

Fairmont City Zoning Code

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CHAPTER 1

FAIRMONT CITY ZONING CODE

PART 1

GENERAL PROVISIONS

SECTION 1-101.	TITLE.
SECTION 1-102.	PURPOSE AND INTENT.
SECTION 1-103.	REGULATORY POWERS.
SECTION 1-104.	GENERAL PROHIBITION.
SECTION 1-105.	JURISDICTION.
SECTION 1-106.	INTERPRETATION.
SECTION 1-107.	CONFLICTING LAWS.
SECTION 1-108.	EXISTING AGREEMENTS.
SECTION 1-109.	EXISTING VIOLATIONS.
SECTION 1-110.	EXISTING BUILDING PERMITS.
SECTION 1-111.	EXISTING ZONING PERMITS.
SECTION 1-112.	CONTIGUOUS PARCELS.
SECTION 1-113.	MINIMUM REQUIREMENTS.
SECTION 1-114.	COMPLIANCE.
SECTION 1-115.	EXEMPTIONS.
SECTION 1-116.	DISCLAIMER OF LIABILITY.
SECTION 1-117.	SEPARABILITY.

SECTION 1-101. TITLE.

This Chapter shall be known, cited and referred to as the "Fairmont City Zoning Code".

SECTION 1-102. PURPOSE AND INTENT.

This Chapter is adopted so that:

- A) Adequate light, pure air, and safety from fire and other dangers may be secured;
- B) The taxable value of land and buildings throughout the Village may be conserved;
- C) Congestion in public streets may be lessened;
- D) Hazards to persons and damage to property resulting from the accumulation or runoff of storm or floodwaters may be lessened;
- E) The preservation of sites, areas and structures of historical, architectural and esthetic importance may be facilitated; and
- F) The public health, safety, comfort, morals, and welfare may otherwise be promoted.

(Ch. 65, Sec. 5/11-13-1 III. Com. Stat.)

SECTION 1-103. REGULATORY POWERS.

In order that the aforementioned purpose and intent may be achieved, the provisions of this Chapter support the following regulatory powers:

- A) To divide the entire Village into districts of such number, shape, area and of such different causes as may be deemed best suited to carry out the provisions of this Chapter;
- B) To fix standards, to which buildings or structures thereon shall conform;
- C) To prohibit uses, buildings, or structures incompatible with the character of such districts;
- D) To establish, regulate and limit the height and bulk of buildings to be erected;
- E) To establish, regulate and limit the building or set back lines on or along any street, traffic way, drive, parkway, or storm or floodwater runoff, channel or basin;
- F) To regulate and limit the intensity of the use of lot areas;
- G) To regulate and determine the area of open spaces, within and surrounding buildings or structures;

- H) To classify, to regulate, and to restrict the use of property on the basis of family relationship;
- I) To prevent additions to, and alteration or remodeling of, existing buildings or structures in such a way as to avoid the restrictions and limitations lawfully imposed under this chapter.
- J) To provide for the gradual elimination of uses, buildings and structures which are incompatible with the character of the districts in which they are made or located; and
- K) To encourage the direction of building development to the best advantage of the entire Village.

SECTION 1-104. GENERAL PROHIBITION.

It shall be unlawful within the Village of Fairmont City, Illinois, to create, occupy, erect, or otherwise develop, any lot or structure, or any part of any lot or structure, except in conformity with the provisions of this chapter.

SECTION 1-105. JURISDICTION.

This chapter shall be applicable only within the corporate limits of the Village of Fairmont City, Illinois, except where otherwise provided by law.

SECTION 1-106. INTERPRETATION.

Every provision of this Chapter shall be construed liberally in favor of the Village, and every regulation set forth herein shall be considered the minimum requirement for the promotion of the public health, safety, and welfare.

SECTION 1-107. CONFLICTING LAWS.

Where the conditions imposed by any provisions of this Chapter are either more restrictive or less restrictive than comparable conditions imposed by 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.

SECTION 1-108. EXISTING AGREEMENTS.

This Chapter is not intended to repeal any easement, covenant or 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.

SECTION 1-109. EXISTING VIOLATIONS.

- A) No building, structure or use, not lawfully existing on April 3, 2003, shall become or be made lawful solely by reason of the adoption of this Chapter and to the extent that, in any manner, the unlawful buildings, structure or use is in conflict with the requirements of this Chapter, the building, structure or use remains unlawful hereunder.
- B) Any building, structure or use established or altered in violation of the provisions of the ordinance which was in effect at the time of establishment or alteration of such building, structure or use shall not be validated by the adoption of this Chapter.

SECTION 1-110. EXISTING BUILDING PERMITS.

Any building permit for a building or structure that does not conform with the provisions of this Chapter that was issued prior to April 3, 2003, shall only be valid for a period of six (6) months from the date of issuance, and no extension or re-issuance of a building permit for such buildings or structures shall be granted unless the construction has begun and is partially completed or the proposed building or structure or use is in full compliance with the provisions of this Chapter.

SECTION 1-111. EXISTING ZONING PERMITS.

Any zoning permit, including those for special uses and variations, which was issued prior to April 3, 2003, but was not implemented by that date, shall be invalid one (1) year from the date of issuance or six (6) months from the effective date of this Chapter, unless substantially implemented by the applicant prior to such time.

SECTION 1-112. CONTIGUOUS PARCELS.

When two (2) or more parcels of land, each of which lacks adequate area and dimensions to qualify for a permitted use under the requirements of the zoning district in which they are located, are contiguous and are held in one (1) ownership, at the time of construction, such lots shall be considered a single lot.

SECTION 1-113. MINIMUM REQUIREMENTS.

In their interpretation and application, the provisions of this Chapter shall be held to be the minimum requirements for the promotion and protection of the public, health, safety, morals and welfare.

SECTION 1-114. COMPLIANCE.

- A) No building or structure or part thereof shall be erected, constructed, reconstructed, enlarged, moved or structurally altered; and no building structure or land shall hereafter be used, occupied or arranged or designed for use or occupancy; nor shall any excavating or grading be commenced in connection with any of the above matters, except as permitted by the regulations herein which are applicable to the zoning district in which such building, structure or land is located.
- B) Except as may otherwise be provided, all structural alterations or relocations of existing buildings occurring hereafter, and all enlargements of or additions to existing uses occurring hereafter, shall be subject to all regulations herein which are applicable to the zoning district in which such buildings, uses or land shall be located.
- C) Where a structure and use thereof of land lawfully exists on April 3, 2003, and is classified by this Chapter as a special use in the district where it is located, such use shall be considered a lawful special use. A special use permit issued in accordance with procedures herein set forth shall be required only for any expansion or major alteration of any such existing special use. If an existing special use ceases for a period of more than six (6) months, the special use can only be reestablished under the provisions of Section 1-1546 through Section 1-1554 of this Chapter.
- D) Any legally established building, structure, or use may continue subject to the provisions of Part 12 of this Chapter.
- E) Any lot of record existing on April 3, 2003 which is unable to meet the requirements of this Chapter as to lot area, lot width and yard requirements shall only be used in accordance with the provisions of Part 12.

SECTION 1-115. EXEMPTIONS.

- A) As required by statute the type or location of any poles, towers, wires, cables, conduits, vaults, laterals or any other similar distributing

equipment of a public utility is exempt from the requirements of this Chapter.

- B) The provisions of this Chapter shall not be enforced so as to impose regulations or required permits with respect to land within a conservation district used strictly for agricultural purposes or with respect to the erection, maintenance, repair or extension of buildings or structures used or to be used entirely for agricultural purposes, except that all such buildings shall conform to the yard requirements, lot size requirements and building bulk limitations and sign provisions of this Chapter. All nonagricultural uses of the conservation district shall be in full compliance with the provisions of this Chapter.
- C) Pipelines and other underground installations, to the extent that the same are completely buried beneath the surface of the soil, are exempt from the requirements of this Chapter, provided that any incidental or associated structures, installations or equipment except markers used in connection with such pipe lines are subject to the provisions of this Chapter.
- D) Chimneys, parapet walls, skylights, steeples, flag poles, smokestacks, cooling towers, elevator bulkheads, firetowers, monuments, water towers, stacks, stage towers, or scenery lofts, tanks, ornamental towers and spires, wireless towers, radio transmission towers, radar installations, telescopes, military installations of the U.S. Government, necessary mechanical appurtenances and television or other antennas may exceed the height limitations of this chapter.
- E) No building or structure including those listed in subsection (d) above, which are subject to notice under Federal Aviation Regulations par. 77, shall be constructed until approved by the Federal Aviation Administration.

SECTION 1-116. DISCLAIMER OF LIABILITY.

- A) Except as may be provided otherwise by statute or ordinance, no official, board member, agent or employee of the Village shall render himself personally liable for any damage that may occur to persons or property as a result of any act required or permitted in the discharge of his duties under this Chapter.
- B) Any suit brought against any official, board member, agent, or employee of the Village, as a result of any act required or permitted in the discharge of his duties under this Chapter shall be defended by the Village Attorney until the

final determination of the legal proceedings.

SECTION 1-117. SEPARABILITY.

If any court of competent jurisdiction shall judge invalid any provision of this Chapter, such judgment shall not affect any other provision hereof not specifically included in said judgment. Further, if such court shall adjudge invalid the application of any provision hereof to a particular property, such judgment shall not affect the application of said provision to any other property not specifically included in said judgment.

CHAPTER 1 FAIRMONT CITY ZONING CODE

PART 2 DEFINITIONS

**SECTION 1-201.
SECTION 1-202.**

**RULES OF CONSTRUCTION.
SELECTED DEFINITIONS.**

SECTION 1-201. RULES OF CONSTRUCTION.

The following rules shall be observed and applied in the interpretation of this Chapter except when the text clearly indicates otherwise:

- A) Words and phrases shall have the meanings respectively ascribed to them in Section 1-202 unless the context clearly indicates otherwise; terms not defined in Section 1-202 shall have their standard English dictionary meanings.
- B) Words denoting the masculine gender shall include the feminine and neuter genders.
- C) Words used in the present tense shall include the future tense.
- D) Words used in the singular number shall include the plural number, and the plural the singular.
- E) The term "shall" is mandatory; the term "may" is discretionary.
- F) All distances shall be measured to the nearest integral foot. Six inches (6") or more shall be deemed one foot (1').
- G) Captions (i.e., titles of sections, subsections, etc.) are intended to merely facilitate general reference and in no way limit the substantive application of the provisions set forth thereunder.
- H) References to sections shall be construed to include all subsections within that section; but a reference to a particular subsection designates only that subsection.
- I) A general term that follows or is followed by enumerations of specific terms shall not be limited to the enumerated class unless expressly limited.
- J) The word "lot" shall include plot and parcel.
- K) The words "building and/or structures" shall include all non-living improvements upon the

land.

- L) The phrase "used for" shall include the phrases "designed for", "intended for", "occupied for or by" and "maintained for".

SECTION 1-202. SELECTED DEFINITIONS.

Abutting: have a common property line or district.

Access way: curb cut, ramp, driveway, or other means for providing vehicular access to an off street parking or loading area.

Accessory building or use: A building or use which:

- 1) Is subordinate to and serves a principal building or principal use.
- 2) Is subordinate in area, extent or purpose to the principal building or principal use Served.
- 3) Contributes to the comfort, convenience or necessity of occupants of the principal building or principal use served.
- 4) Is located on the same zoning lot as the principal , building or potential use served with the single exception of such accessory off street parking facilities as are permitted to locate elsewhere than on the same zoning lot with the building or use served.

Adjacent: Lying near of in the immediate vicinity.

Adjoining: Touching or contiguous, as distinguished from lying near.

Administrator: See "Zoning Administrator"

Advertising: See "Sign"

Aerials or Antennas: Structures or devices used to detect or radiate electromagnetic waves; specifically that part of a radar or of a radio-

sending or radio-receiving set that consists of that apparatus that radiates waves or receives them.

Agriculture: The use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, and animal and poultry husbandry, and the necessary accessory uses for packing, treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities. Included are truck-farming, poultry farming, bee-keeping, raising of fruit and berries, and the selling of agricultural products, but shall not include mechanized industrial animal farms. "Agriculture" shall not include the commercial feeding of garbage to swine or other animals.

Agricultural Building or Structure: Any building or structure existing or erected on land used principally for agricultural purposes, with the exception of dwelling units.

Aisle: A vehicular traffic way within an off-street parking area, used as a means of access/egress from parking spaces.

Alley: A public or private way, at the rear or side of property, permanently reserved as a means of secondary vehicular access to abutting property.

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

Amendment: A change in the provisions of this Chapter, including the district map, properly effected in accordance with State law and the procedures set forth herein.

Anchor: Any approved device to which a mobile or manufactured home is tied down to keep it firmly attached to the stand on which it is placed.

Animal Hospital: Any building or portion thereof designed or used for the care, observation, or treatment of domestic animals.

Apartment: See "Dwelling Unit".

Apartment Building: See "Dwelling, Multi-Family".

Asphalt: A mixture of petroleum by-products and gravel used for paving to form an impermeable, all-weather, and dustless surface.

Attached: As applied to buildings, "attached" means having a common wall and/or a common roof.

Auditorium: A room, hall or building made a part of a church, theatre, school, recreation building, or building assigned to the gathering of people as an audience to hear lectures, plays and other presentations.

Automobile Laundry: A building or portion thereof containing facilities for washing more than two (2) automobiles, providing space, water, equipment or soap for washing of automobiles by the operator or customer. Production line methods using mechanical devices are permitted.

Automobile repair, major: The general repair, engine rebuilding or reconditioning of motor vehicles, collision service; such as body, frame, and fender straightening and repair and painting of motor vehicles.

Automobile repair, minor: Incidental repairs, replacement of parts and motor service of automobiles but excluding any operation specified under "automobile repair, major".

Automobile Service Station: Any building or premises used for the dispensing, sale or offering for sale at retail to the public, automobile fuels stored only in underground tanks located wholly within the lot lines; lubricating oil or grease for the operation of automobiles; and the sale and installation of tires, batteries, other minor accessories, and minor automobile repair, but not including a bulk plant, conduct of major automobile repairs, automobile wrecking, automobile sales or automobile laundries; provided, however, that the washing of individual's automobiles where no chain conveyer is employed may be included.

Awning: A rooflike cover, temporary in nature, which projects from the wall of a building and may overhang the public way.

Banquet Hall: A building, or portion thereof, primarily intended to accommodate large groups of diners on special occasions.

Basement: That portion of a building having more than one-half of its height below lot grade.

Basement, Subgrade: That portion of a building which is partly underground but has at least one-half of its average height above lot grade.

Billboard: See "Sign, Billboard".

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

Board of Appeals: The Zoning Board of Appeals of the Village.

Buffer Strip: An area of land undeveloped, except for landscaping, fences, or other similar uses intended to protect a use situated on one (1) lot from the injurious effects of the use on the

adjacent lot.

Buildable Area: The area of a lot remaining after the minimum open space and/or yard requirements of this Chapter have been complied with.

Building: Any structure built, used, designed, or intended for the support, shelter, protection, or enclosure of persons, animals, chattels, or property of any kind, and which is permanently affixed to the land. When a building is divided into separate parts by an unpierced fire or party walls extending continuously from the ground through all stories to and above the roof, each part may be deemed a separate building. See "Uniplex".

Building, Accessory: See "Accessory Building or Use".

Building, Detached: A building surrounded by an open space on the same lot.

Building Height: The vertical distance from the sidewalk level, or its equivalent established grade opposite the center of the front of a building to the highest point of the underside of the ceiling beams, in the case of a flat roof; to the deck line of a mansard roof; and to the mean level of the underside of the rafters between the eaves and the ride of a gable, hip or gambrel roof. Where no sidewalk level has been established the height of a building may be measured from the mean elevation of the finished lot grade at the front of the building.

Building Permit: A permit issued by the Building Code Administrator for the construction, erection, or alteration of a structure or building.

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

Building, Residential: Any building that is used exclusively for permitted residential uses.

Building, Service: As applied to the manufactured home regulations of the Village, a building in which laundry facilities or other such service facilities are provided.

Building Setback Line: The minimum distance between a street right-of-way and the nearest supporting member of any structure on the lot.

Bulk: A term used to indicate the size and setbacks of buildings or structures and their location with respect to one another, including:

- 1) Height and area of buildings.
- 2) Location of exterior walls in relation to lot lines, streets, or other buildings.

- 3) All open space allocated to buildings.
- 4) Amount of lot area required for each dwelling

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

Canopy: A rooflike structure projecting from a wall and supported in whole or in part by vertical supports to the ground, and erected primarily to provide shelter from the weather.

Canopy, Service Station: A rooflike structure, usually self-supporting and detached, and erected primarily to provide shelter from the weather at self-service gas pumps.

Carport: An open-sided, roofed automobile shelter, usually formed by extension of the roof from the side of a building.

Centerline: The centerline of any right-of-way having a uniform width; the original centerline, where the right-of-way has been widened irregularly; or the new centerline, whenever a road has been relocated.

Certificate of Zoning Compliance, Initial: A permit issued by the Zoning Administrator indicating that a proposed structure, or use is in conformity with the requirements of this Chapter.

Certificate of Zoning Compliance, Final: A permit issued by the Zoning Administrator indicating that a lot or newly completed structure or use complies with all pertinent requirements of this Chapter and may, therefore, be occupied or used.

Child Care Center: State licensed day care centers which receive preschool or school age children, or both, for short-term or extended hours of care, or out-of-school hours, and which provide essential personal care, protection, supervision, training, and programs to meet the needs of the children served.

Clinic, Medical or Dental: An organization of specializing physicians or dentists, or both, who have their offices in a common building. A clinic shall not include inpatient care.

Club/Lodge: A not-for-profit association of persons who are bona fide members organized for some purpose(s) and paying regular dues and whose facilities are restricted to members and their guests; not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

Commercial Use/Establishment: Any use or establishment wherein goods are purchased or sold, whether to the consuming public (retail) or

to other businesses (wholesale).

Common Open Space: Land unoccupied by structures, buildings, streets, right-of-ways, and automobile parking lots and designed and intended for the use or enjoyment of residents of a planned unit development. Common open space may contain structures for recreational use.

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

Condominiums, Business: A form of cooperative ownership that permits individual ownership of a specific part of a building, with common ownership of all spaces beyond the specific units. Each unit can be owned in fee simple, with restrictions on the sale, rental or transfer of same, other than the restrictions on all real estate. Business Condominiums must meet the requirements of Illinois Law and Section 1-908

Conforming Building or Structure: Any building or structure which complies with all the regulations of this Chapter or of any amendment hereto governing bulk for the zoning district in which such building or structure is located.

Conforming Use: Any use which occupies a building, structure, or lot and which complies with the regulations of this Chapter; or of any amendment hereto governing permitted and special uses for the zoning district in which such use is located.

Convalescent Home: See "Nursing Home", "Home for the Aged", "Homes for Ill or Physically Infirm Persons", and related definitions; "Hospital," "Intermediate Care Facility," "Sheltered Care Facility," "Sheltered Care House" and "Skilled Nursing Facility."

Corner Lot: See Lot, Corner.

Corrective Action Order: A legally binding order issued by the Zoning Administrator in accordance with the procedures set forth herein, to effect compliance with this Chapter.

Court: An open unoccupied space other than a yard on the same lot with a building, which is totally or partially enclosed by building or buildings and is completely open to the sky.

Curb Level: The level of the established curb in front of the building measured at the center of such

front. Where a building faces on more than one street, the "curb level" shall be the average of the levels of the curbs at the center front of each street. Where no curb elevation has been established, the level of the centerline of the street shall be considered the "curb level".

Day Care Center: Any state licensed child day care facility receiving more than eight (8) children for daytime care during all or part of the day. The term "day care centers" includes facilities called "child care centers", "day nurseries", "nursery schools", "kindergartens", "play groups", and "centers or workshops for mentally or physically handicapped" without stated educational purposes. The term does not include:

- 1) Kindergartens or nursery schools or other daytime programs operated by public or private elementary school systems or secondary level school units or institutions of higher learning.
- 2) Facilities operated in connection with a shopping center or service, or other similar facility, where transient children are cared for temporarily while parents or custodians of the children are occupied on the premises, or in the immediate vicinity and readily available;
- 3) Any type of day care center that is conducted on federal government premises; or
- 4) Special activities programs, including athletics, crafts instruction, and similar activities conducted on an organized and periodic basis by civic, charitable, or governmental organizations.

Day Care Home: Any state licensed child day care facility receiving eight (8) or fewer children for daytime care during all or part of the day, and within the residential premises of the person so licensed. Such homes must meet the requirements of a home occupation in order to be a permitted or special use in some districts.

Day Nurseries: State licensed day care centers which receive preschool age children for short-term or extended hours of care, and which provide essential personal care, protection, supervision, training, and programs to meet the needs of the individual children served.

Detached: As applied to buildings, "detached" means surrounded by yards on the same lot as the buildings.

Develop: To erect any structure or to install any improvements on a tract of land, or to undertake any activity, such as grading, in preparation therefor.

District: A portion of the territory of the Village wherein certain uniform requirements or various combinations thereof apply to structures, lots, and uses under the terms of this Chapter.

Drive-in Establishments: An establishment which is designed to provide, either wholly or in part, service to customers while in their automobiles parked upon the premises.

Driveway: A minor way commonly provided vehicular access to a garage or off-street parking area.

Duplex: A dwelling that has accommodations for two families.

Dwelling: A building or portion thereof, but not including a house trailer, mobile home or manufactured home, designed or used exclusively for residential occupancy, including single-family dwelling units, two-family dwelling units, and multiple-family dwelling units, but not including hotels, boarding or lodging houses.

Dwelling Unit: One (1) or more rooms in a dwelling designed for occupancy by one (1) family for living purposes and having its own permanently installed cooking and sanitary facilities.

Dwelling, Attached: A dwelling containing two (2) or more dwelling units and adjoined to other dwellings by party wall or walls, originally constructed for said purposes.

Dwelling, Converted: Any building which was originally designed and constructed as a one, two or three-family dwelling, but which has been changed or altered by the construction of additional dwelling units to provide for more families than the original building.

Dwelling, Detached: A dwelling unit that is surrounded on all sides by open space on the same lot.

Dwelling, Multiple-Family: A dwelling containing three (3) or more dwelling units, originally constructed for said purpose, and not including converted dwellings.

Dwelling, Semi-Attached: A dwelling that is jointed to another dwelling by a garage, carport, recreational structure, or other non-residential facility.

Dwelling, Single-Family: A dwelling containing accommodations, for occupancy only by one (1) family.

Dwelling, Two-Family: A building designed exclusively for occupancy by two (2) families, each living independently of the other.

Easement: A right to use another person's real property for certain limited purpose.

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

Efficiency unit: A dwelling unit consisting of one (1) principal room, exclusive of bathroom, kitchen, hallway, closet or dining alcove directly off the principal room.

Enclosed: As applied to a building, "enclosed" means covered by a permanent roof and separated on all sides from adjacent open space or other building by fixed exterior walls or by common walls, with openings only for windows and doors.

Enlarge: To increase the size (floor area, height, etc.) of an existing principal structure or accessory use, or to devote more land to an existing use.

Erect: To build, construct.

Essential Services: Services provided by public and private utilities necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface or overhead gas, electrical, water, sanitary sewerage, storm water drainage, and communication systems and accessories thereto, such as poles, towers, wires, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants, but not including buildings that do not need to be in the immediate area of the uses they service.

Establishment: Either of the following:

- 1) An institution, business, commercial, or industrial activity that is the sole occupant of one (1) or more buildings; or
- 2) An institution, business, commercial or industrial activity that occupies a portion of a building such that;
 - a) The activity is a logical and separate entity from the other activities within the building and to a department of the whole; and
 - b) The activity has either a separate entrance from the exterior of the building, or a separate entrance from a common and clearly defined entryway that has direct access to the exterior of

the building.

Excavation: Any act by which organic matter, earth, sand, gravel, rock or any other similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated, or bulldozed and shall include the conditions resulting therefrom.

Existing: Actually constructed or in the operation on the effective date of this Chapter.

Existing Grade: The vertical location of the existing ground surface prior to excavation or filling.

Family: An individual, or two (2) or more persons related by blood, marriage or adoption, or a group of not more than four (4) persons, not related by blood, marriage or adoption, living together as a single housekeeping unit in a dwelling unit, but not including sororities, fraternities or other similar organizations.

Farm: Land being used for agricultural purposes.

Farm Homestead: The building located on a farm that is the residence of the farm owner or tenant operator.

Fast-Food Restaurant: See "Restaurant, Fast-Food".

Fence: Any construction of wood, metal, wire mesh, masonry, or other material erected for the purpose of assuring privacy, protection or restraining animals.

Fence, Decorative: A fence intended primarily for aesthetic purposes.

Fill: Earth, gravel, small rock or rubble (not to exceed three inches (3") in diameter) used to build up a piece of land.

Flood Base Elevation: That elevation of the highest flood of record, determined by the Village engineer's record of the elevations of the highest flood at locations as indicated on the floodplain map of the Village on file in the office of the Village Clerk. Flood base elevations at intermediate locations shall be interpolated along the watercourse between the two (2) nearest flood base elevations, one for each upstream and downstream. The controlling flood base elevation for any building site shall be the same as the flood base elevation at the nearest point of the watercourse.

Floodplain: The area of land adjoining a watercourse or other body of water that has been or may be hereafter covered by floodwater.

Floodplain Map: Any accepted engineering standards or mapping used to delineate the minimum flood base elevations for the Village, and may include the following:

- 1) The National Flood Insurance Program Flood Insurance Rate Map for the Village, as amended from time to time.
- 2) Geologic maps prepared by the Illinois State Geologic Survey.
- 3) Mapping and/or source information from the United States Department of Agriculture, Soil Conservation Service.
- 4) Mapping and/or source information from the County Soil and Water Conservation District; and
- 5) Maps of groundwater conditions prepared by the state water survey.

Flood Proofing: A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, intended primarily for the reduction or elimination of flood damages to properties, water and sanitary facilities, structures, and contents of buildings in a flood hazard area.

Floodway: The channel of the stream or body of water and those portions of the adjoining floodplains designated by the Village as necessary to carry and discharge the floodwater flow of any such river, stream, or other body of water.

Floor Area: (For determining off-street parking and loading requirements): The sum of the gross horizontal areas of the several floors of a building, or portion thereof, devoted to such use, including accessory storage areas located within selling or working space such as counters, racks or closets and any floor area devoted to retailing goods, or to business or professional offices. However, "Floor Area" for the purposes of measurement for off street parking spaces shall not include: floor area devoted primarily to storage purposes (except as otherwise noted herein); floor area devoted to off street parking or loading facilities, including aisles, ramps and maneuvering space, or mechanical or storage floor area other than area devoted to retailing activities, to the production of goods, or to business or professional offices.

Freeway: A trafficway providing at least two (2) lanes going each direction with a median strip preventing crossover between the two (2) lanes. Freeways are characterized by high-speed travel, limited access to adjoining property owners and generally serve as vehicle transportation routes within an urbanized area or between urban areas or states.

Frontage: That portion of a lot or parcel directly abutting a dedicated street.

Garage, Private: An accessory building or an

accessory portion of the principal building which is intended and used to store not more than four (4) private motor vehicles owned by members of the family or families residing upon the premises, may be rented for the storage of private motor vehicles of persons not residing on the premises, except that all the space in a garage of one or two-car capacity may be so rented. Such a garage may be used for the storage of not more than one (1) commercial truck having a load capacity of three-fourths of a ton or less.

Garage, Public: Any building other than a private or storage garage where motor vehicles are equipped, repaired, serviced, hired, sold or stored.

Garage, Storage: Any building used for the storage only of motor vehicles pursuant to previous arrangements and not to transients, and where no equipment, parts, fuel, grease or oil is sold and vehicles are not equipped, serviced, repaired, hired, or sold. No commercial motor vehicle exceeding two (2) tons capacity shall be stored in any storage garage.

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

Grade, Street: This term shall have the same meaning as the term "curb level."

Grading: Excavation or fill or any combination thereof and shall include the conditions resulting from any excavation or fill.

Guarantee of Improvements: A guarantee to the Village that the requirements of this Chapter will be met in full by a specified date. Such guarantee can be in the form of a certificate of deposit, irrevocable letter of credit, performance bond or other form that will enable the Village to obtain and use funds provided by the permittee to complete the required improvements in the event the permittee fails to do so.

Hardship: A condition that would result from the strict application of the terms of this Chapter, provided the following criteria are met:

- (1) The condition is unique to the property and is not applicable generally to other property within the district;
- (2) The situation was not created by anyone having an interest in the property;
- (3) The request for a hardship variation is not based exclusively on a desire to make more money out of the property;
- (4) The hardship exists due to the particular physical characteristics of the property in question.

Home for the Aged: Any home operated not-for-profit under the auspices of a religious, fraternal, charitable, or other not-for-profit organization, or by a county pursuant to (Ill. Com. Stat. Ch. 55, Sec. 5/5-22001), as heretofore, or hereafter amended, or operated not-for-profit under an endowment, which through its ownership or management, and its principal objective, provides maintenance, personal care, nursing, or sheltered care to aged persons, and in the conduct of which provides such service or services to three or more persons over sixty (60) years of age.

Home for Ill or Physically Infirm Persons: A home providing meals, shelter, assistance with personal functions, general supervision and professional nursing assistance for persons because of age or physical or mental disability is incapable of maintaining their own residence and caring for their own needs.

Home Occupation: An occupation or profession, practiced by a member of the family residing on the premises in connection with which there is no indication from the exterior that the building is being utilized in part for any purpose other than that of a dwelling, provided that a professional person may use his residence for consultation, emergency treatment or performance of religious rites.

