	Oct. 16, 2006	Specific employee matter - Econ. Dev. Dir.	X	
494	Oct. 16, 2006	Specific employee matter - Econ. Dev. Dir.	X	
495	Oct. 18, 2006	Specific employee matter - Econ. Dev. Dir.	X	
496	Oct. 18, 2006	Specific employee matter - Econ. Dev. Dir.	X	
497	Oct. 18, 2006	Specific employee matter - Econ. Dev. Dir.	X	
499	Nov.2, 2006	Specific employee matter - Econ. Dev. Dir.	X	
500	Nov.2, 2006	Specific employee matter - Econ. Dev. Dir.	X	
502	Nov. 7, 2006	Specific employee matter - Attorney	X	
503	Nov. 13, 2006	Specific employee matter - Econ. Dev. Dir.	X	
506	Dec. 5, 2006	Specific employee matter - Administrator	X	
509	Dec. 14, 2006	Appointment of legal counsel	X	
509	Dec. 14, 2006	Appointment of legal counsel	X	

511	Jan 2, 2007	Specific employee matter - Administrator	X	
516	Feb. 6, 2007	Specific employee matter - Econ. Dev. Dir.	X	
524	March 13, 2007	Specific employee matter - Administrator	X	
560	Nov. 6, 2007	IBEW Negotiations	X	
560	Nov. 6, 2007	Specific employee matter - IT Director	X	

569	Jan 16, 2008	Specific employee matter - Administrator	X	
576	March 4, 2008	Specific employee matter - HR Manager	X	
578	March 11, 2008	FOP Negotiations	X	
583	April 8, 2008	Specific employee matter - HR Manager	X	
586	April 16, 2008	Specific employee matter - Administrator	X	
587	April 16, 2008	Specific employee matter - Administrator	X	
588	April 17, 2008	Specific employee matter - Administrator	X	
589	April 17, 2008	Specific employee matter - Administrator	X	
593	May 13, 2008	Specific employee matter - Administrator	X	
595	May 22, 2008	Specific employee matter - Administrator	X	

606	July 15, 2008	Specific employee matter - Administrator	X	
611	Aug. 12, 2008	Specific employee matter - Administrator	X	
617	Sept. 9, 2009	FOP Negotiations	X	
619	Oct. 7, 2008	FOP Negotiations	X	
625	Dec. 2, 2008	FOP Negotiations	X	
657	Nov. 3, 2009	Specific employee matter - Fire Dept.	X	
657	Nov. 3, 2009	FOP Negotiations	X	
671	March 2, 2010	Specific employee matter - Police Dept.	X	
676	April 6, 2010	FOP Negotiations	X	
689	Aug. 17, 2010	FOP Negotiations	X	
689	Aug. 17, 2010	Specific employee matter - HR Manager	X	
696	Oct. 12, 2010	FOP Negotiations	X	
700	Nov. 9, 2010	Specific employee matter - Fire Dept.	X	
700	Nov. 9, 2010	Pending litigation	X	
719	June 7, 2011	Collective Bargaining	X	
730	Sept. 6, 2011	Personnel	X	
749	May 1, 2012	FOP	X	
760	Oct. 10, 2012	IBEW & FOP Sgts.	X	
763	Nov. 6, 2012	FOP Negotiations	X	
763	Nov. 13, 2012	FOP Negotiations	X	
766	Jan. 8, 2013	Personnel	X	
766	Jan. 8, 2013	FOP Negotiations	X	
792	Jan. 7, 2014	Review of Closed Minutes	X	
794	Feb. 4, 2014	Litigation	X	
797	March 11, 2014	Personnel	X	
798	March 11, 2014	Personnel	X	
800	April 8, 2014	Personnel	X	
809	Aug. 5, 2014	Review of Closed Minutes	X	
812	Aug. 21, 2014	Personnel - Administrator Interview	X	
813	Aug. 21, 2014	Personnel - Administrator Interview	X	
	December 1, 2015	Litigation	X	
	December 21, 2015	Employment	X	
	April 26, 2016	FOP Negotiations	X	
	May 10, 2016	Real Estate	X	
	July 5, 2016	Review of Closed Minutes		X

	Sept. 6, 2016	Purchase/lease of Property	X	.
	Sept. 13, 2016	Lease or Purchase of Property	X	
	Nov. 1, 2016	Sale or Lease of Property	X	

RESOLUTION NO. 2-17-1225

**A RESOLUTION
DESIGNATING PARKING PROHIBITIONS
(Innovation Road)**

WHEREAS, Section 11-208 of the Illinois Vehicle Code (625 ILCS 5/11-208), as supplemented and amended (the “**IVC**”) and Section 38-151 of Chapter 38 of the Rantoul Code, as supplemented and amended (the “**Traffic Code**”) provide that the President and Board of Trustees (the “**Corporate Authorities**”) of the Village of Rantoul, Champaign County, Illinois (the “**Village**”) are authorized to regulate the standing or parking of vehicles upon streets and highways within the Village; and

WHEREAS, the Corporate Authorities of the Village now desire to prohibit the parking of vehicles at all times on the north side of Innovation Road.

NOW THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF RANTOUL, CHAMPAIGN COUNTY, ILLINOIS, as follows:

Section 1. That pursuant to the above-cited provisions of the IVC and the Traffic Code, the parking of vehicles at all times shall be prohibited on such street or part thereof, on the side of such street or part thereof and at the location of such street or part thereof as follows:

<u>Street</u>	<u>Side of Street</u>	<u>Location</u>
Innovation Road	North	From N. Evans Road east to west edge of the cul-de-sac for a distance of 2,490 feet

Section 2. That all Resolutions or parts of Resolutions in conflict with the provisions of this Resolution are hereby superseded.

Section 3. That the Director of Public Works of the Village or the designee thereof shall cause appropriate signs giving notice of such parking prohibition to be erected at the location upon each such street or part thereof as is specified in Section 1 of this Resolution. The parking prohibitions as designated by this Resolution shall become effective if, as and when such signs are so erected.

PASSED this 14th day of February, 2017.

Village Clerk

APPROVED this 14th day of February, 2017.

Village President

RESOLUTION NO. 2-17-1226

**A RESOLUTION
REGARDING TEMPORARY CLOSING OF
STATE RIGHT-OF-WAY FOR A PARADE
(FOURTH OF JULY)**

WHEREAS, the **Rantoul Area Chamber of Commerce** is sponsoring a **parade** in the **Village of Rantoul** which constitutes a public purpose;

WHEREAS, this **parade** will require the temporary closure of **Route 136**, a State Highway in the **Village of Rantoul** from **North Maplewood Drive** to **East Grove Avenue** and from **Fredrick Street** to **Wabash Avenue**;

WHEREAS, Section 4-408 of the Illinois Highway Code authorizes the Department of Transportation to issue permits to local authorities to temporarily close portions of State Highways for such public purposes.

NOW THEREFORE, BE IT RESOLVED by the **Board of Trustees** of the **Village of Rantoul** that permission to close off **Route 136** from **North Maplewood Drive** to **East Grove Avenue** and from **Fredrick Street** to **Wabash Avenue** as above designated, be requested of the Department of Transportation.

BE IT FURTHER RESOLVED that this closure shall occur during the approximate time period between **9:00 AM** and **12:00 PM** on **July 4, 2017**.

BE IT FURTHER RESOLVED, that the **Rantoul Police Department** assumes full responsibility for the direction, protection, and regulation of the traffic during the time the detour is in effect.

BE IT FURTHER RESOLVED, that police officers or authorized flaggers shall at the expense of the **Village of Rantoul** be positioned at each end of the closed section and at other points (such as intersections) as may be necessary to assist in directing traffic through the detour.

BE IT FURTHER RESOLVED, that police officers, flaggers, and officials shall permit emergency vehicles in emergency situations to pass through the closed area as swiftly as is safe for all concerned.

BE IT FURTHER RESOLVED, that all debris shall be removed by the **Village of Rantoul Public Works Department** prior to reopening the State highway.

BE IT FURTHER RESOLVED, that such signs, flags, barricades, etc., shall be used by the **Rantoul Area Chamber of Commerce** as may be approved by the Illinois Department of Transportation. These items shall be provided by the **Village of Rantoul Public Works Department**.

BE IT FURTHER RESOLVED, that the closure and detour shall be marked according to the Illinois Manual on Uniform Traffic Control Devices.

BE IT FURTHER RESOLVED, that an occasional break shall be made in the procession so that traffic may pass through. In any event, adequate provisions will be made for traffic on intersecting

highways pursuant to conditions noted above. (Note: This paragraph is applicable when the Resolution pertains to a Parade or when no detour is required.)

BE IT FURTHER RESOLVED, that to the fullest extent permitted by law, the **Rantoul Area Chamber of Commerce** shall be responsible for any and all injuries to persons or damages to property, and shall indemnify and hold harmless the Illinois Department of Transportation, its officers, employees and agents from any and all claims, lawsuits, actions, costs and fees (including reasonable attorneys' fees and expenses) of every nature or description, arising out of, resulting from or connected with the exercise of authority granted by the Department which is the subject of this resolution. The obligation is binding upon the **Rantoul Area Chamber of Commerce** regardless of whether or not such claim, damage, loss or expense is caused in part by the act, omission or negligence of the Department or its officers, employees or agents.

BE IT FURTHER RESOLVED, that the **Rantoul Area Chamber of Commerce** shall provide a comprehensive general liability policy or an additional named insured endorsement in the minimum amount of \$1,000,000 per person and \$2,000,000 aggregate which has the Illinois Department of Transportation, its officials, employees and agents as insureds and which protects them from all claims arising from the requested road closing. A copy of said policy or endorsement will be provided to the Department before the road is closed.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Department of Transportation to serve as a formal request for the permission sought in this resolution and to operate as part of the conditions of said permission.

ADOPTED by the **Board of Trustees** of the **Village of Rantoul** this 14th day of February, 2017.

MUNICIPAL CLERK

APPROVED by the **Village President** of the **Village of Rantoul** this 14th day of February, 2017.

ATTEST: _____

MUNICIPAL CLERK

MAYOR

RESOLUTION NO. 2-17-1227

**A RESOLUTION
REGARDING TEMPORARY CLOSING OF
STATE RIGHT-OF-WAY FOR A PARADE
(CHRISTMAS)**

WHEREAS, the **Rantoul Area Chamber of Commerce** is sponsoring a **parade** in the **Village of Rantoul** which constitutes a public purpose;

WHEREAS, this **parade** will require the temporary closure of **Route 45**, a State Highway in the **Village of Rantoul** at **East Sangamon Avenue**;

WHEREAS, Section 4-408 of the Illinois Highway Code authorizes the Department of Transportation to issue permits to local authorities to temporarily close portions of State Highways for such public purposes.

NOW THEREFORE, BE IT RESOLVED by the **Board of Trustees** of the **Village of Rantoul** that permission to close off **Route 45** at **East Sangamon Avenue** as above designated, be requested of the Department of Transportation.

BE IT FURTHER RESOLVED that this closure shall occur during the approximate time period between **5:30 PM** and **7:30 PM** on **December 1, 2017**.

BE IT FURTHER RESOLVED, that the **Rantoul Police Department** assumes full responsibility for the direction, protection, and regulation of the traffic during the time the detour is in effect.

BE IT FURTHER RESOLVED, that police officers or authorized flaggers shall at the expense of the **Village of Rantoul** be positioned at each end of the closed section and at other points (such as intersections) as may be necessary to assist in directing traffic through the detour.

BE IT FURTHER RESOLVED, that police officers, flaggers, and officials shall permit emergency vehicles in emergency situations to pass through the closed area as swiftly as is safe for all concerned.

BE IT FURTHER RESOLVED, that all debris shall be removed by the **Village of Rantoul Public Works Department** prior to reopening the State highway.

BE IT FURTHER RESOLVED, that such signs, flags, barricades, etc., shall be used by the **Rantoul Area Chamber of Commerce** as may be approved by the Illinois Department of Transportation. These items shall be provided by the **Village of Rantoul Public Works Department**.

BE IT FURTHER RESOLVED, that the closure and detour shall be marked according to the Illinois Manual on Uniform Traffic Control Devices.

BE IT FURTHER RESOLVED, that an occasional break shall be made in the procession so that traffic may pass through. In any event, adequate provisions will be made for traffic on intersecting highways pursuant to conditions noted above. (Note: This paragraph is applicable when the Resolution pertains to a Parade or when no detour is required.)

BE IT FURTHER RESOLVED, that to the fullest extent permitted by law, the **Rantoul Area Chamber of Commerce** shall be responsible for any and all injuries to persons or damages to property, and shall indemnify and hold harmless the Illinois Department of Transportation, its officers, employees and agents from any and all claims, lawsuits, actions, costs and fees (including reasonable attorneys' fees and expenses) of every nature or description, arising out of, resulting from or connected with the exercise of authority granted by the Department which is the subject of this resolution. The obligation is binding upon the **Rantoul Area Chamber of Commerce** regardless of whether or not such claim, damage, loss or expense is caused in part by the act, omission or negligence of the Department or its officers, employees or agents.

BE IT FURTHER RESOLVED, that the **Rantoul Area Chamber of Commerce** shall provide a comprehensive general liability policy or an additional named insured endorsement in the minimum amount of \$1,000,000 per person and \$2,000,000 aggregate which has the Illinois Department of Transportation, its officials, employees and agents as insureds and which protects them from all claims arising from the requested road closing. A copy of said policy or endorsement will be provided to the Department before the road is closed.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Department of Transportation to serve as a formal request for the permission sought in this resolution and to operate as part of the conditions of said permission.

ADOPTED by the **Board of Trustees** of the **Village of Rantoul** this 14th day of February, 2017.

MUNICIPAL CLERK

APPROVED by the **Village President** of the **Village of Rantoul** this 14th day of February, 2017.

ATTEST: _____

MUNICIPAL CLERK

MAYOR

RESOLUTION NO. 2-17-1228

**A RESOLUTION
REGARDING TEMPORARY CLOSING OF
STATE RIGHT-OF-WAY FOR A PARADE
(HOMECOMING)**

WHEREAS, **Rantoul Township High School** is sponsoring a **parade** in the **Village of Rantoul** which constitutes a public purpose;

WHEREAS, this **parade** will require the temporary closure of **Route 45**, a State Highway in the **Village of Rantoul** from **East Congress Avenue** to **East Grove Avenue**;

WHEREAS, Section 4-408 of the Illinois Highway Code authorizes the Department of Transportation to issue permits to local authorities to temporarily close portions of State Highways for such public purposes.

NOW THEREFORE, BE IT RESOLVED by the **Board of Trustees** of the **Village of Rantoul** that permission to close off **Route 45** from **East Congress Avenue** to **East Grove Avenue** as above designated, be requested of the Department of Transportation.

BE IT FURTHER RESOLVED that this closure shall occur during the approximate time period between **3:00 PM** and **6:00 PM** on **October 6, 2017**.

BE IT FURTHER RESOLVED, that the **Rantoul Police Department** assumes full responsibility for the direction, protection, and regulation of the traffic during the time the detour is in effect.

BE IT FURTHER RESOLVED, that police officers or authorized flaggers shall at the expense of the **Village of Rantoul** be positioned at each end of the closed section and at other points (such as intersections) as may be necessary to assist in directing traffic through the detour.

BE IT FURTHER RESOLVED, that police officers, flaggers, and officials shall permit emergency vehicles in emergency situations to pass through the closed area as swiftly as is safe for all concerned.

BE IT FURTHER RESOLVED, that all debris shall be removed by the **Village of Rantoul Public Works Department** prior to reopening the State highway.

BE IT FURTHER RESOLVED, that such signs, flags, barricades, etc., shall be used by **Rantoul Township High School** as may be approved by the Illinois Department of Transportation. These items shall be provided by the **Village of Rantoul Public Works Department**.

BE IT FURTHER RESOLVED, that the closure and detour shall be marked according to the Illinois Manual on Uniform Traffic Control Devices.

BE IT FURTHER RESOLVED, that an occasional break shall be made in the procession so that traffic may pass through. In any event, adequate provisions will be made for traffic on intersecting highways pursuant to conditions noted above. (Note: This paragraph is applicable when the Resolution pertains to a Parade or when no detour is required.)

BE IT FURTHER RESOLVED, that to the fullest extent permitted by law, **Rantoul Township High School** shall be responsible for any and all injuries to persons or damages to property, and shall indemnify and hold harmless the Illinois Department of Transportation, its officers, employees and agents from any and all claims, lawsuits, actions, costs and fees (including reasonable attorneys' fees and expenses) of every nature or description, arising out of, resulting from or connected with the exercise of authority granted by the Department which is the subject of this resolution. The obligation is binding upon the **Rantoul Township High School** regardless of whether or not such claim, damage, loss or expense is caused in part by the act, omission or negligence of the Department or its officers, employees or agents.

BE IT FURTHER RESOLVED, that **Rantoul Township High School** shall provide a comprehensive general liability policy or an additional named insured endorsement in the minimum amount of \$1,000,000 per person and \$2,000,000 aggregate which has the Illinois Department of Transportation, its officials, employees and agents as insureds and which protects them from all claims arising from the requested road closing. A copy of said policy or endorsement will be provided to the Department before the road is closed.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Department of Transportation to serve as a formal request for the permission sought in this resolution and to operate as part of the conditions of said permission.

ADOPTED by the **Board of Trustees** of the **Village of Rantoul** this 14th day of February, 2017.

MUNICIPAL CLERK

APPROVED by the **Village President** of the **Village of Rantoul** this 14th day of February, 2017.

ATTEST: _____

MUNICIPAL CLERK

MAYOR

ORDINANCE NO. 2508

**AN ORDINANCE
REVISING THE ANNUAL BUDGET
(Various Funds)**

**VILLAGE OF RANTOUL
CHAMPAIGN COUNTY, ILLINOIS**

CERTIFICATE OF PUBLICATION

Published in pamphlet form this 14th day of February, 2017, by authority of the President and Board of Trustees of the Village of Rantoul, Champaign County, Illinois.

Village Clerk

ORDINANCE NO. 2508

**AN ORDINANCE
REVISING THE ANNUAL BUDGET
(Various Funds)**

WHEREAS, the annual budget for the fiscal year beginning May 1, 2016 and ending April 30, 2017 (the “**Annual Budget**”) of the Village of Rantoul, Champaign County, Illinois (the “**Village**”) was duly approved by the President and Board of Trustees (the “**Corporate Authorities**”) of the Village under and pursuant to Ordinance No. 2478, passed and approved at a regular meeting on April 12, 2016; and

WHEREAS, the Corporate Authorities now desire to supplement and amend the Annual Budget in order to add to, delete, change or otherwise revise the Annual Budget by providing for certain transfers between or among the funds or accounts so designated or for certain authorized expenditures from unexpended balances or other additional revenues so designated; and

WHEREAS, funds are available to effectuate such revisions.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE OF RANTOUL, CHAMPAIGN COUNTY, ILLINOIS, as follows:

Section 1. Revision(s) to Annual Budget. The Annual Budget, as heretofore supplemented and amended, is hereby further supplemented and amended in order to add to, delete, change or otherwise revise the Annual Budget by providing for such transfers between or among the funds or accounts so designated or for such authorized expenditures from the unappropriated balances or other additional revenues so designated, all as set forth in the form of the Budget Amendment documents (BA-FY-17-03, a copy of which is attached hereto and hereby incorporated herein by this reference thereto.

Section 2. Effective Date. The provisions of this ordinance shall become effective ten (10) days after its passage, approval and publication as provided by law.

Section 3. Publication. The Village Clerk is hereby authorized and directed to cause this ordinance to be published in pamphlet form.

This ordinance is hereby passed, the “ayes” and “nays” being called, by the vote of two-thirds of the members of the Corporate Authorities then holding office at a regular meeting duly called for such purpose on the date set forth below.

PASSED this 14th day of February, 2017.

Village Clerk

APPROVED this 14th day of February, 2017.

Village President

VILLAGE OF RANTOUL
BUDGET AMENDMENT #17-03
FEBRUARY, 2017

Fund	Account	Project	Original Budget	Amended Budget	Difference
Local Motor Fuel Tax	206-1190-440-7570-Infrastructure	Sangamon and neighborhood overlay projects	\$2,370,000	\$2,530,000	\$160,000 *
	206-1190-440-3029-Other Pro Fees	CUMTD bus service	\$0	\$62,500	\$62,500
	206-0000-383-0000-Bond Proceeds (Revenue)	Sangamon and neighborhood overlay projects	\$2,370,000	\$2,467,000	\$97,000
TIF II	214-0160-410-8040-Contributions	Economic Development agreement for hotel	\$0	\$671,000	\$671,000
Waste Water	536-1180-430-7570-Infrastructure	Indian Hills Sanitary Sewer	\$773,178	\$1,273,178	\$500,000 *
Electric	541-1180-430-7570-Infrastructure	AMI meter upgrades	\$1,791,331	\$2,331,331	\$540,000 *
Storm Drainage	551-1151-430-3024-Engineering	Broadmeadow Road and Rudzinski pond	\$151,093	\$279,093	\$128,000 #
	551-1151-430-7570-Infrastructure	Broadmeadow Road and Rudzinski pond	\$1,390,831	\$1,990,831	\$600,000
	551-0000-383-0000-Bond Proceeds (Revenue)	Broadmeadow Road and Rudzinski pond	\$950,000	\$1,500,000	\$550,000
EDC Fund	585-0140-450-4031-Repair & Maint-Building	New roof at RBC	\$229,467	\$429,467	\$200,000 *

*LMFT, EDC, Electric and Waste Water projects being funded from reserves.

Storm Darainage projects being funded by loan from Electric Fund and bond proceeds

ORDINANCE NO. 2509

**AN ORDINANCE
AMENDING ORDINANCE NO. 2498,
WHICH SUPPLEMENTED SECTION 34-72 OF THE RANTOUL CODE IN
CONNECTION WITH THE IMPOSITION OF AN ADDITIONAL MUNICIPAL TAX**

**VILLAGE OF RANTOUL
CHAMPAIGN COUNTY, ILLINOIS**

CERTIFICATE OF PUBLICATION

Published in pamphlet form this 14th day of February, 2017, by authority of the President and Board of Trustees of the Village of Rantoul, Champaign County, Illinois.

Village Clerk

ORDINANCE NO. 2509

**AN ORDINANCE
AMENDING ORDINANCE NO. 2498,
WHICH SUPPLEMENTED SECTION 34-72 OF THE RANTOUL CODE IN
CONNECTION WITH THE IMPOSITION OF AN ADDITIONAL MUNICIPAL TAX**

WHEREAS, on December 13, 2016, the President and Board of Trustees (the “**Corporate Authorities**”) of the Village of Rantoul, Champaign County, Illinois (the “**Village**”) duly adopted Ordinance No. 2498, which imposed an additional municipal utility tax for the sole purpose of funding the Village’s obligations with respect to the Police Pension Fund of the Village; and

WHEREAS, the Corporate Authorities of the Village now find it necessary and appropriate to amend Ordinance No. 2498 to revise the tax imposed by such Ordinance No. 2498.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE OF RANTOUL, ILLINOIS, as follows:

Section 1. Adoption. Section 34-72, entitled “Imposition”, of the Rantoul Code, as supplemented and amended, be and the same is hereby further amended to now provide as set forth in the title, headings and text thereof as attached hereto and hereby incorporated herein by this reference thereto.

Section 2. Effective Date. The provisions of this Ordinance shall become effective following its passage, approval and publication as required by law on May 1, 2017.

Section 3. Conflict. All ordinances or parts of ordinances which are in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

Section 4. Publication. The Village Clerk is hereby authorized and directed to cause this Ordinance to be published in pamphlet form.

This ordinance is hereby passed, the “ayes” and “nays” being called, by the concurrence of a majority of the members of the Corporate Authorities then holding office at a regular meeting on the date set forth below.

PASSED this 14th day of February, 2017.

Village Clerk

APPROVED this 14th day of February, 2017.

Village President

Sec. 34-72. - Imposition.

A tax is imposed on all persons engaged in the following occupations or privileges:

- (1) Persons engaged in the business of distributing, supplying, furnishing, or selling gas for use or consumption within the corporate limits of the village, and not for resale, at the rate of five percent of the gross receipts therefrom.
- (2) The privilege of using or consuming electricity acquired in a purchase at retail and used or consumed within the corporate limits of the village at the following rates, calculated on a monthly basis for each purchaser:
 - a. For the first 2,000 kilowatt-hours used or consumed in a month: \$0.418 per kilowatt-hour;
 - b. For the next 48,000 kilowatt-hours used or consumed in a month: \$0.274 per kilowatt-hour;
 - c. For the next 50,000 kilowatt-hours used or consumed in a month: \$0.247 per kilowatt-hour;
 - d. For the next 400,000 kilowatt-hours used or consumed in a month: \$0.240 per kilowatt-hour;
 - e. For the next 500,000 kilowatt-hours used or consumed in a month: \$0.233 per kilowatt-hour;
 - f. For the next 2,000,000 kilowatt-hours used or consumed in a month: \$0.219 per kilowatt-hour;
 - g. For the next 2,000,000 kilowatt-hours used or consumed in a month: \$0.216 per kilowatt-hour;
 - h. For the next 5,000,000 kilowatt-hours used or consumed in a month: \$0.213 per kilowatt-hour;
 - i. For the next 10,000,000 kilowatt-hours used or consumed in a month: \$0.209 per kilowatt-hour; and
 - j. For all electricity used or consumed in excess of 200,000,000 kilowatt-hours in a month: \$0.206 per kilowatt-hour.

The tax rates imposed upon the kilowatt-hour categories set forth in this subsection are hereby found and determined by the corporate authorities to have the same proportional relationship to the maximum rates specified in the act and are not in excess of rates reasonably calculated to produce revenues that equal the maximum total revenues the village could have received under this subsection (2) in calendar year 1997, provided that this finding and determination shall not be a limitation on the amount of tax revenues actually collected by the village.

- (3) Persons engaged in the business of distributing, supplying, furnishing or selling water for use or consumption within the corporate limits of the village, and not for resale, at the rate of five percent of the gross receipts therefrom.
- (4) Any taxpayer engaged in any of the occupations or privileges described in parts (1), (2) and (3) of this Section above in the following amounts per month:

<u>Taxpayer</u>	For the Period Beginning	
	<u>May 1, 2017</u>	<u>May 1, 2018</u>
Residential	\$1.50	\$2.75
Commercial	\$2.00	\$4.00
Industrial	\$15.00	\$30.00

The tax imposed by this part (4) of this Section shall be designated for funding employer contributions to the Police Pension Fund of the Village and shall be applied to abate the Village's annual property tax levy for such employer contributions.

ORDINANCE NO. 2510

**AN ORDINANCE
SUPPLEMENTING AND AMENDING DIVISION 4 OF ARTICLE IV
OF CHAPTER 2 OF THE RANTOUL CODE IN CONNECTION
WITH ESTABLISHING A PLANNING AND ZONING COMMISSION**

**VILLAGE OF RANTOUL
CHAMPAIGN COUNTY, ILLINOIS**

CERTIFICATE OF PUBLICATION

Published in pamphlet form this 14th day of February, 2017, by authority of the President and Board of Trustees of the Village of Rantoul, Champaign County, Illinois.

Village Clerk

ORDINANCE NO. 2510

**AN ORDINANCE
SUPPLEMENTING AND AMENDING DIVISION 4 OF ARTICLE IV
OF CHAPTER 2 OF THE RANTOUL CODE IN CONNECTION
WITH ESTABLISHING A PLANNING AND ZONING COMMISSION**

WHEREAS, the President and Board of Trustees (the “**Corporate Authorities**”) of the Village of Rantoul, Champaign County, Illinois (the “**Village**”) now find it necessary, desirable and in the best interests of the Village to combine the powers, duties and functions of the presently established and constituted Plan Commission and Board of Zoning Appeals into a single commission to be established as the “**Planning and Zoning Commission**”.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE OF RANTOUL, ILLINOIS, as follows:

Section 1. Adoption. Division 4, entitled “PLAN COMMISSION” of Article IV, entitled “BOARDS, COMMISSIONS, AUTHORITIES AND COMMITTEES”, of Chapter 2, entitled “ADMINISTRATION”, of the Rantoul Code, as supplemented and amended, be and the same is hereby further supplemented and amended by adding a new Division 4, to be entitled “PLANNING AND ZONING COMMISSION”, as set forth in the title, headings and text thereof as attached hereto and hereby incorporated herein by this reference thereto.

Section 2. Effective Date. The provisions of this Ordinance shall become effective on March 1, 2017 (the “**Effective Date**”), following its passage, approval and publication as required by law.

Section 3. Supersede and Repeal. Upon the Effective Date of this Ordinance, the provisions of DIVISION 2, entitled “BOARD OF ZONING APPEALS” and the existing DIVISION 4, entitled “PLAN COMMISSION” of such Article IV of Chapter 2 of the Rantoul Code are hereby superseded and repealed.

Section 4. Conflict. All other ordinances or parts of other ordinances which are in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby superseded.

Section 5. Publication. The Village Clerk is hereby authorized and directed to cause this Ordinance to be published in pamphlet form.

This ordinance is hereby passed, the “**ayes**” and “**nays**” being called, by the concurrence of a majority of the members of the Corporate Authorities then holding office at a regular meeting on the date set forth below.

PASSED this 14th day of February, 2017.

Village Clerk

APPROVED this 14th day of February, 2017.

Village President

DIVISION 4 - PLANNING AND ZONING COMMISSION

Sec. 2-426. – Establishment, composition.

There is hereby established a planning and zoning commission, which shall consist of seven members, appointed by the village president, subject to confirmation by the village board.

Sec. 2-427. – Membership, term of office.

- (a) Any appointive member of the planning and zoning commission shall be a qualified elector of the village and shall have been a resident thereof for at least one year. Each member shall serve until his or her successor is appointed and is qualified.
- (b) The members of the planning and zoning commission shall be appointed for terms of four years, the same to be staggered to provide continuity of service. The village president shall appoint one of the members as chairperson, subject to confirmation by the village board.
- (c) Appointments to fill a vacancy shall be for the remainder of the unexpired term.
- (d) Members of the planning and zoning commission shall receive such compensation for their service as may be fixed from time to time by the village board.
- (e) Members of the planning and zoning commission may be removed by the village president for non-performance of duty, misconduct in office or other cause upon written charges having been filed with the village board and after a public hearing has been held before the village board regarding the charges. Three consecutive absences without good cause shall be grounds for removal. The grounds for removal shall be served upon the member so charged at least ten (10) days prior to the hearing, either personally or by registered mail, or by leaving the same at his or her usual place of residence. The member shall be given an opportunity to be heard and answer the charges. A majority vote of all the corporate authorities then holding office shall be necessary to sustain the removal. Vacancies shall be filled for the unexpired term.
- (f) All meetings of the planning and zoning commission shall be held in accordance with the Illinois Open Meetings Act. The chairperson, or in his or her absence, an acting chairperson, may administer oaths. The planning and zoning commission may compel the attendance of witnesses by subpoena when hearing appeals, special uses or variance requests under Chapter 46 of this Code, entitled "Zoning". All business of the planning and zoning commission shall be transacted at the meetings. The planning and zoning commission shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating the fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the village clerk and shall be a public record. A quorum of all members is required for a meeting. Any absent member who certifies that he or she has read the transcript of the proceedings before the planning and zoning commission may vote upon any question before the planning and zoning commission. The concurring vote of four members of the planning and zoning commission is necessary to render a decision or make a recommendation.

Sec. 2-428. - Organization and meetings.

- (a) The chairperson shall cause the planning and zoning commission to organize by the election a secretary and such other officers as it deems necessary. Such officers, as selected by the planning and zoning commission, shall hold office for a term of one year and may succeed themselves.
- (b) The secretary of the planning and zoning commission may be a non-member of the planning and zoning commission and, if so, shall have no vote.
- (c) The planning and zoning commission shall adopt such bylaws governing its procedures and regulating its business as it deems proper and necessary.

Sec. 2-429. – Powers, duties and functions.

The planning and zoning commission shall have the following powers and duties:

(a) Planning.

- (1) Preparing and/or reviewing a comprehensive plan for the present and future development and redevelopment of the village. The comprehensive plan may be recommended for adoption in whole or in separate geographical or functional parts which, when adopted by the village board, shall be the official comprehensive plan of the village or part thereof;
- (2) Recommending amendments to the comprehensive plan as may be deemed necessary;
- (3) Preparing an official plan map of the village and such later revisions in the official plan map as may be deemed necessary by the planning and zoning commission or the village board; and
- (4) Planning for specific improvements pursuant to the provisions of the official plan map. In connection with the foregoing, the commission shall:
 - i. Review and make recommendations for neighborhood or area renewal, conservation, redevelopment, urban esthetics and civic design,
 - ii. Call upon any officials of the village for aid and advice upon any matter properly within the scope of interest of the planning and zoning commission and give aid to the officials of the village and other governmental agencies charged with the direction of projects for improvements included in the official plan map, to further the making of such improvements and to generally promote the realization of the official comprehensive plan. If the planning and zoning commission deems it advisable to secure technical assistance or service, it may do so upon authority from and within appropriations made by the village board, and
 - iii. Exercise such other powers, duties and functions: as may be specified in this Code; as may, from time to time, be conferred on the planning and zoning commission by the village board; or as may be provided by any applicable provisions of the Illinois Municipal Code.

- (b) Subdivisions. The planning and zoning commission shall exercise and perform any power, duty or function as may be specified in Chapter 32 of this Code, entitled “Subdivisions”.
- (c) Zoning. The planning and zoning commission shall exercise and perform any power, duty or function as may be specified in Chapter 46 of this Code, entitled “Zoning”.

ORDINANCE NO. 2511

**AN ORDINANCE
AMENDING CHAPTER 46 OF THE RANTOUL CODE IN CONNECTION
WITH THE ESTABLISHMENT OF A PLANNING AND ZONING COMMISSION**

**VILLAGE OF RANTOUL
CHAMPAIGN COUNTY, ILLINOIS**

CERTIFICATE OF PUBLICATION

Published in pamphlet form this 14th day of February, 2017, by authority of the President and Board of Trustees of the Village of Rantoul, Champaign County, Illinois.

Village Clerk

ORDINANCE NO. 2511

**AN ORDINANCE
AMENDING CHAPTER 46 OF THE RANTOUL CODE IN CONNECTION
WITH THE ESTABLISHMENT OF A PLANNING AND ZONING COMMISSION**

BE IT ORDAINED BY THE PRESIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE OF RANTOUL, ILLINOIS, as follows:

Section 1. Adoption. Chapter 46, entitled “ZONING”, of the Rantoul Code, as supplemented and amended, be and the same is hereby further amended to provide as set forth in the title, headings and text thereof as attached hereto and hereby incorporated herein by this reference thereto.

Section 2. Effective Date. The provisions of this Ordinance shall become effective on March 1, 2017, following its passage, approval and publication as required by law.

Section 3. Conflict. All ordinances or parts of ordinances which are in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

Section 4. Publication. The Village Clerk is hereby authorized and directed to cause this Ordinance to be published in pamphlet form.

This ordinance is hereby passed, the “ayes” and “nays” being called, by the concurrence of a majority of the members of the Corporate Authorities then holding office at a regular meeting on the date set forth below.

PASSED this 14th day of February, 2017.

Village Clerk

APPROVED this 14th day of February, 2017.

Village President

ARTICLE I. - IN GENERAL

Sec. 46-1. - Intended purpose.

In order to promote and protect public health, safety, morals, comfort, convenience and general welfare, the village adopts this chapter for the following purposes:

- (1) To divide said village into zones or districts restricting and regulating therein the location, erection, construction, reconstruction, alteration and use of building, structures and land for residence, business and manufacturing and other specified uses;
- (2) To protect the character and the stability of residential, business manufacturing and industrial areas within the said village;
- (3) To provide adequate light, air, privacy and convenience of access to property;
- (4) To regulate the intensity of use of lot areas, and to determine the area of open space surrounding buildings necessary to provide adequate light and air;
- (5) To establish building lines and the location of buildings designed for residential, business, manufacturing, industrial or other uses within such areas;
- (6) To fix reasonable standards to which buildings or structures shall conform;
- (7) To prohibit uses, buildings or structures incompatible with the character of said districts;
- (8) To prevent additions to, or alteration or remodeling of, existing buildings or structures in such a manner as to avoid the restrictions and limitations imposed hereunder;
- (9) To limit congestion in the public streets by providing for the off-street parking of motor vehicles and the loading and unloading of commercial vehicles;
- (10) To protect against fire, explosion, noxious fumes or odors and other hazards;
- (11) To regulate height and bulk of buildings and structures hereafter to be erected;
- (12) To preserve the value of land and buildings, and structures;
- (13) To insure and facilitate the preservation of sites, areas, and structures of historical, architectural, or aesthetic importance;
- (14) To encourage the compact development of urban areas in order to conserve energy and minimize the cost of development of public and transportation facilities;
- (15) To define and limit the powers and duties of the administrative officers and bodies as provided herein;
- (16) To provide for the enforcement of its provisions, for the operation of a ~~plan commission~~planning and zoning commission and a ~~board of appeals~~, and for penalties for the violation of its provisions;
- (17) To regulate the construction and maintenance of mobile home parks.

(Ord. No. 2154, tit. I, § 1, 8-12-2008)

Sec. 46-2. - Short title.

This chapter is a codification of the "Rantoul Zoning Ordinance -1991" or "Village Of Rantoul Zoning Ordinance - 1991," which was adopted by the president and board of trustees in Ordinance No. 1300, on January 22, 1991. This chapter as so codified shall be known and cited as the "Rantoul Zoning Ordinance."

(Ord. No. 2154, tit. I, § 2, 8-12-2008)

Sec. 46-3. - Interpretation.

- (a) In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements for the promotion of the health, safety, morals, comfort, prosperity, or general welfare.
- (b) Where the conditions imposed by any provision of this chapter, upon the use of land or buildings, or upon the bulk of buildings, are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this chapter or of any other law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall govern.
- (c) This chapter is not intended to abrogate any easement, covenant, or any other private agreement, provided that where the regulations of this chapter are more restrictive or impose higher standards or requirements than such easements, covenants, or other private agreements, the requirements of this chapter shall govern.
- (d) No building, structure, or use which was not lawfully existing at the time of the adoption of the ordinance from which this chapter is derived shall become or be made lawful solely by reason of the adoption of this chapter; and to the extent that, and in any manner that said unlawful building, structure, or use is in conflict with the requirements of this chapter, said building, structure, or use remains unlawful hereunder.
- (e) The provisions in this chapter are cumulative and additional limitations upon all other laws and ordinances, heretofore passed or which may be passed hereafter, governing any subject matter in this chapter.

(Ord. No. 2154, tit. I, § 3, 8-12-2008)

Sec. 46-4. - Separability.

It is hereby declared to be the intention of the village board that several provisions of this chapter are separable, in accordance with the following:

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

(Ord. No. 2154, tit. I, § 4, 8-12-2008)

Sec. 46-5. - Scope of regulations.

- (a) All buildings or structures erected hereafter, all uses of land, buildings, or structures established hereafter, all structural alteration, enlargement, or relocation of existing buildings, or structures occurring hereafter shall be subject to all regulations of this chapter which are applicable to the zoning districts in which such building, structures, uses, or land shall be located, except in a residential district, a lot of record existing on February 2, 1991, even though such lot of record does not conform with the area and width requirements for the district in which such lot is located and provided that there is compliance with all other regulations contained in this chapter and other applicable ordinances, regulations and codes of the village, may be used for single-family residence purposes, provided that

the ~~zoning board of appeals~~planning and zoning commission, in accordance with procedures set forth in this chapter, decides that a hardship to the owner is involved.

- (b) All new buildings shall conform to the bulk regulations established herein for the district in which each building is located. Further, no existing building shall be enlarged, reconstructed, structurally altered, converted, or relocated in such a manner as to conflict, or to further conflict with the bulk regulations of this chapter for the district in which such building shall be located.
- (c) Where a building permit for a building or structure has been issued in accordance with law prior to the effective date of the ordinance from which this chapter is derived, and provided that construction is begun within six months of the effective date and diligently prosecuted to completion, said building or structure may be completed in accordance with the approved plans on the basis of which the building permit has been issued, and further, may upon completion be occupied under a certificate of occupancy by the use for which originally designated, subject thereafter, if applicable, to the provisions herein for nonconforming buildings, structures, and uses.
- (d) Where the village inspector has issued a building permit for a permitted use or special use, such permit shall become null and void unless work thereon is under way within six months of the date of the issuance of such permit, or within the period of time beyond six months granted by the ~~plan commission~~planning and zoning commission.

(Ord. No. 2154, tit. I, § 5, 8-12-2008)

Sec. 46-6. - Special uses.

- (a) To provide for the location of certain uses hereinafter specified which are deemed desirable for the public welfare within a given district or districts, but which might have an adverse effect upon nearby properties, or upon the character and future development of the district in which they are located, a classification of special uses is hereby established. Procedures for special uses are set forth in section 46-370.
- (b) Where a use exists on the effective date of the ordinance from which this chapter is derived and it is classified as a special use by said ordinance, it shall be considered to be a lawful special use. Additions or alterations to existing buildings or land improvements for expansion of lawful special uses may be made within the area of the lot included in the ownership existing at the time of adoption of the ordinance from which this chapter is derived, and they shall be subject to yard, floor area ratio, and building height requirements set forth in this chapter for permitted uses in the districts in which they are located.

(Ord. No. 2154, tit. I, § 6, 8-12-2008)

Sec. 46-7. - Interpretation of certain terms or words.

For the purpose of this chapter, certain terms or words used herein shall be interpreted or defined as follows:

- (1) The present tense shall include the future tense.
- (2) The singular includes the plural.
- (3) The term "person" includes a legal entity as well as an individual.
- (4) The term "lot" includes the word "plot," "parcel" or "tract."
- (5) The term "shall" is always mandatory.
- (6) The term "used" or "occupied," as applied to any land or building, shall be construed to include the terms "intended, arranged, or designed to be used or occupied."

(Ord. No. 2154, tit. II, 8-12-2008)

Sec. 46-8. - Accessory use or accessory.

An "accessory use":

- (1) Is a use conducted on the same zoning lot as the principal use to which it is related (whether located within the same or an accessory building or other structure, or as an accessory use of land), except that, where specifically provided in the applicable district regulations, accessory off street parking or loading need not be located on the same zoning lot;
- (2) Is a use which is clearly incidental to, and customarily found in connection with, such principal use; and
- (3) Is either in the same ownership as such principal use, or is operated and maintained on the same zoning lot substantially for the benefit or convenience of the owners, occupants, employees, customers, or visitors of the principal use.

When "accessory" is used in the text it shall have the same meaning as accessory use.

(Ord. No. 2154, tit. II, § 1, 8-12-2008)

Sec. 46-9. - Alterations, incidental; or to alter incidentally.

"Incidental alterations" are:

- (1) Changes or replacements in the nonstructural parts of a building or other structure, without limitation to the following examples:
 - a. Alteration of interior partitions to improve livability in a nonconforming residential building, provided that no additional dwelling units are created thereby;
 - b. A minor addition on the exterior of a residential building, such as an open porch;
 - c. Alteration of interior non-load-bearing partitions in all other types of buildings or other structures;
 - d. Replacement of, or minor changes in, the capacity of utility pipes, ducts, or conduits; or
- (2) Changes or replacements in the structural parts of a building or other structure, limited to the following examples or others of similar character or extent:
 - a. Making windows or doors in exterior walls.
 - b. Replacement of building facades.
 - c. Strengthening the load-bearing capacity, in not more than ten percent of the total floor area, to permit the accommodation of a specialized unit of machinery or equipment.

To "alter incidentally" is to make an incidental alteration.

(Ord. No. 2154, tit. II, § 2, 8-12-2008)

Sec. 46-10. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory building or structure means a building or structure subordinate to and used for the purposes customarily incidental to the main or principal use, building, or structure. It may be either attached to or

detached from the principal building or structure. In no case shall it dominate in area, height, extent, or purpose the principal use, building or structure.

Accessory use means a use incidental to and subordinate to the main or principal use or structure. It shall not dominate in area, extent, or purpose, the principal use, building, or structure.

Adult business establishment.

(1) The term "adult business establishment" means any of the following commercial establishments:

- a. Adult cabaret means any commercial establishment that as a substantial or significant portion of its business features or provides persons who appear nude or seminude; or live performances that are distinguished or characterized by an emphasis on the exposure, depiction or description of specified anatomical areas or the conduct or simulation of specified sexual activities.
- b. Adult store means any commercial establishment that contains one or more adult booths; or that as a substantial or significant portion of its business offers for sale, rental or viewing any adult materials.
- c. Adult theater means any commercial establishment that as a substantial or significant portion of its business features or provides films, motion pictures, video or audio cassettes, slides or other visual representations or recordings that are distinguished or characterized by an emphasis on the exposure, depiction or description of specified anatomical areas, or the conduct or simulation of specified sexual activities.

(2) As used within the definition of adult business establishment above and in article III of this chapter, the following capitalized words, terms and phrases shall have the meanings respectively ascribed to them as follows:

- a. Adult booth means any area of an adult business establishment set off from the remainder of such establishment by one or more walls or other dividers or partitions and used to show, play or otherwise demonstrate any adult materials or to view any live performance that is distinguished or characterized by an emphasis on the exposure, depiction or description of specified anatomical areas or the conduct or simulation of specified sexual activities.
- b. Adult material means any of the following, whether new or used:
 1. Books, magazines, periodicals or other printed matter or digitally-stored materials and films, motion pictures, video or audio cassettes, slides, computer displays or other visual representations or recordings of any kind, any of which are distinguished or characterized by an emphasis on the exposure, depiction or description of specified anatomical areas, or the conduct or simulation of specified sexual activities.
 2. Instruments, novelties, devices or paraphernalia that are designed for use in connection with specified sexual activities or that depict or describe specified anatomical areas.
- c. Commercial establishment means any place where admission, services, performances or products are provided for or upon payment of any form of consideration.
- d. Nude means a state of dress or undress that exposes to view less than completely and opaquely covered human genitals; pubic region; anus or female breast below a point immediately above the top of the areolae, but not including any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit or other wearing apparel, provided the areolae is not exposed; or human male genitals in a discernibly turgid state, even if completely and opaquely covered, or any device or covering that, when worn, simulates human male genitals in a discernibly turgid state.
- e. Seminude means a state of dress or undress in which clothing covers no more than the genitals, pubic region and areolae of the female breast, as well as portions of the body covered by supporting straps or devices or by other minor accessory apparel such as hats, gloves and socks.

- f. Specified anatomical areas means any of the following:
1. Less than completely and opaquely covered human genitals; pubic region; buttocks; anus; or female breast below a point immediately above the top of the areolae, but not including any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit or other wearing apparel, provided the areolae is not exposed.
 2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered, or any device or covering that, when worn, simulates human male genitals in a discernibly turgid state.
- g. Specified sexual activities means any of the following:
1. Fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts.
 2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy.
 3. Masturbation, actual or simulated.
 4. Human genitals in a state of sexual stimulation, arousal or tumescence.
 5. Excretory functions as part of or in connection with any of the activities set forth in subsection g1, 2, 3 or 4 of this definition.

Agriculture, cropping means the growing, harvesting, and storing of crops, including legumes, hay, grain, fruit, and truck or vegetable crops, floriculture, horticulture, mushroom growing, orchards and forestry; farm buildings used for growing, harvesting, or preparing crop products for market, or for use on the farm, and farm dwellings are also included. The minimum lot size for AG cropping is five acres.

Apartment means a room or group of rooms in an apartment house designed for and occupied exclusively as a residence for only one family.

Apartment house means a building designed for an occupied exclusively for three, or more families, living independently of one another.

Area of building means the total area, taken on a horizontal plane at the largest floor level, and measured to the outside face of the outside walls, of the main building, exclusive of uncovered porches, patios, terraces, steps, or awnings, marquees, and nonpermanent canopies and planters. The area shall include attached or unattached garages, covered porches, and breezeways.

Area of lot means the total area within the lot lines.

Automotive service station means a building or other structure or a tract of land used exclusively for the storage and sale of gasoline or other motor fuels and for any uses accessory thereto. The sale of lubricants, accessories, or supplies, the lubrication of motor vehicles, the minor adjustment or repair of motor vehicles with hand tools only, or the occasional washing of motor vehicles are permitted accessory uses.

- (1) In regard to the location of service station equipment; a pump, light stand, air tower, water outlet, or similar installation may be placed within the required front yard, but no closer to the curblin than 15 feet.
- (2) A public parking lot is a permitted accessory use. For the purposes of this definition, ownership of a zoning lot to be used for an automotive service station shall be deemed to include a lease of not less than ten years duration.

