

**TITLE 18**  
**ZONING ORDINANCE**

<b>Subject</b>	<b>Chapter</b>
<b>Introduction .....</b>	<b>1</b>
<b>General Provisions .....</b>	<b>2</b>
<b>Zoning Districts .....</b>	<b>3</b>
<b>Traffic Parking, and Access.....</b>	<b>4</b>
<b>Signs .....</b>	<b>5</b>
<b>Special Uses .....</b>	<b>6</b>
<b>Nonconforming Uses, Structures, and Lots .....</b>	<b>7</b>
<b>Performance Standards .....</b>	<b>8</b>
<b>Compliance and Building Permit .....</b>	<b>9</b>
<b>Zoning Board of Appeals and Enforcing Officer .....</b>	<b>10</b>
<b>Changes and Amendments .....</b>	<b>11</b>
<b>Rules and Definitions .....</b>	<b>12</b>
<b>Interpretation, Severability, Violations, Penalties, When Effective .....</b>	<b>13</b>
<b>Regulation of Solar Electric Panels .....</b>	<b>14</b>

# CHAPTER 1

## INTRODUCTION

	Section
Authority .....	18-1-1
Title .....	18-1-2
Purpose .....	18-1-3
Intent .....	18-1-4

An Ordinance amending the Zoning Ordinance of the Village of Tiskilwa, passed April 19, 1967 and establishing zoning regulations through the classification, regulation and restriction of the location and use of buildings structures, and land and to eliminate nonconforming uses within the Village of Tiskilwa, Illinois. Be it ordained by the President and the Board of Trustees of the Village of Tiskilwa as follows:

### **18-1-1 AUTHORITY:**

These regulations are adopted under the authority granted by the Illinois Revised Statutes.

### **18-1-2 TITLE:**

This Ordinance shall be known as, referred to, or cited as the "Zoning Ordinance, Village of Tiskilwa, Illinois."

### **18-1-3 PURPOSE:**

The purpose of this Ordinance is to promote the public health, safety, comfort, morals, and general welfare of this community.

### **18-1-4 INTENT:**

It is the general intent of this Ordinance to regulate and restrict the use of all structures, lands, and waters; regulate and restrict lot coverage, population distribution and density, and the size and location of all structures so as to: lessen congestion in and promote the safety and efficiency of the streets and highways; secure safety from fire, flooding, panic, and other dangers; provide adequate light, air, sanitation, and drainage; prevent overcrowding; avoid undue population concentration; facilitate the adequate provision of public facilities and utilities; stabilize and protect property values; further the appropriate use of land and conservation of natural resources; preserve and promote the beauty of the community; and implement the community's comprehensive plan or plan components. It is further intended to provide for the administration and enforcement of this Ordinance and to provide penalties for its violation.

## CHAPTER 2

### GENERAL PROVISIONS

	Section
Jurisdiction .....	18-2-1
Use Restrictions .....	18-2-2
Site Restrictions .....	18-2-3
General Development Procedure .....	18-2-4
Modifications and Exceptions .....	18-2-5
Accessory Structures and Uses .....	18-2-6

#### **18-2-1 JURISDICTION:**

The jurisdiction of this Ordinance shall include all lands and waters within the corporate limits of the Village of Tiskilwa.

#### **18-2-2 USE RESTRICTIONS:**

**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** are permitted in any district but not until their principal structure is present or under construction.

**C. Special uses and their accessory uses** are permitted in districts as specified but only according to the special use procedure in 18-6-2.

**D. Unclassified or unspecified uses** - In case of uncertainty where the Enforcing Officer is unable to determine literally where a use is permitted as a principal or accessory use, the enforcing officer shall apply to the Zoning Board of Appeals for an interpretation.

**E. Temporary uses**, such as real estate sales field offices or shelters for materials and equipment being used in the construction of a permanent structure, are permitted while sales or construction are in progress.

**F. Performance standards** listed in Article 8 shall apply to all uses in all districts.

**G. Adult Use Establishments** shall be subject to the procedures as specified in Section 18-6-2 of the zoning ordinance. (Amd. by Ord. No. 0-6-85-7-9)

#### **18-2-3 SITE RESTRICTIONS:**

**A. Soil Conditions.** No land shall be used or structure erected where the land is held unsuitable for such use or structure by the Village 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, aesthetics, and general welfare of this community. The Village Plan Commission, in applying the provision of this section, shall in 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 the applicant so desires. Thereafter the Village Plan Commission may affirm, modify, or withdraw its determination of unsuitability.

**B. All lots** shall abut upon a public street with at least thirty (30) feet of frontage unless a variance or planned development project is approved.

C. Only one principal structure shall be located, erected, or moved onto any lot of records.

D. No building permit shall be issued for a lot which 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. 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 Ordinance. 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.

#### **18-2-4 GENERAL DEVELOPMENT PROCEDURE:**

Comprehensive Plan including Planning Policies: The Plan Commission and the Village Board 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 Zoning Ordinance, and no development shall be approved under this Ordinance which is in conflict with any comprehensive plan element.

#### **18-2-5 MODIFICATIONS AND EXCEPTIONS:**

A. Height - The district height limitations stipulated elsewhere in this Ordinance may be exceeded, but such modification shall be in accord with the building and zoning stipulations:

1. Architectural Projections, such as spires, belfries, parapet walls, cupolas, domes, flues and chimneys are exempt from the height limitations of this Ordinance.

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, and smoke stacks, are exempt from the height limitations of this Ordinance.

3. Essential Services, such as utilities, water towers, electric power and communication transmission lines, are exempt from the height limitations of this Ordinance.

4. Communication Structures, such as radio and television transmission and relay tower aerials, and observation towers shall not exceed in height three (3) times their distance from the nearest lot line.

5. Public or Semi-Public Facilities, such as schools, churches, hospitals, monuments, sanitariums, libraries, governmental offices and stations, may be erected to a height of seventy (70) feet, provided all required yards are increased not less than one (1) foot for each two (2) feet the structure exceeds the district's maximum height requirements.

B. Yards - The yard requirements stipulated elsewhere in this Ordinance may be modified as follows:

1. Uncovered Stairs, landings, and fire escapes may project into any yard, but not to exceed six (6) feet and not closer than three (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 four (4) feet.

3. Residential fences are permitted on the property lines in residential districts but shall not in any case be permitted in front yards nor exceed a height of six (6) feet, shall not exceed a height of four (4) feet in the street yard; and shall not be closer than two (2) feet to any public right-of-way.

4. Secure fences surrounding non-residential uses are permitted on the property lines in all districts but shall not exceed ten (10) 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 and side yards only; they shall not be closer than ten (10) feet to the principal structure, shall not exceed fifteen (15) feet in height, shall not occupy more than thirty (30) percent of the rear and side yard areas, and shall not be closer than five (5) feet to any lot line, except as otherwise provided in this Ordinance.

6. Essential Services, utilities, electric power, and communication transmission lines are exempt from the yard and distance requirements of this Ordinance.

7. Landscaping and vegetation are exempt from the yard requirements of this Ordinance.

C. Additions - Additions in the front yard of existing structures shall not project beyond the average of the existing front yards on the abutting lots or parcels.

D. Average Front Yards - The required front yards may be decreased in any residential or business district to the average of the existing front yards of the abutting structures on each side, but in no case less than fifteen (15) feet in any residential district and two (2) feet in any business district.

E. Noise - Sirens, whistles, and bells which are maintained and utilized solely to serve a public purpose are exempt from the sound level standards of this Ordinance.

## **18-2-6 ACCESSORY STRUCTURES AND USES:**

### **A. General Regulations**

1. Where an accessory structure is structurally attached to a main building in a substantial manner, as by a roof, it shall be subject to and must conform to all regulations of this ordinance applicable to the main building.

2. An accessory structure or use shall not be erected prior to the establishment or construction of the main building to which it is accessory.

3. Accessory structures and uses shall be maintained under the same ownership and on the same zoning lot as the principal use or structure.

4. Accessory structures and uses incidental to the permitted uses including garages shall not be larger (in area and height) than the principal structure.

5. No accessory structures or trees shall be placed on drainage or utility easements or right-of-way, but the same may be used for gardens, shrubs, landscaping and other purposes that do not then or later interfere with the aforesaid uses or rights herein granted. The Village has the right, but not the obligation to, at any time, abate any obstructions placed on or over the easement area. Any costs incurred by the Village, or its agents and subcontractors, to abate the obstructions shall be paid for by the property owner. If the costs are not paid, a lien shall be placed on the property.

6. No accessory structure shall be located on a reverse corner lot beyond the front yard required on the adjacent lot to the rear, nor be located nearer than six (6) feet to the side lot line of the adjacent building.

7. Accessory structures shall not be used for dwelling purposes unless otherwise permitted by a special use.

8. Building permits are required for all accessory structures unless otherwise stated in this ordinance.

9. Structures and Uses accessory to a special use shall be applied for and approved under the same procedure as the special use, as stated in Article 14.

**B. Bulk Requirements**

1. Accessory structures shall be a minimum of six (6) feet from any property line.
2. No accessory structures shall be located in the front yard.
3. Accessory structures shall be located at least 10 feet away from the principal structure.
4. No combination of accessory structures shall occupy more than thirty (30) percent of the rear or side yard areas.
5. The maximum height of an accessory structure shall not be more than fifteen (15) feet unless otherwise stated in this ordinance.

**C. Gazebos**

1. If attached to the principal structure, either directly or via a deck, the gazebo shall conform to the setback requirements regulating the principal structure.
2. Setbacks for freestanding gazebos shall conform to those regulating accessory structures
3. The maximum height of a gazebo shall be 15 feet.

**D. Sheds**

1. The maximum size of a shed with no footing cannot exceed 300 square feet.
2. Only one shed per lot shall be permitted.
3. The maximum height of a shed shall be 15 feet to the tallest point.
4. Sheds located in side yards shall meet the principal structure setbacks.
5. Movable, plastic storage containers, less than 100 square feet, shall be located in rear yards and do not require a building permit to install.

**E. Carports**

1. Carports shall meet all building code requirements
2. Carports shall require a building permit.
3. Carports shall not exceed 600 square feet in area.

**F. Detached Garages**

1. The height of a detached garage shall not exceed the height of the principal structure or be greater than 15 feet in height. The detached garage may be allowed to exceed 15 feet in height so the roof line can match the pitch and architectural design of the main structure.
2. Exterior finish materials used on detached garages shall be consistent with materials used on the primary structure or complimentary to the structure. The Building Inspector must approve such material prior to issuing a permit. Owners who take issue with materials not approved may go through the variance request or appeal.

**G. Children's Playhouses**

1. The maximum height of a children's playhouse shall be 12 feet to the tallest point.
2. The maximum size of a children's playhouse shall be 120 square feet (10' X 12').
3. Children's playhouses are only permitted in the rear yard and side yards.
4. A building permit is not required for a playhouse

**H. Swimming Pools**

1. Every owner, purchaser under contract, lessee, tenant or licensee of a lot or premises located within the Village upon which a private swimming pool is situated shall maintain at all time on such lot or premises a fence or other structures completely surrounding such pool, not

less than one (1) inch from the ground, at most six (6) feet in height, with no gaps or apertures, other than doors or gates, with any dimensions greater than six (6) inches. All gates or doors opening through a fence or enclosure, maintained in accordance with this section, shall be equipped with self-closing and self-latching devices placed at the top of such gates or doors and made inaccessible to small children. Such devices shall be designed to be capable of keeping such doors or gates securely closed at all times when not in actual use, provided, however, that the door of any dwelling forming a part of the enclosure need not be so equipped. Such enclosures shall be erected before operation of the pool. This requirement is subject to the

following exceptions:

- a.** Any pool with a depth of 48 inches or greater which is surrounded by a deck the same height as the pool shall be exempt from this requirement if the deck is accessible only by a self-closing gate with child proof latch.
  - b.** Any in ground pool equipped with an automatic pool safety cover capable of supporting multiple persons as defined by ASTM F1346-91 statute.
  - c.** Indoor swimming pools are exempted from the protective fence regulations, but entry doors shall have security locks.
- 2.** Outdoor electrical wiring shall be installed with ground fault breakers in accordance with the National Electrical Code.
- 3.** No public or private swimming pool may be located in any required front yard or side yard abutting a street. No swimming pools shall be located closer than ten (10) feet to any side or rear property line.
- 4.** A temporary pool is an above ground pool that is taken down at the end of each swimming season and put up again at the beginning of the swimming season. Any temporary pool must have the entrance ladder removed when not in use.
- 5.** All pool covers must follow and abide by the ASTM F1346 -91 statute and must be fastened down securely so as to not be easily removed or impacted from weather.

#### **I. Membrane Structures**

- 1.** No membrane structure shall be allowed on private property without first obtaining a permit from the Village. Failure to obtain a permit shall be considered to be a violation of this code.
- 2.** A time limit shall be established for the membrane structure to remain on private property as part of the permit review. Temporary structures allowed by administrative approval shall be allowed for a period not to exceed 6 months. Only one permit will be issued per property.
- 3.** There shall be no more than one membrane structure per property and such structure shall not exceed three hundred (300) square feet.
- 4.** Privately owned membrane structures shall not be placed on public property or in a location which obstructs traffic visibility.
- 5.** Membrane structures located in commercial and industrial districts shall be placed a minimum setback of three (3) feet on all sides.
- 6.** Membrane structures shall be adequately anchored and/or secured to the ground.
- 7.** Membrane structures located in residential zoning districts shall meet the appropriate setbacks for accessory structures as set forth in Section 18-2-6 (B) of this ordinance.

**8.** The Village of Tiskilwa reserves the right to inspect the premises upon which a membrane structure is located or installed to ensure compliance with the provisions of this code or any conditions imposed as a part of the applicable permits.

**9.** Permits granted may be revoked when:

- a.** The property is found to be in violation of the conditions listed in the permit;
- b.** The property is found to be in violation of any provision of this code; or
- c.** The permit holder refuses access to the property for the purpose of making an inspection pursuant to division (I)(8) above.

**10.** Membrane structures in existence prior to the passage of this ordinance shall comply with this section within one (1) year.