Hospital or Sanitarium: An institution devoted primarily to the maintenance and operation of facilities of the diagnosis, treatment or care for not less than twenty-four (24) hours in any week of three (3) or more non-related individuals suffering from illness, disease, injury, deformity or other abnormal physical conditions.

Hotel: An establishment which is open to transient guests in contradistinction to a boarding, rooming, or lodging house, and is commonly known as a hotel in the community in which it is located; and which provides customary hotel services such as maid service, the furnishing and laundering of linen, telephone and secretarial or desk service, the use and upkeep of furniture, and bellboy service.

Immobilize: As applied to a mobile home, "immobilize" means to remove the wheels, tongue, and hitch and/or to place on a permanent foundation.

Intermediate Care Facility: Basic nursing care and other restorative services under periodic medical direction. Many of these services may require skills in administration. Such facilities are for patients who have long-term illness or disabilities that may have reached a relatively stable plateau.

Intersection: The point at which two (2) or more public rights-of-way (generally streets) meet.

Junk Yard: A tract of land, including any accessory structures thereon, that is used for buying, selling, exchanging, storing, baling, packing, disassembling or handling waste or scrap materials. Such scrap materials include vehicles, machinery, and equipment not in operable condition (or part thereof), and metals, glass, paper, plastics, rags, and rubber tires. A lot on which three (3) or more inoperable vehicles are stored shall be deemed a junk yard. A "junk yard" includes an automobile wrecking yard.

Kennel: Any structure or premises or portion thereof on which more than three (3) dogs, cats, or other household domestic animals over four (4) months of age are kept.

Kindergarten: State licensed day care centers which receive children between the ages of four (4) and six (6) years, and which are established and professionally operated primarily to conduct educational programs for early childhood development.

Laboratory, Research: A building or group of buildings in which are located facilities for scientific research, investigation, testing or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

Livable Floor Area: All internal floor area of a dwelling unit excluding basements, garages, and utility rooms.

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

Lot: A tract of land intended for the purpose, whether immediate or future, of transfer of ownership or development. A "lot" may be a "zoning lot" and may or may not coincide with a "lot of record".

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

Lot, Corner: A lot situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding one hundred thirty-five (135) degrees.

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

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

Lot Line: An imaginary line at the edge or boundary of a zoning lot, or a line at the boundary of a lot of record.

Lot Line, Corner Side: The boundary of a corner lot that abuts a dedicated street other than the front lot line.

Lot Line, Front: The lot line abutting a dedicated street. In the case of a corner lot, the lot line abutting the street having the least length shall be the front lot line. In the case of a through lot the Zoning Administrator shall establish the front lot line.

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

Lot Line, Side: Any boundary of a lot which is not a front lot line or a rear lot line.

Lot of Record: A lot which is part of a subdivision, the plat of which has been recorded in the office of the County Recorder of Deeds, or a parcel of land, the deed to which was recorded in the office of the County Recorder of Deeds, in accordance with state law.

Lot, Reversed Corner: A corner lot the street side lot line of which is substantially a continuation of the front lot line of the first lot to its rear.

Lot, Through (double frontage): A lot having a pair of opposite lot lines along two (2), more or less, parallel dedicated streets, and which is not a corner lot.

Lot Width: The horizontal distance between the side lot lines of a lot, measured at the narrowest width within the first twenty-five feet (25') of lot depth immediately in back of the front yard setback line.

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

Maintenance: The routine upkeep of a structure, premises, or equipment, including the replacement or modification of structural components to the extent necessary to keep said structure in sound condition.

Major Thoroughfare: A trafficway with at least two (2) lanes in each direction. A major thoroughfare may or may not be a freeway, arterial street, secondary arterial street, or collector street.

Manufactured Home: A structure, transportable in one or more sections, which is built on a permanent chassis in accordance with the National Manufactured Home Construction and Safety Standards; and designed to be used as a dwelling by one (1) family, including the plumbing, heating, air conditioning, and electrical systems contained therein.

Manufactured Home Park: An area of land under unified ownership and control on which two or more occupied manufactured homes are harbored, either free of charge or for revenue purposes, and shall include any building, structure, tent, vehicle or enclosed use or intended use as part of the equipment of such manufactured home park.

Manufactured Home Space: Any portion of a manufactured home park designed for the use or occupancy by one (1) manufactured home.

Manufactured Office: A detached structure, transportable in one or more sections, which is built on a permanent chassis, and is designed and intended to be used as an office. Such offices shall fully comply with the Village's Manufactured Home Code.

Marquee: A roof-like structure of a permanent nature that projects from the wall of a building and overhangs the public way.

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

Mobile Classroom, Temporary: A detached structure, built on a permanent chassis so that it is transportable in one or more sections, but specifically designed for use as a temporary accessory classroom for an established educational facility. Such classrooms must fully comply with the Village's building codes.

Mobile Home: A structure, transportable in one or more sections, which was built on a permanent chassis prior to the enactment of the National Manufactured Home Construction and Safety Standards, and is designed to be used as a dwelling by one (1) family, including the plumbing, heating, air conditioning, and electrical systems contained therein.

Mobile Home Park: A parcel not less than five (5) acres in area in single ownership/control, developed with facilities for accommodating occupied mobile homes in accordance with the requirements of this Chapter.

Mobile Home Space: A portion of a mobile home park designed and improved for the placement of one (1) mobile home and the private use of the occupants thereof.

Mobile Home Stand: The part of a mobile home space beneath the mobile home that includes the concrete slab or runners on which the home is placed and to which it is anchored.

Mobile/Manufactured Office: A detached structure, transportable in one or more sections, which is built on a permanent chassis, and is designed and intended to be used as an office. Such offices must fully comply with the Village's Manufactured Home Code.

Mobile or Portable Marquee: A term used to describe any sign designed to be moved from place to place, including, but not limited to, signs attached to wood or metal frames designed to be self-supporting and movable; or paper, cardboard, or canvas signs wrapped around supporting poles.

Modular Home: Any detached single-family dwelling that is transported to the site where it will be permanently located in assembled or non-assembled form, and that fully complies with the locally adopted building code.

Motel: An establishment consisting of a group of attached or detached living or sleeping accommodations with bathroom and closet space, located on a single zoning lot and designed for use by transient automobile tourist. A motel furnishes customary hotel services such as maid service, and laundering of linen, telephone and secretarial or desk service and the use and upkeep of furniture. In a motel less than fifty (50) percent of the living and sleeping accommodations are occupied or designed for occupancy by person other than transient persons.

Motor Vehicle: Any passenger, vehicle, truck, tractor, tractor-trailers, truck-trailer, trailer or semi-trailer propelled or drawn by mechanical power.

Motor Vehicle Repair, Major and Minor: See "Repair", major and minor.

Nonconforming Building or Structure: A building or structure or portion thereof lawfully existing on the effective date of this Chapter or at the time of adoption of any amendment thereto, which:

- 1) Was designed, erected or structurally altered for a use that does not conform to the use regulations of the district in which it is located.
- 2) Does not comply with the bulk and other requirements of this Chapter in the zoning

district in which the building or structure is located.

Nonconforming Use: A use which lawfully occupies a building or land on the effective date of this Chapter or at the time of adoption of any amendment thereto, and which does not conform to the use regulations of the district in which it is located.

Nonconforming Vacant Lots of Record: Vacant lots of record which lawfully existed on the effective date of this Chapter or at the time of adoption of any amendment thereto, and which do not meet the lot size requirements of the district in which they are located.

Nuisance: Any thing, condition, or conduct that endangers health or unreasonably offends the senses, or obstructs the free use and comfortable enjoyment of property, or essentially interferes with the comfortable enjoyment of life.

Nursery: A tract of land on which trees, shrubs, and other plants are raised for transplanting and/or sale, and including any structure in which said activities are conducted.

Nursery Schools: State licensed day care centers which receive children between the ages of two (2) and six (6) years and which are established and professionally operated primarily for educational purposes to meet the children served.

Nursing Home: A private home, institution, building, residence, or other place whether operated for profit or not, or a county home for the infirm and chronically ill operated pursuant to Ill. Com. Stat. Ch. 55, Sec. 5/5-21001, as now or hereafter amended, or any similar institution operated by a political subdivision of the state which provides, through its ownership or management, maintenance, personal care, or nursing for three (3) or more persons, not related to the applicant or owner by blood or marriage, or any similar facility in which maintenance is provided to three (3) or more persons who by reason of illness or physical infirmity require person care or nursing.

Occupied Land Area: (For computing off-street parking and loading space requirements): That area of a lot occupied by all buildings, structures and accessory uses which in combination encompass the operation of the principal use. Occupied land area is normally used in computing required parking for uses that typically are not completely enclosed. Examples are vehicle sales lots and outdoor recreational facilities.

Office: Any building or portion thereof in which the business (usually clerical and administrative affairs) of a commercial/service enterprise or

professional person is transacted.

Off-Street Loading: See "Loading and Unloading Space".

Open Sales Lot: A lot or parcel of land used or occupied for the purpose of buying, selling, or trading of all goods and commodities and including the storage of same prior to sale or exchange.

Open Space: Any land developed as yards, parks, recreational areas including community centers, and landscaped green areas and exclusive of areas developed for off-street parking.

Owner: Any individual, corporation, partnership or other legal entity having possessory interest entitled to exclusive possession in land, buildings or possessions.

Overlay District: A zoning district superimposed over one (1) or more standard (primary) zoning districts or portions thereof for the purpose of controlling developmental problems caused by such factors as steep slopes, wet soils, and flooding.

Parcel: Contiguous land in one (1) ownership

Park: Land used for active or passive recreation owned or controlled by a local park district, school district, county forest preserve district, homeowner's association, the Village or another governmental entity or not-for-profit organization.

Parking Area, Private: An open, hard surfaced area, other than a public way or street, designed, arranged and made available for the storage of private passenger automobiles only of occupants of the building of buildings for which the parking area is developed and is necessary.

Parking Lot: Public or private land intended for the use as a facility of parking motor vehicles. Parking may be with or without fee.

Parking Space, Automobile: Space within a public or private parking area exclusive of access drives, for the storage of one-passenger automobiles or commercial vehicles under one and one-half (1 1/2) tons capacity.

Party Wall: A fire wall on an interior lot line used for or adapted for a joint service between two buildings, or two units within the same building.

Performance Bond: See "Guarantee of Improvements":

Performance Standard: A criterion established to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, or glare or heat generated by, or inherent in, uses of land or buildings. The more frequently used performance criteria include the following:

- 1) Active intense burning, which is the rate of combustion described by material that burns with a high degree of activity and is consumed rapidly. Examples include sawdust, powdered magnesium and pyroxylin.
- 2) Closed cup flash point, which is the lowest temperature at which a combustible liquid, under prescribed conditions, will give off a flammable vapor that will burn momentarily.
- 3) Decibel, which is a unit which describes the sound pressure level or intensity of sound. A sound level meter is calibrated in decibels.
- 4) Detonable material, which is a material which decomposes by detonation. Such material includes explosives, unstable compounds and fissionable matter.
- 5) Earthborne vibration, which is the periodic displacement, measured in inches of earth.
- 6) Fireproof container, which is an enclosure of steel or concrete but not lead or other low-melting metals or alloys, unless the lead or low-melting metals are completely encased in steel.
- 7) Flash point, which is the lowest temperature at which flammable liquid will momentarily burn under the prescribed conditions. The tag flash point testers shall be authoritative.
- 8) Foot candle, which is a unit of illumination; technically, the illumination at all points one foot distance from a uniform point source of one (1) candle power.
- 9) Free burning, which implies a rate of combustion described by a material that burns actively, and easily supports combustion.
- 10) Frequency, which signifies the number of oscillations per second in a sound wave and is an index of the pitch of the resulting sound.
- 11) Impact noise, which is a short duration sound such as those from a foregoing hammer or punch press.
- 12) Impulsive noise, which is a sound which is no longer than two (2) seconds in duration, followed by no less than a two (2) second rest.
- 13) Intense burning, which implies a rate of combustion described by a material that burns with a high degree of activity and is consumed rapidly.
- 14) Microcurie, which is a one-millionth of a curie, which is a standard unit of radioactivity.
- 15) Moderate burning, which implies a rate of combustion described by material that supports combustion and is consumed slowly as it burns.
- 16) Noxious matter, which is a material which is capable of causing injury to living organisms by chemical reaction and is capable of causing detrimental effects upon the physical or economic well being of individuals.
- 17) Octave band, which is a prescribed interval of sound frequencies which classifies sound according to its pitch.
- 18) Odor threshold, which is the lowest concentration of odorous matter in air that will produce an olfactory response in a human being.
- 19) Odorous matter, which is any matter or material that yields an odor which is offensive in any way.
- 20) Particulate matter, which is material other than water, which is suspended in or discharged into the atmosphere in a finely divided form as a liquid or solid.
- 21) Preferred frequency octave bands, which are a standardized series of octave band prescribed by the U.S.A.S.I. in SI.6-1967, Preferred Frequencies for Acoustical Measurements.
- 22) Ringelmann chart, which is a chart on which is described in the U.S. Bureau of Mines Information Circular 6688 or its successor, and on which are illustrated graduated shades of grey for use in estimating the light-obscuring capacity of smoke.
- 23) Ringelmann number, which is the shade of smoke as it appears on the standard Ringelmann Chart published by the U.S. Bureau of Mines Information Circular No. 8633 (1967).
- 24) SCF (Standard Cubic Feet), which is the measure of the volume of a gas, at any other conditions, reduced to one thousand four hundred seventy-three (1,473) pounds per square inch absolute and sixty (60) degrees Fahrenheit.
- 25) Slow burning or incombustible, which implies materials that do not in themselves constitute an active fuel for the spread of combustion. A material which will not ignite, not actively support combustion during an exposure for five (5) minutes to a temperature of one thousand two hundred

- (1,200) degrees Fahrenheit, shall be designated "incombustible".
- 26) Smoke, which is a small gasborne particles, other than water, that form a visible plume in the air.
 - 27) Sound level of an operation or use, which is the intensity of sound measured in decibels, produced by such operation or use.
 - 28) Sound level meter, which is an electronic instrument that includes a microphone, an amplifier and an output meter that measures noise and sound pressure levels in a specified manner. It may be used with the octave band analyzer that permits measuring the sound pressure level in discrete octave bands.
 - 29) Sound pressure level, which is the intensity of a sound measured in decibels mathematically described as twenty times the logarithm to the base ten (10) of the ratio of the pressure of the sound to a reference pressure of 0.0002 microbar.
 - 30) Toxic matter, which is material which is capable of causing injury to living organisms by chemical means when present in relatively small amounts.
 - 31) Threshold limit value, which is the maximum allowable airborne concentration of toxic material, as established by the American Conference of Governmental Industrial Hygienists.
 - 32) United States of American Standards Institute (U.S.A.S.I.) which is a national organization promulgating authoritative standards in any technical field. Formerly American Standards Association.
 - 33) Vibration, which is the period displacement of oscillation of the earth.

Permanent Open Space: A contiguous land area that is designed for educational, religious, recreational or institutional purposes, or such land which is recommended for such designation by the Village at or before the time of approval of a subdivision or planned development.

Permitted Use: A use which may be lawfully established in a particular district or districts provided it conforms with all requirements, regulations and standards of such district.

Permittee: The person to whom a zoning certificate is issued.

Person: Any individual, firm, association, organization, or corporate body.

Planned Unit Development: A parcel of land or contiguous parcels of land of a size sufficient to create its own environment, controlled by a single landowner or by a group of landowners in common agreement as to control, to be developed as a single entity, the environment of which is compatible with adjacent parcels, and the intent of the zoning district or districts in which it is located; the developer may be granted relief from specific land-use regulations and design standards and may be awarded certain premiums in return for assurances of an overall quality of development, including any specific features which will be of exceptional benefit to the community as a whole and which would not otherwise be required by this Chapter.

Porch: A roofed over structure projecting out from the walls of a main structure and commonly open to the weather in part.

Premises: A lot and all the structures and uses thereon.

Principal Use: The main use of land or building as distinguished from a subordinate or accessory use. A principal use may be "permitted" or "special".

Property Line: An imaginary line at the edge or boundary of a zoning lot or line at the boundary of a lot of record.

Public Open Space: A publicly-owned area including, but not limited to the following: parks, playgrounds, forest preserves, waterways, parkways and streets.

Public Utility: Any person, firm or corporation duly authorized to furnish under regulation to the public, electricity, gas, steam, telephone, telegraph, transportation, water or sewerage systems.

Public Way: Any sidewalk, street, alley, highway or other public thoroughfare.

Railroad Right-of-Way: A strip of land with tracks and auxiliary facilities for track operation, but not including freight depots, or stations, loading platforms, train sheds, warehouses, car or locomotive shops or car yards.

Reconstruct: As applied to nonconforming structures, "reconstruct" means to rebuild after damage or destruction.

Recreational Vehicle: A term encompassing any type of vehicle used primarily for pleasure, such as travel-trailers, motor homes, boats, and snowmobiles.

Refuse: Garbage (food wastes) and trash, but not sewage or industrial wastes.

Relocate: To move to another portion of a lot or to a

different

Repair: To restore to sound condition, but not to reconstruct.

Reservoir Parking: Off-street parking spaces or lot areas allocated to temporary standing motor vehicles awaiting entrance to a particular establishment.

Restaurant: A business where the dispensing of edible foodstuff and/or beverage on the premises is the principal business operation; including a cafeteria, coffee shop, lunch room, tearoom and dining room, but not including a drive-in or fast-food restaurant.

Restaurant, Drive-In: A restaurant that dispenses foodstuff and/or beverages to persons in parked or stopped motor vehicles.

Restaurant Fast-Food: A restaurant whose principal business is the dispensing of edible foodstuffs and/or beverages in disposable containers to be eaten on the premises or taken out. This type of restaurant is usually self-service and may include a drive-thru service window.

Restrictive: Tending to keep within prescribed limits.

Retail, retail store: Sale to the ultimate consumer for direct consumption and not for resale.

Right-of-Way: Land dedicated for street purpose.

School: A public or private institution which offers instruction in any of the branches of learning and study comparable to that taught in the public schools under the Illinois school laws, including, pre-kindergarten, elementary school, and junior and senior high schools, excluding trade, business or commercial schools.

Screening: A barrier of trees, shrubs, walls, solid fences, or similar items, used as a means of view and noise control.

Semi-Finished Materials: Materials which have been sufficiently processed at heavy industrial facilities so that they are no longer in their raw state, but are readily usable by light industry or assembly or manufacture into consumer goods.

Service Building: See "Building, Service".

Service Station: A building and premises or portion thereof designed and used for the retail sale of gasoline or other automotive fuel, oil and automotive parts, supplies, and accessories. A service station may include facilities for washing vehicles and for making minor automotive repairs.

Service Use/Establishment: Any use or establishment where services are provided for

remuneration either to individuals or to other firms.

Setback: The distance between the exterior lot lines and any structure on the lot.

Sheltered Care Facility: A facility that provides care and assistance, supervision overnight and a suitable activities program. Provisions are made for medical care as necessary. Such facilities are for individuals who do not need nursing care, but do need personal care assistance, supervision, and/or oversight in meeting their daily personal needs.

Sheltered Care Home: Any county sheltered care home or a sheltered care home operated as part of a county nursing home pursuant to Ill. Com. Stat. Ch. 55 Sec. 5/5-21001 or a private boarding home, institution, building, residence or other place, whether operated for profit or not which, through its ownership or management, provides sheltered care to three (3) or more persons who are not related to the applicant or owner by blood or marriage, or any similar facility in which maintenance is provided to three (3) or more persons who by reason of physical infirmity require personal care.

Sign: A name, identification, description, display or illustration which is affixed to or painted or represented directly or indirectly upon a building, structure, or piece of land and which directs attention to an object, product, place, activity, person, institution, organization or business.

Sign, Billboard: Any single or double-faced sign displaying messages or advertising not associated with the premises on which said sign is located or to which it is fixed, subject to the exceptions of Section 1-1414 hereof.

Sign, Canopy, Marquee: Any sign affixed to, painted on, or suspended from an awning, canopy, marquee, or similar overhang.

Sign, Flush-Mounted: Any sign mounted in such a way that the plane of its face is parallel to the plane of the wall to which it is attached, including those signs integrated into the surface of the wall itself.

Sign, Freestanding: Any sign permanently mounted on a pole, pedestal, standard or base which stands apart from and is not attached to any building or structure.

Sign, Identification: A sign indicating the name and address of building, or the name of an occupant thereof, and the practice of a permitted occupation therein.

Sign, Illuminated: A sign having its own light

source.

Sign, Projecting: Any sign which is attached to a building or structure but which projects from the plane of the wall to which it is attached by more than eighteen (18) inches.

Sign, Window: Any sign visible from the exterior of the building or structure which is painted directly on the surface of a window or affixed to or suspended immediately behind the window for the purpose of informing the passerby of the identity of the proprietor or business, or of the product of service which can be obtained on the premises.

Sign Area: The area within an imaginary rectangle which, when drawn, would completely enclose all the letters, parts or symbols of a sign. Sign supports and poles, unless intrinsic to the advertising contained on the sign, are not included as part of sign area.

Skirting: The covering affixed to the bottom of the exterior walls of a mobile home to conceal the underside thereof.

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

Special Use Permit: A permit issued in accordance with the provisions of this Chapter to regulate development of a special use.

Specialized Living Accommodation: A living accommodation for individuals needing special assistance, care, supervision, support, or treatment including community living facilities and community residential alternatives as defined by statute, including Homes for the Aged.

Stop Work Order: A type of corrective action order used by the Zoning Administrator to halt work in progress that is in violation of this Chapter.

Storage, Outdoor: The outdoor accumulation of vehicles, equipment or products, or materials for permanent or temporary holding.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it. Any portion of a story exceeding fourteen (14) feet in height shall be considered as an additional story for each fourteen (14) feet or fraction thereof.

Story, Half: That portion of a building under a gable, hip or mansard roof, the wall plates of which, on at least two (2) opposite exterior walls, are not more than four and one-half (4 1/2) feet above the finished floor of such story. In the case of one-family dwellings, two-family dwellings, and multiple-family dwellings, less than three (3) stories in height, a half-story in a sloping roof shall not be counted as a story for the purposes of this Chapter. In the case of multiple-family dwellings three (3) or more stories in height, half-story shall be counted as a story.

Street: An improved strip of land designed for the conveyance of motor vehicles, and including any unimproved right-of-way, or any strip of land on which such improvements are planned. Any of the following may be termed a street: Freeway, arterial street, secondary street, collector street, dedicated street, residential street, business street, industrial street. For the purposes of this Chapter freeways, arterial streets, secondary arterial streets, collector streets, major thoroughfares, residential streets, business streets, and industrial streets may meet the requirement for dedicated streets.

Street, Arterial: A trafficway generally providing two (2) lanes going each direction. A median strip may or may not be present. Arterial streets are characterized by moderate to high speed travel, possible limitations on access to adjoining property owners and generally serve as vehicle transportation routes within a region.

Street, Secondary Arterial: A trafficway providing one or two (2) lanes in each direction. A median strip is rarely present. Secondary arterial streets are characterized by moderate speed travel (higher speeds may be allowed in sparsely populated areas), residential access is discouraged, and the length of such streets is limited.

Street, Business: A street within a business district or on the boundary of a business district. A business street may also be an arterial street, secondary arterial street, or collector street or major thoroughfare.

Street, Collector: A street which performs the function of linking the various points of vehicular access along its route and delivering such traffic to an arterial or secondary arterial street.

Street, Dedicated: A street designated for public use and for which the responsibility of maintenance has been accepted by federal, state, county, township or village governments.

Street, Industrial: A street developed to serve an industrial district.

Street, Private: A trafficway not maintained or owned by a governmental entity.

Street, Residential: A dedicated street within a residential zoning district, excluding freeways, arterial streets and secondary arterial streets.

Street Line: The division line between private property and a dedicated street.

Stringent: Binding, exacting.

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

Structure: Anything constructed or erected, which requires location on the ground or is attached to something having location on the ground including a fence or freestanding wall. A sign, billboard or other advertising medium, detached or projecting, shall be construed to be a structure.

Structure, Temporary: A movable structure not designed for human occupancy nor for the protection of goods or chattels and not forming an enclosure. A sign, billboard or other advertising device detached or projecting shall be construed to be a temporary structure.

Swimming Pool, Private: A swimming pool and the apparatus and equipment pertaining to the swimming pool, maintained by an individual for the sole use of his household and guests without charge for admission, and not for the purpose of profit or in connection with any business operated for profit, located on a lot as an accessory use to a residence.

Swimming Pool, Public: A swimming pool and the apparatus and equipment pertaining to the swimming pool, maintained and operated by a private party for gain; or by a municipality; or other unit of government for the general public whether or not an admission fee is charged.

Tavern, Lounge, or Bar: A building or portion thereof where liquors are sold to be consumed on the premises but not including restaurants where the principal business is serving food.

Topography: The relief features or surface configuration of an area.

Townhouse: A type of multi-family dwelling, one (1) or two (2) stories in height, in which typically the living room, dining room and kitchen are on the ground floor with sleeping rooms on the second floor. Dwelling units typically have a common

side wall and are owner occupied.

Trailer: A vehicle without motive power used or adaptable for living, sleeping, business or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses or skirting, and has been reasonable may be equipped with wheels or other devices for transporting the structure from place to place. The term "trailer" shall include "construction trailer". A permanent foundation shall not change its character unless the entire structure is erected in accordance with the adopted building code.

Travel Trailer: A motor home eight feet (8') or less in width and less than twenty-five feet (25') in length which is designed for temporary occupancy, generally for recreational or vacational purposes. Travel trailers shall include camping trailers within the limits of said dimensions, mounted on a motor vehicle or otherwise. Travel trailers shall not be considered a manufactured home pursuant to the provisions of the Village's Manufactured Home Code.

Unified Control: The combination of two (2) or more tracts of land wherein each owner has agreed that his tract of land shall be developed as part of a planned unit development and shall be subject to the control applicable to the planned unit development.

Uniplex: A dwelling that has accommodations for two families, divided by a common or party wall, in which each family area is separately owned.

Use: The purposes for which land or a building thereon is designed, arranged or intended or for which it is occupied, maintained, let or leased.

Use, Lawful: The use of any structure of land that conforms with all of the regulations of this Chapter or any amendment hereto and which conforms with all of the codes, ordinances and other legal requirements, as existing at the time of the enactment of this Chapter or any amendment thereto, for the structure or land that is being examined.

Use, Nonconforming: See "Nonconforming Use."

Utility Substation: A secondary utility facility such as an electrical substation, gas regulator station, telephone exchange facility, or sewage treatment plant.

Vacant: As applied to a lot, "vacant" means that no structure is situated thereon.

Value: Valuation of a building shall be the assessed valuation, or where no assessed valuation exists, its appraised valuation as converted to assessed valuation.

Variation: A relaxation of the strict application of setbacks, specific parking requirements, specific signage regulations, or specific flood plain regulations, for a particular lot or structure where said variation will not be contrary to the public interest, and where a literal enforcement of those provisions of this Chapter would result in unnecessary hardship or practical difficulties. Conditions prompting the request for variation must be peculiar to the property and not resulting from the actions of the applicant. The Zoning Board of Appeals shall not grant a variation, as herein defined, unless said request is in compliance with one or more of the subparagraphs of Section 1-1538.

Wholesale Establishment: A business establishment engaged in selling to retailers or jobbers rather than consumers.

Yard: An open space on the same zoning lot with a building a structure, unoccupied and unobstructed from its lowest level to the sky, except as otherwise permitted in this chapter yard extends along a lot line, and to a depth or width specified in the yard requirements for the zoning district in which such zoning lot is located.

Yard, Corner Side: A side yard that adjoins a public street.

Yard, Front: A yard extending along the full length of the front lot line between the side lot lines.

Yard, Interior Side: A side yard that is located immediately adjacent to another zoning lot or to an alley separating such side yard from another zoning lot.

Yard, Rear: A yard extending along the full length of the rear lot line between the side lot lines.

Zoning Administrator: The person designated by the president and board of trustees as the officer responsible for enforcing and administering all requirements of this chapter.

Zoning District: See "District".

Zoning Lot: See "Lot" zoning.

Zoning Map: The map incorporated into this Chapter as part hereof, designating zoning districts.

CHAPTER 1 FAIRMONT CITY ZONING CODE

PART 3 ZONING DISTRICTS AND MAP

SECTION 1-301.	ESTABLISHMENT OF DISTRICTS.
SECTION 1-302.	MINIMUM AREA REQUIREMENT FOR DISTRICTS.
SECTION 1-303.	ZONING MAP.
SECTION 1-304.	DISTRICT BOUNDARIES.
SECTION 1-305.	ZONING OF ANNEXED LAND.
SECTION 1-306.	ZONING SUBJECT TO PRE-ANNEXATION.

SECTION 1-301. ESTABLISHMENT OF DISTRICTS.

In order to implement the regulatory scheme of this Chapter so as to achieve the objectives enumerated in Section 1-102, the entire Village is hereby divided into the following zoning districts:

DISTRICT CODE	ZONING DISTRICT NAME	MINIMUM AREA
C	Conservation	None
SR-1	Single-Family Residential	5 acres
SR-2	Single-Family Residential	5 acres
SR-3	Single-Family Residential	5 acres
SR-4	Single-Family Residential	5 acres
MR-1	Two-Family Residential	3 acres
MR-2	Multi-Family Residential	3 acres
MH-1	Manufactured Home Residential (Park)	3 acres
HB	Highway Business	2 acres
PB	Planned Business	1 acre
LI	Light Industrial	3 acres
HI	Heavy Industrial	5 acres
FPO	Flood Plain Overlay	None

In meeting the minimum area requirement, which is intended to prevent spot zoning, zoning districts shall be comprised only of contiguous parcels and not of numerous non-contiguous parcels the acreage of which, when aggregated, happens to equal or exceed the required minimum area for that district.

