

CHAPTER 25

ZONING

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ARTICLE I. INTRODUCTION

25-1-1. Authority. These regulations are adopted under the authority of the Illinois Revised Statutes.

25-1-2. Purpose. This chapter is adopted for the following purposes:

(a) To promote and protect the public health, safety, morals, comforts and general welfare of the people;

(b) To divided the municipality into zones or districts restricting and regulating therein the location, erection, construction, reconstruction, alteration and use of buildings, structures, and land for residential, business, manufacturing and other specified uses;

(c) To protect the character and the stability of the residential, business and manufacturing areas within the municipality and to promote the orderly and beneficial development of such areas;

(d) To provide adequate light, air, privacy and convenience of access to property;

(e) To regulate the intensity of use of lot areas and to determine the area of open spaces surrounding buildings necessary to provide adequate light and air to protect the public health;

(f) To establish building lines and the location of buildings designed for residential, business, manufacturing or other uses within such areas;

- (g) To fix reasonable standards to which buildings or structures shall conform;
- (h) To prohibit uses, building or structures incompatible with the character or development or intended uses within as specified zoning district;
- (i) To prevent additions or alterations or remodeling of existing buildings or structures in such a way as to avoid the restrictions and limitations imposed hereunder;
- (j) To limit congestion in the public health, safety, convenience and general welfare by providing for the off-street parking of motor vehicles and the loading of commercial vehicles;
- (k) To protect against fire, explosion, noxious fumes and other hazards in the interest of the public health, safety, comfort and general welfare;
- (l) To prevent the overcrowding of land and undue concentration of structures; so far as possible and appropriate in each district, by regulating the use and bulk of buildings in relation to the land use surrounding them;
- (m) To conserve the taxable value of land and buildings throughout the municipality;
- (n) To provide for the elimination of non-conforming uses of land, buildings and structures which are adversely affecting the character and value of desirable development in each district;
- (o) And to define and limit the powers and duties of the administrative officers and bodies as provided herein.

25-1-3. Title. This chapter shall be known as, referred to, or cited as the “Arcola, Illinois, Zoning Ordinance of 1976” and will be referred to herein as “this chapter”.

25-1-4. Intent. The intent of this chapter is to divide the municipality into districts for the purpose of classifying, regulating and restricting the location of trades, industries and commercial enterprises, and the location of building arranged, intended and designed for specified uses, of regulating and limiting the height and bulk of buildings hereafter erected, or classifying, regulating and determining the area of front, rear and side yards, courts and other open spaces

about buildings, and of regulating and limiting the intensity of the use of the land and lot areas within such municipality; creating a Zoning Board of Appeals and Plan Commission; defining certain terms used in said chapter; and providing penalties for its violation.

25-1-5. Abrogation and greater restrictions. It is not intended by this chapter to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations or permits previously adopted or issued pursuant to law.

However, wherever this chapter imposes greater restrictions, the provisions of this chapter shall govern.

25-1-6. Interpretation. The provisions of this chapter shall be interpreted and applied as minimum requirements, shall be liberally construed in favor of the municipality, and shall not be deemed a limitation or repeal of any other power granted by Illinois Revised Statutes.

ARTICLE II. GENERAL PROVISIONS

25-2-1. Jurisdiction and compliance. The jurisdiction of this chapter shall include all lands and waters within the corporate limits of the municipality, and the area extending one and one-half miles beyond such corporate limits.

All buildings erected hereafter, all uses of land or buildings established hereafter, all structural alterations or relocation of existing buildings occurring hereafter shall be subject to all regulations of this chapter which are applicable to the zoning districts in which such buildings, uses, or land shall be located.

25-2-2. Use restrictions. The following use restrictions and regulations shall apply:

(a) Principal uses. Only those principal uses specified for a district or on a planned development plat, their essential services, and the following uses shall be permitted in that district.

(b) Accessory uses and structures. Accessory uses and structures are permitted in any district but not until their principal structure is present or under construction.

(c) Uses by Special Permit. Use by Special Permit (Conditional Uses) and their accessory use are permitted in districts as specified, but only according to the procedure set forth in Article IX of this chapter. Also, any development within

500 feet of the existing or proposed right-of-way of the existing or proposed rights-of-way freeways, expressways, interstate and controlled access trafficways, and within 1,500 feet of their existing or proposed interchange or turning lane rights-of-way shall be deemed to be a use by Special Permit. Such development shall be specifically reviewed by the Plan Commission as provided in Article IX of this chapter.

(d) Unclassified or unspecified uses. In case of uncertainty where the Zoning Officer is unable to determine literally whether a use is permitted as a principal or accessory use, he shall consult the Zoning Board of Appeals for an interpretation.

(e) Temporary uses. Temporary uses such as real estate field offices or shelters for materials and equipment being used in the construction of a permanent structure may be permitted by the Zoning Officer through the issuance of a certificate of zoning compliance for a period not to exceed six months. This temporary certificate may be renewed semi-annually but in no case shall the effective span of the certificate exceed two years.

(f) Performance standards. Performance standards listed in Article VII shall apply to all uses in all districts.

25-2-3. Site restrictions. The following site restrictions and regulations shall apply:

(a) Soil conditions. No land shall be used or structure erected where the land is held unsuitable for such use or structure by the Plan Commission by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility or any other feature likely to be harmful to the health, safety, prosperity, aesthetic and general welfare of the municipality.

The Plan Commission, in applying the provisions of this section shall I writing recite the particular facts upon which it bases its conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability, if he so desires.

Thereafter, the Plan Commission may affirm, modify, or withdraw its determination of unsuitability.

(b) All lots shall abut upon a public thoroughfare.

(c) Only a principal structure shall be located, erected, or moved onto any lot or parcel of land.

(d) No zoning permit (building permit) shall be issued for a lot that abuts a public street dedicated to only a portion of its proposed width and located on that side thereof from which the required dedication has not been secured.

(e) Dimensions of building sites.

(1) Lots not served by public sewer.

A. Minimum area and width. In R-1, R-2, R-3, R-4, B-1, B-2, and I Districts lot sizes shall be based on the soil's capabilities. The Plan Commission shall request an opinion of the County Soil Scientist and/or State Department of health before making final judgment on lot size. Lot sizes may be made larger than soils would indicate a need for in order to preserve the integrity of the district and to comply with the comprehensive plan. In the RD District a minimum lot size of 87, 120 square feet (2 acres) and a minimum lot width of 270 feet at the building line and at the water's edge shall be required. Lot areas and widths shall be pursuant to Article VI of this chapter.

B. Side yards. There shall be a side yard for each principal building. The minimum width of one side yard shall be 10 feet and unless otherwise specifically required or permitted the distance between principal structures in the unincorporated areas shall not be separated by a distance of less than 200 feet. This regulation is intended to preserve the open character of the rural areas prior to urbanization.

(2) Lots served by public sewer.

A. Minimum area and width. Except as otherwise specifically required or permitted the minimum lot area shall be 7,350 feet and the minimum lot width 70 feet at the building line.

B. Side yards. There shall be a side yard for each principal structure as specified in Article VI of this chapter.

(f) Reduction of joint use. No lot, yard, parking area, building area, or other space shall be reduced in area or dimension so as not to meet the provisions of this chapter. No part of any lot, yard, parking area, or other space required for a structure or use shall be used for any other structure or use.

25-2-4. General development procedure. The Plan Commission and the City Council shall continuously develop their Comprehensive Plan, including their planning policies to guide future decisions. All comprehensive plan elements, in whatever degree of detail they may embody, shall provide the basis for approval of all development under this chapter, and no development shall be approved under this chapter which conflicts with any comprehensive plan elements.

ARTICLE III. RULES AND REGULATIONS

25-3-1. Rules. For the purpose of interpreting and administering this chapter, the following rules shall be used:

(a) Words used in the present tense shall include the future; and words used in the singular shall include the plural number, and the plural the singular; where the context requires.

(b) The word “shall” is mandatory and not discretionary.

(c) The word “may” is permissive.

(d) The word “lot” shall include the words “piece” “parcel”, and “tract” and the phrase “used for” shall include the phrases “arranged for”, “intended for”, “maintained for”, and “occupied for”.

(e) All measured distances shall be to the nearest integral foot; if a fraction is one-half foot or less, the integral foot next below shall be taken.

(f) Any words not defined as follows shall be construed in their general accepted meanings in the most recent publication of “Webster’s Dictionary”.

(g) The words and terms set forth herein under “Definitions” wherever they occur in this chapter shall be interpreted as herein defined.

25-3-2. Definitions.

(1) Accessory use or building: A use or building subordinate to the principal use and located on the same premises serving a purpose customarily incidental to the principal use. For example, a retail business is not considered customarily incidental to a residential use. Residential accessory use may include storage of household goods, parking areas, gardening, private swimming pools, private emergency shelters, and other similar uses. Accessory uses and detached accessory structures shall not occupy more than 20 per cent of the rear yard area, and shall not be closer than 3 feet to any lot line nor 5 feet to an alley line.

(Ordinance 14-C-2, amended March 17, 2014)

(2) Agriculture: Land, or land, buildings and structure, the principal use or uses of which is growing of farm or truck garden crops, horticulture, floriculture, or viticulture, and accessory structures and including but not limited to the farm dwellings for tenants and full-time hired farm workers and the dwellings or lodging room for seasonal workers.

(3) Alley: A special public right-of-way affording only secondary access to abutting properties.

(4) Arterial street: A public street or highway used or intended to be used primarily for fast or heavy through traffic and generally permitting access only at intersecting streets.

(5) Basement: That portion of any structure located partly below the average adjoining lot grade.

(6) Boarding house: (Rooming or lodging house). A residential building, or portion thereof – other than a motel, apartment hotel, or hotel -- containing lodging rooms for accommodation of three or more persons who are not members of the keeper's family, and where lodging or meals or both are provided by prearrangement and for definite periods, at a definite period, at a definite prearranged price.

(7) Building: Any structure having a roof supported by walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery, or materials. (Ordinance No. 03-C-5 amended June 2, 2003)

(8) Building area: Total ground coverage in square feet of all buildings and structures including garages, carports and other attached or accessory structures.