## CHAPTER 3

### ZONING DISTRICTS

	Section
Establishment .....	18-3-1
Interpretation of District Boundaries .....	18-3-2
Zoning Map .....	18-3-3
Agricultural District .....	18-3-4
Residential Districts .....	18-3-5
Business Districts .....	18-3-6
Manufacturing Districts .....	18-3-7

#### 18-3-1 ESTABLISHMENT:

For the purpose of this Ordinance, the Village of Tiskilwa is hereby divided into the following zoning districts:

- A Agriculture
  - R-1 Single-family Residential District
  - R-2 Single-family Residential District
  - R-3 General Residential District
- B-1 Business District
- B-2 Business District
- B-3 Professional Services District
- M-1 Manufacturing District
- M-2 Manufacturing District
- M-3 Manufacturing District

#### 18-3-2 INTERPRETATION OF DISTRICT BOUNDARIES:

Boundaries of these districts are hereby established as shown on the map entitled, "Zoning Map, Village of Tiskilwa, Illinois," dated May 6, 1969, and is a part of this Ordinance. Such boundaries shall be construed to follow: corporate limits; U.S. Public Land Survey lines lot or property lines; center lines of streets highways, alleys, easements, and railroad rights-of-way, or such lines extended; soil mapping unit lines; unless otherwise noted on the Zoning Map. Vacation of public streets and alleys shall cause the land vacated to be automatically placed in the same district as the abutting side to which the vacated land reverts. Annexations to or consolidations with the Village subsequent to the effective date of this Ordinance shall be placed in the most restrictive zoning district.

#### 18-3-3 ZONING MAP:

A certified copy of the Zoning Map shall be adopted and approved with the text as part of this Ordinance and shall bear upon its face the attestation of the President and the Village Clerk and shall be available to the public in the office of the Village Clerk. The Village Board shall cause to be published no later than March 31 of each year a revised zoning map clearly showing the zoning division classification of the municipality for the preceding calendar year. If in any calendar year after the first zoning map is published there are no changes in zoning division classifications, no zoning map shall be published for such calendar year.

#### **18-3-4 AGRICULTURAL DISTRICT:**

**A. PURPOSE AND RESTRICTION OF DISTRICT:** The Agricultural District is established as a district in which agriculture and certain related uses are encouraged as the principal uses of land. The specific intent is to facilitate the proper use of lands best suited to agriculture through preventing the admixture of urban and rural uses which creates incompatibility and conflict, places unbalanced tax loads on agricultural lands to help pay for urban services, and contributes to the premature termination of agricultural pursuits. This district is also designed to prevent the health hazards brought about by the illogical placements of inappropriately high residential densities in the otherwise open countryside.

#### **B. AGRICULTURAL DISTRICT:**

##### **1. Permitted Uses**

**a.** Agricultural uses, including but not limited to horticulture; forestry; crop and tree farming; gardening; dairy, stock, and poultry farming; and the operation of any machinery or vehicles and other uses customarily incidental thereto; but excluding slaughter houses, fertilizer works, bone yards, plants for the processing of animal skins or hides and plants for the reduction of animal matter.

##### **b. Dwellings, Single-family**

###### **1. Farmsteads**

**2.** Single-family dwellings for families of those residing on and owning the farmsteads.

**c.** Public or private community facilities such as schools, churches, cemeteries, libraries, parks, recreational facilities, hospitals, institutions, and other similar uses.

**d.** Public utility and service uses such as electric substations, telephone transmission structures, radio, television, and microwave relay towers, water reservoirs, or pumping stations, government buildings, transportation facilities, and other similar uses.

**e.** Signs, as permitted in Article 5 of this Ordinance.

**f.** Mobile Homes - Two (2) mobile homes may be maintained by a farm owner or operator living on the land for persons not engaged in agricultural pursuits as defined by the Ordinance providing:

**1.** The mobile home is occupied by a relative standing in the relation of son, daughter, son-in-law, daughter-in-law, aunt, uncle, niece, nephew, father, mother, brother, sister, grandchild, or grandparent of said owner or tenant or his wife;

**2.** The mobile home is located in close proximity to the farmstead occupied by said owner or tenant; and

**3.** Adequate provision is made for modern running water and sewage facilities.

**g.** One mobile home may be located on a lot while the owner is building a house providing:

**1.** The lot size and setback lines meet the requirements of the general provisions of this Ordinance;

**2.** The permit for such mobile home shall be issued for only one year, and renewable each year for no more than two successive years;

**3.** Reasonable and diligent effort is being made to construct a house;

**4.** At any time the Enforcing Officer determines that reasonable and diligent effort is not being made, he shall revoke the permit; and

**5.** Adequate provision is made for modern running water and sewage facilities.

**2. Accessory uses, including the following:**

**a.** Professional home occupations in a single-family dwelling, provided that such use is incidental to the main use as a dwelling and further provided that such use is limited to a person actually residing in the dwelling.

**b.** Living quarters such as tenant house, apartment, or room for persons employed on the premises and not rented or otherwise used as a separate dwelling.

**c.** Barns and other bona fide farm buildings.

**d.** Private garages and private greenhouses.

**e.** Private stable which is incidental to an existing principal use which provides shelter for not more than three (3) horses for the exclusive use of the occupants of the premises and not less than fifty (50) feet from any property line.

**f.** Roadside stands, offering for sale agricultural or other products grown or produced on the premises upon which the stand is located, provided said stand is located at least twenty-five (25) feet from the front property line, and off-street parking is provided in accordance with Article 4 of this Ordinance.

**g.** Off-street parking and loading as regulated in Article 4 of this Ordinance.

**3. Special Uses**

**a.** Mobile home parks - Subject to regulations of County Mobile Home Park Ordinance and shall conform to the Planned Development Procedure in Article 6 of this Ordinance.

**b.** Dumps, Sanitary Landfills, and Incinerators - Dumps, sanitary landfills, and incinerators may be permitted upon a finding that said use will not constitute a nuisance because of traffic, noise, odors, smoke, or physical activity, provided that all requirements of this Ordinance are complied with.

**c.** Junk Yards - Any junk yard, scrap yard or salvage yard for which permission is granted under this Section shall at all times be subject to the performance standards established in this Ordinance. All outdoor storage areas shall be screened or fenced with a solid fence at least six (6) feet, but not more than eight (8) feet in height, or enclosed with a dense evergreen growth at least six (6) feet in height. Storage between the street and such fence or screen is expressly prohibited. Maximum height of salvage shall be no greater than one (1) foot below the screened material. Any junk or salvage yard which offers to the public at retail any new or used merchandise shall provide at least two (2) parking spaces per one hundred (100) square feet of retail floor space.

**d.** Landing Strip, Private.

**e.** Kennels.

**f.** Meat Processing Plants.

**g.** Fertilizer Plants.

**h.** Nuclear Waste Disposal.

**i.** Confinement Feeding.

**j.** Bone Yards.

**k.** Plants Processing Animal Skins.

**l.** Grain Dryers - Commercial. (300 minimum from nearest residence other than owner or lessor)

**m.** Extraction of Earth Products.

4. Special Regulations - No building shall be erected within fifty (50) feet of the right-of-way line of any public road or highway, nor within thirty (30) feet, or one (1) foot for each foot of building height, whichever is the greater, of any lot line.

### **18-3-5 RESIDENTIAL DISTRICTS:**

#### **A. PURPOSE:**

The Residential District regulations are intended to govern the location, intensity, and method of development of the residential areas of Tiskilwa. The regulations of each district are designed to provide for the protection of existing residential areas and to provide for new residential growth in accord with the design and density objectives of the community. The residential uses have been grouped into the following three residential districts:

#### **B. DESCRIPTION OF DISTRICTS:**

1. R-1 Single-family Residential District - This district is the most restrictive of the residential districts and is composed of certain quiet, low-density residential areas of the village plus certain open areas where similar residential development appears likely to occur. It is the intent of this district to provide for an environment of predominantly low-density single unit dwellings plus certain additional uses such as schools, parks, and certain public facilities which serve the residents living in the district. All commercial activities including room renting or other home occupations are prohibited.

2. R-2 Single-family Residential District - This district provides for the protection of certain older areas of the community developed principally for single-family uses. The purpose of this district is to stabilize and preserve the residential character of existing areas. Uses permitted in the R-2 District are generally the same as those permitted in the R-1 District (with the exception of home occupations which are excluded from R-1), but bulk regulations permit higher densities in conformity with existing conditions.

3. R-3 General Residential District - This district is composed of certain medium-density residential areas representing a compatible co-mingling of single-family, two-family and multi-family dwellings, including certain open areas where similar residential development appears likely to occur. It is the intent of this district to provide for an environment of medium-density dwellings plus certain additional uses such as schools, parks, churches, and certain public facilities which serve the residents living in the district. Large apartments, with corresponding proportions of open space, also may be developed under prescribed standards of density and open space. In addition to large areas allocated for this district, it has useful application as a buffer or transition zone along major streets and bordering shopping centers.

#### **C. R1 AND R2 SINGLE-FAMILY RESIDENTIAL DISTRICTS:**

1. Permitted Uses - Single-family dwellings; home occupations in R2 only, signs, accessory uses.

2. Special Uses - Mortuaries and nonprofit public or private community facilities such as schools, churches, cemeteries, libraries, parks, recreational facilities, hospitals, institutions and other similar uses. Single-family dwellings existing on the effective date of this Ordinance may be converted to two-family dwellings. Also see Article 6 of this Ordinance.

3. Special Regulations - Minimum parking stall width shall be ten (10) feet. Garages shall cover no more than thirty (30) percent of the combined area of rear and side yards. Required parking stalls in R1 districts shall be located behind the front building line. See Article 4.

#### **4. Bulk Requirement**

R1

##### **a. Lot**

- 1) Minimum Area - 9,000 sq. ft.
- 2) Minimum Width at Building Line - 75 feet

##### **b. Minimum Yards**

1. Front - 30 feet
2. Rear - 40 feet
3. Side - One side 10 per cent or 10 feet whichever is greater; other side 10 percent of lot width at building line

##### **c. Building**

1. Maximum Ground Coverage - 30% of lot area
2. Minimum Total Living Area - 1,200 sq. ft.
3. Maximum Height - 35 feet

R2

##### **a. Lot**

1. Minimum Area - 6,000 sq. ft.
2. Minimum Width at Building Line - 60 feet

##### **b. Minimum Yards**

1. Front - 25 feet
2. Rear - 30 feet
3. Side - One side 10 per cent or 10 feet whichever is greater; other side 10 percent of lot width at building line

##### **c. Building**

1. Maximum Ground Coverage - 35% of lot area
2. Minimum Total Living Area - 900 sq. ft.
3. Maximum Height - 35 feet

#### **D. R3 GENERAL RESIDENTIAL DISTRICT:**

**1. Permitted Uses** - Single-family, two-family, and multifamily dwellings with three or more dwelling units - Single-family and two-family dwellings shall conform to R2 requirements per family dwelling unit, signs, accessory uses.

**2. Special Uses** - Mortuaries and nonprofit public or private community facilities such as schools, churches, or cemeteries, libraries, parks, recreational facilities, hospitals, institutions, etc. Also see Article 6 of this Ordinance.

**3. Special Regulations - Parking** - Of the parking stalls required by Article 4, at least one for each dwelling unit shall be enclosed on three sides located at least five feet from all lot lines. Each parking stall shall be ten feet wide.

##### **4. Bulk Requirements - Multifamily dwellings**

##### **a. Lot**

1. Minimum Area - 15,000 sq. ft.
2. Minimum Width at Building Line - 80 feet

##### **b. Minimum Yards**

1. Front - 25 feet
2. Rear - 30 feet
3. Side - 12 feet

Side yard width shall be increased one (1) foot over those specified above for each two (2) feet of building height over thirty-five (35) feet.

**c. Building**

1. Maximum Ground Coverage 50% of lot area
2. Minimum Total Living Area Per Dwelling Unit
  - Efficiency - 500 sq. ft.
  - 1 bedroom apartment - 650 sq. ft.
  - 2 bedroom apartment - 850 sq. ft.
  - Each additional bedroom - 160 sq. ft.

3. Maximum Height - 55 feet

4. Elevator Required for all Buildings Over three (3) floors in height

**d. Density** - Maximum of 15 dwelling units or 30 bedrooms per acre. Proportionately less for fractional acres. In the case of a fractional unit, the next lower whole number to be used.

**5. Maximum Hard Surfaced Area** - The combined ground area of principal building and accessory uses (including walks, driveways and parking stalls) shall not exceed 75 per cent of the lot area.

**6. Plat Requirements** - All developments proposed in the R3 districts containing more than three (3) dwelling units shall be subject to design review by the Plan Commission and Village Board. Portions of the Planned Development Procedure shall be used as follows:

**a.** Preliminary and final plats shall be required according to the Planned-Development Procedure except that the Plan Commission may waive the preliminary plat in areas already subdivided and served with streets and all required improvements. In this case the approved final plat shall replace the final plat recorded earlier at the time of subdivision.

**b.** Site design flexibility and originality shall be encouraged within the limitations of the use and dimensional standards cited for this district. Preliminary and final plats shall conform to the standards for this district and any applicable comprehensive plan elements.

**c.** The recorded final plat shall provide continuing control over the completed development as specified in the Planned-Development Procedure.

**18-3-6 BUSINESS DISTRICTS:**

**A. PURPOSE:**

The Business District regulations are intended to govern the location, intensity, and method of development of the business and commercial uses needed to serve the citizens of Tiskilwa and its trade area. The regulations of each district are designed to provide for groupings of business and commercial uses that are compatible in scope of services and method of operations. All business uses are contained in the following two business district classifications:

**B. DESCRIPTION OF DISTRICTS :**

**1. B-1 Business District** - The B-1 Business District is intended to provide areas to be used by retail or service establishments to supply convenience goods or personal services for the daily needs of

the residents living in adjacent residential neighborhoods. The district is designed to encourage shopping centers with planned off-street parking and loading and provide for existing individual or small groups of local stores. This district is normally located on primary or secondary thoroughfares, is relatively small in size, and has bulk standards comparable to the bulk standards for low-density residential districts.

**2. B-2 Business District** - The B-2 Business District is intended to provide areas to be used as the primary shopping area for the local area and other nearby communities, transients, and for the shopping area for occupants of various business and industrial establishments. The district permits most all types of business and commercial enterprises, offices, and service establishments. This district is normally centrally located with respect to the shopping service area and located at the convergence or along the major thoroughfares of the community.

**3. B-3 Professional Services District** - The B-3 Professional Services District is intended to provide land and structures used primarily to provide office space for services to local residents. This district is characterized by large homes suitable for use as offices or parcels of land economically desirable for the construction of new office facilities. The uses permitted are characterized by a low volume of traffic and limited outdoor advertising so as to protect the abutting and surrounding residential districts. This district is normally small in size and is often located as a buffer between residential and commercial areas.

#### **C. B-1 BUSINESS DISTRICT:**

##### **1. Permitted Uses**

**a. Retail Sales.** Processing of products is permitted only if all products are sold at retail on the premises.

**b. Consumer Services.** Processing is permitted only if all such processing is performed as a consumer service for customers served on the premises.

**c. Professional, business and government offices.**

**d. Signs.**

**e. Accessory uses** including off-street parking and loading as regulated in Article 4.

##### **2. Special Uses**

**a. Community facilities** such as churches, libraries, art galleries, parks, hospitals, institutions, and places of public assembly.