SECTION 1-303. ZONING MAP.

- A) The boundaries of the zoning districts designated above are established as shown on the map entitled "Official Zoning Map for the Village of Fairmont City, Illinois", dated April 2, 2003, which is attached hereto and made a part hereof as Illustration 1-A, and shall have the same force and effect as if the zoning map, together with all notations, references, and other information shown thereon were fully set forth and described herein.
- B) The official zoning map, along with any notations, references, and information indicating changes and modifications, shall be kept on file in the office of the Zoning Administrator.
- C) If any changes are made in the zoning districts or regulations during any calendar year, the Village Clerk shall cause a revised "Official Zoning Map for the Village of Fairmont City, Illinois" to be published not later than March thirty-first (31st) of the following year.

(Ch. 65 Sec. 5/11-13-19, Ill. Com. Stat.)

SECTION 1-304. DISTRICT BOUNDARIES.

When uncertainty exists with respect to the boundaries of the various districts shown on the zoning map, the following rules shall apply:

SECTION 1-302. MINIMUM AREA REQUIREMENT FOR DISTRICTS.

- A) District boundary lines are either the centerline of railroads, highways, streets, alleys, or easements, or the boundary lines of sections, divisions of sections, tracts or lots, or such lines extended, unless otherwise indicated.
- B) In areas not subdivided into lots or blocks, wherever a district is indicated as a strip adjacent to and paralleling a street or highway, the depth of such strips shall be in accordance with the divisions shown on the map, measured at right angles from the centerline of the street or highway, and the length of frontage shall be in accordance with dimensions shown on the map from section, quarter section or division lines, or railroad right-of-way, unless otherwise indicated.
- C) All streets, alleys, public ways, waterways and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zoning district as the property immediately abutting on such alleys, streets, public ways, waterways, and railroad rights-of-way.
- D) Where the centerline of a street, alley, public way, waterway, or railroad right-of-way serves as a district boundary, the zoning of such areas, unless otherwise indicated, shall be deemed to be the same as that of the abutting property up to such center line.

SECTION 1-305. ZONING OF ANNEXED LAND.

The zoning classification of any land annexed to the Village of Fairmont City, shall be determined by the Board of Trustees at the time of annexation and specified in the annexation ordinance.

SECTION 1-306. ZONING SUBJECT TO PRE-ANNEXATION.

- A) Where a pre-annexation agreement is in effect that precludes the changing of zoning district classifications on the subject property, the provisions of the zoning ordinance in effect on the date of annexation and the zoning district classifications specified in the pre-annexation agreement shall apply.
- B) The provisions of this Chapter, or any subsequent amendments hereto, shall not apply until such time as the term of the pre-annexation agreement has expired or the owner has agreed to the application of such provisions.
- C) Within six (6) months prior to the expiration of any such annexation agreement, the Zoning

Board of Appeals shall initiate an amendment to apply the appropriate zoning classifications to the subject property once the agreement expires. Such amendments shall be in accordance with Sections 1-1562 through 1-1570.

CHAPTER 1 FAIRMONT CITY ZONING CODE

PART 4 GENERAL ZONING REGULATIONS - ALL DISTRICTS

SECTION 1-401.	UNLISTED USES PROHIBITED.
SECTION 1-402.	MEETING MINIMUM AREA/BULK REQUIREMENTS.
SECTION 1-403.	EXCEPTIONS TO HEIGHT LIMITS.
SECTION 1-404.	EXCEPTIONS TO SETBACK REQUIREMENTS.
SECTION 1-405.	ALLOWABLE INTRUSIONS INTO YARDS.
SECTION 1-406.	AREA/BULK RESTRICTIONS - ACCESSORY USES.
SECTION 1-407.	ACCESS TO LOTS REQUIRED.
SECTION 1-408.	SEWERS AND PRIVATE SEWERAGE SYSTEMS.
SECTION 1-409.	ADDITIONAL RESTRICTIONS - SPECIFIC USES.
SECTION 1-410.	KENNELS.
SECTION 1-411.	NURSING HOMES.
SECTION 1-412.	RECREATIONAL VEHICLES.
SECTION 1-413.	SERVICE STATIONS.
SECTION 1-414.	SWIMMING POOLS.
SECTION 1-415.	UTILITY SUBSTATIONS.
SECTION 1-416.	HOME OCCUPATIONS, AS A PERMITTED USE.
SECTION 1-417.	HOME OCCUPATIONS, AS A SPECIAL USE.
SECTION 1-418.	AGRICULTURAL ACTIVITIES.
SECTION 1-419.	FENCES, WALLS.
SECTION 1-420.	JUNK YARDS.
SECTION 1-421.	AERIALS, ANTENNAS AND TELECOMMUNICATIONS FACILITIES.

SECTION 1-401. UNLISTED USES PROHIBITED.

Whenever any use is not specifically listed as permitted or special within a particular zoning district, such use shall be deemed prohibited in that district, unless the Board of Trustees determines that the unlisted use is similar to and compatible with the listed uses, and allows such use by amending this Chapter in accordance with Section 1-1555.

SECTION 1-402. MEETING MINIMUM AREA/BULK REQUIREMENTS.

Every lot must meet the minimum area/bulk requirements of the zoning district in which it is located, as those requirements relate to lot area, dimensions, and setbacks, so that requirements are met independent of, and without utilizing any portion of, any abutting lot.

SECTION 1-403. EXCEPTIONS TO HEIGHT LIMITS.

- A) **Necessary Appurtenances.** Chimneys, church spires, parapet walls, cooling towers, elevator bulkheads, fire towers, antennas, or other necessary appurtenances commonly constructed above the roof line shall be permitted to exceed the maximum height limitations of the district in which they are located if they comply with all other pertinent ordinances of the Village.
- B) **Intersections.** On corner lots within the triangular portion of land bounded by the intersection of the centerlines of each street and a line joining these street centerlines at points one hundred feet (100') from the point of intersection, no obstruction, whether natural or man-made, shall intrude into the air space that is between two feet (2') and ten feet (10') above the level of the adjacent street in such a way so as to impair visibility of traffic approaching said intersection.
- C) **Accessory Uses.** Provided that there shall be no height restriction on agriculture-related

accessory structures, no accessory use in any zoning district shall be higher than:

- 1) Fifteen feet (15') in a conservation or any residential zoning district; or
- 2) Twenty-Five feet (25') in any other zoning district.

SECTION 1-404. EXCEPTIONS TO SETBACK REQUIREMENTS.

- A) **Corner Lots and Through Lots.** Every building or structure constructed on a "corner lot" or a "through lot", as defined, shall meet the minimum front setback requirement of the district in which it is located, for every yard area that fronts a dedicated street, unless otherwise indicated.
- B) **Built-up areas.** In all residential zoning districts, where lots having fifty percent (50%) or more of the frontage on one (1) side of a street between intersections are developed with buildings, and the front setbacks of those lots do not differ by more than ten feet (10'), the minimum required front setback between those intersections, shall be the average of the existing front setbacks; provided, however, that in any such area, no front setback greater than fifty feet (50') shall be required.
- C) **Accessory uses.** Any accessory use in any residential or conservation district, unless specifically indicated otherwise, may be located as close as five feet (5") to any side or rear lot line; provided, however, that any accessory use attached to a principal structure shall be considered to be part of that structure and must meet the setback requirements of the district in which it is located, as those requirements apply to the principal structure.

SECTION 1-405. ALLOWABLE INTRUSIONS INTO YARDS.

To the extent indicated below, the following features of principal buildings may intrude into required yards without thereby violating the minimum setback requirements:

FEATURE	MAXIMUM INTRUSIONS
1. Cornices, chimneys,	Two feet (2').

planters or similar architectural features	
2. Fire Escapes	Four feet (4').
3. Patios	No limit.
4. Porches, if not enclosed and at ground level	Six feet (6')
5. Balconies	Four Feet (4')
6. Attached canopies, roof overhangs	Four feet (4')
7. Service station canopies which are at least ten feet (10') high	To within ten feet (10') of any lot line

SECTION 1-406. AREA/BULK RESTRICTIONS - ACCESSORY USES.

Any "accessory use", as defined, shall be deemed permitted in a particular zoning district if such use is accessory to a principal structure or use which is allowed in that particular zoning district as either a permitted or special use, is not used as a dwelling, and complies with the following restrictions:

- A) **Front Yard Restriction.** No accessory use in any zoning district shall be located in any part of any front yard that is required as a result of the setback regulations of such district.
- B) **Lot Coverage Restriction.** All accessory uses on any one lot in any zoning district, shall not occupy more than thirty percent (30%) of the buildable area within the rear yard area created as a result of setback regulations of said district.

SECTION 1-407. ACCESS TO LOTS REQUIRED.

No building shall be erected on any lot unless such lot abuts, or has permanent easement of access to, a public street or private street that conforms to the standards set forth in ordinances of the Fairmont City Subdivision Code.

- A) Frontage on an alley shall not be deemed as satisfying the requirement above.

SECTION 1-408. SEWERS AND PRIVATE SEWERAGE SYSTEMS.

In all zoning districts, the property owner of any building or place where people live, work or assemble, shall provide for the sanitary disposal of all sewage in accordance with the following requirements:

- A) **Requirement for Public Sewer Connection.** Whenever the distance between the location of the nearest public sewer with available capacity, and any property line of the property in question is reasonable, and said sewer is also reasonably accessible, all sewage shall be discharged into

such system, whether or not a private sewerage system already exists or is more convenient.

- B) **Allowance for Private Sewerage System.** Whenever the public sewerage system is not reasonably accessible, a private sewerage system shall be installed and used. All private sewerage system shall be designed, constructed, operated, and maintained in conformity with the following requirements:
 - 1) Illinois Private Sewage Disposal Licensing Act, Illinois Compiled Statutes, Chapter 225, Section 225/1 through 225/23, as amended from time to time.
 - 2) Illinois Private Sewage Disposal Code No. 4.002, promulgated by the Director of the Illinois Department of Public Health, as amended from time to time;
 - 3) Pertinent, current regulations issued by the Illinois Environmental Protection Agency; and
 - 4) Applicable codes and ordinances of the Village or county, particularly those regulating subdivisions and sanitary sewers.
- C) **Issuance of Certificate of Compliance.** The Zoning Administrator shall not issue any Initial Certificate of Zoning Compliance unless, following consultation with the Village Engineer, he is satisfied that the requirements of this Section will be met.

SECTION 1-409. ADDITIONAL RESTRICTIONS - SPECIFIC USES.

Because of the nature of certain specific uses that require additional regulations in order to assure that the purpose and intent of this Chapter is achieved, the following additional restrictions are applicable to the uses listed below.

SECTION 1-410. KENNELS.

- A) Any lot upon which a kennel is situated shall have a minimum area of 3 acres.
- B) Every kennel shall be located at least two hundred feet (200') from the nearest dwelling, and at least one hundred feet (100') from any lot line.

SECTION 1-411. NURSING HOMES.

- A) Any lot upon which a nursing home is situated shall have a minimum width and depth of two hundred feet (200') and a minimum area of two (2) acres.

- B) The principal building of any nursing home shall be located at least twenty-five (25') from all lot lines.

SECTION 1-412. RECREATIONAL VEHICLES.

- A) No more than two (2) recreational vehicles shall be parked on any lot in any zoning district; provided that no restriction shall be placed upon the allowable number of recreational vehicles that may be parked on the lot of a permitted business which sells such vehicles.
- B) No recreational vehicle shall be used as a dwelling in any zoning district.
- C) No recreational vehicle shall be used as an office or for any other commercial purpose in any zoning district.

SECTION 1-413. SERVICE STATIONS.

- A) All gasoline pumps and other such service facilities shall be located at least twenty-five feet (25') from any street, right-of-way line, side lot line, or rear lot line.
- B) Every access way to a service station shall be located at least two hundred feet (200') from the principal building of any fire station, school, public library, church, park, or playground, and at least thirty feet (30') from the intersection of any public streets.

SECTION 1-414. SWIMMING POOLS.

- A) No swimming pool, in any district, whether public or private, shall be located in any front yard or intrude into any part of any side or rear yard that is required because of the setback regulations in that district; provided, however, that in any residential district a swimming pool may be located as close as ten (10') feet to any rear lot line.
- B) Every in-ground swimming pool which is more than two feet (2') deep shall be enclosed by a wall or fence at least four feet (4') in height.
 - 1) Any passage through such wall or fence, shall be equipped with a gate, the latch of which can be secured and locked.
- C) Every above ground swimming pool which is more than two feet (2') deep shall be enclosed by a separate wall or fence at least four feet (4') in height; provided, however, that a separate wall or fence shall not be required if every point of the pool wall is at least four feet (4') above the ground.

- 1) Any passage through a separate wall or fence shall be equipped with a gate the latch of which can be secured and locked.
- 2) Access to a pool, the wall of which is at least four feet (4') above the ground and which is not protected by a separate wall or fence, shall be restricted by a ladder which is raised or removed when the pool is not in use.

SECTION 1-415. UTILITY SUBSTATIONS.

Every electrical substation, gas regulator station, telephone exchange facility, private sewage treatment plant, private water storage facility, or similar facility shall be deemed a special use and shall conform to the following regulations in addition to any regulations required by said special use:

- A) Every lot on which any such facility is situated shall meet the minimum area and dimensions requirements of the district in which it is located and every building, structure, or use of any such facility shall be located at least twenty-five feet (25') from all lot lines, or shall meet the district setback requirements, whichever is greater.
- B) In any residential district, every such facility shall be designed, constructed and operated so that it is compatible with the residential character of the area.
- C) Screening at least ten feet (10') in height and of sufficient density to block the view from adjacent property shall be installed around every such facility.
- D) If the installed screening is not a fence and the zoning administrator determines that such a facility poses a safety hazard, he shall require that a secure fence at least ten (10') feet in height be installed behind the required screening.

SECTION 1-416. HOME OCCUPATIONS, AS A PERMITTED USE.

Every home occupation allowed as a permitted use in the Village, shall meet the following criteria:

- A) No alterations shall be made to the dwelling to accommodate the home occupation which are in any way observable from outside the dwelling.
- B) The total area devoted to the home occupation shall not exceed twenty-five percent (25%) of the gross floor area of the dwelling, or three hundred (300) square feet, whichever is less.
- C) No area outside the dwelling shall be used for the storage of equipment or materials used in connection with the home occupation.

- D) Vehicular traffic to and from the site of the home occupation and occurring as a result of said activity, shall not exceed two (2) vehicles at any one interval, on a regular, continuing basis.
- E) No offensive noise, vibration, smoke, dust, odor, heat, glare, or electrical interference, which is noticeable at or beyond the lot lines, shall be generated.
- F) At least two (2) off-street parking spaces, in addition to those required for the residential use of the property, shall be provided for those home occupations generating vehicular traffic to and from the site of the home occupation as a result of said activity.
- G) Any sign erected in connection with a home occupation shall conform to the provisions of Section 1-1405. (J).
- H) No individual who is unrelated to the family residing in the dwelling, shall be employed in connection with the home occupation at the location in question.
- I) No home occupation shall be established unless the owner has first secured any additional permits or licensing required by this or any other Code or regulation.

SECTION 1-417. HOME OCCUPATIONS, AS A SPECIAL USE.

Every home occupation allowed as a special use in the Village, shall meet the following criteria:

- A) In any residential or conservation district, no alterations shall be made to the dwelling to accommodate the home occupation which materially change the residential character of the building.
- B) The total area devoted to the home occupation shall not exceed twenty-five percent (25%) of the gross floor area of the dwelling, or five hundred (500) square feet, whichever is less.
- C) In any residential or conservation district, no unenclosed area shall be used for the storage of equipment or materials used in connection with the home occupation. For the purpose of this Section, storage within the dwelling, a storage building, or a detached garage shall be considered as enclosed.
- D) No offensive noise, vibration, smoke, dust, odor, heat, glare, or electrical interference, which is noticeable at or beyond the lot lines, shall be generated.
- E) At least two (2) off-street parking spaces, in addition to those required for the residential use of the property, shall be provided.

- F) Any sign erected in connection with a home occupation, shall conform to the provisions of Section 1-1405 (J).
- G) No more than two (2) individuals, who are unrelated to the family residing in the dwelling, shall be employed in connection with the home occupation at the location in question.
- H) No home occupation shall be established unless the owner has first secured any additional permits or licensing required by this or any other Code or regulation.
- J) Vehicular traffic to and from the site of the home occupation and occurring as a result of said activity, shall not exceed four (4) vehicles at any one interval, on a regular, continuing basis.

SECTION 1-418. AGRICULTURAL ACTIVITIES.

- A) No barn, stable, shed, or other structure intended to shelter farm animals, shall be erected closer than three hundred feet (300') from any existing dwelling on adjoining property, or closer than two hundred feet (200') from any lot line of any adjoining residential property, whichever distance is greater.
 - 1) Fences shall be erected, or other means taken, to prevent farm animals from approaching closer than three hundred feet (300') from any existing dwelling or two hundred feet (200') from any adjoining residential lot line, whichever distance is greater.
- B) No agricultural equipment or commodities, including, but not limited to baled crops, fertilizer, pesticides, or herbicides, shall be stored outdoors and closer than three hundred feet (300') from any existing dwelling on adjoining property or two hundred feet (200') from any adjoining residential lot line, whichever distance is greater.
 - 1) Such equipment or commodities that are stored completely within an enclosed structure, shall not be located closer than one hundred feet (100') from any adjoining residential lot line.

SECTION 1-419. FENCES, WALLS.

- A) No barbed wire fence or electrically charged fence shall be erected in any zoning district in the Village; provided, however, that such fences may be allowed by the Board of Trustees in a conservation district, in accordance with the special use provisions of Section 1-1546.

- B) No fence, wall, or other such obstruction shall be erected within any public right-of-way, except by written permission of the Zoning Administrator.
- C) No fence, wall, or other such obstruction shall be erected in any zoning district in violation the Illinois Drainage Code.

SECTION 1-420. JUNK YARDS.

- A) No part of any junk yard, including any lot on which three (3) or more inoperable vehicles are stored, shall be located closer than five hundred feet (500') from the any adjoining residential lot line.
- B) All vehicles, parts, and equipment shall be stored completely within an enclosed structure, or within an area screened by a wall, solid fence, or closely-planted shrubbery at least ten feet (10') high and of sufficient density to block the view from adjacent property.

SECTION 1-421. AERIALS, ANTENNAS AND TELECOMMUNICATIONS FACILITIES.

- A) Continuing changes in the wireless communications field warrant special regulations for aerials, antennas, and other telecommunication towers and facilities. The regulations within this section are intended to:
 - 1) Direct the installation of aerials, antennas, and telecommunication towers and facilities within the Village of Fairmont City;
 - 2) Protect the public health and safety;
 - 3) Protect residential areas and land uses from the potential adverse impacts of aerials, antennas, and telecommunication towers and facilities;
 - 4) Minimize adverse visual impacts by regulating siting and requiring screening;
 - 5) Avoid potential damage to adjacent properties resulting from tower failure, by requiring careful engineering and design;
 - 6) Accommodate the growing need for telecommunication facilities;
 - 7) Encourage and promote co-location of existing and new telecommunication facilities as a primary option to the construction of additional single use facilities.
- B) Any person, firm or corporation seeking to construct a telecommunication tower and/or

- facility shall first seek to co-locate their equipment on any existing tower.
- C) The owner of any existing tower shall make reasonable effort to allow co-location and co-use of their structures and site.
 - D) Any person, firm or corporate requesting authorization to construct an aerial, antenna, or telecommunication tower and/or facilities shall first provide a bond to the Village of Fairmont City in the amount of twenty-thousand dollars (\$20,000) or twenty percent (20%) of the construction costs of said improvements, whichever is less.
 - 1) Said bond shall remain in force during the entire time said aerial, antenna, or telecommunication tower and/or facilities are in operation.
 - 2) Said bond shall be redeemed in full by the Village of Fairmont City should said aerial, antenna, or telecommunication tower and/or facilities become obsolete and the owner of said improvements fails to remove them within six (6) months of them becoming obsolete, or said aerial, antenna, or telecommunication tower and/or facilities fall into a state of disrepair and the owner fails to make required repairs after notice from the Village to do so.
 - E) In any residential or business district, no aerial or antenna shall be located in any front or side yard.
 - F) In any zoning district, no aerial or antenna shall exceed the height limit regulation of the Federal Communication Commission.
 - G) The distance between the base of any aerial, antenna or telecommunication tower, and the nearest property line, shall not be less than the height of said aerial, antenna or tower.
 - H) A security fence, at least six feet (6') in height, shall be installed around the base and guy anchors of all telecommunication facilities.
 - 1) Closely planted evergreen trees or shrubs, at least six feet (6') in height shall be planted around the exterior perimeter of said security fencing.
 - 2) Additional screening comprised of deciduous trees at least two inches (2") in diameter, or evergreen trees at least six feet (6') in height, shall be planted around the perimeter of the property on which any telecommunications facility is located, in order to help screen the facility from view.

CHAPTER 1 FAIRMONT CITY ZONING CODE

PART 5 SPECIFIC REGULATIONS FOR CONSERVATION DISTRICTS

- SECTION 1-501. "C" - CONSERVATION DISTRICT.
- SECTION 1-502. PERMITTED USES.
- SECTION 1-503. SPECIAL USES.
- SECTION 1-504. AREA/BULK RESTRICTIONS.
- SECTION 1-505. PARKING REGULATIONS.
- SECTION 1-506. SIGN REGULATIONS.
- SECTION 1-507. SUPPLEMENTAL REGULATIONS.

SECTION 1-501. "C" - CONSERVATION DISTRICT.

The "C" - Conservation District encompasses areas that are presently undeveloped or sparsely developed and that, for various reasons, should remain so for the foreseeable future. Tracts of land in this district which provide the Village with a valuable natural resources, open space, and aid in maintaining the stability of the natural environment, should be preserved and protected. Tracts of land in this district that are fertile and relatively level, may best be suited for agricultural pursuits. Other tracts in this district may have such poor soils, steep slopes, inadequate natural drainage, or other problems, so that the provision and maintenance of roads, utilities, and storm water drainage systems would present an impractical or burdensome expense to the tax-paying public.

SECTION 1-502. PERMITTED USES.

The following shall be considered permitted uses in the "C" district:

- A) Agriculture, including all uses commonly classified as such, in accordance with the requirements of Section 1-418.
- B) Nurseries, greenhouses, temporary produce stands.
- C) Cemeteries.
- D) Government uses of the Village of Fairmont City.
- E) Single-family dwellings, conventionally constructed.
- F) Specialized Living Accommodations as defined.

- G) Public libraries, playgrounds, parks, and recreational or community centers or grounds.
- H) Temporary buildings or trailers for construction purposes and for a period not to exceed the period of construction.
- I) Accessory uses, buildings, and structures in accordance with Section 1-406.

SECTION 1-503. SPECIAL USES.

The following shall be considered special uses in the "C" district and allowed only in accordance with Section 1-1546:

- A) Agricultural implements sales.
- B) Amusement facilities such as go-cart tracks and miniature golf courses.
- C) Animal Hospitals.
- D) Churches and related religious facilities.
- E) Clubs or lodges, private; but not those that have as their chief activity a service customarily carried on as a business.
- F) Golf courses of regulation size.
- G) Government uses other than those of the Village of Fairmont City.
- H) Home Occupations in accordance with Section 1-417.
- I) Institutions such as convents, retreat houses, and seminaries.
- J) Kennels in accordance with Section 1-410.

FAIRMONT CITY ZONING CODE

- K) Nursing homes in accordance with Section 1-411.
- L) Utility substations in accordance with Section 1-415.

SECTION 1-504. AREA/BULK RESTRICTIONS.

The following area/bulk restrictions shall apply to all buildings or structures in the "C" district:

- A) Minimum Lot Size.
 - 1) Lot area - 62,500 sq. ft
 - 2) Lot width - 250 feet
 - 3) Lot depth - 250 feet
- B) Minimum Setbacks.
 - 1) From front lot line - 50 feet
 - 2) From either side lot line - 20 feet
 - 3) From rear lot line - 50 feet
- C) Maximum Building Height.
 - 1) 35 feet; provided, however, that there shall be no height restriction on agriculture-related accessory structures.

SECTION 1-505. PARKING REGULATIONS.

Off-street parking shall be provided for every use in the "C" district in accordance with the provisions of Part 13 of this Chapter.

SECTION 1-506. SIGN REGULATIONS.

Any sign erected in the "C" district shall conform to the provisions of Part 14 of this Chapter.

SECTION 1-507. SUPPLEMENTAL REGULATIONS.

- A) **One Dwelling Per Lot.** Only one (1) dwelling shall be situated on any lot in the "C" district.

CHAPTER 1 FAIRMONT CITY ZONING CODE

PART 6 SPECIFIC REGULATIONS FOR SINGLE-FAMILY RESIDENTIAL DISTRICTS

SECTION 1-601.	"SR-1" - SINGLE-FAMILY RESIDENTIAL DISTRICT.
SECTION 1-602.	PERMITTED USES.
SECTION 1-603.	SPECIAL USES.
SECTION 1-604.	AREA/BULK RESTRICTIONS.
SECTION 1-605.	PARKING REGULATIONS.
SECTION 1-606.	SIGN REGULATIONS.
SECTION 1-607.	SUPPLEMENTAL REGULATIONS.
SECTION 1-608.	"SR-2" - SINGLE-FAMILY RESIDENTIAL DISTRICT.
SECTION 1-609.	PERMITTED USES.
SECTION 1-610.	SPECIAL USES.
SECTION 1-611.	AREA/BULK RESTRICTIONS.
SECTION 1-612.	PARKING REGULATIONS.
SECTION 1-613.	SIGN REGULATIONS.
SECTION 1-614.	SUPPLEMENTAL REGULATIONS.
SECTION 1-615.	"SR-3" - SINGLE-FAMILY RESIDENTIAL DISTRICT.
SECTION 1-616.	PERMITTED USES.
SECTION 1-617.	SPECIAL USES.
SECTION 1-618.	AREA/BULK RESTRICTIONS.
SECTION 1-619.	PARKING REGULATIONS.
SECTION 1-620.	SIGN REGULATIONS.
SECTION 1-621.	SUPPLEMENTAL REGULATIONS.
SECTION 1-622.	"SR-4" - SINGLE-FAMILY RESIDENTIAL DISTRICT.
SECTION 1-623.	PERMITTED USES.
SECTION 1-624.	SPECIAL USES.
SECTION 1-625.	AREA/BULK RESTRICTIONS.
SECTION 1-626.	PARKING REGULATIONS.
SECTION 1-627.	SIGN REGULATIONS.
SECTION 1-628.	SUPPLEMENTAL REGULATIONS.

SECTION 1-601. "SR-1" - SINGLE-FAMILY RESIDENTIAL DISTRICT.

The "SR-1" - Single-Family Residential District is designed to provide for larger single-family residential development and is intended to create an environment of homes on larger lots than might be typical for urbanized residential areas. The regulations for this district are intended to stabilize and preserve existing single-family neighborhoods, and to promote similar residential development in the future.

SECTION 1-602. PERMITTED USES.

The following shall be considered permitted uses in the "SR-1" district:

- B) Single-family dwellings.
- C) Specialized Living Accommodations, as defined.
- D) Government uses of the Village of Fairmont City.
- E) Temporary buildings or trailers for construction purposes and for a period not to exceed the period of construction.

FAIRMONT CITY ZONING CODE

- F) Accessory uses, buildings, and structures in accordance with Section 1-406.
- G) Playgrounds, parks, and recreational or community centers or grounds.

SECTION 1-603. SPECIAL USES.

The following shall be considered special uses in the "SR-1" district and allowed only in accordance with Section 1-1546:

- A) Government uses other than those of the Village of Fairmont City.
- B) Utility substations in accordance with Section 1-415.
- C) Home Occupations in accordance with Section 1-417.

SECTION 1-604. AREA/BULK RESTRICTIONS.

The following area/bulk restrictions shall apply to all buildings or structures in the "SR-1" district:

- A) Minimum Lot Size.
 - 1) Lot area - 12,000 sq. ft
 - 2) Lot width - 100 feet
 - 3) Lot depth - 120 feet
- B) Minimum Setbacks.
 - 1) From front lot line - 25 feet
 - 2) From either side lot line - 10 feet
 - 3) From rear lot line - 25 feet
- C) Maximum Building Height.
 - 1) The lesser of 35 feet or 2 1/2 stories.

SECTION 1-605. PARKING REGULATIONS.

Off-street parking shall be provided for every use in the "SR-1" district in accordance with the provisions of Part 13 of this Chapter.

SECTION 1-606. SIGN REGULATIONS.

Any sign erected in the "SR-1" district shall conform to the provisions of Part 14 of this Chapter.

SECTION 1-607. SUPPLEMENTAL REGULATIONS.

- A) **One Structure Per Lot.** Only one (1) principal structure shall be situated on any lot in the "SR-1" district.
- B) **Mobile and Manufactured Homes Restricted.** Mobile and manufactured homes shall be restricted in the "SR-1" district in accordance with the following:
 - 1) No mobile or manufactured homes shall be brought into or placed anywhere in the "SR-1" district.
 - 2) No existing mobile or manufactured home in the "SR-1" district shall be immobilized.
 - 3) It shall be unlawful to replace any existing mobile or manufactured home located in the "SR-1" district.

SECTION 1-608. "SR-2" - SINGLE-FAMILY RESIDENTIAL DISTRICT.

The "SR-2" - Single-Family Residential District is designed to provide for prime single-family residential development and is intended to stabilize and preserve existing single-family neighborhoods, and to promote similar residential development in the future.

SECTION 1-609. PERMITTED USES.