(9) Building height: The vertical distance measured from the mean elevation of the finished lot grade along the front yard face of the structure to the highest point of flat roofs; to the mean height level between the eaves and ridges of gables, gambrel, hip and pitch roofs, or to the deck line of mansard roofs.

(10) Camps or campgrounds: Tracts of land of a design or character suitable for and used for seasonal recreation, and other similar temporary recreational purposes. The tracts may have located on them a structure of a seasonal, temporary or movable nature such as a hunting or fishing shelter, or tent. Temporary guests, tenants, and visitors must transport their own mobile home or similar portable living structure or vehicle onto the site for the duration of their stay or visit.

(Ordinance No. 23-C-2, amended June 05, 2023)

(10a) Carport: An accessory building with at least one wall and which is attached to another building.

(Ordinance No. 03-C-5 amended June 2, 2003)

(11) Comprehensive plan: The extensively developed and evolving plan, also called a master plan, adopted by the Plan Commission.

(12) Conservation: Preservation of land, water, flora, fauna and cultural artifacts in their original state.

(13) Consumer service: Sale of any service to individual customers for their own personal benefit, enjoyment, or convenience. For example consumer services including the provisions of the personal services such as beautician and barbering service, the provision of lodging, entertainment, specialized instruction, financial service, transportation, laundry and dry cleaning services, and all other similar services.

(14) Density: Number of living units per acre allowable under the schedule of District Regulations.

(15) Dwelling: A building or portion thereof designed or used exclusively as a residence or sleeping place, but not including boarding or lodging houses, motels, hotels, tents, cabins, or mobile homes.

(16) 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, steam, water, sanitary sewerage, storm water drainage, and communications systems and accessories thereto such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, hydrants, etc., but not including buildings.

(17) Family: Two or more persons related to each other by blood, marriage, or legal adoption, living together as a single housekeeping unit; or a group of not more than three persons who need not be related by blood, marriage, or legal adoption living together as a single housekeeping unit and occupying a single dwelling unit; in either case, exclusive of usual domestic servants.

(18) Floor area: The sum of the gross floor area, for each of the several stories under roof measured from the exterior limits or faces of a building or structure. Areas below grade and attached accessory structures are not included.

(19) Garage, private: An accessory building, or an accessory portion of a principal building enclosed on at least three sides which is intended for and used to store private passenger motor vehicles and no more than one three-quarter ton or lesser-sized truck.

(20) Garage, public: Any building or premises, other than a private or storage garage, where motor driven vehicles are equipped, repaired, serviced, hired, sold or stored.

(21) Grade: The highest level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

(22) Home occupation: An occupation carried on in a dwelling or detached building on the premises by the resident thereof, not involving the employment of any additional persons excepting members of the immediate family residing on the premises, and not involving the storage of any equipment or materials used in connection with the home occupation outside of any building located on the premises. (par. 22 am. 81-C-1, 2/2/81)

(23) Hotel: An establishment containing lodging rooms for occupancy by transient guests, but not including a boarding or rooming house. Such an establishment provides customary hotel services such as maid and bellboy service, furnishing of and laundry of linens used in the lodging rooms, and central desk with telephone.

(24) Junk yard: Any land or structure used for a salvaging operation including, among other things, the storage and sale of waste paper, toys, scrap metal, and discarded materials, and the collecting, dismantling, storage and salvaging of unlicensed inoperative vehicles.

(25) Kennel: Any premises or portions thereof, other than a veterinary hospital, where animals, normally dogs and cats not owned by the proprietor, are temporarily sheltered, fed, watered and exercised in return for a fee.
(Ordinance N.87-C-7 amended November 2, 1987)

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

(27) Lot: A single parcel of land which may be legally described as such, or two or more adjacent numbered lots or parts of such lots in a recorded subdivision plat having principal frontage on a street which comprises a site occupied by, or intended for occupancy by one principal building or principal use

together with accessory buildings and uses, yards and other spaces required by this chapter.

(28) Lot corner: A lot abutting on two streets at their juncture, when the interior angle formed is less than 135 degrees.

(29) Lot lines and area: The peripheral boundaries of a parcel of land and the total area lying within such boundaries.

(30) Lot, interior: A lot other than a corner lot.

(31) Lot recorded: A lot designed on a subdivision plat or deed duly recorded pursuant to statute in the County Recorder's office. A recorded lot may or may not coincide with a zoning lot.

(32) Lot width: The width of a parcel of land measured at the rear of the specified street yard.

(33) Lot, zoning: A parcel of land composed of one or more recorded lots, occupied or to be occupied by a principal building or buildings or principal use or uses along with permitted accessory buildings or uses meeting all the requirements for area, buildable area, frontage, widths, yards, setbacks and any other requirements set forth in this chapter.

(34) Mobile home: Any vehicle or similar portable structure used or so constructed as to permit its being used as a conveyance upon the public streets or highways, and designed to permit the occupancy thereof as a dwelling place for one or more persons.

(35) Mobile home park: An area of land upon which three or more occupied trailer coaches or mobile homes are harbored either free of charge or for revenue purposes, and shall include any building, structure, tent, vehicle, or enclosure used or intended for use as a part of the equipment of such mobile home park.

(36) Motel: An establishment consisting of a group of lodging rooms each with individual bathrooms and designed for use by transient guests. A motel furnishes customary hotel services such as maid service and laundering of linen used in the lodging rooms, telephone service and laundering of linen used in the lodging rooms, telephone and secretarial or desk service, and the use and upkeep of furniture.

(37) Nonconforming structure: A structure which lawfully occupies a building site or land at the time of adoption of this chapter, and which does not conform with the regulations of the district in which it is located.

(38) Nonconforming use: A use which lawfully occupies a building or land at the time of adoption of this chapter and which does not conform with the use regulations of the district in which it is located.

(39) Nonretail commercial: Commercial sales and services to customers who intend resale of the products or merchandise sold or handled. For example, nonretail commercial includes wholesale activities, warehousing, trucking terminals and similar commercial enterprises.

(40) Nursing home, rest home, or assisted living facility: A home for the aged, chronically ill or incurable persons in which three or more persons not of the immediate family are received, kept, or provided with food and shelter and care for compensation but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis, treatment, or care of the sick or injured.
(Ordinance No. 12-C-1, amended 01-16-12)

(41) Open sales lot: Land used or occupied for the purpose of buying or selling merchandise stored or displayed out-of-doors prior to sale. Such merchandise includes, but is not limited to, passenger cars, trucks, motor scooters, motorcycles, boats, monuments, and trailers.

(42) Parking space, automobile: A suitable surfaced and permanently maintained area off public street right-of-way, either within or outside of a building, of sufficient size to store one standard automobile, but in no event less than 250 square feet, exclusive of passageways, driveways or other means of circulation or access.

(43) Performance standards: A criterion established to control noise, odor, smoke, particulate matter, toxic or noxious matter, vibration, fire and explosion hazards, or glare or heat generated by or inherent in uses of land or buildings.

(44) Planned Unit Development: A parcel or tract of land, initially under single ownership or control, which contains two or more principal buildings, and one or more principal uses planned and constructed as a unified development.

(45) Relatives: Persons standing in the relation of son, daughter, son-in-law, daughter-in-law, aunt, uncle, niece, nephew, father or mother, brother, sister, grandchildren or grandparents.

(45a) Residential Care Facilities: A building or buildings housing four or more, but not exceeding 15, individuals, who because of age, mental instability, or other reasons must reside in a supervised environment but who are physically capable of responding to an emergency situation without personal assistance, and who have been deemed pursuant to the provisions of Chapter 3, Article IV of the Illinois Mental Health and Developmental Disabilities Code, not dangerous to themselves or to others. These include facilities for children, aged persons, mentally impaired and convalescents, including: convalescent facilities, group homes, homes for the aged, mentally retarded care facilities, nursing homes (ambulatory), rest homes, assisted living facilities and orphanages.”

(Ordinance No. 12-C-1, amended 01-16-12)

(46) Retail sales: Sale of any product or merchandise to customers for their own personal consumption or use, not for resale.

(47) Sanitary land fill: A method of disposing of refuse by spreading and covering such refuse with earth to a depth of two feet or more on the top surface and one foot or more on sides of the bank.

(48) Setback, building: The minimum horizontal distance between the front line of a building or structure and the front lot line.

(49) Service station, filling station, gas station: Any building or premises whose principal use is the dispensing, sale, or offering for sale at retail of any motor vehicle fuel or oils. Open storage shall be limited to no more than four vehicles stored for minor repair bearing current license plates. Such storage shall not exceed 72 hours duration and shall not permit the storage of wrecked vehicles.

(50) Signs: Any words, letter, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or trade marks by which information is made known and which are used to advertise or promote an individual, firm, association, corporation, profession, business, commodity, or product and which is visible from any public street, highway or pedestrian way.

(51) Sign, advertising (billboard): A sign which directs attention to a business, commodity, service or entertainment not necessarily conducted, sold or offered for sale on the premises where such sign is located, or to which it is affixed.

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

(53) Sign, gross area of: The entire area within a single continuous perimeter enclosing the extreme limits of the actual surface of a single face sign. It does not include any structural elements lying outside the limits of such sign and not forming an integral part of the display. A double face or V-type sign erected on a single supporting structure where the interior angle does not exceed 135 degrees shall, for the purpose of computing square foot area, be considered and measured as a single face sign; otherwise each display surface of a sign shall be considered a single sign.

(54) Street yard: A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed street or highway line and a line parallel thereto through the nearest point of the principal structure. Corner lots shall have two such yards.

(55) Streets: A public right-of-way not less than 40 feet wide providing primary access to abutting properties.

(56) Structural alterations: Any change, other than incidental repairs which would prolong the life of the supporting members of a building or structure such as bearing wall or partitions, columns, beams or girders; or any substantial change in the roof or exterior walls.