**b. Hotels and motels**, including restaurants and meeting rooms.

**c. See 18-6-2** for additional special uses.

##### **3. Special Regulations**

**a. All sales, services, processing, and display** shall take place within a completely enclosed building.

**b. All uses of a drive-in type** are expressly prohibited such as drive-in theaters, restaurants, service stations, and other similar uses.

**c. Screening** shall be provided at lot boundaries abutting a residential zoning district and may consist of solid fencing, or dense hedge or shrub to a minimum of six (6) feet in height.

#### **D. B-2 BUSINESS DISTRICT:**

##### **1. Permitted Uses**

**a. Retail Sales.** Processing of product is permitted only if all products are sold at retail on the premises.

**b. Consumer Services.** Processing is permitted only if all such processing is performed as a consumer service for customers served on the premises.

**c. Professional, business, and government offices.**

**d. Wholesale sales, excluding warehouse storage.**

**e. Accessory Uses.**

**f. Signs.**

## **2. Special Uses**

**a. Community facilities** such as churches, libraries, art galleries, parks, hospitals, institutions, and places of public assembly.

**b. Hotels and motels, including restaurants and meeting rooms.**

**c. See 18-6-2 for additional special uses.**

## **3. Special Regulations**

**a. Sales, services, processing, and display** may take place outdoors. However, junk yards are not permitted.

**b. All activities involving the production, processing, cleaning, servicing, testing, or repair of materials, goods, or products** shall conform with the performance standards in Article 8 of this Ordinance.

**c. Storage, auxiliary to the principal use, is permitted in the open, if such storage activities occupy no more than 20 percent of this gross lot area.**

**d. Screening** shall be provided at lot boundaries abutting a residential zoning district and may consist of solid fencing, or dense hedge or shrub to a minimum of six feet in height.

## **E. B-3 PROFESSIONAL SERVICES DISTRICT:**

### **1. Permitted Uses**

**a. Medical clinics.**

**b. Law, finance, real estate, and insurance offices.**

**c. Funeral homes.**

**d. Accessory uses.**

**e. Signs.**

### **2. Special Uses**

**a. Community facilities** such as churches, libraries, art galleries, parks, hospitals, institutions, and places of public assembly.

**b. See 18-6-2 for additional special uses.**

### **3. Bulk Requirements**

**a. Minimum Yards**

**1. Front - 25 feet.**

**2. Side - 10 feet.**

**3. Rear - 30 feet.**

**b. Building**



1. Maximum Ground Coverage - 50% of lot area.
2. Maximum Height - 35 feet or 2 1/2 stories, whichever is less.

#### 4. Special Regulations

- a. All services rendered shall take place in a completely enclosed building.
- b. Off-street parking and loading shall be subject to the provisions of Chapter 4.

### **18-3-7 MANUFACTURING DISTRICTS:**

#### **A. PURPOSE:**

The Manufacturing District regulations are intended to govern the location, intensity, and method of development of the industrial areas of Tiskilwa. The regulations are designed to provide for the grouping together of industries that are compatible to one another and that are not objectionable to the community as a whole. The regulations preserve lands for industrial and allied uses and prohibit the intrusion of residential and other non-compatible uses into the industrial area. The performance of the industrial uses is regulated by establishing standards for the external effects of noise, smoke, vibration, and other potential nuisances.

#### **B. DESCRIPTION OF DISTRICTS:**

1. M-1 Manufacturing District - This manufacturing district is intended to provide lands for development by industrial firms that have high standards of performance and that can locate in close proximity to residential and business uses and have few, if any, adverse effects on neighboring properties. Development is characterized by low land coverage and confines manufacturing operations to enclosed structures.

2. M-2 Manufacturing District - This manufacturing district is intended to provide areas for manufacturing, non-retail commercial research facilities and offices having few, if any, adverse effects on neighboring properties. Development is characterized by moderately low land coverage and confines manufacturing and fabrication operations to enclosed buildings and permits controlled outdoor storage.

3. M-3 Manufacturing District - This manufacturing district is intended to provide areas for manufacturing or service facilities whose principal use requires intensive use of outdoor storage.

#### **C. M-1 MANUFACTURING DISTRICT:**

##### **1. Permitted Uses**

- a. Manufacturing and assembling processes.
- b. Non-retail commercial, excepting trucking terminals.
- c. Office and research facilities.
- d. See Chapter 8 for exceptions.
- e. Accessory uses.
- f. Signs.

##### **2. Special Uses**

a. Service facilities clearly for the convenience of persons and firms in the industrial district, including, for example, restaurants, service stations, banks, recreational facilities, industrial service businesses, and similar service facilities. Also see Chapter 6.

**b. Trucking terminals.**

**3. Special Regulations** - All processing and storage shall take place within completely enclosed buildings. See Chapter 8 for applicable performance standards.

**4. Bulk Requirements**

**a. Lot**

**1. Minimum Width at Front Building Line** - 150 feet.

**b. Minimum Yards**

**1. Front** - 60 feet

**2. Rear** - 30 feet.

**3. Side** - 20 feet.

**4. When any manufacturing development adjoins a residential district the minimum yards shall be as follows:**

Front - 110 Feet

Rear - 60 Feet

Side- 40 Feet

**c. Building**

**1. Maximum Ground Coverage** - 40% of lot area.

**2. Maximum Height** - 30 feet.

**D. M-2 MANUFACTURING DISTRICT:**

**1. Permitted uses**

**a. Manufacturing and assembling processes.**

**b. Non-retail commercial, excepting trucking terminals.**

**c. Office and research facilities.**

**d. Accessory uses.**

**e. Signs.**

**2. Special Uses**

**a. See Chapter 6 for additional special uses.**

**b. Trucking terminals.**

**3. Special Regulations**

**a. Fabrication and manufacture of products and services shall be conducted within enclosed buildings.**

**b. Outdoor storage of materials or equipment is permitted provided the area is screened by fencing forming a visual barrier and the storage area is no larger than ten percent of the lot size or 20 percent of the building size, whichever is greater. The fence height and material to be approved by the Plan Commission.**

**c. Fencing used to screen outdoor storage shall be constructed of masonry, metal, wood or a composite thereof, and if constructed of wood or metal shall be painted a uniform color.**

**4. Bulk Requirements**

**a. Lot**

**1. Minimum Width at Front Building Line** - 180 feet.

**b. Minimum Yards**

1. Front - 35 feet.
2. Rear - 30 feet.
3. Side - 20 feet.

4. When any manufacturing development adjoins a residential district the minimum yards shall be as follows:

- Front - 70 feet
- Rear - 60 feet
- Side - 30 feet

**c. Building**

1. Maximum Lot Coverage - 50% of lot area.
2. Maximum Height - 30 feet.

**E. M-3 MANUFACTURING DISTRICT:**

**1. Permitted Uses**

- a. Manufacturing and assembling processes.
- b. Non-retail commercial.
- c. Office and research facilities.
- d. Open storage yards, including but not limited to, storage of heavy equipment, bulk building materials, and bulk petroleum.
- e. Accessory uses.
- f. Signs.

**2. Special Uses**

- a. See Chapter 6 for additional special uses.

**3. Special Regulations**

a. Outdoor storage of materials or equipment is permitted provided the area is screened by fencing forming a visual barrier. The fence height and material to be approved by the Plan Commission.

b. Outdoor storage area shall cover no more than eighty (80) percent of the lot area. Fencing may be located on side and rear lot lines, but shall not enclose the required front yard in this district.

c. Fencing used to screen outdoor storage shall be constructed of masonry, metal, wood or a composite thereof, and if constructed of wood or metal shall be painted a uniform color.

**4. Bulk Requirements**

**a. Lot**

1. Minimum Width at Front Building Line - 200 feet.

**b. Minimum Yards**

1. Front - 25 feet
2. Rear - None Required.
3. Side - None Required.

4. When any manufacturing development adjoins a residential district the minimum yards shall be as follows:

- Front - 70 feet
- Rear - 60 feet
- Side - 30 feet

**c . Buildings**

- 1. Maximum Lot Coverage - 50% of lot area.**
- 2. Maximum Height - 30 feet.**

## CHAPTER 4

### TRAFFIC, PARKING, AND ACCESS

	Section
Traffic Visibility .....	18-4-1
Loading Requirements .....	18-4-2
Parking Requirements .....	18-4-3
Driveways .....	18-4-4
Highway Access .....	18-4-5

#### 18-4-1 TRAFFIC VISIBILITY:

No obstruction such as structures, parking, or vegetation, shall be permitted in any district between the heights of two and one-half (2 1/2) feet and ten (10) feet above the plane through the mean curb-grades within the triangular space formed by any two existing or proposed intersecting street or alley right-of-way lines and a line joining points on such lines located a minimum of fifteen (15) feet from their intersection. In the case of arterial streets intersecting with other arterial streets or railways, the corner cutoff distances establishing the triangular vision clearance space shall be increased to fifty (50) feet.

#### 18-4-2 LOADING REQUIREMENTS:

In all districts adequate loading areas shall be provided so that all vehicles loading, maneuvering, or unloading are completely off the public ways and so that all vehicles do not back onto any public way.

#### 18-4-3 PARKING REQUIREMENTS:

In all districts and in connection with every use, there shall be provided at the time any use or building is erected, enlarged, extended, or increased, off-street parking stalls for all vehicles in accordance with the following:

**A. Access** - Adequate access to a public street shall be provided for each parking space, and driveways shall be at least ten (10) feet wide for one- and two-family dwellings and a minimum of twenty-four (24) feet for all other uses; excepting twelve (12) feet may be adequate for one-way driveways.

**B. Size** - Size of each parking space shall not be less than one hundred and eighty (180) square feet exclusive of the space required for ingress and egress.

**C. Location** - Location to be on the same lot as the principal use or not over four hundred (400) feet from the principal use. No parking stall or driveway except in residential districts shall be closer than ten (10) feet to a residential lot line or a street line opposite a residential district.

**D. Surfacing** - All off-street parking areas shall be graded and surfaced so as to be dust-free and properly drained. Any parking area for more than five (5) vehicles shall have the aisles and spaces clearly marked.

**E. Curbs or Barriers** - Curbs or barriers shall be installed so as to prevent the parked vehicles from extending over any lot lines.

**F. Lighting** - Any lighting used to illuminate off-street parking areas should be directed away from residential properties in such a way as no commercial illumination shall fall upon any area more than three (3) feet beyond the lot line where the source of light is located excepting that ten (10) feet beyond the lot line is permitted on street frontages.

**G. Number of Parking Stalls Required**

1. Single family dwellings and mobile homes - 2 stalls for each dwelling unit
2. Multi-family dwellings - 1.5 stalls for each dwelling unit
3. Hotels and motels - 1 stall for each guest room plus 1 stall for each 100 sq. ft. of retail sales or dining area
4. Hospitals, clubs, lodges, sororities, dormitories, lodging, and boarding houses - 1 stall for each 3 beds plus 1 stall for each 3 employees
5. Sanitariums, institutions, rest and nursing homes - 1 stall for each 3 beds plus 1 stall for each 3 employees
6. Medical and dental clinics - 1 stall for each 300 sq. ft. of floor area
7. Churches, theaters, auditoriums, community centers, vocational and night schools, and other places of public assembly - 1 stall for each 5 seats
8. Educational facilities:
  - College -1 for each 6 students
  - Secondary -1 for each 7 students
  - Elementary -1 for each full-time employee
9. Restaurants, bars, places of entertainment, repair shops, retail and repair shops, retail and service stores
  - 1 stall for each 100 sq. ft. of floor area
10. Manufacturing and processing plants, laboratories, and warehouses - 1 stall for each 3 employees or 1 stall for each 900 sq. ft., whichever is greater
11. Financial institutions, business, governmental, and professional offices - 1 stall for each 300 sq. ft. of floor area
12. Funeral homes - 1 stall for each 100 sq. ft. of floor area
13. Bowling lanes - 5 stalls for each lane
14. Automobile laundries - 1 stall for each 2 employees plus 1 vehicle storage space for each 100 sq. ft. of building
15. Uses not listed: In the case of structures or uses not mentioned the provision for a use which is similar shall apply. The Zoning Board of Appeals shall interpret the number of parking stalls required for each individual use.

**H. Off Street Parking Exemption** - All uses and structures conforming to the zoning established prior to the adoption of this Ordinance will not be required to meet full compliance with respect to parking requirements contained in this Ordinance excepting that any new extensions in building area or lot area will be required to meet the parking standards contained in this Ordinance.

**18-4-4 DRIVEWAYS:**

All driveways installed, altered, changed, replaced, or extended after the effective date of this Ordinance shall meet the following requirements:

A. Openings for vehicular ingress and egress shall not exceed twenty-four (24) feet at the right-of-way line for residential uses and thirty-five (35) feet at the right-of-way line for non-residential uses.

**18-4-5 HIGHWAY ACCESS:**

A. No direct private access shall be permitted to the existing or proposed rights-of-way of: expressways, nor to any controlled access arterial street without permission of the highway agency that has control jurisdiction and of the Plan Commission and Village Board.

B. No direct public or private access shall be permitted to the existing or proposed rights-of-way of the following:

1. Freeways, Interstate Highways, and their interchanges or turning lanes nor to intersecting or interchanging streets within fifteen hundred (1,500) feet of the most remote end of the taper of the turning lanes.\* \*Standards of State of Illinois Division of Highways.

2. Streets intersecting another arterial street within fifty (50) feet of the intersection of the right-of-way lines.

3. Access barriers, such as curbing, fencing, ditching, landscaping, or other topographic barriers, shall be erected to prevent unauthorized vehicular ingress or egress to the above specified streets or highways.

4. Temporary Access to the above rights-of-way may be granted by the Plan Commission after review and recommendation by the highway agencies having jurisdiction. Such access permit shall be temporary, revocable, and subject to any conditions required and shall be issued for a period not to exceed twelve (12) months.

## CHAPTER 5

### SIGNS

	Section
Purpose .....	18-5-1
Permit .....	18-5-2
Applicability of Sign Regulations to Specific Uses and Districts .....	18-5-3
General Sign Regulations .....	18-5-4
Agricultural District Sign Regulations .....	18-5-5
Residential District Sign Regulations .....	18-5-6
Business District Sign Regulations .....	18-5-7
Manufacturing District Sign Regulations .....	18-5-8

#### **18-5-1 PURPOSE:**

There is a significant relationship between the standards used in displaying signs and public safety, and the value and economic stability of adjoining property. The reasonable display of signs is necessary as a public service and to the conduct of competitive commerce and industry. The regulations in this Chapter establish minimum standards for the display of signs in direct relationship to the functional use of property and to the intensity of development as permitted within the zoning districts which are provided in this Ordinance.

#### **18-5-2 PERMIT:**

All signs, except those permitted in 18-5-6 A. 1. - (a through d) shall not be erected until an improvement location permit is issued by the Zoning Enforcement Officer.