The following shall be considered permitted uses in the "SR-2" district:

- A) Single-family dwellings.
- B) Specialized Living Accommodations, as defined.
- C) Playgrounds, parks, and recreational or community centers or grounds.
- D) Government uses of the Village of Fairmont City.
- E) Temporary buildings or trailers for construction purposes and for a period not to exceed the period of construction.
- F) Accessory uses, buildings, and structures in accordance with Section 1-406.
- G) Home occupations in accordance with Section 1-416.

SECTION 1-610. SPECIAL USES.

The following shall be considered special uses in the "SR-2" district and allowed only in accordance with Section 1-1546:

- A) Churches and related religious facilities.
- B) Government uses other than those of the Village of Fairmont City.
- C) Schools.
- D) Home Occupations in accordance with Section 1-417.
- E) Utility substations in accordance with Section 1-415.
- F) Mobile Classrooms, Temporary.

SECTION 1-611. AREA/BULK RESTRICTIONS.

The following area/bulk restrictions shall apply to all buildings or structures in the "SR-2" district:

- A) Minimum Lot Size.
 - 1) Lot area - 9,600 sq. ft
 - 2) Lot width - 80 feet
 - 3) Lot depth - 120 feet
- B) Minimum Setbacks.
 - 1) From front lot line - 25 feet
 - 2) From either side lot line - 10 feet
 - 3) From rear lot line - 25 feet
- C) Maximum Building Height.
 - 1) The lesser of 35 feet or 2 1/2 stories.

SECTION 1-612. PARKING REGULATIONS.

Off-street parking shall be provided for every use in the "SR-2" district in accordance with the provisions of Part 13 of this Chapter.

SECTION 1-613. SIGN REGULATIONS.

Any sign erected in the "SR-2" district shall conform to the provisions of Part 14 of this Chapter.

SECTION 1-614. SUPPLEMENTAL REGULATIONS.

- A) One Structure Per Lot. Only one (1) principal structure shall be situated on any lot in the "SR-2" district.

B) **Mobile and Manufactured Homes Restricted.**
Mobile and manufactured homes shall be restricted in the "SR-2" district in accordance with the following:

- 1) No mobile or manufactured homes shall be brought into or placed anywhere in the "SR-2" district.
- 2) No existing mobile or manufactured home in the "SR-2" district shall be immobilized.
- 3) It shall be unlawful to replace any existing mobile or manufactured home located in the "SR-2" district.

SECTION 1-615. "SR-3" - SINGLE-FAMILY RESIDENTIAL DISTRICT.

The "SR-3" - Single-Family Residential District is designed to provide for single-family residential development and is intended to stabilize and preserve existing single-family neighborhoods, and to promote similar residential development in the future.

SECTION 1-616. PERMITTED USES.

The following shall be considered permitted uses in the "SR-3" district:

- A) Single-family dwellings.
- B) Specialized Living Accommodations, as defined.
- C) Playgrounds, parks, and recreational or community centers or grounds.
- D) Government uses of the Village of Fairmont City.
- E) Temporary buildings or trailers for construction purposes and for a period not to exceed the period of construction.
- F) Accessory uses, buildings, and structures in accordance with Section 1-406.
- G) Home occupations in accordance with Section 1-416.

SECTION 1-617. SPECIAL USES.

The following shall be considered special uses in the "SR-3" district and allowed only in accordance with Section 1-1546:

- A) Churches and related religious facilities.

- B) Government uses other than those of the Village of Fairmont City.
- C) Schools.
- D) Home Occupations in accordance with Section 1-417.
- E) Utility substations in accordance with Section 1-415.
- F) Manufactured Homes in accordance with Section 1-621(B).
- G) Mobile Classrooms, Temporary.

SECTION 1-618. AREA/BULK RESTRICTIONS.

The following area/bulk restrictions shall apply to all buildings or structures in the "SR-3" district:

- A) Minimum Lot Size.
 - 1) Lot area - 7,000 sq. ft
 - 2) Lot width - 70 feet
 - 3) Lot depth - 100 feet
- B) Minimum Setbacks.
 - 1) From front lot line - 25 feet
 - 2) From either side lot line - 10 feet
 - 3) From rear lot line - 25 feet
- C) Maximum Building Height.
 - 1) The lesser of 35 feet or 2 1/2 stories.

SECTION 1-619. PARKING REGULATIONS.

Off-street parking shall be provided for every use in the "SR-3" district in accordance with the provisions of Part 13 of this Chapter.

SECTION 1-620. SIGN REGULATIONS.

Any sign erected in the "SR-3" district shall conform to the provisions of Part 14 of this Chapter.

SECTION 1-621. SUPPLEMENTAL REGULATIONS.

- A) **One Structure Per Lot.** Only one (1) principal structure shall be situated on any lot in the "SR-3" district.
- B) **Mobile and Manufactured Homes Restricted.** Mobile and manufactured homes shall be

restricted in the "SR-3" district in accordance with the following:

- 1) No mobile or manufactured home shall be brought into or placed in the "SR-3" district unless replacing an existing mobile or manufactured home.
- 2) Replacement of any existing mobile or manufactured home located in the "SR-3" district shall only be allowed by special use permit and only when the replacement home is new.
- 3) No mobile or manufactured home in the "SR-3" district shall be immobilized.

SECTION 1-622. "SR-4" - SINGLE-FAMILY RESIDENTIAL DISTRICT.

The "SR-4" - Single-Family Residential District is designed to provide for single-family residential development in neighborhoods of older homes on smaller lots, typical of residential areas urbanized prior to zoning regulations. The regulations for this district are intended to stabilize and preserve existing neighborhoods while promoting the development and rehabilitation of affordable single-family dwellings.

SECTION 1-623. PERMITTED USES.

The following shall be considered permitted uses in the "SR-4" district:

- A) Single-family dwellings.
- B) Specialized Living Accommodations, as defined.
- C) Public libraries, playgrounds, parks, and recreational or community centers or grounds.
- D) Government uses of the Village of Fairmont City.
- E) Temporary buildings or trailers for construction purposes and for a period not to exceed the period of construction.
- F) Accessory uses, buildings, and structures in accordance with Section 1-406.
- G) Home occupations in accordance with Section 1-416.
- H) Manufactured homes in accordance with Section 1-628(B).
- I) Modular homes in accordance with Section 1-628(C).

SECTION 1-624. SPECIAL USES.

The following shall be considered special uses in the "SR-4" district and allowed only in accordance with Section 1-1546:

- A) Churches and related religious facilities.
- B) Government uses other than those of the Village of Fairmont City.
- C) Schools.
- D) Home Occupations in accordance with Section 1-417.
- E) Utility substations in accordance with Section 1-415.
- F) Manufactured Homes in accordance with Section 1-628 (D).
- G) Mobile Classrooms, Temporary.

SECTION 1-625. AREA/BULK RESTRICTIONS.

The following area/bulk restrictions shall apply to all buildings or structures in the "SR-4" district:

- A) Minimum Lot Size.
 - 1) Lot area - 6,000 sq. ft
 - 2) Lot width - 60 feet
 - 3) Lot depth - 100 feet
- B) Minimum Setbacks.
 - 1) From front lot line - 25 feet
 - 2) From either side lot line - 10 feet
 - 3) From rear lot line - 25 feet
- C) Maximum Building Height.
 - 1) The lesser of 35 feet or 2 1/2 stories.

SECTION 1-626. PARKING REGULATIONS.

Off-street parking shall be provided for every use in the "SR-4" district in accordance with the provisions of Part 13 of this Chapter.

SECTION 1-627. SIGN REGULATIONS.

Any sign erected in the "SR-4" district shall conform to the provisions of Part 14 of this Chapter.

SECTION 1-628. SUPPLEMENTAL REGULATIONS.

- A) **One Structure Per Lot.** Only one (1) principal structure shall be situated on any lot in the "SR-4" district.

B) Manufactured Homes. Every manufactured home erected in the "SR-4" district shall:

- 1) Be comprised of two (2) sections joined at the site and placed on a permanent foundation;
- 2) Be located on a single lot of record;
- 3) Meet all applicable Department of Housing and Urban Development Codes;
- 4) Be eligible for long-term mortgage financing;
- 5) Be taxed as real property; and
- 6) Be visually compatible with other single-family residential dwellings.

C) Modular Homes. Every modular home erected in the "SR-4" district shall:

- 1) Be placed on a permanent foundation;
- 2) Be located on a single lot of record;
- 3) Meet all adopted building codes and comply with all building inspection requirements;
- 4) Be eligible for long-term mortgage financing;
- 5) Be taxed as real property; and
- 6) Be visually compatible with other single-family residential dwellings.

D) Replacement of any existing mobile or manufactured home located in the "SR-4" district, shall only be allowed by special use permit, and only when the replacement home is new.

CHAPTER 1 FAIRMONT CITY ZONING CODE

PART 7 SPECIFIC REGULATIONS FOR MULTI-FAMILY RESIDENTIAL DISTRICTS

SECTION 1-701.	"MR-1" - TWO-FAMILY RESIDENTIAL DISTRICT.
SECTION 1-702.	PERMITTED USES.
SECTION 1-703.	SPECIAL USES.
SECTION 1-704.	AREA/BULK RESTRICTIONS.
SECTION 1-705.	AREA/BULK RESTRICTIONS FOR A UNIPLEX.
SECTION 1-706.	PARKING REGULATIONS.
SECTION 1-707.	SIGN REGULATIONS.
SECTION 1-708.	SUPPLEMENTAL REGULATIONS.
SECTION 1-709.	"MR-2" - MULTI-FAMILY RESIDENTIAL DISTRICT.
SECTION 1-710.	PERMITTED USES.
SECTION 1-711.	SPECIAL USES.
SECTION 1-712.	AREA/BULK RESTRICTIONS.
SECTION 1-713.	PARKING REGULATIONS.
SECTION 1-714.	SIGN REGULATIONS.
SECTION 1-715.	SUPPLEMENTAL REGULATIONS.

SECTION 1-701. "MR-1" - TWO-FAMILY RESIDENTIAL DISTRICT.

The "MR-1", Two-Family Residential District is designed to provide areas suitable for single family dwellings, duplexes and uniplexes, and to stabilize and preserve such areas for similar residential development in the future.

SECTION 1-702. PERMITTED USES.

The following shall be considered permitted uses in the "MR-1" district:

- A) Two-family dwellings, as defined.
- B) Single-family dwellings.
- C) Specialized Living Accommodations, as defined.
- D) Playgrounds, parks, and recreational or community centers or grounds.
- E) Government uses of the Village of Fairmont City.
- F) Temporary buildings or trailers for construction purposes and for a period not to exceed the period of construction.

- G) Accessory uses, buildings, and structures in accordance with Section 1-406.
- H) Home occupations in accordance with Section 1-416.

SECTION 1-703. SPECIAL USES.

The following shall be considered special uses in the "MR-1" district and allowed only in accordance with Section 1-1546:

- A) Churches and related religious facilities.
- B) Government uses other than those of the Village of Fairmont City.
- C) Schools.
- D) Home Occupations in accordance with Section 1-417.
- E) Utility substations in accordance with Section 1-415.
- F) Nursing homes in accordance with Section 1-411.
- G) Mobile Classrooms, Temporary.

SECTION 1-704. AREA/BULK RESTRICTIONS.

The following area/bulk restrictions shall apply to all buildings or structures in the "MR-1" district, except those defined as a uniplex:

- A) Minimum Lot Size.
 - 1) Lot area - 12,000 sq. ft
 - 2) Lot width - 100 feet
 - 3) Lot depth - 120 feet
- B) Minimum Setbacks.
 - 1) From front lot line - 25 feet
 - 2) From either side lot line - 10 feet
 - 3) From rear lot line - 25 feet
- C) Maximum Building Height.
 - 1) The lesser of 35 feet or 2 1/2 stories.

SECTION 1-705. AREA/BULK RESTRICTIONS FOR A UNIPLEX.

The following area/bulk restrictions, rather than those stipulated above, shall apply to all uniplex structures, as defined, in the "MR-1" district:

- A) Minimum Lot Size.
 - 1) Lot area - 6,000 sq. ft
 - 2) Lot width - 50 feet
 - 3) Lot depth - 120 feet
- B) Minimum Setbacks.
 - 1) From front lot line - 25 feet
 - 2) From either side lot line - 10 feet
 - 3) From party wall lot line none
 - 4) From rear lot line - 25 feet
- C) Maximum Building Height.
 - 1) The lesser of 35 feet or 2 1/2 stories.

SECTION 1-706. PARKING REGULATIONS.

Off-street parking shall be provided for every use in the "MR-1" district in accordance with the provisions of Part 13 of this Chapter.

SECTION 1-707. SIGN REGULATIONS.

Any sign erected in the "MR-1" district shall conform to the provisions of Part 14 of this Chapter.

SECTION 1-708. SUPPLEMENTAL REGULATIONS.

- A) **One Building Per Lot.** Only one (1) principal building shall be situated on any lot in the "MR-1" district.
- B) **Mobile and Manufactured Homes Restricted.** Mobile and Manufactured homes shall be restricted in the "MR-1" district in accordance with the following:
 - 1) No mobile or manufactured homes shall be brought into or placed anywhere in the "MR-1" district.
 - 2) No existing mobile or manufactured home in the "MR-1" district shall be immobilized.
 - 3) It shall be unlawful to replace any existing mobile or manufactured home located in the "MR-1" district.

SECTION 1-709. "MR-2" - MULTI-FAMILY RESIDENTIAL DISTRICT.

The "MR-2" Multi-Family Residential District is designed to provide areas suitable the creation and maintenance of stable and enduring multiple-family housing by establishing limitations on the use, character, and density of such land development so as to avoid conflicts with natural topography, existing development, or the arrangement and location of existing or planned community facilities and the social needs of the community.

SECTION 1-710. PERMITTED USES.

The following shall be considered permitted uses in the "MR-2" district:

- A) Multiple-Family dwellings, as defined.
- B) Condominiums.
- C) Townhouses.
- D) Single-family dwellings.
- E) Specialized Living Accommodations, as defined.
- F) Playgrounds, parks, and recreational or community centers or grounds.
- G) Government uses of the Village of Fairmont City.
- H) Temporary buildings or trailers for construction purposes and for a period not to exceed the period of construction.
- I) Accessory uses, buildings, and structures in accordance with Section 1-406.
- J) Home occupations in accordance with Section 1-416.

SECTION 1-711. SPECIAL USES.

The following shall be considered special uses in the "MR-2" district and allowed only in accordance with Section 1-1546:

- A) Two-family dwellings, as defined.
- B) Churches and related religious facilities.
- C) Government uses other than those of the Village of Fairmont City.
- D) Schools.
- E) Home Occupations in accordance with Section 1-417.
- F) Utility substations in accordance with Section 1-415.
- G) Nursing homes in accordance with Section 1-411.
- H) Mobile Classrooms, Temporary.

SECTION 1-712. AREA/BULK RESTRICTIONS.

The following area/bulk restrictions shall apply to all buildings or structures in the "MR-2" district:

- A) Minimum Lot Area.
 - 1) The greater of 12,000 sq. ft, or 2,000 sq. ft per dwelling unit.
- B) Minimum Lot Width.
 - 1) The greater of 100 feet, or 10 feet per dwelling unit, whichever is greater.
- C) Minimum Lot Depth.
 - 1) 120 feet
- D) Minimum Setbacks.
 - 1) From front lot line - 25 feet
 - 2) From either side lot line - 10 feet
 - 3) From rear lot line - 25 feet
- E) Maximum Building Height.
 - 1) The lesser of 35 feet or 2 1/2 stories.

SECTION 1-713. PARKING REGULATIONS.

Off-street parking shall be provided for every use in the "MR-2" district in accordance with the provisions of Part 13 of this Chapter.

SECTION 1-714. SIGN REGULATIONS.

Any sign erected in the "MR-2" district shall conform to the provisions of Part 14 of this Chapter.

SECTION 1-715. SUPPLEMENTAL REGULATIONS.

- A) **Refuse Containers.** All refuse containers jointly serving residents of multi-family dwellings within this district shall be tightly-covered and placed in visually-screened areas in accordance with the following provisions:
 - 1) The owner of every building, structure, or premises, shall provide and maintain in good condition and repair, a sufficient number of refuse containers for the temporary storage of all refuse accumulating between collections.
 - 2) It shall be the duty of the owner of every building, structure, or premises, to cause to be removed, at his own cost and expense, at least once each week, all refuse deposited in such containers.
- B) **Mobile and Manufactured Homes Restricted.** Mobile and manufactured homes shall be restricted in the "MR-2" district in accordance with the following:
 - 1) No mobile or manufactured homes shall be brought into or placed anywhere in the "MR-2" district.
 - 2) No existing mobile or manufactured home in the "MR-2" district shall be immobilized.
 - 3) It shall be unlawful to replace any existing mobile or manufactured home located in the "MR-2" district.

CHAPTER 1 FAIRMONT CITY ZONING CODE

PART 8 SPECIFIC REGULATIONS FOR MANUFACTURED HOME RESIDENTIAL DISTRICTS

SECTION 1-801.	"MH-1" - MANUFACTURED HOME RESIDENTIAL DISTRICT.
SECTION 1-802.	PERMITTED USES.
SECTION 1-803.	SPECIAL USES.
SECTION 1-804.	AREA/BULK RESTRICTIONS.
SECTION 1-805.	PARKING REGULATIONS.
SECTION 1-806.	SIGN REGULATIONS.
SECTION 1-807.	SUPPLEMENTAL REGULATIONS.

SECTION 1-801. "MH-1" - MANUFACTURED HOME RESIDENTIAL DISTRICT.

The "MH-1" Manufactured Home Residential District is designed to provide areas suitable the creation and maintenance of Manufactured home parks. Although "lots" in a Manufactured home park may not be classified as "lots of record", for the purpose of establishing bulk/area regulations, all manufactured home parks shall be developed in a manner so that zoning lots are designated for each manufactured or manufactured home. For the purpose of enforcement, the restrictions in Section 1-804 shall apply.

SECTION 1-802. PERMITTED USES.

The following shall be considered permitted uses in the "MH-1" district:

- A) Manufactured homes or manufactured homes, in accordance with all applicable requirements of this section and this Chapter.
- B) Playgrounds, parks, and recreational or community centers or grounds.
- C) Government uses of the Village of Fairmont City.
- D) Temporary buildings or trailers for construction purposes and for a period not to exceed the period of construction.
- E) Accessory uses, buildings, and structures in accordance with Section 1-406.

- F) Home occupations in accordance with Section 1-416.

SECTION 1-803. SPECIAL USES.

The following shall be considered special uses in the "MH-1" district and allowed only in accordance with Section 1-1546:

- A) Home Occupations in accordance with Section 1-417.
- B) Manufactured Offices, as defined, and the uses therein, but only when new.

SECTION 1-804. AREA/BULK RESTRICTIONS.

The following area/bulk restrictions shall apply to all buildings or structures in the "MH-1" district:

- A) Minimum Lot Area. - 4,500 sq. ft
- B) Minimum Lot Frontage.
 - 1) Lots on a cul-de-sac - 30 feet measured at the pavement
 - 2) All other lots - 50 feet, measured at the pavement
- C) Minimum Setbacks.
 - 1) From any park property line - 25 feet

- 2) From any park street - 15 feet
 - 3) From another manufactured home - 20 feet
 - 4) From any detached accessory building or structure - 10 feet
- C) Maximum Building Height.
- 1) The lesser of 35 feet or 2 1/2 stories

SECTION 1-805. PARKING REGULATIONS.

Off-street parking shall be provided for every use in the "MH-1" district in accordance with the provisions of Part 13 of this Chapter.

SECTION 1-806. SIGN REGULATIONS.

Any sign erected in the "MH-1" district shall conform to the provisions of Part 14 of this Chapter.

SECTION 1-814. SUPPLEMENTAL REGULATIONS.

- A) **One Building Per Lot.** Only one (1) principal building or structure shall be situated on any lot in the "MH-1" district, and no mobile home or manufactured home shall be placed on a lot upon which another principal building exists.
- B) **Compliance with Manufactured Home Code.** Provided that doing so does not create a conflict with the provisions of this Chapter, the design of any mobile or manufactured home park shall be in compliance with the current provisions of the St. Clair County Manufactured Home Park Code.

CHAPTER 1 FAIRMONT CITY ZONING CODE

PART 9 SPECIFIC REGULATIONS FOR BUSINESS DISTRICTS

SECTION 1-901.	"HB" - HIGHWAY BUSINESS DISTRICT.
SECTION 1-902.	PERMITTED USES.
SECTION 1-903.	SPECIAL USES.
SECTION 1-904.	AREA/BULK RESTRICTIONS.
SECTION 1-905.	PARKING REGULATIONS.
SECTION 1-906.	SIGN REGULATIONS.
SECTION 1-907.	SUPPLEMENTAL REGULATIONS.
SECTION 1-908.	SPECIAL REGULATIONS, BUSINESS CONDOMINIUMS.
SECTION 1-909.	"PB" - PLANNED BUSINESS DISTRICT.
SECTION 1-910.	PERMITTED USES.
SECTION 1-911.	AREA/BULK RESTRICTIONS.
SECTION 1-912.	SIGN REGULATIONS.
SECTION 1-913.	SPECIAL PROCEDURES FOR THE "PB" DISTRICT.
SECTION 1-914.	ISSUANCE OF PERMITS.

SECTION 1-901. "HB" - HIGHWAY BUSINESS DISTRICT.

The "HB" - Highway Business District is intended to accommodate and regulate strip commercial developments and compatible uses, both retail and wholesale, which draw their patrons primarily from the motoring public. Such uses typically require direct access to major streets and large off-street parking and loading facilities.

SECTION 1-902. PERMITTED USES.

Provided all the use restrictions of this district are observed, the following shall be considered permitted uses in the "HB" district:

- | | |
|--|--|
| 1) Accounting, bookkeeping and auditing services | 11) Auction rooms or barns |
| 2) Agricultural implements; sales and service | 12) Auto accessory stores |
| 3) Ambulance and Paramedic Services | 13) Auto dealers, new or used |
| 4) Animal hospitals and clinics | 14) Auto driving instruction |
| 5) Antique stores | 15) Auto laundries and car washing facilities |
| 6) Apparel stores | 16) Auto renting facilities |
| 7) Appliance stores | 17) Auto service stations in accordance with Section 1-413 |
| 8) Architectural and planning services | 18) Auto undercoating and rustproofing services |
| 9) Art galleries, commercial | 19) Bakeries |
| 10) Art and school supply stores | 20) Banks, Savings and Loans, and other financial institutions |
| | 21) Bars, taverns, and lounges |
| | 22) Barber and hairstyling shops |
| | 23) Beauty parlors |
| | 24) Bicycle stores; sales, rental and repair |
| | 25) Boat sales |
| | 26) Book and stationery stores |
| | 27) Bowling alleys |
| | 28) Building materials and products; sales and storage |
| | 29) Building trades showrooms and shops |
| | 30) Business and office machine sales and services |
| | 31) Bus passenger stations |
| | 32) Camera stores |
| | 33) Camper sales |
| | 34) Candy and confectionery stores |
| | 35) Catering establishments |

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| 36) China and glassware stores | 95) Painting and decorating businesses |
| 37) Churches, chapels, temples and synagogues | 96) Parking lots and garages |
| 38) Clothing and costume rental | 97) Parks and playgrounds |
| 39) Clubs and lodges | 98) Pet shops |
| 40) Convenience stores | 99) Photography, commercial studio |
| 41) Dairy products stores | 100) Police or fire stations |
| 42) Department stores | 101) Post offices |
| 43) Detective agencies | 102) Public libraries, art galleries, and museums |
| 44) Drapery stores | 103) Radio and television stations |
| 45) Dressmaking | 104) Radio, television, and stereo sales |
| 46) Dry cleaners and laundromats | 105) Real estate agencies |
| 47) Dry goods stores | 106) Record stores |
| 48) Drug stores | 107) Recording or sound studios |
| 49) Dwelling, single-family | 108) Recreational and community centers |
| 50) Electrical repair services | 109) Recreational vehicle sales |
| 51) Employment agencies | 110) Rectories, parsonages, and parish houses |
| 52) Engineering and surveying services | 111) Repair shops; shoes and clothing |
| 53) Equipment rental and leasing services | 112) Restaurants |
| 54) Extermination services | 113) Sharpening and grinding businesses |
| 55) Fast-food or drive-in restaurants | 114) Shoe stores |
| 56) Floor covering stores | 115) Sporting goods stores |
| 57) Floral shops | 116) Swimming pools, public or private |
| 58) Funeral parlors | 117) Tailors |
| 59) Furniture stores | 118) Taxicab garages |
| 60) Gift shops | 119) Telephone exchange and equipment buildings |
| 61) Governmental uses of the Village of Fairmont City | 120) Tennis clubs and courts, outdoors |
| 62) Grocery stores | 121) Tire, battery, and other motor vehicle accessory services |
| 63) Gymsnasiums, health clubs, and spas | 122) Tobacco shops |
| 64) Hardware stores | 123) Toy stores |
| 65) Hobby shops | 124) Travel agencies |
| 66) Home appliance stores | 125) Variety stores |
| 67) Ice cream stores | 126) Temporary buildings or trailers for construction purposes and for a period not to exceed the period of construction. |
| 68) Indoor movie theaters | 127) Accessory uses, buildings, and structures in accordance with Section 1-406. |
| 69) Indoor tennis or racquetball clubs | 128) Business Condominiums, provided all the requirements of Section 1-908 are met. |
| 70) Insurance agencies | |
| 71) Jewelry stores | |
| 72) Laboratories; medical, dental, or optical | |
| 73) Landscaping services | |
| 74) Lithographers | |
| 75) Leather goods and luggage stores | |
| 76) Locksmiths | |
| 77) Machinery sales and services | |
| 78) Mail order houses | |
| 79) Meat markets | |
| 80) Medical and dental clinics | |
| 81) Messenger and telegraph services | |
| 82) Mobile and manufactured home sales | |
| 83) Model homes and garage displays | |
| 84) Monument sales | |
| 85) Motor vehicle repair and servicing facilities | |
| 86) Motorcycle sales | |
| 87) Music stores | |
| 88) Newspaper and periodical publishers | |
| 89) Notions stores | |
| 90) Nurseries and greenhouses | |
| 91) Office supply and stationery stores | |
| 92) Offices including medical, dental, legal, philanthropic, charitable, fraternal, not-for-profit, and other such services. | |
| 93) Package liquor stores | |
| 94) Paint and wallpaper stores | |
| | 1) Amusement establishments |
| | 2) Athletic fields |
| | 3) Arboretums or botanical gardens |
| | 4) Arcades or amusement halls |
| | 5) Archery ranges |
| | 6) Billiard and pool halls |
| | 7) Business, art, dance or commercial schools |
| | 8) Colleges, junior colleges, and universities |
| | 9) Convalescent homes, nursing homes, homes for the aged, homes for the ill or physically infirm, intermediate care facilities, sheltered care facilities, skilled nursing homes, and specialized living accommodations |
| | 10) Dance halls |

SECTION 1-903. SPECIAL USES.

Provided all the use restrictions of this district are observed, the following shall be considered special uses in the "HB" district and allowed only in accordance with Section 1-1546:

- 1) Amusement establishments
- 2) Athletic fields
- 3) Arboretums or botanical gardens
- 4) Arcades or amusement halls
- 5) Archery ranges
- 6) Billiard and pool halls
- 7) Business, art, dance or commercial schools
- 8) Colleges, junior colleges, and universities
- 9) Convalescent homes, nursing homes, homes for the aged, homes for the ill or physically infirm, intermediate care facilities, sheltered care facilities, skilled nursing homes, and specialized living accommodations
- 10) Dance halls

- 11) Day care centers, nursery schools, and pre-schools
- 12) Blank
- 13) Blank
- 14) Elementary and Jr. High schools
- 15) Fairgrounds and exhibition grounds
- 16) Federal, state, county or municipal garages
- 17) Forest preserves
- 18) Golf courses; public and private
- 19) Golf driving ranges
- 20) Governmental uses other than those of the Village
- 21) High schools
- 22) Historic sites
- 23) Hospitals
- 24) Hotels
- 25) Indoor skating rinks
- 26) Kennels in accordance with Section 1-410
- 27) Kiddie parks
- 28) Meeting halls
- 29) Miniature golf courses
- 30) Mobile Classrooms, Temporary.
- 31) Motels
- 32) Racetracks
- 33) Seminaries, monasteries, convents, and retreat houses
- 34) Shooting ranges
- 35) Stadiums and auditoriums
- 36) Transit or transportation facilities
- 37) Utility substations in accordance with Section 1-415.
- 38) Vocational schools
- 39) Warehousing and storage

SECTION 1-904. AREA/BULK RESTRICTIONS.

The following area/bulk restrictions shall apply to all buildings or structures in the "HB" district:

A) Minimum Lot Size.

- 1) Lot area - 18,000 sq ft
- 2) Lot width - 120 feet
- 3) Lot depth - 150 feet

B) Minimum Setbacks.

- 1) From front lot line - 30 feet
- 2) From either side lot line - 20 feet
- 3) From rear lot line - 25 feet

C) Maximum Building Height.

35 feet

SECTION 1-905. PARKING REGULATIONS.

Off-street parking shall be provided for every use in the "HB" district in accordance with the provisions of Part 8 of this Chapter.

SECTION 1-906. SIGN REGULATIONS.

Any sign erected in the "HB" district shall conform to the provisions of Part 14 of this Chapter.

SECTION 1-907. SUPPLEMENTAL REGULATIONS.