(57) Structural: Anything erected, the use of which requires more or less permanent location on the ground; or is attached to something having a permanent location on the ground. A sign, billboard, or other advertising device detached or projecting shall be construed to be a structure. A canopy supported by columns shall be construed to be a structure and shall be required to be anchored in accordance with the manufacturer's specifications for the canopy or for a comparable manufactured canopy. (Ordinance No. 03-C-5 amended June 2, 2003)

(58) Thoroughfare: A street with a high degree of continuity which serves as an intrastate, an intra-county or inter-state highway, or as an arterial trafficway between the various districts of the county. It affords a primary means of access to abutting properties except from thoroughfares classified as freeways or other limited routes not containing frontage roads.

(59) Travel trailer: A travel trailer is a portable vehicular structure built on a chassis and designed as a temporary dwelling for travel, recreation and vacation.

(60) Trailer space: A parcel of land in a travel trailer parking area for the placement of a single trailer and the exclusive use of its occupants.

(61) Use: The purpose or activity for which the land or building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

(62) Use, accessory: A use subordinate to the principal use and located on the same premises serving a purpose customarily incidental to the principal use. Residential accessory uses may include storage of household goods, parking areas, gardening, servants quarters, private swimming pools and private emergency shelters.

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

(64) Use, principal: The main use of land or buildings as distinguished from a subordinate or accessory use. It may be either a permitted or special use.

(65) Use, conditional (by special permit): Uses of such variable nature as to make control by rigid preregulation impractical. After due consideration in each case, by the City Council after receiving the report and recommendations of the Plan Commission relative to the impact of such use upon neighboring land, and of the public need for the particular use at the particular location, such "Conditional Use" may or may not be granted by the City Council.

(66) Utilities: Public and private facilities such as water wells, water and sewage pumping stations, water storage tanks, power and communication transmission lines, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays, and gas regulation stations, but not including sewage disposal plants, municipal incinerators, warehouses, shops and storage yards.

(66a) Veterinary Hospital: Any establishment maintained and operated by a licensed veterinarian for the diagnosis and treatment of diseases and injuries of animals, provided that all animals treated in said establishment are at all times kept inside the hospital building.

(Ordinance No. 87-C-7 amended November 4, 1987)

(67) Vision clearance: An unoccupied triangular space at the corner of a corner lot which is bounded by the street lines and a setback line connecting points determined by measurement from the corner of each street line.

(68) Yard: An open space on a lot which is unoccupied and unobstructed from its lowest level to the sky, except as otherwise provided in this chapter.

(69) Yard, corner side: A side yard which adjoins a street or thoroughfare.

(70) Yard, front (setback): A yard which is bounded by the side lot lines, front lot line and the front yard line.

(71) Yard, interior side: A side yard which is located immediately adjacent to another lot or to an alley separating such side yard from another lot.

(72) Yard, rear (setback): A yard which is bounded by side lot lines, rear lot lines and the rear yard line.

(73) Yard, side (setback): A yard which is bounded by the rear yard line, front yard line, side yard line.

ARTICLE IV. ZONING DISTRICTS AND MAPS

25-4-1. Districts. In order to carry out the purpose of this chapter, the geographic area within the jurisdiction of this chapter is hereby divided into the following use districts:

(a) Residential Districts:

- RD Rural Development
- R-1 Low Density Single-Family Residential
- R-2 High Density Single-Family Residential
- R-3 Mobile Home Residential
- R-4 Multi-Family Residential

(b) Commercial Districts:

- B-1 General Commercial
- B-2 Highway Commercial

(c) Industrial Districts:

- I General Industrial

25-4-2. Map. The location and the boundaries of the Zoning Districts established by this chapter are set forth on the Zoning Districts Map which is incorporated as a part of this chapter.

25-4-3. Boundaries. District boundary lines are indicated on the Zoning Districts Map follow lot lines; right-of-way lines of alleys; right-of-way lines of streets or alleys projected, railroad right-of-way lines, the corporate limit lines, all as they existed on September 26, 1976. If said boundary lines do not follow any of the above described lines, the district boundary lines are established as drawn on the Zoning Districts Map.

25-4-4. Annexed territory. Any land which may be annexed to the municipality in the future shall be placed in the RD Rural Development District until special action of the City Council shall definitely assign such land to another district.

ARTICLE V. DISTRICT USE REGULATIONS

25-5-1. Permitted uses. It shall be unlawful to use or permit the use of any building or premises within the City of Arcola and within the area one and one-half miles beyond its corporate limits for any purpose other than as listed in this article.

25-5-2. RD Rural Development District.

(a) Intent: The intent of this chapter is establishing a Rural Development District is to provide a holding zone for areas required for future urban development and to promote the logical growth of uses in the community. Such areas will be zoned in accordance with the use designations appearing on the general land use plan map when logical extension of utilities and facilities can be insured. This will discourage haphazard and premature development from occurring at the fringes of the community.

(b) Uses permitted: Agriculture, golf courses, greenhouses, home occupations, nurseries, open spaces, parks, single-family residences and mobile homes situated on permanent foundations, providing such dwellings are located on soils suitable for the use of septic tanks, and customary accessory uses incidental to the foregoing principal uses.

(c) Uses by Special Permit; (Conditional uses): Raising of livestock and Poultry, airports, planned unit developments, recreational developments, sanitary landfill sites, sewage disposal plants, cemeteries, municipal service functions and structures, pumping stations, quarries, churches, taverns, oil extractions,

fairgrounds, mobile home parks, trailer parks and campgrounds; kennels and veterinary establishments; roadside stands for the sale of farm products, convenience and recreation commercial establishments which, in the opinion of the Plan Commission will not be detrimental to the integrity of the Rural Development District.

25-5-3. R-1 Low Density Single-Family Residential District.

(a) Intent: The intent of this chapter in establishing a Low-Density Residential District is to provide areas for families wishing to live on large lots as hereinafter specified in Article VI in residential neighborhoods within communities.

(b) Uses permitted: Agricultural uses, single-family dwellings and their accessory structures or uses, and off-street parking to comply with requirements of Section 25-7-3 of this chapter. (Ordinance 99-C-3, amended December 17, 1999)

(c) Uses by Special Permit: Cemeteries, churches, golf courses, governmental and community service buildings and functions, greenways and open spaces, home occupations, hospitals, libraries, mobile home parks, playgrounds, public and private schools, utility pumping stations, roadside stands for sale of farm products, two-family residences (commonly referred to as duplexes), single-family planned residential development and utility lines and offices.”

25-5-4. R-2 High Density Single-Family Residential District.

(a) Intent: The intent of this chapter in establishing a High Density Single-Family Residential District is to protect those residential areas of the community that were developed in most part prior to World War II from encroachment from potential conflicting uses and to provide for future residential and related development and redevelopment.

(b) Uses permitted: Agricultural uses and single-family dwellings and their accessory structures or uses, and off-street parking to comply with requirements of Section 25-7-3 of this chapter.

(Ordinance 99-C-3, amended December 17, 1999)

(c) Uses by Special Permit: Same as permitted by Special Permit in the R-1 Low Density Single-Family Residential District and including two-family residences (commonly referred to as duplexes).”

25-5-5. R-3 Mobile Home Residential District.

(a) Intent: The intent of this chapter in establishing a Mobile Home Residential District is to provide for people who wish to own a mobile home permanently placed on a foundation on a privately-owned lot or placed in a mobile home park.

(b) Uses permitted: Agricultural uses, single-family residences and their accessory structures or uses and mobile homes on private lots attached permanently to a foundation.

(c) Uses by Special Permit: Same as permitted by Special Permit in the R-1 Low Density Single-Family Residential District.

25-5-6. R-4 Multi-Family Residential District.

(a) Intent: The intent of this chapter in establishing a Multi-Family Residential District is to provide for the conversion of single-family structures to multi-family structures in the established portions of the community where larger two-story homes predominate and to provide new areas for modern multi-family development.

(b) Uses permitted: Single-Family residential uses and two-family residential structures conforming at least to the minimum and maximum requirements of the R-2 District, multi-family uses, provided they conform to the regulations set forth in this chapter, agricultural uses, and off-street parking to comply with the requirements of Section 25-7-3 of this chapter.

Ordinance 99-C-3, amended December 16, 1999)

(c) Uses by Special Permit: Cemeteries, churches, golf courses, governmental and community service buildings and functions, greenways, home occupations, hospitals, libraries, medical and dental clinics, multi-family planned unit development, parks, public and private schools, utility pumping stations, playgrounds, campgrounds, open spaces, residential care facilities, single-family planned residential development and utility lines.

(d) Other requirements:

(1) That the recreation space ratio, defined as the minimum square footage of outdoor recreation space required for each foot of floor area, is not to be less than .16.

(2) That the floor area ratio, defined as the maximum square footage of total floor area permitted for each foot of land, is not more than .32.

(3) That the open space ratio, defined as the minimum square footage of open space required for each square foot of floor area, is not less than 2.0.

(4) That the living space ratio defined as the minimum square footage of non-vehicular outdoor space required for each square foot of floor area, is not less than 1.2.

(5) That the occupant car ratio, defined as the minimum number of off-street parking spaces without parking time limits required for each living unit, is not less than 1.5, except that in housing development projects for the elderly this ratio may not be less than 0.25.

25-5-7. B-1 General Commercial District.

(a) Intent: The intent of this chapter in establishing a General Commercial District is to promote commercial developments.

(b) Uses permitted: Agricultural uses, auto sales and service, bakeries, barber shops, bars, beauty shops, bowling alleys, cafes, catalogue order stores, churches, clothing stores, cocktail lounges, department stores, doctor offices, drug stores, dry goods stores, fruit stores, funeral parlors, furniture stores, gift stores, grocery stores, hardware and feed stores, hotels, insurance and real estate offices, jewelry stores, medical and dental clinics, motels, music shops, newspapers and magazine publishers, open spaces, organization headquarters, packaged beverage stores, parking areas, parks, personal and business service establishments, pet shops, professional offices, public and private schools, public passenger transportation terminals, radio station (w/o antenna), radio and TV sales and service, religious goods stores, restaurants, savings and loan and finance companies, second hand stores, service garages, shoe stores, stationary stores, sporting goods stores, taxi stands, theaters, tobacco and magazine stores, variety stores and veterinary hospitals.