Automobile wrecking means the permanent dismantling or disassembling of used motor vehicles or trailer, or the storage, or sale, or dumping of dismantled, partially dismantled, obsolete, or wrecked vehicles or their parts.

Basement means the part of a building that is wholly or partly below ground level.

Bay window means a window which projects beyond the exterior face of a building. It shall be a minimum of 18 inches above the floor and shall not extend more than two feet from the face of the building. The bay window shall not be included as a part of the floor space.

Billboard means any structure or portion thereof, the primary use or purpose of which is the outdoor display of signs or advertisements, not including signs advertising the sale or lease of premises on which the sign is located.

Block means a tract of land bounded by:

- (1) Streets.
- (2) Public parks.
- (3) Railroad rights-of-way, when located at or above ground level but not including sidings or spurs in the same ownership as the zoning lot, or
- (4) Corporate boundary lines of the village.

~~Board or board of zoning appeals (BZA) means the board of zoning appeals of the village as created and established in chapter 2 of this Code.~~

Boardinghouse or roominghouse means a building other than a hotel or restaurant where, for compensation, meals or lodging or both are regularly provided by prearrangement for five or more persons and not open to transient guests.

Buffer area means a strip of land in a nonresidential district at the point where the nonresidential district touches a residential district. Yard requirements may be included in the buffer area requirements.

Building.

- (1) The term "building" means any structure which:
 - a. Is permanently affixed to the land;
 - b. Has one or more floors and a roof;
 - c. Is intended for the support, enclosure, or shelter of persons, animals, or chattels; and
 - d. Is bounded by either open area or the lot lines of a zoning lot.
- (2) A building shall not include such structures as billboards, fences, or radio towers, or structures with interior surfaces not normally accessible for human use, such as gas holders, tanks, smoke stacks, grain elevators, coal bunkers, or similar structures. A building may, for example, consist of a one-family detached residence, a two-family residence, either a rowhouse or a series of rowhouses (depending on location of lot lines), a row of garden apartments with individual entrances, or an apartment house; a single store or a row of stores (depending on location of lot lines); or a single factory or a loft.
 - a. Detached means a building which has no party wall.
 - b. Semidetached means a building which has only one party wall in common with another building.
 - c. Attached means a building which has one or more party walls in common with adjacent buildings.

Building area means the aggregate of the maximum horizontal cross section areas of all buildings on a lot above ground level, measured at the greatest outside dimensions, excluding steps, cornices, eaves, gutters, patios, but including breezeways and porches.

Building height means a building's vertical measurements from the mean level of the ground abutting the building to a point midway between the highest and lowest points of the roof; excluding chimneys, spires, towers, elevator penthouses, tanks, flagpoles, aerials, stacks, beacons, and similar projections of the building.

Building line means a line usually parallel to the front, side, or rear lot line, set so as to provide the required yards around a building or structure.

Building, mixed, means a building in a commercial district used partly for residential use and partly for community facility or commercial use.

Building, nonconforming, means a legally existing building which fails to comply with the regulations set forth in this chapter applicable to the district in which the same is located. It is provided, however, that any building legally existing at the time of passage of the ordinance from which this chapter is derived shall not be a nonconforming building by reason of its having a setback line of less than the building setback line herein provided for.

Business or commercial, when used herein, refers to the engaging in the purchase, sale or exchange of goods or services, or the operation for profit of offices or recreational or amusement enterprises.

Canopy or entrance structure means a shelter or overhang projecting from a wall or doorway.

Certificate of occupancy means a certificate issued by the authorized village official indicating that a building, structure or dwelling adheres to the village's building and technical codes and is ready for occupancy.

Church or temple means a building, together with its customary accessory buildings and uses, where people regularly assemble for religious worship, and which, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

Club means the building and facilities owned and operated by a corporation or association of persons for social or recreational purposes, but not operated for profit or to render a service which is customarily carried on as a business.

Commission or plan ~~commission~~ commission planning and zoning commission means the ~~plan commission~~ commission planning and zoning commission of the village as created and established in chapter 2 of this Code.

Corporate authorities means the president and board of trustees of the village.

Court means an open unoccupied space on the same lot with a building or group of buildings and bounded on three or more sides by such building or buildings. The width of any court is its least horizontal dimension measured between opposite walls. The length of any court with its greatest horizontal dimension measured at right angles to its width.

Curblines means a line (sometimes containing a raised concrete structure of not more than six inches) located on either edge of the roadway but within the right-of-way line.

Day care facility means any facility, other than a day care home, for the care of children, including those of the proprietor, during all or part of the day, of a commercial nature of a type commonly called "day nurseries," "nursery schools," or "private kindergartens," etc., which provide essential personal care, protection, supervision, or training of preschool or school age children. A day care facility shall not be considered a home occupation, if it has 12 or more children.

Day care home means any facility, in a home, for the care of no more than a total of 11 children, including those of the proprietor, during all or part of the day, of a commercial nature of a type commonly called "day nurseries," "nursery schools," or "private kindergartens," etc., which provide essential personal care, protection, supervision, or training of preschool or school age children. A day care home shall be considered a home occupation.

Decibel means 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.

Disability means a physical or mental impairment which substantially limits one or more of a person's major life activities, impairs their ability to live independently, or a record of having such an impairment, or being regarded as having such an impairment, but such term does not include current use of, nor addiction to a controlled substance.

Drive-in means an establishment which is designed to provide, either wholly or in part, service to customers while in their automobiles parked upon or driven through the premises.

Dwelling unit. A "dwelling unit" consists of one or more rooms in a residential building or residential portion of a building, which are arranged, designed, used, or intended for use by one or more persons living together and maintaining a common household or community residence, and which include kitchen, sleeping, living and bathroom areas reserved for the occupants thereof. A dwelling does not include a travel trailer. Each dwelling unit shall have its own independent entry/access from the exterior of the structure or from a common interior hallway.

- (1) Dwelling, single-family, means a building containing one dwelling unit and occupied at any given time by a group of persons consisting of one or more persons related by blood, adoption or marriage, living and cooking together as a single housekeeping unit, exclusive of household servants, together with no more than three additional persons not related by blood, adoption or marriage.
- (2) Dwelling, duplex, means a building containing two dwelling units, each of which is occupied at any given time by a group of persons, consisting of one or more persons related by blood, adoption or marriage, living and cooking together as a single housekeeping unit, exclusive of household servants, together with not more than three additional persons not related by blood, adoption or marriage.
- (3) Dwelling, multiple family, means a building containing three or more dwelling units, each of which is occupied at any given time by a group of persons consisting of one or more persons related by blood, adoption or marriage, together with not more than three additional persons not related by blood, adoption or marriage, living and cooking together as a single housekeeping unit.
- (4) Dwelling, community residence, means a single dwelling unit occupied on a relatively permanent basis in a family-like environment by a group of unrelated person with disabilities, plus paid professional support staff provided by a sponsoring agency, either living with the residents on a 24-hour basis, or present whenever residents with disabilities are present at the dwelling, and complies with the zoning regulations for the district in which training is located.
- (5) Dwelling, family community residence, means a single dwelling unit occupied on a relatively permanent basis in a family-like environment by a group of not more than eight unrelated persons with disabilities, plus paid professional support staff provided by a sponsoring agency, either living with the residents on a 24-hour basis, or present whenever residents with disabilities are present at the dwelling; and complies with the zoning regulations for the district in which the site is located.
- (6) Dwelling, group community residence, means a single dwelling unit occupied on a relatively permanent basis in a family-like environment by a group of nine to 15 unrelated persons with disabilities, plus paid professional support staff provided by a sponsoring agency, either living with the residents on a 24-hour basis, or present whenever residents with disabilities are present at the dwelling, and complies with the zoning regulations for the district in which the site is located.

Enlargement or to enlarge. An "enlargement" is an addition to the floor area of an existing building, an increase in the size of any other structure, or an increase in that portion of a tract of land occupied by an existing use. To "enlarge" is to make an enlargement.

Extension or to extend. An "extension" is an increase in the amount of existing floor area used for an existing use, within an existing building. To "extend" is to make an extension.

Family means a group of persons related by blood, marriage or legal adoption, living together as a single housekeeping unit.

Farm means a tract of land devoted to agricultural purposes and the uses accessory thereto. It shall not include more than three dwelling units, nor a commercial feedlot.

Filling station. See Automobile service station.

Floor area, gross, means the total area of all floors of a building, measured to the outer face of the outside walls but exclusive of such floor area as may be used for parking facilities within the principal

building, cellars in single-family dwellings, and exclusive of such floor area as may be used for penthouses housing ventilators, heating systems, and similar uses.

Food service establishments means all establishments where the principal business is the retail sale of ready-to-consume servings of food and/or beverages are to be considered as being in one of the following three categories as defined herein. These categories are mutually exclusive:

- (1) Café means any establishment where food consumption takes place on-premise, which has a maximum seating capacity of 50 people, and which does not include drive-in or drive-through facilities, or curb service.
- (2) Restaurant means any establishment, whose principal use is the sale, at retail, of unpackaged food and/or beverages in a ready-to-consume state for consumption in the building or at tables situated on the premises; and which does not include a drive-in or drive-through service facility or offer curb service.
- (3) Restaurant, fast-food, means any establishment, whose principal business is the sale, at retail, of ready-to-consume servings of packaged foods and/or beverages, including frozen desserts, for consumption within the building, or at tables on the premise, or for carry-out; or any establishment which includes a drive-in or drive-through service facility or offers curb service.

Free burning implies a rate of combustion described by a material which burns actively and easily supports combustion.

Frequency means the number of oscillations per second in a sound wave, measuring the pitch of the resulting sound.

Frontage means that portion of a lot abutting a public street or alley, or in a planned unit development abutting a private street. For every frontage, there is a required front yard except as stated in this chapter.

Garage, private, means a building accessory to a single-family or two-family dwelling for a storage of motor vehicles owned and used by the owner, or tenant, of the lot on which it is erected.

Garage, public, means a building used for the storage of more than four motor vehicles. Repairing and servicing of vehicles may be carried on in conjunction with the primary function of vehicular storage.

Golf course means the acreage marked off for the game of golf over a prescribed course of at least nine holes developed in general conformance to professional golf association standards. The term does not include a miniature golf course or driving range.

Halfway house means a temporary residential living arrangement for persons who are receiving therapy and counseling from support staff who are present at all times residents are present, for the following purposes:

- (1) To help them recuperate from the effects of drugs or alcohol addiction;
- (2) To help them reenter society while housed under supervision while under the constraints of alternatives to imprisonment including, but not limited to, pre-release, work-release, and probationary programs,
- (3) To help persons with family or school adjustment problems that require specialized attention and care in order to achieve personal independence; or
- (4) To provide temporary shelter for persons who are victims of domestic abuse.

Home occupation means any occupation or profession for gain or support, carried on as an accessory use in a dwelling unit by a member or members of the immediate family residing on the premises, which meets the following limitations:

- (1) No more than one person, other than members of the immediate family residing in the unit, is engaged therein;
- (2) Occupies not more than 25 percent of the total floor area of such dwelling unit or rooming unit and in no event more than 500 square feet of floor area;

- (3) There is no activity, construction or display which would indicate from the exterior of the building or dwelling unit that the building or dwelling unit is being used for any purpose other than residential, except as provided in subsection (4) of this definition;
- (4) There are no signs other than a nameplate, not more than one square foot in area, and not internally illuminated;
- (5) No item or article is sold, or offered for sale, except a finished article produced on the premises;
- (6) No equipment, mechanical or electronic, is used except equipment which is incidental to the occupation, and which in the opinion of the building inspector does not or will not create objectionable noise, vibrations, odors, or electronic impulses, or otherwise create a nuisance;
- (7) It has been approved by the building inspector, and a certificate of occupancy therefor has been issued;
- (8) No more than two customers or clients may be on the premises at any one time;
- (9) There is no more than one home occupation, as herein defined, per dwelling unit.

Hospice means a temporary residential living arrangement for persons with a disease that requires full-time support, therapy, and/or treatments.

Hospital means a "sanitarium," "sanatorium," "preventorium," "clinic," provided such institution is operated by or the treatment given therein is under direct supervision of a physician licensed to practice by the state.

Hotel, apartment, means a building or part of a building in which:

- (1) The dwelling units or rooming units are used primarily for permanent occupancy;
- (2) One or more common entrances serve all such units; and
- (3) One or more of the following services are provided: maid, telephone, desk, or bellboy service, or the furnishing or laundering of linens.

Restaurants, cocktail lounges, or indoor swimming pools are permitted accessory uses, provided that in resident districts, such facilities shall be accessible only through the lobby and there shall be no signs except as permitted by the applicable district regulations. Public banquet halls, ballrooms, or meeting rooms are not permitted accessory uses.

Hotel, transient, means a building or part of a building in which:

- (1) Living or sleeping accommodations are used primarily for transient occupancy, and may be rented on a daily basis;
- (2) One or more common entrances serve all such living or sleeping units; and
- (3) 24-hour desk service is provided, in addition to one or more of the following services: maid, telephone, or bell-boy service, or the furnishing or laundering of linens.

Permitted accessory uses include restaurants, cocktail lounges, public banquet halls, ballrooms, or meeting rooms.

Industrial park means a unified development designed to accommodate a community of compatible and nonnuisance types of industry. Industrial parks may be promoted or sponsored by private developers, community organizations, or government organizations.

Institutional use means any public, quasi-public or nonprofit use including, but not limited to, a library, park, public or private school, hospital or any other structure or land used exclusively for any such public, quasi-public or nonprofit purpose.

Intense burning implies a rate of combustion described by a material that burns with a high degree of activity and is consumed rapidly.

Junkyard or automobile salvage yard means a lot, land, building or structure, or part thereof, used primarily for the collecting, storage, and/or sale of scrap metal, or for the collecting, dismantling, storage, and salvaging of machinery, appliances, or vehicles not in running condition and for the sale of parts therefrom.

Kennel means an establishment that harbors dogs or cats, regardless of age, for the purpose of breeding, training, racing, boarding or sale for compensation, or that houses more than five fully grown animals for compensation, or in which more than five fully grown household animals are offered for sale.

Lot means a parcel of land defined by metes and bounds or by boundary lines or by reference to a letter or number on a recorded plat. A parcel of land occupied or suitable for occupancy by a use permitted by this chapter including one main building or use, with accessory buildings, and the open spaces and parking spaces required by this chapter, and having its principal frontage upon a street or upon an officially approved place. In determining lot area and boundary lines, no part thereof within the limits of the street shall be included.

Lot, corner, means a lot at the junction of and fronting on two or more intersecting streets.

Lot frontage means the front of a lot shall be that boundary of a lot along a public street. A corner lot shall have two frontages.

Lot, interior, means a lot other than a corner lot.

Lot line means the property line bounding a lot.

Lot line, front, means the line dividing a lot from the street right-of-way.

Lot line, rear, means the lot line opposite the front lot line. For purposes of establishing the required rear yard, in the case of an irregularly shaped or three-sided lot, it shall mean a line within the lot, ten feet long, concentric with and at the maximum distance from the front lot line. A lot need not have a rear lot line.

Lot line, side, means any lot line other than a front or rear lot line. A side lot line separating a lot from another lot or lots shall be called an interior side lot line.

Lot of record means a lot which is part of a subdivision, the plat of which has been recorded in the office of the recorder of the county, or a parcel of land, the deed of which was of record as of February 2, 1991.

Lot, through, means a lot other than a corner lot, with frontage on two parallel or approximately parallel streets.

Lot, width, means the distance, parallel to the front right-of-way line, measured between side lot lines at the building line.

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

Medical cannabis cultivation center means a facility operated by an organization or business that is registered by the Illinois Department of Agriculture to perform necessary activities to provide only registered medical cannabis dispensaries with usable medical cannabis.

Medical cannabis dispensary means a facility operated by an organization or business that is registered by the Illinois Department of Financial and Professional Regulation to acquire medical cannabis from a registered medical cannabis cultivation center for the purpose of dispensing cannabis, paraphernalia or related supplies and educational materials to registered qualifying patients.

Mobile home means any vehicle or similar portable structure used or so constructed as to permit its being used as a conveyance upon the public streets or highways and designed to permit the occupancy thereof as a dwelling place for one or more persons. The fact that any such structure rests in whole on a permanent foundation with wheels, tongue and hitch permanently removed, shall not change the character of the structure from a mobile home to any other classification. A mobile home shall meet the building, plumbing, and electrical ordinances of the village.

Mobile home park means a contiguous parcel of land planned and improved for the placement of five or more mobile homes.

Mobile home park service building means a permanent structure housing laundry, office, sanitation, or other community facilities as required in mobile home parks for use by mobile home park occupants.

Mobile home site means a parcel of land clearly delineated on the mobile home park site plan, intended for the placement of an individual mobile home and for the exclusive use of its occupants.

Mobile home stand means that part of an individual mobile home site which has been constructed for the placement of a mobile home.

Motel means a building or buildings used for the purpose of furnishing meals and/or lodging to the transient public and (having lodging accommodations for ten or more paying families or individuals) having off street parking provided contiguous to the lodging accommodations.

Nonconforming means a lawful building, use, or lot, which by reason of design, size or use does not conform with the requirement of the district, or districts, in which it is located as designated by this chapter.

Nonconforming lot means any lot lawfully existing at the time the ordinance from which this chapter is derived became effective as to such lot, which does not conform to the area or width requirements for the district in which it is located. The term shall also include any lot which is rendered nonconforming by virtue of annexation or any subsequent amendment to this chapter.

Nonconforming structure or building means any building or structure which was lawfully existing at the time the ordinance from which this chapter is derived became effective as to such building or structure, but whose dimensions, floor area, open space, yards, location on the lot, parking facilities, or other physical characteristics do not conform to the development regulations for the district in which the building or structure is located, or do not conform to the parking requirements and other development regulations, if any, for the use occupying the structure or building. The term shall also include any building or structure which is rendered nonconforming by virtue of annexation or subsequent amendment to this chapter.

Nursing home means a building to house and within which services are provided for ill and aged persons.

Occupancy permit means a permit, issued by the building inspector, authorizing the occupancy of a building, or the use of a building, structure, or land, or certifying its nonconforming status.

Office means a room or suite of rooms used for the practice of a professional or for the conduct of a business which does not involve the sale of goods from the premises, other than those directly related to the practice of the profession or business. The term does not include personal service shops. If the goods or merchandise are sold for delivery on or from the principal office use, then the premises shall be considered to be a store rather than an office.

Open space means the portion of ground level area of a lot which is unobstructed from the ground level upwards and which meets the following criteria:

- (1) Its minimum dimensions are 15 feet by 15 feet;
- (2) At least 50 percent of such area is in lawns, live plantings, and other permeable ground cover;
- (3) No more than 50 percent of such area is covered by paving for sidewalks, leisure and recreational areas such as patios, tennis courts, and swimming pools;
- (4) No part of such area is used for parking, drives, or loading areas.

Open storage means an area which is used for the accumulation of stock or supplies to be drawn upon as needed for later use. The storage of automobiles for automobile sales and farm equipment for implement sales businesses shall be excluded from this definition.

Parking area, private, means an open, hard-surfaced area of land, other than a street or public way, designed, arranged, and made available for the storage of private passenger automobiles and commercial vehicles only, of occupants of the building or buildings for which the parking area is developed and is accessory.

Parking area, public, means an open, hard-surfaced area, other than a street or public way, intended to be used for the storage of passenger automobiles and commercial vehicles under two ton capacity, and available to the public, whether for compensation, free, or as an accommodation to clients or customers.

Parking space means a space, either indoors or outdoors, for parking a vehicle, provided with but not including a driveway or other means of access. The area of which is not less than 175.5 square feet and whose width is not less than nine feet wide and 19 feet six inches long, exclusive of access drives and aisles.

Party wall means a wall used or adapted for joint service between two buildings or dwellings.

Permitted use means a use, including buildings and structures, allowed by right in a particular district, or specifically authorized by a valid conditional use permit or special use permit; it is subject to the uniform regulations for such uses in that district and to the terms and conditions of such permit, if any, or of any variance applicable thereto. A nonconforming use is not a permitted use.

Planned unit development (PUD) means an area for which a unitary site plan has been prepared, establishing at least, but not necessarily limited to, the following: land uses, open space allocations, on site circulation for both pedestrians, bicycles and automobiles, parking, setbacks, housing densities, building spacings, land coverage, landscaping relationships with adjoining areas and streets, building heights, accessory uses, and architectural treatment. A PUD must be designed and developed according to the procedures and standards specified in article IX of this chapter.

Plat means a map, plan, or layout showing the subdivision of land and indicating the location and boundaries of individual lots.

Porch means a ground level or first story above grade unenclosed platform, supported from the ground and extending out from the main part of the building. Porches may be roofed, and have railings not exceeding 42 inches in height.

Premises means a lot or tract of land, including any structures or other improvement located thereon.

Professional office, in a residential district, means one whose use is incidental to the residential occupancy of the building and is conducted entirely within such building or accessory buildings and including only the offices of doctors or practitioners, ministers, architects, engineers, landscape architects, lawyers, artists, authors, musicians and other professional occupations customarily conducted within residences.

Property line means the line between any lot and any contiguous lot or right-of-way.

Public utility or public service facility means an electric or gas utility substation, public transit facility, railroad, electric substation, public utility substation for oil or gas metering and regulating, telephone exchanges or other communications equipment, structures, water or sewage pumping stations, or any other public utility facility.

Recreational equipment means boats and boat trailers, travel trailers, pickup campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers, and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not.

Restaurant means an establishment whose principal use is the serving, or offering for sale, of foods, refreshments, or beverages ready for consumption, to be consumed in the building in which the establishment is located, or at tables situated on the premises.

Retail store means a store in which goods are sold for delivery on or from the premises to the ultimate consumer. If 80 percent or more of the annual dollar volume of the sales made from a store is subject to the Illinois Retailers Occupation Tax, the store shall be considered a retail store. A restaurant shall not be considered a store.

Right-of-way (ROW) means the entire dedicated tract or strip of land that is legally used by the public for circulation and service.

Roominghouse means a building where group sleeping accommodations are provided for persons in one room, or a series of closely associated rooms, with an occupancy capacity of not more than 15 people,

but more than four unrelated people on a regular basis, for compensation and by prearrangement for a specified period of time, under single management. Cooking facilities are to be common. Boardinghouses are typical roominghouses and may be a fraternal chapter or cooperative.

Rowhouse or townhouse means a single-family dwelling unit that is part of a rowhouse or townhouse building.

Rowhouse or townhouse building means a building containing a row of three or more single-family dwelling units, each unit being separated from the adjoining units in each story by walls without openings, and each unit having independent access to the exterior of the building in the ground story.

Sanitary landfill means a method of disposing of refuse on land without creating nuisances or hazards to public health or safety, by utilizing the principles of engineering to confine the refuse to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of earth at the conclusion of each day's operation or at some more frequent intervals as may be necessary, and to provide a final cover following final placement of refuse.

School means a building or group of buildings, and all associated structures, facilities, and grounds in and on which instruction is given.

Screen fence means a wall or fence, including gates, whose openings, if any, do not exceed 25 percent of the side area of such wall or fence but in conformance with the fence regulations of this Code.

Screen planting means a vegetative material of sufficient height and density to filter adequately from view any structures and uses on the premises upon which the screen planting is located, in conformance with the fence regulations of this Code.

Shopping center/commercial planned unit development means a complex of three or more business and commercial establishments, the whole planned, developed and managed as a unit, sharing common parking facilities. Shopping centers are divided into the following classifications according to building and parcel size. In order to qualify for the larger classification, a development must meet both the minimum lot and building areas.

- (1) General shopping center means a shopping center located on a minimum of four acres and having a combined building area of 50,000 square feet or more.
- (2) Convenience shopping center means a shopping center located on a site of more than one half acre, but less than four acres and having between 12,000 and 50,000 square feet of combined building area.

Notes:

A. A General or convenience shopping center/commercial PUD must be designed and developed according to the procedures and standards specified in article IX of this chapter.

B. Planning. Project conceived as a package, carrying out a specific theme and marketing strategy.

C. Development. Project built as a unit with all parties bound together by a cross easement agreement. Project may be phased but all construction conforms to overall approved plan.

D. Management. Project managed and maintained as a unit and presented to the public as such.

Sign means any name, identification, description, display, illustration, or device which is affixed to or represented directly or indirectly upon a building, structure, or land in view of the general public and which directs attention to a product, place, activity, person, institution, or business.

- (1) On-premises sign means a sign which relates solely to a use, business, or profession conducted, or to a principal commodity, service, or entertainment sold, provided, or offered upon the premises where the sign is located.
- (2) Off-premises sign means a sign which directs attention to a use, business, commodity, service, or activity not conducted, sold, or offered upon the premises where the sign is located.

- (3) Freestanding sign means a sign completely or principally self-supported by posts or other supports independent of any building or other structure.
- (4) Wall or wall-mounted sign means a sign displayed on or visible through a wall or a building or structure so as to be seen primarily from the direction facing that wall. A wall sign attached to the exterior wall of a building or structure does not project more than 12 inches therefrom.
- (5) Roof sign means a sign erected, constructed, or maintained upon or over a roof, and more than one-half of whose height is above the building height. A sign mounted on a roof which does not qualify as a roof sign shall be considered a wall sign.
- (6) Permanent sign means a sign which is permanently affixed or anchored to the ground, building or other structure.
- (7) Projecting sign means a sign, other than a wall sign, which projects from and is supported by, or attached to, a wall of a building or structure.
- (8) Portable sign means a freestanding sign not permanently anchored or secured to either a building, structure or the ground.
- (9) Shopping center/commercial PUD sign means a sign designed for the purpose of advertising an entire shopping center. Individual businesses may list but an individual listing may not exceed 50 percent of the area of any face of the sign.
- (10) Temporary sign means a sign intended for a limited or intermittent period of display which is readily moveable and is not permanently anchored to the ground, building or other structure. Such sign is not a portable sign.
- (11) Commercial sign means a sign which directs attention to or identifies a commodity, service or entertainment to be sold or offered for sale. Any sign displaying the name of a business enterprise shall be conclusively presumed to be a commercial sign.
- (12) Institutional sign means a sign which identifies an institutional use by a name or symbol or which makes an announcement in connection with such institutional use.
- (13) Noncommercial sign means any sign not defined as a commercial sign.
- (14) Community event sign means a sign advertising or announcing a special community event or activity conducted or sponsored by, or on behalf of a unit of federal, state or local government, institution of an educational, philanthropic, or eleemosynary nature, a charitable or not-for-profit organization. A special community event or activity is one which occurs not more than twice in any 12-month period and which seeks to attract donations, participants, customers or an audience throughout the community.
- (15) Street and traffic signs means signs placed or erected by public agencies for the purpose of showing street names or traffic directions or regulations of for other governmental purposes shall not be included herein nor shall this definition.

Single and separate ownership means the ownership of a lot by one or more persons, partnerships, or corporations which ownership is separate and distinct from that of any abutting or adjoining use.

Special use means a use the character of which is not ordinarily permitted in a district but is appropriate under certain conditions and approved by the village board in accordance with section 46-370.

Store. See Retail store or wholesale store.

Story means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above; also any portion of a building used for human occupancy between the topmost floor and the roof. A basement shall not be counted as a story unless the height of the surface of the first floor above the average elevation of the finished lot grade at the front of the building exceeds four feet.

Street, private, means a service way with an all-weather, dustless surface, which provides access to a property for the use of a limited number of persons or purposes, and which has not been publicly dedicated.

Street, public, means a public way established by or maintained under public authority, a private way open for public uses, and a private way plotted or laid out for ultimate public use, whether or not constructed. A street may be designated as an avenue, boulevard, drive, highway, lane, parkway, place, road, thoroughfare, or by any other appropriate names.

Structure means any building or anything constructed, which requires attachment to the ground, including, but without limiting the generality of the foregoing, advertising signs, billboards, poster panels, and supports and frames thereof.

Tourist home or house means a building or part thereof, other than a hotel, roominghouse, boardinghouse, or motel, where lodging is provided by a resident family in its home for compensation, mainly for transients. The dwelling shall be occupied in part by the owner or tenant and equipped for the overnight accommodation of not more than ten transient guests.

Townhouse. See Rowhouse.

Trade or business school means a secretarial school or college, business school or college when not public and not owned or conducted by or under the sponsorship of a religious or charitable organization, school conducted as a commercial enterprise for teaching instrumental music, dancing, barbering or hair dressing or for teaching industrial skills in which machinery is employed as a means of instruction.

Travel trailer means a vehicle designed for recreational use, which is not included in the definition of a mobile home under the terms of this chapter.

Truck terminal means premises used for loading or unloading of trucks, and upon which storage of cargo is incidental to the primary function of motor freight shipment or shipment point, and which is designed to accommodate the simultaneous loading or unloading of five or more trucks.

Unapproved parking areas means an area used for off-street parking that has not been approved by the building inspector for off-street parking, except as otherwise provided herein, due to the following:

- (1) The parking area is in a required front yard, required side yard or on a required open space area;
- (2) The parking area is unapproved due to its surfacing, size, location, configuration or construction (excluding legally nonconforming parking areas); or
- (3) The parking area was illegally established.

Use means the specific purpose for which land, a structure, or premises is designed, arranged, intended, or for which it is or may be occupied or maintained.

Variance means permission or approval granted by the ~~board of zoning appeals~~ planning and zoning commission in accordance with section 46-365, constituting a modification of, or deviation from the exact provisions of this chapter as applied to a specific property.

Warehouse means a building used for the storage of goods for compensation or the storage of goods which will be sold elsewhere or subsequently transported to another location for sale.

Wholesale store means a store at which goods are sold for delivery on or from the premises to a person other than the ultimate consumer. Should a store not qualify as a retail store as herein defined, it shall be deemed to be a wholesale store.

Yard means the area around the inner periphery of each lot in which no building or structure shall be erected. The size of such area is determined by the distance from the property lines and right-of-way lines set forth in the various zoning districts to the main building on the lot exclusive of steps, overhanging eaves, gutters, or cornices.

- (1) Front means the minimum required open space, extending the full width of the lot from the right-of-way line to the nearest point on the nearest building or structure.

- (2) Side means the minimum required open space extending the full depth of the lot and extending from the side lot line to the nearest point of the main building.
- (3) Rear means the minimum required open space extending the full width of the lot and extending back from the rear lot line to the nearest point on the nearest building.

Yard, required, means that minimum yard, either front, side, or rear, the dimensions of which are set by this chapter, with or without the presence of a building on the lot containing the yard. The required side yard shall extend the full length of the lot.

Zoning administrator means the person holding the position of village inspector or such other person as may be designated for such purpose from time to time by the village president.

(Ord. No. 2154, tit. II, § 3, 8-12-2008; Ord. No. 2313, § 2a, b, 10-9-2012; Ord. No. 2392, § 2a, 9-9-2014)

Secs. 46-11—46-25. - Reserved.

ARTICLE II. - SCOPE OF REGULATIONS

Sec. 46-26. - Compliance with regulations.

It shall be unlawful to do or perform any one or more of the following acts except in compliance with the provisions of this chapter:

- (1) To erect a new building or structure.
- (2) To erect more than one main building on one lot, except in compliance with article IX of this chapter.
- (3) To have more than one principal use on one lot.
- (4) To excavate for or build any foundation.
- (5) To relocate, enlarge, structurally alter, or reconstruct any building or structure.
- (6) To establish, expand, enlarge, relocate, or change any use of a building, structure, or land.
- (7) To establish, expand, enlarge, relocate, or change any nonconforming use.

(Ord. No. 2154, tit. III, § 1, 8-12-2008)

Sec. 46-27. - Evasion of area, yard and parking regulations.

- (a) It shall be unlawful to lease, sell, convey, or use a portion of an improved lot when the effect of such action is to reduce the following:
 - (1) The area of the lot below the minimum area requirements of this chapter;
 - (2) The depth or width of a yard to less than the minimum depth or width required by this chapter; or
 - (3) The number of parking spaces on the lot below the minimum number of such spaces required by this chapter, except as otherwise provided.

- (b) It shall also be unlawful to lease, sell, convey or use a lot, or a portion of a lot, used for required off-street parking without providing other parking facilities which meet the requirements of this chapter, except as otherwise provided.

(Ord. No. 2154, tit. III, § 2, 8-12-2008)

Secs. 46-28—46-40. - Reserved.

ARTICLE III. - DISTRICTS AND BOUNDARIES

Sec. 46-41. - Number and designation of districts.

In order to carry out the purposes of this chapter as specified in section 46-1, including by classifying, regulating, and restricting the location of buildings and structures erected or structurally altered for specific uses, by regulating the use of land and buildings and structures, by regulating and limiting the height and bulk of buildings and structures hereafter erected or structurally altered, by regulating and determining the area of yards and other open spaces about buildings, by regulating the intensity of the use of land or buildings and structures, and by regulating off-street parking facilities for certain uses, the village is hereby divided into 22 zoning districts, which are hereby established as follows:

- (1) Agricultural district.
 - AG Agriculture District
- (2) Residential districts.
 - R-1A Single-Family Residential District
 - R-1 Single-Family Residential District
 - R-2A Traditional Neighborhood Residential District
 - R-2 Single-Family Residential District
 - R-3 Single-Family/Duplex Residential District
 - R-4 General Multifamily Residential District
 - M-1 Mobile Home District
- (3) Commercial districts.
 - C-1 Neighborhood Commercial District
 - C-2 General Commercial District
 - C-3 Interstate Commercial District
 - C-4 Commercial/Industrial District
 - CB Central Business District
 - CBE Central Business Extended District
 - OP Office Park District

- (4) Chanute Reuse districts.
 - CR-1 Airfield District
 - CR-2 Aviation Support District
 - CR-3 Institutional District
 - CR-4 Public Recreation District
 - CR-5 Special Reuse District
- (5) Industrial districts.
 - I-1 Industrial District
 - I-2 Industrial District

(Ord. No. 2154, tit. IV, § 1, 8-12-2008)

Sec. 46-42. - Purpose of districts.

In addition to the general purposes of this chapter as specified in section 46-1, the various zoning districts also serve more specific individual purposes, as follows:

- (1) AG Agriculture District. The AG Agriculture District is intended to prevent scattered, indiscriminate urban development within areas which are predominately vacant and which presently do not demonstrate any significant potential for development. Large areas of vacant land can be preserved for future residential and industrial development according to economic and physical need.
- (2) R-1A Single-Family Residential District. The R-1A Single-Family Residential District is intended to provide for the establishment of areas characterized by single-family detached dwellings on large lots approximately one-half acre in area and related recreational, religious and cultural facilities.
- (3) R-1 Single-Family Residential District. The R-1 Single-Family Residential District is intended to provide for single-family detached dwellings on large lots having less area than those in the R-1A residential district.
- (4) R-2A Traditional Neighborhood Residential District. The R-2A Traditional Neighborhood Residential District is intended to provide for single-family detached dwellings on large to medium area lots in order to effect and accomplish the protection, enhancement, and perpetuation of improvements that represent or reflect elements of the village's cultural, social, economic, political and architectural history, to safeguard the village's cultural heritage, as embodied and reflected in such landmarks, to stabilize and improve property values, to foster civic pride in the beauty and noble accomplishments of the past, to protect and enhance the village's attractiveness and to promote the use of historical landmarks for the education, pleasure and welfare of citizens of the village.
- (5) R-2 Single-Family Residential District. The R-2 Single-Family Residential District is intended provide for single-family detached dwellings on medium area lots.
- (6) R-3 Single-Family/Duplex Residential District. The R-3 Single-Family/Duplex Residential District is intended provide for single-family detached dwellings and duplex dwellings on medium size lots, together with some higher density under special use conditions.
- (7) R-4 General Multifamily Residential District. The R-4 General Multifamily Residential District is intended to provide for single-family detached dwellings, duplex dwellings, rowhouse or townhouse dwellings and multiple-family dwellings in a medium density living environment.

- (8) M-1 Mobile Home District. The M-1 Mobile Home District is intended to provide for mobile home use on lots developed in a planned and orderly manner.
- (9) C-1 Neighborhood Commercial District. The C-1 Neighborhood Commercial District is intended to provide for the everyday shopping needs and related convenience of a residential neighborhood encompassing an area of approximately one-fourth of a mile in radius. It is not the intent of this district to draw vehicular trade from outside the immediate area.
- (10) C-2 General Commercial District. The C-2 General Commercial District is intended to provide a full range of commercial and business uses meeting the general business needs of the village.
- (11) C-3 Interstate Commercial District. The C-3 Interstate Commercial District is intended to provide land for large commercial and retail uses. The uses are often of high intensity and draw customers from a regional market area. This district is most appropriately located along major traffic ways, state and interstate highways with high visibility and accessibility.
- (12) C-4 Commercial/Industrial District. The C-4 Commercial/Industrial District is intended to provide for a mix of commercial and light industrial uses that generally locate in development areas surrounding the CB Central Business District along the railroad tracks. Areas designated as C-4 Commercial/Industrial District are generally large parcels of land located adjacent to highways. Although this district combines light industrial and commercial uses, the intensity of use is generally less than either the C-2 General Commercial District or the I-1 Industrial District. This district can be located adjacent to residential uses with appropriate screening. This district may be used to provide a transition from railroad or other heavier industrial uses.
- (13) CB Central Business District. The CB Central Business District is intended to provide for a variety of retail stores and shops, offices and services in the central business area of the village. This area has historically served as the major retail marketing function of the community and, at the time of adoption of the ordinance from which this chapter is derived, displays the highest concentration of commercial development. In this district each establishment contributes to the whole shopping area by adding to the variety of goods available and to comparison shopping opportunities. This essential interdependence of activities is given precedence over any desire to require automobile parking spaces adjacent to each building although provisions are made for the cooperative development of off-street parking facilities by public and private interests.
- (14) CBE Central Business Extended District. The CBE Central Business Extended District is intended to provide areas in proximity to the CB Central Business District for a wide range of retail business, office, and service uses. This district is also intended to allow high density residential uses to insure an adequate supply of housing for persons who desire to reside near CB Central Business District. The development regulations in this district are designed to encourage the construction of new buildings which are comparable with the size and scale of the buildings allowed in the CB Central Business District and which are also sensitive to nearby residential neighborhoods. The CBE Central Business Extended District is not intended to replace the existing CB Central Business District but is to supplement it by encouraging the expansion of the CB Central Business District with new, attractive, and well-landscaped buildings and off-street parking lots. The purpose of this district is to accommodate the growth of the CB Central Business District with new developments that provide landscaping, setbacks, and off-street parking greater than that required in the CB Central Business District but less than that required in the C-2 General Commercial District.
- (15) OP Office Park District. The OP Office Park District is intended to primarily accommodate office buildings. Related retail, service, institution and multiple-family uses commonly associated with office use are allowed to a limited extent. This district may be applied as a transitional use buffer between residential uses and uses which would be incompatible with residential districts. The prime characteristics of this district are the low intensity of land coverage and the absence of such factors as noise, air pollutant emission and glare. The development regulations in this district are designed to encourage quality development with a "campus-like" appearance.
- (16) CR-1 Airfield District. The CR-1 Airfield District is intended to provide a regional airport with supporting structures and equipment necessary for the operation thereof.

- (17) CR-2 Aviation Support District. The CR-2 Aviation Support District is intended to provide areas and buildings for the support to the airfield such as hangars, towers, repair facilities, administration offices, warehouses, storage buildings, fuel storage areas, aviation related training facilities and similar uses and facilities.
- (18) CR-3 Institutional District. The CR-3 Institutional District is intended to provide dormitories for educational facilities, classroom and educational areas and to provide for health care facilities.
- (19) CR-4 Public Recreation District. The CR-4 Public Recreation District is intended to provide open spaces and active and passive recreational areas, such as golf courses, tennis courts, swimming facilities, youth centers, athletic forums, open space and related uses.
- (20) CR-5 Special Reuse District. The CR-5 Special Reuse District is a special district which is superimposed over all other districts in the area formerly constituting Chanute Air Force Base ("Chanute") in the village and is intended to provide for the appropriate use of any land located upon Chanute from and after the date of any respective conveyance by the United States of America of any interest in such land to any other party, the United States of America having relinquished and retroceded its operational and exclusive jurisdiction over Chanute and the governor of the state having accepted such jurisdiction for and on behalf of the state on January 4, 1994. This CR-5 district is further intended to alleviate such practical difficulties or unnecessary hardships as may otherwise be associated with the strict application of the provisions of this chapter in connection with any subdivision of land upon Chanute due to the unusual conditions associated with existing development on Chanute and/or the size or shape of the tracts of land so transferred by the United States to any other party.
- (21) I-1 Industrial District. The I-1 Industrial District is intended to provide for light industrial, manufacturing processing or assembly plants where the scale of operations is such that the amount of dust, gas, smoke, odor or noise resulting therefrom will not be detrimental to property or to the health of persons in surrounding residential or commercial districts.
- (22) I-2 Industrial District. The I-2 Industrial District is intended to provide for the more intense types of industrial and manufacturing uses which generally exhibit higher levels of objectionable external effects. This district should not be located adjacent to residential districts, and its contiguity to commercial and business areas should, wherever possible, be avoided. Uses permitted in this district will provide for those basic industries needed to expand employment opportunities within the village.

(Ord. No. 2154, tit. IV, § 2, 8-12-2008)

Sec. 46-43. - Official zoning map.

- (a) Boundaries. The boundaries of the districts established in section 46-41 are hereby established as shown on a map designated as the "Official Zoning Map" of Rantoul, Illinois. This map and all notations, colors, references, legends, symbols and text thereon pertaining to such districts shall be as much a part of this chapter as if fully described herein. This map, or reproductions thereof, certified as showing the districts created and approved, shall be available for public reference in the office of the village clerk and in the office of the zoning administrator of the village.
- (b) Changes. At least once annually, no later than March 31 of each year, or more frequently as may be necessary, the zoning administrator shall prepare an official zoning map which shall include any changes affecting district boundary lines or other matter portrayed on the official zoning map, accomplished by amendment to this chapter or otherwise, during the preceding calendar year. However, any change affecting the boundaries of districts or the classification of land shall be in full force and effect ten days after the publication of the amending ordinance effectuating it, regardless of whether such a change has yet been incorporated in the official zoning map. If no changes in the official zoning map were made in the preceding calendar year, no new map need be prepared. Copies of all amending ordinances and of the official zoning map shall be available for public reference in the office of the village clerk and in the office of the zoning administrator.

(Ord. No. 2154, tit. IV, § 3, 8-12-2008)

Sec. 46-44. - Interpretation of map and district boundaries.

Except as herein provided, the boundaries of the districts as shown on the official zoning map accompanying and made a part of this chapter are generally intended to coincide with the centerlines of streets and alleys, or with lot lines. If, on the map, the boundary line of a district:

- (1) Approximates the line of a street or alley, the boundary line shall be considered to be the centerline of the street or alley;
- (2) Approximates the boundary line of a platted lot, the district boundary lines shall be considered to be the lot line; and
- (3) Divides a platted lot, or unplatted or unsubdivided property into distinct parts, the district boundary lines shown on the map shall be determined by the scale appearing on the map.

(Ord. No. 2154, tit. IV, § 4, 8-12-2008)

Sec. 46-45. - Classification of land subsequently in the jurisdiction of the village.

- (a) Automatic classification. All land which may hereafter be incorporated into the zoning jurisdictional area of the village, whether through annexation or otherwise, shall, unless a valid annexation agreement in effect provides otherwise, automatically be classified from its present or more recent classification under the county zoning ordinance to a classification under this chapter, according to the following table:

TABLE III.1. COUNTY TO VILLAGE
ZONING CONVERSION

Former Zoning District Champaign County	New Zoning District Village
C-R	AG
AG-1	AG
AG-2	AG
R-1	R-1
R-2	R-2
R-3	R-3
R-4	R-4
R-5	M-1

B-1	C-1
B-2	C-1
B-3	C-2
B-4	C-2
B-5	M-1
I-1	I-1
I-2	I-2

(b) Annexation agreements. All land which shall be the subject of an annexation agreement concerning its zoning classification shall, unless such annexation agreement expressly provides otherwise, be automatically reclassified from its present or most recent zoning classification under the county zoning ordinance to a zoning classification pursuant to and in accordance with the provisions of such annexation agreement upon the effective date of such annexation agreement.

(Ord. No. 2154, tit. IV, § 5, 8-12-2008; Ord. No. 2214, § 6, 2-9-2010)

Secs. 46-46—46-63. - Reserved.

ARTICLE IV. - USE REGULATIONS

Sec. 46-64. - Uses permitted by right and by special use.

- (a) Permitted uses. Unless otherwise provided for in this chapter, no land shall be used and no building or structure shall be erected, structurally altered or converted except for:
 - (1) One or more of the uses listed as permitted by right in that district in Table IV-1; or
 - (2) One or more of the uses listed as permitted by a special use permit provided that a special use permit for such use has been issued in accordance with the procedures specified in section 46-370.
- (b) Similar uses. In the case of a use not specifically mentioned in Table IV-1, such a use shall be subject to the regulations of the use (whether permitted by right or by a special use permit) to which it is most related or similar, as determined by the zoning administrator with reference whenever practical to the North American Industry Classification System-United States Bureau of the Census, 2002 (2002 US NAICS Manual) at www.census.gov/epcd/www/naicstab.htm.

(Ord. No. 2154, tit. V, § 1, 8-12-2008)

Sec. 46-65. - Table of permitted uses by district.

In Table IV-1, the use listed in a horizontal row with the letter "P" is permitted by right as a principal use in the district listed at the applicable head of the vertical column in which such letter appears; similarly, the use listed in a horizontal row with the letter "S" is permitted by a special use permit as a principal use in the district listed at the head of the vertical column in which such letter appears.

(Ord. No. 2154, tit. V, § 2, 8-12-2008)

Sec. 46-66. - Accessory uses.

- (a) Permitted to accompany principal use. Except as otherwise provided in this chapter, an accessory use or structure is permitted to accompany the principal use to which it is subordinate, where such principal use is either permitted by right or authorized by a special use permit.
- (b) Requirements. A use or structure may be established or erected as an accessory use or structure to a permitted structure or use provided that:
 - (1) It is located on the zoning lot occupied by or intended for the principal use or the established or existing structure;
 - (2) It is compatible in character and extent with the principal use and district where located;
 - (3) It conforms with such other regulations of this chapter as may be applicable;
 - (4) It is not prohibited by any ordinance of the village;
 - (5) It is not erected or established prior to the establishment or erection of the principal use or structure, except as authorized by the zoning administrator; and
 - (6) It is customarily incidental to the principal use or structure.

(Ord. No. 2154, tit. V, § 3, 8-12-2008)

Sec. 46-67. - Regulation of community residence dwellings.

A community residence dwelling shall comply with such additional and location requirements as follows:

- (1) The lot line of the community residence dwelling shall be at least 500 feet from the lot line of any other community residence dwelling; and
- (2) The community residence dwelling or its operator shall be licensed or certified as required by any applicable law, rule or regulation.

(Ord. No. 2154, tit. V, § 4, 8-12-2008)

Sec. 46-68. - Regulation of adult business establishments.

An adult business establishment use listed as permitted in Table IV-1 shall be subject to such additional and location requirements as follows:

- (1) Required distances from other districts or uses. No adult business establishment shall be located, established or maintained within 1,000 feet of any other adult business establishment; within 400 feet of any residential district; or within 400 feet of any public or private nursery school or any public or private school serving one or more grades of K through 12; public park, playground or playing field; church, synagogue or other place of worship; or a public or private cemetery (collectively, a "protected use"). All such distances shall be measured in a straight line, without

regard to intervening structures or objects, from the nearest point of the property line of the lot on which the adult business establishment is located to the nearest point on a property line of a lot having any other adult business establishment use, residential zoning classification or protected use as specified above. No adult business establishment lawfully established hereunder shall be deemed a nonconforming use under this chapter solely because a residential zoning classification is subsequently adopted or a protected use subsequently locates within the minimum required distance of an adult business establishment.

- (2) Other requirements. No adult business establishment shall be maintained or operated in any manner that causes, creates or allows public viewing of any adult material, or any entertainment depicting, describing or relating to specified sexual activities or specified anatomical areas, from any sidewalk, public or private right-of-way or any property other than the lot on which the adult business establishment is located. No portion of the exterior of an adult business establishment shall utilize or contain any flashing lights, searchlights or spotlights, or any other similar lighting systems, or any words, lettering, photographs, silhouettes, drawings, or pictorial representations of any manner except to the extent specifically allowed in subsection (3) of this section with regard to signs. This subsection (2) shall apply to any advertisement, display, promotional material, decoration or sign; to any performance or show; and to any window, door or other opening.
- (3) Signs. All signs for adult business establishments shall be flat wall signs. The maximum allowable sign area shall be one square foot of sign area per foot of lot frontage on a street, but in no event exceeding 32 square feet. The maximum number of signs shall be one per lot frontage. Signs otherwise permitted pursuant to this subsection (3) shall contain only the name of the adult business establishment and/or the specific type of adult business establishment conducted on the premises. Temporary signage shall not be permitted in connection with any adult business establishment.

(Ord. No. 2154, tit. V, § 5, 8-12-2008)

Sec. 46-69. - Additional use regulations within the R-4, General Multifamily District.

When designed as an integral part of a residential use on the same zoning lot in the R-4 district, any use permitted on the C-1 and C-2 districts shall be permitted on the ground level in the R-4 district provided that any such use does not exceed 25 percent of the zoning lot area and provided further that any such use does not exceed 1,500 square feet for any individual use or 5,000 square feet for any aggregate use.

(Ord. No. 2154, tit. V, § 6, 8-12-2008)

Sec. 46-70. - Use regulations within the CR-5, Special Reuse District.

The CR-5 district is not intended to be construed or interpreted to permit a use which is not authorized as a permitted use or a special use in the applicable district where any particular zoning lot or any existing building or structure in question is located, or to permit any use which is expressly or implicitly prohibited by any other provision of this chapter; provided, however, that any rowhouse or townhouse building in any R-3 district in the area formerly constituting Chanute Air Force Base, which lawfully existed on the date of any respective conveyance by the United States of America to any other party of the underlying land, shall be deemed a permitted use within the CR-5 district.

TABLE IV-1

Agriculture

Agriculture, cropping	p ₆ ¹											p ₆ ¹⁶			p ₆ ¹⁶	p ₆ ¹	p ₆ ¹							
Agriculture, general	P																							
Artificial lake of one or more acres	p ₆ ⁶	p ₀ ¹																						
Commercial breeding facility	P		S	S	S	S	S																	
Farm equipment sales and service																								
Feed and grain (sales only)	P																							
Garden shop	P																							
Grain storage elevator and bins	P																							
Livestock sales facility and stockyards	S																							
Medical cannabis cultivation center	P																							
Mineral extraction, quarrying, topsoil removal and allied activities	S																							

University/college						S		P				P			P		
Utility provider								S	P		P	P	P			P	P
Water treatment plant	S												P				P

Business

Adult Entertainment

Adult entertainment uses									P			P	P				
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Food Sales and Service

Bakery (less than 2,500 square feet)								P	P	P		P	P	P		P	
Café or deli								P	P	P		P	P	P		P	
Confectionery (candy) store								P	P	P		P	P	p ¹		P	
Convenience store								P	P	P		P	P			P	
Fast-food restaurant									P	P				p ⁵		p ⁵	
Meat and fish market								P	P	P		P	P			P	
Restaurant								P	P	P		P	P	P		P	
Liquor store ⁵									P	P		P	P				

Athletic training facility, nonresidential										P			P	P			P	P	P
Athletic training facility, residential						p ¹				p ¹	P							P	P
Bait sales	P										P	P			P				
Billiard hall											P	P		P	P			P	P
Bowling alley											P	P		P	P			P	P
Camp or picnic area	P																	P	P
Commercial fishing lake		p ¹ ₁											P	P					
Country club or golf course		p ¹ ₂											P	P					
Dancing school											P			P	P			P	P
Driving range	P	p ¹ ₂				P							P	P					
Lodge or private club											P			P	P			P	P
Miniature golf course											P							P	P
Outdoor commercial recreation enterprise (except amusement park)											P							P	P

Private indoor recreational development								P	P			P	P	P				
Resort or organized camp													P				P	
Riding stable	P												P					
Theater, indoor								P	P				P					
Theater, outdoor													P				P	
Transportation																		
Airport													P	P				
Air freight terminal													P	P				
Heliport													P					
Motor bus station/railroad station								P			P	P	P	P				P
Railroad yard and freight terminal														P				P P
Truck terminal/truck wash											P			P				P P
Vehicular sales and service																		
Automobile accessories (new)								P	P	P		P						

painting, or paint shop; for five or more vehicles per month; servicing to trucks exceeding 1½ tons capacity.
¹⁰ Purpose is only for storm detention/retention of approved subdivision.
¹¹ Purpose is for general public to fish in storm detention/retention basins.
¹² For residential use, it will be permitted only in connection to an approved residential subdivision.
¹³ For village public utilities only in connection to an approved subdivision.
¹⁴ Provided that all other village codes are satisfied.
¹⁵ Group community residence, halfway house or a hospice and family community residence proposed to be located within 500 feet of another existing community residence. Note: A family community residence is up to eight individuals. A group community residence is nine to 15 individuals.
¹⁶ Growing of agricultural cropping such as corn, beans, grass for hay and wheat prior to property being subdivided and platted is permissible.
Note: In CB district, no drive-through windows will be allowed.
Note: Housing is still included in C-2 district.

(Ord. No. 2154, tit. V, § 7, 8-12-2008; Ord. No. 2392, § 2b, 9-9-2014)

Secs. 46-71—46-98. - Reserved.

ARTICLE V. - LOT, BUILDING AND STRUCTURE STANDARDS

Sec. 46-99. - Applicability.

Except as otherwise provided, every principal building and structure in all zoning districts shall be subject to the applicable standards set forth in Table V-1.

(Ord. No. 2154, tit. VI, § 1, 8-12-2008; Ord. No. 2214, § 6, 2-9-2010)

Sec. 46-100. - Lot area and width.

- (a) Common lot line dwelling units in R-1, R-2A and R-2 districts. Not more than two common lot line dwelling units shall be permitted to be attached together in the R-1, R-2A and R-2 districts. The standards for minimum lot area, lot width and building size for each such common lot line dwelling unit shall be as follows:

Minimum Lot Size (in square feet)	Minimum Lot Width at Building Line (in feet)	Minimum Building Size at Ground Level (in square feet)	
		Single Story	Two Story
4,500	50	1,080	600

- (b) Common lot line dwelling units in R-3 and R-4 districts. Not more than six common lot line dwelling units shall be permitted to be attached together in the R-3 and R-4 districts. The standards for minimum lot area, lot width and building size for each such common lot line dwelling unit shall be as follows:

Type of Building	Minimum Lot Size per Dwelling Unit (in square feet)	Minimum Lot Width at Building Line (in feet)	Minimum Building Size at Ground Level (in square feet)	
			Single Story	Two Story
Duplex	3,750	50	1,080	600
Rowhouse/Townhouse	2,000	50	1,080	600

(Ord. No. 2154, tit. VI, § 2, 8-12-2008)

Sec. 46-101. - Height.

Chimneys, towers, elevator bulkheads, public monuments, stacks, tanks, spires, church steeples, antenna, flag poles and necessary mechanical devices appurtenant to the principal use may be erected to a height not to exceed 65 feet if any such structure or facility is set back from the nearest property line by 50 percent of such structure's height.

(Ord. No. 2154, tit. VI, § 3, 8-12-2008)

Sec. 46-102. - Floor area ratio.

- (a) Defined. The floor area ratio ("FAR") is the quotient of the gross floor area of all buildings or structures on the lot divided by the lot area.
- (b) Gross floor area. The gross floor area is the total area of all floor levels of a building or structure. The gross floor area will be measured to the outer face of the exterior wall, or in the absence of an exterior wall, to the furthest extension of the edge of the floor surface. The gross floor area includes public egress/ingress, balconies, stairs and stairwells, but excludes:
 - (1) Areas used for parking facilities within the principal building or structure.
 - (2) Areas used as private balconies.
 - (3) Areas used for basements in single-family dwellings.
 - (4) Areas used for and solely dedicated to the housing of mechanical systems.
 - (5) Areas used as unfinished attics.

(Ord. No. 2154, tit. VI, § 4, 8-12-2008)

Sec. 46-103. - Open space ratio.

- (a) Defined. The open space ratio ("OSR") is the quotient of the open space on the lot divided by the lot area.
- (b) Open space. The open space of a lot is that portion of the ground level area of a lot which is unobstructed from the ground level upwards and which meets the following criteria:
 - (1) Its minimum dimensions are 15 feet by 15 feet;
 - (2) At least 50 percent of such area is in lawns, live plantings and other permeable groundcover;
 - (3) No more than 50 percent of such area is covered by paving for sidewalks or for leisure and recreational areas such as patios, tennis courts and swimming pools; and
 - (4) No part of such area is used for parking, drives or loading areas.

(Ord. No. 2154, tit. VI, § 5, 8-12-2008)

Sec. 46-104. - Yards.

- (a) Exceptions. Except as otherwise provided in this chapter, required yards shall be kept unobstructed and open to the sky for their entire depth and area. No building, structure, or portion thereof, or mechanical equipment shall be erected in, occupy or obstruct a required yard, except as follows:
 - (1) Cornices, sills, belt courses, eaves and other ornamental features to a distance of not more than two feet, six inches.
 - (2) Fire escapes to a distance of not more than five feet.
 - (3) Uncovered stairways and necessary landings, to a distance of not more than four feet, six inches.
 - (4) Bay windows and chimneys to a distance of not more than three feet, provided that such features do not occupy, in the aggregate, more than one-third of the length of the building wall on which they are located, and provided further, that in no case shall a bay window or chimney project into a required yard more than one-third of said side yard.
 - (5) Terraces and open unenclosed porches, that is, porches which may have roofs and mesh screening but which are not glassed in or otherwise walled or enclosed above a height of 2½ feet above the porch floor, to an encroachment of five feet into a minimum required yard, regardless of the average setback, but not within five feet of the lot line. Open guardrails, when required by

the building code, shall not be construed as a violation of this requirement. In addition, ramps or other structures for handicapped accessibility may encroach into required yards.

- (6) Porte-cocheres or canopies, to a distance of no more than two feet, six inches.
 - (7) Driveways, walks, fences and underground structures.
 - (8) Concrete, asphaltic concrete, or other all-weather surfaces; provided, however, that parking is allowed only in accordance with provisions of article VII of this chapter.
 - (9) Accessory structures in the R-1A, R-1, R-2A and R-2 districts.
 - (10) Flagpoles, decorative lights, lattices, bird baths, bird houses and other landscape features.
 - (11) Private balcony which is open, provided that it does not occupy in the aggregate more than one-third of the length of the building wall per floor on which it is located. In no case shall any private open balcony be located within five feet of the property line.
- (b) Temporary storage of inoperable vehicles. Where the permitted principal use is automobile, truck, trailer or boat sales or automobile/truck repair, the temporary storage of wrecked, damaged, disrepaired or otherwise inoperable vehicles which are scheduled for repair or maintenance in the regular course of business of a permitted use in the C-2, C-3, C-4, CB or CBE district shall be permitted in any side or rear yard which is completely enclosed or surrounded by a visual barrier that complies with the standards set forth in this chapter. On corner lots located at the intersection of any two streets, the required front yard not otherwise designated as the mailing or postal address of such corner lot may be treated as a side yard where such temporary storage shall be permitted.
- (c) Fuel dispensing devices in C-3 district. Fuel dispensing devices in the C-3 district shall be exempt from the front yard and corner side yard requirements but shall be set back from the front lot line and corner side yard lot line by a distance of not less than 35 feet.

(Ord. No. 2154, tit. VI, § 6, 8-12-2008)

Sec. 46-105. - Buffer and landscape area.

- (a) Buffers in C-1, C-2, C-3, C-4 and CBE districts. Any lot in the C-1, C-2, C-3, C-4 and CBE districts which is adjacent to any lot in any of the residential districts shall contain a buffer from any such adjacent lot which includes a perimeter landscape area not less than 15 feet in width. Such perimeter landscaped area shall comply with the applicable standards of this chapter for required landscaping within perimeter parking lot areas.
- (b) Buffers in I-1 and I-2 districts. In the I-1 and I-2 districts, the required side and rear yards of any lot which is adjacent to any lot in any of the residential districts shall not be less than 40 feet and shall have a buffer which includes a perimeter landscaped area of not less than 20 feet in width. Such perimeter landscaped area shall comply with the applicable standards of this chapter for required landscaping within perimeter parking lot areas.
- (c) Interstate 57 Buffer. Any lot adjacent to Interstate 57 shall contain a required yard adjacent to such Interstate 57 not less than 100 feet in width or depth and shall have a buffer which includes therein a perimeter landscaped area adjacent to such Interstate 57 not less than 25 feet in width or depth. Such perimeter landscaped area shall comply with the applicable standards of this chapter for required landscaping within perimeter parking lot areas.

(Ord. No. 2154, tit. VI, § 7, 8-12-2008; Ord. No. 2179, § 2, 3-13-2009)

Sec. 46-106. - Accessory use standards.

- (a) Maximum height in R-1A, R-1, R-2A, R-2 and R-3 districts. The maximum height for all buildings and structures accessory to any residential dwelling use in the R-1A, R-1, R-2A, R-2 and R-3 districts shall be 14 feet, not exceeding one story.
- (b) Maximum height in R-4 district. The maximum height for all buildings and structures accessory to any residential dwelling use in the R-4 district shall be 14 feet, not exceeding one story, provided, however, that the maximum height for a detached garage may be up to 20 feet but not greater than the height of the principal building.
- (c) Location in yards in R-1A, R-1, R-2A, R-2 and R-3 districts.
 - (1) Detached buildings and structures accessory to any residential use in the R-1A district may be located within the rear yard not closer to the rear property line than 25 feet.
 - (2) Detached garages in the R-1, R-2A, R-2 and R-3 districts may be located within the rear yard not closer to the rear property line than ten feet and other detached buildings and structures accessory to any residential use in such districts may be located within the rear yard not closer to the rear property line than three feet. All such detached garages, buildings and structures may also be located within any side yard not abutting a street not closer than two feet from the applicable side property line.
- (d) Dimensions of detached garages in R-1A, R-1, R-2A, R-2 and R-3 districts. The dimensions of any detached garage structure in the R-1A, R-1, R-2A, R-2 and R-3 districts shall not exceed 30 feet in width by 26 feet in depth.

(Ord. No. 2154, tit. VI, § 8, 8-12-2008)

Sec. 46-107. - Additional standards for mobile home parks.

- (a) Area and density. Any mobile home park shall contain an area not less than four acres or a density of more than eight mobile home sites for each gross acre of land; provided, however, that any mobile home park existing on January 1, 1988, which has a total area of less than four acres or a total density of more than eight mobile home sites for each gross acre of land may continue but may not be altered or added to unless such alteration or addition is in conformity with this section.
- (b) Yard requirements. Any mobile home park shall have a required front yard of not less than 35 feet and a required side and rear yard of no less than 15 feet.
- (c) Screening. Any mobile home park adjacent to any lot in any R-district shall be screened from such adjacent lot by a visual barrier not less than six feet in height which complies with the standards set forth in this chapter.
- (d) Compliance with law. Any mobile home park shall comply with all applicable requirements of the Mobile Home Park Act (210 ILCS 115/1 et seq.).

(Ord. No. 2154, tit. VI, § 9, 8-12-2008)

Sec. 46-108. - CR-5, Special Reuse District Standards.

- (a) Requested and approved waivers. Any building or structure which lawfully existed on the date of any respective conveyance by the United States of America to any other party of the underlying land (an "existing structure"), and the respective zoning lot upon which such existing structure is located, as such zoning lot is so created and established on a recorded final plat for the subdivision of land (a "Final Plat") upon the area formerly constituting Chanute Air Force Base ("Chanute"), which was duly authorized and approved by the village board in connection with the village Subdivision Ordinance 1988, as supplemented and amended (the "subdivision ordinance"), shall be entitled to have such height, minimum lot area, lot width, front yard, side yard, rear yard and building coverage with respect thereto as is specifically identified on such final plat or supporting documents as a requested waiver

duly granted by the village board in connection with any such requirement as may otherwise be provided in the subdivision ordinance or in this chapter for the applicable district where any such existing structure or zoning lot is located. For the purposes of this section, any existing structure consisting of a duplex dwelling, a rowhouse or townhouse building or a multiple-family dwelling shall be deemed to be one existing structure occupying one zoning lot. Anything in this chapter to the contrary notwithstanding, no such zoning lot (or smaller subdivided lot per dwelling unit) shall be further reduced nor shall any such existing structure be further enlarged, extended, expanded or altered in any manner so as to further reduce any such requirement as waived by the village board for any such height, lot area, lot width, front yard, side yard, rear yard or building coverage requirement as provided in this chapter for the applicable district where any such existing structure or zoning lot is located unless a variance is otherwise granted for such purpose under and pursuant to the applicable provisions of this chapter.

- (b) Common lot line dwelling units or condominiums. In connection with any final plat for Chanute which proposes any conveyance of ownership of any dwelling unit within a duplex dwelling, a rowhouse or townhouse building, or a multiple-dwelling constituting an existing structure on any such zoning lot, such dwelling unit shall be separated from any other attached dwelling unit by a soundproof fire separation wall having a fire-resistive rating substantially in compliance with that specified by the building code and shall, to the extent practicable, have independent heating, electrical, water and wastewater systems with separate meters for each. In addition, each such final plat shall be accompanied by a form of covenants and restrictions as set forth in an owner's certificate or an agreement by and between the original owner and any future owner who may own, use, rent or otherwise occupy any such dwelling unit within any such duplex dwelling, rowhouse or townhouse building, or multiple-family dwelling, which shall provide for each of the following, as applicable:
 - (1) The establishment of a homeowner's association, which may be an incorporated association or other declarant entity, including provisions for a governing board and for dues and assessments to preserve and maintain all common or other facilities which may be perfected by a lien on any individual dwelling unit within the existing structure if the same remain unpaid.
 - (2) Rules and regulations regarding the maintenance, upkeep and repair of any existing structure, including, but not limited to, party walls, all common areas, if any, the roof and any areas of pavement surfaces, including private sidewalks, drives and off-street parking facilities and similar improvements.
 - (3) The repair and maintenance of any private sewers, water lines or electrical facilities.
 - (4) Where separate meters are not provided for heating, electrical, water and wastewater systems for each dwelling unit, provisions for the payment of any such facilities or utility services.
 - (5) Insurance to cover any existing structure and, if desired, homeowner's insurance for each individual dwelling unit and public liability insurance.
 - (6) The repair or reconstruction of any individual dwelling unit when any such individual dwelling unit within any such existing structure is damaged or destroyed.

TABLE V-1

Zoning District	Minimum Lot Size (in square feet unless otherwise indicated)	Minimum or Average Lot Width at Building	Maximum Height of Principal Structure (in	Maximum FAR	Minimum OSR	Required Yards (in feet)	Minimum Building Size at Ground Level ¹ (in square feet)

		Line (in feet)	feet/stories							
						Front	Corner Side	Side	Rear	
AG	25,000 ²	100 ²	35/2.5 ³		0.80	25	25	10	25	680 ²
R-1A	22,000	125	35/2.5 ³		0.70	30	30	15	60	1,650/1,250 ⁴
R-1	7,000	70	35/2.5 ³		0.70	25	25	10	30	1,080/800 ⁴
R-2A	6,000	50	35/2.5 ³		0.70	25	25	5	20	1,080/600 ⁴
R-2	6,000	50	35/2.5 ³		0.70	25	25	5	20	1,080/600 ⁴
R-3	6,000/7,500/8,500 ⁵	50/30/20 ⁵	35/2.5 ³		0.70	25	25	5	25	680/400 ⁴
R-4	6,000/7,500/8,500 ^{5,6}	50/25/20 ^{5,6}	35/2.5 ³		0.70/0.60 ⁷	25	25	5	25	680/400 ⁴
M-1	3,200		30		0.60	15	10	10	10	
C-1	6,000	50	30/2.0 ³	0.83	0.50	25	12	12 ⁸	30	
C-2	6,000	50	35/2.5 ³	1.00	0.10	10	5	5 ⁸	5	
C-3			40/3.0 ⁹	1.00		50	50	50	50	
C-4	20,000	120	35/2.5 ³		0.50	35	15	15	35	
CB			45		0.10					
CBE	6,000	50	35/2.5 ³		0.10	10	5	5	10	

OP			65		0.50	20	20	15/5 ¹⁰ , 11	20	
CR-1			50							
CR-2	50,000	100	35/2.5 ³		0.50	30	50	50/20 10	50	
CR-3	50,000	100	35/2.5 ³		0.50	30	50	50/20 10	50	
CR-4	50,000	100	35/2.5 ³			30	50	50/20 10	50	
I-1	8,000	70	35/2.5 ³		0.50	30	10	25/10 10	20	
I-2	50,000	100	35/2.5 ³		0.50	30	20	50/20 10	50	

¹ Exclusive of unenclosed porches, terraces and garages.

² Minimum for residential building.

³ For nonresidential principal buildings, the height may be increased to 65 feet provided that for every foot in excess of 35 feet there is added to each yard requirement one corresponding foot of width or depth.

⁴ For one story/For two or more stories.

⁵ Single-family/duplex/rowhouse-townhouse.

⁶ Multifamily dwellings in the R-4 district, the minimum lot size per each dwelling unit shall be as follows:

One-bedroom = 1,500 square feet; two-bedroom = 2,000 square feet; three-bedroom = 2,500 square feet.

⁷ Single-family and duplex/rowhouse-townhouse and multifamily.

⁸ Except where a party wall exists with an adjoining building.

⁹ Maximum height may be increased, if applicable, to a height which is equal to 50 percent of the horizontal distance from the building to any property line.

¹⁰ Aggregate width/Minimum width.

¹¹ Plus one additional foot of side yard for each two feet of building height over 30 feet.

(Ord. No. 2154, tit. VI, § 10, 8-12-2008; Ord. No. 2214, § 6, 2-9-2010)

Secs. 46-109—46-129. - Reserved.

ARTICLE VI. - SUPPLEMENTARY DISTRICT REGULATIONS

Sec. 46-130. - Modification of front yard requirements.

- (a) Where a vacant lot is situated between two improved lots having on each a principal building within 25 feet of the side boundary line of such vacant lot, which extends into the required front yard of each such vacant lot and has been so maintained since February 2, 1991, the front yard depth of such vacant lot may be the average depth of the front yard of the two adjacent improved lots, not withstanding the yard requirements of the district in which it is located.
- (b) Where a vacant lot adjoins only one improved lot having a principal building thereon within 25 feet of the common side lot line which extends into the required front yard of such improved lot and has been so maintained since February 2, 1991, the front yard depth of such vacant lot may be the average depth of the front yard of such adjacent improved lot and the front yard required for the district in which such vacant lot is located, notwithstanding the yard requirements for such district.

(Ord. No. 2154, tit. VII, § 1, 8-12-2008)

Sec. 46-131. - Dwellings in industrial districts.

One single-family detached dwelling may be used on any lot located in any industrial district which is unimproved and held in single separate ownership as of February 2, 1991. Such lot shall be used only for such dwelling purpose and accessory uses customarily incidental thereto. The owner at a single-family dwelling shall not be permitted to sell off the parcel on which the single-family dwelling is located to another person.

(Ord. No. 2154, tit. VII, § 2, 8-12-2008)

Sec. 46-132. - Conversion of dwellings.

A single-family detached dwelling existing on February 2, 1991, may be converted into and used as a two-family or multifamily dwelling, when authorized as a special exception, by the ~~plan-commission~~planning and zoning commission provided that:

- (1) The plan for the conversion of such dwelling shall be submitted to the ~~plan-commission~~planning and zoning commission.
- (2) Such plan shall provide adequate and suitable parking or storage space, at a safe distance from the public highway, for not less than one automobile per family.
- (3) Such dwelling shall be subject to the height, area, width and yard regulations effective in the district wherein such dwelling is situated except that there shall be a lot area not less than the product of the minimum lot area prescribed in the district regulations and the number of dwelling units for the use of which such dwelling is to be converted.
- (4) There shall be no external alteration of the building except as may be necessary for reasons of safety. Fire escapes and outside stairways shall, where practical, be located to the rear of the building.

- (5) ~~The plan commission~~planning and zoning commission shall specify the maximum number of dwelling units permitted to occupy such dwelling, and prescribe such further conditions and restrictions in respect to conversion and use of such dwelling, and to the use of the lot, as the commission may consider appropriate.
- (6) Existing single-family dwellings which are presently located in commercial or business district zoning classifications may be altered to the extent as permitted in that classification. The use must also meet the requirements for use in that zoning classification.

(Ord. No. 2154, tit. VII, § 3, 8-12-2008)

Sec. 46-133. - Visibility at intersections.

- (a) Except as otherwise provided in this section, on any corner lot in any district, no "obstruction" as defined in this section shall be installed, erected, placed, planted, allowed to grow or be maintained in such a manner as to materially impede vision between a height of two and a half and ten feet above the centerline grades of the intersecting streets in the triangular area having as vertices the points determined by point A, point B and point C as set forth below along each such front lot (right-of-way) line:
 - (1) Point A. Located at the intersection of the front lot (right-of-way) lines.
 - (2) Point B. Located along the front lot (right-of-way) line of the adjacent right-of-way at a distance from "point A" equal to two times the distance of the required front yard for such corner lot; provided, however, that where the street in the adjacent right-of-way is controlled by a traffic-control signal or a stop sign at the intersection at such corner lot, the distance from "point A" shall be equal to the distance of the required front yard for such corner lot.
 - (3) Point C. Located along the front lot (right-of-way) line of the intersecting right-of-way at a distance from "point A" equal to the distance of the required front yard for such corner lot.
- (b) For the purposes of this section, the term "obstruction" means any physical barrier which impairs visibility, provided, however, that an "obstruction" shall not include fences, walls and hedges permitted under section 46-134, traffic controls, illuminators, public utility devices, or other items which are less than 12 inches in width.

(Ord. No. 2154, tit. VII, § 4, 8-12-2008)

Sec. 46-134. - Fences, walls and hedges.

Fences, walls and hedges that do not exceed eight feet in height are permitted in any required side or rear yard of any zoning district. Fences, walls and hedges in any required front yard shall only be permitted in the applicable district set forth below under the following terms and conditions:

- (1) Residential districts.
 - a. Fences, walls or hedges providing less than 70 percent open visibility and for the free passage of air there through shall not exceed three feet in height, subject to the further prohibitions contained in section 46-133.
 - b. Fences, walls or hedges providing 70 percent or more open visibility and for the free passage of air there through shall not exceed four feet in height. Such fences, walls and hedges providing such visibility shall be permitted under section 46-133.
 - c. On corner lots located at the intersection of any two street rights-of-way, that portion of the required front yard not otherwise designated as the mailing or postal address of such corner lot which does not extend into or otherwise overlap the required front yard designated as the mailing or postal address may be treated as a side yard where fences, walls and hedges

that do not exceed six feet in height shall be permitted; provided, however, that such fences, walls and hedges shall not be permitted within:

1. Five feet of any such front lot line treated as being within a side yard;
2. Any triangular area having as vertices a point located at the intersection of any such front lot line treated as being within a side yard with any rear lot line abutting an alley and each of the points located along any such front lot line treated as being within a side yard and any such rear lot line at a distance of ten feet from such intersection, unless such fences, walls or hedges provide 70 percent or more open visibility and for the free passage of air there through; or
3. The visibility area described under section 46-133 unless otherwise meeting the requirement for 70 percent or more open visibility and for the free passage of air there through as provided under subsection (1)c.2 of this section, subject, however, to the height limitation of this subsection (1)c.3.

(2) Commercial districts and industrial districts.

- a. Fences, walls or hedges providing less than 70 percent open visibility and for the free passage of air there through shall not exceed three feet in height, subject to the further prohibitions contained in section 46-133.
- b. Fences, walls or hedges providing 70 percent or more open visibility and for the free passage of air there through shall not exceed six feet in height. Such fences, walls and hedges providing such visibility shall be permitted under section 46-133.
- c. On corner lots located at the intersection of any two street rights-of-way, that portion of the required front yard not otherwise designated as the mailing or postal address of such corner lot which does not extend into or otherwise overlap the required front yard designated as the mailing or postal address (or such lesser distance as is parallel to the face of any existing building designated as the mailing or postal address and used for the main or principal use in the CB district) may be treated as a side yard where fences, walls and hedges that do not exceed six feet in height shall be permitted; provided, however, that such fences, walls and hedges shall be not permitted within:
 1. Ten feet of any such front lot line treated as being within a side yard;
 2. The visibility area described under section 46-133 unless otherwise meeting the requirement for 70 percent or more open visibility and for the free passage of air there through as provided under subsection (2)b of this section.

(3) Manner of construction. Any fence or wall shall be constructed or installed in such a manner that the posts or other supporting material and the rough or unfinished side of any such fence or wall shall face the interior of the lot upon which any such fence or wall is located.

(Ord. No. 2154, tit. VII, § 5, 8-12-2008)

Sec. 46-135. - Accessory building and uses.

- (a) No accessory building shall be erected in any required yard, and no separate accessory building shall be erected within five feet of any other building.
- (b) An accessory use includes:
 - (1) Living or sleeping accommodations for caretakers in connection with any use.
 - (2) Living or sleeping accommodations for employees in connection with commercial or manufacturing uses.
 - (3) Keeping of domestic animals, but not for sale or hire. A commercial stable or kennel is not an accessory use.

- (4) Swimming pools not located within a building, provided that:
 - a. The use of such pools shall be restricted to occupants of the principal use and guests for whom no admission or membership fees are charged.
 - b. If accessory to a nonresidential use, the edge of the pool shall be located not less than 100 feet from any lot line.
 - c. If accessory to a residential use, the edge of the pool shall be located not less than ten feet away from any lot line, and in the event that such pool is located less than 50 feet from any rear lot line or side lot line, it shall be screened by a continuous fence (minimum height six feet).
 - d. Illumination of such pools shall be limited to underwater lighting. Swimming pool clubs are not accessory uses.
- (5) Domestic or agricultural storage in a barn, shed, tool room, or similar building or other structure.
- (6) Home occupations.
- (7) In connection with commercial or manufacturing uses, the storage of goods normally carried in stock, used in, or produced by such uses, unless the storage is expressly prohibited under the applicable district regulations.
- (8) In connection with commercial and manufacturing uses, incidental repairs, unless expressly prohibited under the applicable district regulations.
- (9) The removal for sale of sod, loam, clay, sand, gravel, or stone in connection with the construction of a building or other structure on the same zoning lot, or in connection with the regrading of a zoning lot, but in the latter case not below the legal street grade.
- (10) Accessory off street parking spaces, open or enclosed.
- (11) Accessory off street loading berths.
- (12) Accessory signs.
- (13) Accessory radio or television towers.

(Ord. No. 2154, tit. VII, § 6, 8-12-2008)

Sec. 46-136. - Erection of more than one principal structure on a lot.

In any district, more than one structure housing a permitted or permissible principal use may be erected on a single lot, provided that yard and other requirements of this chapter shall be met for each structure as though it were on an individual lot.

(Ord. No. 2154, tit. VII, § 7, 8-12-2008)

Sec. 46-137. - Structures to have access.

Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off street parking.

(Ord. No. 2154, tit. VII, § 8, 8-12-2008)

Sec. 46-138. - Topsoil.

Excavations of, or the removal of topsoil from, any property in the village is prohibited except as such excavations, or removal of topsoil, is incidental to the erection and maintenance of structures or appurtenances thereto or the use of property permitted by this and other ordinances of the village.

(Ord. No. 2154, tit. VII, § 9, 8-12-2008)

Sec. 46-139. - Home occupations.

(a) Prohibitions. In connection with the operation of a home occupation, it shall not be permitted:

- (1) To sell articles produced elsewhere than on the premises.
- (2) To have exterior displays, or a display of goods visible from the outside.
- (3) To store materials or products outside of a principal or accessory building or other structure.
- (4) To display, in an R-1A, R-1, R-2A, R-2, or R-3 district, a nameplate or other sign except as permitted in connection with the practice of a profession.
- (5) To make external structural alterations which are not customary in residential buildings.
- (6) To produce offensive noise, vibration, smoke, dust or other particular matter, odorous matter, heat, humidity, glare, or other objectionable effects.

(b) Conditions and limitations. Home occupations as defined in section 46-10 includes:

- (1) Fine arts studios.
- (2) Professional offices. A professional office, for the purpose of this section, is one whose use is incidental to the residential occupancy of the building and is conducted entirely within such building or accessory buildings and including only the offices of doctors or practitioners, ministers, architects, engineers, landscape architects, lawyers, artists, authors, musicians, computer related services and other professional occupations customarily conducted within residences.
- (3) Teaching of, or day care of, no more than ten pupils or more pupils than the availability of off street parking facilities will accommodate, or, in the case of musical instruction, of not more than a single pupil at a time.

(c) Exclusions. A home occupation shall not include:

- (1) Barbershops.
- (2) Beauty parlors.
- (3) Commercial stables or kennels.
- (4) Depilatory, electrolysis, or similar offices.
- (5) Real estate or insurance offices.
- (6) Stockbrokers' offices.
- (7) Repairing motor vehicles.
- (8) Taxi stand.
- (9) Commercial sales, retail and/or wholesale.
- (10) Nursery schools or day care centers with 11 or more pupils.

(Ord. No. 2154, tit. VII, § 10, 8-12-2008)

Sec. 46-140. - Sale of a portion of a lot.

No portion of a lot shall be sold which will cause the remainder of said lot to be in violation of the minimum area, width, or yard regulations of the zoning district to which said lot is a part.

(Ord. No. 2154, tit. VII, § 11, 8-12-2008)

Secs. 46-141—46-163. - Reserved.

ARTICLE VII. - NONCONFORMING BUILDINGS USES AND LOTS

Sec. 46-164. - Continuance of nonconformities.

- (a) Any nonconforming use, building, structure, or lot, as defined herein, may be continued under the regulations of this article. This article shall not be interpreted as authorizing the continuation of any noncompliance with the regulations of this chapter which was not lawfully existing on the February 2, 1991, or lawfully existing on the date the ordinance from which this chapter is derived became effective as to such structure, building, use, lot, or land. Any nonconformity which conformed with the provisions of any previous zoning ordinance applicable to it, or which was rendered nonconforming by an amendment to this chapter, shall be considered lawful, and may continue as a nonconformity under the provisions of this chapter.
- (b) If a building, structure, land or use thereof, which hereafter becomes subject to the provisions of this chapter, whether by annexation to the village or otherwise, does not conform with all applicable provisions of this chapter, it shall be considered lawful, and may continue as a nonconformity under the provisions of this article. No building, structure, lot, land, or use thereof, which does not conform to the applicable regulations of this chapter, and does not qualify as an authorized nonconformity as herein defined, shall be considered lawful, or be permitted to continue under the provisions of this chapter.
- (c) The regulations of this article pertaining to a building or structure occupied by a nonconforming use shall apply not only to a building which is completely occupied by such a use, but also to a building of which the nonconforming use occupies only a portion.

(Ord. No. 2154, tit. VIII, § 1, 8-12-2008)

Sec. 46-165. - Extension or expansion of nonconformities.

- (a) No nonconforming use occupying a portion of a building shall be extended or expanded into any other portion of the building, beyond that part of the building in such use, and in no case shall any addition be made which will provide for the expansion of the nonconforming use.
- (b) No nonconforming use of land, except accessory parking, shall be extended or expanded.
- (c) No nonconforming building or structure shall be enlarged, extended, expanded, or altered in any way which would increase its nonconformity, nor shall such a building thereafter revert to its prior state of greater nonconformity, except as provided in section 46-171. No nonconforming structure shall be moved, for any reason or for any distance, unless it shall thereafter be a conforming structure or building.

(Ord. No. 2154, tit. VIII, § 2, 8-12-2008)

Sec. 46-166. - Change of nonconforming use.

- (a) Except as otherwise provided, the substitution of one nonconforming use for another, or the addition of another nonconforming use to a present nonconforming use, may be permitted when authorized by a certificate of occupancy issued by the village inspector, as provided in section 46-368. The application for a certificate of occupancy for such a substitution or addition shall be referred to the ~~board of zoning appeals~~planning and zoning commission, which shall, within 30 days after receiving the application, direct the village inspector whether to grant the certificate of occupancy. The board shall authorize the issuance of a certificate of occupancy for such an addition or substitution only if, in the judgment of the board, such addition or substitution is equally or more appropriate to the district in which it is located than the present use, and such substitution or addition does not increase congestion in the streets or endanger the health, safety, morals, or general welfare of the district in which it is located, and if it complies with all parking regulations applicable to the new use. No such substitution shall have the effect of postponing the date of termination of the nonconforming use, as provided in section 46-167.
- (b) If a use of a building occupied by a nonconforming commercial or industrial use is added to or substituted for the former or present use as provided above, then the ~~board of zoning appeals~~planning and zoning commission may authorize the issuance of a permit for the conversion, structural alteration, enlargement of such a building, or the construction of new structures, provided that such conversion, structural alteration, enlargement, or construction makes the nonconforming use more compatible and visually less nonconforming with the district in which it is located.
- (c) Whenever a nonconforming use of a building or structure or land is substituted for another nonconforming use, then the use shall not thereafter revert to the prior use, nor be substituted for by any other nonconforming use, except in accordance with the provisions of this section.

(Ord. No. 2154, tit. VIII, § 3, 8-12-2008)

Sec. 46-167. - Discontinuance or abandonment of nonconformities.

- (a) If a nonconforming use of land is discontinued for a period of more than six months, it shall be presumed to be abandoned, and the land shall not thereafter be used for any use which does not conform with the use regulations of this chapter. If a nonconforming use of a building is discontinued for a period of more than 12 months for any reason other than damage of the building by fire, explosion, or act of God, or for a period of more than 18 months due to damage of the building by fire, explosion, or act of God, then the use shall not thereafter be resumed or re-established, and the building shall not thereafter be used for any use which does not conform with the use regulations of this chapter.
- (b) If the use of a building, structure or land is changed from a nonconforming use to a conforming use, then the nonconforming use shall be deemed to have been abandoned and the use of the building, structure, or land shall not thereafter be changed to a use which does not conform with the use regulations of the district in which the building, structure, or land is situated, except as provided above.

(Ord. No. 2154, tit. VIII, § 4, 8-12-2008)

Sec. 46-168. - Repairs and restoration of nonconforming buildings.

- (a) Only ordinary repairs and maintenance, including replacement of roof covering, shall be permitted on any building occupied by a nonconforming use. In no case shall such repairs include structural alteration, except as otherwise provided herein.
- (b) Any lawful nonconforming building or other structure which has been involuntarily damaged or destroyed by fire, explosion, windstorm, or other similar active cause, to an extent of not more than 75 percent of its fair market value, may be reconstructed in the same location, provided that:
 - (1) The reconstructed building or structure shall not exceed the height, area, or volume of the damaged or destroyed building or structure except as provided in section 46-165; and

- (2) Reconstruction shall begin within one year from the date of damage or destruction and shall be carried on without interruption.

(Ord. No. 2154, tit. VIII, § 5, 8-12-2008)

Sec. 46-169. - Abandonment.

If a lawful nonconforming use of a building or other structure is abandoned or discontinued for a continuous period of one year or more, or if a lawful nonconforming use of land is abandoned or discontinued for a continuous period of six months or more, subsequent use of such building or structure or land shall be in conformity with the provisions of this chapter.

(Ord. No. 2154, tit. VIII, § 6, 8-12-2008)

Sec. 46-170. - Lots nonconforming as to area and width regulations and lots of unusual dimensions.

- (a) When authorized as a special exception by the ~~board of zoning appeals~~planning and zoning commission, a building may be erected or altered on any lot held in single and separate ownership on February 2, 1991, which is not of the required minimum area or width or is of such unusual dimensions that the owner would have difficulty in providing the required open spaces for the district in which the lot is situated.
- (b) Where two or more contiguous undeveloped lots are held in single ownership, within a subdivision which has been duly recorded prior to February 2, 1991, which lots are individually not of the required minimum area or width for the district in which they are situated, no special exception shall be required for the issuance of building permits provided that such lots shall be developed in groups or fractions thereof, as single lots, to provide the minimum lot frontage required for each structure.

(Ord. No. 2154, tit. VIII, § 7, 8-12-2008)

Sec. 46-171. - Subdivisions previously approved.

In the case of a plot of land, a plan for the subdivision of which into two or more parcels or lots for the purpose of development and sale has, prior to February 2, 1991, been duly approved and recorded as required by law, which plan does not make provisions for full adherence to the regulations of this chapter governing minimum lot areas or widths, front, side or rear yards, or building coverage, but was in conformity with such regulations as were effective at the time such plan was approved and recorded, the development and sale contemplated by the plan may proceed when authorized as a special exception. The ~~board of zoning appeals~~planning and zoning commission shall have power to grant a special exception with respect to the whole of such plot of land or any portion thereof.

(Ord. No. 2154, tit. VIII, § 8, 8-12-2008)

Sec. 46-172. - Nonconforming signs.

- (a) Signs which do not conform to the provisions of article VIII of this chapter as of February 2, 1991, are nonconforming uses.
- (b) A nonconforming sign may not be:
 - (1) Changed to another nonconforming sign;
 - (2) Structurally altered as to prolong the life of the sign;
 - (3) Expanded;

- (4) Reestablished after its removal for 90 days;
 - (5) Reestablished after damage or destruction, if the estimated expense of reconstruction exceeds 50 percent of the appraised replacement cost at the time of the damage or destruction;
 - (6) Routinely maintained where the cost of such repair or maintenance exceeds five percent of the current replacement costs for any period of 12 months. However, nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any sign or part thereof declared to be unsafe by any official charged with protecting the public safety;
 - (7) Relocated unless such relocation brings the sign into conformance with all the requirements of this chapter, except that where a nonconforming sign is located within a right-of-way taken or acquired by a public body for street improvement purposes, then the relocation of such a sign is permitted.
- (c) All nonconforming signs shall be removed or brought into conformity with this chapter within ten years of February 2, 1991.
- (d) The village board after receiving the recommendation of the ~~board of zoning appeals~~ planning and zoning commission shall have the power to grant a variance from the provisions of such subsection (b) of this section, so as to permit change, alteration, reestablishment, or more than routine maintenance of a nonconforming sign where such change, alteration, reestablishment, or maintenance shall not increase the size of the sign, make it radiate or reflect more light, or otherwise make it visually more objectionable; provided, however, that no such variance granted by the village board shall in any way postpone the time for removal of the nonconforming sign as provided in subsection (c) of this section beyond the time when the original sign which was permitted to be changed, altered, reestablished, or maintained hereunder would have been required to be removed.
- (e) The owner of a nonconforming sign may request a year by year extension for continuation of the nonconforming sign to the ~~board of zoning appeals~~ planning and zoning commission.

(Ord. No. 2154, tit. VIII, § 9, 8-12-2008)

Sec. 46-173. - Nonconforming mobile homes.

All trailers or mobile homes as defined by this chapter situated in any district that are not in an M-1 district on February 2, 1991, shall be considered nonconforming uses. Such use shall be permitted for a period of six years from February 2, 1991, and then such trailers or mobile homes shall be removed and the use of such property shall be governed by the regulations of the respective district in which the property is located.

(Ord. No. 2154, tit. VIII, § 10, 8-12-2008)

Secs. 46-174—46-199. - Reserved.

ARTICLE VIII. - OFF-STREET PARKING AND OFF-STREET LOADING

Sec. 46-200. - Applicability; off-street parking.

Off-street parking facilities required by this article shall be provided whenever a building or structure is erected, converted, enlarged, or structurally altered, or whenever a use of land, building, or structure is established, expanded, or changed. However, this shall not prohibit the owner of an existing building occupied by a conforming use from converting, enlarging, or structurally altering said building for the purpose of meeting the minimum requirements of applicable health, fire, and safety regulations; provided,

however, that no increase in the occupancy or intensity of the existing use of such building shall be permitted unless authorized by the ~~board of zoning appeals~~planning and zoning commission.

(Ord. No. 2154, tit. IX, § 1, 8-12-2008)

Sec. 46-201. - Existing parking facilities.

Accessory off-street parking facilities in existence on February 2, 1991, and located on the same lot as the building or use served shall not hereafter be reduced below, or, if already less than, shall not be further reduced below the requirements for a similar new building or use under the provisions of this chapter.

(Ord. No. 2154, tit. IX, § 2, 8-12-2008)

Sec. 46-202. - Location of parking facilities.

- (a) All off-street parking areas required by this article shall be provided on the zoning lot to whose use they are accessory, except as provided herein.
- (b) Accessory off-street parking may be provided in a location other than on the zoning lot where the principal use is located, only if so authorized by the ~~board of zoning appeals~~planning and zoning commission. Such parking areas shall be located only in the same district in which the principal use is located, or in another district in which the principal use is permitted. They shall be within 300 feet of the principal use, measured from the nearest point of the lot containing the parking facility to the nearest point of the lot occupied by the building or use where such parking is required to serve. If the principal use is or becomes a nonconforming use, no expansion of off-street parking facilities not located on the site of the principal use shall be allowed.
- (c) When off-street parking facilities are provided on a lot other than the lot upon which the building or use requiring such facilities is located, the owner shall execute, on behalf of himself, his successors and assigns in the ownership of said lot, a written instrument in a form acceptable to the village attorney, covenanting that, in consideration of the issuance unit of a building permit for the principal use, the lot or portion of the lot on which the parking facility is located will be used and maintained solely for off-street parking purposes accessory to such principal use so long as the structures comprising such principal use continue to exist without sufficient parking elsewhere or upon the lot with the principal use.

(Ord. No. 2154, tit. IX, § 3, 8-12-2008)

Sec. 46-203. - Parking in required yards.

Parking in required yards, whether voluntary or required, is prohibited except as permitted in accordance with the following regulations:

(1) Front yard.

- a. Residential districts. No motor vehicles shall be permitted to park in any front yard in any residential district, except if it is physically impossible to provide for parking in the side yard or rear yards, then parking by license passenger vehicles and pickup trucks that weigh under 8,000 pounds empty weight will be permitted on improved driveways in the front yard, provided further that any vehicle shall be more than five feet from the owner's front property line. Parking spaces allowed by this exception shall not be enclosed or covered. Parking within five feet of the front property line is permitted, however, for no more than 24 consecutive hours for the purpose of loading and unloading.
- b. R-3 and R-4 residential districts. In addition to the exception set forth in subsection (1)a of this section, the following exception shall apply: In any R-3 or R-4 residential district, when

a town or rowhouse building is located on a street that is a cul-de-sac, then off-street parking is permitted in the front yard. No more than two parking spaces for each dwelling unit shall be allowed in the front yard in this instance. Parking spaces allowed by this exception shall not be enclosed or covered. Only licensed passenger vehicle and pickup trucks that weigh under 8,000 pounds empty weight will be permitted to be parked in these areas.

- c. Parking is permitted in the required front yards of all commercial districts.
 - d. In any industrial district, parking spaces are permitted in a front yard of a building, but not in the required front yard.
- (2) Side yard. When parking is situated in a side yard, then a screen fence of not less than three feet in height, or living screen not less than three feet in height, shall be provided between such parking and any abutting residential property.
 - (3) Rear yard. Parking spaces may be situated in any rear yard.
 - (4) Open lot. When parking space is provided on a lot having no main building, then the parking spaces may be situated on the lot anywhere except within seven feet of a property line facing a street. This provision shall not, however, be interpreted to permit parking spaces for a tourist or trailer camp to be situated in a required front yard or side yard. The provisions of this subsection shall also apply to public parking lots.
 - (5) Corner lot. Where a lot is located at the intersection of two or more streets, no parking shall be allowed at any time within a triangular area having as vertices the following three points: The point of intersection of the centerline of the two intersecting streets, and the point on each street centerline located 40 feet plus one-half of the average right-of-way of the other street from the point of intersection of the centerline of the two intersecting streets. This provision shall apply to the intersection of any streets on which the lot has frontage.

(Ord. No. 2154, tit. IX, § 4, 8-12-2008; Ord. No. 2214, § 6, 2-9-2010)

Sec. 46-204. - Design and specifications of off-street parking.

- (a) The following requirements shall govern the development of required off-street parking stalls and lots. These requirements will not affect the parking stalls or lots developed under the provisions of any previous zoning ordinance.

Angles in degrees from curb	Spaces		Aisles	
	Width	Length	One-way	Two-way
0 (Parallel)	9'	19'-6"	12'	18'
30	9'	19'-6"	16'	18'
45	9'	19'-6"	9'	18'
60	9'	19'-6"	9'	18'
90	9'	19'-6"	23'	23'

- (b) Handicapped parking spaces shall be in accordance with state regulations for size and number required.
- (c) In no case shall the paved surface of a parking lot be greater than 90 percent of the property on which the parking lot is located.