- A) **Repairs Indoors.** All repair and maintenance services shall be conducted completely within enclosed structures.
- B) **Outside Storage.** Outside storage areas may be open to the sky, but shall be enclosed by a wall or solid fence at least eight feet (8') high.
- C) **Refuse Containers.** All refuse generated by facilities located within this district shall be stored in tightly-covered containers placed in visually-screened areas and in accordance with the following provisions:
 - 1) The standard refuse container required by this Code shall be a receptacle of impervious material and sturdy construction, with a tight-fitting cover, and equipped with handles properly placed to facilitate handling.
 - 2) The occupant of every building, structure, or premises used or maintained in connection with any business or occupation, shall provide and maintain in good condition and repair, a sufficient number of refuse containers for the temporary storage of all refuse accumulating between collections.
 - 3) It shall be the duty of the occupant of every building, structure, or premises used or maintained in connection with any business or occupation, to cause to be removed, at his own cost and expense, at least once each week, all refuse produced therein.
 - 4) Every person owning or controlling any hotel, restaurant, cafe, or retail food establishment where more than thirty-two (32) gallons of refuse is normally produced each week, shall cause all garbage to be placed in sanitary refuse containers and shall cause all substances deposited in such containers to be removed daily from his premises and to be disposed of at his own expense.
- D) **Screening.** Along the side and rear lot lines of any business use which abut a residential district, screening shall be installed in the form of a wall, solid fence, or closely-planted shrubbery, which is at least six feet (6') high and which

completely blocks the view from the adjacent residential property.

SECTION 1-908. SPECIAL REGULATIONS, BUSINESS CONDOMINIUMS

- A) Business condominiums shall be required to conform to all of the area bulk restrictions contained in Section 1-904. The minimum lot size shall be determined by measurements of the lot upon which the structure shall be situated. Minimum setbacks shall be determined from the location of the building structure upon the building lot. Private ownership of individual portions of a building shall in no way effect minimum setback requirements for that lot.
- B) All uses which occupy a building condominium unit must be in conformity with Section 1-902, reflecting permitted uses in a highway business district or may be special uses permitted under Section 1-903 provided, however, that all procedures and requirements of the Zoning Code with regard to special uses have been complied with.
- C) The developer of a business condominium unit shall submit a maintenance agreement, which shall be signed by each individual owner of any unit within the condominium complex. Said maintenance agreement shall provide for cooperative maintenance of all common areas including parking areas so as to ensure for the future maintenance of the business condominium.

SECTION 1-909. "PB" - PLANNED BUSINESS DISTRICT.

The "PB" - Planned Business District is intended to provide for maximum commercial site design and utilization in areas favorable for commercial growth, but which may experience a variety of developmental problems. These problems may relate to existing or future traffic patterns, land acquisition, topography, utilities, and related areas. The "PB" district provides maximum flexibility for the developer to create an attractive, profitable, commercial enterprise while allowing the Village to maximize vehicular and pedestrian safety, reduce potential capital expenditures for public improvements, and create a more attractive community.

Although the primary intent of the "PB" district is to provide for commercial development, the district also

provides for the combination of different types of uses into a Planned Unit Development. As an example, a parcel of property could be utilized as a Planned Unit Development and contain a restaurant, retail shops, offices, and multiple-family housing, all coexisting as an integrated complex.

SECTION 1-910. PERMITTED USES.

The following uses shall be permitted in the "PB" district provided they are approved by the Board of Trustees and conform to such conditions and restrictions as the Board of Trustees may deem reasonably necessary or appropriate for the health, safety and welfare of the public.

- 1) Accounting, bookkeeping and auditing services
- 2) Agricultural implements; sales and service
- 3) Ambulance and Paramedic Services
- 4) Amusement establishments
- 5) Animal hospitals and clinics
- 6) Antique stores
- 7) Apparel stores
- 8) Appliance stores
- 9) Arcades or amusement halls
- 10) Architectural and planning services
- 11) Art galleries, commercial
- 12) Art and school supply stores
- 13) Auction rooms or barns
- 14) Auto accessory stores
- 15) Auto dealers, new or used
- 16) Auto driving instruction
- 17) Auto laundries and car washing facilities
- 18) Auto renting facilities
- 19) Auto repair, major
- 20) Auto repair, minor
- 21) Auto service stations in accordance with Section 1-413
- 22) Auto undercoating and rustproofing services
- 23) Bakeries
- 24) Banks, Savings and Loans, and other financial institutions
- 25) Bars, taverns, and lounges
- 26) Barber and hairstyling shops
- 27) Beauty parlors
- 28) Bicycle stores; sales, rental and repair
- 29) Boat sales
- 30) Book and stationery stores
- 31) Bowling alleys
- 32) Building materials and products; sales and storage
- 33) Building trades showrooms and shops
- 34) Business and office machine sales and services
- 35) Bus passenger stations
- 36) Camera stores
- 37) Camper sales
- 38) Candy and confectionery stores
- 39) Catering establishments
- 40) Child care centers

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| 41) | China and glassware stores | 100) | Notions stores |
| 42) | Churches, chapels, temples and synagogues | 101) | Nurseries and greenhouses |
| 43) | Clothing and costume rental | 102) | Office supply and stationery stores |
| 44) | Clubs and lodges | 103) | Offices including medical, dental, legal, philanthropic, charitable, fraternal, not-for-profit, and other such services. |
| 45) | Business condominiums, provided all the requirements of Section 1-908 are met. | 104) | Package liquor stores |
| 46) | Convenience stores | 105) | Paint and wallpaper stores |
| 47) | Dairy products stores | 106) | Painting and decorating businesses |
| 48) | Department stores | 107) | Parking lots and garages |
| 49) | Detective agencies | 108) | Parks and playgrounds |
| 50) | Drapery stores | 109) | Pet shops |
| 51) | Dressmaking | 110) | Photography, commercial studio |
| 52) | Dry cleaners and laundromats | 111) | Planned Unit Developments |
| 53) | Dry goods stores | 112) | Post offices |
| 54) | Drug stores | 113) | Public libraries, art galleries, and museums |
| 55) | Blank | 114) | Radio and television stations |
| 56) | Dwelling, single-family, conventionally constructed | 115) | Radio, television, and stereo sales |
| 57) | Blank | 116) | Real estate agencies |
| 58) | Electrical repair services | 117) | Record stores |
| 59) | Employment agencies | 118) | Recording or sound studios |
| 60) | Engineering and surveying services | 119) | Recreational and community centers |
| 61) | Equipment rental and leasing services | 120) | Recreational vehicle sales |
| 62) | Extermination services | 121) | Rectories, parsonages, and parish houses |
| 63) | Fast-food or drive-in restaurants | 122) | Repair shops; shoes and clothing |
| 64) | Floor covering stores | 123) | Restaurants |
| 65) | Floral shops | 124) | Sharpening and grinding businesses |
| 66) | Funeral parlors | 125) | Shoe stores |
| 67) | Furniture stores | 126) | Sporting goods stores |
| 68) | Gift shops | 127) | Swimming pools, public or private |
| 69) | Governmental uses of the Village of Fairmont City | 128) | Tailors |
| 70) | Grocery stores | 129) | Taxicab garages |
| 71) | Gymnasiums, health clubs, and spas | 130) | Telephone exchange and equipment buildings |
| 72) | Hardware stores | 131) | Tennis clubs and courts, outdoors |
| 73) | Hobby shops | 132) | Tire, battery, and other motor vehicle accessory services |
| 74) | Home appliance stores | 133) | Tobacco shops |
| 75) | Ice cream stores | 134) | Blank |
| 76) | Indoor movie theaters | 135) | Toy stores |
| 77) | Indoor tennis or racquetball clubs | 136) | Travel agencies |
| 78) | Insurance agencies | 137) | Variety stores |
| 79) | Jewelry stores | 138) | Temporary buildings or trailers for construction purposes, for a period not to exceed the completion of construction, or not to exceed two years, whichever occurs first. |
| 80) | Kennels in accordance with Section 1-410 | | |
| 81) | Laboratories; medical, dental, or optical | | |
| 82) | Landscaping services | | |
| 83) | Libraries | | |
| 84) | Lithographers | | |
| 85) | Leather goods and luggage stores | | |
| 86) | Locksmiths | | |
| 87) | Machinery sales and services | | |
| 88) | Mail order houses | | |
| 89) | Meat markets | | |
| 90) | Medical and dental clinics | | |
| 91) | Messenger and telegraph services | | |
| 92) | Miniature Golf Courses | | |
| 93) | Mobile and manufactured home sales | | |
| 94) | Model homes and garage displays | | |
| 95) | Monument sales | | |
| 96) | Motor vehicle repair and servicing facilities | | |
| 97) | Motorcycle sales | | |
| 98) | Music stores | | |
| 99) | Newspaper and periodical publishers | | |

SECTION 1-911. AREA/BULK RESTRICTIONS.

Within the "PB" district, there are no established area/bulk requirements. The flexibility of this zoning classification is intended to allow owners/developers to suggest setback requirements on a case-by-case basis. Consideration still needs to be given to adequate spacing between buildings on adjoining property, but the Zoning Board of Appeals may review and approve setbacks which are less stringent than those established in the "HB" district.

Any sign erected in the "PB" district shall conform to the provisions of Part 14 of this Chapter.

SECTION 1-913. SPECIAL PROCEDURES FOR THE "PB" DISTRICT.

The provisions of this Section shall apply to new construction and to those additions, alterations, and accessory uses exceeding fifteen percent (15%) of the area of any existing structure.

- A) **Required Site Plan Submissions.** The developer shall submit a site plan containing the following pertinent information to the Zoning Administrator:
 - 1) The existing natural topographic features of the project area and its immediate surroundings.
 - 2) The number of any proposed dwelling units by type and gross density per acre.
 - 3) The location, size, character, and number of all proposed buildings, structures and uses.
 - 4) The location and size of proposed off-street parking, loading and pedestrian and vehicular traffic circulation; and its relationship to the adjacent circulation system.
 - 5) Landscaping, erosion and sedimentation control features.
 - 6) Location of public and/or private utilities and facilities proposed to serve the subject area, including water supply, sewage and drainage facilities.
 - 7) Proposed finished grade of the site.
 - 8) Perspective or such other drawings as are necessary to indicate the relative character and compatibility of the different land uses of the proposed development with the immediate area as well as within the project area.
- B) **Required Narrative Submissions.** The developer shall submit a written narrative containing at least the following pertinent information to the Zoning Administrator:
 - 1) A development schedule providing guidelines and sequence for the completion of the proposed development.
 - 2) The nature and extent of clearing and grading.
 - 3) A statement of the present ownership of all land within the subject area. Unified control after construction shall include homeowner

associations, trust indentures, deed restrictions and other building agreements for assuring operation and maintenance of common land and improvements.

- C) **Required Impact Statement.** Unless specifically exempted, the developer shall submit an impact statement containing at least the following pertinent information to the Zoning Administrator:
 - 1) Anticipated kinds of commercial and industrial development and the projected employment.
 - 2) Volume and nature of projected traffic.
 - 3) Sewage generation and treatment.
 - 4) Drainage facility and system requirements.

SECTION 1-914. ISSUANCE OF PERMITS.

- A) The Zoning Administrator shall not issue any permit for any proposed development restricted by the special procedures listed under Section 1-912 until:
 - 1) The developer has submitted all pertinent information listed in Section 1-913; and
 - 2) The Zoning Board of Appeals has reviewed the proposed development and has found that said proposed development complies with the provisions of Section 1-913; and
 - 3) The Village Board of Trustees has acted on the recommendation of the Zoning Board of Appeals, and has imposed any necessary conditions on a development proposal in order to assure compliance with the provisions of Section 1-913; and
 - 4) The developer has revised his proposal as necessary to conform to the conditions imposed by the Board of Trustees.
- B) **Issuance of Certificate of Occupancy.** The Zoning Administrator shall not issue a certificate of occupancy for a development in the "PB" district until such development has been substantially completed in accordance with the approved development plan.
- C) **Minor Changes to Approved Plans.** Minor changes in approved development plans may be made provided that said plans are reviewed by the Zoning Board of Appeals to assure

compliance with the terms of Section 1-913
hereof.

CHAPTER 1 FAIRMONT CITY ZONING CODE

PART 10 SPECIFIC REGULATIONS FOR INDUSTRIAL DISTRICTS

SECTION 1-1001.	"LI" - LIGHT INDUSTRIAL DISTRICT.
SECTION 1-1002.	PERMITTED USES.
SECTION 1-1003.	SPECIAL USES.
SECTION 1-1004.	AREA/BULK RESTRICTIONS.
SECTION 1-1005.	PARKING REGULATIONS.
SECTION 1-1006.	SIGN REGULATIONS.
SECTION 1-1007.	SUPPLEMENTAL REGULATIONS.
SECTION 1-1008.	"HI" - HEAVY INDUSTRIAL DISTRICT.
SECTION 1-1009.	PERMITTED USES.
SECTION 1-1010.	SPECIAL USES.
SECTION 1-1011.	AREA/BULK RESTRICTIONS.
SECTION 1-1012.	PARKING REGULATIONS.
SECTION 1-1013.	SIGN REGULATIONS.
SECTION 1-1014.	SUPPLEMENTAL REGULATIONS.

SECTION 1-1001. "LI" - LIGHT INDUSTRIAL DISTRICT.

The "LI" Light Industrial District is intended to provide for areas where light industry, research facilities, warehouses, and wholesale businesses may locate without detriment to the remainder of the community. In these areas, a satisfactory correlation of factors required by such uses exists or can be readily achieved.

SECTION 1-1002. PERMITTED USES.

Provided all the use restrictions of this district are observed, the following shall be considered permitted uses in the "LI" district:

- 1) Assembly of semi-finished materials
- 2) Auto repair, major
- 3) Auto repair, minor
- 4) Auto service stations
- 5) Auto undercoating and rustproofing services
- 6) Auto laundries and car washing facilities
- 7) Building materials and products; sales and storage
- 8) Building trades showrooms and shops
- 9) Bus passenger stations
- 10) Concrete mixing plants
- 11) Contractor or construction yards

- 12) Equipment rental and leasing services
- 13) Federal, state, county or municipal garages
- 14) Governmental uses
- 15) Laboratories; research and testing
- 16) Landscaping services
- 17) Microwave and radar tower installations
- 18) Monument manufacturing and sales
- 19) Motor vehicle repair and servicing facilities
- 20) Printing, publishing, and lithography establishments
- 21) Public Utility companies
- 22) Sharpening and grinding businesses
- 23) Towing services
- 24) Transit or transportation facilities
- 25) Warehousing and wholesaling establishments
- 26) Utility substations

SECTION 1-1003. SPECIAL USES.

Provided all the use restrictions of this district are observed, the following shall be considered special uses in the "LI" district and allowed only in accordance with the Section 1-1546.

- 1) Junk Yards.

SECTION 1-1004. AREA/BULK RESTRICTIONS.

The following area/bulk restrictions shall apply to all buildings or structures in the "LI" district:

- A) Minimum Lot Size.
 - 1) Lot area - 18,000 sq feet
 - 2) Lot width - 120 feet
 - 3) Lot depth - 150 feet
- B) Minimum Setbacks.
 - 1) From front lot line - 30 feet
 - 2) From either side lot line - 20 feet
 - 3) From rear lot line - 25 feet
- C) Maximum building height.
 - 1) 60 feet

SECTION 1-1005. PARKING REGULATIONS.

Off-street parking shall be provided for every use in the "LI" district in accordance with the provisions of Part 13.

SECTION 1-1006. SIGN REGULATIONS.

Any sign erected in the "LI" district shall conform to the provisions of Part 14 of this Chapter.

SECTION 1-1007. SUPPLEMENTAL REGULATIONS.

- A) **No Nuisances.** No production, processing, cleaning, servicing, testing, repair, sale or storage of goods, materials, or equipment shall unreasonably interfere with the use, occupancy, or enjoyment of neighboring properties or the community as a whole. Unreasonable interferences shall include, but are not limited to, excessive traffic congestion, loud or shrill noises, excessive emission of smoke, emission of toxic gases, excessive glare, and noxious odors.
- B) **Activities Enclosed.** All production, processing, cleaning, servicing, testing, or repair activities shall be conducted completely within enclosed buildings.
- C) **Outside Storage.** Outside storage areas may be open to the sky, but shall be enclosed by a solid wall or fence, at least eight feet (8') high.
- D) **Buffer Strips.** Wherever any industrial use located in this district abuts any residential or conservation district, the owner shall install a twenty-foot (20') wide buffer strip consisting of densely planted shrubbery that is at least five feet (5') high when planted and that can be expected to reach a height of ten feet (10') when full grown.

- E) **Dangerous Materials.** No building, structure or use within the "LI" district shall contain or utilize explosives, flammable gases or liquids, or live animals, without prior approval from the Zoning Administrator.

SECTION 1-1008. "HI" - HEAVY INDUSTRIAL DISTRICT.

The "HI" Heavy Industrial District is intended to provide for areas where heavy industries may locate without detriment to the remainder of the community. In these areas, a satisfactory correlation of factors required by such uses exists or can be readily achieved.

SECTION 1-1009. PERMITTED USES.

- 1) Manufacturing and industrial activities, including fabrication, processing, assembly, disassembly, repairing, cleaning, servicing, testing, packaging, and storage of materials, products and goods that can be conducted wholly within enclosed buildings.
- 2) Assembly of semi-finished materials
- 3) Auto repair, major
- 4) Auto repair, minor
- 5) Auto service stations
- 6) Auto undercoating and rustproofing services
- 7) Auto laundries and car washing facilities
- 8) Building materials and products; sales and storage
- 9) Building trades showrooms and shops
- 10) Concrete mixing plants
- 11) Contractor or construction yards
- 12) Equipment rental and leasing services
- 13) Federal, state, county or municipal garages
- 14) Governmental uses
- 15) Laboratories; research and testing
- 16) Landscaping services
- 17) Microwave and radar tower installations
- 18) Monument manufacturing and sales
- 19) Motor vehicle repair and servicing facilities
- 20) Printing, publishing, and lithography establishments
- 21) Public Utility companies
- 22) Sharpening and grinding businesses
- 23) Towing services
- 24) Transit or transportation facilities
- 25) Warehousing and wholesaling establishments
- 26) Utility substations.

SECTION 1-1010. SPECIAL USES.

- 1) Junk Yards.

SECTION 1-1011. AREA/BULK RESTRICTIONS.

The following area/bulk restrictions shall apply to all buildings or structures in the "HI" district:

- A) Minimum Lot Size.
 - 1) Lot area - 62,500 sq. feet
 - 2) Lot width - 250 feet
 - 3) Lot depth - 250 feet
- B) Minimum Setbacks.
 - 1) From front lot line - 50 feet
 - 2) From either side lot line - 20 feet
 - 3) From rear lot line - 50 feet
- C) Maximum building height.
 - 1) 60 feet

SECTION 1-1012. PARKING REGULATIONS.

Off-street parking shall be provided for every use in the "HI" district in accordance with the provisions of Part 13 of this Chapter.

SECTION 1-1013. SIGN REGULATIONS.

Any sign erected in the "HI" district shall conform to the provisions of Part 14 of this Chapter.

SECTION 1-1014. SUPPLEMENTAL REGULATIONS.

- A) **No Nuisances.** No production, processing, cleaning, servicing, testing, repair, sale or storage of goods, materials, or equipment shall unreasonably interfere with the use, occupancy, or enjoyment of neighboring properties or the community as a whole. Unreasonable interference shall include, but is not limited to, excessive traffic congestion, loud or shrill noises, excessive emission of smoke, emission of toxic gases, excessive glare, and noxious odors.
- B) **Activities Enclosed.** All production, processing, cleaning, servicing, testing, or repair activities shall be conducted completely within enclosed buildings.
- C) **Outside Storage.** Outside storage areas may be open to the sky, but shall be enclosed by a solid wall or fence, at least eight feet (8') high.
- D) **Buffer Strips.** Wherever any industrial use located in this district abuts any residential or conservation district, the owner shall install a

twenty-foot (20') wide buffer strip consisting of densely planted shrubbery that is at least five feet (5') high when planted and that can be expected to reach a height of ten feet (10') when full grown.

- E) **Dangerous Materials.** No building, structure or use within the "HI" district shall contain or utilize explosives, flammable gases or liquids, or live animals, without prior approval from the Zoning Administrator.

CHAPTER 1 FAIRMONT CITY ZONING CODE

PART 11 SPECIFIC REGULATIONS FOR FLOOD PLAIN OVERLAY DISTRICT

SECTION 1-1101.

"FPO" - FLOOD PLAIN OVERLAY DISTRICT.

SECTION 1-1102.

PERMITTED AND SPECIAL USES.

SECTION 1-1103.

SUPPLEMENTAL REGULATIONS.

**SECTION 1-1101. "FPO" - FLOOD PLAIN
OVERLAY DISTRICT.**

The "FPO" - Flood Plain Overlay District delineates areas that, in the absence of flood protection measures, are subject to periodic flooding which may result in injury to or loss of life and property, disruption of private and governmental services, impairment of the Village tax base, and the need for extraordinary relief measures. The regulations of this Part are intended to restrict permitted development in flood plains to uses that have inherently low flood damage potential, and to other uses whose flood damage potential can be lessened by appropriate protective measures.

**SECTION 1-1102. PERMITTED AND SPECIAL
USES.**

The "FPO", as a secondary overlay district, has no affect on permitted, special or prohibited uses in a primary zoning district, but rather imposes additional restrictions on any development in any zoning district which also falls within the boundaries of the flood plain.

**SECTION 1-1103. SUPPLEMENTAL
REGULATIONS.**

- A) All uses, whether permitted or special, that are located within the boundaries of the "FPO" district, shall not only meet all the requirements of the primary zoning district, but shall also be adequately protected against flood damage.
- B) To assure such protection, the Zoning Administrator, after consultation with the Village Engineer and other technically qualified persons, may require the developer to:

- 1) Provide anchorage or additional weight to structures to resist flotation;
- 2) Install watertight doors and bulkheads;
- 3) Use special paints, membranes or mortars to reduce seepage through walls;
- 4) Install pumps to lower water levels in structures or to relieve external foundation wall flood pressure;
- 5) Reinforce walls to resist rupture or collapse caused by water pressure or floating debris;
- 6) Install valves or controls on sanitary and storm drains so that the drains can be closed to prevent backup of sewerage or storm runoff into structures;
- 7) Locate electrical equipment and appliances above the level of the regulatory flood elevation;
- 8) Locate storage facilities for materials such as chemicals, explosives, flammable liquids, and toxic substances above the regulatory flood level;
- 9) Fill and grade property in order to raise the level of the proposed building site above the regulatory flood elevation; and/or
- 10) Any other reasonable flood protection measures.

- C) All development in a flood plain or floodway, shall conform to the provisions of the Fairmont City Flood Plain Code.

CHAPTER 1 FAIRMONT CITY ZONING CODE

PART 12 NONCONFORMITIES

SECTION 1-1201.
SECTION 1-1202.
SECTION 1-1203.
SECTION 1-1204.
SECTION 1-1205.
SECTION 1-1206.
SECTION 1-1207.

PURPOSE AND INTENT.
NONCONFORMING BUILDINGS AND STRUCTURES.
NONCONFORMING USES.
NONCONFORMING VACANT LOT OF RECORD.
TWO (2) OR MORE LOTS IN COMMON OWNERSHIP.
NONCONFORMITIES UNDER PERMIT AUTHORITY.
CERTIFICATES OF NONCONFORMANCE.

SECTION 1-1201. PURPOSE AND INTENT.

The requirements imposed by this Chapter are designed to secure adequate light, pure air, and safety from fire and other damages, to guarantee that the taxable value of land and building throughout the village may be conserved, to prevent or lessen hazards to persons and damage to property resulting from the accumulation of run-off storm or flood water, to preserve the sights, areas and structures of historical, architectural and aesthetic importance and that the public health, safety, comfort, morals and welfare may otherwise be promoted.

Lots, structures and uses of land that do not conform to the requirements of the district in which they are located, tend to impede appropriate development. The regulations of this Part are intended to alleviate such existing or potential problems by encouraging the gradual elimination of non-conformities.

SECTION 1-1202. NONCONFORMING BUILDINGS AND STRUCTURES.

Any otherwise lawful nonconforming building or structure that exists on the effective date of this Chapter may lawfully remain, subject to the following provisions:

- A) **Maintenance.** A nonconforming structure may be maintained by ordinary repairs.
- B) **Enlargement, Alterations.** A nonconforming building or structure shall not be altered or

enlarged in any way which would increase its nonconformity by:

- 1) Adding an addition to an existing building or adding a separate building; or
 - 2) Increasing in the area of lot used; or
 - 3) Changing business methods or the provision of new accessory facilities.
- C) **Relocation.** A nonconforming building or structure shall not be moved unless, after relocation, it will conform to all of the regulations of the district in which it will be situated.
- D) **Reconstruction.** A nonconforming building or structure which is destroyed by any means shall not be reconstructed if the Zoning Administrator determines that the cost of such reconstruction exceeds 100% of the structure's replacement value at the time of loss, unless, after reconstruction, the structure will conform to all applicable regulations of the district in which it is located.
- 1) In the event the Zoning Administrator determines the estimated cost of reconstruction is equal to or less than 100% of the structure's replacement value at the time of loss, repairs or reconstruction shall be permitted, provided such work begins within six (6) months from the date the damage occurred and is completed within one (1) year after construction begins.
 - 2) The Zoning Administrator may require that the reconstruction cost estimate be made by a bona fide construction contractor, and that

- the structure's market value at the time of loss be determined by a licensed real estate appraiser.
- 3) The owner of the damaged structure shall be responsible for obtaining these estimates on behalf of the Zoning Administrator.
- 4) The limitation that a structure's replacement value not exceed 100% of the original structure's value shall not apply to mobile or manufactured homes that are destroyed by fire, wind, or some other cause beyond the control of the owner. Said homes may be replaced with a new manufactured home, provided that said replacement meets the setback requirements for the district in which the structure is located or that the owner seeks and is granted a variation from the setback regulations.

SECTION 1-1203. NONCONFORMING USES.

Any nonconforming use, otherwise lawfully existing on the effective date of this Chapter, may lawfully continue, subject to the following provisions:

- A) No nonconforming business use shall be extended or intensified so that the character of the commercial activity changes and creates a greater adverse impact on the zoning district in which it is located.
- B) A nonconforming use shall not be changed except to a use that is permitted or special under the applicable zoning regulations.
- C) When a nonconforming use is discontinued for a period of twelve (12) consecutive months, it shall not thereafter be resumed, and any subsequent use of the land shall conform to the applicable district regulations.

SECTION 1-1204. NONCONFORMING VACANT LOT OF RECORD.

Any nonconforming vacant lot of record may, nonetheless, be developed for any use permitted in that district if such vacant lot:

- A) Was recorded in the County Recorder of Deeds office prior to the effective date of this Chapter, or any pertinent amendment thereto;
- B) Is at least 50 feet wide.

SECTION 1-1205. TWO (2) OR MORE LOTS IN COMMON OWNERSHIP.

- A) If two (2) or more lots, or combination of lots and portions of lots, with continuous frontage, were of record and in common ownership on the effective

date of this Chapter, and if one or more of those lots does not meet the minimum width, depth, or area requirements of the district in which it is located, the land involved shall be considered an undivided parcel.

- B) No portion of any such parcel shall be developed except in compliance with this Chapter, nor shall any such parcel be divided so as to create a lot that does not meet the requirements of this Chapter.

SECTION 1-1206. NONCONFORMITIES UNDER PERMIT AUTHORITY.

The regulations of this Article shall not effect the terms of any permit issued prior to the effective date of this Chapter, or any pertinent amendment thereto, provided that the work authorized by such permit is completed within a reasonable time.

SECTION 1-1207. CERTIFICATES OF NONCONFORMANCE.

At the request of the applicant, and following a thorough review of the specific building, structure, lot, or use, the Zoning Administrator, upon determining that said building, structure, lot, or use is legally nonconforming, shall issue a Certificate of Nonconformance in accordance with the provisions of Section 1-1525 through Section 1-1528 of this Chapter.

CHAPTER 1 FAIRMONT CITY ZONING CODE

PART 13 OFF-STREET PARKING AND LOADING REGULATIONS

SECTION 1-1301.	PURPOSE AND INTENT.
SECTION 1-1302.	GENERAL PROVISIONS.
SECTION 1-1303.	PARKING LOT DESIGN STANDARDS.
SECTION 1-1304.	REQUIREMENTS FOR PARKING SPACES.
SECTION 1-1305.	REQUIREMENTS FOR PARKING LOT AISLES.
SECTION 1-1306.	REQUIREMENTS FOR ACCESS.
SECTION 1-1307.	REQUIREMENTS FOR CONSTRUCTION.
SECTION 1-1308.	LIGHTING.
SECTION 1-1309.	LANDSCAPING.
SECTION 1-1310.	LOCATION OF REQUIRED PARKING.
SECTION 1-1311.	LOADING AREA DESIGN STANDARDS.
SECTION 1-1312.	REQUIREMENTS FOR LOADING SPACES.
SECTION 1-1313.	REQUIREMENTS FOR ACCESS.
SECTION 1-1314.	REQUIREMENTS FOR CONSTRUCTION.
SECTION 1-1315.	REQUIREMENTS FOR BUFFER STRIPS.
SECTION 1-1316.	LOCATION OF REQUIRED LOADING SPACES.
SECTION 1-1317.	COMPUTATION OF REQUIRED SPACES.
SECTION 1-1318.	TABLE OF PARKING SPACES, BY CLASSIFICATION.
SECTION 1-1319.	TABLE OF LOADING SPACES, BY CLASSIFICATION.

SECTION 1-1301. PURPOSE AND INTENT.

In order to reduce congestion in public streets, off-street parking and loading facilities shall be provided in accordance with this Part for all buildings, structures and uses erected or established after April 2, 2003.

SECTION 1-1302. GENERAL PROVISIONS.