(c) Uses by Special Permit:

(1) Apartments or residential living space so long as the apartment or residential living space is on a second floor or higher with an entrance to the apartment or residential living space separate from a storefront entrance and where the square footage of the apartment or residential living space on any given floor does not exceed the square footage of any commercial space or storefront on the floor or floors beneath the apartment or residential living space. No apartment or

residential living space shall be allowed in the B-1 General Commercial District on the ground floor or at street level.

(2) Other uses by special permit - commercial storage, contractor's offices, garages and offices, gas stations, provided they meet the requirements of Section 25-7-17, governmental service functions, implement sales, professional laundry and dry cleaning establishments, coin operated laundromats, wholesale outlets and other uses similar or customarily incident to the above uses.

(Ordinance No. 18-C-3, amended 05-21-18)

25-5-8. B-2 Highway Commercial District.

(a) Intent: The intent of this chapter in establishing a Highway Commercial District is to provide appropriate areas for a large number of individuals to reside on a short term or long term basis such as hotels, motels, nursing homes, rest homes, assisted living facilities, residential care facilities, and for commercial establishments which are oriented to the motoring public or which require large sites for off-street parking or the outdoor display or storage of merchandise.

(b) Uses permitted: Agricultural implements sales and service, assisted living facilities, automobile sales and service, automobile laundries, amusement parks, coin-operated laundromats, drive-in-theaters, gas stations, provided they meet the requirements of Section 25-7-17, garages, hotels, mobile home sales, motels, night clubs, nursing homes, parking, parks, recreational vehicle parks, rest homes, open spaces restaurants, residential care facilities, trucking terminals, transshipment depots, agricultural uses, trade and contractor's offices and storage, automobile body and repair and welding, veterinary hospitals, and financial institutions.

(c) Uses by Special Permit: Other uses similar to or customarily incident to any of the above uses, and no more than two attached single-family apartments located on the lot.

(Ordinance No. 12-C-1, amended 01-16-12)

25-5-9. I General Industrial District.

(a) Intent: The intent of this chapter in establishing a General Industrial District is to recognize existing industrial development within the community and to reserve additional land for possible new or relocated industries.

(b) Uses permitted: Automotive and truck body repairs, agriculture, automotive upholstery cleaning, pressing and dyeing establishments, commercial

bakeries, commercial greenhouses, distributors, farm machinery, feed mills, dairy equipment repairs and storage, railroad depots, cooperatives, laboratories, machine shops, manufacture and bottling of non-alcoholic beverages, painting, printing, publishing, storage and sale of lumber, machinery and equipment, lumber sales and storage, trucking terminals, trade and contractor's offices, warehousing and wholesaling; manufacturing, fabrication, packing, packaging and assembly of products from furs, glass, leathers, metals, paper, plaster, plastics, textiles and wood; manufacture, fabrication, processing, packaging and packing of confections, cosmetics, electrical products, meat products and pea vining; toiletries; freight yards, storage, breweries, broom corn processing, broom manufacturing, parking and open areas, providing the regulations set forth in Section 25-7-2 of this chapter are complied with.

(c) Uses by Special Permit: Disposal areas, dumps, incinerators and sewage disposal plants, earth and sanitary landfill operations, manufacture and processing of abrasives, acetylene, acid alkalies, ammonia, asbestos, asphalt, batteries, bedding, bleach, bone, cabbage, candle, carpeting, celluloid, cement, cereals, charcoal, chemicals, chlorine, coal tar, coffee, coke, cordage, creosote, dextrine, disinfectant, dye, excelsior, felt, fish, fuel, furs, gelatin, glucose, gypsum, hair products, ink, insecticide, lime product, linoleum, matches, meat, oil cloth, paint, paper peas, perfume, pickles, plaster of paris, plastics, poison, potash pulp, pyrozylin, radium, rope, rubber, sausage, seeds, starch, stove polish, textiles, and varnish. Manufacturing, processing and storage of building materials, explosives, dry ice, fat, fertilizer, flammables, gasoline, glue, grains, grease, lard, radioactive materials, shellac, soap turpentine, vinegar and yeast. Bag cleaning, bleacheries, canneries, cold storage warehouses; electric and steam generating plants, electroplating, enameling, forges, foundries, garbage incinerators, lacquering, lithographing, bulk gas storage and sales, offal, rubbish or animal reduction, oil, coal and bone distillation, refineries, road test facilities, slaughter houses, smelting, stockyards, wrecking, junk demolition and scrap yards shall be surrounded by an approved, maintained fence or evergreen planting screen completely preventing a view from any other property or public right-of-way and shall be at least 600 feet from residential or commercial structures. Commercial service facilities, such as restaurants and fueling stations, provided all such services are physically and sales-oriented toward industrial district users and employees and other users are only incidental customers.

ARTICLE VI. DISTRICT LOT REGULATIONS

25-6-1. Compliance with lot regulations required. It shall be unlawful to erect or alter any building within the municipality unless the following minimum lot and yard areas and bulk controls are provided and maintained in connection with such building.

25-6-2. Minimum lot requirements by district. The minimum lot requirements for each district are as follows:

Dis- Trict <u>Int.^b</u>	Minimum <u>Yard Setback Feet</u>		Maximum	Minimum	Minimum	<u>Minimum</u>	
	Lot Area (Square Feet)	Side-Corner ^b	Bldg. Height (Feet)	Lot Width (Feet)	Front yard ^a	Rear	Side-
RD	40,000		35	125	35	None	
None	35						
R-1	12,150 ^c		35	90	30	30 ^d	10
30							
R-2	7,350		35	70	20	25 ^d	6
20							
R-3	5,000 ^g		35 ^g	40 ^g	20 ^g	25 ^{d&g}	6 ^g
20 ^g							
R-4	9,600 ^{c&e}		60	80	20	20 ^d	6
20							
B-1	None		60	None	None	None	
None	None						
B-2	21,700		35	None	50 ^f	30 ^f	
None	50 ^f						
I	8,500		None	66	10	30	10
10							

Note: See accompanying footnotes:

Accompanying footnotes (minimum lot requirements):

(Ordinance No. 12-C-1, amended 01-16-12)

a. Where adjacent structures have front yard setbacks different from those required, the minimum front yard setback shall be the average setback of such structures, but in no case shall the front yard setback be less than 20 feet.

b. Buildings over one and one-half stories in height shall require five feet for each additional story in addition to the required minimum side yard.

c. A one family dwelling may be erected on a lot having less than the minimum required area and width provided the lot existed by virtue of a recorded plat or deed on September 26, 1976; however, in no event shall a one-family dwelling be erected on a lot less than 5,000 square feet in area or less than 50 feet in width. Such a lot shall be in separate ownership from abutting lands. If abutting land and the substandard lot are owned by the same owner, the substandard lot shall not be sold or used without full compliance with the provisions of this chapter.

d. Detached residential garages shall have a minimum rear yard of 6 feet.

e. Multi-family dwellings must also comply with the Land Use Intensity standards given in Section 25-5-6(d) of this chapter.

f. May be used for parking development.

g. If a mobile home is located in a mobile home park licensed by the Department of Public Health under the Mobile Home and Mobile Home Park Act (Ill. Rev. Stat. Ch. 111-1/2, Sec. 711 et seq.), the regulations of said Act with regard to lot requirements shall be applicable, even though they may be less restrictive than this chapter.”

(Ordinance 01-C-3, amended 05-21-01)

ARTICLE VII. SPECIAL REGULATIONS

25-7-1. Applicable to all zoning districts. The following regulations shall apply to all zoning districts unless specifically stated otherwise. Determination of potential or actual non-compliance with such special regulations shall be made by the City Council or its duly appointed agent.

25-7-2. Performance standards. The following performance standards shall apply to all zoning districts unless specifically stated otherwise.

(a) Residual Features. No activity or operation shall be established or maintained which by reason of its nature or manner of operation will cause the emission of noise, odor, toxic or noxious fumes, smoke, dust and particulate matter in such concentrations as to be detrimental to or endanger the public health, welfare, comfort and safety or cause injury to property or business.

(b) Glare. Any lighting used to illuminate an off-street parking area or sign shall be arranged so as to deflect light away from any adjoining residential property or from the public streets. Direct or sky-reflected glare, whether from flood lights or from high temperature processes such as combustion or welding, shall not be directed into any adjoining property.

(c) Explosives. No activities involving the storage, utilization or manufacture of materials, goods or products which could decompose by detonation shall be permitted except such as are specifically licensed by the City Council.

(d) Vibration. No activity or operation shall cause earth vibrations perceptible beyond the limits of the lot upon which the operation is located.

(e) Activity within enclosed buildings. All fabrications, manufacturing, Processing or production shall be undertaken substantially within enclosed buildings.

(f) Screening. Where outdoor storage of materials, goods and products exists within the General Industrial District, such storage shall be effectively screened from adjacent residential districts and public streets by an approved, maintained fence, compact hedge, or similar opaque landscaped element. Such screening shall not extend within 15 feet of any street or driveway. The screening shall be placed along property lines or, in the case of screening along a street, 15 feet from the street right-of-way or adjacent property line with landscaping between the screening and pavement. A louvered fence shall be considered approved if it blocks direct vision.

(g) Refuse. All waste material, debris, refuse, or garbage not disposed of through the public sanitary sewerage system shall be kept in an enclosed building or properly contained in a closed container designed for such purposes. The owner of vacant land shall be responsible for keeping such land free of refuse.

(h) Landscaping. In all but the B-1, B-2 and I Zoning District, all developed uses shall provide a landscaped yard along all streets. Such yard shall be kept clear of all structures and storage except off-street parking. Such yard shall be at least 8 feet in depth along all streets, measured from the street right-of-way. Except for driveways, the yard shall extend the entire frontage of the lot and along both streets in the case of a corner lot.

(i) Drainage. No land shall be developed and no use shall be permitted that results in water runoff, flooding, or erosion on adjacent properties. Such run-off shall be properly channeled into a storm drain, water course, ponding area, or other public facilities. Once land has been developed and the drainage pattern established, no property owner shall be allowed to raise or lower the grade of his property to such an extent that the existing drainage pattern is interrupted. The rear lot lines and the side lot lines shall be considered as the receivers of storm water runoff.”