(Ord. No. 2154, tit. IX, § 5, 8-12-2008; Ord. No. 2214, § 6, 2-9-2010)

Sec. 46-205. - Required spaces.

The minimum number of off-street parking spaces accessory to designated uses shall be provided as follows:

- (1) Dwelling and lodging uses.
 - a. Hotels, motel and boarding rooms: One for each unit.
 - b. Multiple-family dwellings: Two for each unit.
 - c. Single-family dwellings: Two for each dwelling, but no more than four per dwelling.
 - d. Mobile home: Two for each mobile home.
- (2) School, institution, auditorium or other places of assembly uses.
 - a. Churches: One for every ten seats in the general assembly area.
 - b. Public schools: One for each faculty member and employee plus one for every ten students.
 - c. Business and commercial: One for every 150 square feet schools of floor area.
 - d. Community buildings, health clubs, meeting halls, private clubs, or fraternal clubs, or fraternal organizations: One for every 250 square feet of floor area or 30 percent of the maximum number of people that can be accommodated in the facility.
 - e. Library: One for every 500 square feet of floor area.
 - f. Medical and dental clinics: One for every 200 square feet of floor area.
- (3) Recreational uses.
 - a. Bowling alleys: Seven per lane.
 - b. Golf courses: Three for each tee.
 - c. Tennis courts: Two per court.
 - d. Theater or auditorium: One for every ten seats.
- (4) Commercial uses.
 - a. Retail: One for each 250 square feet of floor area.
 - b. Bank or savings and loan: One for each 200 square feet of floor area.
 - c. Professional office: One for each 400 square feet of floor area.
 - d. Personal service shop, barbershop and beauty shop: One for each 200 square feet of floor area.
 - e. Furniture, appliance stores, and motor vehicle sales: One for each 400 square feet of floor area.
 - f. Nightclubs, taverns, or auction house: One for each 100 square feet.

(5) Manufacturing and industrial uses.

- a. Manufacturing plant: One for each employee or one for each 1,000 square feet of floor space, whichever is greater.
- b. Lumberyard, contractor shop and nursery: one for each 300 square feet.
- c. Repair and service: No motor vehicle repair work or service of any kind shall be permitted in conjunction with any parking facilities.

(Ord. No. 2154, tit. IX, § 6, 8-12-2008)

Sec. 46-206. - Rules for computing parking spaces.

In computing the number of required off-street parking spaces, the following rules shall apply:

- (1) Floor area. In the case of uses where floor area is the unit for determining the required number of off-street parking spaces, floor area shall mean the gross floor area measured to the outside walls, but exclusive of such floor area as may be used for parking facilities within the principal building, and exclusive of such floor area as may be used for mechanical systems, elevators, escalators, utility and storage closets.
- (2) Where fractional spaces result, the parking spaces required shall be the nearest whole number.
- (3) In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.
- (4) Whenever a building or use constructed or established after January 1, 1960, is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, parking spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to January 1, 1960, is reconstructed or is enlarged to the extent of 20 percent or more in floor area, said building or use in its entirety shall then and thereafter comply with the parking requirements set forth herein. Any enlargement or change in use of less than 20 percent of the gross floor area shall be provided with parking based on the enlargement or change.

(Ord. No. 2154, tit. IX, § 7, 8-12-2008)

Sec. 46-207. - Minimum improvement and maintenance standards.

- (a) All open parking areas provided in compliance with this chapter shall be surfaced with a durable, dustproof surface consisting of concrete, bituminous concrete, or compacted gravel or crushed stone properly sealed and surface treated as approved by designated engineering personnel of the village. The parking areas shall be maintained in a usable, dustproof condition and graded and drained to dispose of all surface water.
- (b) Whenever lighting is provided, it shall be so hooded or shielded as to reflect the light away from abutting or neighboring property, including public right-of-way.
- (c) The location of each parking space and the direction of movement along the access driveways shall be indicated by painting upon the surface of the lot.
- (d) A structurally sound wall, earth berm, hedge or other abutment 24 inches in height shall be installed and so placed around the front or street side of the parking lot to insure that no part of an automobile either extends over or is capable of accidentally rolling across the property line of the parking lot.

(Ord. No. 2154, tit. IX, § 8, 8-12-2008)

Sec. 46-208. - Employee parking.

- (a) Spaces required. 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.
- (b) Standards.
 - (1) Surfacing. Any off-street parking area and access drive thereto shall be graded and surfaced with either a bituminous asphalt or portland cement pavement in such a way as to drain as required.
 - (2) Lighting. Any lighting used to illuminate any off-street parking area shall be arranged to reflect light away from adjoining premises in any residential district.
 - (3) Screening, landscaping, and barriers. All open off street parking areas, containing more than four parking spaces, located adjacent to a residential property, shall be effectively screened on each side adjoining or fronting on such property line by a wall, fence, or densely planted compact hedge, not less than three feet in height. There shall be installed a substantial barrier on or adjacent to the lot line along all open off-street parking spaces and such barrier shall be so located that no portion of any vehicle parked on the lot shall extend over the lot line.

(Ord. No. 2154, tit. IX, § 9, 8-12-2008)

Sec. 46-209. - Commercial and industrial access drives.

No person shall hereafter construct, build, establish, or maintain any access drive over, across, or upon any public sidewalk or parkway in any commercial or industrial district, without first obtaining a permit to do so from the village inspector, in accordance with the provisions of this section.

- (1) The following definitions shall apply to this section:
 - a. Access drive means a private drive intended to provide for the servicing of or admission to an establishment.
 - b. Parkway means an unpaved public strip of land located between a public street and its right-of-way line.
 - c. Service drive means an access drive primarily used by vehicles servicing one or more establishments.
- (2) Three copies of a site plan shall be filed with the village inspector for examination and subsequent approval or disapproval. The site plan submitted to the village inspector shall be drawn to a scale of 20 feet or less to the inch. In unusual instances, the village inspector may allow a variation from the required scale. The village inspector shall retain two copies of the site plan and return one copy of the plan to the petitioner upon approval or disapproval thereof. The site plan shall contain the following information:
 - a. The north point, scale and date.
 - b. The exact property lines of the property for which the access drive approval is requested, including existing street and right-of-way lines.
 - c. Adjacent properties on the same frontage and adjacent properties on the opposite frontage, indicating location of ingress and egress to such properties.
 - d. The exact location and dimensions of facilities of ingress and egress to the subject property or properties, existing and proposed curb cuts, if any, and the proposed directions of traffic flow on the subject property or properties and into and from public ways.
 - e. The exact location and dimensions of service drives.
 - f. The name and address of the person seeking approval of proposed access drive.

- g. Provisions shall be made on the face of the site plan for the approval of the village inspector.
- (3) The village inspector shall determine whether the proposed access drive conforms with the following requirements:
- a. All properties shall not have more than two access drives per frontage. For the purpose of this section, a property shall be defined as:
 - 1. A platted lot under single ownership which is of record at the time of passage of this amendment;
 - 2. Two or more platted lots or combinations of lots and portions of lots with continuous frontage under single ownership which are of record at the time of passage of this amendment; or
 - 3. An unplatted parcel of land with continuous frontage under single ownership.
 - b. No access drive shall be located less than 200 feet from any parallel access drive on the same property measured from centerline to centerline thereof.
 - c. No access drive shall be located less than 200 feet from any parallel street, measured from centerline to centerline thereof; except in cases where a major street intersects another street, then no access drive shall be located less than 400 feet from either intersecting street, measured from centerline to centerline thereof.
 - d. No on-site vehicular parking aisle or access drive shall be located less than 30 feet from any parallel public street, measured from the nearest curblines of the aisle or access drive to the nearest right-of-way line of the parallel public street.
 - e. No access drive shall be less than 12 feet nor more than 35 feet in width measured at right angles to the centerline thereof.
 - f. Party drives will be allowed to occupy a required side yard provided that said drive is 16 feet wide, minimum, the centerline of which shall be the property line dividing the two properties; and provided that the parties concerned enter into a written contract for said party drive; and provided that said contract be recorded with the county recorder.
- (4) Exceptions to the above provisions shall be made for automobile service stations. At street intersections, a minimum distance of ten feet shall be provided between the terminus of the public street curb radius and the intersection of the curblines extended of the public and the access drive, but in no case shall the distance between the intersection of the curblines extended of the public street and the access drive and the intersection of the nearest curblines extended of the nearest intersecting public streets be less than 30 feet. A distance of not less than 25 feet shall be provided between access drives, measured from the nearest curblines thereof. Not more than two access drives per street frontage shall be allowed.
- (5) A specific land parcel to be developed with such uses as a drive-in bank, drive-in car wash stall, drive-in restaurant, drive-in beer or liquor store, or similar use requiring a continuous flow of one-way traffic onto and off of the particular parcel and which has a frontage of less than 210 feet, shall be permitted two access drives per frontage provided one access drive is for entrance only and one access drive is for exit only.
- (6) The proposed location of the access drive shall also make due provision for:
- a. Automotive and pedestrian safety.
 - b. Traffic flow and control.
 - c. Accessibility for emergency vehicles.
 - d. The economic, noise, glare, or odor effects of the proposed access drives, loading areas, and parking areas, on adjoining properties.

- (7) If any lot by reason of location or size cannot be developed in accordance with the above requirements, access shall be provided at locations which most closely comply with these regulations. Under no circumstances shall access be denied to any property.
- (8) Within ten days after receiving the site plan, the village inspector shall approve or disapprove the location of the proposed access drive. If the decision is negative, the village inspector shall state his reasons in writing.
- (9) Appeals from the decision of the village inspector shall be filed with the ~~board of zoning appeals~~ planning and zoning commission within 30 days of such decision.
- (10) Proposed access drives on marked state and federal highways and streets shall also be constructed under a permit issued by the state department of transportation.

(Ord. No. 2154, tit. IX, § 10, 8-12-2008)

Sec. 46-210. - Applicability; off-street loading.

Off-street loading facilities shall be provided wherever a building or structure is erected, converted, enlarged, or structurally altered, or whenever a use of land, building, a structure is established, expanded, or changed for any commercial or industrial district.

- (1) Location. All required loading spaces shall be located on the same lot as the use served. No permitted or required loading spaces shall be located within 40 feet of the nearest point of any two streets.
- (2) Area. A required off-street loading space shall be at least 12 feet in width by at least 40 feet in length, exclusive of aisle and maneuvering space, and shall have a vertical clearance of at least 14 feet.
- (3) Access. Each required off-street loading space shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement.
- (4) Surfacing. All open off-street loading spaces shall be improved with a bituminous asphalt or a Portland cement pavement surface.
- (5) Utilization. Space allocated to any off-street loading space shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.
- (6) Space requirements, off street loading.

Floor Area Per Establishment (Square Feet)	Required Number
3,500—10,000	1
10,000—40,000	2
40,000—100,000	3
Each additional 100,000	Add 1 per 100,000 sq. ft.

(Ord. No. 2154, tit. IX, § 11, 8-12-2008)

Sec. 46-211. - Fire lane and emergency vehicle lane.

A strip of pavement with a minimum width of 15 feet shall be provided in all public parking lots adjacent to commercial buildings where the length of the building exceeds 100 feet as measured on the street side of the building. This strip is intended to provide access to emergency vehicles at all times. The sidewalk shall not be included as a part of this area. "No Parking" signs shall be posted and maintained to prohibit parking in this area.

(Ord. No. 2154, tit. IX, § 12, 8-12-2008)

Secs. 46-212—46-230. - Reserved.

ARTICLE IX. - COMPREHENSIVE SIGN REGULATIONS

Sec. 46-231. - Intended purpose.

This article is intended to promote the public health and safety by reducing the distracting characteristics of signs along public streets and highways by prohibiting signs which interfere with public traffic-control devices. This article is also intended to reduce possible confusion which may result from the size, height, and location of signs. This article shall not apply to nor regulate signs on trucks or other motor vehicles.

(Ord. No. 2154, tit. X, § 1, 8-12-2008)

Sec. 46-232. - Signs allowed in all districts without a permit.

The following types of signs shall be allowed in all districts, to-wit:

- (1) Public signs. Signs of a public, noncommercial nature, including safety signs, danger signs, trespassing signs, traffic signs, signs indicating scenic or historical points of interest, memorial plaques and the like, and all signs erected by or on order of a public officer in the performance of a public duty.
- (2) Flags. Flags bearing the official design of a nation, state, municipality, or noncommercial organization or institution.
- (3) Identification signs. Signs which identify the business, owner, manager, or resident and set forth the address of the premises where the sign is located, and which contain no other material; there may be two such signs per premise, each sign not to exceed one square foot in area. The total height of such sign, if freestanding, shall not exceed five feet.
- (4) Institutional signs. Any sign meeting the requirements of section 46-236-1 of this chapter which sets forth or denotes the name, symbol or an announcement for any institutional use when located on the premises of such institutional use, provided such sign shall not exceed a total of 20 square feet in display surface. If building-mounted, such institutional signs shall be flat wall signs, and shall not project above the roofline or front facade of the building. If freestanding, the total height shall not exceed six feet.
- (5) Private traffic direction signs and related signs. Signs directing traffic movement onto a premises or within a premises, when such signs are located on the premises, shall not exceed five square feet in area for each sign and, if freestanding, do not exceed eight feet in total height. Such signs

are considered to include parking directions, exit or entrance signs, drive-up window signs, restroom signs, and the like. Horizontal directional signs flush with paved areas are exempt from these standards.

- (6) Community event signs. Signs advertising a public entertainment or event of public interest, provided the placing of the signs shall be approved and the locations designated by the village inspector. These signs shall remain in place for no more than 21 days before, and seven days after the event, and may not exceed 40 square feet in area.
- (7) Political campaign signs. Signs or posters announcing the candidates seeking public political office and/or political issues, and data pertinent thereto, up to an area of ten square feet. These signs shall be confined to private property, and shall be removed within seven days after the election for which they were erected.
- (8) Individual property sale or rental signs. Any on-premises or on private property sign announcing the name of the owner, manager, real estate dealer, or other person directly involved in the sale or rental of the property, or announcing the purpose for which it is being offered. Such signs may be freestanding or wall-mounted only. Signs may not emit direct illumination, and must be removed within 14 days after the sale or rental of the property. These signs shall not be placed on the public right-of-way.
- (9) Shopping center signs. Establishments which are part of a recognized and identifiable shopping center complex may have individual store identification sign not to exceed one square foot per linear foot of establishment frontage. Shopping center identification signs may not exceed 200 square feet. Not more than one identification sign per lot frontage shall be erected.
- (10) Highways signs. If a sign in the commercial districts or industrial districts are directed primarily toward the users of an interstate highway; within 2,000 feet of the centerline of an interstate highway; and more than 500 feet from any residential district, school, park, hospital, or nursing home, it may rise only to such a height as to be visible from within one-half mile away along the highway, but not to exceed a height of 80 feet and an area of 150 square feet. All highway signs shall be in accordance with a permit issued by the state department of transportation in accordance with their permit requirements.
- (11) Subdivision sign.
 - a. Any sign announcing the name of the architects, engineers, contractors, or other individuals or firms, involved with the subdivision of property (but not including any advertisement of any product) or announcing the character of the subdivision or the purpose for which it is intended.
 - b. These signs shall be confined to the site of the subdivision and shall be permitted for one year from the date of erection of the first of such signs. If development of the subdivision is not completed within one year after erection of the signs, the sign shall be permitted to exist and additional period, not to exceed one year.
- (12) Subdivision or mobile home park name signs. Signs announcing the name of a subdivision or a mobile home park shall conform to the following requirements:
 - a. Maximum number of signs: One sign per street bordering or entering the subdivision.
 - b. Maximum area of sign: 100 square feet (not including structures).
 - c. Maximum height of sign: Eight feet.
 - d. Location of sign: Signs shall conform to the setback requirement for structure in applicable districts.
- (13) Construction signs. Any sign announcing the name of architects, engineers, contractors, or other individuals or firms involved with the construction, alteration, or repair of a building (but not including any product) or announcing the character of the building enterprise or the purpose for which the building is intended, or to indicate the presence of underground public utility structures to avoid damage to structures by excavation.

- a. Such signs shall be confined to the site of the construction, alteration, or repair, and shall be removed within 21 days after completion of the work.
 - b. Signs shall conform with the standards provided for individual property sale or rental signs set forth in subsection (8) of this section.
- (14) Holiday signs. Signs or displays either illuminated or unilluminated which contain or depict a message pertaining to a national, state, community, or religious holiday, and no other matter, and which are displayed for a period not to exceed 45 days.
 - (15) Underground public utility warning signs. Standard types of warning signs marking the routes of underground public utility pipes, conduits, and cables.
 - (16) House or building address. Any sign which sets forth the house or building address, provided that the individual characters of the signs do not exceed six inches in height. There shall not be more than one such nameplate for each dwelling.
 - (17) Garage sale signs. Garage sale signs will be permitted. No sign shall exceed four square feet. The length of time a sign shall be in place shall not exceed five days. The sign must be removed by the person placing the sign.
 - (18) Auctions and open houses. Signs announcing auctions and open houses shall not exceed five square feet in area. Such signs shall be posted for not more than 48 hours; such signs shall not be attached to or located on public property.

(Ord. No. 2154, tit. X, § 2, 8-12-2008; Ord. No. 2313, § 2b, 10-9-2012)

Sec. 46-233. - Measurement standards and definitions.

The following standards and definitions shall apply to this article, in addition to any others that are contained in sections 46-7 through 46-10, to-wit:

- (1) Measurement of sign area. The area of a sign shall be computed as:
 - a. Flat sign. The area of the smallest convex geometric figure encompassing the sign; or
 - b. Volumetric sign. The area of the smallest convex geometric figure encompassing the maximum projected area of the volume on a flat plane which completely encloses the extreme limits of the sign, including any frame, structural trim, or other material forming an integral part of the display as used to differentiate such sign from the background against which it is placed. Such measurement shall exclude the necessary supports or uprights on which the sign is placed, unless the supports or uprights constitute part of the display.
- (2) Measurement of freestanding sign height. Freestanding signs shall be measured from the point where the sign is placed in the ground to the uppermost extremity of the sign.
- (3) Measurement of business frontage. Business frontage is the linear footage of a lot, facing the public right-of-way, owned or rented by a person, business, or enterprise, and intended for business usage.
- (4) Integral signs. Names of buildings, dates of construction, commemorative tablets and the like, when carved into stone, concrete or similar material or made of bronze, aluminum, or other permanent type of construction and made an integral part of the building or structure.
- (5) Electronic message board. Any sign with a fixed or changing message composed of electronically changeable light emitting diode (LED) or other lighted letters or numerals.
- (6) Manual message board. Any sign with a fixed or changing message composed of manually changeable letters or numerals.

(Ord. No. 2154, tit. X, § 3, 8-12-2008)

Sec. 46-234. - Prohibited signs.

The following signs are prohibited by this chapter:

- (1) Any sign which, by reason of its size, location, movement, content, coloring, or manner of illumination, constitutes an obvious traffic hazard or a detriment to traffic safety by obstructing or detracting from the visibility of any official traffic-control device is prohibited.
- (2) Any sign which contains or is an imitation of an official traffic sign or signal, except for private traffic direction or traffic control.
- (3) Any sign which contains blinking, flashing or traveling lights or which displays an electronic message unless otherwise permitted in sections 46-235 and 46-236.
- (4) Any sign which for 30 consecutive days has directed attention to a product, place, activity, person, institution, or business which was formerly but is no longer in operation or existence on the premises.
- (5) Any portable or temporary sign or signs of a type not defined in section 46-232 describing commercial or business products, services or entertainment; provided, however, that any such portable or temporary sign shall be permitted under the following terms and conditions:
 - a. Maximum number permitted: One sign per business;
 - b. Maximum area of signs: 16 square feet;
 - c. Maximum height of signs: Four feet;
 - d. Location of signs: Signs shall not extend over any public right-of-way or be permitted to be located within the triangular area of a corner lot as specified in section 46-134; and
 - e. Duration: Signs shall only be displayed during daylight hours when the business to which such sign relates is open for business, after which time such sign shall be removed to either an area immediately adjacent to the main building on such lot or an enclosed area inaccessible to the public.
- (6) Beacon lights used in connection with a sign or to draw attention to any property or event.
- (7) Illuminated signs which permit light to shine directly upon adjacent property, the illuminating of which is either objectionable or constitutes an unreasonable interference with the use of the adjoining property or the use of an adjoining public street.
- (8) No business shall be permitted to have more than three permitted signs which are visible to the public from a public street or from a parking area serving one business, except on-premises directional signs.
- (9) The use of vehicles or equipment for signs except where the primary purpose of such vehicle or equipment is not the display of signs. As used herein, the primary purpose of any such vehicle or equipment shall not be considered as being for the display of signs where the signs are painted upon or directly applied to an integral part of the vehicle or equipment and the vehicle or equipment is in operating condition, currently registered and licensed to operate on public streets when applicable, and actively used in the daily function of the business to which such signs relate.

(Ord. No. 2154, tit. X, § 4, 8-12-2008)

Sec. 46-235. - Commercial districts.

The types of on-premises signs set forth in this section shall be allowed or permitted in the commercial districts when the advertising on such signs is for the business conducted upon or products or services offered upon the premises where any such signs are maintained or otherwise displays the date, time and/or temperature, subject to the limitations for each such type of sign as respectively contained herein.

- (1) Freestanding sign.
 - a. Maximum number of signs: Two signs per business;
 - b. Maximum area of sign: 100 square feet;
 - c. Maximum height of sign: 20 feet;
 - d. Unless the height of any freestanding sign is a minimum of eight feet above ground, the area surrounding the base of any such sign shall be maintained as a green area of not less than 100 square feet and planted in grass, shrubs or plants;
 - e. Minimum lot size for one sign is 5,000 square feet; and
 - f. Location of sign: Signs shall not extend over the public right-of-way and shall be subject to the visibility requirements of section 46-133. No freestanding signs shall be permitted within 50 feet of any residential district where the nearest lot contains a dwelling unit, public school, park, hospital or nursing home.
- (2) Wall signs and wall mounted signs.
 - a. Maximum number of signs: No limit;
 - b. Maximum area of signs: Ten percent of wall area not to exceed 150 square feet. For every 100 feet from the centerline of an adjacent highway the sign area may increase by ten percent (measured from the sign to the centerline); and
 - c. Maximum height and location: Signs shall not extend beyond the top or ends of the wall surface on which they are placed.
- (3) Projecting signs.
 - a. Maximum number of signs: One sign per business;
 - b. Maximum area of signs: 32 square feet;
 - c. Maximum height of signs: Eight feet shall be the minimum clearance above ground and the sign shall not extend above that portion of the roof immediately adjacent to the sign; and
 - d. Location of the signs: Signs shall not extend over any public right-of-way.
- (4) Roof signs.
 - a. Maximum number of signs: One sign per business;
 - b. Maximum area of signs: 75 square feet; and
 - c. Maximum height of signs: Eight feet as measured from that part of the roof immediately below sign but in no case shall the height exceed the maximum height authorized in the zoning district.
- (5) Signs attached to or part of canopies, awnings and entrance structure.
 - a. Maximum number of signs: One sign per business;
 - b. Maximum area of signs: 15 square feet; provided, however, that if such sign is the only sign for such business, then the maximum area for such sign may be increased up to a maximum area of no more than 30 percent of the total area of any such canopy, awning or entrance structure if the writing, representation, emblem, or other figure of similar character constituting the display of such sign is an integral part of any such canopy, awning or entrance structure. Any such display shall be deemed an integral part of such canopy, awning or entrance structure if such display does not project more than one-half inch from any such canopy, awning or entrance structure;
 - c. Maximum height of signs: Eight feet minimum clearance to ground;

- d. Location of signs: No sign may project more than two feet from any canopy, or awning or other such structure; and
 - e. A canopy or awning may extend within the limits of the right-of-way by a distance not to exceed 12 feet. A canopy or awning may not extend closer than six inches from the back of the curb or edge of the pavement, whichever case applies.
- (6) Property sale and rental signs.
- a. Maximum number of signs: One per frontage;
 - b. Maximum area of signs: 50 square feet;
 - c. Maximum height of signs: 25 feet; and
 - d. Location of signs: No sign shall be located upon the public right-of-way.
- (7) Signs directed toward users of interstate highway.
- a. Maximum number of signs: One sign per business;
 - b. Maximum area of signs: 170 square feet per face with a maximum number of faces being limited to two per sign;
 - c. Minimum and maximum height of sign: Not less than 50 feet nor greater than 80 feet; and
 - d. Location of signs: Signs shall be directed primarily toward the users of an interstate highway shall be located within 2,000 feet of the centerline of such interstate highway and more than 500 feet from any residential zoning district, school, park, hospital or nursing home.
- (8) Manual message boards or electronic message signs.
- a. Maximum number of signs: One manual message board or one electronic message sign attached to or made a part of any applicable type of sign as set forth in subsections (1) to (3), inclusive, of this section;
 - b. Maximum area of signs: No more than 50 percent of the total maximum area of the applicable type of sign as set forth in subsections (1) to (3), inclusive, of this section, or no more than 50 percent of such other total maximum area of the applicable type of sign as may otherwise be allowed under the provisions of this chapter;
 - c. Display restrictions: The message on any electronic message sign shall be constant or steady in nature and shall not scroll or travel, grow, melt, x-ray, move up or down, bounce, inverse, roll, twinkle, snow or present pictorials or other animation at a rate faster than one frame per one second. No electronic message sign shall have both the background and foreground in motion simultaneously. Messages shall not change at a rate greater than once every four seconds. Electronic message unit signs shall adjust brightness in response to changes in light levels so that such signs are not unreasonably bright for the safety of the motoring public and the comfort of the neighboring uses. The spillover at any property line shall not exceed 0.5 foot candles.
 - d. Location: No electronic message sign shall be located within 100 feet of the lot line of any residential use.

(Ord. No. 2154, tit. X, § 5, 8-12-2008; Ord. No. 2313, § 2b, 10-9-2012)

Sec. 46-236. - Industrial districts.

The types of on-premises signs set forth in this section shall be allowed or permitted in the industrial districts when the advertising on such signs is for the business conducted upon or the products manufactured, assembled, processed or otherwise provided upon the premises where any such signs are maintained or otherwise displays the date, time and temperature, subject to the limitations for each such type of sign as respectively contained herein.

- (1) Freestanding signs.
 - a. Maximum number permitted: One sign per business with up to 300 feet of frontage with one additional sign allowed for each 300 feet thereafter;
 - b. Maximum area of sign: 150 square feet;
 - c. Maximum height of sign: 25 feet;
 - d. Unless the height of any freestanding sign is a minimum of eight feet above ground, the area surrounding the base of any such sign shall be maintained as a green area of not less than 100 square feet and planted in grass, shrubs or plants; and
 - e. Location of sign: Signs shall conform to the building setback lines in their district and shall be subject to the visibility requirements of section 46-133. No freestanding signs shall be permitted within 50 feet of any residential district where the nearest lot contains a dwelling unit, public school, park, hospital or nursing home.
- (2) Wall signs and wall mounted signs.
 - a. Maximum number permitted: No limit;
 - b. Maximum area of all wall signs per frontage: 15 percent of wall area not to exceed 200 square feet; and
 - c. Maximum height and location of signs: Signs shall not extend beyond the top or ends of the wall surface on which they are placed.
- (3) Projecting signs.
 - a. Maximum number of signs: One sign per business;
 - b. Maximum area of signs: 100 square feet; and
 - c. Maximum height of signs: Eight feet minimum clearance above ground and shall not extend above that portion of the roof immediately adjacent to the sign.
- (4) Roof signs.
 - a. Maximum number permitted: One sign per business;
 - b. Maximum area of sign: 100 square feet;
 - c. Maximum height of signs: 11 feet as measured from that part of the roof immediately below sign, but in no case shall the height exceed the maximum height building authorized in the zoning district; and
 - d. Location of signs: Signs must be wholly located within the roof area of the structure.
- (5) Signs attached to canopies, awnings and entrance structure.
 - a. Maximum number permitted: One sign per business;
 - b. Maximum area of signs: 20 square feet; provided, however, that if such sign is the only sign for such business, then the maximum area of such sign may be increased up to a maximum area of no more than 30 percent of the total area of any such canopy, awning or entrance structure if the writing, representation, emblem, or other figure of similar character constituting the display of such sign is an integral part of any such canopy, awning or entrance structure. Any such display shall be deemed an integral part of such canopy, awning or entrance structure if such display does not project more than one-half inch from any such canopy, awning or entrance structure;
 - c. Maximum height of signs: Eight feet minimum clearance to ground;
 - d. Location of signs: No sign may project more than two feet from any canopy, awning or other such structure; and

- e. A canopy or awning may extend within the limits of the right-of-way by a distance not to exceed 12 feet. A canopy or awning may not extend closer than six inches from the back of the curb or edge of the pavement, whichever case applies.
- (6) Property sale and rental sign.
- a. Maximum number of signs: One sign per frontage up to 200 feet and one additional sign for each 300 feet thereafter;
 - b. Maximum area of sign: 150 square feet;
 - c. Maximum height of signs: 25 feet; and
 - d. Location of signs: Signs shall not be placed within 15 feet of the public right-of-way.
- (7) Signs directed toward users of interstate highway.
- a. Maximum number of signs: One sign per business;
 - b. Maximum area of signs: 170 square feet per face with a maximum number of faces being limited to two per sign;
 - c. Minimum and maximum height of signs: Not less than 50 feet nor greater than 80 feet; and
 - d. Location of signs: Signs shall be directed primarily toward the users of an interstate highway and shall be located within 2,000 feet of the centerline of such interstate highway and more than 500 feet from any residential zoning district, school, park, hospital or nursing home.
- (8) Manual message boards or electronic message signs.
- a. Maximum number of signs: One manual message board or one electronic message sign attached to or made a part of any applicable type of sign as set forth in subsections (1) to (3), inclusive, of this section;
 - b. Maximum area of signs: No more than 50 percent of the total maximum area of the applicable type of sign as set forth in subsections (1) to (3), inclusive, of this section, or no more than 50 percent of such other total maximum area of the applicable type of sign as may otherwise be allowed under the provisions of this chapter;
 - c. Display restrictions: The message on any electronic message sign shall be constant or steady in nature and shall not scroll or travel, grow, melt, x-ray, move up or down, bounce, inverse, roll, twinkle, snow or present pictorials or other animation at a rate faster than one frame per one second. No electronic message sign shall have both the background and foreground in motion simultaneously. Messages shall not change at a rate greater than once every four seconds. Electronic message unit signs shall adjust brightness in response to changes in light levels so that such signs are not unreasonably bright for the safety of the motoring public and the comfort of the neighboring uses. The spillover at any property line shall not exceed 0.5 foot candles.
 - d. Location: No electronic message sign shall be located within 100 feet of the lot line of any residential use.

(Ord. No. 2154, tit. X, § 6, 8-12-2008; Ord. No. 2313, § 2b, 10-9-2012)

Sec. 46-236-1. - Institutional use signs.

The types of on-premises signs set forth in this section shall be allowed or permitted for any institutional use when the advertising on such signs is for the institutional use conducted upon the premises where any such signs are maintained or displays the date, time and temperature, subject to the limitations for each such type of sign as respectively contained herein.

- (1) Freestanding signs.

- a. Maximum number of signs: One freestanding sign is permitted per institutional use premises.
 - b. Type: Monument style.
 - c. Maximum area of sign: 70 square feet.
 - d. Maximum height of sign: Eight feet.
- (2) Wall signs. Permitted in accordance with subsection 46-235(2), permitted wall signs in the commercial districts.
- (3) Manual message boards or electronic message signs. Only one manual message board or electronic message sign shall be permitted for each institutional use premises and each such sign shall meet the following standards:
- a. Design: Must be incorporated into the permitted monument sign, making the electronic message sign an integral part of the sign and the message portion of the sign may not exceed more than 50 percent of the face of the sign or 17½ square feet, whichever is smaller.
 - b. Operation: If located within any area or district zoned for residential use, any such sign shall not be located within 50 feet of any residential use and shall only operate between the hours of 6:00 a.m. and 11:00 p.m.
 - c. Display restrictions: The message on any electronic message sign shall be constant or steady in nature and shall not scroll or travel, grow, melt, x-ray, move up or down, bounce, inverse, roll, twinkle, snow or present pictorials or other animation at a rate faster than one frame per one second. No electronic message sign shall have both the background and foreground in motion simultaneously. Messages shall not change at a rate greater than once every four seconds. Electronic message unit signs shall adjust brightness in response to changes in light levels so that the signs are not unreasonably bright for the safety of the motoring public and the comfort of the neighboring uses. The spillover at any property line shall not exceed 0.5 foot candles.
 - d. Location: Except as otherwise provided in subsection (3)b immediately above, no electronic message sign shall be located within 100 feet of the lot line of any residential use. Electronic message signs must be located on arterial or collector streets as designated in the comprehensive plan of the village and must be separated from each other by at least 100 feet.

(Ord. No. 2313, § 2b, 10-9-2012)

Sec. 46-237. - Permits for signs.

(a) Requirements.

- (1) It shall be unlawful for any person to install, construct, erect, alter reconstruct, relocate or cause to have these done within the jurisdictional area of the village, any sign or signs, without obtaining a valid permit, in writing, from the village inspector, and making payment of the fees required by section 46-372, unless such signs are permitted without a permit by section 46-232.
 - (2) Relocation or reconstruction of signs to conform with the requirements of this chapter, when such signs existed as of February 2, 1991, is excepted from the requirement for a permit as described, provided such signs conform to all requirements of this chapter thereafter. A permit is required for relocation of nonconforming signs.
- (b) Application for a permit. Application for a sign permit shall be filed by the owner of the sign or his agent, with the village inspector. The application shall contain the following information:
- (1) Name, address, and telephone number of the owner of the sign, and agent, if any;
 - (2) Location of building, structure, or lot to which or upon which the sign is to be attached or erected;

- (3) Position of the sign in relation to nearby building or structures;
 - (4) Two prints or ink drawings of the plans and specifications, indicating the method of construction and attachment to the building or in the ground. No such prints or ink drawings shall be required for signs, the fair market value of which is less than \$500.00, and which are erected in compliance with a standard method, the plans for which are now with the village, or for signs where drawings are already on file with the village inspector;
 - (5) Name of person, firm, corporation, or association erecting sign;
 - (6) Evidence of written consent of the owner of the buildings, structure or land to which or on which the sign is to be erected;
 - (7) Fee for special use will be in the amount determined from time to time by the village board;
 - (8) Such other information as the village inspector shall require to show full compliance with this and all other laws and ordinances of the village.
- (c) Inspection upon completion. The applicant who has been issued a permit for construction, installation, erections, relocations, or alteration of a sign, shall, upon completion of the work, notify the village inspector, who shall inspect the condition of the sign with respect to its safety and location, and if he finds that the sign with respect to its safety and location, has been constructed in compliance with the ordinances of the village, he shall then issue such applicant a permit in writing, authorizing such applicant to operate and maintain the sign.
 - (d) Nullification. If the work authorized under a permit to build has not been substantially completed within six months after the date of its issuance, the permit shall become void.
 - (e) Revocation. Permits granted under the terms of this chapter are not transferable. The village inspector is hereby authorized and empowered to revoke any permit issued by him if the holder of the permit fails to comply with any provision of this chapter.
 - (f) Permit exceptions. The following operations shall not be considered as creating a sign, and shall not require a sign permit:
 - (1) The changing of the advertising copy or message on an approved painted or printed sign, or on changeable letter panels or bulletin boards specifically designed for the use or replaceable copy.
 - (2) Painting, repainting, cleaning, and other normal maintenance and repair of a sign or sign structure.
 - (g) Issuance of permit. The permit shall be issued by the village inspector within 30 days of application, once all of the requirements of this section are met and the appropriate fee is paid according to section 46-371.

(Ord. No. 2154, tit. X, § 7, 8-12-2008)

Sec. 46-238. - Nonconforming signs.

- (a) Signs which do not conform to the provisions of this chapter as of February 2, 1991, are nonconforming uses.
- (b) A nonconforming sign may not be:
 - (1) Changed to another nonconforming sign;
 - (2) Structurally altered as to prolong the life of the sign;
 - (3) Expanded;
 - (4) Re-established after its removal for 90 days;
 - (5) Re-established after damage or destruction, if the estimated expense of reconstruction exceeds 50 percent of the appraised replacement cost at the time of the damage or destruction;

- (6) Routinely maintained where the cost of such repair or maintenance exceeds five percent of the current replacement costs for any period of 12 months. However, nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any sign or part thereof declared to be unsafe by any official charged with protecting the public safety;
 - (7) Relocated unless relocation brings the sign into conformance with all the requirements of this chapter, except that where a nonconforming sign is located within a right-of-way taken or acquired by a public body for street improvement purposes, then the relocation of such a sign is permitted.
- (c) All nonconforming signs shall be removed or brought into conformity with this chapter within ten years of February 2, 1991. The owner of a nonconforming sign may request approval for continuance as per section 46-172.
- (d) The village board after receiving the recommendation of the ~~board of appeals~~ planning and zoning commission shall have the power to grant a variance from the provisions of subsection (b) of this section, so as to permit change, alteration, reestablishment, or more than routine maintenance of a nonconforming sign where such change, alteration, reestablishment, or maintenance shall not increase the size of the sign, make it radiate or reflect more light, or otherwise make it visually more objectionable. No such variance granted by the village board shall in any way postpone the time for removal of the nonconforming sign as provided in subsection (c) of this section beyond the time when the original sign which was permitted to be changed, altered, reestablished, or maintained hereunder would have been required to be removed.

(Ord. No. 2154, tit. X, § 8, 8-12-2008)

Sec. 46-239. - Enforcement and penalties.

- (a) The village inspector is hereby authorized and directed to administer and enforce all the provisions of this article. Whenever necessary, the officials of other departments of the village shall give assistance as is consistent with the usual duties of their respective departments. Upon presentation of proper credentials, the village inspector or his duly authorized representative may enter at reasonable times any premises when necessary to perform any duty imposed upon him by this article.
- (b) Whenever it shall appear to the village inspector that any sign has been constructed or erected, or is being maintained in violation of any of the terms of this chapter, or after a permit for a sign has been revoked or become void, or that a sign is unsafe or in such conditions as to be a menace to the safety of the public, the village inspector shall issue a notice in writing to the owner or lessee of the sign, or the owner of the premises upon which the sign is erected or maintained. Such notice shall inform such person of the violation, and shall direct him to make such alteration, repair, or removal as is necessary to secure compliance with this chapter within a reasonable time limit, which shall not be less than 20 days nor more than 60 days. Upon failure of the sign owner to comply with the terms of the notice of violation, the village inspector is authorized and empowered to remove the sign as to prevent an immediate threat to the safety of the public.
- (c) A sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business which the sign advertises is no longer conducted on the premises. If the owner or lessee fails to remove the sign, the village inspector shall notify the owner or lessee in writing, and allow 15 days for removal. Upon failure of the owner or lessee to comply with the notice, the village inspector may remove the sign, at cost to the owner or lessee.
- (d) Signs may be inspected periodically by the village inspector for compliance with this chapter, and with other ordinances of the village. All signs and their component parts are to be kept in good repair, and in safe, sanitary condition.

(Ord. No. 2154, tit. X, § 9, 8-12-2008)

Secs. 46-240—46-256. - Reserved.

ARTICLE X. - PLANNED UNIT DEVELOPMENT

Sec. 46-257. - Intended purpose.

Planned unit developments (PUDs) are of such substantially different characteristics from permitted uses and subdivision ordinance control that specific and additional standards and exceptions are hereby set out to govern the recommendations of the ~~plan commission~~planning and zoning commission and the action of the village board.

(Ord. No. 2154, tit. XI, § 1, 8-12-2008)

Sec. 46-258. - Uses permitted.

- (a) Residential PUDs permitted under the provisions of this section in the A-1 and residential districts, may include any use permitted by right or as a special use as a principal or accessory use in the A-1 or any residential districts. A maximum of ten percent of the gross site area of a residential PUD may be devoted to commercial uses permitted by right or as a special use in the commercial districts, including the required parking and any other accessory uses.
- (b) Commercial PUD/shopping centers, permitted under the provisions of this section in the commercial districts.
- (c) Industrial PUDs, permitted under the provisions of this section in the industrial districts.
- (d) The particular uses included in a proposed PUD are subject to the review and approval procedures specified herein, and shall not be deemed to be permitted by right.

(Ord. No. 2154, tit. XI, § 2, 8-12-2008)

Sec. 46-259. - PUD standards.

- (a) Minimum size.
 - (1) Industrial/residential. In order to qualify as an industrial or residential PUD, the parcel of land to be developed must comprise a total area of 200,000 square feet of contiguous land under single ownership, or with the consent of the owners of all land to be included. However, on any lot or group of adjoining lots recorded prior to November 1, 1980, PUD is permitted if:
 - a. The lots are surrounded on all sides by public streets, alleys, or other public land; or
 - b. The lots comprise one acre or more in area with a minimum dimension of 200 feet.
 - (2) Commercial. A commercial PUD/shopping center may fall into the two following size classifications:
 - a. General. Minimum of four acres and a combined building area of 50,000 square feet.
 - b. Convenience. A shopping center located on a site of more than one-half acre, but less than four acres and having between 12,000 and 50,000 square feet of combined building area.
 - (3) The minimum lot size for all zoning districts (A-1, R-1, R-2, R- 3, R-4, I-1 and I-2) shall be 200,000 square feet except for a convenience shopping center which shall be one-half acre.
- (b) Front yard shall be a minimum of 30 feet in all districts.
- (c) Rear yard and side yards shall be a minimum of 25 feet and shall be considered as the perimeter area less the front yard.

- (d) Maximum building coverage.
 - Agricultural districts: 30 percent.
 - Residential districts: 30 percent.
 - Commercial districts: 50 percent.
 - Industrial districts: 50 percent.
- (e) Maximum building height in all districts is 35 feet (three stories).
- (f) Minimum area in common open space.
 - Agricultural districts: 15 percent.
 - Residential districts: 15 percent.
 - Commercial districts: ten percent.
 - Industrial districts: five percent.

(Ord. No. 2154, tit. XI, § 3, 8-12-2008)

Sec. 46-260. - General goals.

General goals of a planned unit development:

- (1) To promote flexibility in design and permit planned diversification in the location of structures;
- (2) To promote an efficient use of land to facilitate a more economic arrangement of buildings, circulation systems, land uses and utilities, and the conservation of energy;
- (3) To preserve to the greatest extent possible the existing landscape features and amenities, and to utilize such features in a harmonious fashion;
- (4) To provide for more usable and suitably located recreation facilities and other public and common facilities that would otherwise be provided under conventional land development procedures;
- (5) To combine and coordinate architectural styles, building forms, and building relationships within the PUD.

(Ord. No. 2154, tit. XI, § 4, 8-12-2008)

Sec. 46-261. - Procedure for submission and approval.

Procedure for PUD submission and approval shall be accomplished in accordance with the procedures indicated herein.

- (1) Preliminary conference. Prior to the preparation of a formal application, the applicant should meet with the ~~plan commission~~planning and zoning commission to give the applicant the opportunity to be advised of the procedures and policies that may affect the application and to obtain whatever information the commission deems necessary concerning the application prior to the submission of the application. At this time, the applicant may ask for a waiver of the preliminary plan submission if the plan falls into the category of convenience shopping center as defined. All final plan submission procedures must be followed.
- (2) Preliminary development plan submission. The applicant shall submit a completed PUD application to the secretary of the ~~plan commission~~planning and zoning commission, together with 12 copies of the preliminary development plan, and an application fee as provided for by the

village subdivision ordinance. The preliminary development plan shall contain all of the following material:

- a. The name and address of all owners of the site proposed for development as well as the name and address of all professional site planners, architects, engineers, surveyors, or other consultants. The applicant shall promptly inform the secretary of the ~~plan commission~~planning and zoning commission of any change which may occur in this information prior to the approval of the final development plan by the village board;
- b. A legal description of the site proposed for development;
- c. A general area plan showing the intended use and future street locations for adjacent areas, when the proposed PUD is intended to represent a single phase of a longer-range development;
- d. The location of all property lines, existing streets, easements, utilities, and any other significant physical features;
- e. Date, north arrow, and graphic scale (not less than one inch to 50 feet, one inch equals 50 feet) of all drawings submitted;
- f. Present and proposed zoning;
- g. An indication of the existing conditions on the tract, including contour lines at intervals of two feet or less, watercourses, floodplain areas, and existing drainage facilities, wooded areas, and isolated trees of six inches or more in diameter, existing streets, sidewalks or other improvements, and existing buildings and structures, with an indication of those which will be removed and those which will be retained as part of the development;
- h. An indication of the area surrounding the site, showing land use, peculiar physical features, public facilities, and existing zoning;
- i. A site plan of the proposed development, indicating the general location of the following:
 1. All buildings, structures, and other improvements;
 2. Common open space;
 3. Off-street parking facilities and number of parking spaces to be provided;
 4. Sidewalks;
 5. Illuminated areas;
 6. Use of open space being provided;
 7. Screening or buffering of the development perimeters;
 8. Indication as to which areas and streets are intended to be public;
 9. All utilities, including storm drainage, sanitary sewer and water service;
 10. Other documents, explaining other circumstances, as the ~~plan commission~~planning and zoning commission may require.
- j. Quantitative data indicating the following:
 1. Total number of dwelling units (if applicable);
 2. Proposed lot coverage of buildings and structures, as a percentage of the total area;
 3. Approximate gross and net residential densities, excluding all streets and roadways (if applicable);
 4. The floor area;
 5. Other calculations, as the ~~plan commission~~planning and zoning commission may require.

- k. Elevation or perspective drawings of all buildings and improvements. The drawings need not be final architectural or engineering plans, but should be sufficient to show the developer's intent.
- l. A development schedule indicating:
 - 1. The approximate date when construction of the project will begin;
 - 2. The stages in which the project will be built, and the approximate date when construction of each stage will begin;
 - 3. The approximate dates when the development of each of the stages will be completed;
 - 4. The area and location of common open space that will be provided at each stage.
- m. If the applicant intends to sell or lease all or a portion of the PUD after the project is approved, a statement shall be presented to the commission, to stipulate the conditions of sale and maintenance of such developed properties, and to present any covenants, deed restrictions, or other similar agreements between the applicant and future owners.

(3) Preliminary development plan review.

- a. Upon receipt of the PUD application and the material required to be presented, and the payment of the applicable fees, the chairman of the ~~plan commission~~planning and zoning commission shall schedule, and the ~~plan commission~~planning and zoning commission shall hold, a public hearing in accordance with the procedures for considering a special use. Within 30 days after completing the public hearing, the ~~plan commission~~planning and zoning commission shall recommend approval or disapproval, or, at the request of the applicant, continue discussion pertaining to the preliminary development plan. The ~~plan commission~~planning and zoning commission shall consider the proposed PUD in accordance with the definitions and goals of this section and the minimum requirements set forth in this section.
- b. The ~~plan commission~~planning and zoning commission shall forward to the village board the preliminary development application and the preliminary development plan, together with its recommendation thereon. The recommendation may include revisions in, additions to, or deletions from the application and development plan submitted by the applicant.
- c. It shall be the responsibility of the applicant to submit a reproducible copy of the preliminary development plan as approved by the ~~plan commission~~planning and zoning commission. Such a plan shall incorporate all revisions approved by the ~~plan commission~~planning and zoning commission, and shall be submitted to them for their final review and approval before being forwarded to the village board. In the event that a PUD would require a change of zoning, then an application for such a change may be submitted in conjunction with the PUD application, to be considered simultaneously with the PUD proposal, in accordance with the procedures for amending this chapter; provided, however, that the required change of zoning shall not be granted except in conjunction with approval by the village board of the final development plan of the PUD. If no construction has begun or no approved use has been established in the PUD within one year from the date of approval of the change of zoning and of the final development plan by the village board, the change of zoning, as well as the approval of the final development plan, shall lapse and be void and no longer in effect.

(4) Preliminary development plan approval.

- a. Approval of the preliminary development plan by the village board shall constitute approval of the basic provisions and outlines of the plan, and approval of the representation and provisions of the applicant regarding the plan. Approval shall not be construed as an implied waiver of any matter. A waiver of any requirement shall be expressed in written form. Village board approval shall be valid for six months from the date of passage of the ordinance or resolution. The village board may at its discretion extend for an additional six months the validity of the preliminary approval.

- b. In approving a preliminary development plan, the village board may include revisions in, additions to, or deletions from the application and development plan submitted by the applicant, or from those recommended by the ~~plan commission~~planning and zoning commission. It shall be the responsibility of the applicant to submit a reproducible copy of the preliminary development plan as approved by the village board, and sign if this plan differs in any respect from that recommended by the ~~plan commission~~planning and zoning commission. A reproducible copy shall be submitted to the village president for his signature.
 - c. In case of a written protest against any proposed PUD, signed by the owners of 40 percent of the lots any part of which are included within the area defined by a line extended 250 feet outward in all directions from the perimeter of the PUD, filed with the village clerk prior to the commencement of the meeting of the village board at which a vote on the proposed PUD is taken, the approval shall not be granted except by a favorable vote of two-thirds of the members of the village board then holding office and not abstaining from voting on the question. For the purposes of this section, if any lot or property seeking to protest has multiple owners, such lot shall be counted as protected if at least 50 percent of all owners of such lots signed the protest document. The protest document need not be acknowledged, but shall bear the signatures and common street address of those signing such document, and identify the property which each signator owns. For purposes of this section, the perimeter of the subject lot shall be considered to be the property line of the lot of land, excluding any land within a public dedicated right-of-way, and excluding any land lying within a railroad right-of-way; the owner of property shall be considered to be any of the following: the record owner of the fee title, the contract seller, and the contract buyer of such property.
- (5) Final development plan submission. While the preliminary approval is still valid, the applicant shall file with the ~~plan commission~~planning and zoning commission the final development plan, including the original and 12 copies of the final development plan, containing all information, plans, and data required herein for the entire area of the PUD given preliminary approval. The final PUD plan shall include, but not be limited to, the following:
- a. All material required for the preliminary plan submission;
 - b. An accurate legal description and property survey by a registered land surveyor of the entire area included within the PUD;
 - c. Designation of the location of all proposed structures, and the internal uses to which each building shall be put, in sufficient detail to determine off-street parking requirements;
 - d. Architectural elevations, pavement types, culverts, common open space, recreation facilities, sidewalks, illumination, landscaping, and any other pertinent features of the PUD;
 - e. Certificates, seals, and signatures required for the dedication of land, recording the documents, and such other legal documents as may be required;
 - f. Accurate tabulations on the use of the area, including land area, number of buildings, number of dwelling units per acre, (if applicable), total common open space, percentage of building coverage of the total area, percentage of paved area, and total number of parking spaces provided;
 - g. All curb cuts, driving lanes, parking and loading area, public transportation points, street signs, and illuminated facilities for same;
 - h. The plan shall include provisions for and indicate all utility services, including water, sanitary sewer, gas, electric and cable TV. Each unit shall be served by separate utility service lines;
 - i. Any other plans or specifications that may be necessary for final engineering approval of drainage, street design, and other facilities by the village engineer or ~~plan commission~~planning and zoning commission, as well as plans necessary for approval by the village inspector.
- (6) Final development plan review. Upon receipt of the final PUD development plan, the ~~plan commission~~planning and zoning commission shall review the submittal documents, and ascertain

whether the final plans substantially conform to the approved preliminary development plan, the ~~plan commission~~planning and zoning commission shall forward to the village board its recommendation, the final plan, and any necessary supporting information.

(7) Final development approval.

- a. The village board shall consider the final development plan and the recommendation thereon of the ~~plan commission~~planning and zoning commission, and shall vote whether or not to approve the plan. In case of a written protest against the proposed PUD at this stage, the provisions of subsection (5)d of this section shall apply.
- b. Upon approval by duly enacted ordinance of the final development plan by the village board, the village clerk, upon direction of the applicant and receipt of the recording fees from the applicant, shall record the final development plan and all dedications, covenants, and such other documents as may be required by the village. The final development plan, as approved by the village board, shall be recorded within six months following passage of the ordinance approving said final development plan; if not so recorded, the approval thereof shall be automatically withdrawn and held for naught.
- c. After the village clerk has received official written notice of the recording of the necessary documents, he shall notify the village inspector so that a special use permit may be issued. The village inspector shall then issue a permit for the PUD according to the approved plan. No construction shall begin upon such project until the provisions of this section are met, along with all other applicable village codes and ordinances.

(8) PUD phases. The final development approval may be granted in phases as approved by the village board. Each final development approval of a phase shall be recorded in the same manner as a final development approval of the entire PUD.

(9) Performance schedule. The applicant shall conform to the development schedule as required herein above. If no construction has begun or no approved use has been established in the PUD within one year from the date of approval of the final development plan by the village board, the approval of the final development plan shall lapse, and be void and no longer in effect. At its discretion and for good cause, the village board may by resolution extend for one additional year the period for the beginning of construction, the establishment of an approved use, or completion of a phase of development as indicated in the development schedule. If a final development plan lapses under the provisions of this section, the village inspector shall so notify the applicants, at the address given on the plan submittal.

(10) Abandonment of PUD and lapsing of PUD approval.

- a. Once the final development plan for a PUD is recorded, if the petitioner desires to abandon and vacate such final development plan, the petitioner shall petition the village board for the passage of an ordinance vacating such final development plan. In considering such a request, the village board may consult the village ~~plan commission~~planning and zoning commission. If such an ordinance is passed, the village clerk shall record such vacation ordinance with the county recorder, with the recording fee to be paid by the petitioner. Unless such vacation is approved by the village board and duly recorded, no construction shall be undertaken or use established on the property included in the PUD, except in accordance with the approved PUD plan.
- b. If the final approval of a PUD lapses under the provisions of this section, the village board shall pass an ordinance declaring such PUD final development plan null and void under the terms of this section, and shall direct the village clerk to record said vacation ordinance.

(Ord. No. 2154, tit. XI, § 5, 8-12-2008)

Sec. 46-262. - General review criteria.

The ~~plan-commission~~planning and zoning commission's review of the PUD preliminary and final applications and development plans and the commission's recommendations to the village board, shall be based on the following general criteria:

- (1) The use or uses within the PUD shall be compatible with surrounding land uses.
- (2) The intensity of development shall impose no unreasonably adverse effects on surrounding property.
- (3) Ingress and egress to the PUD shall be provided in a manner to facilitate access by emergency vehicles and efficient and safe traffic circulation in the vicinity.
- (4) Street construction, regardless of ownership, shall be made in conformance with the subdivision ordinance of the village minimum pavement widths and thickness.
- (5) Adequate and safe locations of play areas for children as well as other recreational areas shall be provided in residential PUDs.
- (6) Open space at external boundaries of the site shall be adequately landscaped and maintained.
- (7) Buildings shall be oriented to ensure adequate light and air.
- (8) The provisions of all other sections of this chapter shall be met, unless specifically excluded by this section, or waived by the village board.
- (9) All construction shall conform to the requirements of all ordinances of the village.

(Ord. No. 2154, tit. XI, § 6, 8-12-2008)

Sec. 46-263. - Development standards.

- (a) All PUDs shall be subject to the standards contained in section 46-258 commercial uses in residential PUDs shall also be subject to the development standards of the residential district in which the PUD is located, to the parking requirements for the uses involved, and to the sign regulations.
- (b) Two off-street parking spaces shall be provided for each dwelling unit in the development. Each space must be located within the PUD, not farther than 300 feet from a ground floor entrance to the dwelling or to the building in which the dwelling unit is located.
- (c) Provisions for fire protection and emergency access shall be subject to applicable codes, and shall be reviewed by the fire chief and police chief. The fire chief and police chief shall submit in writing their recommendations to the ~~plan-commission~~planning and zoning commission.
- (d) Exterior lighting within the PUD shall be of such quality as to promote safety and convenience, and shall conform to village ordinance.
- (e) The minimum proportion of the gross site area in open spaces which is required to be commonly owned and maintained in residential PUDs is described in section 46-259. Such common space may be dedicated to the public. At least ten percent of the minimum required common open space in residential PUDs containing single-family and duplex houses, or 15 percent of residential PUDs including multiple family dwellings, shall be devoted to active recreational use. The area of each parcel of open space to be used for active recreation shall not be less than 6,000 square feet, with a minimum dimension of 30 feet.
- (f) All PUDs, regardless of the zoning district, shall be provided with adequate public sanitary sewer service prior to occupancy. Refuse removal shall be provided to the entire development consistent with village policy.
- (g) Adequate storm drainage shall be provided with the requirements of the village subdivision ordinance.
- (h) The electrical distribution system and all telephone service in all PUD developments shall be underground.

- (i) All other codes, ordinances, and rulings of the village, unless specifically modified by this section or by the village board shall be fully complied with.

(Ord. No. 2154, tit. XI, § 7, 8-12-2008)

Sec. 46-264. - Issuance of permits.

- (a) Required certificates and bonds. Prior to final approval of the PUD, the applicant must comply with the following:

- (1) a. All common open space, upon mutual agreement of the village and the applicant, shall be:

- 1. Conveyed to a municipal or public corporation, or conveyed to a not-for-profit corporation or entity established for the purpose of benefiting the owners and residents of the PUD or adjoining property owners or any one or more of them, by providing perpetual maintenance of all lands in common in the PUD. All lands so conveyed shall be subject to the right of the grantee to enforce maintenance and improvement of the common open space; or
- 2. Guaranteed by a restrictive covenant describing the open space and its maintenance and improvement, running with the land for the benefit of residents of the PUD or adjoining property owners or both.

- b. Common open space to be dedicated in accordance with this section shall be designated by the applicant with the required documents for such dedication.

- (2) The construction and maintenance of all public facilities and improvements which are a part of the PUD shall be guaranteed to the village in cash or corporate surety bonds as approved by the village attorney. The guarantee for construction shall be a sum equal to 120 percent of the estimated cost, as determined by the village engineer. Maintenance shall be guaranteed to the village and extended for a period of 18 months after final acceptance of facilities by the village. The maintenance guarantee shall be made in a sum equal to 15 percent of the estimated cost of construction, and shall be made effective immediately upon acceptance of the construction of the public facility improvements. After such 18 months, the deposit shall be refunded if no defects have developed, or if any defects have developed, then the balance of such deposit shall be refunded after reimbursement for amounts expended in correcting defective facilities.

- (3) The applicant shall submit a certificate from the county clerk stating that no delinquent taxes or unpaid special assessments constituting a lien on the whole or any part of the property of the PUD are unpaid or exist. Such certificate shall be made a part of the PUD documents prior to its submission to the ~~plan commission~~planning and zoning commission for final recommendation.

- (4) Final agreements, provisions, or covenants shall govern the use, maintenance, and continued protection of the PUD.

- (5) Public street right-of-way dedications shall be made in conformance with the approved PUD plan. However, the requirement that sidewalks be constructed on both sides of every street may be waived if pedestrian circulation is provided for in a manner acceptable to the ~~plan commission~~planning and zoning commission and village board. Common open space to be dedicated in accordance with this section shall be designated by the applicant with the required documents for such dedication.

- (b) Permits. The village inspector shall issue a building permit for the buildings in the area approved for the PUD. He shall also issue a certificate of occupancy for any completed building or structure located in the area covered by the approved PUD, only if the completed building or structure conforms to the approved final development plan and to all other applicable ordinances and regulations, and provided further that sufficient site development is completed to present no health or safety hazards to the occupants. No certificate of occupancy for a commercial use in a residential PUD shall be issued until

at least 25 percent of the total residential floor space is built and certificates of occupancy therefore have been issued.

- (c) Changes in the approved final development plan. No changes may be made in the final development plan during the construction of a PUD, except upon application to the appropriate agency under the procedures provided as follows:
 - (1) Minor changes in the location, sitting, and height of buildings and structures may be authorized, in writing, by the village inspector, if required by engineering or other circumstances not foreseen at the time the final plan was approved. No amendment to the approving ordinance shall be needed in such cases. No changes authorized by this subsection may cause any of the following:
 - a. A change in the use or character of the development;
 - b. An increase in the overall coverage of structures;
 - c. An increase in the intensity of use;
 - d. An increase in the problem of traffic circulation and public utilities;
 - e. A reduction in approved open space;
 - f. A reduction of off-street parking and loading space;
 - g. A reduction in required pavement widths.
 - (2) All other changes in use, or rearrangement of lots, blocks, and building tracts, or any changes in the provision of common open spaces and changes other than listed in subsection (c)(1)a—g of this section, must be made by duly enacted ordinance by the village board, after report of the village inspector. Such amendments may be made only if they are shown to be required by changes in conditions that have occurred since the final plan was approved, or by changes in community policy. Any changes which are approved in the final plan must be recorded as amendments in accordance with the procedure established for the recording of the initial final plan documents.

(Ord. No. 2154, tit. XI, § 8, 8-12-2008)

Sec. 46-265. - Changes in ownership.

- (a) If the ownership of any parcel of land included within a PUD application changes after the application has been submitted, but prior to approval of the preliminary plan of the PUD by the village board, the new owner of the property shall be regarded as excluded from the application unless the new owner affirmatively joins in the application for the PUD.
- (b) If the ownership of any parcel of land included within a PUD application changes after approval of the preliminary plan, but prior to the approval of the final development plan by the village board, then the new owner shall be regarded as subject to and joining in the preliminary plan, unless said new owner notifies the secretary of the plan-commission/planning and zoning commission in writing of such owner's desire to be excluded from the preliminary plan.
- (c) If any parcel of land included within the PUD has a change of ownership after final approval of the PUD by the village board, then such owners shall take said land subject to all of the conditions and requirements as set forth in the final development plan as approved, and the applicable portions of this chapter.
- (d) Nothing in this section shall be construed as exempting any transaction from compliance with all applicable state law and village ordinances.
- (e) Violation of the terms and conditions of the special use permit for a PUD shall be deemed a violation of this chapter. Extension of any time period, or changes in the development schedule or other time sequence which was approved as part of the special use permit may be approved only by the village

board. Any such extension or change which is not so authorized shall be deemed a violation of this chapter, as provided in this subsection.

(Ord. No. 2154, tit. XI, § 9, 8-12-2008)

Secs. 46-266—46-324. - Reserved.

ARTICLE XI. - COMMUNITY DESIGN STANDARDS

Sec. 46-325. - Intended purpose.

- (a) It is the general purpose and intent of this article to foster the use and development of land in an orderly manner by both private and public interests with special consideration given to the appearance of the village as a result of such development. It is recognized that the appearance of property has a direct bearing on the economic value of such property and also the economic value of adjacent and surrounding property. The appearance of a single property affects not only surrounding property, but the cumulative effect is to enhance or diminish the beauty of the entire village and consequently the values of property within the village.
- (b) It is further recognized that the appearance of property not only has economic effects but also affects the general welfare, health, and safety of village citizens. An aesthetically pleasing environment is a clean, healthy, and safe environment.
- (c) This article provides a procedure by which development of property within the village may be reviewed and modified in order to enhance the aesthetic beauty of the village, and consequently, the general welfare of the citizens and the economic value of property. Specific purposes of this article include the following:
 - (1) To provide for the orderly and functional arrangement of land uses and buildings.
 - (2) To establish standards for the orderly development or redevelopment within the village.
 - (3) To permit public involvement in the planning of private land uses which have the potential for significant impact on the use and enjoyment of surrounding property or on the public resources and facilities of the village.
 - (4) To conserve and protect the taxable value of land and buildings in the village.
 - (5) To protect the air, water and land resources within the village from the hazards of pollution and misuse.
 - (6) To protect land and buildings from natural hazards including flooding, erosion and fire.
 - (7) To preserve, protect and encourage the development of buildings, groups of buildings and development sites of distinguished architectural character and appearance.
 - (8) To avoid the deterioration of the health, sanitation, safety, and public welfare brought about by poor planning and by indiscriminate and unregulated construction of inferior and unsuitable buildings.

(Ord. No. 2164, § 1, 1-13-2009)

Sec. 46-326. - Definitions.

The following words and phrases when used in this article shall, for the purposes of this article, have the meanings respectively ascribed to them below, except when the context otherwise requires:

Accent means an area covering no more than 25 percent of a building's surface area visible to the public.

Appearance means the outward aspect visible to the public.

Architectural character means the composite or aggregate of the characteristics of structure, form, materials, and function of a building, group of buildings, or other architectural composition.

Architectural element means part of a building's fabric, structures and associated services, such as a window.

Architectural style means the characteristic form and detail, as of buildings of a particular historic period.

Awning means a sloped projection made of canvas or other nonrigid material, stretched over a frame and extended over a doorway or window. The awning is supported entirely from the exterior wall of the building and provides protection from the weather.

Bargeboard means a highly ornamented or pierced board placed on the incline of the gable.

Berm means a raised form of earth to provide screening or to improve the aesthetic character. A berm must have earthen sides and a crest area of no less than four feet in width. The slope of the berm may not exceed one foot of vertical rise per three feet in horizontal distance. Berms must be at least 3½ feet high. Organic topsoil must cover the entire berm in a way that facilitates plant growth.

Bright or brilliant colors means highly saturated chroma as defined in the Munsell System of Color Notation.

Building means any structure with substantial walls and roof which is securely affixed to the land, is entirely separated on all sides from any other structure and is used or intended for supporting or sheltering any use or occupancy.

Central business districts means both the CB Central Business District and the CBE Central Business Extended District, collectively.

Column means a supporting pillar, especially one consisting of a usually round shaft, a capital, and a base.

Cornice means an ornamental topping that crowns the structure it is on.

Cutoff luminaire means the candela at 90 degrees above nadir is less than five percent of rated lumens, and less than 20 percent of rated lumens at 80 degrees above nadir.

Development means the erection or new construction of a building, any addition to a building and any renovation of the exterior of a building, including the nature and arrangement of associated site improvements such as landscaping, screening, lighting and parking.

Entryway means a place of entrance.

Exterior building component means an essential and visible part of the exterior of a building.

Facade means a face or elevation of a building.

Fascia means the exposed vertical edge of a roof.

Floodlight or spotlight means any light fixture or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

Footcandle. See Lumen.

Frieze means the plain or decorative band or board located just below the storefront cornice.

Full cutoff light fixture or fully shielded light fixture means fixtures, as installed, that are designed or shielded in such a manner that all light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.

Glare means the sensation produced by luminance within the visual field that are sufficiently greater than the luminance to which the eyes are adapted, which causes annoyance, discomfort, or loss in visual performance and visibility.

Harmony means a quality which produces an aesthetically pleasing whole as in arrangement of varied architectural and landscape elements.

Height of luminaire means the height of a luminaire shall be the vertical distance from the ground directly below the centerline of the luminaire to the lowest direct-light-emitting part of the luminaire.

Indirect light means direct light that has been reflected or has scattered off of other surfaces.

Lamp means the part of the luminaire that produces the actual light.

Landscape means elements of nature, topography, buildings, and other man made objects combined in relation to one another, including but not limited to trees, shrubs, vines, ground cover, flowers, grass, rock, stone, architectural or structural features such as fountains, reflecting pools, artwork, screens, fences, and benches so long as such nonvegetative components compose no more than 25 percent of required landscaping.

Light pollution means any adverse effect of artificial lighting, including, but not limited to, uplighting and sky glow, both of which diminish the ability to view the night sky, and light trespass.

Lighting fixture means the entire assembly that houses the lamp.

Lumen means a unit of luminous flux. One footcandle is one lumen per square foot. For the purposes of this chapter, the lumen output values shall be the initial lumen output ratings of a lamp.

Luminaire means a complete lighting system, and includes a lamp and a fixture.

Mechanical equipment means equipment, devices, and accessories, the use of which relates to water supply, drainage, heating, ventilating, air conditioning, and similar purposes.

Moulding means a decorative wood or stone contour or band, used in exterior and interior architectural elements.

Operable shutters means shutters capable of being closed over the window opening.

Ornamental grass means an annual or perennial grass plant valued for its texture and color in the landscape.

Outdoor lighting means outdoor, electrically powered illuminating devices, outdoor lighting or reflective surfaces, lamps and similar devices, permanently installed or portable, used for illumination of advertisement.

Pier means an upright structure of masonry to serve as a principal support, whether isolated or part of wall.

~~Plan commission~~Planning and zoning commission means the ~~plan commission~~planning and zoning commission of the village.

Plant materials means trees, shrubs, vines, ground covers, grass, perennials, annuals, and bulbs.

Portico means a roofed entrance porch, often supported by columns or pillars.

Proportion means relationship of parts of a building, landscape, structures, or buildings to each other and to the whole.

Required permit means any permit required by chapter 10 for the erection or new construction of a building, for any addition to a building, for any exterior renovation of a building and for any related site improvement.

Screening means a structure or planting which conceals the view of the areas behind such structure or planting.

Shrub means a multistemmed woody plant other than a tree.

Significant tree means any deciduous tree with at least a 12-inch diameter as per standard diameter breast height or any evergreen tree eight feet or more in height.

Storefront means a street-facing facade area below the floor plane of the second floor.

Street hardware means objects other than buildings, structures, and plantings located in streets and public ways and outside of buildings. Examples are: lamp posts, utility poles, traffic lights, traffic signs, benches, litter containers, planting containers, letter boxes, fire hydrants.

Streetscape means the scene as may be observed along a public street or way composed of natural and manmade components, including buildings, paving, planting, street hardware, and miscellaneous structures.

Structure means anything built or constructed which requires a permanent location in or upon the ground.

Transom means a window above an opening such as a door or window built on a horizontal crossbar, often hinged on the top to swing open for ventilation.

Utility hardware means devices such as poles, cross arms, transformers and vaults, gas pressure regulating assemblies, hydrants, and buffalo boxes that are used for water, gas, oil, sewer, and electrical services to a building or a project.

Utility service means any device including wire, pipe, and conduit which carries gas, water, electricity, oil, and communications into a building or development.

Wall sign means a sign that is in any manner affixed to or painted upon any exterior wall of a building or structure or etched into exterior glass of a building or structure and that projects not more than 18 inches from the building or structure, including signs affixed to architectural projections from a building provided the copy area of such signs remains on a parallel plane to the face of the building facade or to the face of the architectural projection to which it is affixed.

Window means an opening in the wall of a building that is covered with transparent material.

(Ord. No. 2164, § 2, 1-13-2009)

Sec. 46-327. - Procedure.

- (a) Application. It shall be the duty of the zoning administrator, after the receipt of an application for the issuance of any required permit, to determine and advise the applicant whether design review approval is required in connection with the issuance of any such required permit. If design review approval is required, the applicant shall file an application for design review approval with the zoning administrator in the form specified by this section. An application for design review approval shall include a development plan which shall contain, to the extent applicable, the following:
- (1) The commonly known location or address of the subject property;
 - (2) The name and address of the legal owner of the subject property;
 - (3) The name and address of the applicant and/or the project representative if other than the legal owner;
 - (4) The present zoning of the subject property and of all abutting properties;
 - (5) A site plan, scaled and dimensioned, with a north arrow, and showing, without limitation, all information required to meet the standards of this article;
 - (6) Elevation drawings, scaled and dimensioned, and indicating the materials and colors of all proposed structures and improvements;
 - (7) A compilation of contextual photographs, indicating, without limitation, the subject property, all abutting properties, and all facing properties;

- (8) For applications for new construction, building modifications, and building expansions: a color rendering, floor plans, a roof plan, a site section and wall sections as necessary to articulate the relationship of materials;
 - (9) For applications requiring landscape or screening approval, a landscape plan meeting the requirements of section 46-329(6), together with a description of any new screening;
 - (10) For applications requiring lighting approval, a lighting plan meeting the requirements of section 46-329(10);
 - (11) For applications that incorporate any modifications to, or deviations from, any of the applicable standards and conditions set forth in sections 46-329 and 46-331, a statement indicating: the necessity of the requested modifications and deviations; and the extent to which the application taken as a whole satisfies the intent and purpose of this article.
- (b) Authority regarding required submittal. The zoning administrator shall have authority to waive submittal of any of the items of the development plan specified in this section if it is found that the nature of the development applied for is such that the review of such items is not necessary to obtain compliance with this article. If additional information or material is required in order to conduct such review, the zoning administrator is authorized to require any such additional items to be prepared. All such information, materials or items shall be prepared by a registered design professional if required by the building code or the residential code as adopted in the village Code.
 - (c) Procedure for review. After the filing of a complete development plan, the zoning administrator shall either:
 - (1) Issue an approval of the development plan if such development plan satisfies the applicable design standards set forth in this article;
 - (2) Issue an approval of the development plan that varies from the applicable design standards set forth in this article if the applicant has demonstrated that such variation is necessary due to the unavailability of authorized materials or a similarly valid circumstance and the variation will be aesthetically equal to or better than the applicable design standards and will not conflict with the intent of this article;
 - (3) Refer the development plan to the ~~plan commission~~planning and zoning commission if the development plan includes a request for one or more waivers of the design standards set forth in this article;
 - (4) Deny the application if the development plan either fails to satisfy the applicable design standards set forth in this article; or contains any false, fraudulent or misleading material statement.

In the event the zoning administrator denies an application for design review approval, the zoning administrator shall notify the applicant in writing of such denial by first class mail and the applicant shall have the right to appeal such denial to the ~~plan commission~~planning and zoning commission. Such appeal shall be made in writing by the applicant and filed with the zoning administrator within 21 days after the date notice of such denial was mailed to the applicant.

- (d) Referral to ~~plan commission~~planning and zoning commission. Upon an appeal of the denial of a development plan by the zoning administrator or the referral to the ~~plan commission~~planning and zoning commission of a development plan which involves a request for one or more waivers of the applicable design standards set forth in this article, the zoning administrator shall schedule a public meeting to be held at the next regular or special meeting of the ~~plan commission~~planning and zoning commission and shall send written notice thereof by first class mail to the applicant of the time and place of such public meeting. In the case of an appeal, such public meeting shall be scheduled to take place not less than five business days after the date such written notice is sent to the applicant.
- (e) Review by ~~plan commission~~planning and zoning commission. In reviewing a proposed development plan which involves an appeal of the denial of a development plan by the zoning administrator or a request for one or more waivers of the applicable design standards set forth in this article, the ~~plan commission~~planning and zoning commission shall apply the applicable design standards set forth in

this article. If the plan-commissionplanning and zoning commission finds that the applicant has complied with all of the applicable design standards in connection with an appeal, the plan commissionplanning and zoning commission shall approve the development plan. If the plan commissionplanning and zoning commission finds that the applicant has not complied with all of the applicable design standards or has requested one or more waivers of the applicable design standards, the plan-commissionplanning and zoning commission may take one of the following actions:

- (1) Issue a conditional approval of the development plan, in which the applicant agrees to implement all additional design elements and to remove all rejected design elements as required by the plan commissionplanning and zoning commission.
 - (2) Grant one or more minor waivers of the applicable design standards set forth in this article where any such minor waiver does not operate to reduce any applicable required design standard by more than ten percent, but only in the event that the plan-commissionplanning and zoning commission finds that any such minor waiver:
 - a. Is necessary due to special conditions and circumstances relating to the development which is not generally applicable to other developments in the same zoning district;
 - b. Represents generally the minimum deviation necessary to accommodate the applicant's request;
 - c. Will be in general harmony with the general purpose and intent of this article.
 - (3) Forward to the corporate authorities any recommendation for the approval or rejection of one or more major waivers of the applicable design standards set forth in this article where any such major waiver includes any waiver that does not qualify as a minor waiver hereunder.
 - (4) Deny the appeal entirely.
- (f) Additional documentation. In the event the plan-commissionplanning and zoning commission requires additional documentation or material in order to conduct its review, the plan-commissionplanning and zoning commission may continue its consideration of the development plan for a period not to exceed 30 days in order to receive and consider any such additional documentation or material.
- (g) Decisions of the plan-commissionplanning and zoning commission. Within five business days of the close of review by the plan-commissionplanning and zoning commission, the plan-commissionplanning and zoning commission shall notify the applicant in writing by first class mail of its decision regarding the proposed development plan.
- (h) Review by corporate authorities. Any applicant may appeal the decision of the plan commissionplanning and zoning commission to the corporate authorities. Any such appeal shall be in writing and shall be filed with the village clerk within 21 days of the date that notice of the plan commissionplanning and zoning commission's decision was mailed to the applicant. The corporate authorities shall also consider any major waiver forwarded to them by the plan-commissionplanning and zoning commission in conformance with the procedures set forth herein.
- (i) Procedure for review. Any such appeal or consideration of one or more major waivers shall be scheduled for the next scheduled regular or special meeting of the corporate authorities occurring after the receipt of any such written appeal or forwarded recommendation for any major waivers by the plan commissionplanning and zoning commission. The corporate authorities in reviewing any such appeal or forwarded recommendation for any major waivers may consider the development plan submitted to the plan-commissionplanning and zoning commission as well as any additional information or material presented by the applicant before the corporate authorities. Unless extended by agreement, the corporate authorities shall render a decision on the appeal or on the granting of any one or more major waivers no later than its next scheduled regular or special meeting following the meeting at which the appeal or the recommendation for any one or more major waivers was presented. The corporate authorities in reviewing any such appeal or forwarded recommendation of any major waivers shall be guided by the applicable design standards contained in this article; provided, however, the corporate authorities may waive any such applicable design standards when the deficiencies will further the purposes of this article. The corporate authorities may approve the development plan as presented,

approve the development plan conditioned upon modification, approve the development plan and grant any one or more minor or major waivers, reject the development plan entirely or remand the development plan to the ~~plan commission~~planning and zoning commission for further review. Unless agreed to by the applicant, no development plan shall be remanded to the ~~plan commission~~planning and zoning commission by the corporate authorities more than once.

- (j) Appeal of the corporate authorities. Any applicant aggrieved by the decision of the corporate authorities may further cause such decision to be reviewed in the manner provided by law.
- (k) Exclusivity of procedures. The appeal and waiver procedures as set forth in this article shall be exclusive and shall be in lieu of the right of any applicant to request a variance from the ~~board of zoning appeals~~planning and zoning commission or the corporate authorities in connection with any of the applicable design standards set forth in this article.

(Ord. No. 2164, § 3, 1-13-2009)

Sec. 46-328. - Applicability of section 46-329.

- (a) Designated zoning districts. Section 46-329 shall apply to all development in the following zoning districts which require the issuance of a required permit by the village. For the purposes of this section 46-328, development does not include interior building repairs or modifications. No required permit shall be issued except upon approval of the development plan in conformance with the procedures set forth in section 46-327. The zoning districts which are subject to section 46-239 are as follows:

- (1) Agricultural district.

AG Agriculture District

- (2) Residential districts.

R-1A Single-Family Residential District

R-1 Single-Family Residential District

R-2A Traditional Neighborhood Residential District

R-2 Single-Family Residential District

R-3 Single-Family/Duplex Residential District

R-4 General Multifamily Residential District

- (3) Commercial districts.

C-1 Neighborhood Commercial District

C-2 General Commercial District

C-3 Interstate Commercial District

C-4 Commercial/Industrial District

OP Office Park District

CR-1 Airfield District

CR-2 Aviation Support District

CR-3 Institutional District

CR-4 Public Recreation District

(5) Industrial districts.

I-1 Industrial District

I-2 Industrial District

(b) Exceptions.

- (1) Developments involving residential buildings that contain four or less dwelling units are exempt from the design standards established in section 46-329(3) to (12); provided, however, that this exemption shall not apply to any development that involves a planned unit development.
- (2) Developments involving nonresidential buildings in the AG district and mobile homes in the M-1 district are exempt from the design standards established in section 46-329(1).
- (3) Authorized surfaces dedicated to the display and sale of equipment, product or merchandise are exempt from the screening requirements established in section 46-329(3).

(Ord. No. 2164, § 4, 1-13-2009)

Sec. 46-329. - Standards for design for zoning districts designated in section 46-328.

The purpose of these standards is to establish a guideline for those items that affect the physical aspect of the village environment in those zoning districts identified in section 46-328. Pertinent to appearance is design of the site, building, and structures, planting, signs, street hardware, lighting, and miscellaneous other objects which are observed by the public. These standards are not intended to restrict imagination, innovation, or variety, but rather to assist in focusing on design principles that can result in creative solutions that will develop a satisfactory visual appearance within the village.

- (1) Building design. Architectural style is not restricted. Evaluation of the appearance of a development shall be based on the quality of its design in relationship to surroundings. All new construction of buildings and all alterations, modifications, and improvements to the exterior building facade of existing buildings shall meet the following standards:
 - a. Building components shall be proportional and relational to one another;
 - b. The construction materials for the exterior building facade in all zoning districts subject to this section are respectively set forth in Table XI-1;
 - c. Bright or brilliant colors shall be for accent only and shall be limited to 25 percent of the building facade;
 - d. Building design shall be visually attractive. Variety of detail, form, or siting may be used to provide visual interest by using the following or an equivalent design element:
 1. Roof treatment.
 2. Wall and facade treatments.
 3. Building theme or style.
 4. Artistic elements.
 5. Innovative stormwater design.
 6. Site and building lighting treatment.
 7. Window or wall opening treatment.
 8. Building entry treatment.
 9. Decorative glass.

10. Accent materials or colors.
 11. Courtyards.
- e. Monotony of design in single or multiple building developments shall be avoided by incorporating the following design features:
1. Facade articulation. No building wall or roofline that faces a public street or connects a pedestrian walkway shall have an uninterrupted length exceeding 50 percent of the length of the building wall.
 2. Building entries. Each building shall have a clearly defined, prominent, primary entrance that features at least two of the following or equivalent design elements:
 - (i) Canopies and awnings.
 - (ii) Porticos, arches, pillars.
 - (iii) Decorative doors.
 - (iv) Entry recesses or projections.
 - (v) Raised cornice, parapets.
 - (vi) Peaked roof forms.
 3. Multi-sided facade treatment. Each building shall incorporate similar material types and design elements on all sides of a building. Facades fronting a public way or adjacent to residential zoning shall incorporate at least two of the following elements or equivalent design elements:
 - (i) Change in wall plane.
 - (ii) Mix of building materials.
 - (iii) Decorative building materials.
 - (iv) Decorative windows or doors.
 4. Rooflines. Rooflines exceeding 75 feet in length fronting a public way or adjacent to residential zoning shall incorporate one of the following elements:
 - (i) Change in roof plane.
 - (ii) Mix of roof styles.
 - (iii) Architectural or decorative roof materials.
 - (iv) Dormers, gables, gable vents, mansards.
 - (v) Cupolas, steeples, clock tower.
- f. Single-family detached dwellings in subdivisions platted on or after January 1, 2008, shall not be similar in appearance. A single-family detached dwelling unit is similar in appearance or is identical, or nearly identical, to another single-family detached dwelling within the same subdivision if it is located within a distance of five adjacent lots on the same side of the street and three adjacent lots immediately across the same street if any three of the following characteristics are present:
1. Roof type (gable, hip, mansard, gambrel, flat or combination);
 2. Roof height;
 3. Approximate dimensions (height and length) of the facade closest to the front lot line;
 4. Shape of the front facade silhouette;
 5. Relative locations and sizes of windows in the front elevation;

6. Relative location and dimensions of garage door, if included on the front elevation; and
 7. Type of siding (e.g., brick veneer, lapped horizontal siding, half timber, board and batten, shakes, etc.) on the front elevation.
- g. Canopies covering gas station pumps, bank facilities, or other drive-through facilities.
1. Canopies may have a clearance of no more than 15 feet, and the overall height of canopies may not exceed 20 feet.
 2. The square foot area of a canopy may be no greater than 450 square feet per parking space at regular gas pumps. Spaces next to special pumps, including pumps dedicated to diesel or propane, may not be factored into the calculation.
- (2) Relationship of building to site.
- a. Unless otherwise provided by variance or code waiver pursuant to applicable procedures, the site shall conform to all bulk requirements of this chapter.
 - b. Newly installed utility services and service revisions necessitated by exterior alterations shall be underground where practical.
 - c. Site planning in which setbacks and yards are in excess of those provided in this chapter is encouraged to provide an interesting relationship between buildings.
- (3) Screening requirements. When required by this chapter, screening shall be designed, constructed or planted and maintained in accordance with this subsection (3). Unless otherwise specifically provided, areas subject to this subsection (3) shall be effectively screened by a visual barrier through any combination of fences, walls, berming or landscaping in accordance with the following standards:
- a. Outdoor storage, which includes, but is not limited to, the placing, maintaining or keeping of raw materials, junk or salvage items, inoperable vehicles, wholesale commercial products not on display, construction materials and machinery shall be screened by a visual barrier not less than six feet, nor more than eight feet in height to ensure that such outdoor storage is not visible from any public street or from any adjacent lot.
 - b. Outdoor refuse dumpsters, recycling containers, compacting equipment, pallet storage, baled cardboard and other refuse or any recycling materials that are visible from any public street or any adjoining lot when viewed from an observation height of five feet shall be enclosed and screened on all sides by an opaque fence or wall to a height sufficient to provide screening of the dumpster, container, equipment, pallet or other material. Such enclosures shall be gated and situated on a paved surface. No material shall be permitted to accommodate such that it is visible above the height of the enclosure.
 - c. Mechanical equipment shall be located or be screened by a visual barrier so as to not be visible from any public street.
 - d. The exterior of parking lots shall be screened or landscaped as required by subsection (7) of this section.
 - e. Screening and landscaping, whether or not required by this chapter, shall not obstruct or interfere with the visibility triangle specified in section 46-133.
- (4) Fence and wall requirements. Any fence or wall shall meet the following requirements:
- a. Fencing materials may include ornamental metal fencing, decorative wood fencing or decorative vinyl fencing.
 - b. Chainlink fencing shall only be permitted as a fencing material under circumstances when it is used for the purpose of protecting persons or property and promoting public safety: (i) in the CR-1 airfield district, the I-1 industrial district or the I-2 industrial district; or (ii) in any zoning district for a development specified in section 46-328 if such chainlink fencing material is vinyl-coated.

- c. Noncommercial grade solid wood stockade fencing and corrugated sheet metal fencing shall be prohibited as fencing materials.
 - d. Wall materials may include masonry and precast decorative concrete panels. "Jersey" style concrete barriers shall be prohibited as a wall material.
 - e. Masonry or concrete walls shall have a column or other design variation every 20 feet.
 - f. Materials and colors of fences and walls shall be compatible with surrounding development and shall be durable and intended for outdoor usage.
- (5) Landscape and site treatment. This subsection (5) sets forth minimum landscaping requirements. The Morton Arboretum Tree and Shrub Handbook is hereby adopted as a guide for appropriate plantings. A copy of such handbook is on file with the village clerk.
- a. Natural or existing topographic patterns shall be preserved and developed. Modification to topography will be permitted only where not technically feasible due to site construction, or where it contributes to improved site appearance.
 - b. Trees are a critical part of the vegetation that serves to decrease and filter stormwater runoff, to mitigate the urban heat island effect created by paved and other built surfaces, to remove pollutants from the air, to abate visual and noise pollution, and to provide habitat for wildlife. Tree removal thus increases the burden on the community to effectively address these issues. The goals of the tree preservation provisions are to reduce tree loss during development, to reduce damage to standing trees during construction, to provide for replacement of trees lost during construction, to provide for the planting of trees where none occurred previously, and to provide for the maintenance of preserved trees after construction is completed.
 - c. All healthy significant trees on a site shall be preserved where feasible. No tree shall be removed until it is determined that it is not a healthy significant tree. Where preservation is not feasible, significant trees that are removed must be replaced on-site.
 - d. It is preferred that all replacement trees be planted on site, however, where this is not feasible, the applicant may pay a fee in lieu of the replacement tree as provided in subsection (6)c. of this section.
 - e. For every significant tree removed from a site there shall be a tree replacement ratio as follows:
 - 1. Less than one acre: One to one ratio of replacement tree to removed tree, with at least one six-inch caliper or two four-inch caliper replacement trees and additional trees that meet minimum requirements set forth in subsection (7) of this section.
 - 2. One acre up to ten acres: 1.5 to one ratio of replacement tree to removed tree, with at least one six-inch caliper, or two, four-inch caliper replacement trees and additional trees that meet minimum requirements set forth in subsection (7) of this section.
 - 3. More than ten acres: Two to one ratio of replacement tree to removed tree, with at least one six-inch caliper or two, four-inch caliper replacement trees and additional trees that meet minimum requirements set forth in subsection (7) of this section.
 - f. Where vegetation exists along a site's perimeter and provides a screen to adjacent properties, such vegetation shall not be removed unless the vegetation is found to be unhealthy. If a new landscaping plan is approved for the perimeter, the new plantings must be phased into the existing vegetative screen so as to maintain a continuous screening effect for neighboring properties.
- (6) Site landscape requirements.
- a. For any development involving the erection or new construction of a building under this article, a landscape plan shall be prepared. Such landscape plan shall include plant location, number, species, size and expected maturity size. A landscape plan shall be to scale and

shall include a directional arrow indicating "north." Such landscape plan shall also take into account the mature height and spread of any tree as well as overhead and underground utilities, driveways, sidewalks, road signs and lighting.

- b. For any development involving the erection or new construction of a building, the landscaping requirements shall be as follows:
 - 1. One canopy tree shall be planted every 50 feet along any public or street frontage between the front lot line and the back of the curb or roadway but shall not encroach within the visibility triangle specified in section 46-133; and
 - 2. At least 20 percent of the total lot area (exclusive of any public or street frontage) must be landscaped (the "landscape area").

Landscaping must be dispersed throughout the entire landscape area and must not be concentrated in one location. Except for any landscaping required to be located along any parking lot perimeter or any parking lot interior, any such landscaping is not required to be evenly spaced throughout the landscape area.

- c. The minimum number of trees, shrubs and plantings required to satisfy the parking lot perimeter, the parking lot interior and adjoining residential requirements shall be provided for as herein below. The levels of plantings for any remaining part of the landscape area shall be as follows:
 - 1. One tree for each 2,500 square feet of remaining landscape area or fraction thereof.
 - 2. Three shrubs for each 1,000 square feet of remaining landscape area or fraction thereof.
 - 3. Significant trees preserved on site shall count toward the number of trees for the landscape area. Shrubs may be replaced with ornamental grasses or perennials; however, such replacement shall not exceed 50 percent of the required number of shrubs. Outside of tree and shrub masses, the landscape area shall be planted in sod, turf, grass, groundcover, flowers and other vegetable cover, but shall not preclude the placement of rock, mulch and related landscape materials associated with any such planting.
 - 4. When planting within the landscape area is not feasible, the applicant shall pay a fee in lieu to the village, which fee will be used to pay for a comparable planting on village property. The fees shall be in the amount determined from time to time by the village board.
- d. In locations where plants will be susceptible to injury by pedestrians or motor traffic, such plants shall be protected by appropriate curbs, tree guards, or other devices where possible.

(7) Parking lot perimeter requirements. Parking lots shall be enhanced with landscaped spaces containing trees or tree groupings as follows:

- a. The parking lot perimeter landscaping requirements of this subsection (7) shall apply to all new private and public off-street parking lots, and to any expansion of any existing lot by more than 25 percent of the number of existing spaces.
- b. All parking lots shall be screened from public streets and adjacent residential properties by complying with one of the following perimeter options:
 - 1. A perimeter landscaped area of not less than seven feet (two-foot vehicle overhang, five-foot area) shall be provided along any public street.
 - 2. A perimeter landscaped area of not less than ten feet, together with screening by an opaque fence, wall, berm or evergreen shrub planting hedge not less than three feet in height, shall be provided along any parking lot adjacent to a residential district.

- c. Where perimeter parking lot areas are to be landscaped, the following minimum plant materials shall be provided:
 - 1. One canopy, ornamental or evergreen tree for every 50 linear feet of perimeter area, excluding driveway openings. Trees may be properly spaced evenly or grouped. A reduction in the amount of canopy, ornamental or evergreen trees required by these provisions adjacent to any public street may be obtained when the required public or street frontage plantings does not allow for mature spread of each adjacent tree.
 - 2. A diverse combination of shrubs, grasses, and flowers throughout the area.
 - 3. Organic mulch, vegetative groundcover, or decorative landscape rock.

(8) Parking lot interior landscaping requirements.

- a. All new private and public off-street parking lots with 40 or more parking spaces and any expansion of an existing lot of more than 25 percent so as to contain 40 or more spaces are subject to the parking lot interior landscaping requirements of this subsection (8).
- b. Minimum landscape coverage shall be as follows:
 - 1. Parking lots with 40 to 200 spaces shall have at least seven percent of the interior lot area landscaped.
 - 2. Parking lots with more than 200 spaces shall have at least five percent of the interior lot area landscaped.
- c. The requirements for interior landscaping islands shall be as follows:
 - 1. Interior landscape islands must be evenly distributed throughout the parking lot. Required plantings shall also be evenly distributed in the islands.
 - 2. Landscaped islands may be in any shape or configuration, and all landscape islands shall be a minimum of 150 square feet.
- d. Minimum plant quantity shall be as follows:
 - 1. 40—200 parking spaces: Two trees and five shrubs or ornamental grasses per 20 spaces.
 - 2. Over 200 parking spaces: Two trees and five shrubs or ornamental grasses per 40 spaces.
- e. Trees should be distributed evenly throughout the parking lot and not clustered.

(9) Landscape material minimum standards.

- a. The selection of plant materials shall be based on the village's climate and site conditions. Plant material shall be selected for interest in its structure, texture, and color and for its ultimate growth. Plants that are hardy, harmonious to the design, and of good appearance shall be used. Plant diversity is required for the health of the overall landscaped area.
- b. All plants shall be A-Grade or No. 1 Grade and free of defects. All plants shall be normal health, height, leaf density, and spread as defined by the American Standard for Nursery Stock, ANSI Z60.1 latest available edition, or the American Association of Nurserymen. Plants shall have full, even, well-developed branching and a dense, fibrous, and vigorous root system.
- c. The following minimum sizes shall be required:
 - 1. Canopy tree: 2.5-inch diameter breast height, balled, and burlapped, or equivalent.
 - 2. Ornamental tree: Two-inch diameter breast height, balled and burlapped or equivalent or seven feet for a multistemmed tree.
 - 3. Evergreen tree: Six feet high, balled, and burlapped or equivalent.

4. Shrubs: 18-inch balled and burlapped or three-gallon minimum container size.
5. Ornamental grasses: One-gallon minimum container size.
6. Perennials: One-gallon minimum container size.

(10) Lighting requirements.

- a. The lighting requirements of this subsection (10) shall apply to the erection or new construction of a building under this article and to all new outdoor lighting associated with site improvements such as parking and landscaping. For any development involving any such lighting requirements, a lighting plan shall be prepared. Any such lighting plan shall include the following information:
 1. A site photometric plan indicating footcandle levels at grade to the lot lines.
 2. Specifications for all luminaires, poles, and luminaire mounting arms.
 3. Lighting specifications including footcandle initial averages, and maximum-to-minimum uniformity ratio.
 4. The location, mounting height and lamp intensity for all exterior luminaries.
 5. An after-hours security lighting plan indicating not more than 33 percent of site lighting as operational.
- b. Outdoor lighting fixtures must be compatible with the architectural elements located throughout the development.
- c. Outdoor lighting may not create a glare that may be hazardous for motorists, bicyclists, or pedestrians.
- d. In order to prevent unreasonable light pollution, any luminaire and all wall-mounted luminaries used for area light shall use a cutoff luminaire positioned in a way that the cutoff effect is maximized. Tilt arms are prohibited.
- e. Facade and fascia lighting shall be as follows:
 1. The exterior building facade lighting power shall not exceed 0.25 W/ft² of the illuminated area. Floodlights used for facade lighting may be no farther from the building than one-third the distance of the building height. The mounting height of such floodlights shall not exceed the building height.
 2. Fascia lighting is limited to the side of the building facing the street and may not exceed an area twice the size of the building sign.
- f. Outdoor lighting must consider existing light sources that impact the site and land uses that will be impacted by the lighting.
 1. In order to prevent lighting redundancy, proposed new outdoor lighting must factor in existing light affecting the site, including light provided by public light fixtures.
 2. All outdoor lighting shall have fixtures that shield affected residential areas and public rights-of-way from all direct light.
- g. The requirements of light levels, luminaire mounting position, and timing of parking areas shall be as follows:
 1. Lighting levels must meet a uniformity ratio of 20:1.
 2. Average initial light levels shall not exceed one footcandle in residential zoning districts, and shall not exceed two footcandles in other districts regulated by this article.
 3. Light levels created by proposed new outdoor lighting shall not exceed one footcandle at the property line.

4. All lighting under a canopy must be cutoff or recessed, with no lens dropping below the horizontal plane of the canopy. Light levels under the canopy shall not exceed an average of 25 footcandles at grade.
 5. Areas dedicated to the display of merchandise may have an average light level of up to ten footcandles.
 6. All exterior lighting shall be controlled by a photo sensor, or time switch that automatically reduces exterior lighting when sufficient daylight is available, and automatically extinguishes no more than one hour after the close of business, excluding lighting for security purposes. Site security lighting shall not exceed 33 percent of the luminaries. Individual luminaries may not increase intensity for security lighting purposes.
- h. The exceptions to lighting of this subsection (10) are as follows:
1. All temporary lighting needed by the police, fire, or other municipal departments, emergency services, as well as all vehicular luminaries, shall be exempt from the requirements of this article.
 2. All hazard warning luminaries required by law are exempt from the requirements of this article.
 3. Recreational and outdoor event lighting is exempt only during times the lighted area is actually in use. Nonetheless, recreational and outdoor event lighting shall be installed in a way that minimizes light emitted above the horizontal and onto adjacent property.
 4. Lighting associated with a holiday.
 5. Other exceptions as required by law.

(11) Bicycle parking requirements. All developments involving the construction of a new parking lot shall provide at least one bicycle parking space. For parking lots exceeding 50 automobile spaces, bicycle parking spaces shall be provided at one bicycle parking space for every 50 automobile parking spaces, with a maximum of 20 bicycle parking spaces required.

(12) Site maintenance for good appearance.

- a. Landscape materials, other than plant materials, which have deteriorated or have been damaged or defaced, shall be properly repaired or replaced.
- b. Plant materials that have deteriorated or died shall be replaced with healthy plantings, or the area shall be redesigned with other treatment to provide an attractive appearance.
- c. Plant materials shall be kept watered, fed, cultivated, and pruned as required to give a healthy and well-groomed appearance during all seasons.

(Ord. No. 2164, § 5, 1-13-2009; Ord. No. 2233, § 2, 11-9-2010)

Sec. 46-330. - Applicability of section 46-331.

- (a) Designated zoning districts. Section 46-331 shall apply to all development in the central business districts which requires the issuance of a required permit. No such development shall be permitted to occur except upon approval of the development plan in conformance with the procedures set forth in this article.
- (b) Exceptions.
 - (1) Developments involving residential buildings that contain four or less dwelling units are exempt from section 46-331 but shall conform to the design standards established in subsections 46-329(1) and (2).

- (2) For any exterior painting, renovation or other exterior alteration to any existing nonresidential building, the recreation of the original facade is recommended, including the following:
 - a. Restore and reglaze original window openings into original shapes and sizes. Window openings may not be permanently filled or reduced in size.
 - b. Remove nonoriginal surface materials from the original wall surface under circumstances where the original wall surface still exists in sound condition.
 - c. Restore piers to original status when such piers have been eliminated or reduced in size.

(Ord. No. 2164, § 6, 1-13-2009)

Sec. 46-331. - Standards of design for central business districts.

The purpose of these standards is to establish a guideline for those items that affect the physical aspect of the village environment in the central business districts. Pertinent to appearance in design are the site, building and structures, planting, signs, street hardware, lighting, scale of design, color and other objects observed by the public. These standards are not intended to restrict imagination, innovation or variety, but rather to assist in focusing on design principles that allow creativity with a satisfactory visual appearance while promoting the purpose and intent of this section. In addition, these standards are not comprehensive but are intended to merely provide guidance on specific design elements. Any design elements not addressed in this section must still be approved for the purpose of approving designs that complement the historic character of the central business districts and further the goals of any downtown renewal effort.

(1) Building components and design.

- a. No particular architectural style is mandated. Buildings designed under the guidelines of a particular architectural style should be consistent with that style.
- b. Entryways shall be recessed to a depth that does not allow a door to swing onto the sidewalk and shall have a strong design consistent with the architecture of the rest of the building. Elements of strong entryway design include canopies, awnings, porticos, arcades, raised cornice parapets over the door, peaked roof forms, arches, large windows, or architectural details such as tile work and mouldings that are integrated into the building structure and design.
- c. Windows.
 1. Windows must cover no less than 50 percent nor more than 75 percent of the storefront area; windows must cover no less than 30 percent, nor more than 50 percent on the upper facade. All windows on the second and higher floors must appear operable.
 2. Windows must be vertical, with no less than a 2:1 ratio of height to width. Window separation into vertical orientation must be accomplished with a prominent architectural element. Storefront windows must start between two and three feet above the sidewalk.
 3. No more than 25 percent of the storefront windows may be covered by signs. This restriction does not apply to signs permanently painted on or etched into the window to serve as the primary sign of the business.
 4. All windows must include an architectural element that frames the window.
 5. All window shutters must have the dimensions of operable shutters and hardware that makes the shutters appear to be operable even if the shutters are permanently fixed in an open position.
- d. Cornice and fascia.
 1. The building exterior visible from the street must have a well-defined cornice or fascia that creates a strong roofline and visually caps the building, giving the building a finished

appearance and unifying the building with existing structures in the central business districts. This requirement is particularly important when the upper facade has little architectural distinction.

2. To the extent permitted by its design, all buildings must have a storefront cornice occurring between nine feet and 14 feet above the sidewalk in order to complement the average height of storefront cornices on existing buildings.
- e. The shape of the roof is not limited, however, all buildings must have a parapet that conceals the roof plane.
- f. On buildings not located on a corner, all mechanical equipment or other utility hardware must be located on the roof or in the rear yard and must be screened from view with materials harmonious with the building. Such equipment or hardware on a corner building must be located on the roof and screened from view with materials harmonious with the buildings. Such equipment or hardware shall not be located closer than six feet from any residential windows. No mechanical equipment or hardware or screening materials may be visible from the street level.
- g. All exterior surfaces visible from the street or the alley must present an attractive appearance and must include architectural components found on the building facade in order to tie the building together. Rear entrances are encouraged.
- h. New construction must avoid excessive monotony in design by having no more than 15 feet of blank wall length without an interruption by at least two of the following: change in plane, change in texture or masonry pattern, windows, trellises with vines, or an equivalent.
- i. Exterior colors are limited to low to medium saturated chroma, as explained in the Munsell System of Color Notation for primary building colors. Highly saturated colors may be used for accent or trim.
- j. The materials on the following list are permitted on the building exteriors visible from the street or alley: stone, marble, face brick, decorative wood trim (e.g., Bargeboard or Gingerbread), and copper. Other nonlisted materials of similar quality and appearance may be permitted.
- k. The materials on the following list are generally prohibited on the building exterior visible from the street or alley: rustic materials, such as wood shake shingles and barn wood, corrugated metal, corrugated fiberglass, aluminum siding, imitation rock work, mirror or metalized reflective glass, plywood, masonite, structure and chip board siding, exterior insulated finish system (EIFS), vinyl siding, metal siding other than copper, cinder block, split-face block or plain precast panels. Other exterior materials that do not complement the historic character of the central business districts or that do not further the spirit of the downtown renewal effort may also be rejected.
- l. Awnings and canopies are permitted with the following restrictions:
 1. All awnings must be made of cloth fabric or a cloth composite that has the appearance of cloth. Awning materials may not have a shiny synthetic appearance, which would conflict with the historic appearance of the central business districts. Canopies must be made of materials that complement the overall historic character of the central business districts.
 2. No interior lighting is permitted over any public right-of-way within the actual structure of awnings except at the entryway, where light up to five footcandles at grade is permitted.
 3. Awnings and canopies must be mounted no higher than 12 inches below the storefront cornice. All awnings and canopies must have a minimum vertical clearance of eight feet above the sidewalk.

4. Awnings and canopies must be attached directly to the building without requiring poles or sidewalk support.
 5. On buildings wider than 25 feet, awnings and canopies must be segmented to articulate each display window and to provide a better sense of proportion to the facade.
 6. Awnings and canopies may not cover more than 25 percent of storefront windows.
- m. In order to promote the goals of improved aesthetics, greater energy efficiency, and safety, the following lighting standards apply to all nonexempt outdoor lighting:
1. All light fixtures must be harmonious with the overall building design.
 2. Mounting of light fixtures is limited to the first floor.
 3. Lights may not move or flash.
 4. Prohibited lighting includes fluorescent, high-pressure sodium, laser, floodlights, mercury vapor and searchlights. The prohibition against fluorescent does not apply when the fluorescent luminaire has a color rendition similar to tungsten.
 5. All bulbs and fixtures must be nonglare and cutoff. Fixtures must be positioned in a way that the cutoff effect is maximized. Tilt arms are prohibited.
 6. Recessed entryways must be illuminated but may not exceed an average of five footcandles at grade.
 7. Building lighting, including wallpacks and arcade lighting, may not exceed a light level of five footcandles at grade.
 8. Parking area lighting must comply with section 46-329(10)g.
 9. Exempt outdoor lighting includes terraces, signs, and outdoor gathering spaces.
 10. The foregoing lighting standards shall not apply to any structure listed on the National Register of Historic Buildings.
- n. Signs should relate in placement and size to the other elements of the building. Individual shop signs in a single storefront should relate to each other in design, size, color, and placement on the building and lettering style.
1. Only monument, wall signs and projecting signs are permitted in the central business districts. In addition, the following rules apply to signs:
 - (i) Signs may not cover any architectural details, cornices, or windows, with the exception of signs painted on or etched into storefront windows.
 - (ii) Wall signs are generally limited to the storefront; however, up to 25 percent of the sign may project onto the upper facade as long as no other rules are violated, such as covering a window.
 - (iii) Projecting signs may not project more than 60 inches from the building or to the back side of the curb, whichever is a lesser distance.
 - (iv) Projecting signs must be at least eight feet above the sidewalk.
 - (v) New buildings must provide a sign frieze in order to define a strong boundary between the storefront and upper facade.
 - (vi) Each lot may have no more than one monument sign.
 2. Each business may display signage in an amount not to exceed one square foot of signage per linear foot of storefront, with additional restrictions stated as follows:
 - (i) Sign size must be in proportion to the storefront and building as a whole. For wall signs, a ratio of one square foot of sign area per each linear foot of storefront

determines the maximum signable area; however, all buildings shall have a minimum signable area of 25 square feet.

- (ii) Temporary window signs may not obscure more than 25 percent of the storefront window area. A window sign that serves as the business' primary business sign does not factor into this calculation; however, such a window sign may not itself obscure more than 25 percent of the storefront window area.
 - (iii) Projecting signs may be no larger than 12 square feet.
 - (iv) Monument signs may be no more than six feet tall. A ratio of one square foot of sign area per linear foot of storefront determines the maximum signable area; however, no monument sign may exceed 50 square feet of signable area. Every monument sign may have at least 25 square feet of signable area, regardless of the amount of linear feet of storefront.
3. Interior lighting of signs is prohibited. Signs may not flash or move.
 4. The following materials are encouraged for signs: wood, paint on wall, paint/goldleaf on glass, masonry relief, etched glass, structural pigmented glass, decals, fabric awnings, banners, leaded or stained glass transoms, tile, terrazzo, porcelain enamel, sheet metal, adhesive vinyl. All sign material must be of exterior quality and must be durable.
 5. Sign mounting must protect the integrity of the facade materials and facade design.
- o. All new construction must be at least two stories in height, with the first floor between 12 and 15 feet in height and upper stories between nine and 12 feet in height. Buildings may be no more than two stories taller than any adjacent buildings, and may in no case be more than four stories.
 - p. Both street-facing sides of corner buildings will be treated like the storefront facade, therefore, all storefront facade requirements apply to both street-facing sides.

(2) Parking lot perimeter landscaping requirements.

- a. The parking lot perimeter landscaping requirements shall apply to all new private and public off-street parking lots and to any expansion of any existing lot by more than 25 percent of the number of existing spaces.
- b. All parking lots shall be screened from public streets and sidewalks with at least a seven-foot-wide landscaped area and wheel stops that prevent any vehicle overhang into the landscaped area (two-foot vehicle overhang, five-foot area). Where a solid fence/wall is utilized, plant materials must be on the street-side of the fence/wall.
- c. All fencing or walls utilized shall meet the specifications of section 46-329(3).
- d. Where perimeter areas are to be landscaped, the following minimum plant materials shall be provided:
 1. One canopy, ornamental or evergreen tree for every 50 linear feet of perimeter area. Trees may be spaced evenly or grouped. A reduction in the amount of canopy, ornamental or evergreen trees required by these provisions adjacent to any public street may be obtained when the required public or street frontage plantings are taken into account.
 2. A diverse combination of shrubs, ornamental grasses, and flowers throughout the landscaped area.
- e. The selection of plant materials shall be based on the Morton Arboretum Tree and Shrub Handbook. Plant material shall be selected for interest in its structure, texture, and color and for its ultimate growth. Plants that are indigenous to the area and others that will be hardy, harmonious to the design, and of good appearance shall be used. Plant diversity is required for the health of the overall landscaped area.

- f. All plants shall be A-Grade or No. 1 Grade and free of defects. All plants shall be normal health, height, leaf density, and spread as defined by the American Standard for Nursery Stock, ANSI Z60.1 latest available edition, or the American Association of Nurserymen. Plants shall have full, even, well-developed branching and a dense, fibrous, and vigorous root system.
 - g. The following minimum sizes shall be required:
 - 1. Canopy tree: 2.5-inch caliper measured six inches above ground, balled, and burlapped, or equivalent.
 - 2. Ornamental tree: Two-inch caliper, balled and burlapped or equivalent or seven feet for a multi-stemmed tree.
 - 3. Evergreen tree: Six feet high, balled, and burlapped or equivalent.
 - 4. Shrubs: 18-inch balled and burlapped or three-gallon minimum container size.
 - h. All landscaping shall be installed according to sound horticultural practices in a manner designed to encourage quick establishment and healthy growth.
- (3) Site landscaping. To the extent applicable, section 46-329(6)b will apply to the public or street frontage, excluding the exterior parking requirements. The minimum installation sizes set forth in subsection (2)g of this section shall also apply.
- (4) Maintenance standards. Maintenance standards in this section apply to all properties in the central business districts. All exterior facade materials must be maintained in sound and attractive condition. Any rotten, broken, or otherwise deteriorated materials shall be repaired or replaced in kind. Peeling and/or chalking painted surfaces shall be repainted or otherwise refinished. Permanent boarding or filling in of windows on any side of the building is prohibited. All surfaces shall be kept free of debris, such as tape and staples.
- (5) Streetscape provisions. Businesses in the central business districts may temporarily place items on the sidewalk in the public right-of-way, directly next to the building if such items do not unreasonably interfere with the flow of pedestrian traffic, obstruct the entryway, or become unstable or prone to toppling or blowing away.

TABLE XI-1

The percentage of permitted construction materials for the exterior facade of all buildings in each of the applicable zoning districts shall be as set forth below. (NOTE: The percentage requirement is exclusive of all windows, doors and trim). The permitted construction materials for developments involving residential buildings shall be brick, natural or architectural cast stone, stucco, split face block or masonry veneer, tinted and/or textured concrete masonry units, and tilt-up concrete panels designed with a brick veneer or other architectural design. The permitted construction materials for all developments involving mixed use and nonresidential buildings shall be the same and those materials specified for developments involving residential buildings but shall additionally include architecturally designed metal panels and nonreflective glass. Smooth-faced concrete masonry units, painted masonry units, EIFS panels located less than ten feet above grade or over more than ten percent of any building wall, siding (except in all residential districts where walls are not required to be constructed of the approved materials listed in this Table XI-1), prefabricated steel panels of the type used on farm, storage and industrial buildings and plain tilt-up concrete panels shall be prohibited.

- (1) For lots in any subdivision platted on or after January 1, 2008:

AG: Zero percent (except a single-family home will be required to have 100 percent of the exterior walls which face the street on the first floor will be brick, stone, stucco or masonry veneer).

R-1A: 100 percent of the entire first floor exterior walls.

R-1: 100 percent of the first floor exterior walls for all front yards.

- R-2: 25 percent of the first floor exterior walls for all front yards.
- R-2A: Zero percent of the first floor exterior walls for all front yards.
- R-3: 100 percent of the first floor exterior walls for all front yards.
- R-4: 50 percent for the entire building and all floors.
- C-1: 100 percent for the entire first floor exterior walls for all front yards only.
- C-2: 100 percent of entire building exterior walls for all front yards only.
- C-3: 100 percent of the entire building exterior walls.
- C-4: 100 percent of the walls that face a street; other walls may be constructed of common brick, pre-cast concrete or plain concrete block.
- OP: 100 percent of building exterior walls.
- CR-1: 100 percent of building exterior walls that are in front yards.
- CR-2: 100 percent of building exterior walls that are in the front yards.
- CR-3: 100 percent of building exterior walls.
- CR-4: 100 percent of building exterior walls.
- I-1: 100 percent of building exterior walls.
- I-2: 100 percent of building exterior walls.

(2) For lots existing or platted prior to January 1, 2008:

- R-1A: 100 percent of the first floor exterior walls for all front yards.
- R-1: 50 percent of the first floor exterior walls for all front yards.
- R-2, R-2A, R-3 and R-4: The facade must conform to existing residential buildings in the neighborhood area and those that border the property including across the street.
- C-1: 100 percent of the first floor exterior walls for all front yards.
- C-2: 100 percent of the first floor exterior walls for all front yards.
- CR-1: 25 percent of exterior walls that are considered front yards.
- CR-2: 100 percent of exterior walls that are considered front yards.
- CR-3: 100 percent of the building exterior walls.
- CR-4: 100 percent of the building exterior walls.

(Ord. No. 2164, § 7, 1-13-2009; Ord. No. 2274, § 2, 10-11-2011)

Secs. 46-332—46-363. - Reserved.

ARTICLE XII. - ADMINISTRATION, PERMITS, FEES AND PENALTIES

involved, except in the case of an appeal regarding the decision of the zoning administrator pursuant to subsection (c)(2)c of this section.

- b. Findings of fact. The ~~board of zoning appeals~~planning and zoning commission and/or village board shall not decide to grant a variance from the terms of this chapter unless the ~~board of zoning appeals~~planning and zoning commission and/or village board, based solely on the evidence presented, make a finding of fact that the granting of the variance will be in harmony with the general purpose and intent of this chapter, that there exists a practical difficulty and particular hardship which provides the basis for a variance, and that the granting of the variance will not be unreasonably injurious or detrimental to the neighborhood, or otherwise injurious or detrimental to the public welfare. Any such finding of fact shall always include a specific finding that each of the following four criteria has been satisfied:

1. The variance requested is necessary due to special conditions and circumstances relating to the property or structure involved, or to the use or occupancy thereof, which are not generally applicable to other properties or structures in the same district so that the proposed variance will not serve as a special privilege but will alleviate some demonstrable and unusual condition or circumstances;
2. The literal interpretation of the provisions of this chapter would impose a hardship by depriving the applicant of rights commonly enjoyed by other properties or structures in the same district under the terms of this chapter;
3. The variance requested will not alter the essential character of the neighborhood, impair an adequate supply of light and air to adjacent property, substantially increase congestion in the streets, increase the danger of fire or other casualty or crime, diminish the value of nearby properties, or impair the public health, safety and welfare; and
4. The special conditions, circumstances or hardships are not the result of any actions of the applicant.

- c. ~~Specific variances.~~ After the ~~board of zoning appeals~~planning and zoning commission has made each of the specific finding of fact as specified in subsection (c)(2)b of this section, the ~~board of zoning appeals~~planning and zoning commission shall have the authority to grant any specific variance for the following purposes only and no other:

1. To permit a variance of no more 25 percent of the following:
 - (i) The number of parking spaces required by article VIII of this chapter.
 - (ii) The depth of the front yard as specified in this chapter except that on a corner lot where the building will front or face the long dimension of the lot, making the long dimension of the lot the front yard, then in this event, the ~~board of zoning appeals~~planning and zoning commission is hereby authorized to vary this type of front yard to as little as five feet.
 - (iii) The depth of the side yard as specified in this chapter, except that on a corner lot where the building will front or face the short dimension of the lot like the other buildings in the block, making the long dimension of the lot a side yard, then in this event, the ~~board of zoning appeals~~planning and zoning commission is hereby authorized to vary this type of side yard as little as five feet.
2. To permit a variance from the rear yard requirement to allow a reduction of a rear yard to as little as seven feet six inches, except that on corner lots where buildings front or face on the long dimension of a lot, and on triangular, irregular and oddly shaped lots, the ~~board of zoning appeals~~planning and zoning commission is hereby authorized to vary the rear yard requirements to as little as five feet.
3. To permit the inclusion, as part of the required rear yard, of up to one-half of a public alley which abuts the rear yard, provided that the rear yard on the lot shall not be reduced to less than five feet.

4. To permit a building to exceed the height limit by not more than ten percent of the height limit established by this chapter.
5. To permit the creation of a new lot which has less lot area than required by this chapter, provided that this variance shall not exceed ten percent of the required lot area and, in the case of any lot lawfully existing on February 2, 1991, to permit a reduction in the required lot area by no more than 20 percent.
6. To permit the creation of a new lot which has less width than required by this chapter, provided that this variance shall not exceed 15 percent of the required lot width and, in the case of any lot lawfully existing on February 2, 1991, to permit a reduction in the required lot width by no more than 25 percent.
7. To permit a reduction in a required side yard to as little as two feet in the case of any structure lawfully existing on February 2, 1991.
8. To permit an increase in the occupancy or intensity of the existing use of a building whose parking is inadequate, as provided in article VII of this chapter.
9. To permit accessory off-street parking in a location other than the zoning lot of the principal use, as provided in article VII of this chapter.
10. To permit the postponement of the termination of any nonconforming use required by this chapter for a period of no more than five years.
11. To allow a sign to exceed the maximum height or area or to reduce the minimum setback for a sign as provided in article IX of this chapter by no more than 15 percent of the specified requirement.

d. General variances.

1. Apart from and in addition to the specific variances specified in subsection (c)(2)c of this section, the ~~board of zoning appeals~~planning and zoning commission shall consider any request for any other variance as a general variance, provided that any such request is consistent with the intent of this chapter. Any such general variance shall be forwarded to the village board only if the ~~board of zoning appeals~~planning and zoning commission makes a final decision to recommend its approval. If the ~~board of zoning appeals~~planning and zoning commission decides to not recommend approval of any such general variance, the request for any such general variance shall be deemed denied and the specific findings of the ~~board of zoning appeals~~planning and zoning commission will be the final decision on any such variance. The village board shall have the sole authority to grant or deny any request for a general variance which the ~~board of zoning appeals~~planning and zoning commission forwards in conformance with the procedures outlined below.
2. The secretary to the ~~board of zoning appeals~~planning and zoning commission shall prepare a decision sheet which includes the ~~board of zoning appeals~~planning and zoning commission' specific findings of fact as specified in subsection (c)(2)b of this section and its decision to recommend or to deny the request for the general variance for the ~~board of zoning appeals~~planning and zoning commission chairman's signature. If the ~~board of zoning appeals~~planning and zoning commission' decision is to forward the request for such general variance to the village board with a recommendation for approval, the secretary of the ~~board of zoning appeals~~planning and zoning commission shall forward to the village board the ~~board of zoning appeals~~planning and zoning commission' decision sheet, the variance application, any other relevant information, the names and addresses of all persons appearing before the ~~board of zoning appeals~~planning and zoning commission on such request and summaries of their testimony.
3. The village board shall consider any such request for a general variance at a regular meeting of the village board. The village board need not take additional testimony or

other evidence regarding such request for a general variance. If the village board decides by a duly adopted motion to receive additional evidence in connection with such request, such additional evidence shall be received only after public notice and an opportunity to be heard is afforded to any interested party as provided in subsection (c)(2)f of this section. The village board shall act on the information presented in the board's specific findings of fact, the summary of the testimony or other evidence presented to the board of zoning appeals, planning and zoning commission at the public hearing and the additional evidence received by the village board in the manner specified in this subsection (c)(2)d.3, if any.

4. After consideration of any such request for a general variance, together with the board of zoning appeals, planning and zoning commission' decision sheet and recommendation and the additional evidence received by the village board, if any, if the village board determines to approve the general variance as recommended by the board of zoning appeals, planning and zoning commission, it shall adopt by ordinance those specific findings of fact as specified in subsection (c)(2)b of this section forwarded by the board of zoning appeals, planning and zoning commission, or supported by the additional evidence, if any, with which the village board agrees. In approving a general variance, the village board may adopt any conditions recommended by the board of zoning appeals, planning and zoning commission or any other or different conditions the village board deems to be supported by the record.
 5. The village board may refer any request for a general variance back to the board of zoning appeals, planning and zoning commission for further consideration if the village board determines that the specific findings of fact as specified in subsection (c)(2)d of this section are insufficient. The village board shall specify wherein such specific findings of fact are insufficient. When the board of zoning appeals, planning and zoning commission rehears the matter, it shall be in accordance with such notice requirements and public hearing requirements as otherwise provided in subsection (c)(2)f. of this section. In any case, the village board must approve or deny the request for a general variance within 120 days of the date of the meeting of the board of zoning appeals, planning and zoning commission at which the board of zoning appeals, planning and zoning commission first recommends approval of the request for a general variance within such 120-day period shall be deemed the same as village board approval.
 6. The consideration of a request for a general variance shall not preclude the board of zoning appeals, planning and zoning commission from granting a lesser, specific variance on the same case if it is within the authority of the board of zoning appeals, planning and zoning commission to do so as specified in subsection (c)(2)c of this section, if such specific variance is in substantial conformance with the intent of the request for the general variance and is supported by the specific findings of fact to be made by the board of zoning appeals, planning and zoning commission as required by subsection (c)(2)b of this section. If such specific variance is then granted in the manner set forth above, the approval of the village board shall not be required.
 7. The village clerk shall notify the applicant in writing of the final decision of the village board regarding any request for a general variance forwarded by the board of zoning appeals, planning and zoning commission to the village board pursuant to this subsection (c)(2)d of this section.
- e. Conditions. In granting a request for a variance, the board of zoning appeals, planning and zoning commission or the village board may prescribe appropriate conditions and safeguards in conformity with this chapter. Violations of such conditions and safeguards, when made a part of the terms and conditions under which any request for either a specific variance or a general variance is granted, shall be deemed a violation of this chapter and punishable under the provisions of this chapter.
 - f. Procedure on request for variation.

1. A written application for a variance shall be submitted to the secretary of the ~~board of zoning appeals~~planning and zoning commission demonstrating all matters relative to the specific findings of fact required to be made by the ~~board of zoning appeals~~planning and zoning commission as specified in subsection (c)(2)b of this section.
 2. Each application for a variance shall be accompanied by a fee to be paid by the applicant, as provided in section 46-371.
 3. At least 15 days, but not more than 30 days' notice of the time and place of the public hearing on any requested variance shall be published in a newspaper of general circulation in the village. The notice of such public hearing shall contain the address and location of the property for which the requested variance is sought as well as a brief description of the requested variance. The cost of such publication shall be in addition to the fee and shall be paid by the applicant.
 4. The ~~board of zoning appeals~~planning and zoning commission shall hold a public hearing to consider the request for any variance.
 5. The ~~board of zoning appeals~~planning and zoning commission may, by majority vote, postpone, continue or adjourn from time to time any public hearing. In the event of such postponement or adjournment, another public notice regarding the request for the variance need not be published.
 6. At any public hearing conducted by the ~~board of zoning appeals~~planning and zoning commission, the applicant shall have the burden of proving, by preponderance of the evidence, that each of the four criteria in connection with the specific findings of the ~~board of zoning appeals~~planning and zoning commission, as specified in subsection (c)(2)b of this section, has been satisfied. The sole burden of producing evidence which will satisfy each of such criteria shall be upon the applicant. The fact that the property in question, or any other property, does not conform to the provisions of this chapter for the applicable district involved shall not provide the basis, in whole or in part, for any such specific finding of fact.
- (3) On all appeals from any order, requirement, decision or determination made by the village inspector under this chapter. Any such appeal may be taken to the ~~board of zoning appeals~~planning and zoning commission by any person aggrieved thereby and shall be considered according to the following procedures:
- a. The appeal shall be taken by filing a notice of appeal with the secretary of the ~~board of zoning appeals~~planning and zoning commission. The notice of appeal shall describe the order, requirement, decision or determination appealed from and shall specify the grounds for the appeal.
 - b. The secretary of the ~~board of zoning appeals~~planning and zoning commission shall, upon receipt of the notice of appeal, obtain from the village inspector all the documents and files which constitute the record upon which the action appealed from was taken.
 - c. The chairman shall fix a reasonable time, not more than 30 days in the future, for the public hearing on the appeal, and inform the secretary of the time and place that the hearing shall be held. The secretary shall give due notice of the hearing in writing to the appellant, to the village inspector, to the members of the ~~board of zoning appeals~~planning and zoning commission and to any other person directly interested in the outcome of the appeal.
 - d. The hearing shall be held in accordance with the procedures established by the ~~board of zoning appeals~~planning and zoning commission, and the ~~board of zoning appeals~~planning and zoning commission shall decide the appeal within a reasonable time after the hearing; provided, however, that a hearing may be postponed, as may be necessary, in the judgment of the ~~board of zoning appeals~~planning and zoning commission, in order to give any such appeal adequate consideration.

- e. ~~The board of zoning appeals~~planning and zoning commission shall not by its decision on an appeal permit a variance in the application of the ordinance; provided, however, that this shall not limit an appeal and a request for a variance from going forward simultaneously.
- f. An appeal stays all proceedings in furtherance of the action appealed from, unless the village inspector certifies to the ~~board of zoning appeals~~planning and zoning commission, after notice of appeal has been filed with the secretary of the ~~board of zoning appeals~~planning and zoning commission, that by reason of the facts stated in such certificate a stay would, in the village inspector's opinion, cause imminent peril to life or property. In such event, such proceedings shall not be stayed otherwise than by a restraining order which may be granted by a court of competent jurisdiction.

(Ord. No. 2154, tit. XII, § 2, 8-12-2008; Ord. No. 2214, § 6, 2-9-2010)

Sec. 46-366. - ~~Plan commission~~Planning and zoning commission, jurisdiction.

The ~~plan commission~~planning and zoning commission is hereby invested with the following jurisdiction:

- (1) To receive from the village inspector and the village clerk all applications for special uses;
- (2) To hold public hearings in matters pertaining to applications for special uses and amendments, and submit reports to the village board setting forth its findings and recommendations in the manner prescribed in this article for special uses and amendments;
- (3) To initiate, direct, and review, from time to time, studies of the provisions of this chapter and to make reports of its recommendations to the village board not less frequently than once each year;
- (4) To review for approval or disapproval of preliminary plats for subdivisions within 1½ miles of the village, as provided for in the subdivision ordinance;
- (5) To review and make recommendations to the village board for the approval of final plats within the village and within 1½ miles of the village as provided for in the subdivision ordinance; and
- (6) To hear and report upon all matters which it is required to consider under this chapter or any other ordinance.

(Ord. No. 2154, tit. XII, § 3, 8-12-2008)

Sec. 46-367. - Procedures for administrative functions.

(a) Building permit.

- (1) No building or structure shall be erected, reconstructed, enlarged or moved until a building permit shall have been applied for in writing and issued by the village inspector. Said permit shall be posted in a prominent place on the premises prior to and during the period of erection, reconstruction, enlargement or moving. No building permit shall be issued unless the application, plat and building plans disclose that the application is for:
 - a. The erection, reconstruction, conversion, enlargement or structural alteration of a building entirely occupied by a conforming use and that the applicable height, area, floor area ratio, open space ratio, yard and parking regulations are fully met;
 - b. The reconstruction of a building, occupied wholly or partly by a nonconforming use which has been damaged by fire, explosion or act of God and that such reconstruction is authorized under the provisions of this chapter; or
 - c. The conversion or structural alteration of a building other than a dwelling, occupied wholly or partly by a nonconforming use, that the applicable height, area, floor area ratio, open

space ratio, yard and parking regulations are fully met and that such conversions or structural alteration is authorized under the provisions of this chapter.

- (2) The building, permit if issued, shall state upon its face the purposes for which the building or structure will be used and whether such use is conforming or nonconforming in character.
- (b) Application procedure for building permits.
- (1) An application for a permit shall be submitted in such form as the village inspector shall prescribe. The application shall contain the full name and address of the applicant and the owner of the property and, if the owner is a corporate body, of its responsible officer.
 - (2) The application shall be made by the owner or lessee of the property, the agent of either, or the architect, engineer, or builder employed in connection with the proposed work. If such application is made by a person other than the owner in fee, it shall be accompanied by an affidavit of the owner in fee, authorizing such application.
 - (3) Nothing in this chapter shall prohibit the filing of amendments to an application or to a plan or other record accompanying same, at any time before the completion of the work for which the permit is issued. Such amendments shall be filed with, and be deemed a part of, the original application, if approved before the certificate of occupancy has been issued; otherwise, a new application for the alteration shall be made and a new building permit secured.
 - (4) Each application for a permit shall be accompanied by a plat, in duplicate, drawn to scale and showing the actual dimensions of the lot to be built upon, the size and location of the structures to be erected or altered, and such other information as may be necessary to provide for the enforcement of this chapter. Any variance or special use permit which may have been granted for the proposed building, structure, or use, shall be noted upon the application.
 - (5) The village inspector shall examine applications for permits within a reasonable time after filing. If, after examination, he finds no objections to the same, and it appears that the proposed work will be in compliance with the laws and ordinances applicable thereto, and that the proposed construction or work will be safe, he shall approve such application and issue a permit for the proposed work as soon as practicable. Every permit issued in accordance with these provisions shall have the signature of the village inspector or his authorized subordinate affixed thereto. If his examination reveals otherwise, he shall reject such application, note his findings in a written report to be attached to the application, and deliver a copy to the applicant.
 - (6) The village inspector may revoke a permit or certificate of occupancy or approval issued, if there has been any false statement or misrepresentation as to a material fact in the application of plans on which the permit, certificate or approval was based.
 - (7) The village inspector may issue a permit for the construction of part of a building or structure before the entire plans and detailed statements of said building or structure have been submitted or approved; provided that adequate information has been submitted for the same, and has been found in compliance with this chapter.
 - (8) All work performed under a permit issued by the village inspector shall conform to the approved application and plans, and approved amendments thereto.
 - (9) It shall be unlawful to reduce or diminish the area of a lot or plat for which a plot plan has been filed and has been used as the basis for a permit, unless a revised plot plan showing the proposed changes in conditions shall have been filed and approved; however, this shall not apply when the lot is reduced by reason of a street opening or widening or other public improvement.
 - (10) A permit under which no work is commenced within six months after issuance shall expire by limitation, and a new permit shall be secured before work is started. Written notice of the expiration shall be given to the applicant by the village inspector at the time the permit is issued.
 - (11) If the work described on the building permit shall not have been substantially completed within one year from the issuance thereof, the permit shall expire and be canceled by the village inspector, who shall furnish written notice of the expiration to the applicant, together with notice

that further work as described on the expired permit shall not proceed unless and until a new permit shall have been issued; provided, however, that for commercial, institutional and industrial buildings, the permit shall extend for such additional period as set forth in the application for the building permit as the time necessary to complete the building.

- (12) A copy of the permit shall be kept on the premises for public inspection until the completion of the work. The village inspector shall require a certified copy of the approved plans to be kept on the premises at all times until the completion of the work.
- (13) No building permit shall be issued until an application for a certificate of occupancy for the same property has been filed. Such application shall include the estimated or approximate time of completion of the work for which the building permit was issued.

(Ord. No. 2154, tit. XII, § 4, 8-12-2008)

Sec. 46-368. - Occupancy permits.

- (a) No land shall be occupied or used, and no building hereafter erected or altered shall be occupied or used, in whole or in part, for any purpose whatsoever until a certificate of occupancy shall have been issued by the village inspector stating that the building complies with all the building and health laws and ordinances, and with the provisions of this chapter. No change of use shall be made in any building or part thereof, now or thereafter erected or altered, without a permit having been issued by the village inspector, and no permit shall be issued to make such change unless it is in conformity with the provisions of this chapter and amendments thereto.
- (b) Nothing in this section shall prevent the continuance of the present occupancy or use of any existing building, except as may be necessary for safety of life and property.
- (c) Certificate for occupancy and compliance shall be applied for coincident with the application for a building permit. The certificate of occupancy and completion shall be issued within 21 days after receipt of notice of completion of erection or alteration of such building, and proof of compliance with requirements of this and other applicable ordinances.
- (d) A record of all certificates shall be kept on file in the office of the village inspector and copies shall be furnished on request to any person having proprietary or tenancy interest in the building affected. A fee in the amount determined from time to time by the village board shall be charged for each original certificate and for each copy thereof.

(Ord. No. 2154, tit. XII, § 5, 8-12-2008)

Sec. 46-369. - Amendments.

- (a) Under the authority and regulations of the applicable statutes of the state and this chapter, the regulations imposed and the districts created under this chapter may be amended by the village board from time to time by ordinance.
- (b) All amendments may be initiated in any of the following methods:
 - (1) The written request of the legal or equitable owner by a contract purchaser or the holder of a binding option, which is filed with the chairman or secretary of the village plan ~~commission~~planning and zoning commission or the office of the president.
 - (2) By resolution of the president and board of trustees.
 - (3) By resolution of the village plan ~~commission~~planning and zoning commission. The chairman or secretary of the plan ~~commission~~planning and zoning commission shall cause a notice to be published informing the public of a public hearing upon all proposed zoning ordinance amendments.

- (c) No such amendment shall be made without public hearing before the ~~plan commission~~planning and zoning commission, which shall report its findings and recommendations to the village board within 30 days after the final adjournment of such public hearing.

(Ord. No. 2154, tit. XII, § 6, 8-12-2008)

Sec. 46-370. - Special uses.

- (a) Purpose. The development and execution of this chapter is based upon the division of the village into districts, within any one of which the use of land and buildings and the bulk and location of buildings or structures, as related to the land, are essentially uniform. It is recognized, however, that there are special uses which, because of their unique character, cannot be properly classified into any particular district or districts without consideration in each case of the impact of those uses upon neighboring lands, and upon the public need for the particular use of the particular location. Such special uses fall into two categories:
 - (1) Uses operated by a public agency or publicly related utilities, or uses traditionally affected with a public interest.
 - (2) Uses entirely private in character, but of such a nature that the operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.
- (b) Authorization. Special uses shall be authorized only by the village board, provided that no application for a special use shall be acted upon by the village board until after a public hearing is scheduled, noticed and thereafter held by the ~~plan commission~~planning and zoning commission and its findings and recommendations reported to the village board.
- (c) Application. An application for special use shall be filed with the chairman or secretary of the ~~plan commission~~planning and zoning commission, or the office of the mayor. The chairman or secretary of the ~~plan commission~~planning and zoning commission shall process such application in accordance with law, give notice of the public hearing and after the public hearing is held, forward the recommendation of the ~~plan commission~~planning and zoning commission to the village board for final action.
- (d) Standards. No special use shall be granted by the village board unless the special use:
 - (1) Is deemed necessary for the public convenience at that location;
 - (2) Is so designed, located, and proposed to be operated that the public health, safety, and welfare will be protected; and
 - (3) Will not cause substantial injury to the value of other property in the neighborhood in which it is located.
- (e) Conditions.
 - (1) The ~~plan commission~~planning and zoning commission may recommend and the village board may provide such conditions and restrictions upon the construction, location, and operation of a special use, including, but not limited to, location of points of vehicular ingress and egress, off street parking and loading, and building setbacks, as may be deemed necessary to promote the general objectives of this chapter, and to minimize any injury to the value of property in the neighborhood.
 - (2) Failure to maintain such conditions or restrictions as may have been imposed shall constitute grounds for revocation of the permit for such special use.
- (f) Expiration. All applicants who are granted a special use shall obtain a building permit and commence construction within 18 months of the passage of an ordinance approving same, and if they fail to do so, said special use or permit shall be automatically revoked and the property shall be subject to all of the regular terms of this chapter.

(Ord. No. 2154, tit. XII, § 7, 8-12-2008)

Sec. 46-371. - Fees.

Any application for an amendment, special use, or variation, filed by or on behalf of the owners of the property affected, shall be accompanied by a fee in the amount determined from time to time by the village board. Said fee may be changed by the village president and board of trustees from time to time hereafter.

(Ord. No. 2154, tit. XII, § 8, 8-12-2008)

Sec. 46-372. - Sign permit fee.

Each sign permit application shall be accompanied by a fee in the amount determined from time to time by the village board.

(Ord. No. 2154, tit. XII, § 9, 8-12-2008)

Sec. 46-373. - Violation, penalty and enforcement.

- (a) Any person who violates, disobeys, omits, neglects, or refuses to comply with, or who resists the enforcement of any of the provisions of this chapter shall be subject to penalties as set forth in section 1-23. Each day that a violation is permitted to exist shall constitute a separate offense.
- (b) In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this chapter or other regulation made under authority conferred thereby, the village, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use to restrain, correct, or abate such violation or to prevent the occupancy of such building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about such premises.

(Ord. No. 2154, tit. XII, § 10, 8-12-2008)

ORDINANCE NO. 2512

**AN ORDINANCE
AMENDING CHAPTER 32 OF THE RANTOUL CODE IN CONNECTION
WITH THE ESTABLISHMENT OF A PLANNING AND ZONING COMMISSION**

**VILLAGE OF RANTOUL
CHAMPAIGN COUNTY, ILLINOIS**

CERTIFICATE OF PUBLICATION

Published in pamphlet form this 14th day of February, 2017, by authority of the President and Board of Trustees of the Village of Rantoul, Champaign County, Illinois.

Village Clerk

ORDINANCE NO. 2512

**AN ORDINANCE
AMENDING CHAPTER 32 OF THE RANTOUL CODE IN CONNECTION
WITH THE ESTABLISHMENT OF A PLANNING AND ZONING COMMISSION**

BE IT ORDAINED BY THE PRESIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE OF RANTOUL, ILLINOIS, as follows:

Section 1. Adoption. Chapter 32, entitled “SUBDIVISIONS”, of the Rantoul Code, as supplemented and amended, be and the same is hereby further amended to provide as set forth in the title, headings and text thereof as attached hereto and hereby incorporated herein by this reference thereto.

Section 2. Effective Date. The provisions of this Ordinance shall become effective on March 1, 2017, following its passage, approval and publication as required by law.

Section 3. Conflict. All ordinances or parts of ordinances which are in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

Section 4. Publication. The Village Clerk is hereby authorized and directed to cause this Ordinance to be published in pamphlet form.

This ordinance is hereby passed, the “ayes” and “nays” being called, by the concurrence of a majority of the members of the Corporate Authorities then holding office at a regular meeting on the date set forth below.

PASSED this 14th day of February, 2017.

Village Clerk

APPROVED this 14th day of February, 2017.

Village President

Chapter 32 - SUBDIVISIONS^[1]

Footnotes:

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State Law reference— Local Land Resource Management Planning Act, 50 ILCS 805/1 et seq.

ARTICLE I. - IN GENERAL

Sec. 32-1. - Title.

This chapter shall be known as and may be cited as the "Subdivision Code" and may be referred to herein as "these regulations" or "this chapter."

(Ord. No. 2439, § 1, 8-11-2015)

Sec. 32-2. - Purpose.

The purpose of this chapter is to:

- (1) Protect and promote the public health, safety and general welfare of the village;
- (2) Facilitate the orderly growth and development of the village in accordance with the comprehensive plan;
- (3) Establish requirements and standards for the subdivision and development of land and procedures for the review and approval thereof;
- (4) Protect and maintain property values;
- (5) Ensure provision of safe vehicular and pedestrian access, clean and adequate public water, sewerage and drainage systems, and other improvements and facilities sufficient to serve the proposed subdivision and surrounding properties;
- (6) Establish reasonable design and construction standards for public and private infrastructure and facilities;
- (7) Insure that public infrastructure and utilities are available and will have a sufficient capacity to serve the proposed subdivision and the areas reasonably anticipated to be served or impacted by such facilities;
- (8) Insure that public infrastructure and utilities to be accepted by the village are constructed to standards which minimize long-term maintenance costs and burdens to residents of the village.

(Ord. No. 2439, § 1, 8-11-2015)

Sec. 32-3. - Legal authority.

This chapter is adopted as part of the official comprehensive plan of the village pursuant to Divisions 12 and 15 of Article 11 of the Illinois Municipal Code and pursuant to the exercise of the powers and functions of the village as a home rule unit under the Constitution of the State of Illinois.

(Ord. No. 2439, § 1, 8-11-2015)

Sec. 32-4. - Interpretation, conflict and severability.

- (a) Interpretation. The provisions of this chapter shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare. This chapter shall be construed broadly to promote the purposes for which it is adopted.
- (b) Conflict.
 - (1) Public provisions. These regulations are not intended to interfere with, abrogate, or annul any other provision of law except as provided in these regulations. Where any provision of these regulations imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the provision which is more restrictive or imposes higher standards shall control.
 - (2) Private provisions. These regulations are not intended to abrogate any easement, covenant, or other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than the easement, covenant or other private agreement or restriction, the requirements of these regulations shall control.
- (c) Severability. If any part or provision of these regulations or the application of these regulations to any person or circumstances is judged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall be rendered, and it shall not affect or impair the validity of the remainder of these regulations.

(Ord. No. 2439, § 1, 8-11-2015)

Sec. 32-5. - Rules of construction.

For the purpose of this chapter, the following rules of construction shall apply, unless otherwise inconsistent with the context:

- (1) The singular includes the plural and the plural the singular.
- (2) The present tense includes the past and future and the future the present.
- (3) The word "shall" is mandatory, while the word "may" is permissive.
- (4) Whenever a word or term appears in parenthesis between a word or term defined herein and its definition, it shall be construed to mean the same as the word or term so defined.
- (5) Headings of sections herein are solely for convenience of reference and shall not affect the meaning, construction or effect of the provisions set forth thereunder.
- (6) References to sections shall be deemed to include all subsections within such section, but references to a particular subsection designates only that subsection.

(Ord. No. 2439, § 1, 8-11-2015)

Sec. 32-6. - Definitions.

The following words and terms whenever used in this chapter shall have the meanings respectively ascribed to them as follows:

Adjacent (abutting, contiguous) means adjoining, bordering, touching or having one or more common boundary lines. If two lots are separated by a right-of-way, such lots shall not be deemed to be adjacent.

Administrative review committee means the zoning administrator, the director of public works and the village attorney, the persons charged with providing staff review of a proposed subdivision.

Area general plan means a sketch of a proposed subdivision, drawn to scale but not with engineering precision, intended to illustrate a basic layout of a proposed subdivision so that a preliminary discussion of the issues between a subdivider or developer and the village may commence.

Communications tower means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for the transmission of various forms of communication, including wireless telephone, data, radio and/or television signals, pager signals, microwave towers and other similar communication towers.

Comprehensive plan means the official comprehensive plan of the village as adopted and amended from time to time by the corporate authorities of the village.

Corporate authorities means the president and board of trustees of the village.

County means the County of Champaign, Illinois.

Dedicate means to transfer title to land to the village or to any other public or governmental entity for right-of-way purposes.

Develop means to intentionally change a tract of land, including, but not limited to, the construction or installation of any structure or other improvement on the land or any alteration to the land, such as any mining, quarrying or excavation, except grading that does not alter the natural flow of stormwater.

Developer means any legal or beneficial owner of land or any other person having a sufficient proprietary interest in such land who seeks to develop such land subject to the provisions of this chapter.

Director of public works means the director of public works or the assistant director of public works of the village, including any employees who work in the public works department that report to either the director of public works or the assistant director of public works and are designated to perform the task or duty referred to in this chapter.

Engineer means a registered professional engineer other than one retained or employed by the village.

Extraterritorial jurisdiction (ETJ) means the area outside the corporate limits of the village where the village has the legal authority to exercise control of subdivision activities and is either:

- (1) Within 1-1/2 miles of the corporate limits of the village; or
- (2) Within the area mutually agreed upon in a written agreement between the village and any neighboring municipality that has adopted an official comprehensive plan; or
- (3) Where no boundary agreement exists between the village and any neighboring municipality that has adopted an official comprehensive plan, the area which extends to the median line equidistant from the boundary line of the village and the boundary line of such other neighboring municipality.

Frontage means that portion of a lot adjacent to a street. The portion of a lot abutting a stub street shall not constitute frontage.

Grading means the act of moving earth in such a manner as to change the gradient of a slope of land, but does not include tilling, cultivating, or other agricultural activities.

Improvement means any structure, facility, infrastructure or other item which becomes part of, placed upon, or affixed to land.

Improvement, subdivision means any and all public improvements required to be constructed or installed by these regulations, the Manual of Practice or any other applicable ordinance of the village, including but not limited to, streets, alleys, traffic control devices or signals, sidewalks and other pedestrian

ways, storm sewers, drainage ways and detention facilities, sanitary sewers, water mains and any other condition made a part of the approval of any final plat of a subdivision.

Lot (parcel, tract) means a designated area of land established by a plat or other legal means which is to be held, conveyed, used, developed or built upon as a unit.

Manual of Practice means the technical document which provides design and construction standards for public improvements which are contained in the Manual of Practice for the design of public improvements in the village issued and amended from time to time as binding administrative regulations pursuant to section 32-14 of this chapter.

Owner means any person or entity, or combination thereof, having legal title to or a sufficient proprietary interest in a lot, parcel or tract of land.

Parkway means the unpaved area within a street right-of-way usually between the roadway, including the curb, and the edge of the sidewalk, if one exists, or the right-of-way line.

Plat Act means the Plat Act (65 ILCS 205/0.01 et seq.), as supplemented and amended, including as the same may hereafter be supplemented and amended.

Private means anything held by an owner other than the village or any other public or governmental entity for the use and benefit of such owner and/or others.

Public means anything held by the village or any other public or governmental entity for the use and benefit of all people or the entire community.

Right-of-way (ROW) means the entire width between the boundary lines of any tract or strip of land dedicated to or used for vehicular and/or pedestrian travel as well as public utility and other public purposes.

Roadway means that portion of a right-of-way improved, designed or ordinarily used or intended for vehicular travel, exclusive of the berm or shoulder.

Set of approved forms means the set of forms for a certificate, covenant or bond that meets the requirements of this chapter and that has been most recently approved from time to time by the village attorney.

Sidewalk means that portion of any public or private right-of-way used or intended to be used for pedestrian travel.

Street means that portion of any public or private right-of-way used or intended to be used for vehicular travel.

Street, cul-de-sac means a short street having one end open which connects to an intersecting street and the other end permanently terminated by a turnaround. A cul-de-sac street is considered a local street.

Street, local means a street which is not a primary or secondary street and which provides direct access to individual lots or similar traffic destinations.

Street, loop means a street which has its only ingress and egress at two points along a through street.

Street, primary means a street which is used or intended to be used to carry the greatest proportion of through traffic or long-distance travel or to provide connection with major interstate and state highways.

Street, private means a street not located within a public right-of-way and not owned or maintained by the village or any other public or governmental entity.

Street, public means a street within a public right-of-way owned and maintained by the village or any other public or governmental entity and held for the use of the public.

Street, secondary means a street which is used or intended to be used to carry traffic from local streets to primary streets or to provide direct service to residential, commercial, industrial or other areas.

Street, stub means a street which terminates abruptly without any provision for vehicular turnaround. A stub street usually terminates at the boundary of a subdivision and is expected to continue to and through an adjacent area in a subsequent or future subdivision.

Subdivide means:

- (1) To divide land into two or more lots, parcels or tracts, including any conveyance, partition or lease, whether voluntary or involuntary, of any physical part or portion of a lot, parcel or tract of land from one person or combination of persons to another person or combination of persons; or
- (2) To develop a lot, parcel, or tract of land as a planned unit development pursuant to the zoning ordinance; or
- (3) To develop land by means of any alteration to such land; or
- (4) To dedicate any new public street or to create a new private street or easement to access all or part of a lot, parcel or tract of land that does not have frontage on an existing public or private street; or
- (5) To develop a lot, parcel or tract of land for more than one building unless all buildings on such lot, parcel or tract of land would be permitted under the zoning ordinance of the village; or
- (6) To extend any public water, sanitary sewer or stormwater utility by means of a main or service connection to any area not previously subdivided; or
- (7) To lease only a part of any lot, parcel or tract of land.

Subdivide does not include any of the following activities despite other language to the contrary:

- (1) To convey or transfer any legal rights to any existing building or buildings or part thereof or to grant rights for use of a single individual lot, parcel or tract of land as it then exists immediately prior to any sale or lease where such transfer, lease or grant does not create any additional lot, parcel or tract of land by exception; or
- (2) To dedicate land to the village or to any other public or governmental entity; to vacate any land so dedicated, to develop any land by the village, and to take property rights by the village or any other public or governmental entity through eminent domain or condemnation; or
- (3) To construct one single-family dwelling or one or more farm-related structures or a combination of a single-family dwelling and farm-related structures on a single lot, parcel or tract of land or to create or transfer a single lot, parcel or tract of land of ten acres or more for farm use, except where such acreage or any such single-family dwelling or farm-related structures are at locations of future streets as designated in the comprehensive plan; or
- (4) To maintain or improve an existing public or private street, any railroad facilities or any public utility if such work is carried out on land within the boundaries of any right-of-way or easement; or
- (5) To undertake any work by the village or any other utility for the purpose of inspection, repair, renewal or construction on established rights-of-way or easements of any sewers, mains, pipes, cable, utility tunnels, power lines, power poles, trunk lines or similar facilities; or
- (6) To use any land solely for the purpose of growing plants, crops, trees and other agricultural or forestry products, or the raising of livestock; or
- (7) To lease or license an area of land for a freestanding telecommunication tower, provided that the lease or license is in compliance with subsection 32-7(e) of this chapter.

Subdivider means any legal or beneficial owner of land or any other person having a sufficient proprietary interest in such land who seeks to subdivide or develop such land subject to the provisions of this chapter.

Subdivision means any configuration of any one or more lots, parcels or tracts of land, including any outlot and any public or private right-of-way which results from land being subdivided.

Subdivision, minor means a division of land into five or fewer lots, parcels or tracts of land, or the resubdivision or lot line adjustment of a previously platted lot or lots into not more than five lots which:

- (1) Does not require, under these regulations, the design or construction of any subdivision improvements, except for sidewalks and service connections, provided that if all required subdivision improvements are in existence but do not meet current design standards, the director of public works may approve a waiver of the design standards;
- (2) Is in conformity with the comprehensive plan and the zoning ordinance;
- (3) Is otherwise in conformity with all applicable laws and regulations unless previously waived by the entity with jurisdiction; and
- (4) Is located within the village or is otherwise under an annexation agreement which requires future annexation to the village.

Waiver means any permitted deviation from the requirements of this chapter.

Zoning administrator means the person holding the position of village inspector of the village or such other person as designated for such purpose from time to time by the village president, including any employees who work in the inspection department or the applicable department of such other designated person that reports to the village inspector or such other designated person and is designated to perform the task or duty referred to in this chapter.

Zoning ordinance means, as applicable, the zoning ordinance of the village (chapter 46 of this Code) with respect to any area within the corporate limits of the village and the Champaign County Zoning Ordinance with respect to any area within the extraterritorial jurisdiction.

(Ord. No. 2439, § 1, 8-11-2015)

Sec. 32-7. - Requirements.

- (a) Required when land subdivided. These regulations shall apply wherever any owner seeks to subdivide land, to develop land as a planned unit development or to develop land by means of any alteration to such land either within the corporate limits of the village or within the extraterritorial jurisdiction of the village.
- (b) Preliminary plat required. A preliminary plat shall be required for any subdivision. Any subdivider may request that the village accept a preliminary plat combined with a final plat, provided that any such combined plat contains all preliminary and final plat information and is approved in accordance with the procedures contained in section 32-23 of this chapter.
- (c) Activity prohibited prior to approval.
 - (1) No building permit or certificate of occupancy shall be issued for construction on any lot, parcel or tract of land which was created by subdividing after November 12, 1974, and not in conformity with the provisions of these regulations.
 - (2) No excavation or construction of any public or private improvements shall take place or be commenced on any lot, parcel or tract of land except in accordance with these regulations.
- (d) Permits withheld. The village shall have the right to refuse to issue any right-of-way permit, including utility connections or driveway permits, or building permits for any lot, parcel or tract of land that is in violation of these regulations.
- (e) Communications towers. A communications tower may be sited without application for subdividing or developing the lot, parcel or tract of land on which it is located if:
 - (1) The lease or license agreement with the owner of the lot, parcel or tract of land provides for a term of less than 15 years;
 - (2) No utilities other than electricity and telecommunication service are provided to the leased area;
 - (3) The lease or license requires the lessee to remove all communications tower equipment and related structures and facilities from the site at the end of the lease or license term;

- (4) No uses other than as a communications tower are permitted under the lease or license;
- (5) The zoning administrator has approved the siting in writing after determining that the site complies with (e)(1) through (e)(4) of this section. Appeals of the zoning administrator's decision shall be made according to the provisions of section 32-10 of this chapter.

(Ord. No. 2439, § 1, 8-11-2015)

Sec. 32-8. - Waivers.

- (a) Waiver not a matter of right. No waiver is available to a subdivider as a matter of right. The burden of proving that a waiver is justified is on the subdivider.
- (b) Waiver requests. The subdivider shall submit all requests for waivers in writing to the zoning administrator at the time the area general plan, preliminary plat or combined preliminary and final plat is submitted. The justification for the waiver and all facts relied upon by the subdivider shall be submitted in writing along with the waiver request. If a waiver request is made without a subdivision application, a review fee equivalent to the final plat review fee shall be required.
- (c) General standard for waiver approval. The ~~plan commission~~ planning and zoning commission may consider and recommend, and the corporate authorities may grant, any waiver of the provisions to these regulations. The waiver shall not be approved unless the corporate authorities finds that the waiver is justified according to each of the following standards:
 - (1) That there are conditions of topography or other site specific conditions that make the application of these regulations unnecessary or, in some instances, inapplicable; and
 - (2) That the granting of the waiver will not be injurious to other nearby property; and
 - (3) That the granting of the requested waiver will not negatively impact the public health, safety, and welfare, including the goals and objectives of the comprehensive plan.
- (d) Specific considerations. In deciding whether to approve a waiver from these regulations, the corporate authorities may consider, but shall not be limited to the following criteria:
 - (1) Whether the condition upon which the request for a waiver is based is unique to the property but not generally applicable to other properties.
 - (2) Whether the property to be subdivided will be used only for farming and related residential uses.
 - (3) Whether conditions may be imposed which mitigate the harm to the public caused by the failure to comply with these regulations.
- (e) Planned unit developments and annexation agreements. Waivers may be approved as part of any planned unit development or pursuant to any annexation agreement, provided that any such waiver meets the standards set forth in this section. Any waiver within the specific terms of a planned unit development or annexation agreement which have been approved by the corporate authorities shall be presumed to have met such standards.
- (f) Waiver approved. Once a specific waiver from these regulations has been approved by the corporate authorities in a planned unit development, annexation agreement, area general plan, preliminary plat, combined preliminary and final plat or other agreement, it need not be reapproved at any time to remain effective. Approved waivers which require a notation on the face of a final plat or inclusion in the owner's certificate or covenants shall be included in such documents at the time of recording in a form approved by the village attorney.

(Ord. No. 2439, § 1, 8-11-2015)

Sec. 32-9. - Conditions may be imposed.

- (a) Conditions may be required. In approving any one or more waivers, the corporate authorities may require such conditions, including but not limited to the following, as will, in their judgment, secure substantially the objectives of these regulations.
- (b) Specific conditions. Conditions imposed upon a waiver for the purpose of mitigating the effects on the public may include, but shall not be limited to, additional requirements concerning the following:
 - (1) Landscaping;
 - (2) Parking and on-site traffic regulation;
 - (3) Lighting, including the requirement of yard or lot lighting to replace street lighting;
 - (4) Traffic regulation including, but not limited to, on-street parking, one-side street parking, and one-way streets;
 - (5) Submission of any remaining tract for preliminary plat or final plat approval prior to any construction or development;
 - (6) Dedication of additional right-of-way for streets or highways, or granting of easements for utilities and public infrastructure;
 - (7) Site plan approval;
 - (8) Access regulation.
- (c) Execution of a covenant. Execution of a covenant providing additional requirements and/or conditions necessary to the approval of the waiver may be a condition of a waiver. If a covenant is required as a condition, the covenant must be enforceable by the village and approved by the village attorney prior to recording.

(Ord. No. 2439, § 1, 8-11-2015)

Sec. 32-10. - Appeals.

Except for notices of violations and stop-work orders issued pursuant to section 32-33 of this chapter, if an owner, subdivider or developer desires to appeal a decision of the director of public works or the zoning administrator, such appeal shall be in writing to the ~~plan commission~~planning and zoning commission setting forth the reasons for the appeal and shall be filed with the zoning administrator, as secretary to the ~~plan commission~~planning and zoning commission, within 14 calendar days, excluding holidays, of the date of the action on which the appeal is taken. The ~~plan commission~~planning and zoning commission shall fix a time and place for hearing the appeal, not more than 20 days following the receipt of the appeal by the zoning administrator unless such time is extended by mutual consent. The ~~plan commission~~planning and zoning commission shall take final action on the appeal within 30 days of the commencement of the appeal hearing unless such time is extended by mutual consent. The ~~plan commission~~planning and zoning commission shall state in writing the reason for its decision. Time spent in appeals shall not be applied toward timing requirements set forth in these regulations relating to the processing of any preliminary plat or to the processing of any final plat.

(Ord. No. 2439, § 1, 8-11-2015)

Sec. 32-11. - Annexation.

A final plat shall not be approved where the approved engineering plans provide for connection to any part of any utility system of the village unless such land is within the corporate limits of the village, the owner of the subdivision has submitted to the village a legally sufficient petition to annex, or the village and owner have executed an annexation agreement.

(Ord. No. 2439, § 1, 8-11-2015)

Sec. 32-12. - Trusts—Disclosures of beneficial interests.

Whenever any trustee of a land trust or any beneficiary or beneficiaries of a land trust make application to the village for approval of a subdivision under this chapter relating to land which is the subject of such trust, such application shall identify each beneficiary of such land trust by name and address and define their interest therein as required by the Land Trust Beneficial Interest Disclosures Act (765 ILCS 405/001 et seq.). All such applications shall be verified by the applicant in such applicant's capacity as trustee, or by the beneficiary as a beneficial owner of interest in such land trust. If such application is filed by a body politic or other corporate entity, it shall be verified by a duly authorized officer of such body politic or other corporate entity for whom such application is made.

(Ord. No. 2439, § 1, 8-11-2015)

Sec. 32-13. - Obligation to comply.

- (a) Subdividing. It shall be unlawful for any person to subdivide any land within the corporate limits of the village or the extraterritorial jurisdiction of the village without following the procedures, satisfying the requirements and meeting or exceeding the standards specified in this chapter.
- (b) Developing without dedication. It shall be unlawful for any person to develop any land without dedicating such right-of-way as would have been required by this chapter if such land had been subdivided from a larger parcel immediately prior to such development.
- (c) Development in violation of this chapter. It shall be unlawful for any person to develop any land within the corporate limits or the extraterritorial jurisdiction of the village without following the procedures, satisfying the requirements and meeting or exceeding the standards specified in this chapter and the manual, or without meeting the requirements of the zoning ordinance in connection with a planned unit development. This section is intended to apply to all types of development both within the corporate limits and areas lying within the extraterritorial jurisdiction.

(Ord. No. 2439, § 1, 8-11-2015)

Sec. 32-14. - Manual of Practice.

- (a) Purpose. The Manual of Practice contains the village's technical standards for the design of subdivision and other public improvements in support of the comprehensive plan and this chapter. It is also the standard for the construction and installation of public infrastructure that is under the village's jurisdiction. The primary users of the Manual of Practice are intended to be architects, engineers, planners and other design professionals who are designing public infrastructure and private developments within the village, including subdividers, developers and any of their contractors.
- (b) Issuance and amendment. The administrative review committee is hereby authorized and directed to periodically issue and amend the technical standards organized into the Manual of Practice as may then be warranted or justified by any current or appropriate standards or practices, and any such issuance or amendment shall become effective in accordance with the following procedure:
 - (1) At least 14 calendar days prior to the next regular meeting of the corporate authorities, the administrative review committee shall provide a copy of the technical standards which are proposed to be organized into the Manual of Practice to the corporate authorities.
 - (2) Upon request of any one member of the corporate authorities, the technical standards which are to be organized into the Manual of Practice shall be subject to review by the corporate authorities.
 - (3) The technical standards which are to be organized into the Manual of Practice shall become effective as of the date of the next regular meeting following the provision of a copy of such technical standards to the corporate authorities if no member of the corporate authorities has

made a request to review them or the date upon which the review of such technical standards by the corporate authorities is completed, whichever date is later.

- (4) Upon the effective date of any such technical standards, a copy of the Manual of Practice, including as amended, shall be filed with the village clerk.

(Ord. No. 2439, § 1, 8-11-2015)

Sec. 32-15. - Violation penalties.

Any person found guilty of violating, disobeying, omitting, neglecting or refusing to comply with, or resisting or opposing the investigation or enforcement of any of the provisions of this chapter shall, upon conviction thereof, be subject to penalties as set forth in section 1-23 of this Code. Each day that any such violation continues after notification or knowledge of the existence thereof shall be deemed a separate offense.

(Ord. No. 2439, § 1, 8-11-2015)

Secs. 32-16—32-19. - Reserved.

ARTICLE II. - PROCEDURES AND PLAT REQUIREMENTS

Sec. 32-20. - Pre-application conference.

(a) Purpose. The pre-application conference is required to:

- (1) Familiarize the subdivider with applicable plans, policies, requirements, standards and procedures that apply and to begin identification of potential waiver requests in order to expedite platting and development.
- (2) Assist the village in coordinating separate land subdivisions, developments, street and drainage plans and other components of the comprehensive plan.
- (3) Determine whether a proposal constitutes a subdivision, a minor subdivision or no subdivision within the meaning of this chapter.
- (4) Determine the need for an area general plan.
- (5) Determine the need for a stormwater management plan.
- (6) Determine whether a combined preliminary/final plat process is desirable.
- (7) Determine the need for a fire flow analysis.

(b) Participants. The subdivider shall request the zoning administrator to schedule a pre-application conference with the administrative review committee, the subdivider and/or the subdivider's engineer or authorized representatives and such others as the participants deem necessary. The zoning administrator shall schedule the pre-application conference normally within 15 working days of receipt of a request for such conference, unless a later date is acceptable to the subdivider.

(c) Subdivision sketch plan. The subdivider shall submit a subdivision sketch plan at the pre-application conference. The sketch plan shall be drawn reasonably to scale. The following information shall be included in the subdivision sketch plan when the zoning administrator determines it is necessary. Additional information may be included if the subdivider deems it necessary.

- (1) All proposed lots and outlots.

- (2) Any adjacent and contiguous parcels of land in which the subdivider has an ownership, monetary or beneficial interest; including full or partial ownership and any beneficial interest in a land trust.
 - (3) Existing zoning of the land to be subdivided and of all land within 100 feet of the boundary of such land.
 - (4) Proposed zoning if any change is intended and proposed land use, including whether any lot(s) are to be subdivided for common-lot-line dwelling units.
 - (5) Topography by United States Geological Survey 7.5 Minute Series Topographical Maps or equivalent topographical elevation contour sources as may be approved by the zoning administrator.
 - (6) Placement and availability of the following within the subdivision sketch plan boundaries and outside but within 100 feet of the subdivision sketch plan boundaries:
 - a. Existing and proposed gas, water, electric and telecommunications service lines;
 - b. Existing and proposed storm and sanitary sewage systems;
 - c. Pavement and right-of-way widths of existing streets and alleys;
 - d. Determined and documented fire flow for existing and proposed water mains.
 - (7) The proposed street layout with emphasis on continuity of existing street patterns.
 - (8) Discussion and/or graphic presentation of proposed methods of handling stormwater drainage and sanitary sewage.
 - (9) In addition to those elements above, any subdivision sketch plan for any subdivision request other than a subdivision, planned unit development or mobile home park shall also include the following information, as applicable:
 - a. The use or uses for which each building, structure or other improvement is intended;
 - b. The gross square footage of floor area of each building or structure proposed;
 - c. If the proposed development constitutes any quarrying, mining or other similar excavation, elevation contours at intervals of five feet with reasonable precision to show proposed horizontal and vertical grades and slopes of the excavation.
 - (10) If an area general plan has been prepared in accordance with subsection (e) of this section, such area general plan may be substituted for the requirements of subsections (c)(1) through (c)(7) of this section.
- (d) Determination of subdivision, minor subdivision or no subdivision.
- (1) Determination of whether a proposal constitutes a subdivision, a minor subdivision or no subdivision shall be made by a decision of the administrative review committee. Such administrative review committee decision shall be made within ten days following the pre-application conference, and the zoning administrator shall notify the subdivider of such determination.
 - (2) In the event the administrative review committee cannot reach a decision in the determination of whether a subdivision constitutes a subdivision, a minor subdivision or no subdivision, the request shall be forwarded to the plan commission~~planning and zoning commission~~ at its next regularly scheduled meeting, and unless postponement of the plan commission~~planning and zoning commission~~'s action is mutually acceptable to both the plan commission~~planning and zoning commission~~ and the subdivider, the plan commission~~planning and zoning commission~~ shall determine at that meeting whether the proposal constitutes subdivision, a minor subdivision or no subdivision. The zoning administrator shall notify the subdivider, in writing, of the administrative review committee's failure to reach a decision and the date, time and place when the plan commission~~planning and zoning commission~~ shall determine whether the proposal constitutes a subdivision, a minor subdivision, or no subdivision.

- (e) Area general plan. When required, the purpose of an area general plan is to plan for and guide the subdivision of a larger tract of land under single ownership when the initially proposed subdivision constitutes only a part or portion of such larger tract. An area general plan provides for a subdivision concept to coordinate future extended streets and utilities throughout a tract of land as well as to coordinate the subdivision concept with existing improvements outside and in the vicinity of such tract. An area general plan is not intended to be prepared with the specificity of a subdivision plat, but rather is intended to portray a general subdivision design concept to be used as a guide when considering subsequent subdivision of a tract of land. An area general plan is required when a subdivider has ownership or a legally beneficial interest in land immediately adjacent to a proposed subdivision as defined in this chapter.
- (1) At the pre-application conference, the administrative review committee shall determine whether an area general plan is required using the following criteria:
 - a. The proposed subdivision constitutes a subdivision other than a minor subdivision except for a mobile home park or a planned unit development; and
 - b. There are at least five or more contiguous acres of vacant or otherwise significantly undeveloped land of which the proposed subdivision represents a part thereof.
 - c. All such land is held by an owner having legal title to or a beneficial or other sufficient property interest in such land, including beneficial interest in a land trust or an option to purchase.
 - d. There is a substantial need for a preplanning effort to determine the future location, course and width of streets and utilities as they might be extended from the proposed subdivision to surrounding vacant land.
 - e. The topography and natural features of the land adjacent the proposed subdivision, including any watercourses or impoundments which present unusual circumstances, require special consideration for future development.
 - (2) The required content of an area general plan shall be the same as that required for a development sketch plan as described in subsection (c) of this section above.
 - (3) When an area general plan is required under this subsection, for purposes of coordinating the location and extension of any streets and utilities and related public improvements, due consideration in plan design elements shall be given to any existing area general plan on file in the office of the zoning administrator for an area within 2,000 feet of the boundary of the area general plan to be prepared. When an area general plan is required, the zoning administrator shall notify the subdivider of any existing area general plan within 2,000 feet of the boundary of the plan to be prepared and shall make copies of such existing plans available for the inspection of the subdivider.
 - (4) An area general plan may be prepared either separate from or in combination with the preliminary plat of a subdivision. When an area general plan and a preliminary plat of a subdivision are to be combined, those parts, portions or phases for which preliminary plat approval is sought shall meet the requirements of subsection 32-21(f). The remainder of the area shall meet the requirements of this subsection. The boundaries of the area sought for preliminary plat approval shall be clearly indicated. If an area general plan is to be drawn separately from a preliminary plat, only the requirements of this subsection shall be met.
 - (5) Area general plan prints, whether prepared in combination or separate from a preliminary plat, shall be submitted to the zoning administrator in the same manner as prescribed for a preliminary plat in subsection 32-21(a).
 - (6) The ~~plan-commission~~planning and zoning commission shall determine whether the area general plan conforms to the design requirements of this subsection, and on that basis, approve, approve subject to conditions, or deny approval of the area general plan. Such approval may precede, but not follow, approval of a preliminary plat of a subdivision. The ~~plan-commission~~planning and zoning commission shall consider an area general plan a statement of intent for future subdivision. It is possible and likely that any subsequent subdivision may require the area general

plan to be altered. When changes are considered to either the area general plan or the preliminary plat, continuity of planned improvements throughout the remainder of the area general plan boundaries shall be considered. If the administrative review committee determines that such are not in substantial conformance with the previously approved area general plan, such changes shall constitute an amendment to the area general plan and require further plan commission planning and zoning commission approval.

(Ord. No. 2439, § 1, 8-11-2015)

Sec. 32-21. - Preliminary plat of a subdivision.

- (a) Submission. The subdivider shall cause to be prepared a preliminary plat and supporting documents as required by this chapter and the Manual of Practice. The subdivider shall submit to the zoning administrator:
- (1) For subdivisions within the corporate limits of the village: three full sized prints and ten reduced prints (11 inches by 17 inches) or the number of preliminary plat prints the zoning administrator requests.
 - (2) For extraterritorial developments: three full sized plat prints and ten reduced prints (11 inches by 17 inches) or the number of plat prints the zoning administrator requests.
 - (3) All notes and dimensions on the face of all full sized preliminary plats shall be legible. Simultaneously with the preliminary plat, the subdivider shall submit, in writing, all requests for waivers of these regulations. The zoning administrator is authorized to receive the preliminary plat and waiver requests when the subdivider has satisfied the pre-application requirements, has submitted a completed application form, and has paid a subdivision fee in accordance with the fee schedule established by the corporate authorities.
- (b) Review and comments. The initial review process for the approval of a preliminary plat includes the submittal and review by the administrative review committee. The zoning administrator shall review the preliminary plat and waiver request(s) for conformity with the official comprehensive plan, or parts thereof, any applicable area general plan(s), any applicable zoning regulations, and the provisions of these regulations and shall make recommendations thereon. The director of public works shall review the preliminary plat and waiver request(s) for conformity to these regulations, including the Manual of Practice, other applicable regulations and generally accepted engineering practices, and shall make recommendations thereon. The village attorney shall review the preliminary plat and waiver request(s) for conformity to these regulations, any applicable zoning regulations and other applicable laws and regulations, and shall make a recommendation thereon. Following such review, the zoning administrator shall make a report of such review to the subdivider and/or the subdivider's engineer for revision of the preliminary plat and resubmittal.
- (c) ~~Plan commission~~Planning and zoning commission.
- (1) Following approval of the preliminary plat by the administrative review committee, the zoning administrator shall schedule a meeting for the review of the preliminary plat by the ~~plan commission~~planning and zoning commission and notify the members of the ~~plan commission~~planning and zoning commission, the director of public works, the village attorney, the subdivider, the subdivider's engineer and other interested parties of the time, date and place of such meeting. The zoning administrator shall also request the subdivider to present the original of the preliminary plat at the scheduled meeting of the ~~plan commission~~planning and zoning commission for signature.
 - (2) The ~~plan commission~~planning and zoning commission shall approve, approve with conditions, or deny the preliminary plat and make a recommendation on all waiver requests within 60 days from the date of submission of the preliminary plat, unless the ~~plan commission~~planning and zoning commission and subdivider mutually agree to extend such time. If the ~~plan commission~~planning and zoning commission denies such preliminary plat, the ~~plan commission~~planning and zoning commission

commission shall state its reasons for such denial. If the subdivider or a representative thereof is not present at the time the ~~plan commission~~planning and zoning commission states its reasons for such denial, the zoning administrator shall notify the subdivider of the reasons for any such denial.

- (3) If no waivers are sought and the ~~plan commission~~planning and zoning commission approves the preliminary plat, the subdivider may then submit the preliminary plat to the ~~plan commission~~planning and zoning commission for the approving signature of the chair of the ~~plan commission~~planning and zoning commission. No approval by the corporate authorities is required for a preliminary plat with no waiver requests. Preliminary plat approval shall not qualify the plat for recording.
- (d) Corporate authorities. If waivers are sought in connection with the preliminary plat, the zoning administrator shall forward the preliminary plat with the ~~plan commission~~planning and zoning commission's recommendation on waivers to the corporate authorities. The corporate authorities shall approve or deny such preliminary plat, including any requests for waiver(s), within 30 days after the next regularly scheduled meeting of the corporate authorities following the action of the ~~plan commission~~planning and zoning commission unless the corporate authorities and subdivider mutually extend such time. In all cases of denial the corporate authorities shall state the reasons for denial of a preliminary plat or of any waiver request(s). If the subdivider or a representative thereof is not present at the time the corporate authorities approve such waivers or state the reasons for such denial, the zoning administrator shall notify the subdivider of the approval or denial by the corporate authorities.
- (e) Preliminary plat drafting requirements.
 - (1) The full sized preliminary plat original shall be drawn in ink on dimensionally stable translucent drafting material, not to exceed 24 inches by 36 inches and presented in a scale not larger than one inch to 100 feet, except as the director of public works otherwise approves.
 - (2) In addition to the original of the preliminary plat, digital computer aided drafting files shall be submitted in accordance with the provisions of Section 1.12 of the Manual of Practice.
- (f) Required content of a preliminary plat and supporting documents. A preliminary plat shall contain the following information on the face of the plat or in the supporting documents as appropriate or required, including the application form:
 - (1) General descriptions:
 - a. Name of the subdivision, development or replat;
 - b. Legal descriptions of all property included in the preliminary plat, including its location by section, township and range, and reference by dimension and bearing to a horizontal control monument;
 - c. Name, address and phone number of the owner(s) of record of all property within the preliminary plat;
 - d. Name, address and phone number of the subdivider of the proposed subdivision;
 - e. Name, address, phone number of the engineering firm preparing the preliminary plat;
 - f. Name, address and phone number of the registered land surveyor and/or the registered professional engineer preparing any part of the preliminary plat or supporting material;
 - g. Name, address and phone number of the attorney(s) representing the owner(s) and/or subdivider(s);
 - h. The source of all topographical data;
 - i. Total acreage in the preliminary plat;
 - j. Graphic scale, north arrow, and date of preparation;
 - k. Subdivision boundaries clearly indicated;

- l. Appropriate signature blocks to appear on the plat in accordance with Appendix A-1;
 - m. A Champaign County Soil and Water Conservation District report (except for any replat) when the site is currently vacant or in agricultural use;
 - n. Area general plan, if required;
 - o. Stormwater management plan, if required;
 - p. The names of all adjacent property owners or the names of adjacent subdivisions.
- (2) Existing conditions:
- a. The location and size of all existing underground electric facilities, sanitary sewers, water and gas mains, stormwater drainage facilities (including farm land drain tiles) and all related rights-of-way and easements within or abutting the proposed subdivision.
 - b. The topography by contour intervals of not more than two feet related to the North American Vertical Datum. At least one bench mark for this datum must be shown on the face of the preliminary plat.
 - c. The location and identification of existing buildings, railroads, overhead power, telephone, cable television or telecommunication transmission lines, pipelines, bridges, culverts and related items within or abutting the proposed subdivision.
 - d. Specific identification, location and dimensions, if applicable, of the following located within the proposed subdivision and within 100 feet of the area to be included within the preliminary plat:
 - 1. Rights-of-way and pavement widths;
 - 2. Name, street pavements and surface types of public and private streets;
 - 3. Drainage ways, improved or unimproved;
 - 4. Walkways or sidewalks;
 - 5. Public or private easements;
 - 6. Railroad rights-of-way;
 - 7. Corporate limit lines;
 - 8. Parks, schools or other public lands;
 - 9. Approximate locations and size of existing buildings and structures;
 - 10. Existing zoning district lines and classifications.
 - e. The drainage district or districts within which the proposed subdivision lies or the district to which the subdivision is contiguous; or if the subdivision is not located in or contiguous to a drainage district, so noted.
 - f. The existing zoning of the subdivision and any proposed zoning of the subdivision.
 - g. Delineation of commons or public area(s), if any.
 - h. The location of flood hazard and floodway boundaries and the base flood elevation for each building site, if any.
 - i. The acreage and identification of the upstream drainage basin(s).
 - j. A determination and documentation of the fire flow from the closest hydrant to the proposed subdivision.
- (3) Proposed conditions:
- a. The names, locations, rights-of-way, and pavement width of proposed streets and alleys.

- b. The location and width of sidewalk and mid-block sidewalk pavements and rights-of-way or easements.
 - c. All lots and outlots (consecutively numbered).
 - d. Front yard setback lines.
 - e. Proposed location, size and course of sanitary sewage disposal lines and related rights-of-way or easements.
 - f. Proposed stormwater drainage systems including location of inlets and related rights-of-way or easements.
 - g. The location of proposed water courses or impoundments, including stream relocations, showing normal water elevations and direction of flow.
 - h. The locations of all proposed water service lines, their sizes and related rights-of-way or easements.
 - i. The location of all proposed fire hydrants and calculated fire flows for those hydrants, which shall be approved by the fire chief of the village or his/her designee. In no case shall there be greater than a 500-foot distance between any two fire hydrants on a street, measured radially in any direction from each proposed hydrant.
 - j. The location of all proposed gas mains, electrical, cable television or telecommunication transmission lines and related rights-of-way or easements.
 - k. Estimated minimum floor elevations for that portion of the subdivision within a flood hazard boundary.
 - l. If applicable, a notation designating which lot(s) are proposed to be subdivided for common-lot-line dwelling units.
- (g) Limitation on preliminary plat approval.
- (1) Application for approval of a final plat shall be made not later than one year after the approval of the preliminary plat has been granted by the ~~plan commission~~planning and zoning commission if no waivers are requested or by the corporate authorities if waivers are requested. The subdivider may request final plat approval of a part of a preliminary plat which received approval, and may delay application for approval of other parts of such preliminary plat until a later date with the approval of the corporate authorities, provided all improvements required to serve such part or parts for which final plat approval is sought have been or are to be provided.
 - (2) The administrative review committee may extend the period for approval of a final plat for up to two years under the following conditions:
 - a. The subdivider must submit a request to extend the validity of the preliminary plat;
 - b. No new waivers are requested;
 - c. The facts upon which any waivers were approved have not changed substantially and are not likely to change during the period for which such extension is granted;
 - d. No new regulations have been adopted by the corporate authorities since the preliminary plat was originally approved which would materially affect the subdivision;
 - e. The zoning administrator shall notify the subdivider, in writing, of the approval or denial of the requested extension within ten days of the receipt of the request. Failure to notify the subdivider within this time frame shall be deemed as denial of the request.

(Ord. No. 2439, § 1, 8-11-2015)

Sec. 32-22. - Final plat of a subdivision.

- (a) Submission. The subdivider shall cause to be prepared a final plat and a subsidiary drainage plat and supporting documents as required by this chapter and the Manual of Practice. The subdivider shall submit to the zoning administrator:
- (1) The following final plat prints for all subdivisions: three full-sized prints and ten reduced prints (11 inches by 17 inches) or the number of final plat prints the zoning administrator requests.
 - (2) Three full-sized subsidiary drainage plat prints and supporting materials and ten reduced prints (11 inches by 17 inches) or the number of final plat prints the director of public works requests.
 - (3) A copy of all new waiver requests in writing and presented in the manner required for a preliminary plat.
 - (4) A county clerk's certificate substantially in the form set out in Exhibit A of the Set of Approved Forms (on file with the village).
 - (5) A village comptroller's certificate substantially in the form set out in Exhibit B of the Set of Approved Forms (on file with the village) (not required for any subdivision in the extraterritorial jurisdiction).
 - (6) A notarized school district statement substantially in the form set out in Exhibit C of the Set of Approved Forms (on file with the village).
 - (7) A construction bond, if required, in the form of Exhibits F-1 or F-2 of the Set of Approved Forms (on file with the village).
 - (8) Three complete sets of prints of engineering plans and specifications required to be prepared in accordance with section 32-30 of this chapter and the Manual of Practice.
 - (9) A soil erosion and sedimentation control plan, if required.
 - (10) Provision for the perpetual maintenance of common areas, facilities and equipment. The perpetual maintenance of any common areas, facilities and equipment shall be provided for by a ~~declarant legal entity~~. Prior to final approval of the subdivision, the plan commission, planning and zoning commission shall approve the subdivider's selected method of perpetual maintenance. The subdivider shall make no change in the approved method unless the ~~plan commission, planning and zoning commission~~ and corporate authorities approve any such change.
 - a. Homeowner's association. If a homeowner's association is to be (or is) formed, the articles of incorporation must minimally contain the following provisions:
 1. Legal description which geographically defines the area, facilities and/or equipment to be owned and controlled by the homeowner's association.
 2. That all owners of property to be owned and controlled by the homeowner's association shall automatically become members of the homeowner's association and shall be required to incur all costs necessary to maintain any common area, facilities and/or equipment of the homeowner's association.
 - b. Single ownership or other. In the event that the entire subdivision is to remain under a single ownership, land trust, other similar unified arrangement, the subdivider shall then include in the owner's certificate a covenant that cannot be amended or revoked without the express written consent of the village that provides for such legal entity to be responsible for the maintenance of all common areas, facilities and/or equipment.
 - c. Any method for maintenance of common areas, facilities and/or equipment shall require that no common area open space within the subdivision shall be converted to any other use unless the owners of all property within the subdivision, the ~~plan commission, planning and zoning commission~~ and corporate authorities authorize such change.
 - (11) An owner's certificate stating that the subdivider holds sole title to the land being subdivided and that the land has been surveyed. The owner's certificate shall be substantially in the form of Exhibits E-1 or E-2 of the Set of Approved Forms (on file with the village) and shall be acknowledged before a notary, shall contain dedications of rights-of-way and grants of easements

to the village (or the public if any such rights-of-way within the extraterritorial jurisdiction of the village) and any proposed covenants to run with the property and shall be dated and signed by the owner or the owner's designee. Where land is proposed to be subdivided for common-lot-line dwelling units, the subdivider shall include a notation in the owner's certificate indicating such intent and the owner's certificate shall provide for the requirements stated in section 32-26 of this chapter.

(12) The appropriate fee in accordance with the fee schedule established by corporate authorities.

(13) A completed application form.

- (b) Review and comment. The administrative review committee shall review the final plat for any additional detail and for adherence to the approved preliminary plat. If the final plat of a subdivision substantially differs from the previously approved preliminary plat of the subdivision or if the owner is requesting new and different waivers than those included with the approval of the preliminary plat, the preliminary plat shall be resubmitted to the ~~plan commission~~planning and zoning commission for review. If the final plat substantially conforms to the previously approved preliminary plat and no new waivers are requested, the final plat shall be submitted directly to the corporate authorities for approval.
- (c) ~~Plan commission~~Planning and zoning commission. If required, the zoning administrator shall transmit the final plat and any related items to the ~~plan commission~~planning and zoning commission within (20 working days of receipt of the final plat, supporting materials or additional waiver requests, whichever is last received. The ~~plan commission~~planning and zoning commission shall recommend approval or denial of the final plat and all new waiver requests within 45 days from the date of submission to the ~~plan commission~~planning and zoning commission of the final plat and all supporting material, including new waiver requests. The ~~plan commission~~planning and zoning commission may recommend denial if the final plat deviates substantially from the approved preliminary plat. If the ~~plan commission~~planning and zoning commission recommends denial of any such final plat, the ~~plan commission~~planning and zoning commission shall state the reasons for such denial of a final plat or new waiver request. If the subdivider or a representative thereof is not present at the time the ~~plan commission~~planning and zoning commission states its reasons for such denial, the zoning administrator shall notify the subdivider that the final plat has been recommended for denial and the reasons for such denial.
- (d) Corporate authorities. The zoning administrator shall forward the final plat, and if required, the recommendation of the ~~plan commission~~planning and zoning commission to the corporate authorities. The corporate authorities shall approve or deny such final plat including new request(s) for waiver(s), if any, within 30 days of the next regularly scheduled meeting of the corporate authorities following direct submittal by the zoning administrator or the action of the ~~plan commission~~planning and zoning commission, whichever is applicable, unless the corporate authorities and subdivider mutually agree to extend such time. In all cases of denial, the corporate authorities shall state the reasons for such denial of a final plat or new waiver request. If a final plat or new waiver request is denied, the zoning administrator shall notify the subdivider of the denial by the corporate authorities. The approval of such final plat shall constitute absolute acceptance by the corporate authorities of all dedications of public rights-of-way and permanent easements within such final plat unless otherwise stated in the ordinance approving such final plat.
- (e) Recording. The zoning administrator shall retain the original of the final plat, together with the supporting documents and certificates, for recording. Within 180 days of the date the ordinance approving the final plat is passed and approved by the corporate authorities, the zoning administrator shall cause the recording of the final plat and any such supporting documents. Any such recording shall only occur after any required improvements are made or a construction bond has been posted in accordance with section 32-37 of this chapter. At the time of recording, the subdivider shall pay such recording fee as established from time to time by the recorder of deeds. Upon recording, the zoning administrator shall notify the office of the village clerk that the original of the final plat has been recorded.
- (f) Limitation on final plat approval. Neither the village, nor the county shall issue a building or zoning permit until any approved final plat is recorded. If such final plat has not been recorded within the time

stipulated above in subsection (e) of this section, any such approval of such final plat shall become void unless during the 180-day period the corporate authorities approve a written application for an extension of such time.

- (g) Final plat and subsidiary drainage plat drafting requirements.
 - (1) The original of the full-sized final plat shall be drawn in ink on dimensionally stable translucent drafting material, not to exceed 24 inches by 36 inches, and presented in a scale not larger than one inch to 100 feet, except as the director of public works may approve otherwise.
 - (2) In addition to the original, a digital computer aided drafting file shall be submitted in accordance with the provisions of Section 1.12 of the Manual of Practice.
- (h) Required content of a final plat. The final plat shall show reasonable conformity to the approved preliminary plat. The corporate authorities may deny approval of a final plat if it deviates substantially from the approved preliminary plat.
 - (1) The final plat shall contain the following on its face:
 - a. Subdivision, development or replat name.
 - b. Graphic scale, north arrow and date of preparation.
 - c. The location and position of the subdivision indicated in one or more of the following ways:
 - 1. By quarter section (or part thereof), section, township, range, median, village, county and state.
 - 2. By a written legal metes and bounds description of the perimeter of the subdivision.
 - 3. By reference to a corner or corners established in the United States Public Land Survey System with distances and bearings from an assumed or astronomic north.
 - 4. In the case of a replat, by reference to a lot(s) in a previously approved and recorded subdivision.
 - d. Location and description of cardinal points to which all dimensions, angles, bearings and similar data on the final plat shall be referenced; a minimum of two corners of the subdivision boundary shall be tied by course and distance to a horizontal control monument.
 - e. Survey data sufficient to reproduce any line or re-establish any survey monument in the subdivision.
 - f. All highways, streets, alleys, blocks, lots, parcels, tracts, public grounds, rights-of-way and easements.
 - g. The length of boundary lines of all streets, alleys, blocks, lots, parcels, tracts, public grounds and rights-of-way. Where a boundary line is the arc of a circle, the radius, the length of the arc, the chord and chord bearing shall be shown. All dimensions shall be shown to hundredths of a foot, except in the case of riparian boundaries which may be shown with less precision.
 - h. The width of all rights-of-way and easements.
 - i. All lots and outlots, consecutively numbered.
 - j. Abutting street lines of existing platted subdivisions as shown by dashed lines.
 - k. Easements dedicated or to be dedicated to the village by the final plat.
 - l. One of the following notations, as applicable:
 - 1. "The land subdivided is situated within the corporate limits of the Village of Rantoul, Champaign County, Illinois"; or
 - 2. "The land subdivided is within the extraterritorial jurisdiction of the Village of Rantoul, Champaign County, Illinois."

- m. Names and signatures of the owner(s) and the Illinois registered land surveyor.
 - n. A notation outlining any waivers, conditions or restrictions or a notation that such exist and are recorded as separate recording documents.
 - o. The surveyor's certificate prepared in accordance with the Plat Act, including the surveyor's seal and statement that all monuments are set as shown.
 - p. The engineer's certificate of drainage prepared in accordance with the Plat Act and in substantially the form of Exhibit D of the Set of Approved Forms, (on file with the village) including the engineer's seal.
 - q. Appropriate signature blocks to appear on the plat in accordance with Appendix A-2.
 - r. A statement by the Illinois Department of Transportation with respect to roadway access where such access is to a state highway or by the relevant local highway authority with respect to all other highway access.
 - s. The boundary of the special flood hazard area (SFHA), if applicable.
 - t. The boundary of the floodway, if applicable.
 - u. The base flood elevation (BFE) for each building site, if applicable.
- (i) Required content of a subsidiary drainage plat and supporting documents.
- (1) The subdivider's engineer shall prepare a subsidiary drainage plat study in accordance with the Plat Act.
 - (2) The subsidiary drainage plat shall include finished yard grades at building setback lines. Generally, finished yard grades at building setback lines shall be a minimum of 12 inches and a maximum of 36 inches above the top of any street or street curb. Should topography and/or parcel configuration characteristics make this requirement impractical, a greater degree of variance may be permitted only as authorized by the director of public works.
 - (3) The subsidiary drainage plat shall include:
 - a. Typical lot drainage details to show the manner in which drainage will be accommodated between or among lots.
 - b. The boundary of the special flood hazard area (SFHA), if applicable.
 - c. The boundary of the floodway, if applicable.
 - d. The base flood elevation (BFE) for each building site, if applicable.
 - e. The location of natural vegetation to be maintained and protected.
 - (4) The subsidiary drainage plat shall be subject to the approval of the director of public works.

(Ord. No. 2439, § 1, 8-11-2015)

Sec. 32-23. - Combination preliminary/final plat.

- (a) Eligibility. At the discretion of a subdivider, an application may be made for a combined preliminary/final plat approval procedure.
- (b) Submission. The subdivider shall cause to be prepared a preliminary plat and supporting material as prescribed in subsections 32-21(a), (e) and (f) and a final plat and supporting material as prescribed in subsections 32-22(a), (g) and (h) of this chapter. The subdivider shall submit the appropriate number of combined preliminary/final plat prints as required by subsections 32-21(a) and 32-22(a) of this chapter.
- (c) Review and comments. The administrative review committee shall conduct its review as prescribed in subsections 32-21(b) and 32-22(b) of this chapter.

- (d) ~~Plan commission~~Planning and zoning commission. The ~~plan commission~~planning and zoning commission shall recommend approval or disapproval of the combined preliminary/final plat as prescribed in subsections 32-21(c) and 32-22(c) of this chapter.
- (e) Corporate authorities. The corporate authorities shall review the recommendation of the ~~plan commission~~planning and zoning commission on the combined preliminary/final plat as prescribed in subsections 32-21(d) and 32-22(d) of this chapter.
- (f) Recording. The combined preliminary/final plat and required supporting documents shall be recorded as prescribed in subsections 32-22(e) and (f) of this chapter.
- (g) Limitation on final plat approval. The granting of permits for, and restrictions on recording of the combined preliminary/final plat shall be as specified in subsection 32-22(f) of this chapter.

(Ord. No. 2439, § 1, 8-11-2015)

Sec. 32-24. - Minor subdivision.

- (a) Purpose. The minor subdivision approval procedure is designed to expedite the platting of minor subdivisions. A minor subdivision, by definition, will have little effect on existing public improvements and thus does not require the ~~plan commission~~planning and zoning commission or the corporate authorities to make policy decisions. As such, an administrative review and platting process is designed to minimize cost and time toward approval, while at the same time, provide assurance that a minor subdivision proposal meets the requirements of this chapter.
- (b) Approval procedure. The zoning administrator and director of public works shall approve or disapprove the minor subdivision plat and the village attorney shall approve the form of the owner's certificate and other related documents. Approval must include affirmative findings that:
 - (1) The minor subdivision complies with the zoning ordinance.
 - (2) All improvements, with the exception of sidewalks and service connections as required by this chapter, exist at the subdivision site except that if such existing improvements do not meet the current design standards of the Manual of Practice, the director of public works may waive the requirement to upgrade the existing improvements to such design standards of the Manual of Practice.
 - (3) If sidewalks do not already exist, provision shall be made for sidewalk improvements in one of the following ways:
 - a. If the administrative review committee finds that sidewalks are immediately necessary, the subdivider shall either immediately construct the sidewalks as required herein, or the subdivider shall provide a surety bond payable to the village in an amount equal to at least 100 percent of the estimated cost of the required sidewalk improvements. The village attorney shall approve the form and surety of such bond. The director of public works shall approve the estimate of the subdivider's engineer of the cost of such required sidewalk improvements. The condition of such bond shall be that such required sidewalk improvements shall be completed in conformance with the approved plans and specifications within six months from the date of the approval of the minor subdivision plat.
 - b. If the administrative review committee finds that there is no immediate need for any required sidewalk improvements, the subdivider shall provide a signed and acknowledged covenant that shall be recorded with the minor subdivision plat, stating that the subdivision or any subsequent owner(s) of the lot or lots affected shall construct such required improvements at the sole cost and expense of any such subdivision or owner(s) within six months of passage of a resolution adopted by the corporate authorities to do so or that the village will construct and charge the then subdivider or owner(s), as applicable. The form of such obligation shall be approved by the village attorney and shall be a covenant running with the land.

- (4) The proposed subdivision will not:
 - a. Impede the future use of any remaining adjacent land under the same ownership; or
 - b. Adversely affect the dimensions of such other existing or potential future minimum lot sizes or frontages as specified in the zoning ordinance; or
 - c. Make any existing lot or structure nonconforming; or
 - d. Impede access to any remaining or adjacent land; or
 - e. Conflict with the comprehensive plan; or
 - f. Significantly increase the impact on public streets, utilities, sanitary sewers, storm sewers or other public improvements beyond the existing conditions.
- (c) Submission requirements and review deadlines. All required documents must be submitted to the zoning administrator, who will distribute the necessary documents to the administrative review committee. The review and decision shall be completed no later than 20 working days after submission.
- (d) Required documents:
 - (1) The following plat prints for any minor subdivision: three full sized prints and five reduced prints (11 inches by 17 inches) or the number of plat prints the zoning administrator requests.
 - (2) Any engineering plans required to detail the service connections to storm sewer or sanitary systems.
 - (3) The original plat plus attachments, if any.
 - (4) Original signed and sealed county clerk's certificate as described in subsection 32-22(a)(4).
 - (5) Original signed village comptroller's certificate as described in subsection 32-22(a)(5), if applicable.
 - (6) A notarized school district statement as described in subsection 32-22(a)(6).
 - (7) Original notarized signed owner's certificate as described in subsection 32-22(a)(11), including any and all covenants affecting the subdivision.
 - (8) A completed application form.
 - (9) Fee as established by the corporate authorities for a minor subdivision plat.
 - (10) Drainage plan, if required by the Manual of Practice.
 - (11) Calculated fire flow analysis if required by subsection 32-21(f)(3)i.
- (e) Minor subdivision plat requirements:
 - (1) Drafting. The minor subdivision plat shall be drawn in ink on dimensionally stable translucent drafting material and presented at a scale not numerically larger than one inch to 100 feet, except as the director of public works may otherwise approve.
 - (2) Information required. The required content to be included either on the face of the minor subdivision plat or supporting documents shall be the same as required for the final plat of a subdivision as provided in subsection 32-22(h)(1)a. through q., except that for purposes of this section:
 - a. Subsection 32-22(h)(1)n. shall not apply; and
 - b. Subsection 32-22(h)(1)q. shall reference Appendix A-3 instead of Appendix A-2.
 - (3) In addition to the original, a digital computer aided drafting file shall be submitted in accordance with the provisions of Section 1.12 of the Manual of Practice.

- (f) Administrative review committee approval. Each member of the administrative review committee shall sign the minor subdivision plat indicating approval. Failure of any of these signatures to appear on the face of the minor subdivision plat shall constitute plat denial.
- (g) Notification of applicant. The zoning administrator shall notify the subdivider in writing of the outcome of the review. In the event of a denial, the zoning administrator shall notify the subdivider and furnish the reasons for such denial to the subdivider within five working days after the review is completed. In the event of approval, including any approval subject to required corrections, the zoning administrator shall make an appointment with the subdivider to record the plat provided that any such required corrections shall first have been made. All decisions of the administrative review committee shall be maintained as a public record at the office of the zoning administrator.
- (h) Certificate of exemption in lieu of a plat for lot line adjustments. The administrative review committee may determine that submission of a plat is not required for minor lot line adjustments. The administrative review committee may issue a certificate of exemption in lieu of a plat provided the lot line adjustment meets the following requirements:
 - (1) The lot line adjustment will not result in a change of any lot length, width, or frontage exceeding 25 feet;
 - (2) The sum of the area(s) transferred from one lot to another may not exceed 10,000 square feet;
 - (3) The lot line adjustment may not change the total number of lots, nor create any nonconforming lots or structures according to the minimum standards of the zoning ordinance.
- (i) Required documents for a certificate of exemption in lieu of plat. The owner shall submit an affidavit for a certificate of exemption in lieu of a plat that shall be signed by the owner(s) of all affected lots and shall state that the proposed lot line adjustment(s) meets all requirements for a certificate of exemption. The affidavit shall be accompanied by the following:
 - (1) A survey by an Illinois Registered Surveyor which details the proposed lot line adjustment(s);
 - (2) A complete legal description of all lots subject to the proposed lot line adjustment(s) and a legal description of the lots after the proposed adjustment(s);
 - (3) Permanent index numbers for all lots affected by the proposed adjustment(s);
 - (4) Written approval of the lot line adjustment, as depicted by the survey by an Illinois Registered Surveyor and legal descriptions, from the director of public works and all other utilities or governmental units having roads, sewers, drains, easements or other public services adjacent to the proposed lot line adjustment;
 - (5) Original notarized, signed owner's certificate which shall include any and all covenants affecting the subdivision;
 - (6) A completed application form;
 - (7) Fee as established by the corporate authorities for minor subdivision plats.
- (j) Recording of minor subdivision plats. The zoning administrator shall cause the signed plat of a minor subdivision and all related certificates to be recorded with the recorder of deeds within 90 days of the last dated approving signature of a member of the administrative review committee. The zoning administrator will notify the village clerk's office of the recording. The zoning administrator shall send a copy of the signed plat to the zoning administrator of the county if the plat is within the extraterritorial jurisdiction of the village and, in all cases, a copy of the plat to the applicable township assessor.
- (k) Limitation on minor subdivision plat approval. Neither the village, nor the county shall issue a building or zoning use permit until the minor subdivision plat is recorded. Any such minor subdivision plat shall become void if such plat has not been recorded in accordance with subsection 32-24(j) above.
- (l) Recording of the certificate of exemption. When applicable, an approved certificate of exemption and the survey by an Illinois Registered Land Surveyor be recorded, but only contemporaneously with any deed or deeds which transfer the applicable parts or portions of the existing lots. The certificate of exemption shall contain the name of the minor subdivision, a complete legal descriptions of the

affected lots before and after the lot line adjustment(s) and the signatures of all members of the administrative review committee.

- (m) Appeals of minor development decisions. Any subdivider may appeal the decision of the administrative review committee to deny a proposed minor subdivision plat to the ~~plan commission~~planning and zoning commission within ten days of the written notification by the zoning administrator of the administrative review committee's decision to deny. Such request for appeal shall be made in writing to the zoning administrator. Following such written request for approval and subsequent application for appeal, in a form to be provided by the zoning administrator, and payment of the appropriate fee as established by the corporate authorities, the zoning administrator shall schedule the appeal request before the ~~plan commission~~planning and zoning commission at its next regularly scheduled meeting. The ~~plan commission~~planning and zoning commission shall recommend to approve or deny the minor subdivision plat in accordance with the requirements of this chapter, and shall forward its recommendation to the corporate authorities for consideration at the next regularly scheduled meeting of the corporate authorities as required by subsection 32-22(e). The corporate authorities shall approve or deny the minor subdivision plat in accordance with the requirements for a final plat as set forth in subsection 32-22(d).

(Ord. No. 2439, § 1, 8-11-2015)

Sec. 32-25. - Approval as to certain elements of planned unit developments (P.U.D.s) within the extraterritorial jurisdiction of the village.

- (a) Applicability. For those proposed P.U.D.s which lie wholly or in part within the extraterritorial jurisdiction of the village for which the county must give zoning approval, the developer shall obtain approval of the corporate authorities as to matters set forth in this section prior to commencing any required development. For purposes of this chapter, such a P.U.D. shall constitute a subdivision as herein defined.
- (b) Pre-application conference required. A pre-application conference with the administrative review committee as prescribed under section 32-20 of this chapter shall be required for any P.U.D. within the extraterritorial jurisdiction of the village. For planning coordination purposes, such a pre-application conference may be jointly held with the developer, the administrative review committee and those officials of the county required in connection with their own preliminary conference as may be stipulated in the zoning ordinance of the county.
- (c) Application and procedural requirements:
- (1) Upon the submission of a preliminary application for a P.U.D. to the office of the zoning administrator of the county, as required by the zoning ordinance of the county, the developer shall concurrently submit the following to the zoning administrator of the village:
- a. Prints of the planned unit development plan which the subdivider has filed with county. The number of prints to be submitted shall be the same as the number required for a preliminary plat of a subdivision under subsection 32-21(a) of this chapter; and
 - b. A preliminary plat of a subdivision in accordance with section 32-21 of this chapter.
- (2) The ~~plan commission~~planning and zoning commission and the corporate authorities shall review the proposed preliminary plat subject to the procedures and requirements for a preliminary plat, except that:
- a. The corporate authorities must consider and approve or deny such preliminary plat in accordance with subsection 32-21(d) of this chapter; and
 - b. For purposes of this section, any application for final plat approval shall occur within six months following approval of the preliminary plat by the corporate authorities.

- (3) Upon submission of the final application of a P.U.D. to the office of the zoning administrator of the county, as required in the zoning ordinance of the county, the developer shall concurrently submit to the zoning administrator:
 - a. Prints of the planned unit development plan that the subdivider has filed with the county. The number of prints to be submitted shall be the same as the number required for a final plat of a subdivision as provided in section 32-22 of this chapter; and
 - b. A final plat of a subdivision in accordance with section 32-22 of this chapter.
- (d) Special conditions on final plat recording. A final plat for a P.U.D. shall be recorded as required in subsection 32-22(e) of this chapter; provided, however, that no such final plat for a P.U.D. shall be recorded until such time as the county has given its final zoning approval in accordance with the zoning ordinance of the county. Such final plat and accompanying P.U.D. supporting materials shall be recorded within 120 days of the date the ordinance approving final plat for a P.U.D. is signed by the village president. If it is not so recorded within such period, the approval thereof shall become void.
- (e) Standards and requirements. Unless the ~~plan commission~~ planning and zoning commission expressly recommends and the corporate authorities approve any proposed waivers, the proposed P.U.D. shall be reviewed in accordance with the applicable requirements of article III of this chapter and the Manual of Practice, as applicable.

(Ord. No. 2439, § 1, 8-11-2015)

Sec. 32-26. - Common-lot-line subdivisions.

- (a) Applicability. The subdividing of land into lots for common-lot-line dwelling units, as defined and regulated in the zoning ordinance, shall conform to all requirements of this chapter.
- (b) Formal statement. Where land is proposed to be subdivided for common-lot-line dwelling units, the sketch plan, the preliminary plat, and/or the final plat shall bear the following notation: "This subdivision was approved as a common-lot-line subdivision and as such complies with all applicable provisions of the Subdivision Code of the Village of Rantoul."
- (c) Application and procedural requirements. The subdivision of lots for common-lot-line dwelling units shall conform to the application and procedural requirements contained in this article II of this chapter.
- (d) Required maintenance agreement. A request for approval of a subdivision for common-lot-line dwelling units shall be accompanied by a form of agreement by and between the owner(s) and future owner(s) to own, use, maintain, rent, or otherwise occupy the common-lot-line dwelling units. This maintenance agreement shall provide for the following:
 - (1) All appropriate signatures and certificates with signature of notary;
 - (2) Rules and regulations regarding the maintenance, upkeep and repair of the building(s) or structure(s), all common areas (if any), roof and all areas of pavement surfaces including sidewalks, drives and off-street parking facilities and similar improvements;
 - (3) Party wall easements for all common walls located between the common-lot-line dwelling units;
 - (4) Repair and maintenance of any common service sewers providing for necessary easements of ingress and egress;
 - (5) Insurance to cover the structure(s) and, if desired, homeowner's insurance for each individual dwelling unit or public liability insurance;
 - (6) For townhouse or rowhouse units, a governing board, and dues and assessments for the preservation and maintenance of all common or other facilities which may be perfected by a lien on individual dwelling units of the structure(s) if the same remain unpaid;

- (7) Covenants to assure the repair and reconstruction of any damaged common-lot-line dwelling unit(s) to a condition and style consistent with the architectural style of the other common-lot-line dwelling unit(s) remaining in the structure; and
- (8) Covenants and/or easements providing for reasonable ingress and egress for general repairs, utility connection and repairs and maintenance.

(Ord. No. 2439, § 1, 8-11-2015)

Secs. 32-27—32-29. - Reserved.

ARTICLE III. - ENGINEERING PLANS, CONSTRUCTION OF IMPROVEMENTS, BONDS

Sec. 32-30. - Engineering plans and specifications.

- (a) Preparation of plans and specifications. The subdivider shall cause engineering plans and specifications to be prepared for all subdivision improvements required or regulated by these regulations. Such subdivision improvements shall be designed to conform to the minimum standards set forth in this chapter, the Manual of Practice and the minimum standards and requirements of other local, state and federal authorities which have jurisdiction over the subdivision. Engineering plans and specifications shall be prepared under the supervision of an engineer licensed pursuant to the laws of the State of Illinois and bear the engineer's seal and signature.
- (b) Submittal of plans and specifications. The subdivider shall submit two sets of engineering plans and specifications for all subdivision improvements proposed in or necessary to serve lots depicted in an approved preliminary plat or portion thereof in a proposed final plat to the director of public works for review and written approval prior to commencing the construction of any such subdivision improvements. Such engineering plans and specification shall be in compliance with the approved preliminary plat or portion thereof in a proposed final plat and the Manual of Practice.
- (c) Failure to provide. The subdivider submitting engineering plans and specification shall submit all the information required by the Manual of Practice. Failure of a subdivider to provide such information shall be sufficient grounds for the director of public works to refuse to accept the filing of any such engineering plans and specifications or to reject any such engineering plans and specifications at any stage in the review and approval process. Any such failure shall also be sufficient grounds for the corporate authorities to reject a final plat depicting lots or outlots to be served by such subdivision improvements.
- (d) Minimum material submitted. Engineering plans and specifications shall be submitted for all subdivision improvements proposed in or necessary to serve lots depicted in an approved preliminary plat or portion thereof in a proposed final plat. Such materials shall include, without limitation, plans, profiles, standard details and special details drawn in sufficient detail and supported with sufficient data to make possible a complete and accurate determination of the extent of compliance or noncompliance with these regulations and the Manual of Practice.
- (e) Review and approval.
 - (1) The engineering plans and specifications shall be reviewed and approved or disapproved by the director of public works.
 - (2) The director of public works shall require the subdivider to submit all data, plans specifications and additional materials as may be necessary to completely and accurately determine the extent of compliance or noncompliance with the design standards of the Manual of Practice and to demonstrate that the proposed manner of construction and installation will meet or exceed all construction standards as outlined in the Manual of Practice.

- (3) If the engineering plans and specifications meet or exceed the design standards of the Manual of Practice and otherwise demonstrate good and acceptable engineering design and practice, the director of public works shall approve them.
- (4) The approval or disapproval of the engineering plans and specifications by the director of public works shall make reference to such engineering plans and specifications.

(Ord. No. 2439, § 1, 8-11-2015)

Sec. 32-31. - Construction or installation of subdivision improvements.

The subdivider desiring to construct or install subdivision improvements in an area depicted on a proposed or approved preliminary plat or on a proposed or approved final plat shall perform such construction in accordance with the following procedure:

- (1) Prerequisites to construction.
 - a. For construction before final plat approval:
 1. Approval and continuing validity of an approved preliminary plat;
 2. Approval of engineering plans and specifications by the director of public works for any and all subdivision improvements which are to be constructed or installed or the construction or installation of which is to be commenced prior to approval of a final plat.
 - b. For construction or installation after final plat approval:
 1. Approval of a final plat;
 2. Posting of a construction bond and security therefor in the amount and form specified in section 32-37 of this chapter for all subdivision improvements depicted in, adjacent to or necessary to serve lots or outlots depicted in an area for which final plat approval has been obtained.
- (2) Construction or installation. Subdivision improvements required and/or regulated by this chapter shall be constructed or installed in accordance with the approved engineering plans and specifications, the standards, requirements and regulations set forth in this chapter, the Manual of Practice and other applicable ordinances of the village.
- (3) Improvement modifications. If in the course of construction or installation, the subdivider proposes to modify the size, type, quantity and/or locations of any or all required subdivision improvements, the subdivider's engineer shall submit a written change request to the director of public works for review and obtain the written approval of the director of public works prior to proceeding with the construction or installation of any such modified subdivision improvements.
- (4) Director of public works notification. The subdivider or subdivider's engineer shall notify the director of public works of the commencement, suspension, or resumption of work at least one day prior to the commencement, suspension, or resumption of such work. This requirement shall not apply to any work suspended due to adverse weather conditions. In the event that the subdivider or subdivider's engineer fails to comply with this requirement, the director of public works is hereby authorized to take whatever steps may be necessary to insure that any such work performed complies with any approved engineering plans and specifications, the standards set forth in this chapter, the Manual of Practice and other applicable ordinances of the village.
- (5) Maintenance bond. A maintenance bond as required by section 32-38 of this chapter shall be filed prior to the acceptance of any such required subdivision improvements by the corporate authorities.

(Ord. No. 2439, § 1, 8-11-2015)

Sec. 32-32. - Inspection of improvements.

- (a) Generally. Actual construction of all required subdivision improvements shall be inspected by competent and qualified personnel employed by and under the direction of the subdivider's engineer and shall follow the procedures specified in section 32-31 above. Any such inspection shall be complete to assure that all work complies with the approved engineering plans and specifications, these regulations and the Manual of Practice.
- (b) Engineering tests. Either an independent testing laboratory, the subdivider's engineer or other qualified personnel employed by the subdivider's engineer shall perform any testing required by this chapter or the Manual of Practice at the subdivider's expense. The subdivider shall direct the testing agent to mail or deliver results of any required tests to the director of public works immediately on completion of the test. No test results shall be withheld from the director of public works.

(Ord. No. 2439, § 1, 8-11-2015)

Sec. 32-33. - Notice of violations; stop-work orders; appeals.

- (a) Notice of violation. The director of public works shall serve a notice of violation and order upon any person responsible, in whole or in part, for the construction, installation, alteration, repair, maintenance or removal of any subdivision improvements in violation of any engineering plans and specifications approved pursuant to these regulations, or in violation of any permit issued under the provisions of this Code, or otherwise in violation of these regulations or the Manual of Practice. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.
- (b) Stop-work order. Upon any notice from the director of public works that work on any subdivision improvement is being prosecuted contrary to the provisions of these regulations or the Manual of Practice or is being prosecuted in an unsafe or dangerous manner, such work shall be immediately stopped. Such notice, a stop-work order, shall be in writing and shall be served upon or otherwise given to the subdivider, or the subdivider's engineer, or to any person in charge of or performing work on such subdivision improvements, or to an agent of any of the foregoing. Such an order shall state the conditions under which work may be resumed. No person shall continue any work after having been served with a stop-work order, except such work as is directed to be performed to remove a violation or dangerous or unsafe conditions, as provided for in the order.
- (c) Appeals.
 - (1) The subdivider or owner may appeal a stop-work order to the administrative officer or to the ~~plan commission~~planning and zoning commission but not to both. The filing of an appeal shall not operate as a stay of a notice of violation or stop-work order.
 - (2) If the subdivider or owner appeals to the administrative officer, the subdivider or owner shall file a notice of appeal in writing within seven calendar days of the receipt of the order at the work site, or upon actual receipt by the subdivider or owner, whichever is earlier. The decision of the administrative officer shall be the final administrative decision of the village.
 - (3) If the subdivider or owner appeals to the ~~plan commission~~planning and zoning commission, the appeal shall be in writing setting forth the reasons for the appeal and shall be filed with the village clerk within seven calendar days after receipt of the notice or stop-work order. The ~~plan commission~~planning and zoning commission shall fix a time and place for hearing the appeal, not more than 20 days following the receipt of the appeal by the zoning administrator. The decision of the ~~plan commission~~planning and zoning commission shall be the final administrative decision of the village.

(Ord. No. 2439, § 1, 8-11-2015)

Sec. 32-34. - Approval of improvements.

(a) Required documents. Upon completion of construction of all required subdivision improvements, the subdivider's engineer shall deliver to the director of public works:

- (1) All required test data not previously forwarded to the director of public works in accordance with section 32-32 above.
- (2) A signed and sealed "engineer's certificate" in substantial conformance with Exhibit G of the Set of Approved Forms (on file with the village).

With approval of the director of public works, such certificate may certify to the completion of a portion of the subdivision improvements with specifically stated exceptions for which a bond shall be filed or retained in accordance with section 32-37 of this chapter.

- (b) Field inspection. Within two weeks, weather permitting, of receipt of all documentation required in subsection (a) of this section immediately above, the director of public works shall conduct a final inspection of the required subdivision improvements and shall approve and certify in writing all subdivision improvements which conform to the approved engineering plans and specifications, this chapter and the Manual of Practice. The director of public works shall give written notification of such approval to the subdivider, the zoning administrator and the village clerk. In the event that a construction bond was filed in accordance with section 32-37 of this chapter, the director of public works shall notify the village clerk of the percent of the subdivision improvements approved and/or the amount of the bond which may be released upon the acceptance of such subdivision improvements by the corporate authorities in accordance with subsections 32-37(f) and (g) and the filing of the maintenance bond in accordance with section 32-38.
- (c) Director of public works rejection. The director of public works is authorized to reject the construction or installation of any subdivision improvement which fails to conform to the approved engineering plans and specifications, this chapter or the Manual of Practice.
- (d) Improvement defects. In the event that there are defects in the construction of the subdivision improvements as determined from the final inspection by the director of public works, the director of public works shall give written notification to the subdivider of those defects and the repairs to be made. If there is a disagreement as to whether any such defects exist, then a third engineer agreeable to the director of public works and the subdivider shall be selected. The third engineer shall inspect the subdivision improvements and prepare a report outlining the defects, if any, their probable cause, and the proposed method of repair. The reported findings of the third engineer shall be binding upon the subdivider and the village. The cost of the services of any such third engineer shall be paid one-half by the subdivider and one-half by the village. Upon completion of the repairs, the construction bond shall be released or reduced in accord with section 32-37 of this chapter.

(Ord. No. 2439, § 1, 8-11-2015)

Sec. 32-35. - As-built plans and bill of sale.

- (a) General. After completion, inspection and approval of all public improvements, but prior to acceptance of the subdivision improvements by the corporate authorities for maintenance, the subdivider shall submit all "as-built" plans in the form and as required by this section, including a bill of sale for all subdivision improvements that constitute personal property under the laws of the State of Illinois, including, but not limited to, all sanitary sewers, storm sewer, water main, and related facilities located within public right-of-way and easements reserved, dedicated or granted to the village. Failure of a subdivider to provide such documents in the form required by this section shall be sufficient grounds for the village to refuse to release the construction bond and shall constitute a violation of this chapter.
- (b) Required form of "as-built" plans. The required "as-built" plans shall consist of photographic reproduction mylar with a maximum size of 24 inches by 36 inches and the corresponding digital computer-aided-drafting files in the specified version and format of AUTOCAD on a compact disc or memory stick.

- (c) Required content of "as-built plans". "As-built" plans shall provide the content required for subdivision improvement engineering plans and specifications specified in section 32-30 of this chapter but shall accurately depict the plans, profiles, standard details and special details as actually installed, inspected and approved, rather than as proposed.
- (d) Form of bill of sale. The form of a bill of sale as required by this section shall be in substantial conformance with Exhibit H of the Set of Approved Forms (on file with the village).

(Ord. No. 2439, § 1, 8-11-2015)

Sec. 32-36. - Obligation to correct defects.

- (a) Obligation to correct defects for one year. The subdivider shall maintain all subdivision improvements free from defects for a period of one year after the date the corporate authorities accept all such subdivision improvements. The subdivider shall promptly correct any defect of which the subdivider has notice or which the village discovers, which defect occurs prior to the release of the maintenance bond. The director of public works or designee shall notify the subdivider of any defects discovered by the village which occurred during this period and the subdivider shall promptly remedy the same.
- (b) Partial acceptance. If the corporate authorities accept part but not all of the subdivision improvements, the part accepted shall be maintained free of defects until the expiration of the maintenance period for all subdivision improvements.
- (c) Defects defined and to be repaired. "Free from defects" means that all subdivision improvements are functioning in accordance with the purpose for which they were designed and that such subdivision improvements have not deteriorated other than to the extent of normal wear. Non-designed cracks on pavement or sidewalk shall not be considered normal wear. A defect which may be required to be repaired is any:
 - (1) Failure of a subdivision improvement to operate in conformance with this chapter or the Manual of Practice during the maintenance period; or
 - (2) The appearance of any defect in a subdivision improvement which is discovered during an inspection of such subdivision improvement made by the village within a reasonable period of time after the subdivider's request for the release of the maintenance bond or at any time prior to that inspection; or
 - (3) The failure to design and construct a subdivision improvement required by these regulations and not previously waived, the need for which is discovered prior to the end of the maintenance period.

(Ord. No. 2439, § 1, 8-11-2015)

Sec. 32-37. - Construction bonds.

- (a) Approval. The following procedures for approval of construction bonds shall apply:
 - (1) The subdivision shall have all subdivision improvements completed and accepted or a construction bond approved prior to the recording of the final plat. The final plat must be recorded in the 180-day period specified in subsections 32-22(e) and (f) of this chapter.
 - (2) If all the subdivision improvements cannot be, or are not to be, constructed prior to the recording of the final plat, the subdivider shall submit a request for approval of a construction bond to the director of public works within 30 days following the date of final plat approval.
 - (3) The director of public works and village attorney shall review the proposed construction bond. If the director of public works and village attorney find the form of the construction bond to be in substantial conformance with this section and Exhibits F-1 or F-2 of the Set of Approved Forms (on file with the village), they shall approve such construction bond.

- (4) If neither a construction bond has been approved, nor the required subdivision improvements constructed, completed and accepted by the village within such 180-day period, the final plat shall become void unless the subdivider requests and the corporate authorities approve an extension of the 180-day period for an additional specified period.
- (b) Construction deadline. The condition of the construction bond shall be that the subdivider shall, within a period of two years from the date of the village's approval of the final plat or any approved extension by the corporate authorities, complete or cause to be completed all subdivision improvements in accordance with the approved plans and specifications, this chapter and the Manual of Practice.
- (c) Failure to meet deadline. Failure of the subdivider to complete subdivision improvements within two years after the approval by the corporate authorities of the final plat will cause the village to complete all necessary work. All costs of such subdivision improvements and all related damages, costs, fees and expenses shall be paid for by the proceeds of the construction bond. The balance of the proceeds of the construction bond, if any, shall be returned to the subdivider.
- (d) Construction bond amount. The construction bond shall be in the amount of 100 percent of the estimated cost of construction of the subdivision improvements as determined by the subdivider's engineer and approved by the director of public works.
- (e) Construction security. The subdivider shall provide a construction bond to ensure the completion of the subdivision improvements. Such construction bond shall be secured by one of the following methods or a combination of the following methods. The subdivider may also use an alternative form of security if otherwise approved by the village attorney:
 - (1) Cash;
 - (2) Corporate surety bond by a company licensed and authorized to do business in the State of Illinois as a surety;
 - (3) Certificates of deposit payable to the village;
 - (4) United States Government Savings Bond payable to the village;
 - (5) Irrevocable letter of credit in a form approved by the village attorney.
- (f) Security release. The director of public works and village attorney shall release a construction bond and the surety thereon upon satisfaction of all of the following:
 - (1) The subdivider's engineer shall submit to the director of public works two complete sets of the "as-built" plans, with each set of prints clearly marked "as-built", in the form and with the content required by section 32-35 of this chapter and the Manual of Practice.
 - (2) The subdivider's engineer shall certify that the subdivision improvements have been constructed and completed in compliance with subsection 32-34(a) of this chapter.
 - (3) The director of public works shall recommend that the corporate authorities of the village accept the subdivision improvements in accordance with subsection 32-34(b) of this chapter and the Manual of Practice.
 - (4) Satisfaction of the conditions of the construction bond itself.
 - (5) Receipt of a maintenance bond in accordance with section 32-38 of this chapter.
 - (6) The corporate authorities shall, by resolution, have accepted the subdivision improvements.
- (g) When not required. When a subdivider elects to construct or install subdivision improvements after receiving approval of a preliminary plat and prior to recording of the final plat, a construction bond is not required, however, the subdivider shall submit engineering plans and specifications for approval by the director of public works as required by sections 32-30 and 32-31 of this chapter prior to commencing any such construction or installation. In addition, the subdivider shall be required to coordinate with the director of public works any such construction or installation and related inspections as may be deemed necessary by the director of public works.

(Ord. No. 2439, § 1, 8-11-2015)

Sec. 32-38. - Maintenance bonds.

- (a) Bond time limit. The maintenance bond required by subsection 32-37(f)(5) shall be filed with the director of public works and shall be in a form substantially in conformance with this section and Exhibits I-1 or I-2 of the Set of Approved Forms (on file with the village). The bond shall be for a term of 18 months following the acceptance of the subdivision improvements by the corporate authorities. Such maintenance bond shall, by its terms, guarantee that all subdivision improvements to be accepted by the village shall be maintained "free from defects" and promptly corrected as provided in section 32-36 of this chapter for a period of one year of the date of the acceptance of the subdivision improvements by the corporate authorities.
- (b) Director of public works inspection. At the end of one year from the date of the acceptance of the subdivision improvements by the corporate authorities, the director of public works shall conduct a final inspection of the subdivision improvements within 30 days of the one-year anniversary date of such acceptance. The director of public works shall notify the subdivider and the subdivider's engineer in writing of the date, time and place of the final inspections. If such subdivision improvements are free from defects, the director of public works shall certify in writing that all such subdivision improvements are free from defects and shall provide a copy of such certification to the subdivider and the village clerk.
- (c) Subdivider response deadline. After receiving such notice from the director of public works, the subdivider shall cause any such defects to be corrected and repaired. The time limit to complete such repairs ordered by the director of public works shall be 17 months from the date of the acceptance of the subdivision improvements by the corporate authorities. No extension to this time limit, nor partial release shall be allowed. If the director of public works determines any such defects exist in the construction or installation of the subdivision improvements, the director of public works shall give the subdivider written notice of such defects and the related repairs to be made.
- (d) Performance failure. Failure of the subdivider to correct any such defects or complete any such repairs within the time specified in this section shall be deemed to be an authorization to the village to correct any such defects or to complete such repairs. The village may liquidate any security provided in connection with the maintenance bond and use the proceeds of such maintenance bond to pay for all the costs, expenses and fees of all such corrections and repairs undertaken by the village, including all consultant, testing, engineering and legal costs, expenses and fees incurred.
- (e) Bond amount. The maintenance bond shall be in the amount of not less than \$3,000.00 or 15 percent of the estimated cost of the construction or installation of all subdivision improvements, whichever is greater. The director of public works shall approve the subdivider's engineer's estimated cost of construction or installation in calculating the amount of the maintenance bond.
- (f) Authorized security. A maintenance bond shall be secured in the same manner as construction bonds provided in subsection 32-37(e).
- (g) Bond release. The director of public works and the village attorney shall release any maintenance bond and the related surety thereon upon certification from the director of public works that all subdivision improvements are free of defects and that the conditions of the maintenance bond have been satisfied.

(Ord. No. 2439, § 1, 8-11-2015)

Sec. 32-39. - Reserved.

ARTICLE IV. - SUBDIVISION DESIGN STANDARDS

Sec. 32-40. - Subdivision improvements.

All subdivision improvements shall comply with the minimum standards set forth in the Manual of Practice unless otherwise provided in these regulations.

(Ord. No. 2439, § 1, 8-11-2015)

Sec. 32-41. - Design of streets.

- (a) Classification and location. The classification and location of all streets shall conform to the comprehensive plan, these regulations and the Manual of Practice.
- (b) Public and private streets. Each buildable lot within a new subdivision shall be adjacent to a public street. Private streets may be permitted only in a planned unit development or a mobile home park and are to be maintained by the subdivider or other declarant entity.
- (c) Integration with existing system. All streets shall be properly integrated with the existing and proposed system of streets and thoroughfares as established in the comprehensive plan.

(Ord. No. 2439, § 1, 8-11-2015)

Sec. 32-42. - Design and arrangement of sidewalks, mid-block walks, lots and blocks.

(a) Design and arrangement of lots.

- (1) Proposed lots shall be designed so that buildings may be placed in compliance with the applicable zoning ordinance.
- (2) Lot dimensions shall conform with the applicable standards of the zoning ordinance.
- (3) In general, side lot lines shall be at right angles to street lines (or radial to curving street lines) unless a variation will give a better street or lot plan.
- (4) Corner lots shall have sufficient width to permit appropriate building setbacks from and orientation to both adjoining streets.
- (5) Depth and width of lots reserved or designed for commercial or industrial purposes shall be adequate to provide for off-street parking and loading facilities required for the type of use and subdivision contemplated, as established in the applicable zoning ordinance. Residential lots shall generally maintain a lot width to depth ratio of no more than one to three (1:3).
- (6) Double frontage lots shall be avoided except where necessary to provide separation of residential subdivision from primary streets or when desirable because of specific limitations of topography and orientation. Lots shall not derive access from a primary street.
- (7) Flag lots may be permitted only when it is found that a block containing two tiers of lots is not practical due to adjacent waterways, topography or existing, surrounding and approved subdivision or subdivision patterns and that a street cannot reasonably serve such part of an area intended for flag lots. The following minimum design requirement shall be observed for all flag lots:
 - a. The width of the access portion of the lot connecting to the street shall be a minimum of 20 feet; and
 - b. The length of the access portion of the lot shall not exceed 3.5 times the lineal distance of the minimum lot widths of the zoning district the lot is to be located; and
 - c. Each access part of any flag lot shall be separated from the access part of an adjoining flag lot by at least the minimum lot width of the zoning district in which such access part is to be located, measured along the street frontage.

- (b) Design and arrangement of blocks.
 - (1) The lengths, widths and shapes of blocks shall be determined with due regard to:
 - a. The provision of adequate building sites suitable to the special need of the type of use contemplated.
 - b. The need for convenient access, circulation, control and safety of street traffic.
 - c. The limitations and opportunities of the existing topography.
 - (2) Blocks shall have sufficient width to provide for two tiers of lots of appropriate depth. Exceptions to this rule shall be permitted for blocks adjacent to primary streets, waterways, parks or unusual topographic or special design features of the subdivision.
 - (3) Block lengths shall not exceed 1,200 feet and shall not be less than 400 feet. The corporate authorities may permit exceptions to the minimum and maximum lengths if these limitations prove to be impractical due to terrain or a more desirable alternative block arrangement.

(Ord. No. 2439, § 1, 8-11-2015)

Sec. 32-43. - Right-of-way and easement dedications.

- (a) Land owned on both sides of proposed street. When a subdivider owns the land on both sides of a proposed street, the entire right-of-way for such street shall be dedicated by the subdivider, except in a P.U.D. where the ~~plan commission~~planning and zoning commission shall recommend to the corporate authorities which streets shall be dedicated, if any.
- (b) Land owned on only one side of an existing street. When a subdivider owns the land on only one side of an existing right-of-way, and the existing street right-of-way is narrower than the comprehensive plan or the Manual of Practice requires, the subdivider shall dedicate such additional right-of-way as necessary to provide at least one-half of the required street right-of-way width.
- (c) Required dedication. A subdivider shall dedicate such rights-of-way for streets and alleys as may be required by the comprehensive plan and the Manual of Practice.
- (d) Extension of existing street. When a proposed subdivision contains a street that is an extension of an existing street, and the required right-of-way and pavement width of such street is not equal to the existing street, the subdivider shall provide for equal width or for a gradual narrowing or widening of the pavement and right-of-way whichever the director of public works deems appropriate. The length of this transition should generally be no more than one block in order to provide for a smooth transition between the existing and proposed street width.
- (e) Placement of utilities. In general, utilities shall be placed within publicly dedicated street or alley right-of-way, and, where practical, placed entirely underground in accordance with the standards set forth in the Manual of Practice. However, where practical difficulties exist in providing utilities within dedicated street or alley right-of-way, utilities may be placed within an easement dedicated to the village. Such easements shall generally be located adjacent to and parallel with the street right-of-way. Easements along side lot lines are discouraged. Easements along rear lot lines may be permitted when an alley is proposed as part of a subdivision design or as otherwise approved by the director. The width of easement dedications for utilities shall be as follows:
 - (1) A ten-foot easement width total is required when the easement includes underground power lines, gas mains, water mains, sanitary or storm, or storm sewer systems, telephone lines, CATV cable or other utilities.
 - (2) A 15-foot easement width total is required when the easement includes one sanitary or storm sewer system in addition to any of the other items specified in subsection (e)(1) above.
 - (3) A 20-foot easement width total is required when the easement includes both sanitary and storm sewer systems in addition to any of the other items specified in subsection (e)(1) above.

- (f) Utility company easements. A developer shall not grant an easement for a utility company other than the village without the director of public work's approval.
- (g) Acceptance of other right-of-way. For all dedications of right-of-way and permanent easements not arising from the process of final plat approval by the corporate authorities, the director of public works is authorized to accept on the behalf of the village any and all right-of-way and easement dedications necessary and beneficial to the village. Such acceptance shall consist of the signature of the director on the deed of dedication or other granting document, and shall be effective upon recording of any such deed or document.

(Ord. No. 2439, § 1, 8-11-2015)

Sec. 32-44. - Names of streets, street signs, traffic signs.

- (a) Names. Streets which align with or continue existing streets shall bear the name of the existing street. New street names shall not duplicate or closely resemble the names of streets already existing in the village or within the extraterritorial jurisdiction of the village.
- (b) Erection of street name signs. Street name signs shall be erected by the subdivider at no cost to the village in accordance with the specifications established by the director of public works. Street signs for private streets in planned unit developments shall have white letters on a blue background and the words "private street" shall be printed on the bottom of the sign.
- (c) Erection of no parking signs. When required, the subdivider shall erect "No parking" signs at no cost to the village and in accordance with the established specifications of the director of public works. Whenever such signs are required to be erected within the extraterritorial jurisdiction, the director of public works shall coordinate with appropriate officials of the county to insure that placement of such signs will permit enforcement of no parking zones under the applicable county regulations. Signs shall meet the requirements in the Illinois Department of Transportation's Manual on Uniform Traffic Control Devices.

(Ord. No. 2439, § 1, 8-11-2015)

Secs. 32-45—32-70. - Reserved.

APPENDICES

A-1. - PRELIMINARY PLAT OF A SUBDIVISION—SIGNATURE BLOCK FORMAT.

If no waivers are sought, the following signature block is to appear on the face of a preliminary plat:

APPROVED BY: The ~~Plan-Commission~~Planning and zoning commission of the Village of Rantoul, Champaign County, Illinois.

Date: _____ Chairperson: _____

If waivers are sought, the following signature block is to appear on the face of a preliminary plat:

APPROVED BY: The ~~Plan-Commission~~Planning and zoning commission of the Village of Rantoul, Champaign County, Illinois.

Date: _____ Chairperson: _____

APPROVED BY: The President and Board of Trustees of the Village of Rantoul, Champaign County, Illinois, in accordance with Ordinance No. _____

Date: _____	By: _____ President
Attest: _____ Village Clerk	

(Ord. No. 2439, § 1, 8-11-2015)

A-2. - FINAL PLAT OF A SUBDIVISION—SIGNATURE BLOCK FORMAT.

If additional are sought after approval of a preliminary plat, the following signature block is to appear on the face of a final plat:

APPROVED BY: The ~~Plan Commission~~ Planning and zoning commission of the Village of Rantoul, Champaign County, Illinois.

Date: _____ Chairperson: _____

APPROVED BY: The President and Board of Trustees of the Village of Rantoul, Champaign County, Illinois, in accordance with Ordinance No. _____

Date: _____	By: _____ President
Attest: _____ Village Clerk	

If no additional waivers are sought after approval of a preliminary plat, the following signature block is to appear on the face of a final plat:

APPROVED BY: The President and Board of Trustees of the Village of Rantoul, Champaign County, Illinois, in accordance with Ordinance No. _____

Date: _____	By: _____ President
Attest: _____ Village Clerk	

(Ord. No. 2439, § 1, 8-11-2015)

A-3. - PLAT OF A MINOR SUBDIVISION—SIGNATURE BLOCK FORMAT.

The following signature block is to appear on the face of a minor subdivision plat:

APPROVED BY:

Date: _____	By: _____ Director of Public Works
Date: _____	By: _____ Village Inspector, as Zoning Administrator
Date: _____	By: _____ Village Attorney
Attest: _____ Village Clerk	

(Ord. No. 2439, § 1, 8-11-2015)

ORDINANCE NO. 2513

**AN ORDINANCE
SUPPLEMENTING AND AMENDING DIVISION 3 OF ARTICLE IV
OF CHAPTER 2 OF THE RANTOUL CODE IN CONNECTION
WITH ESTABLISHING A PLANNING AND ZONING COMMISSION**

**VILLAGE OF RANTOUL
CHAMPAIGN COUNTY, ILLINOIS**

CERTIFICATE OF PUBLICATION

Published in pamphlet form this 14th day of February, 2017, by authority of the President and Board of Trustees of the Village of Rantoul, Champaign County, Illinois.

Village Clerk

ORDINANCE NO. 2513

**AN ORDINANCE
SUPPLEMENTING AND AMENDING DIVISION 3 OF ARTICLE IV
OF CHAPTER 2 OF THE RANTOUL CODE IN CONNECTION
WITH ESTABLISHING A PLANNING AND ZONING COMMISSION**

WHEREAS, the President and Board of Trustees (the “**Corporate Authorities**”) of the Village of Rantoul, Champaign County, Illinois (the “**Village**”) now find it necessary, desirable and in the best interests of the Village to combine the powers, duties and functions of the presently established and constituted Plan Commission and Board of Zoning Appeals into a single commission to be established as the “**Planning and Zoning Commission**”.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE OF RANTOUL, ILLINOIS, as follows:

Section 1. Adoption. Division 3, entitled “BOARD OF CODE APPEALS (BCA)” of Article IV, entitled “BOARDS, COMMISSIONS, AUTHORITIES AND COMMITTEES”, of Chapter 2, entitled “ADMINISTRATION”, of the Rantoul Code, as supplemented and amended, be and the same is hereby further supplemented and amended as set forth in the title, headings and text thereof as attached hereto and hereby incorporated herein by this reference thereto.

Section 2. Effective Date. The provisions of this Ordinance shall become effective on March 1, 2017 (the “**Effective Date**”), following its passage, approval and publication as required by law.

Section 3. Conflict. All other ordinances or parts of other ordinances which are in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby superseded.

Section 4. Publication. The Village Clerk is hereby authorized and directed to cause this Ordinance to be published in pamphlet form.

This ordinance is hereby passed, the “ayes” and “nays” being called, by the concurrence of a majority of the members of the Corporate Authorities then holding office at a regular meeting on the date set forth below.

PASSED this 14th day of February, 2017.

Village Clerk

APPROVED this 14th day of February, 2017.

Village President

DIVISION 3. - BOARD OF CODE APPEALS (BCA)

Sec. 2-404. - Creation, appointment and membership.

- (a) The board of code appeals (the "BCA") is hereby created and established to hear and decide any appeal in connection with the building code, the dwelling code, the mechanical code, the property maintenance code, the fire prevention code, the electrical code, the plumbing code or any other code or ordinance providing for any such appeal to the board of code appeals (collectively, the "appealable codes").
- (b) The appointment of any member to the planning and zoning commission, either for the balance of the unexpired term of any member whose position has become vacant or for a new term, shall likewise constitute an appointment to the board of code appeals for any such applicable term. The successor to each member of the planning and zoning commission so appointed to the board of code appeals shall serve for such term as is concurrent with such member's term on the planning and zoning commission.
- (c) The member so appointed and designated as the chairman of the planning and zoning commission by the president of the board of trustees, by and with the advice and consent of the board of trustees, shall be the chairman of the board of code appeals. The board of code appeals shall select one of its members as the secretary to the board of code appeals, who shall keep the minutes of the meetings of the board of code appeals and keep its records and files.

(Code 1977, § 2.177; Ord. No. 1464, 3-14-1995)

Sec. 2-405. - Proceedings.

- (a) All meetings of the board of code appeals shall be held at the call of the chairman, and at such other times as the board of code appeals may determine. The chairman, or in the absence of the chairman, the acting chairman, may administer oaths and compel the attendance of witnesses. All regular meetings of the board of code appeals shall be open to the public in accordance with the Open Meetings Act of the state, as supplemented and amended.
- (b) The board of code appeals shall keep minutes of its proceedings, showing the vote of each member upon every question, or indicating that the member was absent or failed to vote, and shall also keep records of all its official actions.
- (c) The presence of a majority of the members of the board of code appeals shall constitute a quorum at a meeting of the board of code appeals. No action shall be taken by the board of code appeals unless a quorum is present.
- (d) Every final decision of the board of code appeals shall be signed by the chairman or acting chairman, attested by the secretary and filed in the office of the board of code appeals. The minutes, files, records and decisions of the board of code appeals shall be open for inspection by the public at all reasonable times in the office of the village clerk.
- (e) All final decisions of the board of code appeals as authorized by this division shall require a majority vote of the members present and voting.
- (f) In the performance of its duties, the board of code appeals may incur such expenditures as are authorized by the village board.
- (g) No final decision of the board of code appeals shall be subject to review, modification or reversal by the president and board of trustees or any village official, but shall be subject to judicial review pursuant to any available statutory, equitable or common law made of review of decisions of administrative agencies to correct errors of law.

(Code 1977, § 2.178; Ord. No. 1464, 3-14-1995)

Sec. 2-406. - Power and authority.

The board of code appeals shall have the power and authority to hear and decide all appeals from any order, requirement, decision, determination or notice of violation made by the village inspector under the appealable codes. Any such appeal may be taken to the board of code appeals by any person aggrieved thereby and shall be considered according to the following procedures:

- (1) The appeal shall be taken by filing a notice of appeal with the secretary of the board of code appeals within 20 days of the date of any such order, requirement, decision, determination or notice of violation made by the village inspector. The notice of appeal shall describe the order, requirement, decision, determination or notice of violation appealed from and shall specify at least one of the following grounds for the appeal:
 - a. That the true intent of the applicable provisions of the appealable code in question has been incorrectly interpreted;
 - b. That the applicable provisions of the appealable code in question do not fully apply; or
 - c. That an equivalent form of construction, installation or compliance under the appealable code in question is to be used or employed.
- (2) The secretary of the board of code appeals shall, upon receipt of the notice of appeal, obtain from the village inspector all the documents and files which constitute the record upon which the action appealed from was taken.
- (3) The chairman shall fix a reasonable time, not more than 30 days after the filing of the appeal, for the hearing on the appeal, and inform the secretary of the time and place that the hearing shall be held. The secretary shall give due notice of the hearing in writing to the person having filed the notice of appeal, to the village inspector, to the members of the board of code appeals and to any other person directly interested in the outcome of the appeal.
- (4) The hearing shall be held in accordance with the procedures established by the board of code appeals, and the board of code appeals shall decide the appeal within a reasonable time after the hearing; provided, however, that a hearing may be postponed or continued, or a decision postponed, as may be necessary, in the judgment of the board of code appeals, in order to give any such appeal adequate consideration.
- (5) An appeal stays all proceedings in furtherance of the action appealed from, unless the village inspector certifies to the board of code appeals, after notice of appeal has been filed with the secretary of the board of code appeals, that by reason of the facts stated in such certificate a stay would, in the village inspector's opinion, cause imminent peril to life or property. In such event, such proceedings shall not be stayed otherwise than by a restraining order which may be granted by a court of competent jurisdiction.

(Code 1977, § 2.179; Ord. No. 1464, 3-14-1995)

Secs. 2-407—2-425. - Reserved.

RESOLUTION NO. 2-17-1224

**A RESOLUTION
AUTHORIZING OFFICERS OF THE VILLAGE TO EXPLORE
THE MERITS OF A POSSIBLE BOND ISSUE TO FUND THE VILLAGE'S
OBLIGATIONS IN CONNECTION WITH THE POLICE PENSION FUND**

BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF RANTOUL, CHAMPAIGN COUNTY, ILLINOIS, as follows:

That the proper officers of the Village of Rantoul, Champaign County, Illinois (the "**Village**") are hereby authorized and directed to explore the merits of a possible bond issue to fund the Village's obligations in connection with the Police Pension Fund of the Village.

This Resolution is hereby passed, the "ayes" and "nays" being called, by the concurrence of a majority of the Corporate Authorities then holding office at a meeting on the date set forth below.

PASSED this 14th day of February, 2017.

Village Clerk

APPROVED this 14th day of February, 2017.

Village President