- A) The provisions of this Part shall apply to all zoning districts.
- B) The duty to provide and maintain off-street parking and loading facilities shall be the joint and shared responsibility of the operator and the owner of the use or uses for which the off-street parking is required.
- C) The number of parking spaces in any off-street parking or loading facility which already existed on April 2, 2003, shall not be reduced below the requirements and standards for the use or uses for which the off-street parking is required.
- D) If the size or configuration of parking spaces in an off-street parking or loading facility which already exists on the effective date of this Chapter do not conform to the requirements of this Part, the existing facilities shall not be further reduced below the requirements and standards for the use or uses for which the off-street parking is required.
- E) If an existing building, structure, or use is damaged or destroyed and subsequently repaired or rebuilt, off-street parking and loading facilities equivalent to those maintained at the time of such damage or destruction, shall be restored, but additional spaces need not be provided.
- F) If any building, structure, or use is enlarged or expanded, the owner of such use shall provide additional off-street parking and loading facilities, as required by the provisions of this section; provided, however, that if the Zoning Administrator determines that such compliance is clearly not possible, the owner shall be required to provide only the amount of additional parking

such enlargement or expansion would require as a separate use.

- G) If the existing use of a lot, building or structure is changed to a different use, the owner of such use shall provide off-street parking and loading facilities as required by the provisions of this section.
- H) All off-street parking and loading facilities, whether provided in accordance with this Chapter, or in accordance with the provisions of any previous ordinance, shall be maintained as required by this Section.

SECTION 1-1303. PARKING LOT DESIGN STANDARDS.

With the exception of parking spaces required for single-family and two-family residences, every off-street parking lot hereafter established, shall be designed in accordance with the standards listed herein. Typical parking configurations are depicted in Illustration 1-B.

SECTION 1-1304. REQUIREMENTS FOR PARKING SPACES.

Every parking space, designed for one (1) vehicle, shall conform to the requirements below and shall be designated by markings which clearly delineate each space, and which are laid and restored as often as necessary to maintain such delineation:

- A) Minimum Parking Space Width.
 - 1) 90 degree parking - 10 feet
 - 2) 60 degree parking - 9 feet
 - 3) Parallel parking - 8 feet
 - 4) Handicapped parking - 16 feet
- B) Minimum Parking Space Length.
 - 1) 90 degree parking - 20 feet
 - 2) 60 degree parking - 20 feet
 - 3) Parallel parking - 22 feet
 - 4) Handicapped parking - 20 feet
- C) Minimum Parking Space Vertical Clearance.
 - C) All types - 7 feet
- D) Minimum Number Of Accessible Parking Spaces

The minimum number of accessible parking spaces shall be in accordance with the following table. Accessible parking spaces shall be located on the shortest accessible route of travel to an accessible building entrance.

ACCESSIBLE PARKING SPACES TABLE

Total parking spaces provided	Minimum number of accessible spaces
1 to 5	1 (see Note A below)
6 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
more than 1,000	20 plus one for each 100 over 1,000

Note A: (*The accessible space shall be provided but is not required to be designated as reserved for physically disabled.*)

SECTION 1-1305. REQUIREMENTS FOR PARKING LOT AISLES.

- A) The aisles of every parking lot hereafter established shall conform to the requirements below:
 - 1) 90 degree parking - 22 feet
 - 2) 60 degree parking - 18 feet
 - 3) Parallel parking - 22 feet
- B) Aisles between two rows of 60 degree parking shall be limited to one-way traffic.
- C) Aisles between other types of parking, or between rows of mixed types, may allow two-way traffic but shall conform to the more restrictive minimum aisle width.

SECTION 1-1306. REQUIREMENTS FOR ACCESS.

- A) Every access way in any residential or conservation zoning district, which is less than one hundred feet (100') in length and serves a parking lot containing eight (8) or fewer parking spaces, shall be at least ten feet (10') wide.
- B) Every access way in any residential or conservation zoning district, which is more than one hundred feet (100') in length or serves a parking lot containing more than eight (8) parking spaces, shall be at least twenty feet (20') wide; provided, however, that when separate drives, each one-way, are designed for ingress and egress, the minimum required width for each drive shall be reduced to ten feet (10').

- C) Every access way for a parking lot located in any business or industrial zoning district, shall be at least twenty-four feet (24') wide; provided, however, that when separate drives, each one-way, are designed for ingress and egress, the minimum required width for each drive shall be reduced to twelve feet (12').
- D) Every parking lot shall be designed so that ingress to or egress from any parking space is by way of an aisle or driveway, and not directly from a street or public right-of-way.
- E) No access way to any parking lot shall be located within thirty feet (30') of any corner formed by the intersection of the right-of-way of two (2) or more streets; provided, however, that when an intersection is regulated by traffic control devices, the Zoning Administrator may increase this requirement in order to reduce traffic hazards.
- F) Every parking lot ingress and egress shall be aligned so that it forms, as closely as is possible, a right angle with the intersecting street.
- G) Curb cuts for the purpose of providing ingress or egress are subject to all relevant state, county and Village requirements and approvals.

SECTION 1-1307. REQUIREMENTS FOR CONSTRUCTION.

Every off-street parking area constructed after the effective date of this Chapter, including access ways and aisles, shall be graded and improved with a compacted gravel base at least four inches (4") thick, surfaced with at least two inches (2") of asphalt or similar impermeable, all weather, dustless surface.

SECTION 1-1308. LIGHTING.

- A) Every off-street parking lot regularly used during nighttime hours, shall be lighted to enable safe access to parked vehicles.
- B) Lighting used to illuminate any parking lot shall be arranged or shielded so as to confine direct light rays, to the greatest extent practicable, within the lot lines of the parking lot.

SECTION 1-1309. LANDSCAPING.

In order to reduce heat and glare and minimize the loss of natural vegetation common to the construction of parking facilities, landscaping shall be provided and maintained in accordance with the following provisions, for every parking lot that contains twenty (20) or more parking spaces.

- A) A landscaping plan, either as a separate document or as an element of a more inclusive

development plan, shall accompany every application for an initial certificate of zoning compliance, in which the applicant would be required to construct a parking lot containing twenty (20) or more spaces.

- B) Every landscaping plan shall at least include the following information:
 - 1) The proposed type, amount, size, and spacing of all plantings, including trees, shrubbery and ground cover;
 - 2) The proposed size, construction materials, and drainage of landscaped islands;
 - 3) A sketch indicating the proposed spatial relationships of landscaped areas, parking spaces, automobile circulation, and pedestrian movement.

SECTION 1-1310. LOCATION OF REQUIRED PARKING.

Every off-street parking lot shall be located in conformity with the following requirements:

- A) **Single-family and Two-family Dwellings.** Parking spaces accessory to any single-family or two family dwelling shall be located on the same lot as the dwelling, and with the exception of a driveway, shall not be in the front yard.
- B) **Multiple-family Dwellings.** Parking spaces accessory to any multiple-family dwelling shall be located on the same lot as the dwelling, or on a commonly owned lot of the multiple-family buildings such parking spaces are accessory to, and constructed so that no vehicle shall be required to be moved in order to allow another vehicle to enter or exit the parking area.
- C) **Business and Industrial Uses.**
 - 1) Every off-street parking space accessory to any business or industrial use shall be located within five hundred feet (500') of the use served; provided, however, that no portion of any parking lot for a non-residential use shall extend into any residential or conservation district except by written permission of the Zoning Administrator.
 - 2) In any business or industrial district, off-street parking facilities for different buildings or uses may be provided collectively, if the total number of spaces collected together is not less than the sum of the separate requirements for each use, and if all other pertinent regulations are observed.

SECTION 1-1311. LOADING AREA DESIGN STANDARDS.

Every off-street loading space hereafter established, shall be designed in accordance with the following standards.

SECTION 1-1312. REQUIREMENTS FOR LOADING SPACES.

Every loading space, designed for one (1) vehicle, shall conform to the requirements below, exclusive of any aisle or maneuvering area that may be required, and shall be designated by markings which clearly delineate each space, and which are laid and restored as often as necessary to maintain such delineation.

- A) Minimum loading space width - 12 feet
- B) Minimum loading space length - 50 feet
- C) Minimum vertical clearance - 14 feet

SECTION 1-1313. REQUIREMENTS FOR ACCESS.

Every access way between an off-street loading space and a street or alley, shall be at least twelve feet (12') wide.

SECTION 1-1314. REQUIREMENTS FOR CONSTRUCTION.

Every off-street loading area shall be graded and improved with a compacted gravel base at least seven inches (7") thick, surfaced with at least two inches (2") of asphalt or similar impermeable, all weather, dustless surface.

SECTION 1-1315. REQUIREMENTS FOR BUFFER STRIPS.

No loading space designed for vehicles exceeding a two ton cargo capacity, shall be developed closer than fifty feet (50') from the lot line of any lot located in a residential or conservation district, unless such loading space is completely enclosed by a wall, a solid fence, or closely-planted shrubbery, at least ten feet (10') in height and of sufficient density to block the view from residential property.

SECTION 1-1316. LOCATION OF REQUIRED LOADING SPACES.

Every off-street loading space shall be located on the same parcel of land as the use served, and not closer than fifty feet (50') to the intersection of the rights-of-way of two (2) or more streets.

SECTION 1-1317. COMPUTATION OF REQUIRED SPACES.

In computing the number of parking and loading spaces required by this chapter, the Zoning Administrator shall apply the following rules:

- A) In computing the parking spaces required for a building or structure containing mixed uses, the Zoning Administrator shall calculate the required number of parking spaces for each use, and add the sums of those calculations in order to determine the total number of spaces required for the building. For example, a lodge with a dance hall would require parking spaces for each use.
- B) If, in computing the number of parking or loading spaces required by this Section, the calculation results in the requirement of a fractional space, a fraction of less than one-half may be disregarded, while a fraction of one-half or more shall be counted as one (1) space.
- C) If, in computing the number of parking spaces required by this Section, the gross floor area for a specific use is less than that identified in the calculation formula, the Zoning Administrator shall divide the gross floor area by the area indicated in the calculation formula and multiply the result by the required number of spaces. For example, if a fast food restaurant has a gross floor area of 800 square feet, the Zoning Administrator shall divide 800 by 1,000 and multiple the resulting .80 by 30, thereby requiring 24 parking spaces for this specific use.
- D) If, in reviewing the classifications below, a particular use is not found, the Zoning Administrator shall classify the use with other similar uses and calculate parking space requirements according to the provisions for that classification.

SECTION 1-1318. TABLE OF PARKING SPACES, BY CLASSIFICATION.

This section divides specific uses of property into classification groups.

The minimum number of off-street parking spaces required for each use of a specific parcel of property, shall be determined by identifying the classification group to which each use belongs, and performing the calculation identified for that specific group.

- A) **Class 1.** The following uses shall be required to provide two (2) parking spaces per dwelling unit.
- 1) Dwelling, single-family
 - 2) Dwelling, two-family
 - 3) Dwelling, multiple-family, 2 or more bedrooms
 - 4) Mobile and manufactured homes
- B) **Class 2.** The following uses shall be required to provide one and one-half (1 1/2) parking spaces per dwelling unit.
- 1) Dwelling, multiple-family, one bedroom
 - 2) Dwelling, multiple-family, efficiency units
- C) **Class 3.** The following uses shall be required to provide one (1) parking space per dwelling unit, lodging room or room for rent.
- 1) Hotels
 - 2) Motels
 - 3) Dormitories
 - 4) Private clubs and lodges with sleeping facilities
 - 5) Apartments for the elderly
- D) **Class 4.** The following uses shall be required to provide one (1) parking space per 1,000 square feet of gross floor area, as defined.
- 1) Convalescent homes, nursing homes, homes for the aged, homes for the ill or physically infirm, intermediate care facilities, sheltered care facilities, skilled nursing homes, and specialized living accommodations
 - 2) Seminaries, monasteries, convents, and retreat houses
 - 3) Rectories, parsonages, and parish houses
- E) **Class 5.** The following uses shall be required to provide two (2) parking spaces per 1,000 square feet of gross floor area.
- 1) Day care centers, nursery schools, and pre-schools
 - 2) Extermination services
 - 3) Federal, state, county or municipal garages
 - 4) Historic sites
 - 5) Hospitals
 - 6) Machinery sales and services
 - 7) Mail order houses
 - 8) Philanthropic and charitable institutions
 - 9) Public libraries, art galleries, and museums
 - 10) Radio and television stations
- F) **Class 6.** The following uses shall be required to provide four (4) parking spaces per 1,000 square feet of gross floor area.
- 1) Animal hospitals and clinics
 - 2) Art galleries, commercial
 - 3) Auto driving instruction, excluding storage of vehicles
 - 4) Auto renting facilities, excluding storage of vehicles
 - 5) Banks or savings and loans, without drive-in facilities
 - 6) Business and office machine sales and services
 - 7) Bus passenger stations
 - 8) Catering establishments
 - 9) Clothing and costume rental
 - 10) Clubs and lodges, without sleeping facilities
 - 11) Detective agencies
 - 12) Dressmaking
 - 13) Employment agencies
 - 14) Financial institutions and uses
 - 15) Governmental administration buildings, without garages
 - 16) Gymnasiums, health clubs, and spas
 - 17) Indoor tennis or racquetball clubs
 - 18) Laboratories; medical, dental, or optical
 - 19) Laboratories; research and testing
 - 20) Lithographers
 - 21) Loan companies
 - 22) Locksmiths
 - 23) Medical and dental clinics
 - 24) Not-for-profit corporations, service organizations, or fraternal organizations
 - 25) Painting and decorating businesses
 - 26) Police or fire stations
 - 27) Post offices
 - 28) Recording or sound studios
 - 29) Recreational and community centers
 - 30) Repair shops; shoes and clothing
 - 31) Sharpening and grinding businesses
 - 32) Tailors
 - 33) Taxicab garages, excluding storage of vehicles
 - 34) Telephone exchange and equipment buildings
 - 35) Towing services, excluding storage of vehicles
 - 36) Transit or transportation facilities
 - 37) Travel agencies
- G) **Class 7.** The following uses shall be required to provide five (5) parking spaces per 1,000 square feet of gross floor area.
- 1) All professional, commercial organizational, and government offices not specifically listed herein.
 - 2) Auto service stations
 - 3) Auto undercoating and rustproofing services
 - 4) Bowling alleys
 - 5) Furniture stores
 - 6) Leather goods and luggage stores
 - 7) Photography, commercial studio

H) **Class 8.** The following uses shall be required to provide six (6) parking spaces per 1,000 square feet of gross floor area.

- 1) Antique stores
- 2) Apparel stores
- 3) Appliance stores
- 4) Art and school supply stores
- 5) Auto accessory stores
- 6) Bakeries
- 7) Barber and hairstyling shops
- 8) Beauty parlors
- 9) Bicycle stores; sales, rental and repair
- 10) Book and stationery stores
- 11) Camera stores
- 12) Candy and confectionery stores
- 13) China and glassware stores
- 14) Department stores
- 15) Drapery stores
- 16) Dry cleaners and Laundromats
- 17) Dry goods stores
- 18) Drug stores
- 19) Floor covering stores
- 20) Floral shops
- 21) Funeral parlors
- 22) Gift shops
- 23) Grocery stores
- 24) Hardware stores
- 25) Hobby shops
- 26) Home appliance stores
- 27) Ice cream stores
- 28) Jewelry stores
- 29) Meat markets
- 30) Music stores
- 31) Notions stores
- 32) Office supply and stationery stores
- 33) Package liquor stores
- 34) Paint and wallpaper stores
- 35) Pet shops
- 36) Radio, television, and stereo sales
- 37) Record stores
- 38) Shoe stores
- 39) Sporting goods stores
- 40) Tobacco shops
- 41) Toy stores
- 42) Variety stores

I) **Class 9.** The following uses shall be required to provide ten (10) parking spaces per 1,000 square feet of gross floor area.

- 1) Auction rooms or barns
- 2) Arcades or amusement halls
- 3) Billiard and pool halls
- 4) Bars, taverns, and lounges
- 5) Convention and exhibition halls
- 6) Dance halls
- 7) Meeting halls
- 8) Restaurants, excluding fast-food or drive-in
- 9) Indoor skating rinks

J) **Class 10.** The following uses shall be required to provide thirty (30) parking spaces per 1,000 square feet of gross floor area, plus six (6) car holding spaces for every drive-in bay.

- 1) Fast-food or drive-in restaurants

K) **Class 11.** The following uses shall be required to provide one (1) parking space per 1,000 square feet of gross floor area, plus one (1) parking space per every 2,000 square feet of occupied land area.

- 1) Agricultural implements; sales and service
- 2) Archery ranges
- 3) Golf driving ranges
- 4) Nurseries and greenhouses

L) **Class 12.** The following uses shall be required to provide three (3) parking spaces per 1,000 square feet of gross floor area, plus one (1) parking space per every 3,000 square feet of occupied land area.

- 1) Amusement establishments
- 2) Boat sales
- 3) Camper sales
- 4) Equipment rental and leasing services
- 5) Kiddie parks
- 6) Miniature golf courses
- 7) Mobile and manufactured home sales
- 8) Model homes and garage displays
- 9) Monument sales
- 10) Motor vehicle repair and servicing facilities
- 11) Motorcycle sales
- 12) New or used car dealers
- 13) Recreational vehicle sales
- 14) Shooting ranges
- 15) Tire, battery, and other motor vehicle accessory services

M) **Class 13.** The following uses shall be required to provide one (1) parking space per 5,000 square feet of occupied land area.

- 1) Athletic fields
- 2) Arboretums or botanical gardens
- 3) Forest preserves
- 4) Grounds of non-commercial recreational clubs
- 5) Public parks and playgrounds
- 6) Swimming pools; provided, however, that when a swimming pool is an isolated use, parking shall be computed at a rate of one (1) space per 75 square feet of water area.
- 7) Tennis clubs and courts, outdoors

- N) **Class 14.** The following uses shall be required to provide five (5) parking spaces per every washing bay.
- 1) Auto laundries and car washing facilities
- O) **Class 15.** The following uses shall be required to provide five (5) car handling spaces per every drive-up teller window, plus four (4) parking spaces per every 1,000 square feet of gross floor area.
- 1) Drive-in banks, savings and loans, and financial services
- P) **Class 16.** The following uses shall be required to provide one (1) parking space per every five (5) students based on design capacity.
- 1) Elementary and Jr. High schools
- Q) **Class 17.** The following uses shall be required to provide one (1) parking space per every three (3) students based on design capacity.
- 1) Colleges, junior colleges, and universities
 - 2) Business, art, dance or commercial schools
 - 3) High schools
 - 4) Vocational schools
- R) **Class 18.** The following uses shall be required to provide one (1) parking space per every four (4) seats provided.
- 1) Churches, chapels, temples and synagogues
 - 2) Fairgrounds and exhibition grounds
 - 3) Racetracks
 - 4) Stadiums and auditoriums
- S) **Class 19.** The following uses shall be required to provide one (1) parking space per every two and one-half (2 1/2) seats provided.
- 1) Indoor movie theaters
- T) **Class 20.** The following uses shall be required to provide two (2) parking spaces per every one (1) employee.
- 1) Building materials and products; sales and storage
 - 2) Building trades showrooms and shops
 - 3) Concrete mixing plants
 - 4) Contractor or construction yards
 - 5) Landscaping services
 - 6) Microwave and radar tower installations
- U) **Class 21.** The following uses shall be required to provide two (2) parking spaces per every three (3) employees.
- 1) All industrial uses not specifically mentioned otherwise
 - 2) All essential services and public services not specifically mentioned otherwise
 - 3) Warehousing and wholesaling establishments
- V) **Class 22.** The following uses shall be required to provide one hundred (100) parking spaces per nine (9) holes.
- 1) Golf courses; public and private

SECTION 1-1319. TABLE OF LOADING SPACES, BY CLASSIFICATION.

The minimum number of off-street loading spaces required for each use of a specific parcel of property, shall be determined by reviewing the table below, identifying the classification group to which each use belongs, and performing the calculation identified for that specific group.

- A) **Class 1.** The following uses shall be required to provide one (1) loading space for every building containing between ten thousand (10,000) and one hundred thousand (100,000) square feet of gross floor area, plus one additional loading space per each additional one hundred thousand (100,000) square feet of gross floor area or fraction thereof.
- 1) Amusement and recreational facilities
 - 2) Banks and other financial institutions
 - 3) Business and other professional offices
 - 4) Convention and exhibition halls
 - 5) Health and medical institutions
 - 6) Hotels and motels containing retail shops, business or professional offices, convention or exhibition halls, or auditoriums
 - 7) Public and administrative buildings
 - 8) Radio and television studios
 - 9) Recording studios
 - 10) Theaters, indoor
 - 11) Funeral parlors and mortuaries
- B) **Class 2.** The following uses shall be required to provide one (1) loading space for every building containing between ten thousand (10,000) and

twenty thousand (20,000) square feet of gross floor area, plus one additional loading space per each additional two hundred thousand (200,000) square feet of gross floor area or fraction thereof.

- 1) Apartment hotels
- 2) Auditoriums
- 3) Charitable institutions
- 4) Clubs and lodges
- 5) Hotels and motels containing no retail shops, business or professional offices, convention or exhibition halls, or auditoriums
- 6) Meeting halls
- 7) Religious institutions
- 8) Multiple-family dwellings
- 9) Research and testing institutions
- 10) Schools and educational facilities

C) **Class 3.** The following uses shall be required to provide one (1) loading space for every building containing between five thousand (5,000) and forty thousand (40,000) square feet of gross floor area, and two (2) loading spaces for every building containing between forty thousand (40,000) square feet and one hundred thousand (100,000) square feet of gross floor area, plus one additional loading space per each additional one hundred thousand (100,000) square feet of gross floor area or fraction thereof.

- 1) Assembly, manufacturing, and fabricating establishments
- 2) Cartage, express, and motor freight facilities
- 3) Cleaning, repairing, servicing and testing facilities
- 4) Laundries and dry cleaning facilities
- 5) Mail order businesses
- 6) Printing and publishing establishments
- 7) Warehousing, storage and wholesaling establishments

D) **Class 4.** For all other uses, including but not limited to retail stores and restaurants and other establishments handling the sale or consumption of food or beverages on the premises, loading spaces shall be provided in accordance with the gross floor areas:

- 1) 5,000 - 20,000 sq. ft - 1 space
- 2) 20,000 - 60,000 sq. ft - 2 spaces
- 3) 60,000 - 100,000 sq. ft - 3 spaces
- 4) For every additional one hundred thousand (100,000) square feet or fraction thereof - 1 space

CHAPTER 1 FAIRMONT CITY ZONING CODE

PART 14 SIGN REGULATIONS

SECTION 1-1401.	PURPOSE AND INTENT.
SECTION 1-1402.	GENERAL PROHIBITION.
SECTION 1-1403.	ALLOWABLE SIGN AREA.
SECTION 1-1404.	STRICTLY PROHIBITED SIGNS.
SECTION 1-1405.	SIGNS PERMITTED IN ANY ZONING DISTRICT.
SECTION 1-1406.	SIGN ILLUMINATION.
SECTION 1-1407.	SIGN MOVEMENT PROHIBITED.
SECTION 1-1408.	SIGN LOCATION AND MAINTENANCE.
SECTION 1-1409.	SPECIAL RESTRICTIONS, CONSERVATION DISTRICTS.
SECTION 1-1410.	SPECIAL RESTRICTIONS, RESIDENTIAL DISTRICTS.
SECTION 1-1411.	SPECIAL RESTRICTIONS, BUSINESS AND INDUSTRIAL DISTRICTS.
SECTION 1-1412.	FREESTANDING SIGNS.
SECTION 1-1413.	OFF-PROPERTY FREESTANDING SIGNS.
SECTION 1-1414.	PROJECTING SIGNS.
SECTION 1-1415.	FLUSH MOUNTED SIGNS.
SECTION 1-1416.	CANOPY OR MARQUEE SIGNS.
SECTION 1-1417.	NONCONFORMING SIGNS.
SECTION 1-1418.	MOBILE MARQUEE SIGNS.
SECTION 1-1419.	CERTIFICATE OF SIGN COMPLIANCE.
SECTION 1-1420.	VIOLATIONS.

SECTION 1-1401. PURPOSE AND INTENT.

The purpose of this Part is to regulate the size, height, number, location, illumination and construction of signs permitted in the various zoning districts throughout the Village, with the intention of preserving, protecting and promoting the public health, safety and welfare; eliminating pedestrian and vehicular traffic hazards; and conserving and increasing the value of taxable property by assuring that signs are compatible with their surroundings and aesthetically pleasing.

SECTION 1-1402. GENERAL PROHIBITION.

Any sign not expressly permitted in this Part shall be deemed prohibited.

SECTION 1-1403. ALLOWABLE SIGN AREA.

Within the limitations and restrictions as further provided in this Part, the total sign area of any freestanding or projecting sign which any establishment is permitted to display, shall be computed in accordance with the following formula:

- A) One and one-half (1 1/2) square feet of sign area per every one foot (1') of street frontage for the first one hundred feet (100') of such frontage; plus one (1) square foot of sign area per each additional one foot (1') of such frontage in excess of one hundred feet (100'); provided, however, that no establishment in any district shall display more than three hundred fifty (350) square feet of sign area on any street front.
- B) In calculating the sign area of a proposed sign that contains more than two (2) faces, the Zoning Administrator shall determine the sum of the areas of each face and divide by two (2), assuring that the result does not exceed the allowable sign area for the property.

SECTION 1-1404. STRICTLY PROHIBITED SIGNS.

Except as specifically noted otherwise, the following signs and street graphics are strictly prohibited throughout the Village:

- A) **Signs on public right-of-way.** Signs erected within the public right-of-way other than traffic control or other signs posted by government officials.
- B) **Signs attached to trees.** Signs attached to trees, fences, or public utility poles, other than warning signs posted by government officials or public utilities.
- C) **Defunct signs.** Defunct signs, including the posts or other supports therefore, that advertise or identify an activity, business, product or service no longer conducted on the premises where such sign is located.
- D) **Billboards.** Billboards, subject to the regulations of Section 1-1413 hereof. Any billboard existing on the effective date of this Chapter shall be allowed to continue as a non-conformity, until removed or destroyed.

SECTION 1-1405. SIGNS PERMITTED IN ANY ZONING DISTRICT.

Any sign or other street graphic enumerated below that complies with the indicated requirements is permitted in any district of the Village. Such signs or street graphics shall not be debited against the displaying establishment's sign area allowance.

- A) **Construction signs.** Construction signs identifying the architects, engineers, contractors, and other individuals or firms involved with the construction, and/or announcing the character or purpose of the building, but not advertising any product. Such signs shall not exceed eight (8) square feet in any Conservation or Residential District, or thirty-two (32) square feet in other districts, shall be confined to the site of the construction, and shall be removed within fourteen (14) days after the intended use occupies the project.
- B) **Real estate signs.** Real estate signs indicating the sale, rental or lease of the premises on which they are located. Such signs in Residential Districts shall not exceed four (4) square feet. In other districts such signs shall not exceed sixteen (16) square feet except that when a parcel of property exceeds ten (10) acres, a sign as large as thirty-two (32) square feet shall be allowed. Not more than one (1) real estate sign per street front shall be erected on any lot. Such

signs shall be removed within seven (7) days of the sale, rental or lease.

- C) **Real estate directional signs.** Real estate directional signs indicating an open house or the sale, rental or lease of property under development. Such signs shall be located on private property, with permission from the owner of said property, and shall not exceed four (4) square feet. Open house signs shall not be erected more than five (5) days prior to the scheduled showing and shall be removed immediately following.
- D) **Political signs.** Political signs are those which either express support for candidates seeking public/political office or express support for specific political or other public issues.
 - 1) Not more than one (1) such sign shall be erected on any lot or premises.
 - 2) In any district, political signs shall not exceed four (4) square feet.
 - 3) Political signs expressing support for a candidate or issue in relation to an upcoming election shall be removed by the party(s) responsible for their erection, within three (3) days following said election.
 - 4) Political signs expressing general support for a political or public issue may remain indefinitely, provided they comply with all other applicable provisions of this section and part.
 - 5) As stated in Section 1-1404, signs erected on public right-of-way are strictly prohibited throughout the Village. Any such political signs may be immediately removed by the Village.
- E) **Garage sale signs.** Garage sale signs advertising a garage or yard sale to be held on private residential property. Such signs shall not exceed four (4) square feet, shall not be erected more than five (5) days prior to the scheduled sale and shall be removed immediately following. As stated in Section 1-1404, signs erected on public right-of-way are strictly prohibited throughout the Village. Any such garage sale sign may be immediately removed by the Village.
- F) **Public interest signs and street banners.** Public interest signs and street banners publicizing a charitable or non-profit event of general public interest. Public interest signs shall not exceed thirty-two (32) square feet. Street banners shall not exceed thirty (30) feet in length and four (4) feet in height. Public interest signs and street banners shall be approved in writing by the Code Administrator and permitted only for fourteen (14) days before and seven (7) days after the event.

- G) **Governmental, public and directional signs.** Governmental public and directional signs such as traffic control signs, railroad crossing signs, legal notices, signs indicating the location of underground cables, no trespassing signs, no parking signs, signs indicating the entrances and exits of parking lots, signs welcoming visitors to the Village, and signs indicating the location of public telephones and restrooms.
- H) **Institutional signs.** Institutional signs identifying a public, charitable, or religious institution. Such signs shall be located on the premises of such institution, shall not obstruct the vision of motorists and shall not exceed twenty-four (24) square feet.
- I) **Integral signs.** Integral signs carved into stone or inlaid so as to become part of the building, and containing such information as date of erection, name of building, and memorial tributes.
- J) **Home occupation signs.** Home occupation signs identifying only the name and occupation of the residents. Home occupations signs shall not be illuminated, shall be flush mounted, and shall not exceed two (2) square feet.
- K) **Subdivision entrance signs.** Subdivision entrance signs identifying a residential subdivision or apartment complex. Such signs shall be located on private property, contain no commercial advertising, and shall not exceed forty (40) square feet.
- L) **House numbers and/or name of occupant signs.** House numbers and/or name of occupant signs located on the lot to which the sign applies. Such signs shall contain no commercial advertising, and shall not exceed four (4) square feet.
- M) **Interior signs.** Signs located in the interior of any building or within an enclosed lobby or court of any building or group of buildings, provided such signs are designed and located to be viewed exclusively by the patrons or residents of such buildings.