25-7-3. Off-street parking requirements. The following off-street parking requirements shall apply to all zoning districts unless specifically stated otherwise.

(a) Minimum number of parking spaces required:

(1) None required in B-1 District (to be provided in common area).

(2) Single-family dwellings: 2 per dwelling unit.

Multi-family units: 1.5 per dwelling unit except for elderly housing projects which shall have .25 spaces per dwelling unit.

(3) Churches, auditoriums, mortuaries, and other similar places of assembly: 1 for every 4 seats.

(4) Sanitariums, convalescent homes, rest homes, nursing homes: 1 for 4 beds.

(5) Retail commerce other than B-1 District:

Restaurant 1 for every 3 seats

Other retail 1 for every 100 square feet of retail floor space but in no case less than 1.5 square feet (gross parking area) to 1.0 square foot (gross building floor area).

(6) Service commerce other than B-1 District:

Motels 1 per unit

Personal and professional

Offices 1 for every 150 square feet of office floor space

Other Service 1 for 200 square feet of gross floor space

Commerce

(7) Industrial including wholesale: 1 for every 1.3 persons of maximum employment during any work period.

(8) Mobile home parks: 2 spaces per lot.

(b) Minimum size of parking space: The minimum size for parking space shall be 250 square feet of standing and maneuvering space. Fractional spaces over one-half count as one space.

(c) Location of parking spaces:

(1) Spaces for dwellings on the same lot as the dwelling unit.

(2) Spaces for commercial uses not in the B-1 District or for public or semi-public uses: within 300 feet of the main entrance of the building served.

(3) Spaces for industrial uses: within 800 feet of the main entrance of the building being served.

(4) No off-street parking spaces to be located within five feet of any street right-of-way.

(d) Surfacing and drainage: Off-street parking areas and access-ways of less than 2,500 square feet shall be surfaced with a durable material to control dust and shall be graded so as to dispose of all surface water. Off-street parking areas and access-ways of 2,500 square feet or more shall be surfaced with concrete or asphalt and shall be graded so as to dispose of all surface water.

(Ordinance 99-C-3, amended December 16, 1999)

25-7-4. Off-street loading and unloading requirements.

(a) Minimum number of off-street loading spaces required: An adequate number of off-street loading spaces shall be provided for all structures which require the receipt and distribution of materials or merchandise by trucks or similar vehicles so as to assure unrestricted movement of both pedestrians and motor vehicles throughout the active areas of the community.

(b) Minimum size of off-street loading berths:

- (1) Width: 10 feet
- (2) Length: 50 feet
- (3) Vertical clearance: 14 feet

(c) Location of off-street loading berths: No off-street loading berth shall be closer than 25 feet from the intersection of two street rights-of-way.

(d) Surfacing and drainage: Off-street loading berths and accessways shall be hard surfaced to control dust and shall be graded to dispose of all surface water.

25-7-5. Signs. (a) No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a building permit except those signs excepted in subsection (b) below and without being in conformity with the provisions of this chapter. The cost of any building permit shall be fifty cents (\$0.50) per square foot of the sign dimensions, with a minimum building permit fee of twenty-five dollars (\$25.00). The sign shall also meet all the structural requirements of the Building Code.

(b) All signs are prohibited in all Residential Districts except the following:

(1) Signs over show windows or doors of a nonconforming business establishment announcing without display or elaboration only the name and occupation of the proprietor and not to exceed 8 square feet.

(2) Real estate signs not to exceed 8 square feet in area which advertise the sale, rental, or lease of the premises upon which said signs are temporarily located.

(3) Name, occupation and warning signs not to exceed two square feet located on the premises.

(4) Bulletin boards for public, charitable or religious institutions not to exceed 12 square feet in area located on the premises.

(5) Memorial signs, tables, names of buildings and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure.

(6) Official signs, such as traffic-control, parking restrictions, information and notices.

(7) Temporary signs which are defined for purposes of this section as signs concerning temporary events, political and campaign signs on behalf of candidates for public office or measures on election ballots, home for sale signs and other for sale signs on property offered for sale provided that the display of any temporary signs shall be subject to the following restrictions:

(i) each temporary sign displayed at any out-of-doors location anywhere in the City of Arcola shall be removed not more than 15 days after the event, sale or other matter to which the sign refers;

(ii) no person shall post any temporary sign on any street, park, lot or other property owned by the City of Arcola; and

(iii) it is the duty of the person or group posting a temporary sign to remove the same on or before the time specified herein for removal; and

(iv) no such sign shall exceed 6 square feet in area.

(c) Signs are permitted in all Commercial and Industrial Districts subject to the following restrictions:

(1) Wall signs placed against the exterior walls of building shall not extend more than 6 inches outside of a building's wall surface, shall not exceed 500 square feet in area for any one premise, and shall not exceed 30 feet in height above the mean centerline street grade as measured from the top of the sign. Only one wall sign is permitted per side of the building.

(2) Projected signs fastened to, suspended from, or supported by structures shall not exceed 200 square feet in area for any one premise; shall not extend more than 6 feet into any required yard; shall not extend more than 3 feet into any public right-of-way; shall not be less than 10 feet from all side lot lines as measured by the edge of the sign; shall not exceed a height of 20 feet above the mean centerline street grade as measured by the top of the sign; shall not extend more than 15 feet above a driveway or an alley as measured by the top of the sign.

(3) Ground signs shall not exceed 20 feet in height above the mean centerline street grade, shall meet all yard requirements for the district in which they are located, and shall not exceed 100 square feet on all sides for any one premise. No building shall have more than two ground signs.

(4) Roof signs shall not exceed 10 feet in height above the roof, shall meet all the yard and height requirements for the district in which they are located, and shall not exceed 300 square feet on all sides for any one premise.

(5) Combination of any of the above signs shall meet all the requirements for the individual sign.

(6) Temporary signs which are defined for purposes of this section as signs concerning temporary events, political and campaign signs on behalf of candidates for public office or measures on election ballots, home for sale signs and other for sale signs on property offered for sale provided that the display of any temporary signs shall be subject to the following restrictions:

(i) each temporary sign displayed at any out-of-doors location anywhere in the City of Arcola shall be removed not more than 15 days after the event, sale or other matter to which the sign refers;

(ii) no person shall post any temporary sign on any street, park, lot or other property owned by the City of Arcola; and

(iii) it is the duty of the person or group posting a temporary sign to remove the same on or before the time specified herein for removal; and

(iv) no such sign shall exceed 6 square feet in area.

(7) Signs in excess of the height requirement stated herein may be authorized in the Highway Commercial District upon seeking and receiving a variance pursuant to Section 25-9-5 of this Code.

(d) Except as specifically stated in this Code, signs are limited to designated areas and areas zoned as Commercial and General Industrial Districts. No sign except those permitted in subsection (b) above shall be permitted to face a Residential District within 100 feet of each district boundary. No sign except those permitted in this Code, may be within 200 feet of a church or residential home, except the sign(s) for a church as otherwise authorized by this Code. No sign may deter, obscure, or interfere with the driver of an automobile from seeing a street sign or traffic sign. No sign may be illuminated from 12:01 a.m. to 6:00 a.m. except for the sign of a business that is open twenty-four (24) hours a day.

(e) Signs shall not resemble, imitate, or approximate the shape, size, form, or color of railroad or traffic signs, signals, or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals, or devices. No

sign shall be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, or fire escape, and no sign shall be attached to a standpipe or fire escape. No signs shall be placed so as to obstruct or interfere with traffic visibility.

(f) Signs lawfully existing, as of April 21, 2014, may be continued although the use, size, or location does not conform with the provisions of this chapter. However, it shall be deemed a nonconforming use or structure, and the provisions of Article VIII shall apply.

(Ordinance No. 14-C-5 amended April 21, 2014)

25-7-6. Minimum dwelling size. The minimum gross floor area for dwellings shall be 935 square feet.

25-7-7. Dwellings below ground level. No interior space below ground level shall be occupied for dwelling purposes unless such space is part of a structure having at least one full story above ground level and having its exterior portion in a structurally finished state.

25-7-8. Kennels. They shall be located no closer than 250 feet to any residential district, restaurant, hotel or motel in any district and shall show that adequate measures and controls shall be taken to prevent offensive noise and odor. No incineration of refuse shall be permitted on the premises.”

25-7-8.1 Veterinary Hospitals. All veterinary hospitals shall be kept free and clean from decaying food and from filth of any kind. All parts of such buildings, premises, or enclosures shall be disinfected from time to time and shall be kept in a sanitary condition. The health officer or other person designated by the mayor shall inspect each such place of business upon the request of the city council or the sanitation and board of health committee to determine whether the said premises are in compliance with the applicable provisions of this code regulating health and sanitation.”

25-7-9. Country club; golf course. No building shall be located within 100 feet of any property line.

Facilities such as restaurants and bars may be permitted when conducted and entered from within the building.

Swimming pools, tennis courts and the like shall be located not less than 25 feet from any property in any Residence or B District shall be effectively protected by a wall, hedge and/or screen planting.

25-7-10. Golf driving range and amusement parks. Golf driving range and amusement parks shall be located on major or secondary thoroughfares or non-residential streets. Flood lights used to illuminate the premises are so directed and shielded as not to be an annoyance to any developed residential property. Golf driving platforms shall be not less than 200 feet from any adjacent Residence District or existing dwelling. A temporary certificate may be granted to be in force for one year only, which certificate may be renewed for a period of one year at the expiration of such certificate, provided all requirements of this chapter have been and can continue to be complied with.

25-7-11. Cemetery, crematory, mausoleum, columbarium. Cemetery, crematory, mausoleum, columbarium shall provide entrance on a major street or road with ingress and egress so designated as to minimize traffic congestion, shall provide required off-street parking space and shall provide a minimum 6 foot high wall or 20 feet of permanently maintained planting strip on all property lines abutting any R-District or residential street.