#### **18-5-3 APPLICABILITY OF SIGN REGULATIONS TO SPECIFIC USES AND DISTRICTS:**

**A.** In this Ordinance signs are grouped according to their function into the following classifications: (see definitions)

1. Identification signs
2. Business signs
3. Advertising signs
4. Special signs and advertising devices

**B.** Within the above classification, Identification Signs are further classified in this Ordinance by the principal use of the lot on which they are located and all other signs are further classified by specified types.

**C.** No sign shall be permitted on a lot unless:

1. The classification of the sign is enumerated as a permitted or special use regulated by the provisions of this Chapter.
2. The sign is erected, constructed, and displayed in conformance with the provisions of this Chapter and other applicable provisions of this Ordinance.
3. Written authorization to erect the sign has been received from the property owner or his agent.



#### **18-5-4 GENERAL SIGN REGULATIONS:**

##### **A. Location, Height, and Area**

1. No sign or sign structure other than official highway markers shall be placed upon any street or highway right-of-way.

2. Sign structures or columns shall be set back a minimum of ten (10) feet from the right-of-way line except as otherwise provided in this Ordinance.

3. Any on-premise sign or sign structure located on a lot adjoining a residential district shall be set back so as to conform with the side, rear, and front yard setback requirements of such residential district and a sign facing the side or rear lot line of an adjoining residential district shall not be located within fifty (50) feet of such side or rear lot line.

4. Signs affixed to a building wall shall not project more than six (6) feet above the roof or parapet line.

5. On corner lots where Business Signs are permitted the maximum gross surface area of signs permitted may be applied to each street frontage.

##### **B. Illumination and Motion**

1. No rotating beam, beacon or flashing illumination resembling an emergency light shall be used in connection with any sign display.

2. Where reflecting, radiating, or other illumination of signs is permitted:

a. Light shall not be projected toward or onto properties located in a residential district and intrinsic brightness shall not exceed fifty (50) foot candles per square foot or ten (10) foot candles per square foot, if visible from a residential district, measured at the residential district line. b. Such illumination shall be extinguished between the close of business and 7:00 a.m.

##### **C. Development Standards**

###### **1. Identification Signs**

a. One (1) identification sign shall be permitted on a lot; two (2) signs, one (1) facing each street, shall be permitted on a corner lot.

b. For unified or planned developments under single ownership or control, including such things as a shopping center, an industrial park and housing clusters, one (1) additional sign may be erected facing each street.

###### **2. Business Signs, Marquees, Canopies, and Awnings**

a. Signs located on a marquee or canopy shall be affixed flat to the surface thereof and further, no such sign shall extend vertically or horizontally beyond the limits of said marquee or canopy except that individual free-standing letters may project to a height not to exceed twenty-four (24) inches above same.

b. Sign or signs located on awnings shall be affixed flat to the surface thereof and shall indicate only the name and address of the establishment on the premises. Further, no such sign shall exceed vertically or horizontally beyond the limits of said awning.

c. Where permitted, projecting business signs, marquees, canopies, and awnings shall have a minimum clearance of eight (8) feet measured from the sidewalk grade.

###### **3. Advertising Signs**

a. Where permitted each advertising sign structure shall contain not more than two (2) display surfaces and have a total length and height of not more than such dimension necessary to secure two (2) standardized poster panel display surfaces fifteen

(15) feet by twenty-five (25) feet or a standardized painted bulletin display surface fifteen (15) feet by fifty-five (55) feet.

**b.** Where permitted each advertising sign shall be located not closer to the abutting street or highway than the minimum setback requirements of the prevailing district.

**c.** No advertising sign shall be located within 150 feet of an agricultural or residential district boundary line, unless otherwise provided.

**d.** Roof signs are not permitted, except that signs on a roof surface which are normally required for aviation direction or safety are permitted.

#### **4. Special Signs and Advertising Devices**

**a.** Temporary signs announcing the construction of new developments, remodeling or rebuilding, sale, lease or rental shall be permitted providing that they comply with the regulations of this Ordinance.

**b.** Temporary or new development signs permitted under the provisions of this Chapter shall be removed within six (6) months following the first occupancy in the development or within one (1) year after securing a permit from the County Enforcing Officer, whichever is sooner.

**c.** A sign whereon the time and/or temperature is indicated by intermittent lighting shall not be deemed to be a flashing sign if the lighting changes are limited to the numerals indicating the time and/or temperature and are not more frequent than every ten (10) seconds.

**d.** Special event posters, including flags, pennants or bunting shall not be permitted out-of-doors except by permit. Permit for such display shall be issued by the Zoning Enforcement Officer for a period not to exceed thirty (30) days.

#### **D. Sign Design, Safety and Maintenance**

**1.** All signs and sign structures shall be designed and constructed to withstand wind pressure of not less than thirty (30) pounds per square foot.

**2.** All signs shall be maintained in a structurally sound, clean and sanitary condition. Signs which are no longer functional, or are abandoned, shall be removed, or relocated, in compliance with the non-conforming provisions of this Ordinance. (18-7-2 A.)

**3.** No sign shall be erected or maintained so as to prevent free ingress to or egress from any door, window or fire escape. No sign of any kind shall be attached to a standpipe for fire escape.

**4.** Signs or sign structures shall not be erected at locations where they may interfere with, obstruct the view of, or be confused with vehicular traffic signs, signals, or devices; or in such a manner as to obstruct materially the clear view of the intersection of a street or highway with a railroad grade crossing.

#### **18-5-5 AGRICULTURAL DISTRICT SIGN REGULATIONS:**

Unless otherwise provided in the regulations of this Ordinance the following provisions shall apply to the A zoning district.

##### **A. Permitted non-flashing, non-illuminated signs.**

###### **1. Nameplate and identification signs.**

**a. Agricultural Use (area, content and location)** For agricultural uses there shall be not more than one (1) nameplate, not exceeding six (6) square feet in area, for each principal farm dwelling, indicating the name of the occupant and specialized agricultural activities. On a corner lot two (2) such nameplates, one (1) facing each street shall be permitted. Signs required for crop identification during growing seasons shall also be permitted.

**b. Non-Agricultural Use (area, content, and location)** For non-agricultural uses a single identification sign, not exceeding sixteen (16) square feet in area and indicating only the name and address of the building, may be displayed. On a corner lot two (2) such signs, one (1) facing each street, shall be permitted.

**c. Projection:** No sign shall be nearer than fifteen (15) feet from a lot line adjoining a street.

**d. Height:** No sign shall project higher than fifteen (15) feet above grade at the near edge of the roadway pavement.

## **2. "For Sale" and "For Rent" Signs**

**a. Area, Location, and Number** - No sign shall exceed thirty-two (32) square feet in area and there shall be not more than one (1) such sign per lot -- except that on a corner lot two (2) signs, one facing each street, shall be permitted.

**b. Projection:** No sign shall project beyond the property line into the public right-of-way.

**c. Height:** No sign shall project higher than fifteen (15) feet above grade at the near edge of the roadway pavement.

## **3. Business Signs Accessory to Roadside Stands**

**a. Content** - The signs shall be only for the purpose of identification of the roadside stand and advertising the agricultural products for sale therein.

**b. Area and Number** - No sign shall exceed twelve (12) square feet in area. The signs shall be on the same lot as the roadside stand, and there shall be not more than two (2) signs per lot.

**c. Projection:** No sign shall be nearer than fifteen (15) feet from a lot line.

**d. Height:** No sign shall project higher than fifteen (15) feet above grade at the near edge of the roadway pavement.

## **B. Permitted Non-Flashing, Illuminated Signs**

### **1. Bulletin Signs - Public or private community facilities**

**a. Area and Number:** There shall be not more than one (1) sign per lot, except that on a corner lot, two (2) signs -- one (1) facing each street -- shall be permitted. No sign shall exceed sixteen (16) square feet in area nor be closer than eight (8) feet from any other lot.

**b. Projection:** No sign shall be nearer than fifteen (15) feet from a lot line adjoining a street.

**c. Height:** No sign shall project higher than fifteen (15) feet above the grade at the near edge of the roadway pavement.

**2. Business Signs** - Business signs shall be permitted accessory to those special uses listed in the agricultural district. Such business signs shall conform to the sign standards of the B1 and B2 districts.

**3. Advertising Signs** - Advertising signs shall be permitted on tracts of land where the principal use is the pursuit of agriculture, provided such signs may be illuminated with

non-flashing illumination but with no moving parts and shall also conform with the other Village Codes or Ordinances, Illinois Statutes, and other regulations set forth as follows:

**a.** One (1) advertising sign shall be permitted on a tract of land under single ownership or control having 1,000 lineal feet or less of frontage on a County, State or Federal highway, and not more than one (1) additional advertising sign shall be permitted for each additional 1,000 lineal feet of highway frontage, provided that not more than two (2) sign structures are joined together and there is an interval of at least 1,000 feet between a single-sign or double-sign structure facing in the same direction regardless of the side of the highway on a tract of land where more than one (1) sign structure is permitted.

**b.** Each advertising sign structure shall contain not more than two (2) display surfaces and have a total length and height of not more than such dimension necessary to secure two (2) standardized poster panel display surfaces fifteen (15) feet by twenty-five (25) feet or a standardized painted bulletin display surface fifteen (15) feet by fifty-five (55) feet. Location of advertising signs shall be in accordance with the following:

- 1.** Not less than fifty (50) feet from a property line abutting a highway or side street.
- 2.** Not less than one hundred and fifty (150) feet from the nearest wall of a residence or institutional building located in this district.
- 3.** No advertising sign shall be located within one hundred and fifty (150) feet of the nearest wall of a residence.
- 4.** For a sign display surface that can be viewed from a lot in a business or commercial district containing a residential or institutional use, not less than one hundred (100) feet from the nearest lot line of such a lot.

#### **18-5-6 RESIDENTIAL DISTRICT SIGN REGULATIONS:**

Unless otherwise provided in the regulations of this Ordinance, the following provisions shall apply to all R1, R2, and R3 districts.

##### **A. Permitted Non-Flashing, Illuminated Signs**

###### **1. Nameplate and Identification Signs**

**a.** Area and Number - For single-family and two-family dwellings -- one (1) nameplate, not exceeding one (1) square foot in area for each dwelling unit. For buildings other than single-family and two-family dwellings -- one (1) nameplate not to exceed thirty (30) square feet in area.

**b.** Location and Height - Such name plates may be affixed flat against the building, but not higher than ten (10) feet above average ground grade at the building walls or may also be located in a yard adjoining a street, provided they are not nearer to the street than one-half of the depth of the yard, and do not exceed four (4) feet in height.

**c.** Illumination - Nameplates may be illuminated by non-flashing direct or indirect illumination from a source of artificial lighting customarily accessory to residential uses.

**d.** Non-residential uses -- One (1) identification sign affixed flat against a building wall and one (1) ground sign which in both cases may be illuminated by non-flashing direct or indirect illumination arranged in a manner that direct rays of light

are not beamed onto adjoining lots and streets, shall be permitted facing each street. Each sign shall contain not more than 0.1 square foot per linear foot of lot width and the top of the sign shall not project higher than fifteen (15) feet above grade for ground signs or more than ten (10) feet above floor grade at entrance doorways when affixed to the wall of a building. Ground signs shall not be located nearer than twenty (20) feet from the nearest interior lot line and not less than one-half the depth of the required yard from the nearest lot line adjoining a street.

e. Subdivision Identification - For entrances to subdivisions -- one (1) identification sign not exceeding fifty (50) square feet in area, and located on private property. Such signs may be illuminated by non-flashing direct or indirect illumination arranged in such a manner that direct rays of light are not beamed onto adjoining streets.

2. "For Sale" and "For Rent" Signs - "For Sale" and "For Rent" Signs pertaining to the sale or rental of property on which they are located -- not more than one (1) non-illuminated sign on a lot, except on a corner lot, one (1) such sign facing each street shall be permitted. Each sign shall not exceed six (6) square feet in area for a residential use, nor be more than twelve (12) square feet in area for a non-residential use. Such signs shall be located not less than eight (8) feet from the nearest lot line.

3. Planned Residential Developments - In a unified or planned development containing more than twelve (12) dwelling units, initially under single ownership or control one (1) sign may be erected along each street frontage of the development. Such a sign may be a ground sign or be attached to a building, and it shall contain not more than one hundred and eighty (180) square feet of gross surface area. Such signs: (1) may be lighted with non-flashing illumination provided direct rays of light are not beamed into adjacent lots or streets; 2. shall not project higher than twenty (20) feet above grade; 3. shall not be located nearer than fifteen (15) feet from a street except they shall not be nearer than fifty (50) feet from the point of intersection of two (2) streets and not nearer than twenty (20) feet from an adjoining lot line; and 4. shall be removed within six (6) months after completion of construction of the development, or nine (9) months after the cessation of sales effort for which the sign was intended -- whichever is sooner. This time may be extended by mutual agreement between the Zoning Administrator and the owner or developer.

## **18-5-7 BUSINESS DISTRICT SIGN REGULATIONS:**

### **A. Sign Regulations in All Business Districts**

1. Permitted Business Signs (On-Premise Signs) - All signs shall restrict subject matter to products, accommodations, services, or activities that are available or occur on the premises.

2. Permitted Identification Signs, Advertising Signs, Special Signs and Advertising Devices - Permitted identification signs, advertising signs, special signs, and advertising devices shall be permitted in all business districts subject to the regulations of this Ordinance.

3. Planned Development - In a planned development initially under single ownership or control, one (1) ground sign facing each street which identifies the name and address of the business complex and a bulletin area for advertising special features may be erected in addition to the sign affixed to the building walls. Such signs shall not be located nearer than ten (10) feet from a street, except they shall not be nearer than fifty (50) feet from the point of intersection of two streets and not nearer than one hundred (100) feet from an adjoining lot line.

### **B. Sign Regulations in B1 and B3 Business Districts**

**1. Area** - The maximum gross area of all signs on a lot shall not exceed one hundred (100) square feet or three (3) square feet per lineal foot of building facade, whichever is greater.

**2. Height**

**a.** A ground or pole mounted sign shall not exceed the maximum height limit of structures in the district in which it is located.

**b.** A ground or pole mounted sign when located within fifty (50) feet of the intersection of two (2) or more streets, shall have its lowest level not less than ten (10) feet above grade, and when located within three (3) feet of a driveway it shall have the lowest level not less than twelve (12) feet above grade.

**3. Projection** - In any B1 Business District where buildings are located at the front property line, signs may project provided they extend no more than eight (8) feet beyond the building line nor closer than two (2) feet from the curb line of any street or highway, whichever is less.

**4. Illumination and Motion** - Any sign permitted in this district may be illuminated and contain moving parts; however, no flashing, moving lights or animation shall be permitted.

**5. Special Use** - Advertising signs may be permitted in the rear yard of a structure located only in a B1 District when approved by the Village Board and provided that such signs meet all other requirements of this Ordinance.