SECTION 1-1406. SIGN ILLUMINATION.

Unless restricted otherwise in this Chapter, illumination of signs is permitted, subject to the following requirements:

- A) No sign shall employ red, yellow or green lights in such a manner as to confuse or interfere with vehicular traffic.

- B) No sign other than electronic message boards and those providing time and temperature information shall have blinking, flashing, or fluttering lights or any other illuminating device which has a changing light intensity, brightness or color.
- C) The light from any illuminated sign shall be shaded, shielded, or directed so that it creates neither a nuisance to adjacent property nor a traffic hazard.

SECTION 1-1407. SIGN MOVEMENT PROHIBITED.

Any sign or portion thereof, that revolves, rotates, or mechanically moves in any manner is prohibited.

SECTION 1-1408. SIGN LOCATION AND MAINTENANCE.

- A) No sign shall be erected, relocated or maintained so as to prevent free access or egress from any door, window, fire escape, or driveway.
- B) No sign shall be erected or maintained in such a manner that it interferes with, obstructs the view of, or is likely to be confused with any authorized traffic control device.
- C) Every sign shall be designed and constructed in conformity with any applicable provisions of the adopted building codes.
- D) Every sign shall be maintained in a neat and attractive condition by its owner. The sign supports shall be kept painted to prevent rust or deterioration.

SECTION 1-1409. SPECIAL RESTRICTIONS, CONSERVATION DISTRICTS.

No sign other than those permitted by Section 1-1405 shall be erected in any Conservation District.

SECTION 1-1410. SPECIAL RESTRICTIONS, RESIDENTIAL DISTRICTS.

No sign other than those permitted by Section 1-1405 shall be erected in any Residential District.

SECTION 1-1411. SPECIAL RESTRICTIONS, BUSINESS AND INDUSTRIAL DISTRICTS.

No establishment located in any business district or in any industrial district shall display on any street front a total area of sign in excess of the allowance derived by application of the provisions and formula set forth in Section 1-1403. Additionally, signs in any business district or in the Industrial District shall conform to the requirements indicated in the following Sections.

SECTION 1-1412. FREESTANDING SIGNS.

Freestanding signs, whether mounted on the ground or postmounted, shall comply with the following regulations:

- A) No establishment shall display more than two (2) freestanding signs on any street front.
- B) No part of any freestanding sign shall intrude into any public right-of-way.
- C) No part of any freestanding sign that extends below a point ten feet (10') above the ground or pavement, shall be located closer than ten feet (10') from the public right-of-way line.
- D) When attached to its structural supports, no part of any freestanding sign shall extend more than thirty feet (30') above the center of the frontage pavement.
- E) The length of any freestanding sign shall not exceed thirty feet (30').

SECTION 1-1413. OFF-PROPERTY FREESTANDING SIGNS.

Notwithstanding the restriction contained in Section 1-1404(C), any establishment which lacks frontage on a public street, may erect a freestanding sign at the intersection of the closest public street with the accessway to the establishment, subject to all the regulations of this Chapter and the following provisions:

- A) Said establishment shall secure an easement for the sign from a property owner possessing frontage to the public street.
- B) Any freestanding sign erected pursuant hereto, shall be considered to be a freestanding sign of the establishment owning said property and shall further be calculated against the limitations contained in Sections 1-1403 and 1-1418(A).

SECTION 1-1414. PROJECTING SIGNS.

Projecting signs shall comply with the following regulations:

- A) No establishment shall display more than two (2) projecting signs on any street front.
- B) No projecting sign shall:
 - 1) Extend above the roof line of the building to which it is attached; or
 - 2) Extend below a point eight feet (8') above the center of the frontage pavements; or

- 3) Project over a driveway or beyond the curbline of any public street; or
- 4) Project more than four feet (4') from the building to which it is attached; or
- 5) Exceed sixteen (16') square feet in area.

SECTION 1-1415. FLUSH MOUNTED SIGNS.

Flush mounted or wall signs shall comply with the following regulations:

- A) No flush-mounted or wall sign shall:
 - 1) Project more than eighteen inches (18") from the wall or surface to which it is attached; or
 - 2) Extend above the roof line of the building to which it is attached.

SECTION 1-1416. CANOPY OR MARQUEE SIGNS.

- A) Signs mounted flush on any canopy or marquee shall be considered flush-mounted or wall signs, and shall meet the requirements of Section 1-1415.
- B) Signs suspended beneath a canopy or marquee shall be considered projecting signs, and shall meet the requirements of Section 1-1414.

SECTION 1-1417. NONCONFORMING SIGNS.

Any nonconforming sign that does not pose an imminent peril to life or property may lawfully remain, subject to all the restrictions on the enlargement, alteration, relocation, or reconstruction of nonconforming structures set forth in Part 12 of this Chapter; provided as follows:

- A) Merely changing the message displayed on a nonconforming sign shall not be construed as a prohibited alteration; and
- B) Whenever any sign is nonconforming solely because it is appurtenant to a nonconforming business or industrial use located in a conservation or residential district, said sign shall be treated in the same manner as it would be if it were appurtenant to a business or industrial use located in any business or industrial district.

SECTION 1-1418. MOBILE MARQUEE SIGNS.

Because of the nature of mobile marquee signs, it is often difficult to assure compliance with the regulations provided herein. Often such signs are

positioned so that the sign intrudes into the public right-of-way, obstructs the view of traffic, or blocks walkways; or is installed without being properly anchored so that it cannot be overturned by wind or other forces; or is illuminated or otherwise connected to an electrical power source, in such a way that it may become a safety hazard. Therefore:

- A) Any mobile marquee which exists on the date this code is enacted, shall only be considered a non-conforming sign for a period of three (3) years and within said three (3) year period shall either be removed or converted to a free standing or other allowable sign, which conforms to all applicable provisions of this code.
- B) Any new business may make application for authorization to erect a mobile marquee after the date this code is enacted, provided that said mobile marquee is not allowed for a period of time longer than three (3) years, and provided that within said three (3) year period the portable marquee is either removed or converted to a free standing or other allowable sign, which conforms to all applicable provisions of this code.
- C) All mobile marquees, whether existing on the date this code is enacted, or permitted following said date, shall comply with the following regulations:
 - 1) No mobile marquee sign shall exceed eight feet (8') in length or four feet (4') in height; or
 - 2) No mobile marquee sign shall exceed a total height of eight feet (8') above the centerline of the frontage pavement, including all attachments, mounting brackets, legs or towing device; or
 - 3) No mobile marquee sign shall be positioned so that said sign intrudes into any public right-of-way or in any way obstructs the view of traffic, blocks walkways, or presents any safety hazard whatsoever; or
 - 4) No mobile marquee sign shall be installed without being properly anchored in such a manner so that it cannot be overturned by wind or other forces; or
 - 5) No mobile marquee sign shall be illuminated or otherwise connected to any electrical power source, unless such connections are deemed safe, and provided that if extension cords are used, they must be UL approved, at least 12 amp, with ground, and be situated so as to protect the entire length of the cord from any damages.
- D) No establishment shall display more than one (1) mobile marquee sign on any street front.

SECTION 1-1419. CERTIFICATE OF SIGN COMPLIANCE.

Any person, firm or corporation wishing to erect any sign other than those expressly permitted by Section 1-1405, shall first secure a Certificate of Sign Compliance in accordance with the provisions of Section 1-1529.

SECTION 1-1420. VIOLATIONS.

- A) The Zoning Administrator shall order the removal of any sign erected or maintained in violation of this Part, by giving seven (7) days notice in writing to the owner of such sign, or to the owner of the building, structure or premises on which such sign is located.
- B) Such notice shall require the owner to remove the sign or to bring it into compliance, at the owner's expense.
- C) The Zoning Administrator may remove a sign immediately, without notice, and at the owner's expense, if said sign is attached to a public utility pole, street sign, or located on the public right-of-way; or if said sign is in violation of this Part and is advertising an event which is set to occur before the provisions of this Section could normally be enforced; or if, in his opinion, the condition of the sign presents an immediate threat to the health, safety or welfare of the public.

CHAPTER 1 FAIRMONT CITY ZONING CODE

PART 15 ADMINISTRATION AND ENFORCEMENT

SECTION 1-1501.	PENALTIES.
SECTION 1-1502.	APPLICATION FEES.
SECTION 1-1503.	AUTHORITY.
SECTION 1-1504.	ZONING ADMINISTRATOR.
SECTION 1-1505.	APPOINTMENT AND TERM OF OFFICE.
SECTION 1-1506.	COMPENSATION.
SECTION 1-1507.	DUTIES AND RESPONSIBILITIES.
SECTION 1-1508.	ZONING BOARD OF APPEALS.
SECTION 1-1509.	APPOINTMENT AND TERM OF OFFICE.
SECTION 1-1510.	COMPENSATION.
SECTION 1-1511.	DUTIES AND RESPONSIBILITIES.
SECTION 1-1512.	COMPLAINTS.
SECTION 1-1513.	CORRECTIVE ACTION ORDERS.
SECTION 1-1514.	CONTENTS OF ORDER.
SECTION 1-1515.	SERVICE OF ORDER.
SECTION 1-1516.	STOP WORK ORDERS.
SECTION 1-1517.	EMERGENCY MEASURES.
SECTION 1-1518.	INITIAL CERTIFICATES OF ZONING COMPLIANCE.
SECTION 1-1519.	ISSUANCE.
SECTION 1-1520.	APPLICATION.
SECTION 1-1521.	DURATION OF CERTIFICATE.
SECTION 1-1522.	RELATIONSHIP TO BUILDING PERMITS.
SECTION 1-1523.	FINAL CERTIFICATES OF ZONING COMPLIANCE.
SECTION 1-1524.	ISSUANCE.
SECTION 1-1525.	CERTIFICATES OF NON-CONFORMANCE.
SECTION 1-1526.	ISSUANCE.
SECTION 1-1527.	APPLICATION.
SECTION 1-1528.	DURATION OF CERTIFICATE.
SECTION 1-1529.	CERTIFICATES OF SIGN COMPLIANCE.
SECTION 1-1530.	ISSUANCE.
SECTION 1-1531.	APPLICATION.
SECTION 1-1532.	DURATION OF CERTIFICATE.
SECTION 1-1533.	APPEALS.
SECTION 1-1534.	HEARING.
SECTION 1-1535.	DECISIONS.
SECTION 1-1536.	STAY OF PROCEEDINGS.

SECTION 1-1537.	VARIATIONS.
SECTION 1-1538.	AUTHORITY TO RECOMMEND VARIATION.
SECTION 1-1539.	STANDARDS FOR ISSUANCE.
SECTION 1-1540.	APPLICATION.
SECTION 1-1541.	HEARING.
SECTION 1-1542.	FINDINGS OF FACT, RECOMMENDATION.
SECTION 1-1543.	ACTION BY THE BOARD OF TRUSTEES.
SECTION 1-1544.	EFFECT OF DENIAL.
SECTION 1-1545.	DURATION OF VARIATION.
SECTION 1-1546.	SPECIAL USE PERMITS.
SECTION 1-1547.	AUTHORITY TO GRANT SPECIAL USE PERMITS.
SECTION 1-1548.	STANDARDS FOR ISSUANCE.
SECTION 1-1549.	APPLICATION.
SECTION 1-1550.	HEARING.
SECTION 1-1551.	FINDINGS OF FACT, RECOMMENDATION.
SECTION 1-1552.	ACTION BY THE BOARD OF TRUSTEES.
SECTION 1-1553.	EFFECT OF DENIAL.
SECTION 1-1554.	DURATION OF PERMIT.
SECTION 1-1555.	AMENDMENTS TO THE TEXT.
SECTION 1-1556.	INITIATION.
SECTION 1-1557.	STANDARDS FOR AMENDMENT TO THE TEXT.
SECTION 1-1558.	APPLICATION.
SECTION 1-1559.	HEARING.
SECTION 1-1560.	FINDINGS OF FACT, RECOMMENDATION.
SECTION 1-1561.	ACTION BY THE BOARD OF TRUSTEES.
SECTION 1-1562.	AMENDMENTS TO THE OFFICIAL ZONING MAP.
SECTION 1-1563.	INITIATION.
SECTION 1-1564.	STANDARDS FOR AMENDMENT TO THE MAP.
SECTION 1-1565.	APPLICATION.
SECTION 1-1566.	HEARING.
SECTION 1-1567.	FINDINGS OF FACT, RECOMMENDATION.
SECTION 1-1568.	ACTION BY THE BOARD OF TRUSTEES.
SECTION 1-1569.	EFFECT OF DENIAL.
SECTION 1-1570.	DURATION OF REZONING.

SECTION 1-1501. PENALTIES.

- A) Any person who violates, disobeys, omits, neglects, refuses to comply with, or who resists enforcement of any provisions of this Chapter, shall be subject to a fine of not less than fifty dollars (\$50.00), nor more than seven hundred fifty dollars (\$750.00), plus costs, for each offense.
- B) Each day that a violation continues after notification is given thereof shall be considered a separate offense.
- C) Notification shall be by regular mail from the Village to the last known mailing address of the violator.

- D) Nothing contained in this Section shall prevent the Village from taking any other lawful action that may be necessary to secure compliance with this Chapter.

SECTION 1-1502. APPLICATION FEES.

- A) The following schedule establishes application fees for the various certificates, permits and procedures listed in this Chapter, which are intended to defray the administrative costs connected with the processing of such applications, and as such do not constitute a tax or other revenue-raising device:

Application For	Fee
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Certificate of Zoning Compliance Initial and Final	\$ 20.00
Certificate of Nonconformance	\$ 20.00
Certificate of Sign Compliance	\$ 20.00
Appeal	\$100.00
Variation	\$100.00
Special Use Permit	\$100.00
Amendment to the Text	\$100.00
Amendment to the Map (Rezoning)	\$100.00

- B) Until such fees have been paid, no application for any of the above shall be deemed to have been filed and no action shall be taken on such application.
- C) Said fees shall not apply to any application filed by the Village of Fairmont City Board of Trustees or their authorized representative.

SECTION 1-1503. AUTHORITY.

- A) The primary authority for administration and enforcement of the provisions of this Chapter shall be vested in the following:
 - 1) Zoning Administrator;
 - 2) Zoning Board of Appeals;
 - 3) Board of Trustees.
- B) In addition to the above, other officials, appointees, or employees of the Village may be required and authorized to perform functions authorized in this Chapter.

SECTION 1-1504. ZONING ADMINISTRATOR.

There is hereby created the position of Zoning Administrator who is hereby authorized and directed to administer and enforce the provisions of this Chapter.

SECTION 1-1505. APPOINTMENT AND TERM OF OFFICE.

- A) The Zoning Administrator shall be appointed annually by the President of the Board of Trustees, with the advice and consent of the Board of Trustees.
- B) The Zoning Administrator's term shall commence each May with the first regular meeting of the Board of Trustees, and continue for one (1) year

or until his successor is appointed and has qualified.

SECTION 1-1506. COMPENSATION.

The Zoning Administrator shall receive a salary or compensation such as is provided by the President and the Board of Trustees.

SECTION 1-1507. DUTIES AND RESPONSIBILITIES.

The Zoning Administrator, or his authorized representative, shall administer and enforce the provisions of this Chapter. This broad responsibility encompasses, but is not limited to, the following specific duties:

- A) To provide information to the general public on matters related to this Chapter, assist them in understanding its provisions, and assist them in any application process;
- B) To review all applications for initial and final certificates of zoning compliance, determine compliance with the provisions of this Chapter, notify the applicant of any matters of noncompliance, and issue initial and final certificates of zoning compliance when appropriate;
- C) To review all applications for certificates of nonconformance and issue such certificates when appropriate;
- D) To review the provisions of this Chapter and render decisions on matters relative to those provisions;
- E) To review and forward to the Zoning Board of Appeals, all applications for variation and appeals;
- F) To review and forward to the Zoning Board of Appeals, all applications for special use permits, amendments to the text, and amendments to the official zoning map;
- G) To provide technical support to the Zoning Board of Appeals;
- H) To issue certificates or permits for all variations, special uses, planned businesses, and planned unit developments, as approved by the Board of Trustees;
- I) To inspect lots, structures, and uses to determine compliance with this Chapter, and where there are violations, to initiate appropriate corrective action;
- J) To maintain up-to-date records of matters related to this Chapter including, but not limited to,

- district maps, certificates of zoning compliance, special use permits, variances, interpretative decisions of the Board of Zoning Appeals, amendments, and all applications/documents related to any of these items;
- K) To prepare and cause to be published, on or before March 31st of each year, a map showing the existing zoning district classifications and divisions in effect on the preceding December 31st, if those classifications have been amended during the preceding calendar year; and
- L) To keep the President and Board of Trustees advised of zoning activities by written report presented at the second regular meeting each month, and to perform such other duties as the Board of Trustees may, from time to time, prescribe.

SECTION 1-1508. ZONING BOARD OF APPEALS.

- A) The Village of Fairmont City Zoning Board of Appeals, hereby established in accordance with Illinois Law, shall consist of seven (7) members, all of whom shall be residents of the Village of Fairmont City.
- (III. Com. Stat. Ch. 65, Sec. 5/11-13-3)*
- B) Four (4) members of the Zoning Board of Appeals shall constitute a quorum, and no meeting or public hearing shall be conducted by the board without a quorum being present.
- C) The concurring vote of four (4) members of the Zoning Board of Appeals shall be necessary to reverse an order, requirement, decision, or determination of an administrative official, or to decide in favor of the applicant, any matter upon which it is required to pass.

SECTION 1-1509. APPOINTMENT AND TERM OF OFFICE.

- A) Members of the Zoning Board of Appeals shall be individually appointed and assigned to a specific term of office by the President of the Board, with the advice and consent of the Board of Trustees.
- B) The initial terms of office shall be as follows:
- 1) One member for one (1) year;
 - 2) One member for two (2) years;
 - 3) One member for three (3) years;
 - 4) One member for four (4) years;
 - 5) One member for five (5) years;
 - 6) One member for six (6) years; and
 - 7) One member for seven (7) years.

- C) One of the members so appointed shall be named as Chairman at the time of his appointment and empowered with the authority to call meetings and public hearings, preside over such meetings and hearings, compel the attendance of witnesses, issue subpoenas, and administer oaths.
- 1) In the absence of the Chairman, the member present with the longest term of office shall serve as Acting Chairman and be empowered with all the authority of the Chairman.
- D) At the end of each appointed term, the successor to each member, shall be appointed for a term of five (5) years.
- E) Any member of the Zoning Board of Appeals desiring to resign his or her appointment before said term has expired, shall notify the President of the Board of Trustees in writing.
- 1) Resignations so received, shall be effective upon the date it is received by the President unless another date is specifically provided for.
 - 2) The President, with the advice and consent of the Board of Trustees, shall, at the earliest possible time, appoint a successor for the unexpired term of the member.
- F) The President, with the advice and consent of the Board of Trustees, may remove any member of the Zoning Board of Appeals, for cause, and after a public hearing.
- 1) The President, with the advice and consent of the Board of Trustees, shall, at the earliest possible time, appoint a successor for the unexpired term of the member so removed.

SECTION 1-1510. COMPENSATION.

The members of the Zoning Board of Appeals shall receive a salary or compensation as provided for by the President and the Board of Trustees in the Village's annual budget or appropriation.

SECTION 1-1511. DUTIES AND RESPONSIBILITIES.

The Zoning Board of Appeals, in administering and enforcing the provisions of this Chapter, shall be responsible for the following specific duties:

- A) To hear and decide appeals from any order, requirement, decision or determination made by the Zoning Administrator or other administrative officer under this Chapter;

- B) To hear and review applications for variation from the requirements of this Chapter, and report their findings and recommendations to the Board of Trustees.
- C) To conduct, in accordance with law, meetings and public hearings at the call of the chairman or at such other times as the Zoning Board of Appeals may determine;
- D) To compel, by action of the chairman, the attendance of witnesses at such meetings and hearings, to allow the testimony of such witnesses or any other person or their designated agent or attorney, and to administer oaths to all who so testify;
- E) To keep records of its hearings and other official actions, and minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact;
- F) To file immediately in the office of the Village Clerk, a copy of every rule, regulation, order, requirement, decision, or determination of the Zoning Board of Appeals, the contents of which shall be public record; and
(III. Com. Stat. Ch. 65 Sec. 5/11-13-3)
- G) To adopt its own rules and procedures in keeping with the provisions of the law, a copy of which shall be reduced to writing and made available to the public.

SECTION 1-1512. COMPLAINTS.

Whenever any person alleges that a violation of the provisions of this Chapter has occurred, that person shall file a written complaint on forms provided by the Zoning Administrator. The Zoning Administrator shall record such complaints, promptly investigate, and, if necessary, institute appropriate corrective action.

SECTION 1-1513. CORRECTIVE ACTION ORDERS.

Whenever the Zoning Administrator finds, by complaint, inspection or otherwise, that any lot, structure, or use, or work thereon, is in violation of this Chapter, he shall so notify the responsible party, and shall order appropriate corrective action.

SECTION 1-1514. CONTENTS OF ORDER.

Every order to take corrective action shall be issued in writing and shall at least include:

- A) A description of the premises sufficient for identification;
- B) A statement indicating the nature of the violation;
- C) A statement of the corrective action necessary to effect compliance;
- D) The date by which the violation must be corrected;
- E) A statement that the alleged violator is entitled to a conference with the Zoning Administrator if he so desires;
- F) The date by which an appeal of the corrective action order must be filed, and a statement of the procedure for so filing; and
- G) A statement that failure to obey a corrective action order shall result in revocation of an issued certificate of zoning compliance and may result in the imposition of fines.

SECTION 1-1515. SERVICE OF ORDER.

A corrective action order shall be deemed properly served upon the owner, occupant or operator of the offending lot, structure, or use if it is:

- A) Served upon him personally;
- B) Sent by certified mail to his last known address; or
- C) Posted in a conspicuous place on or about the affected premises.

SECTION 1-1516. STOP WORK ORDERS.

Whenever any work is being done in violation of an initial certificate of zoning compliance, the Zoning Administrator's corrective action order may state that the violation must cease immediately, in which case, the corrective action order is equivalent to a stop work order.

SECTION 1-1517. EMERGENCY MEASURES.

Notwithstanding any other provisions of this Chapter, whenever the Administrator determines that any violation of this Chapter poses an imminent peril to life or property, he may institute, without notice or hearing, any necessary proceedings to alleviate the perilous condition.

SECTION 1-1518. INITIAL CERTIFICATES OF ZONING COMPLIANCE

An Initial Certificate of Zoning Compliance is issued by the Zoning Administrator and indicates that he has

reviewed all plans for a proposed development and found those plans to be in compliance with the provisions of this Chapter, thereby authorizing the applicant to proceed with securing all required building permits.

SECTION 1-1519. ISSUANCE.

- A) Upon the effective date of this Chapter, no lot shall be created, no land shall be developed, no new use or structure shall be established or erected, and no existing use or structure shall be enlarged, extended, altered, relocated, or reconstructed, until an initial certificate of zoning compliance has been applied for and issued.
- B) The Zoning Administrator shall not issue an initial certificate of zoning compliance, unless, following consultation with technically qualified persons as necessary, he determines that the proposed activity conforms to the applicable provisions of this Chapter.

SECTION 1-1520. APPLICATION.

- A) Any person seeking an initial certificate of zoning compliance, shall file an application for such certificate on forms provided by the Zoning Administrator who shall review such application and determine if the proposed plans conform to the provisions of this Chapter.
 - 1) If the Zoning Administrator finds that the plans, as submitted, comply with all provisions of this chapter, he shall issue an initial certificate of zoning compliance, thereby authorizing the applicant to proceed with securing all required building permits.
 - 2) If the Zoning Administrator should find that the plans, as submitted do not conform to the provisions of this Chapter, he shall promptly notify the applicant of the deficiencies, and identify corrections that are necessary in order to bring the plans into compliance.
- B) In addition to the required application form, the applicant shall submit the following:
 - 1) A site plan, drawn to scale, showing the proposed ground area, height and bulk of the building or structure, the lot lines and dimensions, the location of building lines to lot lines, the location of any signs, easements, underground utilities, septic tanks, tile fields, and water wells; the names and locations of adjoining streets; and the location of driveways and off-street parking areas in relation to those streets;

- 2) A copy of the legal description of the property in question; and
- 3) Detailed drawings and plans for any and all proposed buildings and structures.

SECTION 1-1521. DURATION OF CERTIFICATE.

Initial certificates of zoning compliance shall be valid for one (1) year from the date of issue, or until revoked for failure to abide by a corrective action order. The Zoning Administrator may renew initial certificates of zoning compliance for successive one-year periods upon written request, provided the applicant is making a good faith effort to complete the authorized work.

SECTION 1-1522. RELATIONSHIP TO BUILDING PERMITS.

Upon the effective date of this Chapter, no building permit for the erection, enlargement, extension, alteration, or reconstruction of any structure shall be issued until the applicant for such permit has properly obtained an initial certificate of zoning compliance pertaining to such work.

SECTION 1-1523. FINAL CERTIFICATES OF ZONING COMPLIANCE

A Final Certificate of Zoning Compliance is issued by the Zoning Administrator and indicates that he has reviewed the actual construction of a proposed development and found that construction to be in compliance with plans submitted at the time of application, and therefore in compliance with the provisions of this Chapter.

SECTION 1-1524. ISSUANCE.

- A) No lot, or part thereof, recorded or developed after the effective date of this Chapter, and no structure or use, or part thereof, that has been erected, enlarged, altered, relocated, or reconstructed after the effective date of this Chapter, shall be used, occupied, or put into operation until a final certificate of zoning compliance has been issued.
 - B) The Zoning Administrator shall not issue a final certificate of zoning compliance until it has been determined, by inspection, that the work authorized by the initial certificate of zoning compliance has been completed in accordance with approved plans. Failure to obtain a final certificate of zoning compliance shall constitute a separate violation of this Chapter.
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SECTION 1-1525. CERTIFICATES OF NONCONFORMANCE.

A Certificate of Nonconformance is issued by the Zoning Administrator and indicates that he has reviewed a specific building, structure, lot, or use, at the request of the applicant, and has determined that the building, structure, lot, or use lawfully existed prior to the effective date of this Chapter, and though not in conformance with all provisions of this Chapter, shall be allowed to remain within the provisions of Part 12.

SECTION 1-1526. ISSUANCE.

The Zoning Administrator shall not issue a certificate of nonconformance, unless, following consultation with technically qualified persons as necessary, he determines that the building, structure, lot, or use lawfully existed prior to changes in the zoning regulations which created the nonconformity.

SECTION 1-1527. APPLICATION.

- A) Any person seeking a certificate of nonconformance shall file an application for such certificate on forms provided by the Zoning Administrator who shall review such application and determine if the building, structure, lot, or use lawfully existed prior to changes in the zoning regulations which created the nonconformity.
 - 1) If the Zoning Administrator finds that the building, structure, lot, or use lawfully existed prior to changes in the zoning regulations which created the nonconformity, he shall issue a certificate of nonconformance, thereby authorizing the building, structure, lot, or use to continue within the provisions of Part 12 of this Chapter.
 - 2) If the Zoning Administrator should find that the building, structure, lot, or use did not lawfully exist prior to changes in the zoning regulations which created the nonconformity, he shall promptly notify the applicant of his findings, and identify corrections that are necessary in order to bring the building, structure, lot, or use into compliance with this Chapter.
- B) In addition to the required application form, the applicant shall submit the following:
 - 1) A site plan, drawn to scale, showing the actual ground area, height and bulk of all buildings and structures, the lot lines and dimensions, the location of building lines to lot lines, the location of any signs, easements, underground utilities, septic tanks, tile fields, and water wells; the names

and locations of adjoining streets; and the location of driveways and off-street parking areas in relation to those streets;

- 2) A copy of the legal description of the property in question; and
- 3) Detailed documentation that supports the claim of lawful existence prior to changes in the zoning regulations that created the nonconformity.

SECTION 1-1528. DURATION OF CERTIFICATE.

Certificates of nonconformance shall be valid from the date of issue, provided that no amendment to the provisions of this Chapter occurs which would invalidate such certificate, and provided that no alteration to the building, structure, lot, or use occurs which would invalidate the information originally submitted on the application for certificate of nonconformance.

SECTION 1-1529. CERTIFICATES OF SIGN COMPLIANCE.

A Certificate of Sign Compliance is issued by the Zoning Administrator and indicates that he has reviewed all plans for a proposed sign and found those plans to be in compliance with the provisions of this Chapter, thereby authorizing the applicant to proceed with securing any required building permits and with sign installation.

SECTION 1-1530. ISSUANCE.

- A) Upon the effective date of this Chapter, no sign shall be installed, erected, enlarged, extended, altered, relocated, or reconstructed, until a certificate of sign compliance has been applied for and issued.
- B) The Zoning Administrator shall not issue a certificate of sign compliance, unless, following consultation with technically qualified persons as necessary, he determines that the proposed activity conforms to the applicable provisions of this Chapter.

SECTION 1-1531. APPLICATION.

- A) Any person seeking a certificate of sign compliance, shall file an application for such certificate on forms provided by the Zoning Administrator who shall review such application and determine if the proposed plans conform to the provisions of this Chapter.
 - 1) If the Zoning Administrator finds that the plans, as submitted, comply with all

- provisions of this chapter, he shall issue a certificate of sign compliance, thereby authorizing the applicant to proceed with securing any required building permits and with sign installation.
- 2) If the Zoning Administrator should find that the plans, as submitted do not conform to the provisions of this Chapter, he shall promptly notify the applicant of the deficiencies, and identify corrections that are necessary in order to bring the plans into compliance.
- B) In addition to the required application form, the applicant shall submit, if not previously submitted, the following:
- 1) A site plan, drawn to scale, showing the proposed ground area, height and bulk of all signs, the lot lines and dimensions, the location of building lines to lot lines, the location of any easements, underground utilities, septic tanks, tile fields, and water wells; the names and locations of adjoining streets; and the location of access ways and off-street parking areas in relation to those streets;
 - 2) A copy of the legal description of the property in question; and
 - 3) Detailed drawings and plans for all proposed signs.

SECTION 1-1532. DURATION OF CERTIFICATE.

Certificates of sign compliance shall be valid for one (1) year from the date of issue, or until revoked for failure to abide by a corrective action order.

SECTION 1-1533. APPEALS.

- A) The Zoning Board of Appeals shall hear and decide appeals from any order, requirement or determination made by the Zoning Administrator or other administrative official.
- B) An appeal, in which it is alleged that there is an error in any decision made by the Zoning Administrator under this Chapter, may be taken to the Zoning Board of Appeals by any person or governmental agency aggrieved by such decision.
- C) Every appeal shall be filed by the applicant in the office of the Zoning Administrator and mailed directly to the Chairman of the Zoning Board, on a form provided by the Zoning Administrator, who shall thereafter forward to all members of the Zoning Board, without delay, a copy of the appeal, together with all of the information

constituting the record upon which the decision to appeal was made.

SECTION 1-1534. HEARING.

- A) The Zoning Board of Appeals shall promptly schedule a public hearing following notice of the appeal, and shall thereafter give notice of said hearing to the parties involved, including the applicant and the Zoning Administrator.
- B) Notice of the time and place for said hearing shall be published at least once in a newspaper of general circulation in the Village; not more than thirty (30) days nor less than fifteen (15) days before said hearing.

SECTION 1-1535. DECISIONS.

- A) The Zoning Board of Appeals shall render a written decision on the appeal within a reasonable time, but in no event shall that decision be rendered more than ninety (90) days after the filing of the notice of appeal by the Clerk.
 - 1) Any member of the Zoning Board of Appeals who was absent from the public hearing but certifies that he has read the transcript of the proceedings before the Board, may vote upon any question before the Board.
- B) The board shall promptly forward a copy of the decision to the applicant, Zoning Administrator, and Village Clerk.
- C) The board may affirm, or may, upon the concurring vote of four (4) members, reverse, wholly or in part, or modify, the decision of the Zoning Administrator, as in its opinion ought to be done, and to that end shall have the powers of the Zoning Administrator.
- D) All decisions, rendered by the Zoning Board of Appeals on any administrative order, requirement, decision, or determination of the Zoning Administrator, shall, in all instances, be final administrative determinations, and shall be subject to judicial review only in accordance with applicable law.

SECTION 1-1536. STAY OF PROCEEDINGS.

- A) An appeal shall stay all proceedings in furtherance of the decision appealed, unless the Zoning Administrator certifies to the Zoning Board of Appeals, after the notice of the appeal has been filed with him, that by reason of the facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property.

- B) In such a case, the proceedings shall not be stayed, unless by a restraining order, which may be granted by the Board of Trustees or by a court of record on application, on notice to the Zoning Administrator, and on due cause shown.

SECTION 1-1537. VARIATIONS.

In specific cases, where practical difficulties or a particular hardship would be incurred by the strict applications of the provisions of this Chapter, the Zoning Board of Appeals, after conducting a public hearing, may recommend to the Board of Trustees that a variation of the regulations of this Chapter be granted in accordance with this Section.

SECTION 1-1538. AUTHORITY TO RECOMMEND VARIATION.

The Zoning Board of Appeals shall have the authority to recommend variation to the provisions of this Chapter only in accordance with the standards outlined in Section 1-1539, and only in the following instances:

- A) To permit any minimum setback less than that required by the applicable regulations;
- B) To permit the same off-street parking facility to qualify for two (2) or more uses, provided that substantial use of such facility by each user does not take place at approximately the same hours of the same days of the week;
- C) To reduce the required off-street parking or loading facilities by not more than one (1) parking or loading space, or twenty-five percent (25%) of the required spaces, whichever is greater;
- D) To increase by not more than twenty-five percent (25%) the maximum distance that required parking spaces are permitted to be located from the use served;
- E) To permit a variation from the landscaping requirements for parking lots;
- F) To permit a variation, in all districts, for signs:
 - 1) Relative to the maximum height above-grade or the minimum height above-grade; or
 - 2) Relative to the minimum setback requirements; or
 - 3) Relative to the maximum projection.

SECTION 1-1539. STANDARDS FOR ISSUANCE.

The Zoning Board of Appeals shall not make a recommendation to the Board of Trustees to vary any regulation to this Chapter unless, in each specific case, the Zoning Board has found that:

- A) The proposed variation is in harmony with the general purposes and intent of this Chapter;
- B) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a practical difficulty or particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out;
- C) The conditions upon which the application for a variation is based are unique to the property for which the variation is sought, and are not generally applicable to other property within the same zoning classification;
- D) The property in question cannot yield a reasonable return if permitted to be used under the conditions allowed by the regulations of the zoning classification; provided, however that the variation is not based exclusively upon a desire to increase financial gain;
- E) The alleged difficulty or hardship is caused by this Chapter and has not been created by any persons presently having an interest in the property;
- F) The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and
- G) The proposed variation will not:
 - 1) Impair an adequate supply of light and air to the adjacent property; or
 - 2) Substantially increase the congestion of public streets; or
 - 3) Increase the danger of fire; or
 - 4) Endanger the public safety; or
 - 5) Impair property values within the neighborhood.

SECTION 1-1540. APPLICATION.

- A) Every application for a variation shall be filed on forms provided by the Zoning Administrator, who shall review said application and initiate a permanent record thereof.
- B) In addition to the required application form, the Zoning Administrator shall require the applicant to submit the following:

- 1) A site plan, drawn to scale, showing the actual ground area, height and bulk of all existing and proposed buildings and structures, the lot lines and dimensions, the location of building lines to lot lines, the location of any signs, easements, underground utilities, septic tanks, tile fields, and water wells; the names and locations of adjoining streets; and the location of driveways and off-street parking areas in relation to those streets; and
 - 2) Any and all documentation which supports the claim of practical difficulty or specific hardship.
- C) The Zoning Administrator shall promptly forward copies of the application form and all attachments and relative documentation to the Chairman and members of the Zoning Board of Appeals.
- D) The Zoning Administrator shall also file every application for variation with the County Soil and Water Conservation District, as per state law.
(III. Com. Stat. Ch. 70 Sec. 405/22.02 (a))

SECTION 1-1541. HEARING.

- A) The Zoning Board of Appeals shall schedule and hold a public hearing within sixty (60) days after the application for variation is filed.
- B) Notice indicating the time, date, and place of the hearing, and the nature of the proposed variation, shall be given not more than thirty (30) nor less than fifteen (15) days before said hearing:
- 1) By first class mail to the applicant; and
 - 2) By publication in a newspaper of general circulation, within the Village.
- C) Any interested party, at any such hearing, may appear and testify either in person or by duly authorized agent or attorney.
(III. Com. Stat. Ch. 65 Sec. 5/11-13-6)
- 1) Every applicant shall have the right to present witnesses on their behalf and to request that the Chairman subpoena persons to appear.

SECTION 1-1542. FINDINGS OF FACT, RECOMMENDATION.

- A) The Zoning Board of Appeals may recommend approval or denial of the application for variation, upon the concurring vote of four (4) members.
- B) The Zoning Board shall submit such recommendation in writing to the Board of Trustees within a reasonable time, but in no event shall that recommendation be submitted

more than thirty (30) days after the public hearing on the application for variation.

- C) The recommendation so submitted shall be accompanied by findings of fact specifying the reason or reasons for the recommendation, and referring to any exhibits containing plans and specifications for the proposed variation, copies of which shall remain a part of the permanent record of the Zoning Board of Appeals.
- D) The terms of relief, if any, shall be contained within the recommendation, but clearly set forth in a conclusion or a statement separate from the Zoning Board's findings.

(III. Com. Stat. Ch. 65 Sec. 5/11-13-11)

SECTION 1-1543. ACTION BY THE BOARD OF TRUSTEES.

- A) The Board of Trustees shall not act upon a proposed variation to this Chapter until it has received and reviewed a written recommendation and findings of fact from the Zoning Board of Appeals.
- B) The Board of Trustees may grant or deny any variation for which an application has been submitted, and on which a public hearing has been held, regardless of the recommendation from the Zoning Board of Appeals; provided, however, that any variation which fails to receive the approval of the Zoning Board of Appeals, shall not be passed, except by the favorable vote of at least two-thirds (2/3) of the members of the Board of Trustees.
- C) The Board of Trustees, having voted to grant any variation, shall adopt said variation in ordinance form, at their next regularly scheduled meeting.
- D) If an application for a proposed variation is not acted upon finally by the Board of Trustees within ninety (90) days of the date the Board of Trustees received the Zoning Board of Appeals recommendation, and such time is not extended by mutual consent of the Board of Trustees and the applicant, the variation shall be deemed to have been denied.

SECTION 1-1544. EFFECT OF DENIAL.

No application for a variation which has been denied by the Board of Trustees shall be resubmitted for a period of one (1) year from the date of the order of denial, except on the grounds of new evidence or proof that conditions then exist which did not exist prior to the submission of the application and which are found to be valid by the Board of Trustees.

SECTION 1-1545. DURATION OF VARIATION.

Any ordinance varying the provisions of this Chapter shall be invalid one (1) year from the date of its passage and approval by the Board of Trustees, unless the applicant, as permitted, has substantially implemented the variation.

SECTION 1-1546. SPECIAL USE PERMITS.

This Chapter is based upon the division of the Village into districts, within which the uses of land, and the uses and bulk of buildings and structures are substantially uniform. It is recognized, however, that there are special uses which, because of their unique characteristics, can only be classified in any particular district upon consideration in each case of the impact of those uses upon neighboring land and uses, and for the public need for the particular uses at the particular location. Such uses fall into three (3) categories:

- A) Uses publicly operated or traditionally affected with public interest;
- B) Uses entirely private in character, but of such an unusual nature that their operation may give to unique problems with respect to their impact upon neighboring property, public facilities, or the Village as a whole;
- C) Uses, either public or private, that because of past or present conditions, need special consideration.

SECTION 1-1547. AUTHORITY TO GRANT SPECIAL USE PERMITS.

- A) The Zoning Board of Appeals shall have the authority to recommend granting of a special use permit only in accordance with the standards outlined in Section 1-1539.
- B) A special use permit shall authorize only such uses as are listed on the permit and only under the conditions of this Chapter and any other conditions that may be made part of said permit.

SECTION 1-1548. STANDARDS FOR ISSUANCE.

The Zoning Board of Appeals shall not make a recommendation to the Board of Trustees to grant any special use permit unless, in each specific case, the Zoning Board of Appeals has found that:

- A) The establishment, maintenance or operation of the special use will not be detrimental to or endanger the public's health, safety, morals, comfort or general welfare;
- B) The special use will not be injurious to the use and enjoyment of other property in the immediate

vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;

- C) The establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
- D) Adequate utilities, access roads, drainage and/or other necessary facilities have been or are being provided;
- E) Adequate measures have been or will be taken to provide ingress and egress so designated as to minimize traffic congestion in the public streets;
- F) Adequate measures have been taken or will be taken to protect any facilities near the proposed special use, such as a school or nursing homes, which may require special protection.
- G) The special use shall in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the Board of Trustees pursuant to the recommendation of the Zoning Board of Appeals.

SECTION 1-1549. APPLICATION.

- A) Every application for a special use shall be filed on forms provided by the Zoning Administrator, who shall review said application and initiate a permanent record thereof.
- B) In addition to the required application form, the Zoning Administrator shall require the applicant to submit the following:
 - 1) A site plan, drawn to scale, showing the actual ground area, height and bulk of all existing and proposed buildings and structures, the lot lines and dimensions, the location of building lines to lot lines, the location of any signs, easements, underground utilities, septic tanks, tile fields, and water wells; the names and locations of adjoining streets; and the location of driveways and off-street parking areas in relation to those streets.
- C) The Zoning Administrator shall promptly forward copies of the application form and all attachments and relative documentation to the Chairman and members of the Zoning Board of Appeals.

SECTION 1-1550. HEARING.

- A) The Zoning Board of Appeals shall schedule and hold a public hearing within sixty (60) days after the application for special use permit is filed.

B) Notice indicating the time, date, and place of the hearing, and the nature of the proposed special use, shall be given not more than thirty (30) nor less than fifteen (15) days before said hearing:

- 1) By first class mail to the applicant; and
- 2) By publication in a newspaper of general circulation, within the Village.

C) Any interested party, at any such hearing, may appear and testify either in person or by duly authorized agent or attorney.

(III. Com. Stat. Ch. 65 Sec. 5/11-13-6)

- 1) Every applicant shall have the right to present witnesses on their behalf and to request that the Chairman subpoena persons to appear.

SECTION 1-1551. FINDINGS OF FACT, RECOMMENDATION.

A) The Zoning Board of Appeals may recommend approval or denial of the application for special use permit, upon the concurring vote of four (4) members.

B) The Zoning Board of Appeals shall submit such recommendation, including the reason or reasons for the recommendation, in writing to the Board of Trustees within a reasonable time, but in no event shall that recommendation be submitted more than thirty (30) days after the public hearing on the application for special use permit.

C) The recommendation so submitted, shall be accompanied by findings of fact referring to any exhibits containing plans and specifications for the proposed special use, copies of which shall remain a part of the permanent record of the Zoning Board of Appeals, and specifying the following:

- 1) The extent to which the proposed special use departs from the zoning and subdivision regulations of the Village;
 - 2) The conformance or nonconformance of the proposed special use with the Standards for Issuance listed under Section 1-1539;
 - 3) The relationship and the compatibility of the proposed special use to adjacent properties and neighborhoods;
 - 4) The effect of the proposed special use on the development pattern, tax base, and economic well being of the Village.
- D) Special conditions, if any, shall be contained within the recommendation, but clearly set forth in a conclusion or a statement separate from the findings of the Zoning Board of Appeals.

- 1) In recommending that a special use permit be granted, the Zoning Board of Appeals shall stipulate if the permit is transferable to successive owners of the property in question, or if the permit is not transferable to any other person or any other property.

SECTION 1-1552. ACTION BY THE BOARD OF TRUSTEES.

- A) The Board of Trustees shall not act upon a proposed special use permit application until it has received and reviewed a written recommendation and findings of fact from the Zoning Board of Appeals.
- B) The Board of Trustees may grant or deny any special use permit for which an application has been submitted, and on which a public hearing has been held, regardless of the recommendation from the Zoning Board of Appeals.
- C) The Board of Trustees, having voted to grant any special use permit, shall adopt said permit in ordinance form, at their next regularly scheduled meeting.
- D) If an application for a proposed special use is not acted upon finally by the Board of Trustees within ninety (90) days of the date the Board of Trustees received the recommendation of the Zoning Board of Appeals, and such time is not extended by mutual consent of the Board of Trustees and the applicant, the special use shall be deemed to have been denied.

SECTION 1-1553. EFFECT OF DENIAL.

No application for a special use permit which has been denied by the Board of Trustees shall be resubmitted for a period of one (1) year from the date of the order of denial, except on the grounds of new evidence or proof that conditions then exist which did not exist prior to the submission of the application and which are found to be valid by the Board of Trustees.

SECTION 1-1554. DURATION OF PERMIT.

Any ordinance granting a special use permit shall be invalid one (1) year from the date of its passage and approval by the Board of Trustees, unless the special use, as permitted, has been substantially implemented by the applicant.

- A) The Board of Trustees shall require any special use permit that is issued, to stipulate the

conditions of its duration if the property is sold to another person.

SECTION 1-1555. AMENDMENTS TO THE TEXT.

The regulations established by this Chapter may be amended from time to time by the Board of Trustees through the enactment of an amending ordinance; provided, however, that the Zoning Board of Appeals shall first conduct a public hearing to consider such amendment, and thereafter submit its recommendation and findings of fact to the Board of Trustees.

SECTION 1-1556. INITIATION.

Amendments to the text may be proposed by the Board of Trustees, the Zoning Administrator, the Zoning Board of Appeals, the Zoning Board of Appeals, or any other party in interest.

SECTION 1-1557. STANDARDS FOR AMENDMENT TO THE TEXT.

The Zoning Board of Appeals shall not make a recommendation to the Board of Trustees to grant any amendment to the text unless, in each specific case, the Zoning Board of Appeals has found that:

- A) The proposed amendment is in harmony with the general purposes and intent of this Chapter;
- B) The granting of the amendment will not be detrimental to the public welfare or injurious to other property or improvements in the Village.

SECTION 1-1558. APPLICATION.

- A) Every application for an amendment to the text shall be filed on forms provided by the Zoning Administrator, who shall review said application and initiate a permanent record thereof.
- B) The Zoning Administrator shall promptly forward copies of the application form and all attachments and relative documentation to the Chairman and members of the Zoning Board of Appeals.

SECTION 1-1559. HEARING.

- A) The Zoning Board of Appeals shall schedule and hold a public hearing within sixty (60) days after the application for amendment to the map is filed.
- B) Notice indicating the time, date, and place of the hearing, and the nature of the proposed amendment, shall be given not more than thirty (30) nor less than fifteen (15) days before said hearing:
 - 1) By publication in a newspaper of general circulation, within the Village;
 - 2) By first class mail to the applicant.
- C) Any interested party, at any such hearing, may appear and testify either in person or by duly authorized agent or attorney.

(III. Com. Stat. Ch. 65 Sec. 5/11-13-6)

 - 1) Every applicant shall have the right to present witnesses on their behalf and to request that the Chairman subpoena persons to appear.
- D) Any school district within which the property in question, or any part of the property in question, is located, shall have the right to appear and present evidence at such hearings.

SECTION 1-1560. FINDINGS OF FACT, RECOMMENDATION.

- A) The Zoning Board of Appeals may recommend approval or denial of the proposed amendment to the text, upon the concurring vote of four (4) members.
- B) The Zoning Board of Appeals shall submit such recommendation, including the reason or reasons for the recommendation, in writing to the Board of Trustees within a reasonable time, but in no event shall that recommendation be submitted more than thirty (30) days after the public hearing on the application for amendment.
- C) The recommendation so submitted, shall be accompanied by findings of fact, copies of which shall remain a part of the permanent record of the Zoning Board of Appeals.

SECTION 1-1561. ACTION BY THE BOARD OF TRUSTEES.

- A) The Board of Trustees shall not act upon a proposed amendment to the text until it has received and reviewed a written recommendation and findings of fact from the Zoning Board of Appeals.
- B) The Board of Trustees may grant or deny any proposed amendment to the text for which an application has been submitted, and on which a

public hearing has been held, regardless of the recommendation from the Zoning Board of Appeals; provided, however, that when a written protest against any proposed special use is filed with the Village Clerk, and signed and acknowledged by the owners of twenty percent (20%) of the frontage proposed to be altered, or by the owners of twenty percent (20%) of the frontage immediately adjoining or across an alley therefrom, or by the owners of twenty percent (20%) of the frontage directly opposite the frontage proposed to be altered, the amendment shall not be enacted except by a favorable vote of two-thirds (2/3) of the Board of Trustees.

- 1) In such cases, a copy of the written protest shall be served by the protestor or protestors, on the applicant for the proposed amendment, and a copy upon the applicant's attorney, if any, by certified mail at the address of such applicant and attorney shown in the application for the proposed amendment.
- C) The Board of Trustees, having voted to grant any amendment, shall adopt said amendment in ordinance form, at their next regularly scheduled meeting.
- D) If an application for an amendment to the text is not acted upon finally by the Board of Trustees within ninety (90) days of the date the Board of Trustees received the recommendation of the Zoning Board of Appeals, and such time is not extended by mutual consent of the Board of Trustees and the applicant, the amendment shall be deemed to have been denied.

SECTION 1-1562. AMENDMENTS TO THE OFFICIAL ZONING MAP.

The zoning districts established by this Chapter, and depicted on the Official Zoning Map of the Village of Fairmont City, may be amended, or rezoned, from time to time by the Board of Trustees through the enactment of an amending ordinance; provided, however, that the Zoning Board of Appeals shall first conduct a public hearing to consider such amendment, and thereafter submit its recommendation and findings of fact to the Board of Trustees.

SECTION 1-1563. INITIATION.

Amendments to the map may be proposed by the Board of Trustees, the Zoning Administrator, the Zoning Board of Appeals, and by any other person having a freehold interest, a possessory interest

entitled to exclusive possession, a contractual interest which may become a freehold interest, an option to purchase, or any exclusive possessory interest which is specifically enforceable on the land which is described in the application for amendment to the map.

SECTION 1-1564. STANDARDS FOR AMENDMENT TO THE MAP.

The Zoning Board of Appeals shall not make a recommendation to the Board of Trustees to grant any amendment to the map unless, in each specific case, the Zoning Board of Appeals has found that:

- A) The proposed amendment is in harmony with the general purposes and intent of this Chapter;
- B) The proposed amendment is in the public interest and is not solely for the interest of the applicant;
- C) The conditions upon which the application for an amendment is based are generally applicable to other property within the same zoning classification, and are not unique to a specific property; and
- D) The granting of the amendment will not be detrimental to the public welfare or injurious to other property or improvements in the Village.

SECTION 1-1565. APPLICATION.

- A) Every application for an amendment to the map shall be filed on forms provided by the Zoning Administrator, who shall review said application and initiate a permanent record thereof.
- B) In addition to the required application form, the Zoning Administrator shall require the applicant to submit the following:
 - 1) A site plan, drawn to scale, showing the actual ground area, height and bulk of all existing and proposed buildings and structures, the lot lines and dimensions, the location of building lines to lot lines, the location of any signs, easements, underground utilities, septic tanks, tile fields, and water wells; the names and locations of adjoining streets; and the location of driveways and off-street parking areas in relation to those streets.
- C) The Zoning Administrator shall promptly forward copies of the application form and all attachments and relative documentation to the Chairman and members of the Zoning Board of Appeals.
- D) The Zoning Administrator shall also file every application for amendment to the map with the

County Soil and Water Conservation District, as per state law.

(III. Com. Stat. Ch. 70 Sec. 405/22.02 (a))

SECTION 1-1566. HEARING.

- A) The Zoning Board of Appeals shall schedule and hold a public hearing within sixty (60) days after the application for amendment to the text is filed.
- B) Notice indicating the time, date, and place of the hearing, and the nature of the proposed amendment, shall be given not more than thirty (30) nor less than fifteen (15) days before said hearing:
 - 1) By publication in a newspaper of general circulation, within the Village;
 - 2) By first class mail to the applicant, and all parties affected, including those property owners whose property would be directly effected by the proposed amendment and rezoning.
- C) Any interested party, at any such hearing, may appear and testify either in person or by duly authorized agent or attorney.

(III. Com. Stat. Ch. 65 Sec. 5/11-13-6)

- 1) Every applicant shall have the right to present witnesses on their behalf and to request that the Chairman subpoena persons to appear.
- D) Any school district within which the property in question, or any part of the property in question, is located, shall have the right to appear and present evidence at such hearings.

SECTION 1-1567. FINDINGS OF FACT, RECOMMENDATION.

- A) The Zoning Board of Appeals may recommend approval or denial of the proposed amendment to the text, upon the concurring vote of four (4) members.
- B) The Zoning Board of Appeals shall submit such recommendation, including the reason or reasons for the recommendation, in writing to the Board of Trustees within a reasonable time, but in no event shall that recommendation be submitted more than thirty (30) days after the public hearing on the application for amendment.
- C) The recommendation so submitted, shall be accompanied by findings of fact referring to any exhibits containing plans and specifications for the proposed amendment, copies of which shall remain a part of the permanent record of the Zoning Board of Appeals, and specifying the following:

- 1) The existing uses of property within the general area of the property in question;
- 2) The zoning classification of the property within the general area of the property in question;
- 3) The suitability of the property in question for the uses permitted under the existing zoning classification;
- 4) The trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place since the day the property in question was placed in its present zoning classification;
- 5) The conformance or nonconformance of the proposed amendment with the Standards for Amendment listed under Section 1-1564, and the officially adopted plans of the Village.
- D) The Zoning Board of Appeals may also recommend the enactment of an amendment changing the zoning classification of the property in question to a classification other than that requested by the applicant.

SECTION 1-1568. ACTION BY THE BOARD OF TRUSTEES.

- A) The Board of Trustees shall not act upon a proposed amendment to the map until it has received and reviewed a written recommendation and findings of fact from the Zoning Board of Appeals.
- B) The Board of Trustees may grant or deny any proposed amendment to the map for which an application has been submitted, and on which a public hearing has been held, regardless of the recommendation from the Zoning Board of Appeals; provided, however, that when a written protest against any proposed special use is filed with the Village Clerk, and signed and acknowledged by the owners of twenty percent (20%) of the frontage proposed to be altered, or by the owners of twenty percent (20%) of the frontage immediately adjoining or across an alley therefrom, or by the owners of twenty percent (20%) of the frontage directly opposite the frontage proposed to be altered, the amendment shall not be enacted except by a favorable vote of two-thirds (2/3) of the Board of Trustees.
- 1) In such cases, a copy of the written protest shall be served by the protestor or protestors, on the applicant for the proposed amendment, and a copy upon the applicant's attorney, if any, by certified mail at the address of such applicant and

- attorney shown in the application for the proposed amendment.
- C) The Board of Trustees, having voted to grant any amendment, shall adopt said amendment in ordinance form, at their next regularly scheduled meeting.
 - D) If an application for an amendment to the map is not acted upon finally by the Board of Trustees within ninety (90) days of the date the Board of Trustees received the recommendation of the Zoning Board of Appeals, and such time is not extended by mutual consent of the Board of Trustees and the applicant, the amendment shall be deemed to have been denied.

SECTION 1-1569. EFFECT OF DENIAL.

No application for an amendment to the map which has been denied by the Board of Trustees shall be resubmitted for a period of one (1) year from the date of the order of denial, except on the grounds of new evidence or proof that conditions then exist which did not exist prior to the submission of the application and which are found to be valid by the Board of Trustees.

SECTION 1-1570. DURATION OF REZONING.

In any case where the boundary lines of the Official Zoning Map of the Village of Fairmont City have been amended, and no development has occurred on the property in the two (2) years following enactment of the amending ordinance, the Zoning Board of Appeals may hold a public hearing, after proper notice has been given, and recommend to the Board of Trustees that such zoning be affirmed, or repealed and rezoned to its most appropriate district classification.

APPLICATION FOR AMENDMENT TO THE TEXT OF THE ZONING CODE
VILLAGE OF FAIRMONT CITY • 2601 N. 41ST STREET • FAIRMONT CITY, IL 62201 • (618) 874-6100

Application Number: _____

Fee: _____

Date Fee Paid: _____

CREATED 4/03

IMPORTANT INSTRUCTIONS

The Zoning Code of the Village of Fairmont City may be amended by the Village Board whenever an amendment is warranted. Any interested individual can also request that the Zoning Code be amended and the law changed. The standards that the Village Board must follow in order to amend the Zoning Code are listed in the Zoning Code under Chapter 1, Section 1-1553. The applicant must be prepared to **prove** that the request for an amendment to the text meets the requirements as outlined in that section.

Upon submission of this application, the Zoning Board of Appeals will schedule a public hearing. You will be notified by first class mail of the date and time of the hearing. A notice will also be published. You or a representative may be required to testify and present evidence at that hearing. The members of the Zoning Board of Appeals may question you and require other testimony. In addition, any interested party may testify either in favor of or against your request. Upon completion of the hearing, the Zoning Board of Appeals will forward a recommendation to the Village Board, who then consider your request in conjunction with the recommendation and findings of the Zoning Board of Appeals. If the Village Board votes to amend the Zoning Code, they will pass an ordinance to officially enact the amendment.

APPLICANT NAME: _____ Phone #: _____

Address: _____ City: _____ State: _____ Zip: _____

CHECK IF: Property Owner Contract Purchaser Lessee Other (_____)

OWNERS NAME: _____ Phone #: _____

Address: _____ City: _____ State: _____ Zip: _____

ADDRESS OF PROPERTY: _____

PERMANENT TAX NUMBER: _____ LOT #: _____ ZONING DISTRICT: _____

I hereby request that the following section(s) of the Fairmont City Zoning Code be amended as indicated:

Section: _____

Current wording:

Proposed wording: (*attach additional sheets if necessary*)

BY MY SIGNATURE BELOW, I CERTIFY THAT ALL OF THE ABOVE STATEMENTS AND THE INFORMATION CONTAINED IN ANY DOCUMENT OR PLANS SUBMITTED HEREWITH, ARE TRUE AND ACCURATE. I HEREBY CONSENT TO THE ENTRY IN OR UPON THE PREMISES DESCRIBED HEREIN, BY ALL AUTHORIZED OFFICIALS OF THE VILLAGE OF FAIRMONT CITY FOR THE PURPOSE OF INVESTIGATING THIS APPLICATION, INSPECTING THE PROPOSED WORK, AND POSTING, MAINTAINING, AND REMOVING ANY NOTICES REQUIRED BY ORDINANCE.

APPLICANT: _____ DATE: _____

OWNER: _____ DATE: _____