25-7-12. Hospital, church or other religious or eleemosynary institution. Hospital, church or other religious or eleemosynary institution shall be located on a major street on a minimum parcel of one-half acre and shall maintain a 10 foot wide minimum landscaped strip on all property lines abutting R-Districts and on all residential streets.

25-7-13. Shooting clubs. A shooting club shall not be located within one mile of any developed residential, commercial or industrial area, or place of public assembly. A temporary certificate will be granted, to be in force for one year only, which certificate may be renewed for a period of one year at the expiration of each temporary certificate, provided above requirements are met.

25-7-14. Amusement center, bowling alley, dance hall and similar places of amusement. Amusement center, bowling alley, dance hall and similar places of amusement shall provide parking with ingress and egress from any property lines, provide a minimum 6 foot solid board fence or masonry wall separating parking area from abutting residential property and shall show that adequate controls or measures will be taken to prevent offensive noise and vibration.

25-7-15. Nursery school, day care center for more than five children. Nursery school and day care centers for more than 5 children shall maintain a minimum 6 foot high solid board fence combined with a minimum 3 foot wide shrub planting area or a minimum 6 foot high masonry wall on any property line abutting a residential district. A nursery school shall be located only on a minimum 10,000 square foot lot and shall not develop excessive traffic on local residential streets.

25-7-16. Planned United Development (PUD) and Zero Lot Developments. A. Planned Unit Developments (PUD) shall be permitted as uses by special permit in R-4 Multi-Family Residential Districts. A PUD must contain a minimum of three contiguous acres under one ownership or control. Plans for the proposed development shall show the location, size, and proposed uses of all structures and land included in the area involved. Individual drainage and planting plans shall be provided for the entire development. The plan may provide for the development of an area of land as a single entity for a combination of single and/or multi-family dwelling units according to a plan which does not correspond in lot size, bulk or type of dwelling, density, lot coverage, or required open space

to the regulations otherwise required by this Chapter, provided the plan indicates the following:

B. Zero Lot Developments. Within the R-4 Multi-family Residential District, “zero” lot line developments shall be permitted, as hereinafter defined. When one or more lots are contiguously covered by one uninterrupted, continuous building, then the interior lot lines have no side setback requirements; however, the end lots of any such group of contiguous lots covered by one continuous building shall be subject to the same side setback, as required of all single family and general residential dwelling in R-4. Further, and concerning the common wall separating different individual dwelling units within a multi-family building in an R-4 District, said common wall shall have a fire rating of not less than two hours. No breaching of the fire wall is permitted. Said two hour fire rating shall be pursuant to the National Fire Code, or the specific order and/or approval of the State Fire Marshal of the State of Illinois.

(Ordinance No. 10-C-5, amended August 17, 2010)

(a) That the overall density shown on the PUD plan for residential uses shall not exceed an average density of 19 persons per acre. In computing population density, a factor of 3.0 persons shall be used for each one-family dwelling, 2.5 persons for each garden-type apartment unit or townhouse and 1.5 persons for each high rise apartment unit.

(b) That paved streets and sidewalks adequate to serve the needs of the area will be provided.

(c) That adequate access to public streets and proper internal circulation will be provided.

(d) That adequate sanitary sewers, storm sewers, and water facilities will be provided, subject to approval of the City’s engineer.

(e) That the development will constitute a reasonable extension of the living areas in the municipality and will be compatible with surrounding land uses.

(f) That adequate safeguards be taken to insure that the parks and other open spaces shown on the plan are permanently reserved as parks and open spaces.

(g) that the occupant car ratio, defined as the minimum number of off-street parking spaces without parking time limits required for each living unit is not less than 1.5.”

(Ordinance 01-C-1, amended 05-21-01)

25-7-17. Gasoline (motor fuel) stations. Motor fuel stations shall be subject to the following standards:

(a) The setback of any overhead canopy or weather protection, free standing or projecting from the station structure shall be not less than 10 feet from the street right-of-way line nor less than 20 feet from an adjacent property line.

(b) The total height of any overhead canopy or weather protection shall not exceed 20 feet in height.

(c) Open dead storage of motor vehicles, other than motor vehicles for rent, shall not be permitted for a period of more than 72 hours.

(d) No sales of motor vehicles or trailers or campers shall be permitted.

(e) All goods for sale by a motor fuel station convenience store, other than those generally required for the operation and maintenance of motor vehicles, shall be displayed within the principal motor fuel station structure.

(f) Each motor fuel station shall be architecturally designed so as to be as compatible as possible with the general architectural intent of the area in which it is located.

(g) For the purposes of architectural appropriateness each and every side of a motor fuel station shall be considered as a front face.

(h) The entire motor fuel station site, other than that part devoted to landscaping and structures, shall be surfaced with concrete or bituminous surfacing to control dust and provide adequate drainage and such surfaces shall be designed to meet the requirements of a minimum 4 ton axle load.

(i) Wherever a motor fuel station abuts on “R” District, a fence or compact evergreen hedge, which is a minimum 25 per cent opaque and not less than 6 feet

high, shall be erected and maintained along the side and rear property line that abuts the "R" District. Application of this provision shall not require a fence within 15 feet of any street right-of-way.

(j) All trash, waste materials and obsolete automobile parts shall be stored within a separate enclosure behind the principal structure of the motor fuel station.

(k) All interior curbs shall be constructed within the property lines to separate driving and parking areas from landscaped areas. Such curbing shall be constructed of concrete and shall be of 6 inch non-surmountable design.

(l) All rental campers, trailers or motor vehicles shall be stored within the rear and/or side yard not adjacent to the street. Said rentals shall not be stored within the front yard setback nor the side yard adjacent to the street.

(m) All outside parking spaces shall be located to the side and/or rear of the principal structure.

(n) All outdoor illumination shall be provided with lenses, reflectors or shades which will concentrate the light upon the premises so as to prevent any undue glare or rays of light therefrom being directly visible upon any adjacent street, roadway or private property occupied for residential purposes.

(o) Notwithstanding anything to the contrary in other sections of this chapter, the following requirements shall be observed for signs for motor fuel stations:

(1) Motor fuel stations shall have no more than one pedestal type business identification sign not to exceed 26 feet in height erected within any yard, except that no part of said sign shall be less than 6 feet from a property line measured as a horizontal distance. No part of said sign surface shall be less than 16 feet vertical distance from the grade of the nearest driveway or parking area. The pedestal shall not be less than 5 feet from a driveway as its nearest point. Said sign shall have no more than 3 faces and shall not exceed more than 100 square feet per face.

(2) Motor fuel stations may have 2 additional signs. Said signs shall have no more than 2 faces and shall not exceed more than 30 square feet per face. The top of said sign shall not be more than 20 feet in height.

(p) Notwithstanding anything to the contrary in other sections of this chapter, the following minimum requirements shall be observed for yards and setbacks for motor fuel stations:

<u>Lot Width</u>	<u>Front Yard</u>	<u>Side Yard Adjacent To Another Lot</u>	<u>Side Yard Adjacent To Street</u>	<u>Rear Yard</u>	<u>Pump Set-back</u>
150 feet	60 feet	30 feet	60 feet	30 feet	25 feet

25-7-18. Filling, grading and lagooning. (a) A Special Use Permit shall be required for any filling or grading.

(1) Of the bed of a navigable body of water. In addition any necessary permits shall be obtained from those state agencies designated to protect the state's waterways.

(2) Of any area which is within 300 feet horizontal distance of a navigable body of water and which has surface drainage toward the water and on which there is:

A. Filling of more than 500 square feet of any wetland which is contiguous to the water. For purposes of this section a wetland shall be defined as any area where ground water is at or near the surface a substantial part of the year.

B. Filling or grading on slopes of 20 per cent or more.

C. Filling or grading of more than 2,000 square feet on slopes of 12 per cent or less.

D. Filling or grading of more than 2,000 square feet on slopes of 12 per cent or less.

(b) A Special Use Permit shall be required before constructing, or commencing work on any artificial waterway, canal, ditch, lagoon, pond, lake or similar waterway which is within 500 feet of the high water mark of a navigable body of water or where the purpose is ultimate connection with a navigable body of water. This requirement does not apply to soil conservation practices such as terraces, diversions and grassed waterways which are used for sediment retardation.

(c) In granting a Special Use Permit for filling, grading, or lagooning the Plan Commission may attach the following conditions in addition to those specified in Article VII of this chapter.

(1) The smallest amount of bare ground be exposed for the shortest time feasible.

(2) Temporary ground cover such as mulch be used and permanent cover such as sod be planted.

(3) Diversions, silting basins, terraces and other methods to traps sediment be used.

(4) Dredging to a firm bottom before filling.

(5) Dredging be conducted in such a manner as to avoid creation of fish trap conditions.

(6) Fill is stabilized according to accepted engineering standards.

(7) Fill will not restrict a floodway or destroy the storage capacity of a flood plain.

(8) Walls of a channel or artificial watercourse be stabilized to prevent slumping.

(9) Sides of channels or artificial watercourses be constructed with side slopes of two horizontal to one vertical or flatter unless vertical bulkheading is provided.

25-7-19. Sidewalks, driveways, ditches.

Sidewalks. Sidewalks shall be 5 feet in width or conforming to existing sidewalks and must be of concrete construction to a depth of 4 inches except in driveways which must be 6 inches in depth.

Driveways. Curbs may be cut by special permit. Curb breaks must be finished in such manner as to prevent further breakage. Driveway must be paved in such manner that material cannot be washed into street gutters.

Ditches. All driveways or access roads crossing ditches must have culverts or tile installed in such manner so as not to impede the natural flow of drainage water.

25-7-20. Modification and exceptions.

(a) Height. The district height limitations stipulated elsewhere in this chapter may be exceeded, but such modifications shall be in accord with the following:

(1) Architectural projections, such as spires, belfries, parapet walls, cupolas, domes, flues and chimneys, are exempt from the height limitation of this chapter.

(2) Special structures, such as elevator penthouses, gas tanks, grain elevators, scenery lofts, radio and television receiving antennas, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations, smoke stacks, and flag poles, are exempt from the height limitations of this chapter.

(3) Essential services, utilities, water towers, electric power and communication transmission lines are exempt from the height limitations of this chapter.