**C. Sign Regulations in B2 Business District**

**1. Area**

**a.** The maximum gross area of all signs on a lot in a B2 Business District shall not exceed three hundred (300) square feet or three (3) square feet per lineal foot of building facade facing the street, whichever is greater.

**2. Height**

**a.** A ground or pole mounted sign shall not exceed the maximum height limit of structures in the district in which it is located.

**b.** A ground or pole mounted sign when located within fifty (50) feet of the intersection of two (2) or more streets, shall have its lowest level not less than ten (10) feet above grade, and when located within three (3) feet of a driveway it shall have the lowest level not less than twelve (12) feet above grade.

**3. Projection** - Signs suspended from a building may project up to eight (8) feet beyond the required building line but in no case shall they project closer than two (2) feet from the right-of-way line of any street or highway.

**4. Illumination and Motion** - Any sign permitted in these districts may be illuminated and contain moving parts, however, no sign will be permitted with animated lighting that exceeds a timing sequence in excess of 200 cycles per circuit per minute and no incandescent lighting will be permitted with lamps that exceed 40 watts, except as provided in 18-5-4 B. of this Ordinance.

**5. Spacing for Advertising Signs** - Advertising sign structure may be erected on each street frontage of a lot. Provided, however, that: the full face of the sign can be viewed along the line of travel to which it is exposed for a distance of at least two hundred and fifty (250) feet along the centerline of the frontage street measured from a point opposite the center of the sign and perpendicular to the street's centerline.

**6. Advertising Signs** may be located within one hundred (100) feet of the nearest wall of a residence located in a residential district.

### **18-5-8 MANUFACTURING DISTRICT SIGN REGULATIONS:**

A. Permitted Accessory Business Signs or Advertising Signs - In manufacturing districts, business and advertising signs are permitted with no restrictions except for the following:

1. Area and Number (Industrial Parks) - For industrial parks one (1) additional sign on each street frontage, other than those regulated above, shall be permitted. Such a sign shall advertise only the name and location of such industrial park. It shall be not less than ten (10) feet from any lot line of such industrial park and have a gross surface area of not more than one hundred and sixty (160) square feet.

2. Location and Height

a. Signs shall be located not less than twenty (20) feet from a lot line adjoining a street, and if located within three (3) feet of a sidewalk, driveway or parking area on the lot or adjoining lot, or within fifty (50) feet, or a greater distance if required by Illinois statutes, of the intersection of two (2) or more streets, shall have the lowest elevation at least twelve (12) feet above the curb level, or twelve (12) feet above the highest grade of the sidewalk, driveway, or parking area directly opposite the sign, whichever is the highest grade.

b. Advertising signs may be located within one hundred (100) feet of the nearest wall of a residence located in a residential district.

3. Projection - In any manufacturing district, business and identification signs may project provided they extend no more than eight (8) feet beyond the building line nor beyond the adjoining street right-of-way line.

4. Illumination and Motion - Any sign permitted in these districts may be illuminated and contain moving parts; however, no sign will be permitted with animated lighting that exceeds a timing sequence in excess of 200 cycles per circuit per minute and no incandescent lighting will be permitted with lamps that exceed 40 watts, except as provided in 18-5-4 B. of this Ordinance.

5. Canopies and Awnings - Signs on canopies and awnings shall be exempt from the limitations imposed by this Ordinance on the projection of signs from the face of the wall of any structure, provided that any sign located on the awning shall be affixed flat to the surface thereof and shall indicate only the name and/or address of the establishment. Further, no such sign shall extend horizontally beyond the limits of said awning.

## CHAPTER 6

### SPECIAL USES

	Section
Planned-Development Procedure .....	18-6-1
Special Use Procedure .....	18-6-2

Special Uses are those which require individual review by the Plan Commission and Village Board to ensure conformance with the intent of all comprehensive plan elements. Special uses include two basic categories:

1. Planned-development projects -- complex projects designed to take maximum advantage of unique site characteristics and potentials along with original design and use concepts and submitted for review under the PlannedDevelopment Procedure.
2. Special Uses -- single uses or single aspects of permitted uses specifically identified in the Zoning Ordinance as requiring individual review under the Special Use Procedure.

#### 18-6-1 PLANNED-DEVELOPMENT PROCEDURE:

**A. Intent:** The Planned-Development Procedure is intended to provide a single uniform procedure for total review of a proposed development both design and use. The procedure combines the design-review procedure of subdivision approval and the use-review procedure of zoning amendment and enables the Plan Commission and Village Board to review all aspects of a proposed development simultaneously, to permit greater flexibility, and originality in concept according to the intent of comprehensive plan elements, and still to exercise greater final control over the approved development than is possible through pre regulated zoning districts.

**B. Standards:**

1. Design Standards: Because the design standards for use, dimensions, density, and qualitative attributes are subject to evolution through continuous plan review, they are not included as an integral part of the unchanging planned-development procedure. This Zoning Ordinance refers to the officially adopted policies, detailed area plans, and all other elements of the evolving comprehensive plan for the standards to guide the approval of planned-development projects. A planned-development project may depart from conformance with the dimension, area, and use regulations for the standard zoning districts and from conformance with the design standards in the Subdivision Regulations Ordinance. However, a planned-development project shall conform with all applicable elements of the officially adopted comprehensive plan.

2. Required Improvements: Planned-development projects shall be subject to the regulations governing required improvements found in the Subdivision Regulations Ordinance.

3. Traffic, Parking, and Access: Planned-development projects shall be subject to the regulations for traffic, parking, and access of this Zoning Ordinance.

4. Special Conditions: The Plan Commission and Village Board may attach special conditions to approval of the final plats to ensure conformance with the intent of all official plan elements.

**C. Procedure:**

1. General: A planned-development project may be permitted only by amendment to the Zoning Map according to the amendment procedure found in Chapter 11. For procedural



purposes, a planned-development project shall be treated as a subdivision and the procedure for subdivision approval as set forth in the Subdivision Regulations Ordinance shall be followed in its entirety whether the development shall be in single or divided ownership.

**2. Preliminary Plat:** A preliminary plat of the planned-development project shall be submitted as required by the Subdivision Regulations Ordinance. It is recommended that this submission be preceded by pre-application conferences as recommended by the Subdivision Regulations Ordinance to determine whether the developer's intent agrees with the intent expressed by all comprehensive plan elements. Additional supporting material beyond that required by the Subdivision Regulations Ordinance for the preliminary plat shall include: Explanation of the character of the planned development and the manner in which it has been planned to take advantage of the flexibility of these regulations. Statement of present and proposed ownership of all land within the project. Development schedule indicating: Stages in which project will be built with emphasis on area, density, use and public facilities such as open space to be developed with each stage. Overall design of each stage shall be shown on the plat and through supporting graphic material. Approximate dates for beginning and completion of each stage. Agreements, provisions, or covenants which will govern the use, maintenance and continued protection of planned development and any of its common open space.

**3. Amendment:** The amendment procedure established in Chapter 11 shall be initiated after conditional approval of the preliminary plat by the Plan Commission. Under this procedure the Zoning Map may be amended to designate the location proposed in the preliminary plat as a planned development. This amendment shall be in conformance with all comprehensive plan elements. The planned development shall be valid only for that preliminary plat and supporting material upon which the amendment was based. All supporting material shall remain on file with the preliminary plat.

**4. Final Plats:** If the amendment is approved, final plats shall be prepared for each stage according to the development schedule. The final plat and supporting material shall show in detail the design and use of all buildings and overall land development plans as well as such other information as the Plan Commission may require for the complete consideration of the project in addition to information required by the Subdivision Regulations Ordinance. The final plat shall conform to the preliminary plat and supporting material, except that the Plan Commission and Village Board may approve minor changes without public hearing at this time which do not change the concept or intent of the development. Major changes -- changes in density, height of buildings, reduction of proposed open space, changes in the financing, development schedule, or final governing agreements, provisions, or covenants, or resubdivision -- may be approved only by submission of a new preliminary plat or applicable supporting material followed by the amendment procedure.

**5. Continuing Control:** The planned-development project shall be developed only according to the approved and recorded final plat and all supporting material. The recorded final plat shall be binding on the applicants, their successors, and assigns and shall limit and control the uses of premises and location of structures in the planned development project. Minor changes in the final plat during or after construction shall be accomplished by submission of a new final plat. Major changes during or after construction shall be accomplished by submission of a new preliminary plat followed by the amendment procedure. The Village Board shall consider the

planned-development amendment subject to revocation if construction falls more than one (1) year behind schedule.

**6. Fees and Permits:** The Village Board may establish a schedule of reasonable fees to be charged for plat review. Building permits shall be required for each structure according to Article 9. The Enforcing Officer shall base issuance upon conformance with the final plat and supporting material.

#### **18-6-2 SPECIAL USE PROCEDURE:**

**A. Procedure:** In applying for a conditional use building permit the applicant shall follow all procedures set forth in Article 9 on building permits. The Enforcing Officer shall refer the application to the Plan Commission, and the Plan Commission shall hold a public hearing on the application. The plan Commission shall recommend approval, modification, or disapproval of the application. In the case of approval or approval with modification, the Village Board shall issue written authorization to the Enforcing Officer to issue a building permit in full conformance with Article 9. This authorization shall remain on permanent file with the application. The Village Board may attach special conditions to ensure conformance with the intent of all comprehensive plan elements. The Village Board may establish a schedule of reasonable fees to be charged for special use building permits.

**B. The special use shall:** in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Village Board.

**C. Special Uses in All Districts:** The following are designed as special uses which may be approved in all zoning districts: public utility and service uses such as electric substations, gas regulator stations, telephone transmission structures, radio, TV, and microwave relay towers, water reservoirs, or pumping stations; planned development, government building, and similar uses; also those uses designated in 18-2-2.

**D. Special Uses in Specified Districts:** Other special uses may be approved in only those zoning districts where they are designated as special uses under the zoning district regulations.

## CHAPTER 7

### NONCONFORMING USES, STRUCTURES, AND LOTS

	Section
Existing Nonconforming Uses .....	18-7-1
Abolishment or replacement .....	18-7-2
Existing Nonconforming Structures .....	18-7-3
Changes and Substitutions .....	18-7-4
Substandard Lot .....	18-7-5

#### 18-7-1 EXISTING NONCONFORMING USES:

A. The lawful nonconforming use of a structure, land or water existing at the time of the adoption or amendment of this Ordinance may be continued although the use does not conform with the provisions of this Ordinance, however:

B. Only that portion of the land or water in actual use may be continued and the structure may not be extended, enlarged, reconstructed, substituted, moved, or structurally altered except when required to do so by law or order or so as to comply with the provisions of this Ordinance.

C. Total lifetime structural repairs or alterations shall not exceed fifty (50) percent of the assessed value of the structure at the time of its becoming a nonconforming use unless it is permanently changed to conform to the use provisions of this Ordinance.

D. Substitution of new equipment may be permitted by the Zoning Board of Appeals if such equipment will reduce the incompatibility of the nonconforming use with the neighboring uses.

#### 18-7-2 ABOLISHMENT OR REPLACEMENT:

If such nonconforming use is discontinued or terminated for a period of twelve (12) months, any future use of the structure, land, or water, shall conform to the provisions of this Ordinance. When a nonconforming use or structure is damaged by fire, explosion, flood, the public enemy or other calamity, to the extent of more than fifty (50) percent of its current assessed value, it shall not be restored except so as to comply with the use provisions of this Ordinance. A current file of all nonconforming uses shall be maintained by the Zoning Enforcement Officer listing the following: owner's name and address, use of the structure, land or water; and assessed value at the time of its becoming a nonconforming use.

A. Any nonconforming billboard or advertising structure not attached to a building, lawfully existing upon the effective date of this Ordinance, shall be discontinued on or before ten (10) years after the effective date of this Ordinance unless a discontinuance date has been established by a prior ordinance in which case such prior date of discontinuance shall apply.

#### 18-7-3 EXISTING NONCONFORMING STRUCTURES:

The lawful nonconforming structure existing at the time of the adoption or amendment of this Ordinance may be continued although its size or location does not conform with the lot width, lot area, yard, height, parking and loading, and access provisions of this Ordinance, however, it shall not be extended, enlarged, reconstructed, moved, or structurally altered except when required to do so by law or order so as to comply with the provisions of this Ordinance.

#### **18-7-4 CHANGES AND SUBSTITUTIONS:**

Once a nonconforming use or structure has been changed to conform, it shall not revert back to a nonconforming use or structure. Once the Zoning Board of Appeals has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use, the substituted use shall lose its status as a legal nonconforming use and become subject to all the conditions required by the Zoning Board of Appeals.

#### **18-7-5 SUBSTANDARD LOT:**

A. Any lot in a single ownership, which ownership was of record at the time of the adoption of this Ordinance, that does not meet the requirements of this Ordinance for lot area, yards, or other area of open space may be utilized for single residence purposes, provided the requirements for such lot area, yard, width, depth, or open space is within seventy-five (75) percent of that required by the terms of this Ordinance. The purpose of this provision is to permit utilization of recorded lots which lack adequate width or depth as long as reasonable living standards can be provided, with the following additional requirements:

1. The owner shall furnish, with the application for a building permit, a survey by a duly licensed land surveyor, showing the lot upon which the applicant proposes to erect any permitted residential use in the district and also showing a portion of the lots on either side of the said lot including the width of the adjoining existing side yards to the nearest part of the buildings or structures thereon.

2. An affidavit by the owner of record of the lot described in the application for a building permit.

B. The Zoning Board of Appeals shall order the Enforcing Officer to issue a permit for erecting a building for any permitted residential use in the district on the subject lot upon compliance with all of the foregoing provisions and all other applicable provisions of this Ordinance, if all of the following requirements are met:

1. The subject lot:

- a. is not adjoining and contiguous to a vacant lot on either side held under common ownership at any time after the passage of this Ordinance; or

- b. is not contiguous to an improved lot of record which has one (1) foot or more of an adjoining side yard in excess of the minimum required side yard for the district in which the building or structure is located, which additional side yard land could physically be added to the applicant's lot to increase its width or area; or that the owners of the adjoining lots refuse to sell any portion of land that could be added to the applicant's lot to increase the width thereof without reducing the required side yards of the adjoining lots and which additional land the applicant would be willing to purchase; and

- c. is not owned and has not been owned directly or indirectly or by a nominee of any person, firm, corporation, or trust, or by an officer, shareholder, director, partner, beneficiary, agent or person related by blood or marriage or by any predecessors in title who also held or holds any right, title, or interest in or to either one or both of the contiguous lots after the passage of this Ordinance to the date of application for a building permit.

2. The contiguous lots are not owned and have not been owned directly or indirectly or by a nominee of any person, firm, corporation or trust, or by any officer, shareholder, director, partner, beneficiary, agent or person related by blood or marriage or by any predecessors in title, who also held or holds any right, title or interest, directly or indirectly, in the applicant's lot after the passage of this Ordinance to the date of application for a building permit.