(4) Communication structures, such as radio and television transmission and relay towers, aerials, and observation towers, shall not exceed in height three times their distance from the nearest lot line.

(5) Agricultural structures such as barns, silos, and windmills shall not exceed in height twice their distance from the nearest lot line.

(6) Public or semi-public facilities, such as schools, churches, hospitals, monuments, sanatoriums, libraries, governmental offices and stations, may be erected to a height of 60 feet, provided all required yards are increased not less than one foot for each foot the structure exceeds the district's maximum height requirements.

(b) Yards. The yard requirements stipulated elsewhere in this chapter may be modified as follows:

(1) Uncovered stairs, landings and fire escapes may project into any yard but not to exceed 6 feet and not closer than 3 feet to any lot line.

(2) Architectural projections, such as chimneys, flues, sills, eaves, belt courses and ornaments, may project into any required yard; but such projection shall not exceed 2 feet.

(3) Residential fences are permitted on property lines but shall not in any case exceed a height of 8 feet, shall not exceed a height of 4 feet in the street yard and shall not be closer than 2 feet to any public right-of-way.

(4) Security fences are permitted on the property lines but shall not exceed 8 feet in height and shall be of an open type similar to woven wire or wrought iron fencing.

(5) Accessory uses and detached accessory structures, are permitted in the rear yard only; they shall not be closer than 10 feet to the principal structure, they shall not exceed 15 feet in height, shall not occupy more than 20 per cent of the rear yard area, and shall not be closer than 3 feet to any lot line nor 5 feet to an alley line.

(6) Essential services, utilities, electric power and communication transmission lines are exempt from the yard and distance requirements of this chapter.

(7) Landscaping and vegetation are exempt from the yard requirements of this chapter.

(c) Additions. Additions in the street yards of existing structures shall not project beyond the average of the existing street yards on the abutting lot or parcels.

(d) Average street yards. The required street yards may be decreased to the average of the existing street yards of the abutting structures on each side but in no case less than 20 feet.

(e) Noise. Sirens, whistles, and bells which are maintained and utilized solely to serve a public purpose are not to be enjoined under the performance standards section of this chapter.

ARTICLE VIII. NON-CONFORMING USES AND STRUCTURES

25-8-1. Pre-existing non-conforming uses and structures permitted. The lawful use of any land or buildings existing on September 26, 1976, may be continued even if such does not conform to the regulations of this chapter, except as provided in this article.

25-8-2. Non-conforming buildings.

(a) Alterations. A non-conforming building or structure shall not be reconstructed or altered to an extent exceeding 50 per cent of its market value for assessment purposes, unless said building or structure is changed to conform with the regulations of this chapter.

(b) Enlargement. A non-conforming building or structure shall not be added to or enlarged in any manner unless such additions or enlargements are made so as to bring said building or structure into conformity with the regulations of this chapter.

(c) Restoration. A non-conforming building or structure which is damaged by fire or other cause to the extent of more than 50 per cent of its market value shall not be restored except in conformity with the regulations of this chapter.

(d) Abandonment. A non-conforming use of a building which has been discontinued for a period of 6 months shall not be re-established and any future use shall be in conformity with the regulations of this chapter.

25-8-3. Non-conforming use of building or land.

(a) Extension.

(1) A non-conforming use of a building may be extended throughout said building provided no structural alterations are made therein except as required by this Code.

(2) A non-conforming use of land shall not be expanded or enlarged and must conform with the provisions of this chapter when the existing rights of the persons in possession thereof are terminated or when the uses to which said land is devoted are discontinued.

(b) Relocation. A non-conforming use shall not be moved to any other part of the parcel of land upon which the same was conducted on September 26, 1976.

ARTICLE IX. ADMINISTRATION AND ENFORCEMENT

25-9-1. Zoning Officer. (a) There is hereby created the position of Zoning Officer. It shall be the duty of the Zoning Officer to administrate and enforce the provisions of this chapter.

(b) The Zoning Officer shall be appointed by the Mayor subject to confirmation by the City Council for a term of one year ending on April 30 of each year.

(c) The specific duties of the Zoning Officer shall include:

(1) Providing zoning information upon request.

(2) Receiving applications for building and occupancy permits, reviewing such applications to determine if they comply with the provisions of this chapter and issuing or denying permits.

(3) Receiving applications for special use permits, variations, amendments, and appeals, and referring such applications to the City Council.

(4) Conducting inspections.

(5) Investigating violations.

(d) The amount of compensation to be paid to the Zoning Officer shall be fixed by the City Council.

25-9-2. Permits.

(a) No person shall erect, alter, remodel, move or remove any kind of a structure or building or part thereof without first securing a building permit therefore, provided no such permit shall be required for repairs, construction, reconstruction or alteration of a building where the size, basic configuration and location of the building remain the same.

(b) Permit fees. Fees for building permits shall be as follows:

(1) None for buildings used for agricultural purposes within RD districts except buildings for commercial or industrial uses.

(2) Ten cents per square foot of floor area for all buildings, excluding buildings referred to in subparagraph (b)(1) of this section, provided that there shall be a minimum fee of twenty dollars for each permit.

(Ordinance No. 14-C-2, amended 03-17-14)

(c) Exhibits. Each application for a building permit and for an occupancy permit for the use of land shall be accompanied by the following exhibits unless waived by the Zoning Officer.

(1) Boundary survey of an area including the property in question and 100 feet beyond its outer boundaries showing existing utilities, lot boundaries and dimensions, buildings and easements. Foliage, topography, waterways and soil borings to be included if pertinent.

(2) Plot plan indicating location, size and placement of proposed structure and yards, parking and loading facilities, vehicular access and egress, and utility plan including surface drainage.

(d) Permit application procedure. Procedure for applying for a building permit and an occupancy permit shall be as follows:

(1) The property owner or his agent shall meet with the Zoning Officer to explain the situation, learn the procedures, and obtain an application form.

(2) The applicant shall file the completed application form together with the required exhibits with the Zoning Officer, which application form shall be signed both by the owner of the property and any contractor who may be doing the work for which the building permit is sought.

(3) The Zoning Officer shall issue a building permit and collect the required permit fee if the proposed project complies with the provisions of this chapter, and other relevant portions of this Code.

(e) Revocation of building permits. Where a building permit has been issued pursuant to the provisions of this chapter, such permit shall become null and void without further action by the Zoning Officer or City Council unless work thereon commences within 90 days from the date of granting such permit.

(f) Valuation. For purposes of valuation on the Zoning Officer's report, all residences and non-residences exclusive of garages and accessory buildings shall be valued at \$75 per square foot of all floor area and all accessory buildings and garages shall be valued at \$25 per square foot of all floor area.

(g) Penalty. It shall be unlawful for any contractor to erect, alter, remodel, move or remove any kind of a structure or building or part thereof without first securing a building permit therefore. Any contractor violating this provision shall be subject to a penalty as follows: not less than \$200 nor more than \$500 for the first offense, not less than \$300 nor more than \$500 for the second offense, not less than \$400 nor more than \$500 for the third offense, and \$500 for the fourth or subsequent offense. (Ordinance No. 00-C-4 amended August 7, 2000)

25-9-3. Zoning Board of Appeals.

(a) Establishment.

(1) A Zoning Board of Appeals is hereby established. Said Board shall consist of 7 members, appointed by the Mayor and subject to confirmation by the City Council. One of the members so appointed shall be named as chairperson at the time of his or her appointment. The Mayor has the power to remove any member upon written notice. The Mayor shall fill any vacancies created or which arise subject to confirmation by the City Council.

(Ordinance No. 13-C-3, amended May 06, 2013)

(2) The amount of compensation to be paid to members, if any, shall be fixed by the City Council.

(3) All meetings of the Zoning Board of Appeals shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance the witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact, and shall also keep records of its examinations and other official actions.

(4) No hearing of the Board shall be conducted without a quorum of the Board being present, which shall consist of a majority of the members. Any absent member who certifies that he has read the transcript of the proceedings before the Board may vote upon any question before the Board. Every rule, regulation, every amendment or repeal thereof, and every order, requirement, decision, or determination of the Board shall immediately be filed in the office of the City Clerk and shall be a public record.

(b) Duties. The duties of the Zoning Board of Appeals shall be:

(1) To hear and decide appeals from and review any order, requirement, decision, or determination made by the Zoning Officer.

(2) To interpret the meaning of this chapter in cases of ambiguity and to make rulings with respect to the application of this chapter.

(3) To hold public hearings on applications for variations from the provisions of this chapter and to make recommendations upon such applications and forward the same to the City Council.

(c) Required vote. The concurring vote of four members of the Board is necessary to reverse and order, requirement, decision, or determination of the Zoning Officer, or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter or to recommend any variation from this chapter to the City Council.

(d) Method of review.

(1) An appeal to the Zoning Board of Appeals may be taken by any person aggrieved or by any officer, department, board, or bureau of the city. The appeal shall be taken within 45 days of the action complained of by filing, with the Zoning Officer, City Council, and the Zoning Board of Appeals a Notice of Appeal, specifying the grounds thereof. The Zoning Officer shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

(2) An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Officer certifies to the City Council, after the Notice of Appeal has been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In this even the proceeding shall not be stayed otherwise than by a restraining order which may be granted by the City Council or by the Circuit Court of Douglas County on application and on notice to the Zoning Officer, and on due cause shown.

(3) The Zoning Board of Appeals shall fix a reasonable time for the hearing of the appeal and give due notice of fact and recommendations which shall be forwarded forthwith to the City Council. Upon the hearing before the Board, any party may appear in person or by agent or by attorney.

(4) The City Council shall decide the appeal within a reasonable time after receiving the findings of fact and recommendations of the Zoning Board of Appeals. The City Council may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as in its opinion ought to be made in the premises and to that end has all the powers of the Zoning Officer from whom the appeal is taken.

25-9-4. Plan Commission.

(a) Establishment.

(1) A Plan Commission is hereby created. The Plan Commission shall consist of 7 members who are appointed by the Mayor and subject to confirmation by the City Council. The Mayor has the power to remove any

member upon written notice. The Mayor shall fill any vacancies created or which arise subject to confirmation by the City Council.

(Ordinance No. 13-C-3, amended May 06, 2013)

(2) At the time of their appointment, one of the members shall be named as Chairman. All members shall serve for a term of office coinciding with a single term of office of the appointing Mayor.

(b) Duties. The duties of the Plan Commission shall be:

(1) To hold public hearing on applications for amendments to this chapter and on applications for special uses as provided herein. Notice shall be given of the time and place of such hearings, not more than 30 nor less than 15 days before the hearing, by publishing a notice thereof at least once in a newspaper published within the City of Arcola, or, if no newspaper is published therein, then in a newspaper with a general circulation within the City of Arcola.

(2) The City Council shall have the power to decide whether the application for the amendment or special use shall be allowed or denied. This power shall be exercised by the City Council by the adoption of ordinances and after the Plan Commission has held a public hearing and made findings of fact and recommendations which have been referred to the City Council. The findings of fact and recommendations of the Plan Commission shall be referred to the City Council forthwith after the public hearing and the City Council shall make its decision within a reasonable time after receiving such findings of fact and recommendations from the Plan Commission.

(3) No hearing shall be conducted without a quorum of the Plan Commission being present, which shall consist of a majority of all the members.

(c) Required vote.

(1) The concurring vote of four members of the Plan Commission is required to recommend any amendment or special use in this chapter to the City Council.

(2) In case of a written protest against any proposed amendment of the regulations or districts, signed and acknowledged by the owners of 20% of the frontage proposed to be altered, or by the owners of 20% of the frontage immediately adjoining or across an alley therefrom, or by the owner of 20% of the frontage directly opposite the frontage proposed to be altered, is filed with the City Clerk, the amendment shall not be passed except by a favorable vote of two-thirds of the members of the City Council then holding office.

25-9-5. Variations. (a) The City Council by ordinance may authorize in the manner provided by law variations from the provisions of this chapter which are in harmony with the general purpose and intent of this chapter and in accordance with general or specific rules herein contained in cases where there are practical difficulties or particular hardship in the way of carrying out the strict letter of any of the regulations herein relating to the use, construction, or alteration of buildings or structures or the use of land. However, no such variation shall be made, except in a special case and after a public hearing before the Zoning Board of Appeals, pursuant to statutory notice and after findings of fact and recommendations of the Board have been forwarded to the City Council.

(b) The procedure for applying for a variation from the regulations of this chapter is as follows:

(1) Applications for variations shall be accompanied by the boundary survey and plot plan as required for building permit applications, unless waived by the Zoning Board of Appeals.

(2) The property owner or his agent shall meet with the Zoning Officer to explain the situation, learn the procedures and obtain an application form.

(3) The applicant shall file the completed application form with the City Clerk together with the required exhibits for the Zoning Officer and shall pay a filing fee of \$45. The completed application shall be signed by both the owner of the property and the contractor who will be doing any work on the property for which the variation is being sought.

(4) The Zoning Officer shall transmit the application to the chairman of the Zoning Board of Appeals and shall determine with such chairman the time and place of the required public hearing.

(5) The Zoning Officer shall give notice of the time and place of the scheduled public hearing. Said notice shall be published at least once, not more than 30 nor less than 15 days before the hearing, in a newspaper published in the City of Arcola, or, if no newspaper is published therein, then in a newspaper with a general circulation within the City of Arcola. This notice shall contain the particular location for which the variation is requested as well as a brief statement describing the proposed variation.

(6) The Zoning Board of Appeals shall make a recommendation to the City Council which shall be accompanied by findings of facts and shall refer to any exhibits containing plans and specifications for the proposed use or variation, which shall remain a part of the permanent records of the Board. The findings of fact shall specify the reason or reasons for making the variation. The aforesaid recommendation and findings of facts shall be forwarded to the City Council forthwith after the public hearing.

(7) The City Council, within a reasonable time after receiving the recommendation and findings of facts from the Zoning Board of Appeals, shall adopt or deny any proposed variation or refer it back to the Board for further consideration. The adoption of any proposed variation shall be done by ordinance; provided, that any proposed variation which fails to receive the approval of the Zoning Board of Appeals shall not be passed except by the favorable vote of two-thirds of all the members of the City Council then holding office.

(c) No building or structure shall hereafter be erected or structurally altered until the City Council has approved the application for the variation and until a building permit has been issued by the Zoning Officer stating that the building or structure and the use of land comply with the regulations of this chapter.

(d) It shall be unlawful for any contractor to commence work in erecting any building or structure or structurally altering any building or structure until a variation has been granted by the City Council and a building permit issued therefor by the Zoning Officer. Any contractor violating this provision shall be subject to a penalty as follows: not less than \$200 nor more than \$500 for the first offense, not less than \$300 nor more than \$500 for the second offense, not less than \$400 nor more than \$500 for the third offense, and \$500 for the fourth or subsequent offense.”

(Ordinance 96-C-1, amended 02-5-96)

25-9-6. Special Use Permits. (a) Before a building or premises is devoted To any use classified under “Uses by Special Permit” in this chapter, a Special Use Permit must be granted by the City Council. Such a permit shall only be granted after a public hearing before the Plan Commission. A special use shall be permitted only upon evidence that such use meets standards established for such classification in this chapter, and the granting of permission therefor may be subject to conditions reasonably necessary to meet such standards.

(b) The following exhibits shall be required unless waived by the Plan Commission:

(1) The boundary survey and plat plan as required for building permit application.

(2) Petition of property owners within 250 feet of property in question showing 50% of such owners favoring the proposed special use.

(c) The procedure for obtaining a Special Use Permit is as follows:

(1) Property owner or his agent shall meet with the Zoning Officer to explain the situation, learn the procedures and obtain an application form.

(2) The applicant shall file the completed application form together with the required exhibits with the Zoning Officer and shall pay a filing fee of \$45.
(Ordinance 84-C-1, amended 11-5-84)

(3) The Zoning Officer shall transmit the application to the Plan Commission and shall give notice of the time and place of the public hearing published at least once, not more than 30 nor less than 15 days before the hearing, in a newspaper published within the City of Arcola, or, if no newspaper is published therein, then in a newspaper with a general circulation within the City of Arcola. This notice shall contain the particular location for which the special use is requested as well as a brief statement describing the proposed special use.

(4) The Plan Commission shall make findings of facts and shall refer to any exhibits containing plans and specifications for the proposed use which shall remain a part of the permanent records of the Plan Commission. Findings of facts shall specify the reason or reasons for the Plan Commission's recommendations.

(5) The Plan Commission shall forward forthwith after the public hearing its findings of facts along with its recommendations to the City Council. The Plan Commission shall recommend one of three actions: approval, denial, or conditional approval.

(6) The City Council shall act on the application for the special use within a reasonable time after receiving the findings of facts and recommendations of the Plan Commission.

(7) The Plan Commission may recommend, and the City Council may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the special use as deemed necessary for the protection of the public interests and to secure compliance with the requirements specified in this chapter.

(d) Revocation of Special Use Permits. Where a Special Use Permit has been issued pursuant to the provisions of this chapter, such permit shall become null and void without further action by the Plan Commission or the City Council unless work thereon commences within 6 months from the date of granting such special use. A Special Use Permit shall be deemed to authorize only one particular use and shall expire if that use shall cease for more than 12 consecutive months.

25-9-7. Amendments.

(a) Adoption. This chapter may be amended as to regulations imposed on districts created only by favorable majority vote of the City Council and only after a public hearing has been held by the Plan Commission.

(b) Kinds of amendments. An amendment to this chapter may be one of the following:

- (1) A change in the district's boundary.
- (2) A change in the district's regulations.

(c) Initiation of proceedings. Proceedings for amending this chapter shall be initiated by at least one of the following three methods:

- (1) By petition of an owner or owners of property which is proposed to be rezoned, or for which district regulation changes are proposed.
- (2) By recommendations of the Plan Commission.
- (3) By action of the City Council.

(d) Exhibits. The following exhibits for rezoning or district regulation changes initiated by property owners are required, unless waived by the Plan Commission.

- (1) The boundary survey and plot plan as required for building permit applications.
- (2) Petition of property owners within 250 feet of property in question showing at least 50% of such owner favoring the proposed rezoning.

(e) Procedure. The procedure for a property owner to initiate a rezoning or district regulation change applying to his property is as follows:

(1) The property owner or his agent shall meet with the Zoning Officer to explain the situation, learn the procedures and obtain an application form.

(2) The applicant shall file the completed application form together with the required exhibits with the Zoning Officer and shall pay a filing fee of \$45. (Ordinance 84-C-1, amended 11-5-84)

(3) The Zoning Officer shall transmit the application and required exhibits to the Plan Commission.

(4) Notice shall be given of the time and place of the public hearing, not more than 30 nor less than 15 days before the hearing, by the Zoning Officer having a notice thereof published at least once in a newspaper published in the City of Arcola, or, if no newspaper is published therein, then in a newspaper with a general circulation within the City of Arcola.

(5) The Plan Commission shall make its recommendations accompanied by findings of facts and shall refer to any exhibits containing plans and specifications for the proposed amendment which shall remain a part of the permanent records of the Plan Commission. Findings of facts shall specify the reason or reasons for making the amendment.

(6) The Plan Commission shall submit its recommendations and findings of facts to the City Council forthwith after the public hearing. The Plan Commission shall recommend one of three actions: approval, denial or conditional approval.

(7) Within a reasonable time from the time that the City Council receives the findings of facts and recommendations of the Plan Commission, it shall act upon the proposed amendment.

25-9-8. Fees, violations and penalties.

(a) Fees. Fees pertaining to petition for zoning amendments, use permits, certificates of compliance, variations and for appeals to the Zoning Board of Appeals shall be established by the City Council.

(b) Violations and penalties. It shall be unlawful to use or occupy any building, structure or premises in violation of the terms of this chapter. It shall be unlawful for any person, firm, or corporation to violate, disobey, omit, neglect, or refuse to comply with or resist the enforcement of any of the provisions of this chapter. The general penalty provision provided for in Section 1-13 of this Code shall be applicable.