C. In the event that the owner is unable to meet all of the aforesaid additional requirements for a building permit, or in the event that the owner either desires to sell to or to buy from the owners of a contiguous lot or lots who also desire to either sell or buy, but the parties are unable to agree on a price, then the Zoning Board of Appeals may grant such relief in accordance with the procedures as set forth in this Ordinance as deemed appropriate.

## CHAPTER 8

### PERFORMANCE STANDARDS

	Section
Special Regulations in all Districts .....	18-8-1
Noise .....	18-8-2
Earthborn Vibration .....	18-8-3
Smoke and Particulate Matter .....	18-8-4
Toxic Matter .....	18-8-5
Odorous Matter .....	18-8-6
Fire and Explosion Hazards .....	18-8-7
Radio and Electrical Interference .....	18-8-8
Water Pollution .....	18-8-9

#### 18-8-1 SPECIAL REGULATIONS IN ALL DISTRICTS:

A. The following uses are prohibited in all districts whether or not they meet the performance standards: crematories, fireworks or explosive manufacture or storage; dumping, fertilizer plants, reduction or other processing of garbage, dead animals, offal or refuse, except as customarily incidental to a permitted principal use; stockyard or slaughter of animals or fowls, tanning, curing, or storage of rawhides or skins; junk shop; junk yards or automobile wrecking yards.

B. No activities involving the storage, utilization, or manufacture of materials or products which decompose by detonation shall be permitted, except that those activities customarily incidental to the operation of permitted principal uses may be permitted by a variation by the Zoning Board of Appeals. Such materials shall be stored, utilized, and manufactured in accordance with the applicable rules and regulations of the County of Bureau and the State of Illinois.

Such materials shall include but shall not be confined to all primary explosives such as lead azide, lead styphnate, fulminates, and tetracenes; all high explosives such as TNT, RDX, HMX, PETN, and picric acid; propellants and components thereof, such as dry nitrocellulose, black powder, boron hydrides, hydrazine, and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate, and potassium nitrate; blasting explosives such as dynamite and nitroglycerine; unstable organic compounds such as acetylides tetrazoles, and ozonides; strong oxidizing agents such as liquid oxygen, perchloric acid, perchlorates, chlorates, and hydrogen peroxide in concentrations greater than thirty-five (35) per cent; and nuclear fuels, fissionable materials, and products, and reactor elements such as Uranium 235 and Plutonium 239.

C. Any use established in a manufacturing district shall be operated in such a manner as to comply with the applicable performance standards as hereinafter set forth governing noise, vibration, smoke, toxic matter, odors, fire and explosive hazards, radio and electrical interference, air pollution, and water pollution. No use already established on the effective date of this Ordinance shall be so altered or modified as to conflict with or further conflict with the applicable performance standards for the district in which such use is located.

D. Established uses found to be in noncompliance will be liable for inspection fees and costs. In the event no due cause is found, the challenger will be liable for the fees and costs.

## 18-8-2 NOISE:

A. In business and manufacturing districts, any use established after the effective date of this Ordinance shall meet the performance standards for noise as described below.

For the purpose of measuring the intensity and frequency of sound, the sound level meter, the octave band analyzer and the impact noise analyzer shall be employed.

The flat network and the fast meter response of the sound level meter shall be used. Sounds of short duration as from forge hammers, punch presses, and metal shears which cannot be measured accurately with the sound level meter shall be measured with the impact noise analyzer.

Octave band analyzers calibrated in the Preferred Frequencies (American Standards Association Sl. 6-1960. Preferred Frequencies for Acoustical Measurements) shall be used with tables marked "Preferred Frequencies." Octave band analyzers calibrated with pre-1960 octave bands (American Standards Association Z24, 10-953. Octave Band Filter Set; shall use tables marked "Pre-1960 Octave Bands."

The following uses and activities shall be exempt from the noise level regulations:

1. Noises not directly under the control of the property user.
2. Noises emanating from construction and maintenance activities between 7:00 a.m. and 9:00 p.m.
3. Noises of safety signals, warning devices, and emergency pressure relief valves.
4. Transient noises of moving sources such as automobiles, trucks, airplanes, and railroads.

B. At no point beyond a lot line of any lot in the Manufacturing Districts or Business Districts shall the sound pressure level resulting from any use on that lot exceed the maximum permitted decibel levels for the designated octave bands as set forth in Tables 1 and 2 that follow.

TABLE 1, Preferred Frequencies

Center Frequency, Cycles Per Second Pressure Level,	Maximum Permitted Sound Decibels
31.5	76
63	71
125	65
250	57
500	50
1,000	45
2,000	39
4,000	34
8,000	32

TABLE 2, Pre-1960 Octave Bands

Octave Band Cycles Per Second	Maximum Permitted Sound Pressure Level, Decibels
20 - 75	72
75 - 150	67
150 - 300	59
300 - 600	52
600 - 1,200	46
1,200 - 2,400	40
2,400 - 4,800	34

1. Impact noises, as measured on the impact noise analyzer shall not exceed 80 decibels at any point beyond a lot line of any lot in the MI District.

2. Between the hours of 7:00 p.m. and 7:00 a.m. the decibel values tabulated above shall be reduced by 6 decibels when measured in a residence district.

### **18-8-3 EARTHBORNE VIBRATION:**

A. In any manufacturing district no use shall cause or create earthborne vibrations in excess of the displacement values given below.

Measurements shall be made at or beyond the adjacent lot line or the nearest residence district boundary line, as described below. Vibration displacements shall be measured with an instrument capable of simultaneously measuring in three mutually perpendicular directions.

The maximum permitted displacements shall be determined in each district by the following formula:

$$D=K/f$$

where D = displacement in inches.

K = a constant to be determined by reference to the tables below.

f = the frequency of the vibration transmitted through the ground, cycles per second.

B. Manufacturing Districts: The maximum earth displacement permitted at the points described below shall be determined by use of the formula in paragraph A. and the appropriate K constant shown in Table 1.

TABLE 1  
Values of K to be Used in Vibration Formula

Location	K
On or beyond any adjacent lot line	
a. Continuous	0.008
b. Impulsive	0.015
c. Less than 8 pulses per 24-hour period	0.037
Location	K
On or beyond any residence district boundary line	
a. Continuous	0.003
b. Impulsive	0.006
c. Less than 8 pulses per 24-hour period	0.015

### **18-8-4 SMOKE AND PARTICULATE MATTER:**

"The Rules and Regulations Governing the Control of Air Pollution," published by the State of Illinois Air Pollution Control Board, shall prevail unless in conflict with local ordinances in which case the more restrictive control will take precedence.

### **18-8-5 TOXIC MATTER:**

A. M-1, M-2, and M-3 Manufacturing Districts - The release of airborne toxic matter (including radioactive matter) shall not exceed 1/30th of the maximum permissible concentration allowed an



industrial worker when measured at any point beyond the lot line, either at ground level or habitable elevation, whichever is more restrictive. Concentrations shall be measured and calculated as the highest average that will occur over a continuous 24-hour period.

If a toxic substance is not contained in the most recent listing of threshold limit values published by the American Conference of Governmental Industrial Hygienists, the applicant shall satisfy the Bureau County Health Officer that the proposed levels will be safe to the general population.

#### **18-8-6 ODOROUS MATTER:**

See 18-12-3 for definition.

**A.** The release of materials capable of becoming odorous, either by bacterial decomposition or chemical reaction, shall meet the standards of the district in which the odor is created.

**B.** Manufacturing Districts - When odorous matter is released from any operation, activity, or use in the manufacturing districts, the concentration of such odorous materials shall not exceed the odor threshold when measured beyond the lot line, either at ground level or habitable elevation.

#### **18-8-7 FIRE AND EXPLOSION HAZARDS:**

**A.** In all manufacturing districts the storage, utilization, or manufacture of solid materials or products ranging from incombustible to moderate burning is permitted.

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

**1.** Said materials or products shall be stored, utilized, or manufactured within completely enclosed buildings having incombustible exterior walls and protected with an automatic fire extinguishing system.

**2.** Said material, if stored outdoors, will be no less than 50 feet to the nearest lot line.

**B.** M1 Manufacturing District - The storage, utilization, or manufacture of flammable liquids shall be permitted in accordance with the following table, exclusive of storage of finished products in original sealed containers, which shall be restricted. Flammable liquid and gas storage tanks shall not be less than 50 feet from all lot lines.

Total Capacity of Flammable Materials Permitted (In Gallons)		
	Above	Underground
Materials having a closed cup flash point over 187°F. but less than 300° F.	20,000	100,000
from and including 105° F. to and including 187° F.	10,000	100,000
Materials having a closed cup flash point of less than 105° F.	3,000	100,000

When flammable gasses are stored, utilized, or manufactured and measured in cubic feet, the quantity in cubic feet at standard temperature and pressure shall not exceed 30 times the quantities listed above.

**C.** M2 and M3 Manufacturing Districts - The storage, utilization, or manufacture of flammable liquids shall be permitted in accordance with the following table, exclusive of storage of finished products in original sealed containers, which shall be unrestricted. Flammable liquid and gas storage tanks shall not be less than fifty (50) feet from all lot lines.

Total Capacity of Flammable Materials Permitted  
(In Gallons)

	Above	Underground
Materials having a closed cup flash point over 187° F. but less than 300° F.	200,000	Unrestricted
from and including 105° F. to and including 187° F.	100,000	Unrestricted
Materials having a closed cup flash point of less than 105° F.	50,000	Unrestricted

When flammable gasses are stored, utilized, or manufactured and measured in cubic feet, the quantity in cubic feet at standard temperature and pressure shall not exceed thirty (30) times the quantities listed above. *Source: Polytechnic, Inc., Chicago, Illinois.*

**18-8-8 RADIO AND ELECTRICAL INTERFERENCE:**

No use may be made of land within any zone established by this Ordinance in such a manner as to create electrical interference with radio communication or create radioactivity or radio wave or electrical interference with utility transmission or reception beyond the lot line nor more than 200 feet above the average grade of the lot responsible for creating such interference and in all cases shall meet the F.C.C. requirements.

**18-8-9 WATER POLLUTION:**

All uses within zones established by this Ordinance must follow the recommendations of the State of Illinois Department of Public Health, Circular #815 (as amended), concerning septic tanks, Circular #840 (as amended), concerning sewage treatment and be guided by technical standards contained in TR-20-22 (as amended).

## CHAPTER 9

### COMPLIANCE AND BUILDING PERMIT

	Section
Compliance .....	18-9-1
Building Permit .....	18-9-2

#### 18-9-1 COMPLIANCE:

No structure, land, or water shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a building permit except minor structures specifically excepted from building permits, and without full compliance with the provisions of this Ordinance and all other applicable local, county, and state regulations. No permit will be issued prior to payment of appropriate inspection fees as determined by the schedule of fees established by separate ordinance.

#### 18-9-2 BUILDING PERMIT:

Applications for a building permit shall be made in duplicate to the Enforcing Officer on forms furnished by the Enforcing Officer and shall include the following where applicable:

Names and addresses of the applicant, owner of the site, architect, professional engineer, and contractor.

Description of the subject site by lot, block, and recorded subdivision; address of the subject site; type of structure; existing and proposed operation or use of the structure or site, number of employees, and the zoning district within which the subject site lies.

Plat of survey prepared by a registered land surveyor showing the location, boundaries, dimensions, elevations, uses, and size of the following: subject site; existing and proposed structures, existing and proposed easements, streets, and other public ways; off-street parking, loading areas and driveways; existing highway access restrictions; existing and proposed street, side, and rear yards. In addition, the plat of survey shall show the location, elevation, and use of any abutting lands and their structures within forty (40) feet of the subject site. Proposed sewage disposal plan if municipal sewerage service is not available. This plan shall be approved by the Village Engineer who shall certify in writing that satisfactory, adequate, and safe sewage disposal is possible on the site as proposed by the plan in accordance with the applicable local, county, and state board of health restrictions.

Proposed water supply plan if municipal water service is not available. This plan shall be approved by the Village Engineer who shall certify in writing that an adequate and safe supply of water will be provided.

Additional information as may be required by the Plan Commission; Village Engineer; Building, Plumbing, or Health Inspectors.

Building permit shall be granted or denied in writing by the Enforcing Officer within thirty (30) days. The permit shall expire within six (6) months unless substantial work has been made by that date on the construction or alteration authorized therein. A building permit may be renewed without fee upon review by the Enforcing Officer before it becomes void.

## CHAPTER 10

### ZONING BOARD OF APPEALS AND ENFORCING OFFICER

	Section
Establishment .....	18-10-1
Membership .....	18-10-2
Organization .....	18-10-3
Powers .....	18-10-4
Enforcing Officer .....	18-10-5
Appeals and Applications .....	18-10-6
Hearings .....	18-10-7
Standards for Variations .....	18-10-8

#### 18-10-1 ESTABLISHMENTS:

Hereby established a Zoning Board of Appeals for the Village of Tiskilwa for the purpose of hearing appeals and applications, and granting variances and exceptions to the provisions of this Zoning Ordinance in harmony with the purpose and intent of the Zoning Ordinance.

#### 18-10-2 MEMBERSHIP:

The Zoning Board of Appeals shall consist of five (5) members appointed by the President and confirmed by the Village Board.

Terms shall be for staggered three-year periods.

The Chairman shall be designated by the President.

One member shall be a Plan Commissioner. One member shall be a registered architect, registered professional engineer, builder, or real estate appraiser, if available.

Secretary shall be appointed by the chairman and shall be a member of the Board.

The Enforcing Officer shall attend all meetings for the purpose of providing technical assistance when requested by the Board.

Vacancies shall be filled for an unexpired term in the same manner as appointments for a full term.

#### 18-10-3 ORGANIZATION:

The Zoning Board of Appeals shall organize and adopt rules of procedure for its own government in accordance with the provisions of this Ordinance. Meetings shall be held at the call of the chairman and shall be open to the public.

Minutes of the proceedings and a record of all actions shall be kept by the secretary, showing the vote of each member upon each question, the reasons for the Board's determination, and its finding of facts. These records shall be immediately filed in the office of the Enforcing Officer and shall be a public record.

The concurring vote of four (4) members of the Board shall be necessary to correct an error; grant a variance; make an interpretation; and permit a utility, temporary, unclassified, or substituted use.

#### **18-10-4 POWERS:**

The Zoning Board of Appeals shall have the following powers:

**A. Errors.** To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Enforcing Officer.

**B. Variances.** To hear and grant appeals for variances as will not be contrary to the public interest, where, owing to special conditions a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit and purposes of this Ordinance shall be observed and the public safety, welfare, and justice secured. **USE VARIANCES SHALL NOT BE GRANTED.**

**C. Interpretations.** To hear and decide applications for interpretations of the zoning regulations and the boundaries of the zoning districts.

**D. Substitutions.** To hear and grant applications for substitution of more restrictive nonconforming uses for existing nonconforming uses provided no structural alterations are to be made. Whenever the Board permits such a substitution, the use may not thereafter be changed without application.

**E. Unclassified Uses.** To hear and grant applications for unclassified and unspecified uses provided that such uses are similar in character to the principal uses permitted in the district.

**F. Temporary Uses.** To hear and grant applications for temporary uses, in any district provided that such uses are of a temporary nature, do not involve the erection of a substantial structure, and are compatible with the neighboring uses. The permit shall be temporary, revocable, subject to any conditions required by the Zoning Board of Appeals and shall be issued for a period not to exceed twelve (12) months. Compliance with all other provisions of this Ordinance shall be required.

**G. Permits.** The Board may reverse, affirm wholly or partly, modify the requirements appealed from, and may issue or direct the issue of a permit.

**H. Assistance.** The Board may request assistance from other Village officers, departments, commissions, and boards.

**I. Oaths.** The chairman may administer oaths and compel the attendance of witnesses.

#### **18-10-5 ENFORCING OFFICER:**

The Village Board shall designate an Enforcing Officer or Officers by ordinance. The Enforcing Officer shall have the initial responsibility and authority for the literal interpretation and enforcement of this Zoning Ordinance and all other applicable ordinances, regulations, and codes, and he may enter upon and inspect any premises in the performance of these duties. The Enforcing Officer shall refer certain matters calling for original interpretations to the Zoning Board of Appeals as directed by various provisions of the Zoning Ordinance.

#### **18-10-6 APPEALS AND APPLICATIONS:**

Appeals from the decision of the Enforcing Officer concerning the literal enforcement of this Ordinance may be made by any person aggrieved or by any officer, department, board, or bureau of the village. Such appeals shall be filed with the secretary within thirty (30) days after the date of written notice of the decision or order of the Enforcing Officer. Applications may be made by the owner or lessee of the structure, land, or water to be affected at any time and shall be filed with the secretary. Such appeals and applications shall include the following: Name and address of the appellant or applicant and

all abutting and opposite property owners of record. In the event that the owner(s) cannot be identified, then the last party paying the property tax shall be notified.

Plat of survey prepared by a registered land surveyor showing all of the information required under 18-2-3 for a Building Permit.

Additional information required by the Zoning Board of Appeals. Fee receipt from the Village Clerk in the amount of twenty-five (\$25.00) dollars.

#### **18-10-7 HEARINGS:**

The Zoning Board of Appeals shall fix a reasonable time and place for the hearing, give public notice thereof not less than fifteen (15) nor more than thirty (30) days prior, and shall give due notice to the parties in interest and the Enforcing Officer. The appellant, applicant, or his agent shall give notice to all property owners within three hundred (300) feet by certified mail at least ten (10) days prior to hearing. At the hearing the appellant or applicant may appear in person, by agent, or by attorney.

#### **18-10-8 STANDARDS FOR VARIATIONS:**

A. A variation shall be permitted only if the evidence in the judgment of the zoning Board sustains each of the following:

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

B. For the purpose of implementing the above standards, the Zoning Board in making its decision, whenever there are practical difficulties or particular hardships, shall also take into consideration the extent to which the following facts favorable to the applicant have been established by the evidence that:

1. the particular physical surroundings, shape or topographical conditions of the specific property involved would bring a particular hardship upon the owner as distinguished from a mere inconvenience if the regulations were strictly enforced;
2. the conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoning classification;
3. the alleged difficulty or hardship has not been created by any person presently having an interest in the property or any person through whom the applicant claims title;
4. the granting of the variation will not be substantially detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; or
5. the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood.

C. The Zoning Board may require such conditions and restrictions upon the premises benefited by a variation as may be necessary to comply with the standards set forth in this Article to reduce or minimize the injurious effect of such variation upon other property in the neighborhood, and to implement the general purpose and intent of this Ordinance.

## CHAPTER 11

### CHANGES AND AMENDMENTS

	Subject
Authority .....	18-11-1
Initiation .....	18-11-2
Petitions .....	18-11-3
Hearings .....	18-11-4
Recommendations .....	18-11-5
Village Board Action .....	18-11-6
Protest .....	18-11-7

#### 18-11-1 AUTHORITY:

Whenever the public necessity, convenience, general welfare or the evolving comprehensive plan require, the Village Board may, by ordinance, change the district boundaries or amend, change, or supplement the regulations established by this Ordinance or amendments thereto, or approve a planned development project. Said change or amendment shall be subject to review by the Village Plan Commission.

#### 18-11-2 INITIATION:

A change or amendment may be initiated by the Village Board, Plan Commission or by a petition of one or more of the owners or lessees of property within the area proposed to be changed.

#### 18-11-3 PETITIONS:

Petitions for any change to the district boundaries or amendments to the regulations other than planned-development projects shall be filed with the Village Clerk, describe the premises to be rezoned or the regulations to be amended list the reasons justifying the petition, specify the proposed use and have attached the following:

Plot plan drawn to a scale of 1 inch equals 100 feet showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts, and the location and existing use of all properties within two hundred (200) feet of the area proposed to be rezoned.

Owners' names and addresses of all properties lying within two hundred (200) feet of the area proposed to be rezoned. In the event that the owner(s) cannot be identified, then the last party paying the property tax shall be notified.

Additional information required by the Plan Commission or Village Board.

Fee receipt from the Village Clerk in the amount of twenty-five dollars (\$25.00).

Petition for a planned-development project shall be filed as a preliminary plat as required by the planned development procedure.

#### 18-11-4 HEARINGS:

The Plan Commission shall hold a public hearing upon each request listing the time, place, and change or amendments proposed, and published at least once, not more than thirty (30) days nor less than fifteen (15) days before the hearing in one or more newspapers of general circulation in the Village.

**18-11-5 RECOMMENDATIONS:**

The Plan Commission shall review all proposed changes and amendments within the corporate limits and shall recommend after holding a public hearing as prescribed in 18-11-4 that the petition be granted or denied.

**18-11-6 VILLAGE BOARD ACTION:**

After careful consideration of the Plan Commission's recommendations, the Village Board shall vote on the passage of the proposed change or amendment.

The Plan Commission's recommendations may only be overruled by three-fourths (3/4) of the full Village Board's membership.

**18-11-7 PROTEST:**

In the event of a protest against such district change or amendment to the regulations of this Ordinance, duly signed and filed with the Village Clerk and acknowledged by the owners of twenty (20) per cent or more either of the areas of the land included in such proposed change, or by the owners of twenty (20) per cent or more of the land immediately adjacent extending one hundred (100) feet therefrom, or by the owners of twenty (20) per cent or more of the land directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite land, such changes or amendments shall not become effective except by the favorable vote of three-fourths (3/4) of the full Village Board's membership.



## CHAPTER 12

### RULES AND DEFINITIONS

	Section
Rules .....	18-12-1
Definitions .....	18-12-2
Performance Standards Definitions .....	18-12-3

#### 18-12-1 RULES:

1. Words used in the present tense shall include the future; and words used in the singular number shall include the plural number, and the plural the singular, where the context requires
2. The word "shall" is mandatory and not discretionary;
3. The word "may" is permissive;
4. The word "lot" shall include the words "piece," "parcel," and "tracts"; and the phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for";
5. All measured distances shall be to the nearest integral foot -- if a fraction is one-half (1/2) foot or less the integral foot next below shall be taken;
6. Any words not defined as follows shall be construed in their general accepted meanings as defined in the most recent publication of Webster's Dictionary; and
7. The words and terms, set forth herein under "Definitions" wherever they occur in this Ordinance, shall be interpreted as herein defined.

#### 18-12-2 DEFINITIONS:

**"Adult Use Establishments"** - Commonly known as, but not limited to the following: 1. Adult book stores; 2) Adult motion picture theaters; 3) Adult mini motion picture theaters; 4) Adult entertainment cabarets; 5) Massage establishments; 6) Body shop or model studio. See this section for further definitions of the above enumerated adult use establishments.

**Adult Book Stores** - Any establishment having as a substantial portion of its stock in trade, books, magazines, films for sale or viewing on premises by use of motion picture devices or any other coin-operated means, and other periodicals which are distinguished or characterized by their emphasis on matters depicting, describing or relating to sexual activities or related anatomical areas or an establishment with a large segment or section devoted to the sale or display of such sexually explicit material.

**Adult entertainment cabaret** - A public or private establishment which is licensed to serve food and/or alcoholic beverages, which features topless dancers, strippers, male or female impersonators, or similar entertainers.

**Adult mini motion picture theater** - An enclosed building with a capacity for less than fifty (50) persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities (i.e. x, xx, and xxx rated material) and related anatomical areas, for observation by patrons therein.

**Adult motion picture theater** - An enclosed building with a capacity of fifty (50) or more persons used for presenting motion pictures having as a dominant theme, material distinguished or characterized by an emphasis on matter depicting, describing or related to sexual activities (specifically x, xx, & xxx rated movies) or related anatomical areas for observation by patrons therein.

**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 prearranged price.

**Body Shop or model studio** - Any public or private establishment which describes itself as a body shop or model studio or where for any form of consideration or gratuity, figure models who display sexually oriented anatomical areas are provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by persons paying such consideration or gratuity, or where for any form of consideration or gratuity, nude and seminude dancing, readings, counseling sessions, body painting and other activities that present materials distinguished or characterized by an emphasis on matter depicting, describing or relating to sexual activities and related anatomical areas are provided for observation by or communication to persons paying such consideration or gratuity. Excluded from this definition would be recognized art courses which as a portion of their instruction includes drawing, painting, sculpting or photographing a model.

**Building** - Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery, or materials.

**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 gable, hip, and pitch roofs; or to the deck line of mansard roofs.

**Comprehensive Plan** - The extensively developed and evolving plan, also called a master plan, adopted by the Plan Commission.

**Conservation** - Preservation of land, water, flora, fauna, and cultural artifacts in their original state.

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

**Dwelling** - a building or portion thereof designed or used exclusively as a residence or sleeping place, but not including boarding or lodging houses, motels, tents, cabins, or mobile homes.

**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 communication 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.

**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 (3) 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.

**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. **Garage, Private** - An accessory building, or an accessory portion of a principal building enclosed on at least three (3) sides which is intended for and used to store private passenger motor vehicles and no more than one (1) three-quarter (3/4) ton or lesser sized truck.

**Grade** - The highest level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

**Home Occupation, Professional** - Any business or profession carried on by a member of the immediate family residing on the premises, in connection with which: (a) there are no signs, other than a permitted nameplate when attached to a principal building, and no activity that will indicate from the exterior that the building is being used in whole or in part for any purpose other than that of a dwelling, (b) there are no commodities sold, or services rendered that require receipt and delivery of merchandise, goods, or equipment by other than a passenger motor vehicle or by first class mail, (c) there is no more than one person other than one additional member of the immediate family residing on the premises so employed or otherwise so engaged, and (d) there are no accessory buildings used in whole or in part for any purpose other than that of a dwelling.

**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 services, furnishing of and laundry of linens used in the lodging rooms and central desk with telephone.

**Junk Yard** - Any land or structure used for a salvaging operation, including, among other things, the storage and sale of waste paper, rags, scrap metal, and discarded materials, and the collecting, dismantling, storage and salvaging of unlicensed, inoperative vehicles.

**Loading Area** - A completely off-street space or berth on the same lot for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.

**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 providing sleeping accommodations shall be counted as one lodging room.

**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 open spaces required by this Ordinance.

**Lot, Corner** - A lot abutting on two streets at their juncture, when the interior angle formed is less than one hundred thirty-five (135) degrees.

**Lot Lines and Area** - The peripheral boundaries of a parcel of land and the total area lying within such boundaries.

**Lot, Interior** - A lot other than a corner lot.

**Lot, Recorded** - A lot designated on a subdivision plat or deed, duly recorded pursuant to statute in the County Recorder's Office. A recorded lot may not coincide with a zoning lot.

**Lot Width** - The width of a parcel of land measured at the rear of the specified street yard.

**Lot, Zoning** - A parcel of land, composed of one or more recorded lot, occupied or to be occupied by a principal building or buildings, or principal use or uses along with permitted accessory building or uses, meeting all the requirements for area, building area, frontage, width, yards, setback, and any other requirements set forth in this Ordinance.

**Massage establishment** - Any establishment having a fixed place of business where any person, firm, association or corporation engages in, or carries on, or permits to be engaged in or carried on any activities known as massage (any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating of the external soft parts of the body with the hands or other parts of the human body or with the aid of any mechanical or electrical apparatus or appliance with or without supplementary aids or rubbing alcohol liniments, antiseptics, oils, powder, creams, lotions, ointments or other similar preparations commonly used in this practice), except for health and recreational facilities and clubs which contain ten thousand (10,000) square feet of enclosed and finished space equipped for exercise rooms, gymnasiums, tennis courts, racquetball courts, swimming pools or similar uses directly related to and used in exercising the human body and which establishment does not derive more than five percent (5%) of its yearly income from massage services.

**Mobile Home or Trailer or Manufactured Home** - (These terms shall be synonymous) A factory built structure, transportable in one or more sections which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation. The construction of these units are regulated by the Federal Department of Housing Development (HUD). HUD will affix their red metal label to the rear exterior of all approved manufactured homes, as required by the Federal Manufactured Home Construction and Safety Standards. These units will only be allowed in mobile home parks which are subject to the regulations of the County Mobile Home Park Ordinance. (Approved by Resolution April, 1996).

**Modular Home** - A factory built structure which can be assembled on or off the building site by the manufacturer and designed as a dwelling for one or more persons. These units must be placed on a permanent perimeter foundation which extends below the frost depth. The construction of these units are regulated by the Illinois Department of Public Health (IDPH). IDPH will affix the State Modular Seal to the electrical panel box of all approved modular homes, as required by the Illinois Manufactured Housing and Mobile Home Safety Act. (Approved by Resolution April, 1996).

**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 linens used in the lodging rooms, telephone and secretarial or desk service, and the use and upkeep of furniture.

**Nonconforming Structure** - A building or structure or portion thereof lawfully existing at the time of adoption of this Ordinance, which was designed, erected, or structurally altered for a use that does not conform to the use regulations of the district in which it is located.

**Nonconforming Use** - A use which lawfully occupies a building or land at the time of adoption of this Ordinance and which does not conform with the use regulations of the district in which it is located.

**Non Retail Commercial** - Commercial sales and services to customers who intend resale of the products or merchandise sold or handled. For example, non retail commercial includes wholesale activities, warehousing, trucking terminals, and similar commercial enterprises.

**Nursing Home or Retirement Home** - A home for the aged, chronically ill or incurable persons in which three (3) 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.

**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.

**Parking Space** - A graded all-weather surface area of not less than one hundred and eighty (180) square feet in area, either enclosed or open, for the parking of a motor vehicle, having adequate ingress and egress to a public street or alley.

**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.

**Planned 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.

**Retail Sales** - Sale of any product or merchandise to customers for their own personal consumption or use, not for resale.

**Sanitary Landfill** - 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 the sides of the bank.

**Setback, Building** - The minimum horizontal distance between the front line of a building or structure and the front lot line.

**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 (4) 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.

**Signs** - Any words, letters, 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 which is visible from any public street, highway, or pedestrian way.

**Signs, 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.

**Sign, Bulletin** - A sign having removable letters and figures and customarily illuminated which directs attention to a business, profession or public use 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.

**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.

**Sign, Flashing** - An illuminated sign on which the artificial light is not maintained constant or stationary in intensity or color at all times when such sign is in use. For the purpose of this Ordinance, a revolving sign, or any advertising device which attracts attention by moving parts, operated by mechanical equipment or movement caused by natural sources, whether or not illuminated with artificial lighting, shall be considered a flashing sign.

**Sign, Gross Area of** - The entire area within a single contiguous 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 a sign and not forming an integral part of the display. A double face of 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.

**Sign, Ground** - A sign which is supported by one or more uprights or braces in or upon the ground.

**Sign, Identification** - A sign or nameplate which serves to identify the premises where a business or profession is conducted, or a commodity, service or entertainment is sold or offered.

**Sign, Projecting** - A sign which is affixed to any building wall or other structure and extends beyond the building wall or parts thereof or structure more than eighteen (18) inches.

**Sign, Roof** - A sign erected, constructed, and maintained above the roof of any building, including signs on roof surfaces for aviation direction or safety.

**Sign, Wall** - A sign which is affixed to an exterior wall of any building, when the sign shall project not more than eighteen (18) inches from the building wall or parts thereof.

**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 walls or partitions, columns, beams or girders; or any substantial change in the roof or exterior walls.

**Structure** - Anything erected, the use of which requires more or less permanent location on the ground; or 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.

**Thoroughfare** - A street with a high degree of continuity which serves as an intra-state, an intra-county or inter-state highway or as an arterial traffic way between various major points of origin-destination. It affords a primary means of access to abutting properties, except from thoroughfares classified as freeways or other limited access routes not containing frontage roads.

**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.

**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.

**Use, Special** - A use, either public or private, which, because of its unique characteristics, cannot be properly classified as a permitted use in any particular district or districts.

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

**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.

**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.

**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 Ordinance. See illustration entitled "Yards. "

**Yard, Corner Side** - A side yard which adjoins a street or thoroughfare.

**Yard, Front (Setback)** - A yard which is bounded by the side lot lines, front lot line, and the front yard line.

**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.

**Yard, Rear (Setback)** - A yard which is bounded by side lot lines, rear lot line, and the rear yard line.

**Yard, Side (Setback)** - A yard which is bounded by the rear yard line, front yard line, side yard line, and side lot line.

### **18-12-3 PERFORMANCE STANDARDS DEFINITIONS:**

**Closed Cup Flash Point** - The lowest temperature at which a combustible liquid under prescribed conditions will give off a flammable vapor which will propagate a flame. The tag closed cup tester shall be authoritative for liquids having a flash point below 175° F. The Pensky-Martens tester shall be authoritative for liquids having flash points between 175° F. and 300° F.

**Decibel** - A unit of measurement of the intensity or loudness of sound. Sound level meters employed to measure the intensity of sound are calibrated in decibels. A decibel is technically defined as twenty (20) times the logarithm to the base ten (10) of the ratio of the sound pressure in microbars to a reference pressure of 0.0002 microbar.

**Displacement (Earth)** - The amplitude or intensity of an earthborne vibration measured in inches. The displacement or amplitude is one-half the total earth movement.

**Earthborne Vibrations** - A cyclic movement of the earth due to the propagation of mechanical energy.



**Equivalent Opacity** - The shade on the Ringelmann Chart that most closely corresponds to the density of smoke, other than black or gray.

**Free Burning** - A rate of combustion described by material which burns actively and easily supports combustion. Examples: coal, charcoal.

**Frequency (Vibration and Sound)** - Frequency is the number of oscillations per second involved in a vibration or sound.

**Impact Noise** - A short-duration sound which is incapable of being accurately measured on a sound level Meter.

**Impulse** - Discrete vibration pulsations occurring no more often than one (1) per second.

**Incombustible** - A material which will not ignite nor actively support combustion during an exposure for five (5) minutes to a temperature of 1200° F.

**Intense Burning** - A rate of combustion described by a material that burns with a high degree of activity and is consumed rapidly. Examples: sawdust, magnesium (powder, flaked, or strips), rocket fuels.

**Moderate Burning** - A rate of combustion described by a material which supports combustion and is consumed slowly as it burns. Examples: wood timber and logs.

**Octave Band** - A prescribed interval of sound frequencies which classifies sound according to its pitch.

**Octave Band Filter** - An electronic frequency analyzer designed according to standards of the American Standards Association and used in conjunction with a sound level meter to take measurements of sound pressure level in specific octave bands.

**Odor Threshold** - The lowest concentration of odorous matter in air that will produce an olfactory response in a human being. Odor thresholds shall be determined in accordance with ASTM Method D1391-57 "Standard Method for Measurement of Odor in Atmospheres (Dilution Method)."

**Odorous Matter** - Any material that produces an olfactory response among human beings.

**Particulate Matter** - Material other than water which is suspended in or discharged into the atmosphere in a finely-divided form as a liquid or solid at outdoor ambient conditions.

**Pre-1960 Octave Bands** - The frequency intervals prescribed by the American Standards Association in ASA Standard 224, 10-1953, "Octave Band Filter Set."

**Preferred Frequencies** - A set of octave bands described by the band center frequency and standardized by the American Standards Association in ASA Standard No. S1 6-1960, "Preferred Frequencies for Acoustical Measurements."

**Ringelmann Chart** - A chart described by the U.S. Bureau of Mines in their Information Circular No. 6888, upon which are illustrated graduated shades of gray for use in estimating the light obscuration capacity of smoke.

**Ringelmann Number** - The number of the area on the Ringelmann Chart that coincides most nearly with the visual density or equivalent opacity of the emission of smoke observed.

**Slow, Burning** - A rate of combustion which describes materials that do not in themselves constitute an active fuel for the spread of combustion. Examples: wood, materials with fire-retardant treatments.

**Smoke** - Small gas-borne particles other than water that form a visible plume in the air.

**Sound Level Meter** - An instrument for the measurement of sound pressure levels constructed in accordance with the standards of the American Standards Association and calibrated in decibels.

**Sound Pressure Level** - The intensity of sound or noise in decibels.

**Three-Component Measuring System** - A three-component measuring system is an instrument or complement of instruments which records earthborne vibration simultaneously in three (3) mutually perpendicular directions.

**Toxic Matter** - Materials which are capable of causing injury to living organisms by chemical means when present in relatively small amounts.

**Vibration** - The periodic displacement of the ground measured in inches.

## CHAPTER 13

### INTERPRETATION, SEVERABILITY, VIOLATIONS, PENALTIES, WHEN EFFECTIVE

	Section
Interpretation.....	18-13-1
Severability .....	18-13-2
Violations .....	18-13-3
Penalties.....	18-13-4
When Effective .....	18-13-5

#### **18-13-1 INTERPRETATION:**

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

#### **18-13-2 SEVERABILITY:**

If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

#### **18-13-3 VIOLATIONS:**

It shall be unlawful to construct or use any structure, land, or water in violation of any of the provisions of this Ordinance. In case of any violation, the Village Board, Enforcing Officer, Plan Commission or any property owner who would be specifically damaged by such violation may institute appropriate action or proceeding to enjoin a violation of this Ordinance.

#### **18-13-4 PENALTIES:**

Any person, firm or corporation who fails to comply with the provisions of this Ordinance shall, upon conviction thereof, forfeit not less than ten dollars (\$10.00) nor more than two hundred dollars (\$200.00) for each offense. Each day a violation exists or continues shall constitute a separate offense.

#### **18-13-5 WHEN EFFECTIVE:**

This Ordinance is hereby declared to be urgent and necessary for the immediate preservation of the public peace, health, and safety, and shall be in full force and effect from and after its due passage, approval, and recording, and published as provided by law. (Adopted May 6, 1969.)

## CHAPTER 14

### REGULATION OF SOLAR ELECTRIC PANELS

	Section
Scope .....	18-14-1
Permitted Accessory Special Use .....	18-14-2
Conditional Accessory Uses .....	18-14-3
Restrictions on Solar Energy Systems Limited.....	18-14-4

#### 18-14-1. SCOPE

This subparagraph applies to all solar energy installations in the Village of Tiskilwa.

#### 18-14-2 PERMITTED ACCESSORY SPECIAL USE.

Active solar energy systems shall be allowed as an accessory use in all zoning classifications where structures of any sort are allowed, subject to certain requirements as set forth below. Active solar energy systems that do not meet the

visibility standards in Subsection C below will require a special use permit.

**A. Height:** Active solar energy systems must meet the following height requirements:

**1.** Building or roof-mounted solar energy systems shall not exceed the maximum allowed height in any zoning district. For purposes of height measurement, solar energy systems other than building-integrated systems shall be given an equivalent exception to height standards as building-mounted mechanical devices or equipment.

**2.** Ground or pole-mounted solar energy systems shall not exceed twenty (20) feet in height when oriented at maximum tilt.

**B. Set-back:** Active solar energy systems must meet the accessory structure setback for the zoning district and primary land use associated with the lot on which the system is located.

**1.** Roof or Building-mounted Solar Energy Systems. In addition to the building setback, the collector surface and mounting devices for roof-mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built, unless the collector and mounting system has been explicitly engineered to safely extend beyond the edge, and setback standards are not violated. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side yard exposure. Solar collectors mounted on the sides of buildings and serving as awnings are considered to be building-integrated systems and are regulated as awnings.

**2.** Ground-mounted Solar Energy Systems. Ground-mounted solar energy systems may not extend into the side-yard or rear setback when oriented at minimum design tilt, except as otherwise allowed for building mechanical systems.

**C. Visibility:** Active solar energy systems shall be designed to blend into the architecture of the building or be screened from routine view from public right-of-ways other than alleys provided that screening shall not affect the operation of the system. The color of the solar collector is not required to be consistent with other roofing materials.

**1. Building Integrated Photovoltaic Systems.** Building integrated photovoltaic solar energy systems shall be allowed regardless of whether the system is visible from the public right-of-way, provided the building component in which the system is integrated meets all required setback, land use or performance standards for the district in which the building is located.

**2. Solar Energy Systems with Mounting Devices.** Solar energy systems using roof mounting devices or ground-mount solar energy systems shall not be restricted if the system is not visible from the closest edge of any public right-of-way other than an alley. Roof-mount systems that are visible from the nearest edge of the street frontage right-of-way shall not have a highest finished pitch steeper than the roof pitch on which the system is mounted, and shall be no higher than twelve (12) inches above the roof.

**3. Reflectors.** All solar energy systems using a reflector to enhance solar production shall minimize glare from the reflector affecting adjacent or nearby properties. Measures to minimize glare include selective placement of the system, screening on the north side of the solar array, modifying the orientation of the system, reducing use of the reflector system, or other remedies that limit glare.

**D. Coverage:** Roof or building mounted solar energy systems, excluding building-integrated systems, shall allow for adequate roof access for fire-fighting purposes to the south-facing or flat roof upon which the panels are mounted. Ground-mount systems shall not exceed half the building footprint of the principal structure, and shall be exempt from impervious surface calculations if the soil under the collector is not compacted and maintained in vegetation. Foundations, gravel, or compacted soils are considered impervious.

**E. Historic Buildings:** Solar energy systems on buildings within designated historic districts or on locally designated historic buildings (exclusive of State or Federal historic designation) must receive approval of any preservation commission, consistent with the standards for solar energy systems on historically designated buildings published by the U.S. Department of Interior.

**F. Application; Permit; Fees.** The construction or installation of any type of solar energy system shall require issuance of a Village permit and payment of applicable fees as set forth in this Ordinance.

**G. Plan Approval Required:** All solar energy systems shall require administrative plan approval by the Village of Tiskilwa Zoning Officer via the review of the application for a building permit, unless a special use permit is required.

**1. Plan Applications.** Plan applications for solar energy systems shall be accompanied by to-scale horizontal and vertical (elevation) drawings. The drawings must show the location of the system on the building or on the property for a ground-mount system, including the property lines.

**a. Pitched Roof Mounted Solar Energy Systems.** For all roof-mounted systems other than a flat roof the elevation must show the highest finished slope of the solar collector and the slope of the finished roof surface on which it is mounted.

**b. Flat Roof Mounted Solar Energy Systems.** For flat roof applications a drawing shall be submitted showing the distance to the roof edge and any parapets on the building and shall

identify the height of the building on the street frontage side, the shortest distance of the system from the street frontage edge of the building, and the highest finished height of the solar collector above the finished surface of the roof.

**2. Plan Approvals.** Applications that meet the design requirements of this ordinance, and do not require an administrative variance, shall be granted administrative approval by the Zoning Officer and shall not require Planning and Zoning Commission review. Plan approval does not indicate compliance with Building Code or Electric Code, which are separate plan review approvals by the Village or its consultant(s).

**5. Re-Certification.** Any physical modification to a solar energy system that alters the mechanical load, mechanical load path, or major electrical components shall require plan review and re-certification by a structural engineer and/or professional engineer under the Design Safety Certification provision set forth below in this Chapter 7. Like-kind replacements shall not require plan review and recertification.

**H. Approved Solar Components:** Electric solar energy system components must have a UL listing or approved equivalent and solar hot water systems must have an SRCC rating.

**I. Compliance with Building Code:** All active solar energy systems shall meet approval of local building code officials, consistent with the State of Illinois Building Code, and solar thermal systems shall comply with HVAC-related requirements of the Energy Code.

**J. Compliance with State and National Electric Codes:** All photovoltaic systems shall comply with the National Electric Code and the Illinois State Electric Code.

**K. Compliance with State Plumbing Code:** Solar thermal systems shall comply with applicable Illinois State Plumbing Code requirements.

**L. Utility Notification:** All grid-intertie solar energy systems shall comply with the interconnection requirements of the electric utility. Off-grid systems are exempt from this requirement.

### **18-14-3 CONDITIONAL ACCESSORY USES.**

The Village of Tiskilwa encourages the installation of productive solar energy systems and recognizes that a balance must be achieved between character and aesthetic considerations and the reasonable desire of building owners to harvest their renewable energy resources. Where the applicant demonstrates that the standards in this Section cannot be met without diminishing, as defined below, the minimum reasonable performance of the solar energy system, the applicant may request and the Village of Tiskilwa may grant a special use permit to the applicant as part of the permitting process. A special use permit may be granted, if the following standards are met.

**A. Minimum Performance, Defined:** The following design thresholds are necessary for efficient operation of a solar energy system: