

VILLAGE OF DWIGHT

**COMPREHENSIVE AMENDMENT
TO THE
DWIGHT ZONING ORDINANCE**

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Amended
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VILLAGE OF DWIGHT ZONING ORDINANCE

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF DWIGHT:

That this ordinance be applicable to but not limited to classifying, regulating and restricting the location of trades and industries and the location of buildings and structures designed for specific uses; regulating and determining the area of yards, courts and other open spaces within and surrounding such buildings; establishing the boundaries of districts for said purposes; establishing a Zoning Board of Appeals and Plan Commission; providing for changes and amendments; prescribing penalties for the violation of its provisions shall be adopted as follows:

Section 1.00 - TITLE

This ordinance shall be known, cited and referred to as the "Dwight Zoning Ordinance."

Section 2.00 - INTENT AND PURPOSE

This ordinance is adopted for the following purposes:

1. To promote and protect the public health, safety, morals, comfort, and general welfare of the people;
2. To divide the Village of Dwight into zones or districts restricting and regulating there in the location, erection, construction, reconstruction, alteration and use of buildings, structures and land for residence, business, manufacturing and other specified uses;
3. To protect the character and the stability of the residential, business and manufacturing areas within the Village of Dwight and to promote the orderly and beneficial development of such areas;
4. To provide adequate light, air, privacy, and convenience of access to property;
5. To regulate the intensity of use of lot areas, and to determine the area of open spaces surrounding buildings, necessary to provide adequate light and air and to protect the public health;
6. To establish building lines and the locations of buildings designed for residential, business and manufacturing, or other uses within such areas;
7. To fix reasonable standards to which buildings or structures shall conform therein;
8. To prohibit uses, buildings or structures incompatible with the character or development or intended uses within specified zoning districts;
9. To prevent additions to or alteration or remodeling of existing buildings or structures in such a way as to avoid the restrictions and limitations imposed hereunder;
10. To limit congestion in the public streets and protect the public health, safety, convenience, and general welfare by providing for the off-street parking of motor vehicles and the loading and unloading of commercial vehicles;
11. To protect against fire, explosion, noxious fumes, and other hazards in the interest of public health, safety, comfort and general welfare;

12. To prevent the over crowding of land and undue concentration of structures, so far as is possible and appropriate in each district, by regulating the use and bulk of buildings in relation to the land surrounding them;
13. To conserve the taxable value of land and buildings throughout the Village of Dwight;
14. To provide for the gradual elimination of non-conforming uses of land, buildings and structures which are adversely affecting the character and value of desirable development in each district;
15. To define and limit the powers and duties of the administrative officers and bodies as provided herein;
16. To encourage the construction and maintenance of a full range of housing opportunities to enable all persons working within the jurisdiction to reside therein;
17. And to prescribe the penalties for the violation of the provisions of this ordinance or any amendments thereto.

Section 3.00 - RULES AND DEFINITIONS

3.01 RULES

In the construction of this ordinance the rules and definitions contained in this section shall be observed and applied, except when the context clearly indicates otherwise:

1. Words used in the present tense shall include the future;
2. Words in the singular number include the plural number, and words in the plural number include the singular number;
3. The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for";
4. The word "shall" is mandatory;
5. The word "may" is permissive.

3.02 DEFINITIONS

Abandonment: An action to give up one's rights or interests in property.

Accessory Structure: An "accessory building or use" is one which:

1. Is subordinate to and serves a principal building or principal use;
2. Is subordinate in area, extent or purpose to the principal building or principal use served;
3. Is located on the same zoning lot as the principal building or principal use served.

An "accessory structure or use" includes, but is not limited to, the following:

1. A shed, detached garage or building for domestic storage;
2. Swimming pool, private, for use by the occupant and his guests, and any other body of water more than twenty-four (24) inches;
3. Carports;
4. Decks, when they are not attached to the principal structure.
5. Dog pens and/or dog runs.

6. Small Wind Energy Systems in Residence, Business and Industrial Districts subject to the applicable provisions.
7. Large Wind Energy Systems (LWES) in Industrial Districts ONLY, one turbine ONLY to service the owner (affiliated business).

Additionally, any proposed wind farm or Large Wind Energy System that produces energy to be sold commercially within 1.5 miles of the corporate boundaries of the Village of Dwight shall be prohibited.

Acreage: Any tract or parcel of land having an area of one acre or more which has not heretofore been subdivided or platted.

Addition/Enlargement: Construction that increases the size of a structure in terms of building footprint, height, or floor area.

Agriculture: Land used for the planting, growing, and harvesting of crops in the open and the raising and feeding of livestock and poultry; including farming, farm buildings and farm dwellings, truck gardens; flower gardens, dairying, greenhouses and commercial vegetables.

Airport: Any area of land which is used or intended for use for the landing and taking off of aircraft, and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities located thereon.

Alley: A public right of way, not more than thirty (30) feet wide, which affords a secondary means of access to abutting property.

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

Apartment: A room or suite of rooms in a multiple-family structure, which is arranged, designed, used, or intended to be used as a single housekeeping unit. Basic kitchen facilities, i.e., sink, stove and refrigerator permanently installed must always be included for each apartment.

Apartment Hotel: See Hotel, Apartment.

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

Automatic Carbon Monoxide Detector: An approved, listed detector for sensing carbon monoxide and when activated will provide an alarm suitable to warn occupants of the presence of gases in a manner and in a timely fashion to avoid and/or facilitate the escape from the premises. All automatic carbon monoxide detectors shall be assumed to be self-activating and automatic. Any carbon monoxide detector not in working order

including but not limited to a failure to have installed any adequate power source (being charged batteries or otherwise) to properly operate such detector, and any carbon monoxide detector inoperative, shall be treated for the purpose of this Ordinance as though such detector is not on the premises to be served.

Automatic Smoke Detector: An approved, listed detector for sensing visible or invisible particles of combustion and when activated will provide an alarm suitable to warn occupants of the presence of smoke or other products of combustion, whether visible or invisible, in a manner and in a timely fashion to avoid and/or facilitate the escape from smoke and/or fire. All automatic smoke detectors shall be assumed to be self-activating and automatic. Any smoke detector not in working order including but not limited to a failure to have installed any adequate power source (being charged batteries or otherwise) to properly operate such smoke detector, and any smoke detector inoperative, shall be treated for the purpose of this Ordinance as though such smoke detector is not on the premises to be served.

Awning: A roof-like cover which projects from the wall of a building or overhangs the public way.

Base Flood: The flood having a one-percent probability of being equaled or exceeded in any given year. The base flood is also known as the 100-year flood.

Basement: A story partly or wholly underground. Where more than one-half of its height is above the established curb level or above the average level of the adjoining ground where the curb level has not been established, a basement shall be counted as a story for the purposes of height measurement.

Bedroom: Any room other than a living room, dining room, kitchen, bathroom, or utility room, for the purpose of this ordinance, shall be considered a bedroom.

Billboard: Any structure or portion thereof upon which are signs or advertisements used as an outdoor display. This definition does not include bulletin boards used to announce church services or to display court or other public office notices, or signs offering the sale or lease of the premises on which the sign is located.

Block: A tract of land bounded by streets, or in lieu of a street or streets, by public parks, cemeteries, railroad rights-of-way, bulkhead lines or shorelines of waterways, or corporate boundary lines of municipalities.

Boarding House: A building other than a hotel or restaurant where meals are provided for compensation to three (3), but not more than twelve (12) persons, who are not members of the keepers' family.

Borrow Pit: Any place or premises where dirt, oil, sand, gravel or other material is removed by excavation or otherwise below the grade of surrounding land, for any purpose other than the necessary and incidental to grading or to building construction or

operation on the premises.

Buildable Area: The space remaining on a zoning lot after the minimum open space requirements of this ordinance have been complied with.

Building: Any structure with substantial walls and roof securely affixed to the land and entirely separated on all sides from any other structure by space or by walls in which there are no communicating doors, windows or openings; and which is designed or intended for the shelter, enclosure or protection of persons, animals or chattels.

Any structure with interior areas not normally accessible for human use, such as gas holders, oil tanks, water tanks, grain elevators, coal bunkers, oil cracking towers and other similar structures, are not considered as buildings.

Building Completely Enclosed: A building separated on all sides from the adjacent open space, or from other buildings or other structures, by a permanent roof and by exterior walls or party walls, pierced only by windows and normal entrance or exit doors.

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

Building Height: The vertical distance measured from the sidewalk level or its equivalent established grade opposite the middle of the front of the building to the highest elevation of the roof in the case of a slant or flat roof; to the deck line of a mansard roof; and to the mean height level between eaves and ridge of gable, hip or gambrel roof; provided that where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished lot grade at the front of the building.

Building Line: The line nearest the front of and across a zoning lot, establishing the minimum open space to be provided between the front line of a building or structure and the street right-of-way line.

Building, Non-Conforming: Any building which does not conform to the regulations herein prescribing the maximum floor area ratio, required yards, coverage, height and setbacks, minimum required spacing between buildings on a single lot, and minimum required usable space for the district in which the building is located.

Building Permit: A permit issued by the Building Official of the Village of Dwight for the construction, alteration, removal or demolition of a building or structure within the Village of Dwight.

Building, Principal: A non-accessory building in which the principal use of the zoning lot on which it is located is conducted. A deck which is attached to the principal building shall be considered a part of the principal building and be required to maintain all the required setbacks, etc. relating to construction and additions to principal buildings.

Building Setback Line: A line parallel to the street line at a distance from it, regulated by the front yard requirements set up herein.

Building, Temporary: Any building not designed to be permanently located in the place where it is or where it is intended to be placed or affixed.

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

- a. Size and height of buildings;
- b. Location of exterior walls at all levels in relation to lot lines, streets, or other buildings;
- c. All open spaces allocated to the building;
- d. Amount of lot area per dwelling unit;
- e. Required parking areas.

Bus Lots: Any lot or land area used for the storage or layover of passenger buses or motor coaches.

Carport: A roofed-over area either attached to the principal building or free standing for vehicle storage. Which may be open on three (3) sides.

Cellar: A story having more than one-half ($\frac{1}{2}$) of its height below the curb level or below the highest level of the adjoining ground. A cellar shall not be counted as a story for the purpose of height measurement.

Certificate of Occupancy: A written approval, issued by the Village, certifying that a newly constructed structure, addition to an existing structure, or an existing structure undergoing a change in use is in full compliance with the provisions of this Ordinance and that such structure is habitable and in conformance with all applicable Village building codes and regulations.

Clinic or Medical Health Center: A medical center or, medical clinic is an establishment where licensed doctors of medicine engage in the practice of medicine, operating on a group or individual basis, with pooled facilities such as coordinated laboratory, x-ray and allied departments, for the diagnosis and treatment of humans, which need not, but may include, a drug prescription counter (not a drug store) for the dispensing of drugs and pharmaceutical products to the patients of the said organization. In addition to the above, the medical center or medical clinic may include the space for the practice of dentistry.

Club or Lodge, Private: A non-profit association of persons who are bona fide members paying annual dues, which owns, hires, or leases a building or portion thereof, the use of such premises being restricted to members and their guests.

Cluster Subdivision: A land subdivision with a majority of the individual building sites abutting directly on parks or other common open space.

Conforming Building or Structure: Any building or structure which: (a) complies with all the regulations of this ordinance or of any amendment thereof governing bulk of the district in which said building or structure is located; or (b) is designed or intended for a permitted use or conditioned permitted use, as herein allowed in the district in which it is located.

Court, Outer: An open, unoccupied space opening onto a street, alley, or yard.

Curb Level: The level of the established curb in front of the building measured at the center of such front. Where a building faces on more than one street, the "curb level" shall be the average of the levels of the curbs at the center of the front of each street. Where no curb elevation has been established, the mean level of the land immediately adjacent to the building shall be considered the "curb level."

Day Care Center: A licensed facility operated by any person, group of persons, agency, association, or organization, where care, protection, and supervision are provided for children or adults for less than twenty-four (24) hours per day.

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

Deck: An outdoor space built as an aboveground platform projecting from the wall or structure and connected by structural supports at grade or by the structure.

Development: Any man-made change to real estate, including:

- a. Construction, reconstruction, or placement of a building or any addition to a building;
- b. Installing a manufactured home on a site, preparing a site for a manufactured home or installing a travel trailer on a site for more than 180 days;
- c. Installing utilities, construction of roads, or similar projects;
- d. Construction or erection of levees, walls, fences, bridges, or culverts;
- e. Drilling, mining, filling, dredging, grading, excavating, or other nonagricultural alterations of the ground surface;

- f. Storage of materials; or
- g. Any other activity that might change the direction, height, or velocity of flood or surface waters.

Development does not include maintenance of existing buildings and facilities such as re-roofing; resurfacing roads; or gardening, plowing, and similar agricultural practices that do not involve filling, grading or construction of levees.

Dish: That part of a satellite signal receiving antenna characteristically shaped like a saucer or dish.

District: The land area and requirements into which the Village of Dwight has been divided for which uniform regulations governing the use, size and intensity of land and buildings, and open space about buildings is established under the provisions of this Ordinance.

Driveway: An access lane connecting a house, garage, or other building to a public right-of-way.

Dwelling: A structure or portion thereof, but not including house trailer or mobile home, designed or used exclusively for residential occupancy, including single family dwelling units, two (2) family dwelling units, town house dwellings and multiple family dwelling units, but not including hotels, motels, or mobile homes.

Dwelling Unit: A residential structure which is arranged, designed, used, or intended to be used by one family, for living or sleeping purposes, and which includes complete kitchen facilities permanently installed.

Dwelling, Attached: A dwelling which is joined to another dwelling at one or more sides by a party wall or walls.

Dwelling, Detached: A dwelling which is surrounded by open space and is not connected to any other dwelling unit by roof, walls or porches on the same lot.

Dwelling, Single-Family: One dwelling unit designed exclusively for use and occupancy by one (1) family.

Dwelling, Two-Family: A structure designed or altered to provide two dwelling units, each with separate entrance, for occupancy by two (2) families.

Dwelling, Multiple-Family: A structure designed or altered for occupancy by three (3) or more families living independently of each other for residential occupancy.

Dwelling, Rental Unit: One or more rooms in a residential structure, including a private

residence, commercial apartments, duplexes, hotels and/or motels for which rent is received by the owner thereof either on a daily, weekly, monthly, or other basis, and which may or may not include a complete kitchen facility permanently installed.

Dwelling, Row (Party Wall): A row of two (2) to eight (8) attached one-family, party wall dwellings, not more than two and one-half (2 1/2) stories in height nor more than two (2) rooms in depth, measured from the building line.

Dwelling, Townhouse: A structure consisting of three or more dwelling units. A townhouse is typically designed with no other dwellings, or portion of other dwelling, directly above or below, where each unit has a separate exterior entrance and direct ground level access opening. A townhouse dwelling does not include a multi-family dwelling.

Dwelling Group: Two (2) or more one-family, two (2) family or multiple-family dwellings, located on one (1) zoning lot, but not including tourist courts or motels.

Easement: Land designed by lawful agreement between the owners of the land and a person for specified use only by such person.

Educational Institution: A Public, private parochial, community or vocational facility, college with or without living quarters, dining rooms, restaurants, heating plants, and other incidental facilities for students, teachers, and employees.

Efficiency Unit: A dwelling unit consisting of one (1) principal room for living, sleeping, and eating, plus facilities for cooking and complete bath and toilet facilities.

Family: One (1) or more persons related by blood, marriage or adoption, or a group of not more than five (5) persons (excluding servants) who need not be related by blood, marriage or adoption, living together and maintaining a common household but not including sororities, fraternities or other similar organizations.

Fence: A structure used as a barrier, screen, separation, or means of privacy, protection, or confinement.

Financial Institutions: Commercial banks, credit unions, savings and loan associations, brokerage offices and other similar financial institutions.

Flood: A general and temporary condition of inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

Flood Protection Elevation (FPE): The elevation of the base flood plus one foot at any given location in the Special Flood Hazard Area (SFHA).

Floodway: That portion of SFHA required to store and convey the base flood. The

floodway for SFHA's in the Village shall be according to the best data available to the Illinois State Water Survey Floodplain Information Repository.

Floor, Gross Area (For the Purpose of Determining Requirements for Off-Street Parking and Off-Street Loading): The floor area shall mean the sum of the gross horizontal area of the several floors of the building or portion thereof, devoted to such use, including accessory storage areas located within selling or working space, such as counters, racks or closets, and any basement floor area devoted to retailing activities, to the production or processing of goods or to business or professional offices.

However, floor area for the purpose of measurement of off-street parking spaces shall not include floor area devoted primarily for storage purposes. The following areas shall not be included for the purpose of measurement of off-street parking spaces:

- a. Floor area devoted to off-street parking or loading facilities, including aisles, ramps and maneuvering space;
- b. Basement floor area other than area devoted to retailing or service activities, of the production or processing of goods, or to business or professional offices.

Flood Plain: The areas adjoining a watercourse which have been or hereafter may be covered by the regional flood.

Freeway: A major highway having no intersections at grade and having fully controlled access, hence "free" from conflicts and interruptions.

Frequency: The number of oscillations per second in a sound wave measuring the pitch of the resulting sound.

Frontage: All the property fronting on one side of a street between the nearest intersecting streets or between a street and a right-of-way, waterways, or other similar barrier.

Garage: Any structure, either attached or detached, used primarily for the parking and storage of motor vehicles.

Gas Station/Truck Station: A business where fuel for vehicles are stored and dispensed for sale directly to the public from fixed equipment into the fuel tanks of motor vehicles. This may also include ancillary retail uses, a one stall car wash facility, and solar and/or electric charging stations.

Golf Course: Public, semi-public, or private grounds over which the game of golf is played, including accessory buildings and land uses incidental thereto, and consisting of at least fifty (50) acres for each Standard nine (9) hole course, and twenty-five (25) acres for each nine (9) hole "par 3" course.

Grade, Street: The elevation of the established street in front of the building measured at the center of such front. Where no street grade has been established, the Village Engineer shall establish such street grade or its equivalent for the purposes of this section.

Ground Floor Area: The lot area covered by a principal building measured at grade from the exterior faces of the exterior walls, but excluding open porches or terraces, garages, or carports.

Grounding Rod: A metal pole permanently positioned in the earth to serve as an electrical conductor through which electrical current may safely pass and dissipate.

Home Occupation: Any occupation or profession conducted within a dwelling unit and its permitted accessory structures that is clearly incidental and secondary to the use of such buildings. See Subsection 4.08.

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

Hotel, Apartment: A hotel in which at least ninety percent (90%) of the hotel accommodations are for occupancy by the permanent guests. An apartment hotel having not less than fifty (50) guest rooms may have a dining room open to the public which is accessible only from an inner lobby or corridor.

Hotel/Motel: A facility that provides sleeping accommodations for a fee and customary lodging accommodations. Facilities provided may include maid service, laundering of linen used on the premises, telephone and secretarial or desk service, meeting rooms, recreational facilities, restaurants, and bars.

Kennel: Any lot or premises or portion thereof on which more than four (4) dogs, cats or other household domestic animals, are bred, raised, or trained or more than two (2) such animals are boarded for compensation or kept for sale.

Loading and Unloading Space or Berth, (Off-Street): An open, hard-surfaced area of land, other than a street or a public way, the principal use of which is for the standing, loading and unloading of goods and materials, to avoid undue interference with public streets and alleys. Such space shall not be less than ten (10) feet in width, twenty-five (25) feet in length, and fourteen (14) feet in height, exclusive of access aisles and maneuvering space.

Lot: Parcel of land legally described as a distinct portion or piece of land of record.

Lot Area: The area of a horizontal plane bounded by vertical planes containing the front, side, and rear lot lines.

Lot of Record: An area designated as a lot on a plat of subdivision, recorded or registered pursuant to statute.

Lot, Corner: A lot situated at the junction of and abutting on two (2) or more intersecting streets; or a lot at the point of deflection in alignment of a single street, the interior angle of which is one hundred and thirty degrees (130°) or less.

Lot Coverage: The area of a zoning lot occupied by the principal building or buildings and accessory buildings.

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

Lot Frontage: The front of a lot shall be that boundary of a lot along a public street; for a corner lot the owner may elect either street line as the front lot line.

Lot Line: A property boundary line of any lot held in single or separate ownership except that where any portion of the lot extends to the abutting street or alley, the lot line shall be deemed to be the street or alley line.

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

Lot Line, Front: The front property line of a zoning lot.

Lot Line, Interior: A side lot line common with another lot.

Lot Line, Rear: The lot line or lot lines most nearly parallel to and most remote from the front lot lines.

Lot Lines, Side: Lot lines other than front or rear lot lines are side lot lines.

Lot, Reversed Corner: A corner lot, the rear of which abuts upon the side of another lot, whether across an alley or not.

Lot Through: A lot having frontage on two (2) parallel or approximately parallel streets, and which is not a corner lot. On a through lot both street lines shall be deemed front lot lines.

Lot Width: The mean horizontal distance between the side lot lines measured within the boundaries, or the minimum distance between the side lot lines within the buildable area.

Manufacture: The production, making or processing of products or commodities for general consumption of the public or for sale to specialized institutions or organizations. Also included in the subassembly, lubrication, or processing of parts or components for use in other products or commodities.

Marijuana Dispensary: A facility operated by an organization or business that is registered and licensed by the State of Illinois to acquire and sell cannabis from a registered and licensed cultivation center for the purpose of dispensing (selling) cannabis, paraphernalia, and related supplies

Marquee or Canopy: A roof-like structure of a permanent nature which projects from the wall of a building and may overhang the public way and is designed and intended to protect pedestrians from adverse weather conditions.

Micro-Brewery: A facility for the production and packaging of malt beverages of low alcoholic content for wholesale distribution, with a capacity of less than 15,000 barrels per year and may include a tasting room. A tasting room allows customers to taste samples of products manufactured on site and purchase related sales items. Sales of alcohols manufactured outside of the facility are prohibited. A separate liquor license is required for sales of alcohols manufactured on site.

Micro-Distillery: A facility for the production and packaging of alcoholic beverages in quantities not to exceed twelve thousand (12,000) gallons per year and may include a tasting room. A tasting room allows customers to taste samples of products manufactured on site and purchase related sales items. Sales of alcohols manufactured outside of the facility are prohibited. A separate liquor license is required for sales of alcohols manufactured on site.

Micro-Winery: A facility for the production and packaging of any alcoholic beverages obtained by the fermentation of the natural contents of fruits and vegetables, containing sugar, including such beverages when fortified by the addition of alcohol or spirits, in quantities not to exceed 25,000 gallons per year and may include a tasting room. A tasting room allows customers to taste samples of products manufactured on site and purchase related sales items. A separate liquor license is required for sales of alcohols manufactured on site.

Mixed-Use Development: A proposed development that includes principal non-residential and principal residential uses on the same development site.

Mobile Homes: Any trailer, as defined herein, used for residential purposes, but not including sports or camping trailers and which carries with it a title for the structure.

Mobile Home Park: Any premises occupied or designed to accommodate one (1) or more families living in a mobile home.

Motor Freight Terminal: A building in which freight, brought to said building by motor trucks, is assembled and sorted for routing in either intrastate or interstate shipment by motor truck.

Motor Vehicle Laundry: A building or portion thereof containing facilities for washing

motor vehicles using production-line methods with a chain conveyor, blower, steam cleaning device or other mechanical devices, including self-service devices.

Motor Vehicle and Trailer Sales Area: An open area, other than a street, used for the display or sale of new or used motor vehicles or trailers, and where repair work may be performed on the premises.

Non-Conforming Building or Structure: Any building or structure lawfully established which: (a) does not comply with all the regulations of this ordinance or of any amendment hereto governing bulk of the district in which such building or structure is located; or (b) is designed or intended for a non-conforming use.

Non-Conforming Use: Any building, structure or land lawfully occupied by a use or lawfully established at the time of the adoption of this ordinance or amendments thereto, which does not conform after the passage of this ordinance or amendments thereto with the use regulations of this ordinance.

Noxious Matter: Material which can cause injury to living organisms by chemical reaction or can cause detrimental effects upon the psychological, social, or economic well-being of humans.

Octave Band: A means of dividing the range of sound frequencies into octaves in order to classify sound according to pitch.

Octave Band Filter: An electrical frequency analyzer, designed according to standards formulated by the American Standards Association and used in conjunction with a sound level meter to take measurements in specific octave intervals (American Standard for Sound Level Meters, A.S.A. No. 244,3-1 944).

Office; Business or Professional: The office of an engineer, doctor, dentist, attorney, real estate broker, insurance broker, architect, or other similar professional person, and any office used primarily for accounting, correspondence, research, editing or administration.

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

Ordinance: Reference to "ordinance" shall be construed as the Dwight Zoning Ordinance.

Park/Playground: A non-commercial facility that serves the recreational needs of residents and visitors

Parking Area, Private: An open, hard-surfaced area, other than a street or public way, designed, arranged and made available for the storage of private passenger motor

vehicles only for occupants of the building or buildings for which the parking area is developed and is accessory.

Parking Area, Public: An open, hard-surfaced area, other than a street or public way, intended to be used for the storage of passenger motor vehicles and commercial vehicles under one and one-half (1½) tons capacity, and available to the public, whether for compensation, free or as an accommodation to clients or customers.

Parking Space, Motor vehicle: Space within a public or private parking area of not less than one hundred and eighty (180) square feet nine (9) feet by twenty (20) feet), exclusive of access drives, aisles, ramps, columns or office and work areas, for the storage of one (1) passenger automobile or commercial vehicle under one and one-half (1½) tons capacity.

Particulate Matter: Material which is suspended in or discharged into the atmosphere in finely divided form as liquid or solid at atmospheric pressure and temperature.

Performance Standard: A criterion to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, or glare or heat generated by or inherent in uses of land or buildings.

Plan Commission: The Plan Commission of the Village of Dwight, as constituted by ordinance.

Planned Unit Development (PUD): A parcel or tract of land which is planned for development, initially under unified ownership or control, and which is or is intended to be the site for two (2) or more principal buildings (or one (1) or more principal building for two (2) or more principal uses) and within which allowable exceptions in the district regulations are specified. The minimum area for a Planned Unit Development shall be: (a) for residential - four (4) acres; (b) for business - five (5) acres; (c) for industrial - ten (10) acres; and (d) for permanent - two (2) acres.

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

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

Principal Use: The main use of land or structures as distinguished from an accessory use.

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

Railroad Rights-of-Way: A strip of land with tracks and auxiliary facilities for track

operation, but not including depots, loading platforms, stations, train sheds, warehouses, car shops, car yards, locomotive shops, water towers.

Research and Development (R & D): A facility where research and development is conducted in industries. Research and Development does not involve the manufacture, fabrication, processing, or sale of products.

Reservoir Parking Spaces: Those off-street parking spaces allocated for temporary standing of motor vehicles awaiting entrance into a particular establishment.

Restaurant: Any land, building or part thereof, other than a boarding house, where meals are provided for compensation, including a cafe, cafeteria, coffee shop, lunch room, drive-in stand, tearoom and dining room, and including the serving of alcoholic beverages when served with and incidental to the serving of meals.

Ringelmann Number: The number of the area on the Ringelmann Chart that coincides most nearly with the visual density of smoke emission.

Riverine Special Flood Hazard Area: Any SFHA subject to flooding from a river, creek, intermittent stream, ditch, or any other identified channel. This term does not include areas subject to flooding from lakes, ponding areas, areas of sheet flow, or other areas not subject to overbank flooding.

Satellite Dish Antenna: A dish antenna designed for transmitting signals to a receiver or receiving station.

Self-Storage Facility: A facility for the storage of personal property where individual renters control and access individual storage spaces.

Sign, Awning: Any sign affixed directly on or attached to an awning.

Sign, Canopy: Any sign mounted on or supported by a canopy.

Sign, Ground: Any sign supported by one or more uprights or braces placed upon or set into the ground.

Sign, Identification: A structure, building wall or other outdoor surface used to display and identify the name of the individual, business, profession, organization, or institution occupying the premises upon which it is located.

Sign, Illuminated: Any sign which has characters, letters, figures, designs, or outline illuminated by electric lights or luminous tubes as a part of the sign proper.

Sign, Marquee: Any sign mounted on or supported by a marquee.

Sign, Off Premises: Signs not located at the site of that which is advertised or identified.

Sign, On Premises: Signs located at the site of that which is advertised or identified.

Sign, Projecting: Any sign other than a wall sign which is attached to a building and extends beyond the line of said building or structure by more than 18".

Sign, Roof: Any sign erected, constructed, and maintained wholly upon or over the roof of any building.

Sign, Temporary and/or Portable: Any sign, banner, pennant, valance, to be displayed for a limited time only or any sign set upon the ground unsecured. A portable sign shall be defined as any sign set upon or affixed to any device or ground with wheels or skids or framing to afford portability by persons or auxiliary devices.

Sign, Wall: A single-faced sign, impressed or painted on, or attached to a wall with the exposed face of the sign in a plane approximately parallel to the plane of the wall.

Smoke Units: The number obtained by multiplying the smoke density in Ringelmann numbers by the time of emission in minutes. For the purpose of this chart, Ringelmann density reading is made at least once every minute during the period of observation; each reading is then multiplied by the time in minutes during which it is observed; and the various products and added together to give the total number of "smoke units" observed during the total period under observation.

Sound Level Meter: An instrument standardized by the American Standards Association for measurement of intensity of sound.

Special Flood Hazard Area (SFHA): Those lands within the jurisdiction of the Village which are subject to inundation by the base flood. The SFHAs of the Village are generally identified as such on the Flood Hazard boundary Map of the Village prepared by the Federal Emergency Management Agency. The SFHAs of those parts of unincorporated Livingston and Grundy Counties that are within the extraterritorial jurisdiction of the Village or that may be annexed into the Village are generally identified as such on the Flood Hazard Boundary Map prepared for Grundy County and Livingston County by the Federal Emergency Management Agency.

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

Story, Half: A half ($\frac{1}{2}$) story is that portion of a building under a gable, hip or mansard roof, the wall plates of which on at least two (2) opposite exterior walls are not more than four and one-half ($4\frac{1}{2}$) feet above the finished floor of each story. In the case of one-family dwellings, two-family dwellings and multiple-family dwellings less than three (3)

stories in height, a half (½) story in a sloping room shall not be counted as a story.

Stacking Requirements: For the purposes herein, stacking requirements are the number of cars that must be accommodated in a reservoir space while awaiting ingress or egress to specified business or service establishments.

Streets: A public right of way other than an alley, which affords a primary means of access to abutting property.

Street Frontage: All of the property fronting on one side of a street between two (2) intersecting streets, or in the case of a dead-end street, all of the property along one (1) side of the street between an intersecting street and the end of such dead-end street.

Street Line: A line separating a lot, piece, or parcel of land from a street.

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

Structural Alterations: Any change which would prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams or girders, or foundations.

Swimming Pool: A swimming pool or receptacle for water, either public or private and the apparatus and equipment pertaining to the swimming pool, and/or an artificial pool of water over twenty-four (24) inches. Also refer to Section 14.03.

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

Tourist Home/Bed and Breakfast: A dwelling in which accommodations are provided or offered for transient guests.

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

Trailer: A vehicle with or without motive power used or adaptable for living, sleeping, business or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses or skirting, which does not meet the building code requirements and has been or reasonably may be equipped with wheels or other devices for transporting the structure from place to place. A permanent foundation shall not change its character nor shall the erecting of additions to said trailer unless the trailer itself and any additions thereto conform to all Village laws.

Trailer Sales Area: An open area, other than a street used for the display or sale of new

or used trailers, and where no repair work is done except for minor incidental repair of trailers to be displayed and sold on the premises.

Trailer, Sports or Camping: A trailer designed for camping or other recreational purposes.

Truck Parking Area or Yard: Any land used or intended to be used for the storage, parking of trucks, trailers, tractors and including commercial vehicles while not loading or unloading, which exceed one and one-half (1½) tons in capacity.

Use: The purpose or activity for which the land, buildings and structures thereon, is designed, arranged, or intended, or for which it is occupied or maintained, and shall include any manner of performance of such activity with respect to the performance standards of this ordinance.

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

Use, Permitted: Any use which is or may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations, and when applicable, performance standards of this ordinance for the district in which such use is located.

Used Car Lot: A zoning lot on which used or new cars, trailers or trucks are displayed in the open for sale or trade.

Variance: A variance is a relaxation of the terms of the zoning ordinance where such variances will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the results of the actions of the applicant, a literal enforcement of this ordinance would result in unnecessary and undue hardship. As used in this ordinance, a variance is authorized only for height, area, and size of structure or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or uses in an adjoining zoning district.

Warehouse: An enclosed facility for the storage and distribution of manufactured products, supplies and equipment.

Yard: An open space on the same zoning lot with a principal building or of buildings, which is unoccupied and unobstructed from its lowest level upward, except as otherwise permitted herein, and which extends along a lot line and at right angles thereto to a depth or width specified in the yard regulations for the district in which the zoning lot is located.

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

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

Yard, Side: A yard extending along a side lot line from the front yard to the rear yard.

Zoning Administrator: Whenever the term "Zoning Administrator" is used, it shall mean the Zoning Administrator appointed by the President and Village Board and such deputies or assistants as have been or shall be duly appointed. That officer is hereby authorized and it is his duty to administer and enforce the provisions of the zoning ordinance, making such determinations, interpretations and orders as are necessary therefore, and requiring such plats, plans and other descriptive material in connection with applications for permits as are necessary for him to judge compliance with this ordinance.

Zoning Board: The Zoning Board of Appeals of the Village of Dwight, Illinois

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

Zoning Map: The map incorporated herein as a part hereof, designating zoning districts.

Section 3.00 - RULES AND DEFINITIONS

3.01 RULES

In the construction of this ordinance the rules and definitions contained in this section shall be observed and applied, except when the context clearly indicates otherwise:

1. Words used in the present tense shall include the future;
2. Words in the singular number include the plural number, and words in the plural number include the singular number;
3. The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for";
4. The word "shall" is mandatory;
5. The word "may" is permissive.

3.02 DEFINITIONS

Abandonment: An action to give up one's rights or interests in property.

Accessory Structure: An "accessory building or use" is one which:

1. Is subordinate to and serves a principal building or principal use;
2. Is subordinate in area, extent or purpose to the principal building or principal use served;
3. Is located on the same zoning lot as the principal building or principal use served.

An "accessory structure or use" includes, but is not limited to, the following:

1. A shed, detached garage or building for domestic storage;
2. Swimming pool, private, for use by the occupant and his guests, and any other body of water more than twenty-four (24) inches;
3. Carports;
4. Decks, when they are not attached to the principal structure.
5. Dog pens and/or dog runs.

6. Small Wind Energy Systems in Residence, Business and Industrial Districts subject to the applicable provisions.
7. Large Wind Energy Systems (LWES) in Industrial Districts ONLY, one turbine ONLY to service the owner (affiliated business).

Additionally, any proposed wind farm or Large Wind Energy System that produces energy to be sold commercially within 1.5 miles of the corporate boundaries of the Village of Dwight shall be prohibited.

Acreage: Any tract or parcel of land having an area of one acre or more which has not heretofore been subdivided or platted.

Addition/Enlargement: Construction that increases the size of a structure in terms of building footprint, height, or floor area.

Agriculture: Land used for the planting, growing, and harvesting of crops in the open and the raising and feeding of livestock and poultry; including farming, farm buildings and farm dwellings, truck gardens; flower gardens, dairying, greenhouses and commercial vegetables.

Airport: Any area of land which is used or intended for use for the landing and taking off of aircraft, and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities located thereon.

Alley: A public right of way, not more than thirty (30) feet wide, which affords a secondary means of access to abutting property.

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

Apartment: A room or suite of rooms in a multiple-family structure, which is arranged, designed, used, or intended to be used as a single housekeeping unit. Basic kitchen facilities, i.e., sink, stove and refrigerator permanently installed must always be included for each apartment.

Apartment Hotel: See Hotel, Apartment.

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

Automatic Carbon Monoxide Detector: An approved, listed detector for sensing carbon monoxide and when activated will provide an alarm suitable to warn occupants of the presence of gases in a manner and in a timely fashion to avoid and/or facilitate the escape from the premises. All automatic carbon monoxide detectors shall be assumed to be self-activating and automatic. Any carbon monoxide detector not in working order

including but not limited to a failure to have installed any adequate power source (being charged batteries or otherwise) to properly operate such detector, and any carbon monoxide detector inoperative, shall be treated for the purpose of this Ordinance as though such detector is not on the premises to be served.

Automatic Smoke Detector: An approved, listed detector for sensing visible or invisible particles of combustion and when activated will provide an alarm suitable to warn occupants of the presence of smoke or other products of combustion, whether visible or invisible, in a manner and in a timely fashion to avoid and/or facilitate the escape from smoke and/or fire. All automatic smoke detectors shall be assumed to be self-activating and automatic. Any smoke detector not in working order including but not limited to a failure to have installed any adequate power source (being charged batteries or otherwise) to properly operate such smoke detector, and any smoke detector inoperative, shall be treated for the purpose of this Ordinance as though such smoke detector is not on the premises to be served.

Awning: A roof-like cover which projects from the wall of a building or overhangs the public way.

Base Flood: The flood having a one-percent probability of being equaled or exceeded in any given year. The base flood is also known as the 100-year flood.

Basement: A story partly or wholly underground. Where more than one-half of its height is above the established curb level or above the average level of the adjoining ground where the curb level has not been established, a basement shall be counted as a story for the purposes of height measurement.

Bedroom: Any room other than a living room, dining room, kitchen, bathroom, or utility room, for the purpose of this ordinance, shall be considered a bedroom.

Billboard: Any structure or portion thereof upon which are signs or advertisements used as an outdoor display. This definition does not include bulletin boards used to announce church services or to display court or other public office notices, or signs offering the sale or lease of the premises on which the sign is located.

Block: A tract of land bounded by streets, or in lieu of a street or streets, by public parks, cemeteries, railroad rights-of-way, bulkhead lines or shorelines of waterways, or corporate boundary lines of municipalities.

Boarding House: A building other than a hotel or restaurant where meals are provided for compensation to three (3), but not more than twelve (12) persons, who are not members of the keepers' family.

Borrow Pit: Any place or premises where dirt, oil, sand, gravel or other material is removed by excavation or otherwise below the grade of surrounding land, for any purpose other than the necessary and incidental to grading or to building construction or

operation on the premises.

Buildable Area: The space remaining on a zoning lot after the minimum open space requirements of this ordinance have been complied with.

Building: Any structure with substantial walls and roof securely affixed to the land and entirely separated on all sides from any other structure by space or by walls in which there are no communicating doors, windows or openings; and which is designed or intended for the shelter, enclosure or protection of persons, animals or chattels.

Any structure with interior areas not normally accessible for human use, such as gas holders, oil tanks, water tanks, grain elevators, coal bunkers, oil cracking towers and other similar structures, are not considered as buildings.

Building Completely Enclosed: A building separated on all sides from the adjacent open space, or from other buildings or other structures, by a permanent roof and by exterior walls or party walls, pierced only by windows and normal entrance or exit doors.

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

Building Height: The vertical distance measured from the sidewalk level or its equivalent established grade opposite the middle of the front of the building to the highest elevation of the roof in the case of a slant or flat roof; to the deck line of a mansard roof; and to the mean height level between eaves and ridge of gable, hip or gambrel roof; provided that where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished lot grade at the front of the building.

Building Line: The line nearest the front of and across a zoning lot, establishing the minimum open space to be provided between the front line of a building or structure and the street right-of-way line.

Building, Non-Conforming: Any building which does not conform to the regulations herein prescribing the maximum floor area ratio, required yards, coverage, height and setbacks, minimum required spacing between buildings on a single lot, and minimum required usable space for the district in which the building is located.

Building Permit: A permit issued by the Building Official of the Village of Dwight for the construction, alteration, removal or demolition of a building or structure within the Village of Dwight.

Building, Principal: A non-accessory building in which the principal use of the zoning lot on which it is located is conducted. A deck which is attached to the principal building shall be considered a part of the principal building and be required to maintain all the required setbacks, etc. relating to construction and additions to principal buildings.

Building Setback Line: A line parallel to the street line at a distance from it, regulated by the front yard requirements set up herein.

Building, Temporary: Any building not designed to be permanently located in the place where it is or where it is intended to be placed or affixed.

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

- a. Size and height of buildings;
- b. Location of exterior walls at all levels in relation to lot lines, streets, or other buildings;
- c. All open spaces allocated to the building;
- d. Amount of lot area per dwelling unit;
- e. Required parking areas.

Bus Lots: Any lot or land area used for the storage or layover of passenger buses or motor coaches.

Carport: A roofed-over area either attached to the principal building or free standing for vehicle storage. Which may be open on three (3) sides.

Cellar: A story having more than one-half ($\frac{1}{2}$) of its height below the curb level or below the highest level of the adjoining ground. A cellar shall not be counted as a story for the purpose of height measurement.

Certificate of Occupancy: A written approval, issued by the Village, certifying that a newly constructed structure, addition to an existing structure, or an existing structure undergoing a change in use is in full compliance with the provisions of this Ordinance and that such structure is habitable and in conformance with all applicable Village building codes and regulations.

Clinic or Medical Health Center: A medical center or, medical clinic is an establishment where licensed doctors of medicine engage in the practice of medicine, operating on a group or individual basis, with pooled facilities such as coordinated laboratory, x-ray and allied departments, for the diagnosis and treatment of humans, which need not, but may include, a drug prescription counter (not a drug store) for the dispensing of drugs and pharmaceutical products to the patients of the said organization. In addition to the above, the medical center or medical clinic may include the space for the practice of dentistry.

Club or Lodge, Private: A non-profit association of persons who are bona fide members paying annual dues, which owns, hires, or leases a building or portion thereof, the use of such premises being restricted to members and their guests.

Cluster Subdivision: A land subdivision with a majority of the individual building sites abutting directly on parks or other common open space.

Conforming Building or Structure: Any building or structure which: (a) complies with all the regulations of this ordinance or of any amendment thereof governing bulk of the district in which said building or structure is located; or (b) is designed or intended for a permitted use or conditioned permitted use, as herein allowed in the district in which it is located.

Court, Outer: An open, unoccupied space opening onto a street, alley, or yard.

Curb Level: The level of the established curb in front of the building measured at the center of such front. Where a building faces on more than one street, the "curb level" shall be the average of the levels of the curbs at the center of the front of each street. Where no curb elevation has been established, the mean level of the land immediately adjacent to the building shall be considered the "curb level."

Day Care Center: A licensed facility operated by any person, group of persons, agency, association, or organization, where care, protection, and supervision are provided for children or adults for less than twenty-four (24) hours per day.

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

Deck: An outdoor space built as an aboveground platform projecting from the wall or structure and connected by structural supports at grade or by the structure.

Development: Any man-made change to real estate, including:

- a. Construction, reconstruction, or placement of a building or any addition to a building;
- b. Installing a manufactured home on a site, preparing a site for a manufactured home or installing a travel trailer on a site for more than 180 days;
- c. Installing utilities, construction of roads, or similar projects;
- d. Construction or erection of levees, walls, fences, bridges, or culverts;
- e. Drilling, mining, filling, dredging, grading, excavating, or other nonagricultural alterations of the ground surface;

- f. Storage of materials; or
- g. Any other activity that might change the direction, height, or velocity of flood or surface waters.

Development does not include maintenance of existing buildings and facilities such as re-roofing; resurfacing roads; or gardening, plowing, and similar agricultural practices that do not involve filling, grading or construction of levees.

Dish: That part of a satellite signal receiving antenna characteristically shaped like a saucer or dish.

District: The land area and requirements into which the Village of Dwight has been divided for which uniform regulations governing the use, size and intensity of land and buildings, and open space about buildings is established under the provisions of this Ordinance.

Driveway: An access lane connecting a house, garage, or other building to a public right-of-way.

Dwelling: A structure or portion thereof, but not including house trailer or mobile home, designed or used exclusively for residential occupancy, including single family dwelling units, two (2) family dwelling units, town house dwellings and multiple family dwelling units, but not including hotels, motels, or mobile homes.

Dwelling Unit: A residential structure which is arranged, designed, used, or intended to be used by one family, for living or sleeping purposes, and which includes complete kitchen facilities permanently installed.

Dwelling, Attached: A dwelling which is joined to another dwelling at one or more sides by a party wall or walls.

Dwelling, Detached: A dwelling which is surrounded by open space and is not connected to any other dwelling unit by roof, walls or porches on the same lot.

Dwelling, Single-Family: One dwelling unit designed exclusively for use and occupancy by one (1) family.

Dwelling, Two-Family: A structure designed or altered to provide two dwelling units, each with separate entrance, for occupancy by two (2) families.

Dwelling, Multiple-Family: A structure designed or altered for occupancy by three (3) or more families living independently of each other for residential occupancy.

Dwelling, Rental Unit: One or more rooms in a residential structure, including a private

residence, commercial apartments, duplexes, hotels and/or motels for which rent is received by the owner thereof either on a daily, weekly, monthly, or other basis, and which may or may not include a complete kitchen facility permanently installed.

Dwelling, Row (Party Wall): A row of two (2) to eight (8) attached one-family, party wall dwellings, not more than two and one-half (2 1/2) stories in height nor more than two (2) rooms in depth, measured from the building line.

Dwelling, Townhouse: A structure consisting of three or more dwelling units. A townhouse is typically designed with no other dwellings, or portion of other dwelling, directly above or below, where each unit has a separate exterior entrance and direct ground level access opening. A townhouse dwelling does not include a multi-family dwelling.

Dwelling Group: Two (2) or more one-family, two (2) family or multiple-family dwellings, located on one (1) zoning lot, but not including tourist courts or motels.

Easement: Land designed by lawful agreement between the owners of the land and a person for specified use only by such person.

Educational Institution: A Public, private parochial, community or vocational facility, college with or without living quarters, dining rooms, restaurants, heating plants, and other incidental facilities for students, teachers, and employees.

Efficiency Unit: A dwelling unit consisting of one (1) principal room for living, sleeping, and eating, plus facilities for cooking and complete bath and toilet facilities.

Family: One (1) or more persons related by blood, marriage or adoption, or a group of not more than five (5) persons (excluding servants) who need not be related by blood, marriage or adoption, living together and maintaining a common household but not including sororities, fraternities or other similar organizations.

Fence: A structure used as a barrier, screen, separation, or means of privacy, protection, or confinement.

Financial Institutions: Commercial banks, credit unions, savings and loan associations, brokerage offices and other similar financial institutions.

Flood: A general and temporary condition of inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

Flood Protection Elevation (FPE): The elevation of the base flood plus one foot at any given location in the Special Flood Hazard Area (SFHA).

Floodway: That portion of SFHA required to store and convey the base flood. The

floodway for SFHA's in the Village shall be according to the best data available to the Illinois State Water Survey Floodplain Information Repository.

Floor, Gross Area (For the Purpose of Determining Requirements for Off-Street Parking and Off-Street Loading): The floor area shall mean the sum of the gross horizontal area of the several floors of the building or portion thereof, devoted to such use, including accessory storage areas located within selling or working space, such as counters, racks or closets, and any basement floor area devoted to retailing activities, to the production or processing of goods or to business or professional offices.

However, floor area for the purpose of measurement of off-street parking spaces shall not include floor area devoted primarily for storage purposes. The following areas shall not be included for the purpose of measurement of off-street parking spaces:

- a. Floor area devoted to off-street parking or loading facilities, including aisles, ramps and maneuvering space;
- b. Basement floor area other than area devoted to retailing or service activities, of the production or processing of goods, or to business or professional offices.

Flood Plain: The areas adjoining a watercourse which have been or hereafter may be covered by the regional flood.

Freeway: A major highway having no intersections at grade and having fully controlled access, hence "free" from conflicts and interruptions.

Frequency: The number of oscillations per second in a sound wave measuring the pitch of the resulting sound.

Frontage: All the property fronting on one side of a street between the nearest intersecting streets or between a street and a right-of-way, waterways, or other similar barrier.

Garage: Any structure, either attached or detached, used primarily for the parking and storage of motor vehicles.

Gas Station/Truck Station: A business where fuel for vehicles are stored and dispensed for sale directly to the public from fixed equipment into the fuel tanks of motor vehicles. This may also include ancillary retail uses, a one stall car wash facility, and solar and/or electric charging stations.

Golf Course: Public, semi-public, or private grounds over which the game of golf is played, including accessory buildings and land uses incidental thereto, and consisting of at least fifty (50) acres for each Standard nine (9) hole course, and twenty-five (25) acres for each nine (9) hole "par 3" course.

Grade, Street: The elevation of the established street in front of the building measured at the center of such front. Where no street grade has been established, the Village Engineer shall establish such street grade or its equivalent for the purposes of this section.

Ground Floor Area: The lot area covered by a principal building measured at grade from the exterior faces of the exterior walls, but excluding open porches or terraces, garages, or carports.

Grounding Rod: A metal pole permanently positioned in the earth to serve as an electrical conductor through which electrical current may safely pass and dissipate.

Home Occupation: Any occupation or profession conducted within a dwelling unit and its permitted accessory structures that is clearly incidental and secondary to the use of such buildings. See Subsection 4.08.

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

Hotel, Apartment: A hotel in which at least ninety percent (90%) of the hotel accommodations are for occupancy by the permanent guests. An apartment hotel having not less than fifty (50) guest rooms may have a dining room open to the public which is accessible only from an inner lobby or corridor.

Hotel/Motel: A facility that provides sleeping accommodations for a fee and customary lodging accommodations. Facilities provided may include maid service, laundering of linen used on the premises, telephone and secretarial or desk service, meeting rooms, recreational facilities, restaurants, and bars.

Kennel: Any lot or premises or portion thereof on which more than four (4) dogs, cats or other household domestic animals, are bred, raised, or trained or more than two (2) such animals are boarded for compensation or kept for sale.

Loading and Unloading Space or Berth, (Off-Street): An open, hard-surfaced area of land, other than a street or a public way, the principal use of which is for the standing, loading and unloading of goods and materials, to avoid undue interference with public streets and alleys. Such space shall not be less than ten (10) feet in width, twenty-five (25) feet in length, and fourteen (14) feet in height, exclusive of access aisles and maneuvering space.

Lot: Parcel of land legally described as a distinct portion or piece of land of record.

Lot Area: The area of a horizontal plane bounded by vertical planes containing the front, side, and rear lot lines.

Lot of Record: An area designated as a lot on a plat of subdivision, recorded or registered pursuant to statute.

Lot, Corner: A lot situated at the junction of and abutting on two (2) or more intersecting streets; or a lot at the point of deflection in alignment of a single street, the interior angle of which is one hundred and thirty degrees (130°) or less.

Lot Coverage: The area of a zoning lot occupied by the principal building or buildings and accessory buildings.

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

Lot Frontage: The front of a lot shall be that boundary of a lot along a public street; for a corner lot the owner may elect either street line as the front lot line.

Lot Line: A property boundary line of any lot held in single or separate ownership except that where any portion of the lot extends to the abutting street or alley, the lot line shall be deemed to be the street or alley line.

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

Lot Line, Front: The front property line of a zoning lot.

Lot Line, Interior: A side lot line common with another lot.

Lot Line, Rear: The lot line or lot lines most nearly parallel to and most remote from the front lot lines.

Lot Lines, Side: Lot lines other than front or rear lot lines are side lot lines.

Lot, Reversed Corner: A corner lot, the rear of which abuts upon the side of another lot, whether across an alley or not.

Lot Through: A lot having frontage on two (2) parallel or approximately parallel streets, and which is not a corner lot. On a through lot both street lines shall be deemed front lot lines.

Lot Width: The mean horizontal distance between the side lot lines measured within the boundaries, or the minimum distance between the side lot lines within the buildable area.

Manufacture: The production, making or processing of products or commodities for general consumption of the public or for sale to specialized institutions or organizations. Also included in the subassembly, lubrication, or processing of parts or components for use in other products or commodities.

Marijuana Dispensary: A facility operated by an organization or business that is registered and licensed by the State of Illinois to acquire and sell cannabis from a registered and licensed cultivation center for the purpose of dispensing (selling) cannabis, paraphernalia, and related supplies

Marquee or Canopy: A roof-like structure of a permanent nature which projects from the wall of a building and may overhang the public way and is designed and intended to protect pedestrians from adverse weather conditions.

Micro-Brewery: A facility for the production and packaging of malt beverages of low alcoholic content for wholesale distribution, with a capacity of less than 15,000 barrels per year and may include a tasting room. A tasting room allows customers to taste samples of products manufactured on site and purchase related sales items. Sales of alcohols manufactured outside of the facility are prohibited. A separate liquor license is required for sales of alcohols manufactured on site.

Micro-Distillery: A facility for the production and packaging of alcoholic beverages in quantities not to exceed twelve thousand (12,000) gallons per year and may include a tasting room. A tasting room allows customers to taste samples of products manufactured on site and purchase related sales items. Sales of alcohols manufactured outside of the facility are prohibited. A separate liquor license is required for sales of alcohols manufactured on site.

Micro-Winery: A facility for the production and packaging of any alcoholic beverages obtained by the fermentation of the natural contents of fruits and vegetables, containing sugar, including such beverages when fortified by the addition of alcohol or spirits, in quantities not to exceed 25,000 gallons per year and may include a tasting room. A tasting room allows customers to taste samples of products manufactured on site and purchase related sales items. A separate liquor license is required for sales of alcohols manufactured on site.

Mixed-Use Development: A proposed development that includes principal non-residential and principal residential uses on the same development site.

Mobile Homes: Any trailer, as defined herein, used for residential purposes, but not including sports or camping trailers and which carries with it a title for the structure.

Mobile Home Park: Any premises occupied or designed to accommodate one (1) or more families living in a mobile home.

Motor Freight Terminal: A building in which freight, brought to said building by motor trucks, is assembled and sorted for routing in either intrastate or interstate shipment by motor truck.

Motor Vehicle Laundry: A building or portion thereof containing facilities for washing

motor vehicles using production-line methods with a chain conveyor, blower, steam cleaning device or other mechanical devices, including self-service devices.

Motor Vehicle and Trailer Sales Area: An open area, other than a street, used for the display or sale of new or used motor vehicles or trailers, and where repair work may be performed on the premises.

Non-Conforming Building or Structure: Any building or structure lawfully established which: (a) does not comply with all the regulations of this ordinance or of any amendment hereto governing bulk of the district in which such building or structure is located; or (b) is designed or intended for a non-conforming use.

Non-Conforming Use: Any building, structure or land lawfully occupied by a use or lawfully established at the time of the adoption of this ordinance or amendments thereto, which does not conform after the passage of this ordinance or amendments thereto with the use regulations of this ordinance.

Noxious Matter: Material which can cause injury to living organisms by chemical reaction or can cause detrimental effects upon the psychological, social, or economic well-being of humans.

Octave Band: A means of dividing the range of sound frequencies into octaves in order to classify sound according to pitch.

Octave Band Filter: An electrical frequency analyzer, designed according to standards formulated by the American Standards Association and used in conjunction with a sound level meter to take measurements in specific octave intervals (American Standard for Sound Level Meters, A.S.A. No. 244,3-1 944).

Office; Business or Professional: The office of an engineer, doctor, dentist, attorney, real estate broker, insurance broker, architect, or other similar professional person, and any office used primarily for accounting, correspondence, research, editing or administration.

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

Ordinance: Reference to "ordinance" shall be construed as the Dwight Zoning Ordinance.

Park/Playground: A non-commercial facility that serves the recreational needs of residents and visitors

Parking Area, Private: An open, hard-surfaced area, other than a street or public way, designed, arranged and made available for the storage of private passenger motor

vehicles only for occupants of the building or buildings for which the parking area is developed and is accessory.

Parking Area, Public: An open, hard-surfaced area, other than a street or public way, intended to be used for the storage of passenger motor vehicles and commercial vehicles under one and one-half (1½) tons capacity, and available to the public, whether for compensation, free or as an accommodation to clients or customers.

Parking Space, Motor vehicle: Space within a public or private parking area of not less than one hundred and eighty (180) square feet nine (9) feet by twenty (20) feet), exclusive of access drives, aisles, ramps, columns or office and work areas, for the storage of one (1) passenger automobile or commercial vehicle under one and one-half (1½) tons capacity.

Particulate Matter: Material which is suspended in or discharged into the atmosphere in finely divided form as liquid or solid at atmospheric pressure and temperature.

Performance Standard: A criterion to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, or glare or heat generated by or inherent in uses of land or buildings.

Plan Commission: The Plan Commission of the Village of Dwight, as constituted by ordinance.

Planned Unit Development (PUD): A parcel or tract of land which is planned for development, initially under unified ownership or control, and which is or is intended to be the site for two (2) or more principal buildings (or one (1) or more principal building for two (2) or more principal uses) and within which allowable exceptions in the district regulations are specified. The minimum area for a Planned Unit Development shall be: (a) for residential - four (4) acres; (b) for business - five (5) acres; (c) for industrial - ten (10) acres; and (d) for permanent - two (2) acres.

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

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

Principal Use: The main use of land or structures as distinguished from an accessory use.

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

Railroad Rights-of-Way: A strip of land with tracks and auxiliary facilities for track

operation, but not including depots, loading platforms, stations, train sheds, warehouses, car shops, car yards, locomotive shops, water towers.

Research and Development (R & D): A facility where research and development is conducted in industries. Research and Development does not involve the manufacture, fabrication, processing, or sale of products.

Reservoir Parking Spaces: Those off-street parking spaces allocated for temporary standing of motor vehicles awaiting entrance into a particular establishment.

Restaurant: Any land, building or part thereof, other than a boarding house, where meals are provided for compensation, including a cafe, cafeteria, coffee shop, lunch room, drive-in stand, tearoom and dining room, and including the serving of alcoholic beverages when served with and incidental to the serving of meals.

Ringelmann Number: The number of the area on the Ringelmann Chart that coincides most nearly with the visual density of smoke emission.

Riverine Special Flood Hazard Area: Any SFHA subject to flooding from a river, creek, intermittent stream, ditch, or any other identified channel. This term does not include areas subject to flooding from lakes, ponding areas, areas of sheet flow, or other areas not subject to overbank flooding.

Satellite Dish Antenna: A dish antenna designed for transmitting signals to a receiver or receiving station.

Self-Storage Facility: A facility for the storage of personal property where individual renters control and access individual storage spaces.

Sign, Awning: Any sign affixed directly on or attached to an awning.

Sign, Canopy: Any sign mounted on or supported by a canopy.

Sign, Ground: Any sign supported by one or more uprights or braces placed upon or set into the ground.

Sign, Identification: A structure, building wall or other outdoor surface used to display and identify the name of the individual, business, profession, organization, or institution occupying the premises upon which it is located.

Sign, Illuminated: Any sign which has characters, letters, figures, designs, or outline illuminated by electric lights or luminous tubes as a part of the sign proper.

Sign, Marquee: Any sign mounted on or supported by a marquee.

Sign, Off Premises: Signs not located at the site of that which is advertised or identified.

Sign, On Premises: Signs located at the site of that which is advertised or identified.

Sign, Projecting: Any sign other than a wall sign which is attached to a building and extends beyond the line of said building or structure by more than 18".

Sign, Roof: Any sign erected, constructed, and maintained wholly upon or over the roof of any building.

Sign, Temporary and/or Portable: Any sign, banner, pennant, valance, to be displayed for a limited time only or any sign set upon the ground unsecured. A portable sign shall be defined as any sign set upon or affixed to any device or ground with wheels or skids or framing to afford portability by persons or auxiliary devices.

Sign, Wall: A single-faced sign, impressed or painted on, or attached to a wall with the exposed face of the sign in a plane approximately parallel to the plane of the wall.

Smoke Units: The number obtained by multiplying the smoke density in Ringelmann numbers by the time of emission in minutes. For the purpose of this chart, Ringelmann density reading is made at least once every minute during the period of observation; each reading is then multiplied by the time in minutes during which it is observed; and the various products are added together to give the total number of "smoke units" observed during the total period under observation.

Sound Level Meter: An instrument standardized by the American Standards Association for measurement of intensity of sound.

Special Flood Hazard Area (SFHA): Those lands within the jurisdiction of the Village which are subject to inundation by the base flood. The SFHAs of the Village are generally identified as such on the Flood Hazard boundary Map of the Village prepared by the Federal Emergency Management Agency. The SFHAs of those parts of unincorporated Livingston and Grundy Counties that are within the extraterritorial jurisdiction of the Village or that may be annexed into the Village are generally identified as such on the Flood Hazard Boundary Map prepared for Grundy County and Livingston County by the Federal Emergency Management Agency.

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

Story, Half: A half ($\frac{1}{2}$) story is that portion of a building under a gable, hip or mansard roof, the wall plates of which on at least two (2) opposite exterior walls are not more than four and one-half ($4\frac{1}{2}$) feet above the finished floor of each story. In the case of one-family dwellings, two-family dwellings and multiple-family dwellings less than three (3)

stories in height, a half (½) story in a sloping room shall not be counted as a story.

Stacking Requirements: For the purposes herein, stacking requirements are the number of cars that must be accommodated in a reservoir space while awaiting ingress or egress to specified business or service establishments.

Streets: A public right of way other than an alley, which affords a primary means of access to abutting property.

Street Frontage: All of the property fronting on one side of a street between two (2) intersecting streets, or in the case of a dead-end street, all of the property along one (1) side of the street between an intersecting street and the end of such dead-end street.

Street Line: A line separating a lot, piece, or parcel of land from a street.

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

Structural Alterations: Any change which would prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams or girders, or foundations.

Swimming Pool: A swimming pool or receptacle for water, either public or private and the apparatus and equipment pertaining to the swimming pool, and/or an artificial pool of water over twenty-four (24) inches. Also refer to Section 14.03.

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

Tourist Home/Bed and Breakfast: A dwelling in which accommodations are provided or offered for transient guests.

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

Trailer: A vehicle with or without motive power used or adaptable for living, sleeping, business or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses or skirting, which does not meet the building code requirements and has been or reasonably may be equipped with wheels or other devices for transporting the structure from place to place. A permanent foundation shall not change its character nor shall the erecting of additions to said trailer unless the trailer itself and any additions thereto conform to all Village laws.

Trailer Sales Area: An open area, other than a street used for the display or sale of new

or used trailers, and where no repair work is done except for minor incidental repair of trailers to be displayed and sold on the premises.

Trailer, Sports or Camping: A trailer designed for camping or other recreational purposes.

Truck Parking Area or Yard: Any land used or intended to be used for the storage, parking of trucks, trailers, tractors and including commercial vehicles while not loading or unloading, which exceed one and one-half (1½) tons in capacity.

Use: The purpose or activity for which the land, buildings and structures thereon, is designed, arranged, or intended, or for which it is occupied or maintained, and shall include any manner of performance of such activity with respect to the performance standards of this ordinance.

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

Use, Permitted: Any use which is or may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations, and when applicable, performance standards of this ordinance for the district in which such use is located.

Used Car Lot: A zoning lot on which used or new cars, trailers or trucks are displayed in the open for sale or trade.

Variance: A variance is a relaxation of the terms of the zoning ordinance where such variances will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the results of the actions of the applicant, a literal enforcement of this ordinance would result in unnecessary and undue hardship. As used in this ordinance, a variance is authorized only for height, area, and size of structure or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or uses in an adjoining zoning district.

Warehouse: An enclosed facility for the storage and distribution of manufactured products, supplies and equipment.

Yard: An open space on the same zoning lot with a principal building or of buildings, which is unoccupied and unobstructed from its lowest level upward, except as otherwise permitted herein, and which extends along a lot line and at right angles thereto to a depth or width specified in the yard regulations for the district in which the zoning lot is located.

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

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

Yard, Side: A yard extending along a side lot line from the front yard to the rear yard.

Zoning Administrator: Whenever the term "Zoning Administrator" is used, it shall mean the Zoning Administrator appointed by the President and Village Board and such deputies or assistants as have been or shall be duly appointed. That officer is hereby authorized and it is his duty to administer and enforce the provisions of the zoning ordinance, making such determinations, interpretations and orders as are necessary therefore, and requiring such plats, plans and other descriptive material in connection with applications for permits as are necessary for him to judge compliance with this ordinance.

Zoning Board: The Zoning Board of Appeals of the Village of Dwight, Illinois

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

Zoning Map: The map incorporated herein as a part hereof, designating zoning districts.

SECTION 4.00 - GENERAL PROVISIONS

4.01 INTERPRETATION

1. Minimum Requirements. The provisions herein shall be held to be the minimum requirements for the promotion of public health, safety, morals, and welfare.
2. Relationship with Other Laws. Where the conditions imposed by any provision herein upon the use of land or buildings or upon the bulk of buildings are either more restrictive or less restrictive than comparable conditions imposed by any other provision herein, or any other law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive (or which impose higher standards or requirements) shall govern.
3. Effect of Existing Agreements. This ordinance is not intended to abrogate any easement, covenant, or another private agreement provided that where the regulations of this ordinance are more restrictive (or impose higher standards or requirement) than such easements, covenants or other private agreements, the requirements herein shall govern.

4.02 SEPARABILITY

It is hereby declared to be the intention of the Village of Dwight that the several provisions of this ordinance are separable, in accordance with the following:

1. If any court of competent jurisdiction shall adjudge any provision of this ordinance to be invalid, such judgement shall not affect any other structure, such judgement shall not affect any other provisions not specifically included in said judgement.
2. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this ordinance to a particular property, building or other structure, such judgement shall not affect the application of said provisions to any other property, building or structure not specifically included in said judgement.

4.03 REPEAL

Ordinance No. 674 passed in 1977 relating to the zoning of land is hereby repealed and all other ordinances or parts of ordinances of the Village of Dwight unconstitutional or conflicting with this ordinance, to the extent of the inconsistency only, are hereby repealed.

4.04 SCOPE OF REGULATIONS

1. Change in Structures or Use. Except as may otherwise be provided, all buildings erected hereafter, all uses of land or buildings established hereafter, all structural alterations or relocation of existing buildings occurring hereafter, and all enlargements of or additions to existing uses occurring hereafter shall be subject to all regulations herein which are applicable to the zoning districts in which such buildings, uses or land shall be located.
2. Non-Conforming Buildings, Structures and Uses. Any lawful building, structure or use existing at the time of the enactment of this zoning ordinance may be continued, even though such building, structure or use does not conform to the provisions herein for the district in which it is located, and whenever a district shall be changed hereafter, the then existing lawful use may be continued, subject to the provisions in Section 5.00.
3. Building Permits. Where a building permit for a building or structure has been issued in accordance with law prior to the effective date of this ordinance, and provided that construction is begun within one (1) year of such effective date and diligently prosecuted to completion, said building or structure may be completed in accordance with the approved plans on the basis of which the building permit was issued, and further may upon completion be occupied under a certificate of occupancy by the use for which originally designated - subject thereafter to the provisions of Section 5.00.

4.05 USE AND BULK REGULATIONS

1. Use. No building, structure or land shall hereafter be used or occupied, and no building or part thereof, or other structure shall be erected, raised, moved, re-constructed, extended, enlarged or altered except in conformity with the regulations herein specified for the district in which it is located.
2. Bulk. All new buildings and structures shall conform to the building regulations established herein for the district in which each building shall be located, except that parapet walls, chimneys, cooling towers, elevator bulkheads, fire towers, stacks and necessary mechanical appurtenances shall be permitted to exceed the maximum height provisions when erected in accordance with all other ordinances of the Village of Dwight.

4.06 LOT COVERAGE

1. Maintenance of Yards, Courts, and other open spaces. The maintenance of yards, courts and other open spaces and minimum lot area legally required for a building shall be a continuing obligation of the owner of such building or of the property on which it is located, as long as the building is in existence. Furthermore, no legally required yards, courts or other open space, or minimum lot area allocated to any building, shall by virtue of change of ownership or for any other reason, be used to satisfy yard, court, other open space or minimum lot area requirements for any other building.
2. Division of Zoning Lots. No improved zoning lot shall hereafter be divided into two or more zoning lots unless all improved zoning lots resulting from each such division shall conform with all the applicable bulk regulations of the zoning district in which the property is located.
3. Location of Required Open Space. All yards, courts and other open spaces allocated to a building or dwelling group shall be located on the same zoning lot as such building or dwelling group.
4. Required Yards for Existing Buildings. No yards now or hereafter provided for a building existing on the effective date of this ordinance shall subsequently be reduced below, or further reduced below if already less than the minimum yard requirements of this ordinance for equivalent new construction.
5. Permitted Obstructions in Required Yards. The following shall not be considered to be obstructions when located in the required yards as specified:
 - a. In All Yards:
 - (1) Open terraces not Over four (4) feet above the average level of the adjoining ground, but not including permanently roofed over terrace or porch;
 - (2) Awnings and canopies, but not projecting more than three (3) feet, and at least seven (7) feet above the average level of the adjoining ground;
 - (3) Steps, four (4) feet or less above grade, which are necessary for access to a permitted building or for access to a zoning lot from a street or alley;
 - (4) Chimneys projecting two (2) feet or less into the yard;
 - (5) Arbors, trellises, flag poles, fountains, sculptures, plant boxes and

other similar ornamental objects;

(6) Fences, as provided for in Section 14.00 of this ordinance.

(7) Flowers, landscaping, trees, shrubs and gardens.

- b. In Front yards. One-story bay windows projecting three (3) feet or less into the yards; and over hanging eaves and gutters projecting three (3) feet or less into the yard;
 - c. In Rear Yards. Enclosed, attached or detached on-street parking spaces, open off-street parking spaces, accessory shed, tool rooms and similar buildings or structures for domestic or agricultural storage; balconies, breezeways and open porches; one-story bay windows projecting three (3) feet or less into the yard. In any residential district, no accessory building shall be nearer than five (5) feet to the side lot line, nor nearer than five (5) feet to the rear lot line, nor nearer than ten (10) feet to any principal building unattached.
 - d. In Side Yards. Over hanging eaves and gutters projecting into the yard for a distance not exceeding forty percent (40%) of the required yard width, but in no case exceeding two (2) feet.
 - e. No obstructions in Required Yards. Except as herein before set forth in Section 4.06, 5. a.b.c.d. above, any obstruction that does not otherwise violate any provision of this ordinance may be placed in any yard subject to the following restrictions:
 - (1) When located in a side yard, the obstruction may not be located in a required side yard.
 - (2) When located in a rear yard, the obstruction may be placed no nearer than five (5) feet from the rear lot line but not in any required side yard.
 - (3) When located in a front yard, the obstruction may be placed no nearer than twenty (20) feet from the front lot line but not in any required side yard.
6. Vision Clearance -- Corner Lots. No building or structure erected and no planting or other obstruction to the vision of drivers of motor vehicles shall be located:
- a. In any residential district, exceeding a height of three (3) feet above the street grade within twenty-five (25) feet of the intersecting street lines bordering corner lots; and

- b. In any Manufacturing district, within twelve (12) feet of the intersecting street lines bordering a corner lot, provided that this regulation shall not apply to that part of a building above the first floor.
- c. All trees with overhanging branches located in any residential, commercial, or industrial district shall be not less than six (6) feet above the centerline of the street.

7. Exceptions for Existing Developments

- a. Where forty percent (40%) or more of the frontage on one side of a street between two (2) intersecting streets is developed with buildings that have observed (within a variation of five (5) feet or less) a front yard greater in depth than required herein, new buildings shall not be erected closer to the street than the average front yard so established by the existing building.
- b. Where forty percent (40%) or more of the frontage on one side of a street between two (2) intersecting streets is developed with buildings that have not observed a front yard as herein required then:
 - (1) Where a building is to be erected within one hundred (100) feet of existing building on both sides, the minimum front yard shall be a line drawn between the contiguous front corners of the two (2) existing buildings.
 - (2) Where a building is to be erected within one hundred (100) feet of an existing building on one (1) side only, it may be erected as close to the street as the existing building.

4.07 LOT AREA AND DIMENSION

- 1. Contiguous Parcels. When two or more parcels of land, each of which lacks adequate area and dimension to qualify for a permitted use under the requirements of the use district in which they are located, are contiguous and are held in one ownership, they shall be used as one zoning lot for such use.
- 2. Lots or Parcels of Land of Record. Any single lot or parcel of land, held in one (1) ownership which was of record at the time of adoption of this ordinance, that does not meet the requirements for minimum lot width and area, may be utilized for a permitted use, provided that yards, courts or usable open spaces are not less than seventy-five percent (75%) of the minimum required dimensions of areas.

4.08 HOME OCCUPATIONS

A home occupation is any occupation, business, profession, vocation, avocation, or other activity engaging in for income or profit, conducted by any occupant of any residential property situated in a residential zoning district, which business use meets all of the following requirements:

1. The business use engaged in does not alter the residential character of the residential area in which the subject property is situated.
2. The business use is not apparent from the exterior appearance of the residential property except for #4.
3. The business use does not cause apparent traffic and parking congestion in residential areas.
4. Signs denoting only the name and profession/business of an occupant in a dwelling house and not exceeding two (2) square feet in area.
5. All advertising with respect to the business use is of such a nature so as not to invite or attract walk-in clients or customers.
6. The business use shall not be of a nature that contemplates or attracts walk-in customers or clients.
7. All business conducted on the premises shall be by appointment or invitation only.
8. There will be no more than three (3) customers or clients of the business use at the residence at any time.
9. All supplies, vehicles, merchandise, equipment, inventory and other property related to the business use shall be stored entirely within an enclosed building, and all business activity shall be conducted entirely within an enclosed building; for the purposes hereof, the enclosed building shall be either the residential building or an accessory structure otherwise permitted within the residential zoning district in which the property is located.
10. No vehicles or other transportation equipment used in connection with the business use shall be parked on the property other than in an enclosed building or on the public street or right-of-way, other than automobiles, pickup trucks and other similar vehicles having as their primary use of transportation of persons.
11. The business use is subordinate to the use of the premises for residential purposes and residential use remains the primary use of the premises.
12. The owner of the business, or an immediate family member of the owner of the business, must reside in the affected residence. In the case of partnerships, corporations, or other similar business entities, all of the parties having ownership interests in any of said entities, or their immediate family members, shall reside in the affected residence.

Garage sales, retail sale parties and other similar functions held at a residence shall not constitute a home occupation and shall be permitted under this ordinance as incidental to a residential use, provided that said activity is not conducted for more

than six (6) calendar days during any calendar year, which may be, but need to be, consecutive.

All business uses which do not satisfy the requirements set forth above for home occupations shall not be permitted in any residential district.

4.09 ACCESS TO PUBLIC STREETS

Except as otherwise provided for herein, every building shall be constructed or erected upon a lot or parcel of land which abuts upon a public street unless a permanent easement of access to a public street was of record prior to the adoption of this ordinance.

4.10 NUMBER OF BUILDINGS ON A ZONING LOT

Except in the case of a planned unit development, not more than one (1) principal detached residential building shall be located on a residential lot within an R-1 or an R-2 Zoning District, nor shall a principal detached residential building be located on the same zoning lot with any other principal building in an R-1 or an R-2 Zoning District

4.11 REZONING OF PUBLIC AND SEMI-PUBLIC AREAS

An area indicated on the zoning map as a public park, recreation area, public school site, cemetery, or other similar open space, shall not be used for any other purpose than that designated, and when the use of the area is discontinued, it shall automatically be zoned to the most restricted adjoining district until appropriate zoning is authorized by the Village Board of Trustees within three (3) months after the day of application filed for rezoning.

4.12 ACCESSORY BUILDINGS OR USES

1. Location. When a side yard is required, no part of an accessory building or use shall be located or permitted closer than five feet (5') to the side lot line along such side yard. Further, such accessory building or use shall not be located or permitted in any side or front yard.
2. Time of Construction. An accessory building or structure may be constructed on any lot prior to the start of construction of the principal building to which it is accessory provided that the construction of the principal building is completed within one year of the issuance of the building permit for the accessory building or structure.

3. Percentage of Required Rear Yard Occupied. No accessory building or buildings shall occupy more than forty percent (40%) of the area of a required rear yard.
4. Height of Accessory Buildings in Required Rear Yards. No accessory building or portion thereof located in a required rear yard shall exceed fifteen (15) feet in height or seventy-five (75%) of the height of the principal building, whichever is greater.
5. On Reversed Corner Lots. On a reversed corner lot in a residential district, no accessory building or portion thereof located in a required rear yard shall be closer to the side lot line abutting the street than the required front yard on the adjacent lot to the rear. Further, in the above instance, no such accessory building shall be located within five (5) feet of any part of a rear lot line which coincides with a side lot line or portion thereof of property in a residential district.

4.13 TEMPORARY BUILDINGS

1. A temporary real estate office may be allowed in conjunction with a new housing development, limited to the selling or renting of new units in such development, but in no case to be in operation for more than one year following completion of construction of said housing development.
2. Temporary buildings for construction purposes may be allowed in any district for a period not to exceed the completion date of such construction.

4.14 EXISTING SPECIAL USES

Where a use is classified as a special use and exists as a permitted use at the date of the adoption of this ordinance, it shall be considered a legal use, without further action of the Village Board of Trustees, the Zoning Administrator, the Board of Appeals, or the Plan Commission.

4.15 USES NOT SPECIFICALLY PERMITTED IN DISTRICTS

When a use is not specifically listed in the actions devoted to Permitted Uses, it shall be assumed that such uses are hereby expressly prohibited unless by a written decision of the Plan Commission it is determined that said use is similar to and not more objectionable than uses listed. Such uses may then be permitted.

4.16 REGULATION OF TELEVISION OR RADIO TOWERS AND SATELLITE DISH ANTENNAS

1. Location: No antenna tower or dish antenna shall extend above, across, under or over any public sidewalks, public streets or other public right of ways and shall have no wires or metal rods extending therefrom above, across, under or over any public sidewalks, public streets or other public right of ways.
2. All wires, rods, and other connectors between antenna towers or dish antennas and the structure receiving services from the antenna towers or dish antennas must be located under ground if ground mounted or securely attached to or located within the structure receiving service if the antenna towers or dish antennas are roof mounted.
3. Dish Antennas: Satellite dish antennas in excess of thirty-six (36) inches shall be allowed to be constructed in rear yards, in interior side yards, and on an existing structure only. A permit shall be necessary for their construction as an accessory use.
4. Other Television or Radio towers or Antennas: Other radio or television towers or antennas shall need a permit for their construction as an accessory use. The height shall be limited to fifty-five feet (55') for all zoning districts, shall be constructed or installed in rear yards or on those portions of roofs of buildings facing the rear yard and shall not be more than three feet (3') from the principal building. The tower/antenna shall not be so positioned as to be a hazard to any utility line.
5. Compliance with Federal Provisions: All radio and antenna towers shall comply with all applicable FCA and FAA requirements.

4.17 SMOKE DETECTORS

1. Installation. In each residential, business, industrial or other district described in this ordinance, at least one smoke detector shall be located on each floor of each dwelling unit.
2. Enforcement. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or resists the enforcement of any of the provisions of this section related to the installation of smoke detectors shall upon conviction be fined fifty dollars (\$50) per smoke detector not installed pursuant to the specifications of this ordinance, with each ten (10) days that the violation is permitted to exist after the first such violation constituting a separate offense.

Prior to any occupancy permit being issued in any structure wherein smoke detectors are required by this section, the Building Inspector shall not issue any such occupancy permit until the provisions with respect to this section have been complied with.

The Building Inspector is hereby authorized to make reasonable inspections of any building or other premises from time to time wherein smoke detectors are required pursuant to this section for the purposes of enforcement hereof.

4.18 HEIGHT OF FINAL GRADE

1. The final yard grade shall be at its highest point as the level of the attached garage floor. The grade at the garage floor shall not be less than twelve (12) inches and not more than twenty-four (24) inches above the average height of the curb. In the event there is no street curb immediately abutting the front yard of the zoning lot, then the grade at the building foundation shall be measured from the highest point on the street at the center of the lot. All grades shall generally slope from the building foundation to the top of the street curb or street pavement, as the case may be, and all sides shall have an equal grade and be consistent with good drainage and conform with adjacent properties within the variation as allowed by this section.
2. The foregoing notwithstanding, the final yard grade of any improved lot may not vary by more than twenty-five percent (25%) from the height of final grade of an immediately adjacent improved lot. An improved lot for the purposes of this paragraph shall be a lot on which there exists a principal building. If there is more than one adjacent improved lot abutting the improved lot in question, and if due to variations in the height of final grades of abutting lots the twenty-five percent (25%) limitation set forth above is not feasible, then the final grade of the improved lot in question shall be the average height of the final grades of all improved lots abutting the improved lot in question.
3. This section shall apply for all building permits issued for construction in residential districts. Prior to issuance of a building permit, it shall be the Builder's responsibility to place a grade stake at the street curb or street pavement with the proposed height of the final grade clearly labeled and marked on the stake. The stake shall be painted or marked with lath with bright ribbon, flagging, or other suitable means so that it is clearly visible. The Builder shall notify the Village when the grade stake has been set and is ready for inspection. The Village Inspector shall check the proposed height of the final grade for compliance with this Ordinance and notify the Builder as to whether the subject grade is approved or disapproved within five (5) working days of receipt of the notice. Village Inspector will document all grades on the rear of the Building Permit. If the Village Inspector disapproves of the proposed height of the final grade, the reason(s) for disapproval shall be indicated to the Builder and the Builder shall make necessary corrections to the grade stake and re-notify the Village for re-inspection. Builder may commence with excavation and construction activities upon issuance of the building permit by the Village Inspector.

4. Upon completion of construction, Builder shall notify Village and the Village Inspector shall recheck the height of the final grade to verify that it is within 0.10 feet of the proposed height, and in conformance with this Ordinance.
5. Failure to comply with the provisions of this Ordinance may result in a fine up to One Thousand Dollars (\$1,000.00) per occurrence.

4.19 TAP ON FEES

The Village Board shall establish a schedule of tap on fees applicable for connection to Village services including but not limited to water, wastewater, and storm water. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application. The schedule of Tap-On fees may be obtained in the office of the Village Clerk, 209 S. Prairie Avenue or online at dwightillinois.org.

4.20 WIND ENERGY SYSTEMS (WES)

4.20.1 PURPOSE

The general purpose of the provisions within this ordinance are as follows: to establish reasonable and uniform regulations for the location, installation, operation, maintenance, and decommissioning of Wind Energy Systems; to assure that any development and production of wind-generated electricity in the Village of Dwight is safe and to minimize any potentially adverse effects on the community; to promote the supply of sustainable and renewable energy resources, in support of national, state, and local goals; and to facilitate energy cost savings and economic opportunities for Village of Dwight residents and businesses.

DEFINITIONS

Ambient Sound Level: the all-encompassing sound at a given location, usually a composite of sounds from many sources near and far. For the purpose of this ordinance, the "ambient sound level" shall mean the quiescent background level, that is, the quietest of ten 10-second average sound levels measured when there are no nearby or distinctly audible sound sources (e.g. dogs, cars in line-of-sight, or jets). Daytime ambient measurements should be made during mid-morning, weekday hours while nighttime measurements should be made after midnight.

Area, Front: The area of a lot lying between the boundary of the predominant front building elevation of the principal structure and the front lot line, extended across the full width of the lot unobstructed from the ground upward and unoccupied except by specific

uses and structures allowed in such area of a lot as allowed elsewhere in the Zoning Ordinance.

Area, Corner Side: The area of a lot lying between the boundary of the corner side building elevation of the principal structure and the corner side lot line, unobstructed from the ground upward and unoccupied except by specific uses and structures allowed in such area of a lot as allowed elsewhere in the Zoning Ordinance.

Building Mounted Wind Energy Systems (BWES): A Wind Energy System that utilizes a monopole to structurally attach onto the roof of a building or to the side of a building. A BWES system may have a Horizontal Axis or Vertical Axis Wind Turbine system attached to generate the power.

Daytime hours: The hours of the day from 700 am to 10:00 pm, local time.

Height, Wind Energy System: The vertical distance above the average grade of the adjacent ground to the highest point of travel of a WED, including the highest reach of the blades.

Horizontal Axis Wind Turbine (HAWT) A turbine that rotates on a horizontal axis, typically with propeller blades. They have the main rotor shaft and generator at the top of the tower and must be pointed into the wind. Smaller turbines are pointed by a simple wind vane, while larger turbines generally use a wind sensor coupled with a servo motor. Most have a gearbox, which turns the slow rotation of the blades into a quicker rotation that is more suitable to drive an electrical generator. This definition included reference to an illustration of a HAWT for explanatory, but not limiting purposes.

Large Wind Energy Systems (LWES) A Wind Energy System with turbine towers and fully extended blades which primarily produce energy for its owner (affiliated business). A LWES may only include one Wind energy System, electronic conversion, and distribution system.

Nighttime hours: The time of the day after 10:01 pm until 6:59 am local time.

Nonparticipating Property: A lot that is not owned by the Owner of the property on which the WES is proposed or installed.

Operational condition: WES facilities being capable of operating at full capacity while meeting all sound and other permit conditions.

Owner: The person(s) who hold(s) title of the property on which a SWES facility is installed.

Participating Property: The property on which a SWES is located.

Shadow Flicker: The on-and-off strobe light effect caused by the shadow of moving blades cast by the sun passing above the turbine. Shadow flicker intensity is defined as the difference or variation in brightness at a given location in the presence and absence of a shadow.

Small Wind Energy System (SWES): A Building Mounted Wind Energy System or Tower Mounted wind Energy System that is accessory to the principal use and intended to primarily reduce on-site consumption of utility power. SWES energy produced in excess of on-site consumption may be sold back to the utility power service provider. However, a wind energy system that primarily produces energy to be sold commercially shall be classified as a Large Wind Energy System.

Sound: A disturbance or oscillation that propagates outwardly as acoustic waves through the air.

Sound Frequency: The number of oscillations per second expressed in hertz (Hz). High frequency sound has more oscillations per second, whereas low frequency sound has fewer. The types of frequencies include:

- Audible or tonal sound: Sound frequencies between 20-20,000 Hz
- Broadband: A wide range of frequencies above 100 Hz.
- Low frequency: Sound with frequencies below 100 Hz, including audible sound and infrasound.
- Infrasound: Sound frequencies below 20 Hz.

Sound Level: The A-weighted sound pressure level in decibels {dB(A)} (or the C-weighted level {dB(C)}, if specified) as measured using a sound level meter that meets the requirements of a Type 2 or better precision instrument according to ANSI S1.4 must have an integrating feature that meets ANSI S1.43 and procedures must meet the applicable portions of ANSI S12.9. All sound measurements must be made when ground level winds are below 6 mph. The “average” sound level is time-averaged for a period of not less than one minute nor more than two minutes using an integrating sound level meter that meets the requirements of ANSI S1.43 or its latest revision.

Sound Pressure Level, A-weighted dB(A): The “weighted” scale that is most often utilized for the measurement of audible or tonal sound levels. These are sounds that range from 20 to 20,000 Hz and that the human ear can typically hear.

Sound Pressure Level, C-weighted dB(C): The “weighted” scale that is utilized especially for measurement of low frequency sound which included but is not limited to bass tones or infrasound and may or may not be audible to the human ear.

Structural Weight, WES: The combined weight of the tower, wind turbine generator, and any other component(s) otherwise supported by the base foundation.

Sun Glint: The reflection of sunlight off a surface of the blades, tower, or other component of the wind energy system.

Tower Mounted Wind Energy System (TWES): A freestanding Wind Energy System that is mounted to the ground and structurally attached to a tower. A TWES system is typically less than 175 feet in height and may have a Horizontal Axis or Vertical Axis Wind Turbine system attached to it that generates the power.

Tower, Monopole: A single pole structure that supports a wind turbine without the use of guy wires or similar support systems.

Turbine: The parts of a WES including the blades, nacelle and tall.

Use, Residential: A use under any of the following major category groupings of the zoning ordinance; “agricultural uses” or “residential uses” or “business uses” or “industrial uses”.

Vertical Axis Wind Turbine (VAWT): A turbine in which the main rotor shaft is arranged vertically creating an “eggbeater” appearance. The generator and gearbox are located near the ground, so the tower does not have to support it and it is more accessible for maintenance. This definition includes reference to an illustration of a VAWT for explanatory but not limiting, purposes.

WATT: (Symbol: W) A derived unit of power in the International System of Units (SI). It measures rate of energy conversion. One watt is equivalent to 1 joule (J) of energy per second. The kilowatt (symbol: kW) is equal to one thousand watts. The megawatt (symbol: MW) is equal to one million watts.

Wind Energy System (WES): A wind energy production, conversion and distribution system generally consisting of a wind turbine tower and associated electronic equipment.

Wind Farm: More than one Large Wind Energy Systems (LWES) on a given site, constructed for the commercial generation (or sale) of electrical power. For the purposes of this Ordinance, more than one Small Wind Energy System (SWES) which is constructed for commercial generation (or sale) of electrical power shall be considered a wind farm.

4.20.2 WIND ENERGY SYSTEM GENERAL REGULATIONS

Building Mounted Wind Energy Systems (BWES) and Tower Mounted Wind Energy Systems (TWES), may be erected or installed only in accordance with this Article of the Village Zoning Ordinance and conform to all State and Federal laws and regulations, as amended from time to time, concerning its use and operation, and shall be further subject to the following standards;

- a) Shall only be permitted as an accessory use to a principal structure and installed primarily for the production and consumption of energy on the parcel upon which it is installed; energy produced in excess of consumption may be sold back to the electric utility service provider that serves the proposed site for use with the existing energy grid.
- b) Shall be installed according to manufacturer specifications and in accordance with all applicable Village of Dwight codes and Ordinances.
- c) Shall be finished in a neutral color and shall be flat or matte, to reduce incidence of sun glint. The required coloration and finish shall be maintained throughout the life of the system and approved by the Village of Dwight Zoning Administrator.

- d) No WES shall have any advertising material, writing, picture, or signage other than warning(s), turbine tower identification, or manufacturer or ownership information. This prohibition shall include the attachment of any flag, decorative sign, streamers, pennants, ribbons, spinners, or waving, fluttering or revolving devices, but not including meteorological/weather devices or warning signs.
- e) All wiring between a WES and the principal and/or accessory structure shall be underground; however, if the wiring cannot be placed underground it shall be contained within conduit which matches the principal building and shall conform to all Village Codes.
- f) WES shall not be artificially lighted unless required by the Federal Aviation Administration (FAA) or as necessary for the safety of personnel performing maintenance of, or repairs to the facilities. Any such artificial lighting shall be shielded so that no glare extends substantially beyond the property lines of the property on which the facility is located.
- g) Shall be maintained in Operational Condition at all times, except for reasonable maintenance and repair outages.
- h) Should a WES become inoperable, or should any part of the SWES become damaged, or should a WES violate the ordinance, the Owner shall cease operations immediately and remedy the condition promptly.
- i) The WES facility shall be equipped with a braking system (i.e., automatic and/or manual braking system).
- j) Maximum Sound Levels for a WES are as follows:
 - i. For adjacent non-participating properties used or zoned for single-family residential, two-family residential or multi-family residential purposes, the average sound level from a WES shall not exceed fifty-five (55) dB(A) during daytime hours and forty-five (45) dB(A) during nighttime hours at any point as measured at the property line, except as otherwise referenced in section (iii) below.
 - ii. For adjacent non-participating properties used or zoned for non-residential purposes the average sound level from a WES shall not exceed sixty-five (65) dB(A) at any time of the day as measured at the property line, except as otherwise referenced in section (iii) below.
 - iii. If the non-operational ambient sound level is greater than the maximum sound levels defined above in section (i) and (ii), this non-operational ambient sound level (dB(A)) shall be the maximum sound level permitted.
 - iv. No WES shall operate with an average sound level more than 5 dB(A) above the non-operational ambient level, as measured at the property line of any neighboring residentially zoned or used property. Additionally, to limit the level of low-frequency sound, the average C-weighted sound level during WES operation shall not exceed the A-weighted ambient sound level by more than twenty (20) db.

- v. The Village of Dwight may require at the Owner's expense, field tests or sound propagation modeling, conducted by or supervised by an acoustics specialist as may be necessary to determine whether a violation of said sound regulations is occurring or has occurred. The Owner shall promptly remedy any such violations or discontinue operation.
- k) Any Additional information and data reasonably necessary to evaluate the conformity of the WES with the Ordinance pursuant to the request of the Zoning Administrator.

4.20.3 BUILDING MOUNTED WIND ENERGY SYSTEM REQUIREMENTS

Building Mounted Wind Energy Systems (BWES) may be allowed on property that meets all requirements as defined in the section below and elsewhere in this ordinance.

a) NUMBER OF BWES PERMITTED

- i. On properties used or zoned for single-family residential or two-family residential purposes:
 - a) A maximum of one (1) BWES per dwelling unit shall be permitted to be attached to a principal building.
 - b) A BWES shall not be permitted to be installed on an accessory structure.
 - c) Requests for more than one (1) BWES per unit may be allowed following the applicant securing a special use permit per Section 13.11 which shall include the submittal of materials required by Section 8.16.5 below as part of said special use permit application.
- ii. On properties used or zoned for multi-family residential purposes:
 - a) A BWES shall not be permitted to be installed on an accessory structure.
 - b) Requests for one (1) or more BWES may be allowed following the applicant securing a special use permit per Section 13.11 which shall include the submittal of materials required by Section 8.16.5 below as part of said special use permit application.
- iii. On properties used or zoned for non-residential purposes:
 - a) On buildings with less than 15,000 square feet of total floor area (gross), a maximum of one (1) BWES shall be permitted by right.
 - b) For all other buildings, the total number of BWES permitted by right shall be no greater than one (1) BWES per 10,000 square feet of total floor area (gross) or five (5) total BWES, whichever is less.
 - c) When calculating the maximum number of BWES on a building that is greater than or equal to 15,000 square feet, and results in a fraction of a number that is less than 0.5, the maximum number of BWES shall be rounded down to the next whole number. If the same calculation results in a fraction of a number that is greater than or equal to 0.5, then the number of allowable BWES shall be

rounded up to the next whole number. (For example: purposes, a 24,000 square foot building would calculate to 2.4, which would be rounded down for a total of two (2) BWES on said building)

- d) If a multi-tenant building is under separate ownership, only those portions of the building square footage under said ownership may be used for calculating the number of BWES permitted, as long as the total number of turbines does not exceed the maximum amount allowed under (b) in this Section for the total.
- e) Requests for a greater number of BWES than is permitted may be allowed following the applicant securing a special use permit per Section 13.11 which shall include the submittal of materials required by Section 8.16.5 below as part of said special use permit application.

b. SETBACKS/LOCATION

- i. On properties used or zoned for single-family residential, two-family residential or multi-family residential purposes:
 - a) No portion of a BWES shall be located closer to the property line than the principal building setback as required by the zoning district and shall not project beyond any portion of the front area or corner side area of the principal structure.
- ii. On properties used or zoned for non-residential purposes:
 - a) If attached to a principal building, no portion of a BWES shall be located closer to the property line than the principal building setback and if attached to an accessory building or structure, no portion of a BWES shall be located closer to the property line than the accessory structure setback.

c) MAXIMUM HEIGHT

- i. On properties used or zoned for single-family residential, two-family residential or multi-family residential purposes:
 - a) A BWES shall be permitted at a maximum height of fifteen (15) feet above the building height, with the exception that maximum height on a pitched roof shall be measured from the highest gable or slope of a gable, hip or gambrel roof of a building structure.
- ii. On properties used or zoned for non-residential purposes:
 - a) A BWES shall be permitted at a maximum height of twenty-five (25) feet above the building height, with the exception that maximum height on a pitched roof shall be measured from the highest gable or slope of a gable, hip or gambrel roof of the building structure.
- iii. Any BWES proposed to be mounted at a height greater than is permitted by this Section C may be allowed following the applicant securing a

special use permit per Section 15.11 which shall include the submittal of materials required by Section 15.11 which shall include the submittal of materials required by Section 4.20.5 below as part of said special use permit application.

4.20.4 TOWER MOUNTED WIND ENERGY SYSTEM REQUIREMENTS

Tower Mounted Wind Energy Systems (TWES) may be allowed on property that meets all requirements as defined in the section below and elsewhere in this ordinance.

a) **NUMBER OF TWES PERMITTED**

- i. On properties used or zoned for single-family residential, two-family residential purposes:
 - a) One (1) TWES shall be allowed as a permitted use on a zoning lot, provided that all other ordinance regulations are met.
 - b) More than one (1) TWES may be allowed on the same zoning lot following the applicant securing a special use permit per Section 13.11 which shall include the submittal of materials required by Section 8.16.5 below as part of said special use permit application.
- ii. On properties used or zoned for non-residential purposes:
 - a. If the lot is less than five (5) acres in size, one (1) TWES shall be allowed as a permitted use.
 - b. If the lot is greater than or equal to five (5) acres in size, two (2) TWES shall be allowed as a permitted use.
 - c. Additional TWES proposed on the same lot greater than the permitted number are not allowed.
- iii. A TWES shall not be permitted on a vacant lot.

b) **MAXIMUM HEIGHT OF TWES**

- i. ON properties used or zoned for single-family residential, two-family residential or multi-family residential purposes TWES are allowed on lots at the height as defined in Table 4.20.4.1.
- ii. On properties used or zoned for non-residential purposes TWES are allowed on lots at the height as defined in Table 4.20.4.2.

Table 4.20.4.1		
----- TWES height maximums (in feet) on properties used or zoned for single-family, two-family, or multi-family residential purposes		
LOT SIZE	TWES as a Permitted Use	TWES as a Special Use
<Two (2) acres	0-45 feet	46-100 feet
>=Two (2) & <Five (5) acre	0-75 feet	76-100 feet
>=Five (5) acres	0-100 feet	101-175 feet

Table 4.20.4.2		
----- TWES height maximums (in feet) on properties used or zoned for non-residential purposes		
LOT SIZE	TWES as a Permitted Use	TWES as a Special Use
<Two (2) acres	0-75 feet	76-125 feet
>=Two (2) & <Ten (10) acre	0-100 feet	101-150 feet
>=Ten (10) acres	0-150 feet	151-250 feet

- iii. A TWES proposed to be constructed at a height that is defined in the "TWES as a Special use" column of Table 4.20.4.1 or Table 4.20.4.2, shall only be allowed following the applicant securing a special use permit per Section 15.11 which shall include the submittal of materials required by Section 4.20.5 below as part of said special use permit application.

c) SETBACKS/LOCATION

- i. A TWES shall be setback a distance equal to one hundred ten percent, or 1.1 times the wind energy system height as measured from the exterior base of the tower to the property line.
- ii. No portion of a TWES is permitted within the required principal building setbacks as defined for the lot.

- iii. On properties used or zoned for single-family residential, two-family residential or multi-family residential purposes, a TWES shall not project into any portion of the front area or corner side area of the lot.
- iv. TWES facilities may not be constructed within or over (including the blades) any utility, water, sewer, or other type of recorded easement, unless written permission is granted by holders of the easement.
- v. All TWES shall be mounted on a monopole tower.
- vi. A TWES may not be attached to any signage as defined by zoning ordinance.
- vii. The blade tip, at its lowest point, shall have ground clearance of not less than fifteen (15) feet.
- viii. A TWES shall not be climbable for a vertical distance of fifteen (15) feet from the base of tower.
- ix. ALL wind machines shall comply with applicable FAA regulations, including necessary approvals for installation.
- x. Ice throw and Ice shedding from the proposed TWES shall not cross the property lines of the site.

4.20.5 WES SPECIAL USE PERMIT REQUIREMENTS

A WES which exceeds the permitted use standards as defined in Article 4.20 shall be subject to the standards for a Special Use as defined in Section 15.11 of this ordinance as well as the required additional documentation as defined below for a WES.

- a) Any application for a Special Use shall provide the applicable information identified below as part of the material provided with said Special Use application.
 - i. Certificate of Height Necessity: [Only required with a Special use application when an applicant is requesting a WES with height greater than is permitted by Article 4.20:
The applicant shall provide a statement from a licensed engineer that the additional height requested is the minimum necessary to accomplish the Applicant's purpose and that unless relief is granted, the wind to be received by this system will be substantially impaired or obstructed within the selected installation area. This documentation will also need to include the location and height of the obstructing structures or vegetation which are obstructing the laminar flow of the wind.
 - ii. Shadow Flicker Study: Documentation that illustrates that a SWES facility is sited such that shadow flicker will not fall on any existing residential nonparticipating property line within 500 feet of the WES for more than 50 hours a year.

- iii. Compliance with FFA: Documentation that states that the proposed WES complies with FFA regulations. If the WES is not regulated by the FAA, documentation shall be provided stating the FAA has no regulations.

4.20.6 ABANDONMENT/DECOMMISSIONING

- a) When a WES has become inoperable, damaged, or otherwise violates the operating requirements defined of WES for a continuous period of 12 months or more, such SWES shall be deemed to be abandoned by the Village. The owner of such WES shall remove such items within 90 days following the mailing of written notice that removal is required. Such notice shall be sent by certified or registered mail return receipt requested, by the Village to such owner at the last known address of such owner.
- b) If such abandoned facility is not completely removed within the time frame required, the Village of Dwight may remove all the structures at the owner's expense. In the case of such removal the Village of Dwight has the right to file a lien for reimbursement, for any and all expenses incurred by the Village of Dwight without limitation, including attorney fees and accrued interest. Upon removal, the site shall be restored to its original pre-construction condition for a WES as referenced with photos presented with Project Proposal. A WES shall be repaired where any damage has occurred from the point(s) of attachment.

Section 5.00 NON-CONFORMING BUILDINGS AND USES

5.01 CONTINUATION OF AN EXISTING Non-Conforming USE

1. On the effective date of this ordinance, any use that would have been lawful except for the provisions of this ordinance, excluding Section 5.00, and which is then existing on any lot, lots or other parcel within the corporate limits of the Village of Dwight shall be treated as a conforming use on the lot, lots or parcel on which it then exists for the purposes of interpretation, enforcement and administration of this ordinance, nothing to the contrary herein with-standing except as shall be noted in 5.02 below, and such use or uses shall be called for the purpose of this ordinance an Existing Non-Conforming Use.
2. Although an Existing Non-Conforming Use shall be treated as a conforming use on a lot, lots or other parcel because of its existence on such lot, lots or parcel at the effective date of this ordinance as set forth in 5.01 (1) above, it shall not be deemed to be a conforming use generally within the zoning district where such lot, lots or other such parcel exists unless so provided elsewhere in this ordinance.

5.02 DISCONTINUANCE OF AN EXISTING NON-CONFROMING USE

1. Any Existing Non-Conforming Use that would have been treated as a non-conforming use except for the provisions of 5.01 above, shall be treated as a conforming use until such Existing Non-Conforming Use is discontinued. An Existing Non-Conforming Use shall be discontinued only by the following methods:
 - a. The owner or owners of the lot, lots, or parcel upon which the Existing Non-Conforming use is located files with the Village Clerk a written statement to the effect that the Existing Non-Conforming Use should be discontinued; or
 - b. The use on said lot, lots or parcel is changed from the Existing Non-Conforming Use to a conforming use under the provisions of this ordinance; or
 - c. If the Existing Non-Conforming Use existed within a structure in which the Existing Non-Conforming Use was the primary use, and such structure is destroyed by fire or otherwise destroyed or demolished to the extent that the Existing Non-Conforming Use can no longer be carried on therein, then the Existing Non-Conforming use shall be discontinued.
 - d. If the Non-Conforming Use is not performed or carried on in a structure, such use shall be treated as a non-conforming use if discontinued for a

period of one (1) consecutive year.

5.03 CONTINUANCE OF AN EXISTING NON-CONFORMING STRUCTURE

1. On the effective date of this ordinance, any structure that would have been lawful except for the provisions of this ordinance, excluding Section 5.00, and which is then existing on any lot, lots or other parcel within the corporate limits of the Village of Dwight shall be treated as a conforming structure on the lot, lots or parcel on which it then exists for the purpose of interpretation, enforcement and administration of this ordinance, nothing to the contrary herein withstanding except as shall be noted in 5.04 below, and such structure or structures shall be called for the purpose of this ordinance an Existing Non-Conforming Structure.
2. Although an Existing Non-Conforming Structure shall be treated as a conforming structure on a lot, lots or other parcel because of its existence on such lot, lots or other such parcel at the effective date of this ordinance as set forth in 5.03 (1) above, it shall not be deemed to be a conforming structure generally within the zoning district where such lot, lots or other such parcel exists unless so provides elsewhere in the ordinance.

5.04 DISCONTINUANCE OF AN EXISTING NON-CONFORMING STRUCTURE

1. Any Existing Non-Conforming Structure that would have been treated as a non-conforming structure except for the provisions of 5.03 above shall be treated as a conforming structure until such Existing Non-Conforming Structure is eliminated. An Existing Non-Conforming Structure shall be discontinued only by the following methods:
 - a. The owner or owner of the lot, lots, or other parcel upon which the Existing Non-Conforming Structure is located files with the Village Clerk a written statement to the effect that the Existing Non-Conforming Structure should be discontinued; or
 - b. The structure on said lot, lots or other parcel is changed from the Existing Non-Conforming Structure to a conforming structure under the provisions of this ordinance; or
 - c. If the Existing Non-Conforming Structure is destroyed by fire or otherwise destroyed or demolished and at such time an Existing Non-Conforming Use had been the primary use carried on therein, the Existing Non-Conforming Use is discontinued. Any re-building, replacing or structural repairs must be conforming within the requirements of this ordinance.

- d. If an Existing Non-Conforming Structure is destroyed by fire or otherwise destroyed or demolished, and the primary use carried on therein was a conforming use at the time of such destruction or demolition under the provisions of this ordinance, and any rebuilding, replacement or structural repairs thereto shall be conforming within the provisions of this ordinance.

5.05 TRANSFERABILITY OF A STRUCTURE OR USE

The applicability of any provision set forth in this Section 5.00 shall be deemed to pass with the ownership of any real property upon which any Use and/or Structure as defined in this Section 5.00 exists, provided however that any determination of any time period set forth in this Section 5.00 shall not begin to run anew upon the transfer of any real estate affected hereunder, but rather any time period running shall continue to run although ownership of the affected real estate may have changed.

5.06 CHANGE OF NONCONFORMING USE

The non-conforming use of any building, structure or portion thereof, which is designed or intended for a use not permitted in the district in which it is located, may be changed to another non-conforming use thereof only if such other use is permitted by a Special Use Permit as authorized in the Administrative Section 15.00.

5.07 ADDITIONS AND ENLARGEMENTS

1. No non-conforming use may be enlarged or extended in such a way as to occupy any required usable open space or any land beyond the boundaries of the zoning lot as it existed on the effective date of this ordinance, or to displace any conforming use in the same building or on the same parcel.
2. A building or structure which is non-conforming with respect to yards or any other element of bulk regulated herein shall not be altered or expanded in any manner which would increase the degree or extent of its non-conformance, with respect to the bulk regulations of the district in which it is located.

5.08 USE DISTRICT CHANGES

Whenever the boundaries of a use district shall be changed so as to transfer an area from one use district to another use district of a different classification, the foregoing provisions shall also apply to any non-conforming uses existing therein.

5.09 EXEMPTED BUILDINGS, STRUCTURES AND USES

Wherever a lawfully existing building or other structure otherwise conforms to the use regulations herein but is non-conforming only in the particular manner hereinafter specified, the building and use thereof shall be exempt from the requirements of subsections 5.02, 5.04, and 5.07:

1. In any residential district where a dwelling is non-conforming only as to the number of dwelling units it contains, provided no such building shall be altered in any way so as to increase the number of dwelling units herein;
2. In any R-3 District, where a use permitted in the B-1 District occupies ground floor space within a multiple-family dwelling located on a corner lot;
3. In any business or manufacturing district, where the use is less distant from a residential district than that specified in the regulations for the district in which it is located;
4. In any district, where an established building, structure or use is non-conforming with respect to the standards prescribed herein for any of the following:
 - a. Yards - front, side, rear or transitional;
 - b. Off-street parking or loading;
 - c. Building height.

5.10 CONVERSION TO SPECIAL USE

Any non-conforming use may be made a special use by the granting of a special use permit, as authorized in the Administrative Section 15.00.

SECTION 6.00 ZONING DISTRICTS AND MAPS

6.01 DISTRICTS

In order to accomplish the purpose of this ordinance as stated in Section 2.00, the Village of Dwight, Illinois is hereby divided into the following districts:

- R-1 One Family Residence District
- R-2 One Family Residence District
- R-3 General Residence District

- DT Downtown Business District
- B-1 Retail Business District
- B-2 Retail and Service Business District
- B-3 Retail Parking District

- I-1 Industrial District
- P-1 Planned Industrial District

- F-1 Flood Plain District

6.02 MAPS

The boundaries of the zoning districts are established as shown on the map entitled "Municipal Zoning Map of Dwight, Illinois", which map is made a part hereof, and shall have the same force and effect as if the Zoning Map, together with all notations, references and other information shown thereon, were fully set forth and described herein.

6.03 DISTRICT BOUNDARIES

When uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Map, the following rules with the exception of the flood plain shall apply:

1. District boundary lines are either the center lines of railroads, highways, streets, alleys or easements, or the boundary lines of sections, quarter-sections, divisions of sections, tracts or lots, or such lines otherwise indicated.
2. In areas not subdivided into lots and blocks, wherever a district is indicated as a strip adjacent to and paralleling a street or highway, the depth of such strips shall be in accordance with the dimensions shown on the maps measured at right angles from the center line of the street or highways, and the length of frontage shall be in accordance with dimensions shown on the map from section, quarter-section or division lines or center lines of streets, highways or railroad rights-of-way unless

otherwise indicated.

3. Where a lot held in one (1) ownership and of record on the effective date of this ordinance is divided by a district boundary line, the entire lot shall be construed to be within the less restricted district, provided that the construction shall not apply if it increases the less restricted frontage of the lot by more than twenty-five (25) feet.
4. Section 10.00 FLOOD PLAIN DISTRICT does not follow lot lines.

6.04 ZONING OF PUBLIC WAYS

All streets, alleys, public ways, waterways and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting on such streets, alleys, public-ways, waterways, or railroad rights-of-way serving a district boundary the zoning of such areas, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such center line.

6.05 ZONING OF ANNEXED LAND

A petition for annexation to the Village of Dwight may include a request from the petitioner that the land being annexed shall, upon annexation, be zoned other than for one-family residence. Should such a request be contained in the petition, the proper authorities shall refer the matter to the Plan Commission to conduct a public hearing and make their recommendations.

Following the recommendations of the Plan Commission, the Board of Trustees shall proceed to take a vote as they normally do in zoning matters and notify the petitioner of the result. The petitioner then may withdraw the petition for annexation or may continue with it if the decision is adverse to the request.

Should no request for zoning other than one-family residence be made, the property upon annexation to the Village shall automatically be classified to R-1 One-Family Residence.

SECTION 7.00 RESIDENCE DISTRICTS

7.01 R-1 ONE - FAMILY RESIDENCE DISTRICT

1. **Purpose.** The R-1 One-Family Residence District is established to provide low density areas in which the principal use of land is for single-family dwellings. In this district, community water supply and sewer facilities, essential to public health, are available. The principal use of land is for single-family dwellings on large lots.

2. **Permitted Uses.** The following uses are permitted:

One-family detached dwellings and permitted accessory uses.

Two-family dwellings (duplexes) shall be a permitted use within the R-1 Zoning District so long as such uses meet the same lot size and yard requirements as required generally under the R-1 zoning requirements.

Parks, forest preserves and recreational areas, when publicly owned and operated.

Schools, public, denominational, or private, elementary, and high, including playgrounds and athletic fields auxiliary thereto.

Churches, rectories, seminaries, convents, monasteries, and similar religious institutions, including dormitories and other accessory uses required for operation.

Accessory uses, including off-street parking facilities in accordance with the provisions of Section 13.00.

Signs, as permitted in Section 12.00.

3. **Special Uses.** The following uses may be allowed by special use permit in accordance with the provisions of Section 15.00-Administration:

Cemeteries, including crematories and mausoleums in conjunction therewith.

Golf courses, including ancillary uses normally provided, such as restaurants, including the sale of alcoholic beverages, residential uses for guests, manager and other employees, but not including commercially operated driving ranges or miniature golf courses; and provided that no club house or accessory building shall be located nearer than five hundred (500) feet to any dwelling on another zoning lot.

Home occupations. (See Section 4.08)

Planned unit developments, under single ownership or control, in which incidental business or recreational facilities for the convenience of the occupants may be furnished, provided the property proposed for development shall have a gross area

of at least four (4) acres. For such developments, the Village Board may vary the regulations herein, provided such variations are consistent with the general purpose and intent of this ordinance and will result in better site planning and thus be of greater benefit to both the occupants of the development and to the community.

Public service uses, including filtration plant, pumping station and water reservoir; sewage treatment plant; sanitary land fill; police and fire stations; telephone exchanges, electric substations and other similar public service uses.

Radio and television stations and towers.

Railroad rights-of-way and trackage, but not including reclassification yards, terminal facilities, or maintenance facilities.

Schools-nursery, public or private.

Swimming pool, public or private.

4. **Off-Street Parking.** Motor vehicle parking facilities shall be provided as required or permitted in Section 13.00.
5. **Minimum Lot Size.**
 - a. Every one-family detached dwelling hereafter erected shall be located on a lot having an area of not less than ten thousand (10,000) square feet, and a width at the established building line of not less than eighty (80) feet.
 - b. All non-residential principal uses of buildings as permitted herein shall be located on a tract of land having an area of not less than twenty thousand (20,000) square feet with a minimum width of one hundred (100) feet at the building line.
 - c. Minimum lot sizes for special uses shall be prescribed and conditions stipulated at the time a special use permit is authorized, but in no case shall any such lot have an area of less than twenty thousand (20,000) square feet and a width at the established building line of one hundred (100) feet.
6. **Yard Areas.** No building shall be erected or enlarged unless the following yards are provided and maintained in connection with such building structure or enlargement.
 - a. **Front Yard.** A front yard of not less than twenty-five (25) feet.
 - b. **Side Yards.** A side yard on each side of the main building of not less than ten (10) feet, except where a side yard adjoins a street the minimum width of such yard shall be not less than twenty (20) feet.

c. Rear Yard. A rear yard of not less than thirty (30) feet.

7. Maximum Lot Coverage. Not more than thirty-five (35) percent of the lot area may be occupied by buildings and structures, including accessory buildings.
8. Building Height. No building shall exceed a height of thirty (30) feet or two and one-half (22) stories, whichever is lower.

7.02 R-2 ONE - FAMILY RESIDENCE DISTRICT

1. Purpose. The R-2 One-Family Residence District is established to provide areas of a higher density than the R-1 One-Family Residence District, but of a similar urban character where community water and sewer facilities are available.

2. Permitted Uses. The following uses are permitted:

Any use permitted in the R-1 One-Family Residence District provided each such use shall be served by public water and sanitary sewer system.

3. Special Uses. The following uses may be allowed by special use permit in accordance with the provisions of the Administrative Section:

Cemeteries, including crematories and mausoleums in conjunction therewith.

Funeral homes.

Greenhouses and nurseries.

Home Occupations. (See Section 4.08)

Planned unit developments, under single ownership or control, in which incidental business or recreational facilities for the convenience of the occupants may be furnished, provided the property proposed for development shall have a gross area of at least four (4) acres. For such developments, the Village Board may vary the regulations herein, provided such variations are consistent with the general purpose and intent of this ordinance and will result in better site planning and thus be of greater benefit both to the occupants of the development and to the community.

Public service uses, including filtration plant, pumping station and water reservoir; sewage treatment plant; sanitary land fill; police and fire stations; telephone exchanges; electric substations and other similar public service uses.

Radio and television stations and towers.

Railroad rights-of-way and trackage, but not including reclassification yards, terminal facilities, or maintenance facilities.

Schools-nursery, public or private.

Swimming Pool, public or private.

4. **Off-Street Parking.** Off-street parking and loading facilities shall be provided as required or permitted in Section 13.00.
5. **Minimum Lot Size.**
 - a. Every one-family detached dwelling hereafter erected shall be located on a lot having area of not less than six thousand (6,000) square feet and a width at the established building line of not less than fifty (50) feet.
 - b. All non-residential principal uses of buildings as permitted herein shall be located on a tract of land having an area of not less than ten thousand (10,000) square feet and a width at the established building line of not less than seventy-five (75) feet.
 - c. Minimum lot sizes for special uses shall be prescribed and conditions imposed at the time a special use permit is authorized, but in no case shall any such lot have an area of less than ten thousand (10,000) square feet.
6. **Yard Areas.** No building shall be erected or enlarged unless the following yards are provided and maintained:
 - a. **Front Yard.** A front yard of not less than twenty-five (25) feet.
 - b. **Side Yard.** A side yard on each side of the main building of not less than six (6) feet, except where a side yard adjoins a street the minimum width of such yard shall be not less than fifteen (15) feet.
 - c. **Rear Yard.** A rear yard of not less than thirty (30) feet.
7. **Maximum Lot Coverage.** Not more than thirty-five (35%) percent of the lot area may be occupied by buildings and structures, including accessory buildings.
8. **Building Height.** No building shall exceed a height of thirty (30) feet or two and one-half (22) stories, whichever is lower.

7.03 R-3 GENERAL RESIDENCE DISTRICT

1. **Purpose.** The R-3 General Residence District is established as a general residence district to provide for a wider variety of dwelling accommodations with a higher density of dwelling units; to provide for multiple-family dwellings with adequate open space for family living; to provide for and encourage the redevelopment of older residential districts; and to provide for a transition between non-residential areas and single-family areas of lower density.

2. **Permitted Uses.** The following uses are permitted:

Any of the uses permitted in the R-1 and R-2 One-Family Residence Districts.

Multiple-family dwellings, apartments, and apartment hotels.

One-family row dwellings (party-wall) with not more than eight (8) dwellings in a row building.

3. **Special Uses.** The following uses may be allowed by special use permit:

Any use which may be allowed as a special use in the R-1 or R-2 District.
Professional offices including medical and dental offices and medical centers.

Mobile home parks, provided that public or community sewer and water facilities are available for each mobile home, an evacuation shelter is built, and that each mobile home site contains not less than three thousand (3,000) square feet of area, including parking space, but not including roadways.

Off-street open parking areas, provided there is a need for this facility in the interest of public necessity and convenience, and that no appropriate site is available in nearby business or manufacturing districts.

Philanthropic uses or institutions, provided that not more than twenty (20%) percent of the gross floor area or two thousand (2,000) feet, whichever is greater, shall be used as office space.

Planned unit developments under single ownership or control, in which incidental business or recreational facilities for the convenience of the occupants may be furnished, provided the property proposed for development shall have a gross area of at least four (4) acres. For such developments, the Village Board may vary the regulations herein, provided such variations are consistent with the general purpose and intent of this ordinance and will result in better site planning and thus be a greater benefit both to the occupants of the development and to the community.

4. **Off-Street Parking.** Off-street parking and loading facilities shall be provided as required or permitted in Section 13.00.

5. **Minimum Lot Size.**

- a. Every one-family detached dwelling hereafter erected shall be located on a lot having an area of not less than six thousand (6,000) square feet and a width at the building line of not less than fifty (50) feet.
- b. All two-family dwellings hereafter erected or structurally altered shall be located on a lot having an area of not less than eleven thousand, two hundred fifty (11,250) square feet and a width at the building line of not less than sixty (60) feet.

- c. All structures or buildings containing three (3) or more dwelling units shall be located on a lot which provides a minimum lot area per dwelling unit as follows:

<u>Type of Dwelling Unit</u>	<u>Land Area Per Dwelling Unit in Square Feet</u>
Apartments with three (3) or more bedrooms	4,000 square feet
Apartments with two (2) bedrooms	3,000 square feet
Apartments with one (1) bedroom and efficiency apartments	2,000 square feet

Provided, however, that in no case shall the minimum lot area be less than seven thousand, five hundred (7,500) square feet with a width at the building of not less than sixty (60) feet.

At no time in calculating the dwelling unit density in the R-3 General Residence District shall it be greater than twelve (12) dwelling units per gross acre. Existing residential buildings in the R-3 General Residence District may be altered to provide for not more than four (4) dwelling units, provided that no existing residential building is altered in such a way as to conflict with or further conflict with the foregoing requirements.

- d. All non-residential principal uses permitted in this district shall be located on a lot having an area of not less than six thousand (6,000) square feet and a width at the building line of not less than sixty (60) feet.
- e. Minimum lot sizes for special uses shall be prescribed at the time a special use permit is authorized, but in no case shall any such lot be less than six thousand (6,000) square feet.
6. **Yard Areas.** No building shall be erected or enlarged unless the following yards are provided and maintained:
- a. **Front Yard.** A front yard of not less than twenty-five (25) feet.
- b. **Side Yards.** In the R-3 General Residence District, the minimum side yard requirements for permitted uses shall not be less than those itemized below:
- (1) For one and two-family dwellings, the same regulations shall apply as permitted or required in the R-1 One-Family Residence District.
- (2) For buildings containing three (3) or more dwelling units, a side yard

on each side of each building of ten (10) feet, except where a side yard adjoins a street, in which case the minimum setback shall be twenty (20) feet.

- (3) For buildings containing three (3) or more units there may be not less than twenty (20) feet between adjacent row buildings.
- (4) For permitted non-residential buildings, interior side yards on each side of the building shall not be less than fifteen (15) feet.
- (5) For reversed corner lots, the minimum corner side yard requirements for permitted and special uses shall be not less than twenty-five (25) feet.

c. Rear Yard. There shall be a rear yard of not less than thirty (30) feet.

- 7. Maximum Lot Coverage. Not more than thirty-five percent (35%) of the lot area may be occupied by buildings and structures, including accessory buildings.
- 8. Building Height. No building shall exceed a height of thirty (30) feet or two and one-half (2½) stories, whichever is lower.

SECTION 8.00 - BUSINESS DISTRICTS

8.01 DT-1 DOWNTOWN RETAIL BUSINESS DISTRICT

1. **Purpose.** The DT-1 Downtown Retail Business District is established to provide areas for a wide range of retail stores and personal service establishments in the Downtown Retail Business District which are desirable to provide for both day-to-day and occasional shopping needs.

Downtown Business District Boundaries:

The Downtown Central Business District is bounded by Gooseberry Creek on the East, the Seminole Street/Mazon Avenue Street alley on the North from the Gooseberry Creek to Prairie Avenue. The West boundary includes the first adjoining lots on the West side of Prairie Avenue from the Seminole Street/Mazon Avenue alley South to South Street where it entails the Library, the former Keeley Estate, and the railroad depot. The District then runs from Prairie Avenue along South Street East to the Creek.

2. **Permitted Uses.** The following retail business and service uses are permitted, provided they are operated entirely within a building - except for off-street parking and loading facilities:

Antiques, collectibles and craft stores;

Apparel shops;

Art and school supply stores;

Art galleries and studios;

Auto accessory store, where service is not performed within the main building;

Automobile and truck sales and service, including repair and service;

Bakery shops, including the baking and processing of food products;

Banks and Credit Unions, including drive-in teller facilities;

Brokerage and investment firms;

Barber shops, beauty parlors, tanning salons, or similar personal service shops;

Bicycle sales and repair;

Book and stationery stores;

Candy and ice cream shops;

Camera and photographic supply shops;

Carpet, rug and linoleum stores;

Catering establishments;

China and glassware stores;

Coin and philatelic stores;

Department stores;

Drug stores/Pharmacies;

Electronic store;

Florist shops;

Furniture stores and upholstery;

Garden supply store;

Gift shops;

Hardware stores;

Health and fitness facilities;

Hobby stores;

Household appliance stores and repair;

Incubator business

Interior decorating shops, including upholstery and making of draperies, and other similar articles;

Jewelry and watch sales and repair shops;

Lawn and Garden Equipment Sales and Service;

Leather goods and luggage stores;

Libraries;

Medical appliance stores;

Meeting halls, lodge halls, fraternal organizations and clubs;

Musical instrument sales and repair;

Newspaper offices;

Newsstands;

Office equipment sales and service;

Offices, business and professional, including medical & dental clinics;

Paint and wallpaper stores;

Photography studios;

Picture framing;

Plumbing, heating and air conditioning sales and service;

Postal offices and substations;

Publishing and printing;

Radio and television broadcasting stations;

Restaurants, tea rooms or cafes;

Schools-music, dance, business, commercial or trade;

Sewing machine sales and service;

Sporting goods stores;

Theaters;

Tobacco shops;

Toy stores;

Trailer sales or rental;

Travel bureau and transportation ticket offices;

Accessory uses, including off-street parking and loading facilities as permitted or required in accordance with the provisions of Section 13.00.

3. **Special Uses.** The following uses may be allowed by special use permit:

Other retail and service business uses not specifically listed above, when found to have economic compatibility with established uses on adjoining property;

Animal hospitals and clinics;

Animal stores; supplies, educational, sales;

Auction rooms;

Auditorium, stadium, arena, armory, gymnasium, and other similar places of public events;

Beekeeping/Bee hives No more than three (3) permitted on rooftops only

Consignment/Resale stores;

Day Care Centers/Nursery Schools;

Day Spas;

Dry cleaning and pressing establishments;

Dwelling units-second floor only;

Garages, public, for storage of private passenger automobiles and commercial vehicles under one and one-half (1½) tons;

Grocery stores, supermarkets;

Hospitals and sanitariums and institutions;

Hotels and motels, which may include restaurants, meeting rooms, cocktail lounges, pools;

Liquor stores - package goods only;

Monument sales not including manufacturing or processing;

Nursing or convalescent homes;

Parking lots and garages, other than accessory, and subject to the provisions of

Section 13.00;

Parks, when publicly owned and operated;

Planned unit developments, business, as defined herein;

Public utility and public service uses;

Railroad rights-off-way and trackage;

Taverns, Bars, and any other establishments in which beer and/or liquor is to be sold either in package or to be consumed on the premises

4. **Conditions of Use.** All uses permitted in this district, except residence district uses, shall be retail establishments dealing directly with consumers and shall be subject to the following conditions:
 - a. The sale of foodstuffs or articles within an enclosed building intended for human consumption;
 - b. There shall be no manufacture, processing or treatment of products other than that which is clearly incidental and essential to the retail business conducted on the same premises;
 - c. Such use, operations or products shall not be objectionable due to odor, dust, smoke, noise, vibration or other similar causes;
 - d. Any exterior sign displayed shall pertain only to a use conducted within the building.

5. **Yard Areas.**

- a. **Transitional Yards.** Where a DT-1 Downtown Retail Business District adjoins a residence district, transitional yards shall be provided in accordance with the following regulations:
 - (1) Where lots in a DT-1 Downtown Retail Business District front on the street and at least eighty (80%) percent of the frontage directly across the street between two (2) consecutive intersecting streets is in a residence district, the front yard regulations for the residence districts shall apply to the said lots in the business district;
 - (2) In a DT-1 Downtown Retail Business District, where a side lot line coincides with a side or rear lot line of property in an adjacent residential district, a yard shall be provided along such side lot line. Such yard shall be equal in dimension to the minimum

side yard which would be required under this ordinance for a residential use on the adjacent property in the residence district;

(3) In a DT-1 Downtown Retail Business District, where a rear lot line coincides with a side lot line of property in an adjacent residential district, a yard shall be provided along such rear lot line. Such yard shall be equal in dimension to the minimum side yard which would be required under this ordinance for a residential use on the adjacent property in the residence district;

(4) In a DT-1 Downtown Retail Business District, where a rear lot line coincides with a rear lot line of property in an adjacent residential district, a yard shall be provided along such rear lot line. Such yard shall be twenty (20) feet in depth;

(5) In a DT-1 Downtown Retail Business District, where the extension of a front or side lot line coincides with the front line of an adjacent lot located in a residence district, a yard of not less than ten (10) feet shall be provided;

(6) Transitional yards shall be unobstructed except as allowed in Section 4.00.

b. Side Yards. If an interior side yard is provided, it shall be not less than ten (10) feet;

c. Rear Yard. A rear yard of not less than twenty (20) feet in depth;

6. Signs. Signs shall be permitted as allowed in Section 12.00.

7. Off-Street Parking and Loading. Parking and loading facilities shall be provided as required or permitted in Section 13.00.

8. Building Height. The height of any structure shall not exceed three (3) stories, nor shall it exceed forty-five (45) feet, except as provided herein.

9. Downtown Retail Business District Exterior Design Guidelines

The three primary purposes of Design Guidelines are to preserve, protect and enhance the Central Business District. The traditional Commercial Storefront can be considered the most important element that sets apart and gives historical significance and character to the Downtown Retail Business District. To advance the ideals stated above, the following design standards are implemented in the defined area of the downtown. These

The traditional commercial façade consists of three parts; the storefront with an entrance and large display windows, the upper masonry façade with regularly spaced windows and the decorative cornice that caps the building

The following design standards shall apply to all new construction, substantial repair or rehabilitation meant to remedy damage or deterioration of the exterior façade of an existing structure and additions to an existing structure within its boundaries. These standards do not apply to interior remodeling.

Storefront Materials:

Certain materials should never be used on the traditional commercial building where they have no relationship to the original design and, therefore, violate the consistency of the building's appearance within the downtown area. Such inappropriate materials may include imitation brick, wood siding, aluminum and vinyl siding, corrugated metal, plastic, wooden shingles on mansard roofs, gravel aggregate, synthetic stucco, or exterior insulation finishing system (EIFS) materials (commonly referred to by the brand name "Dryvit"). or dark or reflective window film.

False fronts, mansard roofs, etc., from these or other materials should not be constructed. Any character-defining materials and features that are damaged or unsound should be repaired, rather than removed.

Colors should tie the architectural elements together and the scheme should be consistent throughout the upper and lower façade. Color schemes for historic commercial buildings differ depending on age. The mid 1800's displayed soft, neutral tints, later in the century darker, richer shades were used, in contrast, lighter calmer colors were used in the early 1900's. Earth colors which match or harmonize with those originally found on the building should be used. Colors utilized shall be non-florescent.

Generally, wall surfaces that have not been painted should remain unpainted, such as brick, terra cotta, concrete block, and stone. Soft porous brick that was originally painted should remain painted.

Doors and Windows:

Door and window openings should retain their original size and configuration. Repairs should restore the appearance and function of these elements if possible. Every effort should be made to retain and preserve each door and window. Windows should be a minimum of 50% open in the Downtown Business District.

Roofs:

The original roof line should be retained whenever possible. Alterations and modifications that substantially change, damage, or destroy a roof's defining historic characteristics are not appropriate. This includes the cornice and pediment which decorates and defines many rooflines.

Rear and Side Façade:

The appearances of rear block areas are especially important to Dwight because of their high visibility from side streets. Rear and side entries should be designed to preserve the historic character of the building. The rear entry should complement the storefront. Broad expanses of blank wall or covered windows and doors shall be avoided.

Awnings, Canopies:

Awnings provide shelter for pedestrians and shade interior spaces from the heat of the sun. Downtown storefront buildings traditionally had projecting awnings or canopies to enhance aesthetic appeal.

Signage:

Effective signage is both noticeable and complementary to the historic character of Downtown Dwight's business district. With a sign the business calls attention to itself and creates an individual image. If Downtown Dwight is to present a harmonious appearance, its signage must serve both of these images.

Signs shall be pedestrian-oriented in size, scale, and placement. Permanent sign types that are allowed are awning, hanging, projecting, wall, and window signs.

Signs illuminated from within, such as LED or neon, are not appropriate.

Lighting for signs must be simple and unobtrusive.

The Village of Dwight encourages the renovation and rehabilitation of historic buildings as well as construction of new high-quality design buildings that enhance the Downtown Business District and create vitality.

Process:

The best way to get started is to contact the Village Administrator who will assist you by:

Advising you about the information you will need to provide with your application,

Pointing out guidelines that relate to your project,

Explaining the review process,

You may also request an optional informal review prior to submission to the Village.

When the owner/applicant of a property within Downtown Dwight intends to construct, reconstruct, renovate, alter, or demolish any portion of a structure within the Business District, an application for a Certificate of Appropriateness MUST be submitted to the Village for Review, initially by the Village Ordinance Committee, together with three sets of supporting material.

When the application is complete, the Village Administrator will submit the application to the Ordinance Committee and schedule a meeting of such committee. The Committee must consider the application within 30 days.

Minimum Submission Requirements:

The minimum submission requirements shall include a completed application and the following:

ALTERATIONS, ADDITIONS, & SIGNAGE

1. Photographs of existing conditions (3 x 5 inch minimum).
2. Drawings to scale indicating any changes to physical appearance.
3. An outline describing work and the procedures to be performed.
4. Material samples and/or manufacturer's literature for major materials and products to be used in the building.

NEW BUILDING

1. Photographs of adjacent buildings (3 x 5 inch minimum).
2. Site plan and exterior elevation drawings, to scale, showing the design, parking, walks, fences, doors, materials, finishes and other features accurately representing the proposed design.

DEMOLITION & BUILDING RELOCATION

1. Photographs (3 x 5 inch minimum) of the existing building in detail and as it sits on the site.
2. A written request from the owner/applicant indicating reasons for the demolition or relocation of the structure.
3. An analysis of the feasibility of rehabilitation, including the costs of rehabilitation.
4. A plan of what the site of the demolished/relocated building will become, including proposed new structures on the vacated site.

8.02 B-1 RETAIL BUSINESS DISTRICT

1. **Purpose.** The B-1 Retail Business District is established primarily to furnish areas for a wide variety of necessary services, wholesale establishments, and other business uses which would be incompatible with the uses permitted in the DT-1 Downtown Retail Business District.
2. **Permitted Uses.** The following business uses and service establishments are permitted, provided they are conducted wholly within an enclosed building - except for off-street parking or loading facilities and except for establishments of the "drive-in" type offering goods and services directly to customers waiting in parked motor vehicles, and except where specified below as permitted on an open lot:

Any use permitted in the DT Downtown Retail Business District;

3. **Special Uses.** The following uses may be allowed by special use permit:

Any use which may be allowed as a special use in the DT-1 Downtown Retail Business District, unless already permitted under subsection 8.02.2 above;

Other service business uses not specifically listed above when found to have economic compatibility with established uses on adjoining property.

4. **Minimum Lot Size.**

- a. **Lot Area.** Minimum lot area of twelve thousand, five hundred (12,500) square feet;
- b. **Lot Width.** Minimum lot width of one hundred (100) feet;
- c. **Lot Depth.** Minimum lot depth of one hundred twenty-five (125) feet;

5. **Yard Areas.**

- a. **Front Yard.** A front yard of not less than fifty (50) feet;
- b. **Side Yards.** No requirements except where abutting residential use or street lines, there shall be a side yard of fifty (50) feet;
- c. **Rear Yard.** A rear yard of not less than forty (40) feet.

6. **Signs.** Signs shall be as permitted in Section 12.00.

7. **Off-Street Parking and Loading.** Parking and loading facilities shall be provided as required or permitted in Section 13.00.

8. **Building Height.** Height regulations shall be the same as required in the B-1 Retail Central Business District.

8.03 B-2 SERVICE BUSINESS DISTRICT

1. **Purpose.** The B-2 Service Business District is established primarily to furnish areas for a wide variety of necessary services, wholesale establishments, and other business uses which would be incompatible with the uses permitted in the DT-1 Downtown Retail Business District and the B-1 Retail Business District.

2. **Permitted Uses.** The following business uses and service establishments are permitted, provided they are conducted wholly within an enclosed building - except for off-street parking or loading facilities and except for establishments of the "drive-in" type offering goods and services directly to customers waiting in parked motor vehicles, and except where specified below as permitted on an open lot:

Any use permitted in the DT-1 Downtown Retail Business District and the B-1 Retail Business District;

Agricultural implement sales and services;

Ambulance Services;

Automobile washing;

Billiard and pool rooms, amusement establishments;

Boat showrooms; sales and service;

Book binding;

Bowling alleys;

Building materials sales;

Exterminating sales and service, where chemicals are stored on the property;

Farm supply stores, wholesale and retail;

Glass cutting and glazing establishments;

Greenhouses;

Laundromats;

Lawn and Garden Equipment Sales and Service,

Lawn Care and Landscaping businesses including the storage and use of lawn care chemicals and storage of bulk landscaping materials;

Locksmith;

Meat lockers and processing;

Metal and woodworking shops;

Sporting Complex;

Tractor and tire sales stores;

Undertaking establishments, funeral parlors or mortuaries;

Accessory uses, including off-street parking and loading facilities, as permitted or required in Section 13.00.

3. **Special Uses.** The following uses may be allowed by special use permit:

Any use which may be allowed as a special use in the DT-1 Downtown Retail Business District, unless already permitted under subsection 8.02.2 above;

Other service business uses not specifically listed above when found to have economic compatibility with established uses on adjoining property;

Cemeteries, crematories or mausoleums;

Dwelling units-on the ground floor;

Gaming Parlors and casinos;

Gasoline and Diesel fuel stations including Truck stops

Medical Cannabis Dispensing Organizations;

Outdoor amusement establishments, fairgrounds, golf practicing ranges, miniature golf, carnivals, circuses, racetracks, kiddie parks and other similar amusement centers and including places of assembly devoted thereto, such as stadiums and arenas;

Public passenger transportation terminals, such as heliports, bus, and rail depots, but not including airports, airstrips, and landing fields; provided all principal structures and uses are not less than one hundred (100) feet from any residential district boundary;

Adult Entertainment Establishments:

A. Definitions. For the purposes of this Section, the following terms, phrases, and words shall have the meanings given herein.

1. Adult Booth. Any area of an Adult Entertainment Establishment set off from the remainder of such Establishment by one or more walls or other dividers or partitions and used to show, play, or otherwise demonstrate any Adult Materials or to view any live performance that is distinguished or characterized by an emphasis on the exposure, depiction, or description of Specified Anatomical Areas or the conduct or simulation of Specified Sexual Activities.
2. Adult Cabaret. Any Commercial Establishment that as a substantial or significant portion of its business features or provides any of the following:
 - a. Persons who appear nude or semi-nude.
 - b. Live performances that are distinguished or characterized by an emphasis on the exposure, depiction, or description of Specified Anatomical Areas or the conduct or simulation of Specified Sexual Activities.
 - c. Films, motion pictures, video or audio cassettes, slides, computer displays, or other visual representations or recordings of any kind that are distinguished or characterized by an emphasis on the exposure, depiction, or description of Specified Anatomical Areas, or the conduct or simulation of Specified Sexual Activities.
3. Adult Entertainment Establishment. An Adult Cabaret, Adult Store, or

Adult Theater, as defined in the Subsection.

4. Adult Material. Any of the following, whether new or used:
 - a. 1. Books, magazines, periodicals, or other printed matter, or digitally stored materials; or
 2. Films, motion pictures, video or audio cassettes, slides, computer displays, or other visual representations or recordings of any kind, that are distinguished or characterized by an emphasis on the exposure, depiction, or description of Specified Anatomical Areas, or the conduct or simulation of Specified Sexual Activities.
 - b. Instruments, novelties, devices, or paraphernalia that are designed for use in connection with Specified Sexual Activities, or that depict or describe Specified Anatomical Areas.
5. Adult Store. Any Commercial Establishment (a) that contains one of more Adult Booths; (b) that as a substantial or significant portion of its business offers for sale, rental, or viewing any Adult Materials; or (c) that has a segment or section devoted to the sale or display of Adult Materials.
6. Adult Theater. Any Commercial Establishment that as a substantial or significant portion, of its business features or provides films, motion pictures, video or representations or recordings of any kind that are distinguished or characterized by an emphasis on the exposure, depiction, or description of Specified Anatomical Areas, or the conduct or simulation of Specified Sexual Activities.
7. Commercial Establishment. Any place where admission, services, performances, or products are provided for or upon payment of any form of consideration.
8. Nude or State of Nudity. A state of dress or undress that exposes to view (i) less than completely and opaquely covered human genitals, public regions; anus; or female breast below a point immediately above the top of the areolae, but not including any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areolae is not exposed; or (ii) human male genitals in a discernibly turgid state, even if completely and opaquely covered, or any device or covering that, when worn simulates human male genitals in a discernibly turgid state.
9. Protected Uses.

- a. A church, synagogue, mosque, or other place of worship;
 - b. A public or private nursery school or any other public or private school serving any one or more of grades K through 12;
 - c. A childcare facility, licensed by the Illinois Department of Children & Family Services;
 - d. A public park, playground, playing field, or forest preserve;
 - e. A public or private cemetery;
 - f. A public housing facility.
10. Residential Property. Any lot or other tract of land zoned in any of the following districts or zones under this Code: R-1, R-2 and R-3, including any additional Residential Zoning District designations hereinafter created.
11. Semi-nude. A state of dress or undress in which clothing covers no more than the human genitals, anus, pubic region, and areolae of the female breast, as well as portions of the body covered by supporting straps or devices or by other minor accessory apparel such as hats, gloves, and socks.
12. Specified Anatomical Areas. Any of the following:
- a. Less than completely and opaquely covered human genitals; pubic region; buttocks; anus; or female breast below a point immediately above the top of the areolae, but not including nay portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areolae is not exposed.
 - b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered, or any device or covering that, when worn, simulates human male genitals in a discernibly turgid state.
13. Specified Sexual Activities. Any of the following:
- a. Fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breast;
 - b. Sex acts, normal or perverted, actual, or simulated, including intercourse, oral copulation, or sodomy;

- c. Masturbation, actual or simulated;
- d. Human genitals in a state of sexual stimulation, arousal, or tumescence;
- e. Excretory functions as part of or in connection with any of the activities set forth in Paragraphs 1, 2, 3, or 4 of this definition.

4. **Conditions of Use.** All special uses permitted in this district shall be retail and service establishments dealing directly with consumers and shall be subject to the following conditions:

- a. There shall be no processing or treatment of products other than that which is clearly incidental and essential to the retail use as permitted;
- b. Outside storage of refuse material is not permitted;
- c. At least ten percent (10%) of the area shall be landscaped and maintained as open space.
- d. Adult Entertainment Establishment Location Standards:

1. **Requirements.** Except for existing legal nonconforming uses governed pursuant to Subsection (c) of this Section, Adults Entertainment Establishments located, established, maintained, or operated on any lot in the Village shall also comply, in addition to complying with all other applicable regulations set forth in this Code, with the regulations set forth in Paragraphs (2) through (7) of this Subsection. In the event of a conflict between the provisions of any other such regulations and the regulations set forth in Paragraph (2) through (7) of this Subsection, the regulations set forth in Paragraphs (2) through (7) of this Subsection shall control to the extent of any conflict.

2. **Permitted Districts.** Adult Entertainment Establishments shall only be permitted in a I-1 Industrial Zoning District.

3. **Minimum Distance from Other Adult Entertainment Establishments.** No Adult Entertainment Establishment shall be located, established, maintained, or operated on any lot that has a property line within 1,000 feet of the property line of any other lot on which any other Adult Entertainment Establishment is located, established, maintained, or operated.

4. **Minimum Distance from Protected Uses.** No Adult Entertainment Establishment shall be located, established, maintained, or operated on any lot that has a property line within 1,000 feet of the property line of any other lot on which a Protected use is located, established, maintained, or operated.

5. Minimum Distance from Residential Zoning District Property. No Adult Entertainment Establishment shall be located, established, maintained, or operated on any lot that has a property line within 1,000 feet of the property line of any Residential Zoning District Property.

6. Measurement. For the purposes of this Section, distances shall be measured in a straight line, without regard to intervening structures or objects, from the nearest point on the property line of the lot on which the Adult Entertainment Establishment is located to the nearest point on a property line of (i) any Residential Property or (ii) any lot on which a Protected use or other Adult Entertainment Establishment, as the case may be, is located, established, maintained, or operated.

7. Limited Exception for Subsequent Protected uses, Alcoholic Business, and Residential Property. An Adult Entertainment Establishment lawfully operating under this Code and under the Village's Adult Use Licensing Ordinance shall not be deemed to be in violation of the location restrictions set forth herein solely because (i) a Protected use subsequently locates within the minimum required distance of the Adult Entertainment Establishment, (ii) a business that sells or dispenses alcoholic beverage subsequently locates within the same building as the Adult Entertainment Establishment, or (iii) property within the minimum required distance of an Adult Entertainment Establishment subsequently becomes Residential Property. This Paragraph (7) shall not apply to an Adult Entertainment Establishment at a time when an application for an "Adult Entertainment License under the Village's Adult Use Licensing Ordinance for that Establishment is submitted after the License has previously expired, has been revoked, or is at that time under suspension.

8. Existing Adult Entertainment Establishments. Any Adult Entertainment Establishment that is deemed under the provisions of this Chapter to be an existing legal nonconforming use, shall comply with the provisions of this Chapter applicable to legal nonconforming uses.

5. Minimum Lot Size.

- a. Lot Area. Minimum lot area of twelve thousand, five hundred (12,500) square feet;
- b. Lot Width. Minimum lot width of one hundred (100) feet;
- c. Lot Depth. Minimum lot depth of one hundred twenty-five (125) feet;

6. **Yard Areas.**

- a. **Front Yard.** A front yard of not less than fifty (50) feet;
- b. **Side Yards.** No requirements except where abutting residential use or street lines, there shall be a side yard of fifty (50) feet;
- c. **Rear Yard.** A rear yard of not less than forty (40) feet.

7. **Signs.** Signs shall be as permitted in Section 12.00.

8. **Off-Street Parking and Loading.** Parking and loading facilities shall be provided as required or permitted in Section 13.00.

9. **Building Height.** Height regulations shall be the same as required in the B-1 Retail Central Business District.

8.04 B-3 RETAIL PARKING DISTRICT

1. **Purpose.** The B-3 Retail Parking District is hereby established to provide and maintain areas within the central business district used for public parking, and further to control by means of special uses the development within such district to promote the ingress and egress of vehicular and pedestrian traffic and to promote and maintain public parking and to further prevent congestion within the central business district, and to provide adequate parking for the central business district, and to prevent dangerous and undesirable traffic conditions resulting from congestion.

2. **Permitted Use.** Off-street ground level non-sheltered parking.

3. **Special Uses.** The following uses may be allowed by Special Use Permit:

All Permitted uses as allowed in a B-1 Retail Business District may be allowed as special uses in this B-3 Retail Parking District.

4. **Conditions of Use.** All uses allowed as special uses in this district, shall be retail and service establishments dealing directly with customers and shall be subject to the following conditions:

- a. There shall be no manufacture, processing, or treatment of products other than that which is clearly incidental and essential to the retail business conducted on the same premises;
- b. Such uses, operations or products shall not be objectionable due to odor, dust, smoke, noise, vibration or similar causes. The performance standards under Section 11.00 of the Dwight Zoning Ordinance shall be applied;

- c. Outside storage of refuse is prohibited;
- d. Outside storage of goods, products, supplies, materials, and merchandise is prohibited;

5. **Yard Areas.**

- a. **Side Yards.** If an interior side yard is provided, it shall be not less than ten (10) feet;
- b. **Rear Yard.** A rear yard of not less than twenty (20) feet in depth;
- c. **Front Yard.** There shall be no required front yard.

6. **Signs.** Signs shall be permitted as allowed under Section 12.00.

7. **Off-Street Parking and Loading.** Parking and loading facilities shall be provided as required or permitted in Section 13.00.

8. **Building Height.** The height of any structure shall not exceed one (1) story, nor shall it exceed twenty (20) feet, whichever is less, provided that structures existing on the premises prior to the effective date of this Ordinance may be rebuilt to their original height and dimensions if done so within one (1) year after destruction due to fire, wind, or other act of God or calamity.

SECTION 9.00 - INDUSTRIAL DISTRICTS

9.01 I-1 INDUSTRIAL DISTRICT

1. **Purpose.** The I-1 Industrial District is established to provide areas in which a wide variety of industrial concerns may be located; to provide performance standards that will adequately protect the community and to provide regulations to assure adequate open space between uses.

2. **Permitted Uses.** The following uses are permitted:

All retail and service uses allowed by either a permitted or special use in the B-2 Service Business District shall be permitted uses in the I-1 Industrial District.

All existing industrial uses as of the effective date of this ordinance.

Agricultural services and sales;

Automotive repair;

Construction and Contracting companies;

Governmental buildings;

Grain elevators;

Logistics, Transportation and Trucking facilities;

Printing and Publishing establishments;

Research facilities

Solar energy farms;

Storage facilities;

Warehouse and Distribution

3. **Special Uses.** The following uses may be allowed by special use permit in accordance with the provisions of the Administration Section 15.00:

Any use that is not defined as a permitted use above shall be declared to be a special use.

4. **Off-Street Parking and Loading.** Parking and loading facilities shall be provided as required or permitted in Section 13.00.
5. **Yard Areas.** No building or structure shall hereafter be erected or structurally altered unless the following yards are provided and maintained in connection with such building:
 - a. **Front Yard.** On every zoning lot a front yard of not less than thirty (30) feet in depth shall be provided.
 - b. **Side Yards.** On every zoning lot a side yard shall be provided along each side lot line. Each side yard shall not be less in width than twenty (20) feet.
 - c. **Rear Yard.** On every zoning lot there shall be a rear yard of not less than thirty (30) feet, except where a use in the I-1 Industrial District is adjacent to a residence district, a rear yard shall be provided and maintained of not less than fifty (50) feet.
6. **Maximum Lot Coverage.** Not more than sixty (60%) percent of the lot area may be occupied by buildings and structures, including accessory buildings.
7. **Performance Standards.** All permitted and special uses in the I-1 Industrial District shall be required to meet the performance standards defined in Section 11.00.

9.02 P-1 PLANNED INDUSTRIAL DISTRICT

1. **Purpose.** The P-1 Planned Industrial District is established to provide areas for industrial development of the highest quality, which can exist in harmony with residential and business areas.
2. **Minimum Area.** The owner of a tract of undeveloped land or land cleared for development of ten (10) acres or more which is designated for industrial development on the Official Land Use Plan may submit to the Village Plan Commission for its review a preliminary plan for the use and development thereof for a planned industrial district, regardless of the zoning district in which such tract is located at the time said plan is filed.

3. **Permitted Uses.** The following uses may be permitted in a P-1 Planned Industrial District:

Any use permitted in and meeting the performance standards of the I-1 Industrial District, except that there may be permitted the following attendant and accessory uses:

Offices accessory or attendant to the principal use on a zoning lot;

Accessory service uses which are necessary to the conduct of the principal manufacturing use;

Any other attendant or accessory use approved by the Plan Commission as part of the P-1 Planned Industrial District which the Plan Commission finds to be compatible with the plan and which will have no undue adverse effect upon surrounding properties.

4. **Conditions of Use.** All permitted uses are subject to the following conditions:

- a. Any production, processing, cleaning, servicing, testing, repair or storage of goods, materials or products shall conform with the standards set forth herein.
- b. All business, production, servicing, and processing shall take place within completely enclosed buildings unless otherwise specified. Within one hundred and fifty (150) feet of a residence district, all storage shall be in completely enclosed buildings or structures and storage located elsewhere in this district may be open to the sky, but shall be enclosed.
- c. Uses established on the effective date of this ordinance and by its provisions are rendered non-conforming and shall be permitted to continue subject to the regulations of Section 5.00.

5. **Commission Findings.** It shall be the duty of the Plan Commission to ascertain that the proposed project will comply with the following conditions:

- a. **Integrated Design.** That the plan provides for an industrial district consisting of several buildings or groups of buildings of efficient and harmonious design, together with properly arranged trafficways, parking and loading facilities and landscaping, so arranged as to create an attractive project readily integrated with and having no undue adverse effect on adjoining or surrounding areas and developments.

- b. Thoroughfare Access. That the industrial district will abut a street shown on the Official Major Street Plan as a highway, primary or secondary thoroughfare, or that direct access to such street is provided by means of an acceptable industrial service street.
6. **General Design Standards and Improvement Requirements.** The following minimum design standards shall be observed and the owner or developer shall post with the Village of Dwight an adequate surety bond or furnish other kind of guarantee, satisfactory to the Plan Commission, assuring the installation at the expense of the owner or developer of improvements specified in the following:
- a. Right-of-way and Pavements. All interior streets shall have a right-of-way width of not less than eighty (80) feet, and all cul-de-sacs shall have a minimum radius of seventy (70) feet. Said streets shall be provided with pavement and concrete curb and gutter meeting the requirements of Section 11.00, Street Improvements, of the Village of Dwight Subdivision Ordinance;
 - b. Utilities. All necessary utilities shall be installed meeting Village specifications and the subdivision regulations of the Village;
 - c. Off-Street Parking. Off-street parking and loading facilities shall be installed as required in Section 13.00, except that for employee parking, one (1) space shall be provided for each two (2) employees on the maximum shift. Customer or visitor parking, at least ten (10) spaces shall be provided per plant. Loading docks shall not be placed along building front;
 - d. Plant Vehicle Storage. Such storage shall be sufficient to accommodate all plant vehicles off the street;
 - e. Lot Area. Minimum of one (1) acre;
 - f. Maximum Lot Coverage. The maximum area occupied by all buildings on any lot shall not exceed forty-five (45%) percent of the total area of the lot;
 - g. Yard Requirements. Same as permitted in the I-1 Industrial District;
 - h. Building Height Limit. Same as permitted in the I-1 Industrial District;
 - i. Distance Between Buildings. Principal buildings, fifty (50) feet; accessory structures, twenty (20) feet;

- j. Distance of Buildings from Project or Tract Boundary. If adjoining a residential district, one hundred (100) feet; if adjoining a B-1 District, fifty (50) feet; in all other cases, thirty five (35) feet;
 - k. Landscaping of Unsurfaced Areas. All unpaved areas shall be landscaped subject to Plan Commission approval;
 - l. Greenbelts. The project area shall be enclosed on all sides adjacent to a residential district by a planted strip at least fifty (50) feet wide. The plant material, subject to Plan Commission approval, shall have initially a height and compactness of not less than fifty (50%) percent of the ultimately required height and compactness;
 - m. Signs. The erection, construction, alteration and location of signs, other advertising structures, marquees and awnings shall be in conformity with the provisions of Section 12.00;
 - n. Illumination. Exterior lighting fixtures shall be so installed as to reflect the light away from adjacent properties.
7. **Final Development Plan.** Upon determination by the Plan Commission that the proposed P-1 Planned Industrial District, as shown in the preliminary plan appears to conform to the requirements herein and all other applicable requirements of this ordinance, the proponents shall submit a final development plan, which plan shall incorporate any changes or modifications required by the Plan Commission together with an application for the necessary appropriate changes in district classification of the site of the proposed P-1 Planned Industrial District.
8. **Recommendation to Village Board of Trustees.** If the final plan is found to be in compliance with the requirements herein, the Plan Commission shall hold a public hearing on both the plan and the proposed change in zoning district classification, and submit said plan with its report and recommendation to the Village Board.
9. **Rezoning.** The Village Board may modify the plan, consistent with the intent of this ordinance, and may change the zoning of the site to the appropriate zoning district classification.
10. **Adjustments - Authorized by Plan Commission.** After the final development plan has been approved by the Village Board and in the course of carrying out the plan, minor adjustments and rearrangements of buildings, service areas and other features requested by the developers may be authorized by the Plan Commission.

9.03 CARGO CONTAINERS

Article 1

“Cargo Container” means a standardized reusable vessel that was originally or formerly designed for or used in connection with the packing, shipping, transportation or freight industry.

Article 2

That Cargo Containers shall not be allowed within any Residential or Business Zoning District.

Article 3

In an Industrial District, Cargo Containers may be allowed as an accessory building, but not as a principal structure.

- A. No more than one (1) Cargo Container shall be allowed for each 10,000 square feet of lot area;
- B. No more than ten (10) Cargo Containers shall be allowed on any one (1) lot;
- C. All Cargo Containers shall be located behind adequate screening, including fencing, landscaping or other appropriate means, in order to minimize visual impact;
- D. All Cargo Containers located on a single lot (or adjoining lots owned or controlled by the same person) shall be painted a uniform color. All Cargo containers located adjacent to buildings shall be painted to match the color of the building;
- E. All Cargo Containers must have working doors and locks;
- F. All Cargo Containers shall be placed so as to conform to applicable set back requirements for accessory structures;
- G. Cargo Containers may not be refrigerated;

- H. All Cargo Containers shall be placed on a hard level surface, such as gravel, concrete, asphalt or such other surface as may be approved by the Village Board of Trustees;
- I. No more than two Cargo Containers shall be stacked vertically

9A.00 AGRICULTURE DISTRICT

9A.01 AGRICULTURE ZONING DISTRICT

1. Purpose:
 - a. The Agricultural Zoning District is intended to preserve agricultural use as an important economic and land use component of the Village of Dwight. The regulations of the Agriculture District are designed to regulate the use of land, buildings, and structures within areas of the Village. In this District, community water supply and sewer facilities are generally not available. The principal use of land is for agriculture.
 - b. The Agricultural Zoning District will provide for the transitional and temporary designation of lands for agricultural purposes until such time as appropriate development is proposed and municipal improvements become available.
2. Those Agriculture Districts in the Corporate Limits of the Village of Dwight, which lie in Livingston County, will follow the applicable rules and regulations of the Agriculture Zoning District of Livingston County. Those Agriculture Districts in the corporate limits of the Village of Dwight, which lie in Grundy County, will follow the applicable rules and regulations of the Agriculture Zoning District of Grundy County.

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Sec. 56-80. Established.

Sec. 56-81. Uses permitted.

Sec. 56-82. Special uses.

Sec. 56-83. Property development standards.

Secs. 56-84—56-109. Reserved.

Sec. 56-80. Established.

The AG Agriculture District is established to include lands for agricultural uses.
(Ord. of 12-4-1973, § 5.0)

Sec. 56-81. Uses permitted.

- (a) The following uses shall be permitted in the AG Agriculture District, plus such other uses as the board may deem to be similar in nature. All uses shall be subject to the property development standards in section 56-83 and article IX of this chapter, pertaining to property development standards.
- (1) Commercial greenhouse.
 - (2) Dwelling, farm.
 - (3) Dwelling, single-family.
 - (4) Farm, general.
 - (5) Farm equipment, sales, and service.
 - (6) Home occupation.
 - (7) Manufactured home/mobile home (1) (ZT-1-01).
 - (8) Municipal or government building.
 - (9) Police station or fire station.
 - (10) Private swimming pool.
 - (11) Public park or recreational facilities.
 - (12) Railroad right-of-way and necessary uses.
 - (13) Roadside produce sales stand.
 - (14) School, public or private.
 - (15) Signs.

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- (16) Warehouse and storage of grain, seed, and dry fertilizer storage facilities, including grain storage and drying facilities.
- (b) The manufactured home/mobile home shall be no more than ten years of age except when the board of appeals reviews a variance request in which the board of appeals may allow for the placement of a mobile home/manufactured home more than ten years of age, and the manufactured home/mobile home shall be placed on a permanent foundation. A permanent foundation means a closed perimeter formation consisting of materials such as concrete, mortared concrete block, or mortared brick placed on a footing extending into the ground below the frost line (a minimum of 36 inches) which shall include, but not necessarily be limited to, basements, cellars, or crawl spaces, but does exclude the use of piers.
- (Ord. of 12-4-1973, § 5.1; Res. of 2-11-1986; Res. of 10-10-1995)

Sec. 56-82. Special uses.

The following uses may be permitted by special use permit in the AG Agriculture District as provided for in article X of this chapter, pertaining to special uses.

- (1) Advertising structure (ZT-1-86).
- (2) Agricultural product manufacturing (ZT-1-93).
- (3) Anhydrous ammonia or similar liquefied fertilizer, and bulk fertilizer storage and distribution (commercial).
- (4) Asphalt or asphaltic concrete batching plant.
- (5) Assembly halls for use by nonprofit organizations.
- (6) Auction sales yard.
- (7) Bait sales (live).
- (8) Bed and breakfast.
- (9) Bottled gas, storage, and distribution.
- (10) Bulk storage or petroleum products.
- (11) Camping facility.
- (12) Compost facility (ZT-3-93).
- (13) Contractor's storage yard.
- (14) Country club or golf course.
- (15) Craft and service occupations (ZT-2-93).
- (16) Earth covered dwelling.
- (17) Farm worker tenant housing.
- (18) Kennel.
- (19) Lodge or private club.
- (20) Machine shop.

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- (21) Manufacturing, storage or use of explosives.
 - (22) Mobile home.
 - (23) Outdoor commercial recreational enterprise.
 - (24) Penal or correctional institution.
 - (25) Private recreational development.
 - (26) Public or commercial sanitary landfill, or garbage disposal plant.
 - (27) Racetrack (outdoor).
 - (28) Riding stable.
 - (29) Seasonal hunting or fishing lodge.
 - (30) Shooting range (outdoor).
 - (31) Slaughterhouse.
 - (32) Theater (outdoor).
 - (33) Welding shop.
 - (34) Wholesale produce terminal.
 - (35) Windmills (needs to comply with article VIII of this chapter, pertaining to regulating the siting of wind energy conversion systems in the county).
- (Ord. of 12-4-1973, § 5.2; Res. of 10-11-1983; Res. of 2-11-1986; Res. of 5-11-1993; Res. of 6-8-1993; Res. of 7-13-1993; Res. of 10-10-1995; Res. of 1-12-2006)

Sec. 56-83. Property development standards.

The following property development standards shall apply to all land and structures in the AG Agriculture District.

- (1) *Minimum lot area.* A lot on which a dwelling is erected or changed may not be smaller in area, in square feet per dwelling unit, than that prescribed for it in this subsection.
 - a. Single-family with municipal sewage disposal system: 40,000 square feet;
 - b. Single-family with municipal, community or individual water supply and individual sewage disposal system: 1½ acres.
- (2) *Lot dimensions.*
 - a. All lots hereafter created shall have a minimum width of 150 feet and a minimum depth of 200 feet. Curve and cul-de-sac lot width shall be measured as chord distance at the building setback line. Refer to zoning cases ZT-2-89 and ZT-3-89.
 - b. Exceptions. The provisions of section 56-654 shall apply.
- (3) *Ground floor area in square feet per dwelling unit.* No dwelling may be established, erected, or changed so that its ground floor area, in square feet, is less than that prescribed by the following table.

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<i>One-story dwelling</i>	<i>More than one-story dwelling</i>
(1) Single-family 720	(1) Single-family 672

(4) *Building height.*

- a. No main building or structure, other than an agricultural structure, may be changed or erected in this district so as to have a height greater than 35 feet.
- b. Exceptions. The provisions of section 56-654 shall apply.

(5) *Yards.*

- a. *General yard requirements.* The following are minimum yard sizes, except as otherwise provided by this chapter.
 1. *Front.*
 - (i) Lots abutting a major highway or area service highway shall have a front yard of 50 feet.
 - (ii) Lots abutting a collector or local street shall have a front yard of 40 feet.
 2. *Side.* The minimum width of each side yard for a dwelling shall not be less than 25 feet.
 3. *Rear.* The minimum depth of a rear yard for a dwelling shall not be less than 50 feet.
- b. *Exceptions.* The provisions of section 56-654 shall apply.

(6) *Lot coverage.* The buildings on a lot may not exceed in coverage 20 percent of total lot area.

(7) *Off-street parking.* The provisions of section 56-654 shall apply.

(8) *Outdoor advertising.* Signs may be permitted in this district under the following conditions:

- a. One non-flashing sign for each street frontage containing not more than 40 square feet and pertaining only to products for sale upon the premises or services rendered thereon or therefrom, shall be permitted in this district.
- b. Name signs shall be permitted subject to the following conditions:
 1. Name signs shall display only the:
 - (i) Name of the premises upon which it is displayed;
 - (ii) Name of the owner, lessee of said premises;
 - (iii) Address of said premises;
 - (iv) Nature of occupation engaged in on said premises;
 - (v) "For Rent" and "For Sale" signs shall be permitted;

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- (vi) Signs for institutional uses including churches, hospitals, rest homes, private clubs and similar uses shall be permitted subject to the following regulations:
- 2. One freestanding sign for each main use per frontage:
 - (i) The sign shall contain only the name and address of the building, its occupants and the services rendered.
 - (ii) The sign shall not exceed 32 square feet in area, exclusive of architectural features. The sign structure shall not exceed eight feet in height.
 - (iii) The sign face may be internally illuminated but shall not be floodlighted.
 - (iv) Signs shall be set back 15 feet from public rights-of-way; however, this setback may be reduced to ten feet subject to approval of a special use permit. In no case shall signs be located within required rear or interior side yards.
- 3. One sign attached to the face of the main building:
 - (i) The sign shall contain only the name of the building and its occupants.
 - (ii) Letter or numeral heights shall not exceed one foot.
 - (iii) The sign shall not exceed ten square feet in area.
 - (iv) The sign face may be internally illuminated or floodlighted.
- (9) *Loading.* The provisions of section 56-654 shall apply.
(Ord. of 12-4-1973, § 5.3; Res. of 2-11-1986)

Secs. 56-84—56-109. Reserved.

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Sec. 56-140. Established.

Sec. 56-141. Uses permitted.

Sec. 56-142. Special uses.

Sec. 56-143. Property development standards.

Secs. 56-144—56-169. Reserved.

Sec. 56-140. Established.

The RA Rural Residence District is established to include single-family residential estate homes in a semirural environment.

(Ord. of 12-4-1973, § 7.0)

Sec. 56-141. Uses permitted.

The following uses shall be permitted in the RA Rural Residence District, plus such other uses as the board may deem to be similar in nature. All uses shall be subject to the property development standards in section 56-143 and article IX of this chapter, pertaining to property development standards.

- (1) Agricultural uses that do not involve the raising or boarding of livestock or the processing of animal products.
- (2) Dwelling farm.
- (3) Dwelling, single-family, not more than one dwelling per lot.
- (4) Home for the aged.
- (5) Home occupation.
- (6) Municipal or government building.
- (7) Nursing home, orphanage.
- (8) Plant nursery.
- (9) Police station or fire station.
- (10) Private swimming pool.
- (11) Public library.
- (12) Public park or recreational facilities.
- (13) School, public or private.
- (14) Signs.

(Ord. of 12-4-1973, § 7.1; Res. of 10-8-1996)

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Sec. 56-142. Special uses.

The following uses may be permitted by special use permit in the RA Rural Residence District as provided for in article X of this chapter, pertaining to special uses.

- (1) Assembly halls for use by nonprofit organizations.
 - (2) Bed and breakfast.
 - (3) Charitable organizations.
 - (4) Country club or golf course.
 - (5) Craft and service occupations.
 - (6) Farm, seasonal worker housing, tenant.
 - (7) Greenhouse, not exceeding 1,000 square feet.
 - (8) Kindergarten, day nursery, day care center or day care home, other than as a part of a school providing other grades.
 - (9) Lodge or private club.
 - (10) Mobile home (see section 56-28).
 - (11) Planned unit development (subject to the requirements of article VII of this chapter, pertaining to planned unit developments).
 - (12) Private recreational development.
 - (13) Railroad right-of-way and necessary uses.
 - (14) Windmills (needs to comply with article VIII of this chapter pertaining to, regulating the siting of wind energy conversion systems in the county).
- (Ord. of 12-4-1973, § 7.2; Res. of 10-11-1983; 1-10-1989; Res. of 1-10-1989; Res. of 10-10-1995; Res. of 1-12-2006)

Sec. 56-143. Property development standards.

The following property development standards shall apply to all land and structures in the RA district.

- (1) *Minimum lot area.* A lot on which a dwelling is erected or changed may not be smaller in area, in square feet per dwelling unit, than that prescribed for it in this section:
 - a. Single-family with municipal water supply and municipal sewage disposal system: 15,000 square feet;
 - b. Single-family with municipal or community water supply and individual sewage disposal system: 22,000 square feet;
 - c. Single-family with individual water supply and individual sewage disposal system: one acre;
- (2) *Lot dimensions.*
 - a. All lots hereafter created shall have a minimum width of 120 feet and a minimum depth of 120 feet. Curve and cul-de-sac lot width shall be measured as chord distance at the building setback line.

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- b. Exceptions. The provisions of article IX of this chapter, pertaining to property development standards, shall apply.
- (3) *Ground floor area in square feet per dwelling unit.* No dwelling may be established, erected, or changed so that its ground floor area, in square feet, is less than that prescribed by the following table:

<i>One story dwelling</i>	<i>More than one-story dwelling</i>
(1) Single-family 720	(1) Single-family 672

(4) *Building height.*

- a. No main building or structure, other than an agricultural structure, may be changed or erected in this district so as to have a height greater than 35 feet.
- b. Exceptions. The provisions of article IX of this chapter shall apply.

(5) *Yards.*

- a. *General yard requirements.* The following are minimum yard sizes, except as otherwise provided by this chapter.

1. *Front.*

- (i) Lots abutting a major highway or area service highway shall have a front yard of 50 feet.
- (ii) Lots abutting a collector or local street shall have a front yard of 40 feet.

2. *Side.* The minimum width of each side yard for a dwelling shall not be less than ten feet.

3. *Rear.* The minimum depth of a rear yard for a dwelling shall not be less than 40 feet.

- b. *Exceptions.* The provisions of article IX of this chapter shall apply.

(6) *Lot coverage.* The buildings on a lot may not exceed in coverage 25 percent of total lot area.

(7) *Off-street parking.* The provisions of article IX of this chapter shall apply.

(8) *Outdoor advertising.* Signs and other commercial advertising shall be permitted in this district only as provided in this section.

- a. Name plates shall be permitted subject to the following conditions:

1. Name plates shall not exceed two square feet in area.
2. Name plates shall display only the:
- (i) Name of the premises upon which it is displayed;
- (ii) Name of the owner or lessee of said premises;

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- (iii) Address of said premises; and
 - (iv) Nature of the home occupation engaged in on said premises.
- b. "For Rent" and "For Sale" signs shall be permitted. Not more than two such signs, not exceeding a total of six square feet in area, shall be permitted on any lot or parcel.
- c. Subdivision signs: on site:
 - 1. Temporary real estate signs advertising real property which has been subdivided for purposes of sale or lease shall be permitted, subject to the following conditions:
 - (i) The construction of any sign shall be in strict compliance with the provisions of this chapter and all other laws of the county.
 - (ii) The sign shall remain only as long as some portion of the property advertised for sale remains unsold, or for a period of two years, whichever period is shorter. Subject to approval of the board, said time may be extended for one year. Not more than two such extensions may be granted.
 - (iii) The signs shall be located on the premises which they advertise.
 - (iv) No sign shall exceed 480 square feet in area.
 - (v) Not more than two such signs shall be permitted in any subdivision under five acres in size. In subdivisions involving more than five acres, one additional sign shall be permitted for each additional five acres.
 - 2. Identification signs containing the tract name are permitted, provided there shall be not more than one for each three lots. Said signs shall not exceed ten square feet.
 - 3. Signs are permitted on the same lot with a model home provided they do not exceed four in number and shall not exceed four square feet in area. Said signs shall be removed after the developer concludes the initial sale of the lots or homes to their initial owners.
- d. Subdivision signs: off-site temporary real estate directional signs. Temporary real estate directional signs, subject to special use, directing prospective purchasers to a subdivision having lots or houses for sale may be erected and maintained provided said signs do not create hazardous traffic conditions. Such signs shall be subject to the following standards:
 - 1. The sign shall not exceed 160 square feet in area.
 - 2. The sign shall be set back not less than eight feet from the front property line.
 - 3. The sign shall be not less than six nor more than 18 feet above the crown of the nearest adjacent road or the higher of the two crowns of two adjacent roads.
- e. Temporary off-site open house signs. Temporary open house signs shall be permitted for a period of 48 hours provided that the sign shall be limited to a double-faced sign not more than two feet by three feet in size.
- f. Signs for institutional uses including churches, hospitals, rest homes, private clubs and similar uses shall be permitted subject to the following regulations:
 - 1. One freestanding sign for each main use per frontage:
 - (i) The sign shall contain only the name and address of the building, its occupants and the services rendered.

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- (ii) The sign shall not exceed 32 square feet in area, exclusive of architectural features. The sign structure shall not exceed eight feet in height.
 - (iii) The sign face may be internally illuminated but shall not be flood lighted.
 - (iv) Signs shall be set back 15 feet from public rights-of-way; however, this setback may be reduced to ten feet subject to approval of a special use permit. In no case shall signs be located within required rear or interior side yards.
2. One sign attached to the face of the main building:
- (i) The same shall contain only the name of the building and its occupants.
 - (ii) Letter or numeral heights shall not exceed one foot.
 - (iii) The sign shall not exceed ten square feet in area.
 - (iv) The sign face may be internally illuminated.

(Ord. of 12-4-1973, § 7.3)

Secs. 56-144—56-169. Reserved.

8-1-4-1: AGRICULTURAL (A) DISTRICT:

This district is intended to permit agriculture to be the primary use of land and restrict residential uses or activities that interfere with agriculture.

- A. Character: This district is entirely rural in character. The minimum lot size requirements and open space ratios for uses and other controls are set so that, at full development, the area will remain rural in appearance and open space can be used for agricultural purposes.
- B. Uses: Agriculture is the primary use of the land. Other uses that are accessory to the agricultural use are permitted on farmsteads to enhance the total value of the agricultural operation to its owner. Residential uses are limited in this district and require the permanent set aside of adjacent lands that preserve natural areas or agriculture.
- C. Water And Sewer: Water supply and sanitary sewage disposal is normally provided by wells and septic systems on an individual lot basis. (Ord. 10-001, 1-12-2010)

8-1-4-2: AGRICULTURAL RESIDENTIAL (AR) DISTRICT:

This district is intended to provide a higher density of residential development than is otherwise permitted in the agricultural (A) district. Residential development is permitted for those tracts of land within or adjacent to agricultural areas where it is determined that:

- A. Such land, by virtue of its physical characteristics, is not well suited for agricultural purposes;
- B. The development of the land for residential use will not substantially impair the use of adjacent properties for agricultural use; and
- C. The development of rural land for residential use will not substantially impact the existing road system, increase the requirements for public services, or change the rural character of the area. (Ord. 10-001, 1-12-2010)

8-2-2-1: LAND USE TABLES:

The following three (3) tables provide the information on uses permitted in each district:

A. Symbols Used In The Use Tables: The following symbols are used in tables 8-2-2-1A, "Agricultural, Residential, And Institutional Uses"; 8-2-2-1B, "Nonresidential Uses"; and 8-2-2-1C, "Temporary Uses", of this section, to indicate whether a particular use is permitted, permitted by administrative review (subject to administrative review use standards), permissible by special use review (subject to special use standards), or prohibited within each zoning district:

1. "P" indicates a permitted use, where the use is permitted as a matter of right, subject to the general standards of section 8-2-3, "General Use Standards", of this chapter, and all other applicable provisions of this UDO.
2. "A" indicates an administrative review use, which is subject to additional review by the land use director for compliance with the standards of section 8-2-3, "General Use Standards", of this chapter, and the applicable performance standards of section 8-2-4, "Administrative Review Use Standards", of this chapter. Not all properties or project designs may meet these requirements; thus, the use may not be allowed to be established on every parcel within the district.
3. "S" indicates a special use, which is allowed only upon granting a special use permit as provided in section 8-14-6, "Special Use Permits", of this title. The planning commission, zoning board of appeals, planning and zoning committee, and county board review special use permit applications for compliance with the standards of section 8-2-3, "General Use Standards", of this chapter, and the applicable performance standards of section 8-2-5, "Special Use Standards", of this chapter. Not all properties or project designs may meet these requirements; thus, the use may not be allowed to be established on every parcel within the district.
4. "N" indicates a prohibited use that is not permitted in that district. (Ord. 10-001, 1-12-2010)

TABLE 8-2-2-1A
AGRICULTURAL, RESIDENTIAL, AND INSTITUTIONAL USES

P = Permitted use	S = Special use
A = Permitted use with administrative review	N = Prohibited use

Land Use	Zoning District							General Use Standard ¹	Admin. Review Or Special Use Standard
	A	AR	PR	R	CG	CI	I		
Agricultural uses:									
Agriculture	P	P	P	P	P	P	P		

Boarding/riding stables	A	A	A	A	N	N	N		Sec. 8-2-4-1 of this chapter
Borrow pits for interchange and highway use	A	A							Sec. 8-2-4-4 of this chapter
Cargo container storage unit	A	N	N	N	N	N	N		Sec. 8-2-4-5 of this chapter
Farmstead	P	P	N	N	N	N	N		
Intensive agriculture	P	N	N	N	N	N	N		
Kennel	S	N	N	N	S	N	S		Sec. 8-2-5-14 of this chapter
Residential uses:									
Group homes	A	A	A	A	N	N	N		Sec. 8-2-4-6 of this chapter
Live-work units	N	N	S	S	S	N			Sec. 8-2-5-16 of this chapter
Manufactured home park or subdivision	S	N	N	N	N	N	N		Sec. 8-2-5-17 of this chapter
Multi-family	N	N	N	S	S	N	N		
Poultry keeping	See note 2	See note 2	A	A ³					Sec. 8-2-4-7 of this chapter
Single-family	P	P	P	P	N	N	N		Sec. 8-2-4-10 of this chapter
Single-family attached and two-family	N	N	S	A	N	N	N		
Single-family cluster	N	N	S	P	N	N	N		Sec. 8-2-5-29 of this chapter
Home uses:									
Home childcare	P	P	P	P	P	N	N		

								Sec. 8-2-3-4 of this chapter	
Home occupation	P	P	P	P	P	N	N	Sec. 8-2-3-5 of this chapter	
Miscellaneous uses:									
Solar collector systems	A	A	A	A	A	A	A		Sec. 8-2-4- 11 of this chapter
Solar farm	S						S		Sec. 8-2-5- 30 of this chapter
Institutional uses:									
College/university	S	N	N	N	S	S	N		Sec. 8-2-5-5 of this chapter
Correctional facility	N	N	N	N	N	N	S		Sec. 8-2-5-7 of this chapter
Daycare facility	S	N	S	S	N	N	N		Sec. 8-2-5-8 of this chapter
Hospitals	N	N	N	N	P	P	N		
Institutional residential	S	S	S	S	S	N	N		Sec. 8-2-5- 13 of this chapter
Places of public assembly	S	S	S	S	P	P	N		Sec. 8-2-5- 22 of this chapter
Private club	S	S	S	S	P	N	N		Sec. 8-2-5- 24 of this chapter
Public service facility	A	A	A	A	P	P	A		Sec. 8-2-4-8 of this chapter
Utilities, neighborhood	A	A	A	A	A	A	P		Sec. 8-2-4- 13 of this chapter

Notes:

1. All general use standards enumerated in section 8-2-3, "General Use Standards", of this chapter, shall apply to all land uses enumerated in this table, as appropriate. Listings in this column are provided as a convenient reference to certain applicable standards.

2. See section 8-2-3-1 of this chapter.

3. Only applicable to R-40 and R-200 lots.

(Ord. 10-001, 1-12-2010; amd. Ord. 2011-012, 7-12-2011; Ord. 2012-010, 4-10-2012; Ord. 2012-011, 4-10-2012; Ord. 2012-015, 4-10-2012; Ord. 2012-016, 4-10-2012)

TABLE 8-2-2-1B
NONRESIDENTIAL USES

P = Permitted use	S = Special use
A = Permitted use with administrative review	N = Prohibited use

Land Use	Zoning District							General Use Standard ¹	Admin. Review Or Special Use Standard
	A	AR	PR	R	CG	CI	I		
Commercial uses:									
Agricultural support and other rural services	S	N	N	N	P	N	N		Sec. 8-2-5-2 of this chapter
Bed and breakfast	A	A	A	A	A	P	N		Sec. 8-2-4-3 of this chapter
Car wash	N	N	N	N	S	S	S		Sec. 8-2-5-4 of this chapter
Commercial lodging	N	N	N	N	P	P	N		
Commercial retail	N	N	N	N	P	P	S		Sec. 8-2-5-6 of this chapter
Drive-in/drive-through facility	N	N	N	N	S	S	S		Sec. 8-2-5-9 of this chapter
Garden center	S	N	N	N	P	N	P		Sec. 8-2-5-11 of this chapter
Heavy retail and service	N	N	N	N	S	P	N		Sec. 8-2-5-12 of this chapter
Light automobile service	N	N	N	N	P	P	P		

								Sec. 8-2-3-7 of this chapter	
Ministorage units	N	N	N	N	S	N	P		Sec. 8-2-5-18 of this chapter
Mixed use	N	N	N	N	S	N	N		Sec. 8-2-5-19 of this chapter
Office	N	N	N	N	P	P	P		
Restaurant	A	N	N	N	P	P	A		Sec. 8-2-4-9 of this chapter
Services	N	N	N	N	P	P	N		
Shopping center	N	N	N	N	P	P	N		
Vehicle sales, rental, and service	N	N	N	N	S	P	S		Sec. 8-2-5-31 of this chapter
Veterinary practice	P	N	N	N	S	N	S		Sec. 8-2-5-32 of this chapter
Recreation and amusement uses:									
Campgrounds and RV parks	S	N	N	N	N	N	N		Sec. 8-2-5-3 of this chapter
Commercial amusement, indoor	N	N	N	N	P	P	N		
Commercial amusement, outdoor	N	N	N	N	P	P	N		
Recreation, indoor	S	N	N	S	P	P	N		Sec. 8-2-5-26 of this chapter
Recreation, outdoor	S	N	S	S	P	N	N		Sec. 8-2-5-27 of this chapter
Industrial uses:									
Adult uses	N	N	N	N	N	N	S		Sec. 8-2-5-1 of this chapter
Disposal	(Regulated by separate county resolution)								
Extraction	N	N	N	N	N	N	S		Sec. 8-2-5-10 of this chapter
Heavy industry	N	N	N	N	N	N	P		

Light industry	N	N	N	N	N	N	P		
Outdoor cargo container storage and handling facilities	N	N	N	N	N	N	S		Sec. <u>8-2-5-20</u> of this chapter
Private airstrip	S	N	N	N	N	N	N		Sec. <u>8-2-5-23</u> of this chapter
Salvage activities	N	N	N	N	N	N	S		Sec. <u>8-2-5-28</u> of this chapter
Utilities, community	S	S	S	S	A	S	P		Secs. <u>8-2-4-12</u> , <u>8-2-5-33</u> of this chapter
Warehousing and transportation	N	N	N	N	N	N	P		
Miscellaneous uses:									
Airports	A	N	N	N	N	N	A		Sec. <u>8-2-4-2</u> of this chapter
Cemeteries	A	N	N	N	N	N	N		
Landscape waste composting and organic waste composting facility	S	N	N	N	N	N	S		Sec. <u>8-2-5-15</u> of this chapter
Parking (stand alone lot) and transit facilities	N	N	N	N	P	S	S		Sec. <u>8-2-5-21</u> of this chapter
Private pipelines	S	S	S	S	S	S	S		Sec. <u>8-2-5-25</u> of this chapter
Solar collector systems	A	A	A	A	A	A	A		Sec. <u>8-2-4-11</u> of this chapter
Solar farms	S						S		Sec. <u>8-2-5-30</u> of this chapter
Utility scale wind energy conversion systems	S	N	N	N	N	N	S		Sec. <u>8-2-5-34</u> of this chapter

Wireless
telecommunications
facilities

Regulated by 55 Illinois Compiled Statutes
5/5-12001.1

Note:

1. All general use standards enumerated in section 8-2-3, "General Use Standards", of this chapter, shall apply to all land uses enumerated in this table, as appropriate. Listings in this column are provided as a convenient reference to certain applicable standards.

(Ord. 10-001, 1-12-2010; amd. Ord. 2012-015, 4-10-2012; Ord. 2012-016, 4-10-2012)

**TABLE 8-2-2-1C
TEMPORARY USES**

P = Permitted use

S = Special use

A = Permitted use with administrative review

N = Prohibited use

Land Use	Zoning District							General Use Standard ¹	Admin. Review Or Special Use Standard
	A	AR	PR	R	CG	CI	I		
Temporary uses:									
Commercial outdoor sales event	N	N	N	N	P	N	N		Sec. <u>8-2-6</u> of this chapter
Contractor's office	N	N	A	A	A	A	P		Sec. <u>8-2-6-2</u> of this chapter
Farm stand	A	N	N	N	N	N	N		Sec. <u>8-2-6-3</u> of this chapter
Model homes	N	N	A	A	N	N	N		Sec. <u>8-2-6-4</u> of this chapter
Sales office	N	N	N	N	A	A	A		Sec. <u>8-2-6-6</u> of this chapter
Special events	S	N	N	N	S	S	N		Sec. <u>8-2-6-5</u> of this chapter

Note:

1. All general use standards enumerated in section 8-2-3, "General Use Standards", of this

chapter, shall apply to all land uses enumerated in this table, as appropriate. Listings in this column are provided as a convenient reference to certain applicable standards.

(Ord. 10-001, 1-12-2010)

8-2-2-2: UNLISTED USES:

- A. Unlisted Uses Prohibited: Any use that is not listed in section 8-2-2-1, table 8-2-2-1A, "Agricultural, Residential, And Institutional Uses"; 8-2-2-1B, "Nonresidential Uses"; or 8-2-2-1C, "Temporary Uses", of this chapter is prohibited.
- B. New And Similar Uses: It is not the intent to prohibit legitimate similar uses or new uses similar to those that are listed. The director shall decide whether the proposed use is either a subcategory of a permitted or special use, or a use that is functionally similar to a permitted or special use.
- C. Decision Criteria: The following decision criteria shall be evaluated when the land use department decides whether a proposed use is a subcategory of, or functionally similar to, a permitted or special use:
1. Parking demand;
 2. Average daily and peak hour trip generation (cars and trucks);
 3. Water demand;
 4. Solid waste generation;
 5. Impervious surface;
 6. Noise;
 7. Lighting;
 8. Dust;
 9. Odors;
 10. Use and storage of hazardous materials;
 11. Character of buildings and structures;
 12. Character of operation; and
 13. Hours of operation.

Effect Of The Land Use Department's Determination:

1. If the land use department approves an application for a decision pursuant to this section, then the land use shall be applied with the same restrictions as the land use to which it was compared for the purposes of the favorable decision.
2. If the land use department determines that a proposed land use is not a subcategory of, or functionally similar to, an already listed land use, then the proposed use is a prohibited use. (Ord. 10-001, 1-12-2010)

8-2-3-1: ACCESSORY AGRICULTURAL USES:

Accessory agricultural uses include growing crops or keeping farm animals on a parcel where this use is not the principal use of the parcel. This is a common accessory use in Grundy County where a homeowner will have a large garden or a small greenhouse on the property for the individual's own use. Accessory farm animals are allowed by right in the A, AR, and PR zoning districts. This use is permitted in combination with the keeping of other livestock so long as the maximum number of allowed animal units (horses and other types of animals) in the relevant zoning district is not exceeded. (Ord. 10-001, 1-12-2010)

Accessory agricultural uses include:

Field crops.

Greenhouse for private use only.

Nursery for private use only.

The keeping of farm animals for personal use only and subject to the following standards:

- A. All buildings where animals will be present shall be set back at least one hundred feet (100') from all property lines.
- B. At least one acre of continuous pasture to be used for roaming and grazing must be provided for horses, mules, or cows.
- C. Small birds, small reptiles, fish, and small mammals like gerbils, rabbits, mice, and similar small animals are not limited in number.
- D. There shall not be more than one animal unit per acre or part thereof. The following table shows the value in animal units for mature animals permitted per acre of land:

TABLE 8-2-3-1
ANIMAL UNITS PER ACRE

Animal	Number Of Animal Units	Minimum Lot Size
Horse, mule	1 = 1 unit	2
Cow	1 = 1 unit	2
Pig	1 = 1 unit	2
Sheep	2 = 1 unit	2
Goat	2 = 1 unit	2

Fowl, poultry ¹	20 = 1 unit	1
Furbearing animals ²	20 = 1 unit	1

Notes:

1. PR zoning district regulations are at section 8-2-4-7 of this chapter.
2. Except dogs and cats, which are regulated by section 4-2-7 of this code.

(Ord. 10-001, 1-12-2010; amd. Ord. 2012-011, 4-10-2012)

8-2-3-2: ACCESSORY STRUCTURES:

All accessory structures shall meet the following standards:

- A. Timing Of Construction: An accessory use or structure of one thousand (1,000) square feet is allowed prior to construction of the principal structure, with issuance of a building permit for said principal structure.
- B. Use Restrictions: Accessory structures shall not be used for residential occupancy or commercial purposes.
- C. Location Of Structures: The following standards apply to the location of freestanding accessory structures:
1. Permitted locations of accessory uses and structures are shown in table 8-2-3-2, "Permitted Locations Of Accessory Uses", of this section.

TABLE 8-2-3-2
PERMITTED LOCATIONS OF ACCESSORY USES

Use Or Structure	Yard		
	Front	Interior Side	Rear ¹
Garages or carports, detached	X	X	X
Open sided summer houses and gazebos		X ²	X
Sheds and storage buildings for garden equipment and household items		X ²	X
Swimming pools, private		X ²	X
Decks more than 2 feet above grade		X ²	X

Notes:

- 1.If the rear yard is also a street yard, the permitted accessory structure must be located at least 10 feet from any property line.
- 2.The structure may be located in a side yard (excluding street yard) of a lot having an area of 1 acre or more in size, provided that the structure is located at least 20 feet behind the extended front plane of the principal building.

2. The location of freestanding accessory structures to multi-family or attached dwellings shall be approved during the land development review process to ensure that essential access is safe and the structures do not create a nuisance to the adjoining properties.

D. Swimming Pools: Swimming pools must be fenced with at least a four foot (4') fence with a gate that is self-latching and self-locking. Alternatively, a swimming pool may be equipped with a power safety cover that complies with the international building code in place of the fence; or a barrier may be mounted on top of the pool to protect it from unauthorized use.

E. Maximum Building Area: The maximum area for accessory buildings and structures on any lot shall not exceed five thousand (5,000) square feet.

F. Maximum Height: One story or twenty five feet (25'), whichever is lower.

G. Height Measurement: Accessory structure height is calculated by measuring the vertical distance from the average finished ground level around the base of the structure to the highest point on the structure.
(Ord. 10-001, 1-12-2010)

8-2-3-5: HOME OCCUPATION:

Home occupation accessory uses are permitted in the agricultural (A), agricultural residential (AR), planned residential (PR), residential (R), and commercial general (CG) districts subject to the following requirements:

- A. **Ownership Of Business:** Home occupations shall be managed and owned by a person residing in the dwelling unit. It shall be conducted within the premises of such home and shall be incidental and secondary to the use of the dwelling for dwelling purposes.
- B. **Maximum Floor Area:** Home occupations shall not exceed twenty five percent (25%) of the gross floor area of the principal building, including the cellar or basement. No more than twenty five percent (25%) of the floor area of an accessory building shall be devoted to such occupation.
- C. **Employees:** No more than one person shall be employed who is not a member of the family residing in the dwelling.
- D. **Access:** The entrance to the space devoted to such occupation shall be from within the dwelling or the normal entrance to the accessory building.
- E. **Building Character:** There shall be no display, storage, or activity that will indicate from the exterior of a dwelling that it is being used for any use other than as a dwelling.
- F. **Outdoor Storage:** No outdoor storage is allowed.
- G. **Outdoor Display Of Merchandise:** No commercial display of materials, merchandise, goods, or equipment shall be visible from the exterior of the dwelling unit unless located in the CG district.
- H. **Signage:** One nameplate, no more than three (3) square feet, is permitted unless located in the CG district.
 - 1. It shall only contain the name of the occupant's business.
 - 2. It shall not be illuminated.

3. It shall be set back at least twenty five feet (25') from the street lot line.

I. Deliveries: Stock in trade, including that which is produced on the premises, shall not require receipt or delivery of merchandise, goods, or equipment by other than U.S. postal service mail, similar parcel delivery service, or by a private passenger automobile or up to a three-quarter ($\frac{3}{4}$) ton pickup truck.

J. Commercial Vehicles: Irrespective of subsection I of this section, the home occupation shall not involve vehicles over seven thousand (7,000) pounds or trailers parked on the premises in a place that is visible from adjoining property or public rights of way, which identifies by sign, logo, or emblem the occupation, business, or activity. This restriction is exempted in the CG district, where commercial vehicles are allowed.

K. Nuisance: The home occupation shall not create or cause any perceptible noise, glare, odor, smoke, electrical interference, or vibrations that constitute a public or private nuisance to neighboring properties.

Risk: The home occupation shall not be more dangerous to life, personal safety, or property than any other activity ordinarily carried on with respect to a dwelling unit used solely for residential purposes.

M. Parking:

1. Parking for no more than five (5) vehicles is permitted unless located in the CG district.
2. Parking spaces shall not be located in the required front yard.

N. Hours Of Operation: Home occupations shall not be generally open to the public at times earlier than six o'clock (6:00) A.M. nor later than ten o'clock (10:00) P.M.

O. Prohibited Operations: The following uses are prohibited as home occupations:

1. Retail sales.
2. Professional services, teaching, counseling, instruction, or any group activity involving more than five (5) persons at a time. The performance of religious rites shall be exempted from this provision.
3. Storage of hazardous materials. (Ord. 10-001, 1-12-2010)

8-2-3-11: RESIDENTIAL DEVELOPMENT:

A. Agricultural And Agricultural Residential Lot Splits: Single-family detached dwellings are permitted in both the agricultural (A) and the agricultural residential (AR) zoning districts as follows:

1. Agricultural And Agricultural Residential Zoning Districts Minimum Lot Size Requirements: A and AR zoning districts are allowed to have only one lot for a dwelling that is a minimum of 1.5 acres in size. The lot or tract of the land must be a lot of record as of July 8, 1980. Exceptions are only permitted for attached accessory units. (See section 8-2-3-2, "Accessory Structures", of this chapter.)
2. Survey And Recording Of Lots: Prior to the establishment of a residential lot, a legal description of the plat of survey, approved by a registered surveyor, of the proposed residential lot shall be provided. This survey shall show the lot lines of each lot(s) and the overall tract used to satisfy the five (5) acres per dwelling unit density requirements. The agricultural tract used to satisfy the density requirements must be surveyed and must be recorded in the office of the recorder of deeds.
3. Agricultural Residential Maximum Number Of Units: One additional dwelling unit up to a maximum of seven (7) additional units shall be permitted for lots of record as of July 8, 1980, provided the overall tract of land on which the lots are to be located contain an additional three (3) acres or more for each such dwelling unit.
4. Adjustment Of Minimum Lot Size: The minimum lot size may be increased subject to plan policies and/or septic system standards.

B. Extensions Of Residential Lots: In order to retain agricultural land in agricultural use and in order to provide for low density residential development on lands poorly suited to agricultural use in the agricultural (A) district, peninsular extensions of residential lots to the required public right of way may be granted.

1. The residential lots shall conform to subsection A of this section and the conditions of this subsection when the proposed residential lot:
 - a. Is made up of more than fifty percent (50%) of nonprime soils as defined in the county's land evaluation and site assessment (LESA); or
 - b. Is a lot of record at the effective date hereof which is five (5) acres or less in size; or
 - c. Is a lot of record at the effective date hereof which is more than five (5) acres, but less than 10.01 acres in size and is neither square nor rectangular in shape; or
 - d. Is classified as woodlands where more than fifty percent (50%) of the acreage of the lot contains deciduous or evergreen trees; or
 - e. Is classified as nonfloodplain where more than fifty percent (50%) of the acreage of the lot is not a floodplain as determined by the latest national flood insurance program flood insurance rate map.

Peninsular extensions are excluded from computation of the minimum lot area.

2. Access driveways on said peninsular extensions shall meet the following minimum standards:

- a. A minimum driveway width of eighteen feet (18') and a clearance of thirteen feet six inches (13'6") above grade.
- b. A driveway greater than two hundred feet (200') in length must receive specific design approval from the fire protection district in which it is located.
- c. A spacing requirement such that any access driveway must be separated from the nearest access driveway along the same road by at least:
 - (1) One thousand five hundred feet (1,500') if average daily traffic on the road is five hundred (500) or more vehicles per day.
 - (2) One thousand two hundred fifty feet (1,250') if average daily traffic on the road is between two hundred fifty (250) and four hundred ninety nine (499) vehicles per day.
 - (3) One thousand feet (1,000') if average daily traffic on the road is two hundred forty nine (249) or fewer vehicles per day.

Average daily traffic is to be determined by the most recent Illinois department of transportation map for the county.

- d. Existing farmhouses with existing access driveways shall be exempt from the driveway standards above.
- e. A zoning certificate will be required for residential lots with peninsular extensions to the required public road.
- f. Shared access driveways on peninsular extensions shall be allowed; provided, that shared driveway access shall be to no more than three (3) residential lots. (Ord. 10-001, 1-12-2010)

8-2-3-12: RESIDENTIAL STORAGE OF TRAILERS AND BOATS:

The following provisions shall apply to the temporary storage of trailers and boats on residential parcels:

A. Trailers: Camping trailers, travel trailers, and other trailers (not including mobile homes) shall only be permitted:

1. In a lawfully established camping area; or
2. On a lot lawfully used for the sale, rental, repair, storage, or manufacture of such trailers, and then only when not used for dwelling or camping purposes; or
3. On a lot containing a single-family detached dwelling; provided that only one such trailer is permitted on each such lot. Furthermore, that such trailer, be stored or parked in the rear yard at any time or in the front yard from May 1 through November 1.
4. Temporary residential use during construction of a permanent residential unit for a period not to exceed twenty four (24) months.

B. Boats: One boat owned by the occupant of the dwelling may be stored or parked at any time in the rear yard of a lot containing a single-family detached dwelling, or in the front or side yard from April 1 to November 1 provided no major repair, disassembly, or rebuilding operations are conducted thereon. (Ord. 10-001, 1-12-2010)

8-2-13: RESIDENTIAL STORAGE (INDOOR) AND UTILITY SHEDS:

One or more storage buildings are permitted on a residential lot provided that the following standards are met:

- A. Design: The storage building shall be a permanent structure that is designed for storage use. Converted semitrailers, manufactured homes, modular shipping containers, refuse containers, or similar structures or equipment shall not be used for storage.
- B. Occupancy: Storage and utility buildings shall not be used for human habitation.
- C. Location: Storage and utility sheds shall be erected in accordance with the provisions of section 8-2-3-2, "Table 8-2-3-2, Permitted Locations Of Accessory Uses", of this chapter.
- D. Height: The structure shall not exceed twenty five feet (25') in height. (Ord. 10-001, 1-12-2010)

8-2-3-14: SMALL SCALE WIND ENERGY CONVERSION SYSTEMS:

A. Accessory Use: Small scale wind energy conversion systems (S-SWECS) are allowed as an accessory use and structure in all zoning districts, subject to the following requirements:

1. Height: The total height of a S-SWECS tower with blade or a meteorological tower used in conjunction with the S-SWECS shall not exceed one hundred feet (100') unless specifically allowed by the county board.
2. Setbacks: The setback of the towers shall not be less than the following:
 - a. Lot lines: 1.1 times the total height of the structure.
 - b. Pipelines and public rights of way: 1.1 times the total height of the structure.
 - c. Public roads: 1.1 times the total height of the structure.
 - d. Power or communication transmission line above or below ground: 1.1 times the total height of the structure.
 - e. Highways: 1.1 times the total height of the structure.
 - f. Inhabited structures on adjacent lands: 1.1 times the total height of the structure.
3. Color, Finish, And Appearance: The tower and the blades of the S-SWECS shall be nonreflective and unobtrusive color that will aid in blending the system to the environment. The finish of the tower and the blades shall be matte and nonreflective. No lettering, company insignia, advertising or graphics shall be on any part of the tower, hub, or blades.
4. Blade Clearance: The vertical distance from the grade to the tip of the wind turbine blade when the blade is at its lowest point must be at least twenty five feet (25').
5. Lighting: No glare shall extend beyond the boundaries of the S-SWECS. The applicant shall utilize the least intrusive lighting possible.
6. Landscaping: Applicant shall minimize the disruption of natural environment, retain existing vegetation and native plant species to the maximum extent feasible, and replant with native vegetation if existing vegetation is disturbed during construction. Landscaping shall be used as part of screening from adjacent properties or public view.
7. Federal And State Requirement Compliance: The S-SWECS shall meet or exceed any standards and regulations of the FAA and any other agency of the state or federal government with the authority to regulate S-SWECS.
8. Power Lines: All electrical control wiring and power lines shall be wireless or not aboveground.
9. Sound Pressure Level: The sound pressure level generated by a S-SWECS shall comply with all Illinois pollution control board (hereafter referred to as IPCB) noise regulations and in no event shall a S-SWECS exceed fifty five (55) dB at any point on adjacent properties. The applicant must

immediately cease any violation of the IPCB regulations unless said violation is excused and waived by the affected landowners and occupants.

10. Safety/Climb Prevention: All S-SWECS shall be designed to prevent unauthorized access to electrical and mechanical components or access to the towers on the site. All towers shall not be climbable from the ground to fifteen feet (15') aboveground, and all access doors to towers and equipment shall be lockable.
11. Waste Disposal: All solid waste generated from supplies, equipment, parts, packaging, or operation of the facility shall be removed from the site immediately and disposed of in an appropriate manner. Any hazardous waste that is generated by the facility, including, but not limited to, lubricating materials, shall be removed consistent with all local, state, and federal rules and regulations.
12. Conformance To Industry And Code Standards/Engineer Certification: The S-SWECS shall comply with all applicable local and county codes for the electrical, mechanical, and structural components of the facility. All documents provided for review shall be stamped and signed by a professional engineer.
13. Electronic Interference: The S-SWECS shall not cause microwave, television, radio or navigation interference contrary to federal communication commission (FCC) rules and regulations or any other laws pertaining to electronic interference issues.
14. Braking Systems: The owner of the S-SWECS shall have the ability to immediately cease operation of the system during an emergency. The system itself shall be equipped with an emergency braking system.
15. Signage: No signs, banners or flags shall be placed on the S-SWECS with the exception of the required identifications provided by the manufacturer and any warnings thereto.

B. Administration And Review: A site plan shall be provided to the land use department that indicates the following:

1. Location, setbacks, exterior dimensions and square footage of all structures on the owner's property.
2. Location of any existing waterways, wetlands, and 100-year floodplains, sanitary sewers, storm sewer systems, and water distribution systems.
3. Location of any overhead power lines.
4. The locations and the expected duration of shadow flicker caused by the S-SWECS system. (Ord. 10-001, 1-12-2010)

8-2-3-15: VEHICLE SALES:

A. General: Except as specified below, it is unlawful to display any vehicles, including automobiles, boats, lawn equipment, all-terrain vehicles, or other similar items, for sale or lease, unless the sale of such items is permitted within the district and the current certificate of occupancy for the location has been obtained from the county.

B. Exceptions:

1. The vehicle must be a private vehicle, owned by the occupant.
2. Such private vehicle, boat, trailer, or recreational vehicle is in operating condition.
3. No portion of the vehicle shall be placed on the public right of way.
4. No more than one vehicle at any time shall be offered for sale. (Ord. 10-001, 1-12-2010)

8-2-3-16: VISION CLEARANCE FOR CORNER LOTS:

To avoid obstructing the sight lines of traffic approaching an intersection, the following provisions shall apply to corner lots within any part of a yard located within a radius of twenty five feet (25') from the intersection of two (2) street right of way lines forming the lot corner:

A. Ground Plantings: No structures, objects, or shrubbery shall be erected or placed having a height more than thirty inches (30") above the ground grade within this area.

B. Maintenance Of Trees And Branches: Any trees planted in such areas shall be maintained in a manner that they shall not have branches lower than eight feet (8') above the ground grade elevation of the area. (Ord. 10-001, 1-12-2010)

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8-2-4-1: BOARDING/RIDING STABLES:

Boarding/riding stables may be permitted in the agricultural (A), agricultural residential (AR), planned residential (PR), and residential (R) districts, subject to administrative review that demonstrates that the following provisions are met:

- A. The maximum number of horses allowed shall be based on the subject property's lot size and shall be determined as follows:
 - 1. One horse for the first two (2) acres.
 - 2. One horse for each additional one-half ($\frac{1}{2}$) acre above two (2) acres.
- B. The stables must be located at least one hundred feet (100') from all property lines.
- C. Rental of stable space is permitted; however, no group riding lessons or public events shall be allowed. (Ord. 10-001, 1-12-2010)

2-4-2: AIRPORTS:

Airports shall be permitted in the agricultural (A) and industrial (I) districts, subject to administrative review, that demonstrates that the following provisions are met:

A. Minimum Site Area: The minimum site area for this use shall be three hundred (300) acres.

B. Noise Impact: All airport development shall be submitted with a noise impact assessment. The assessment shall identify the initial and twenty (20) year projected day-night level (DNL) noise contour lines beginning with 50 DNL and proceeding to 75 DNL. The following standards shall be met:

1. Airport Boundary: The twenty (20) year, 65 DNL line shall lie completely within airport property or land that has been granted a noise easement.

2. 55 DNL Limited Development Area:

a. No new residential development shall be permitted within the 55 DNL line. If for some reason a new residential use must be permitted, the building shall have insulation and windows that limit aircraft noise within the building to 50 DNL. The applicant shall demonstrate that there is no residentially zoned land in the 55 DNL area or that noise easements have been granted to the airport.

b. Existing residential uses shall have five (5) years to remodel to provide insulation meeting the standards in subsection B2a of this section.

c. If the 55 DNL area expands, a zoning and land use plan for all land within the 55 DNL noise contour shall be submitted. This plan shall indicate the feasibility of restricting such land to nonresidential uses. Airport approval shall be based on the ability to minimize noise intrusion into existing residential areas and to prohibit new residential development that would hinder future airport expansion.

d. Once established, the county shall require all rezonings or development approvals that would permit residential use within the 55 DNL noise contour to record the noise contours on the property. In addition, all developments and all individual lot surveys shall show the noise contours, with an accompanying warning indicating the county will not restrain future airport growth because of residential development inside the 55 DNL noise contour. (Ord. 10-001, 1-12-2010)

8-2-4-3: BED AND BREAKFAST:

A bed and breakfast shall be permitted in the agricultural (A), agricultural residential (AR), planned residential (PR), residential (R), and commercial general (CG) districts subject to administrative review that demonstrates that the following provisions are met:

- A. Number Of Units: No more than five (5) rooms shall be available for clientele occupancy.
- B. Building: The bed and breakfast is a reuse of an existing single-family building having a minimum floor area of two thousand (2,000) square feet. Additions shall amount to no more than sixty percent (60%) of the total floor area, subject to the provisions of chapter 3, "District Intensity And Bulk Standards", of this title.
- C. Signs: Signs must be constructed of wood or other durable, nonplastic material and shall be affixed flat against the principal structure or constructed as a monument sign that is no more than four feet (4') in total height. The maximum sign area is as follows:
 - 1. In the agricultural (A) district: Sixteen (16) square feet.
 - 2. Other districts where permitted as a special use: Five (5) square feet.
- D. Parking: Bed and breakfast uses must provide for all parking off street, which shall be fully screened from adjoining land uses by hedges and canopy trees. The director may permit on street parking to be substituted for off street parking upon determining that the street can accommodate the required parking and that off street parking would be detrimental to the character of the area. (Ord. 10-001, 1-12-2010)

2-4-4: BORROW PITS:

Borrow pits for interchange and highway projects may be permitted in the agricultural (A) and the agricultural residential (AR) zoning districts. The construction of the borrow pits shall be subject to an administrative review by the development review committee and demonstrate compliance with the following provisions:

- A. Borrow pits shall comply with the requirements of the Grundy County stormwater ordinance.
- B. The borrow pit shall be located such that any point along the bank of the pit is not closer than seventy five feet (75') from any part of an underground and/or aboveground septic tank or well system.
- C. A setback of twenty five feet (25') shall be established between the right of way, easement access point and property lines of the parcel shall be established.

The maximum size of a borrow pit shall not exceed one-third ($\frac{1}{3}$) of the parcel and shall be constructed on a lot that has a minimum size of one acre. For parcels that are ten (10) acres or greater in size the borrow pit shall not be larger than twenty five percent (25%) of the parcel in which it is intended to be located.

- E. Prior to the excavation of the borrow pit, the excavator shall install a fence to surround the pit that is six feet (6') in height, lockable and equipped with a knock box that is accessible by the jurisdictional fire district. Once the borrow pit has been completed and excavation has ceased, the fence shall be removed. (Ord. 2012-010, 4-10-2012)

8-2-4-5: CARGO CONTAINER STORAGE UNIT:

Cargo containers are permitted as an administrative use in A agricultural zoning districts. All cargo containers used in A agricultural zoning districts need to comply with the following requirements:

A. Location:

1. Shall be placed in the rear yard of the property.
2. Placed five hundred feet (500'0") from lot lines.
3. Cargo container(s) shall be placed a minimum of ten feet (10'0") from any residential or accessory structures on the property.
4. Cargo containers shall not be placed within the limits of the floodplain in accordance with the floodplain administrator.

B. Lot Size And Limit Of Number Of Containers: The ratio of amount of cargo containers allowed per acre is one cargo container per fifty (50) acres. No more than four (4) cargo containers maximum is allowed.

C. Limitations In Use:

1. The cargo container(s) shall be limited to agricultural uses only and shall conform to all requirements set forth by the state and federal requirements.
2. Stacking cargo containers is prohibited.
3. Cargo container(s) shall be placed such that the container(s) is not in view of adjacent properties.
4. Cargo container(s) shall be supported to prevent shifting of the structure.
5. Cargo container(s) shall be a single neutral color.

D. Housing Of Livestock: Cargo containers used as shelter of livestock for agricultural purposes shall have the proper ventilation, and sanitation for the animals housed. The cargo containers shall comply with all state, federal and Grundy County codes for the storage of these animals. (Ord. 2011-012, 7-12-2011; amd. Ord. 2012-010, 4-10-2012)

-2-4-6: GROUP HOMES:

Group homes are permitted in the agricultural (A), agricultural residential (AR), planned residential (PR), and residential (R) districts, subject to administrative review that determines that the following requirements are met:

- A. The use is situated in a single-family building.
- B. The building existed on the effective date of this UDO. (Ord. 10-001, 1-12-2010; amd. Ord. 2011-012, 7-12-2011; Ord. 2012-010, 4-10-2012)

-2-4-8: PUBLIC SERVICE FACILITY:

Public service facilities shall be permitted in the agricultural (A), agricultural residential (AR), planned residential (PR), residential (R), and industrial (I) districts, subject to administrative review that demonstrates that the following provisions are met:

- A. Building Character: The building accommodating the public service use has a physical character that resembles other uses that are commonly found in the district in which it is located.
- B. Buffer: If the public service use is a structure that is not a building, then it is buffered on all sides with a landscape buffer pursuant to the requirements of section 8-9-3, "Landscaping And Buffer Areas", of this title. (Ord. 10-001, 1-12-2010; amd. Ord. 2011-012, 7-12-2011; Ord. 2012-010, 4-10-2012; Ord. 2012-011, 4-10-2012)

8-2-4-9: RESTAURANT:

Restaurants shall be allowed in the agricultural (A) and industrial (I) districts subject to the following administrative review provisions:

- A. Maximum Floor Area: The restaurant has a floor area of less than ten thousand (10,000) square feet.
- B. Location: It shall be located on a farmstead.
- C. Capacity: Customer seating capacity shall be limited to forty (40) persons.
- D. Building Design: The restaurant building shall have the architecture and character of the existing rural setting. (Ord. 10-001, 1-12-2010; amd. Ord. 2011-012, 7-12-2011; Ord. 2012-010, 4-10-2012; Ord. 2012-011, 4-10-2012)

2-4-10: SINGLE-FAMILY DETACHED DWELLINGS:

Single-family detached dwellings shall be permitted in the agricultural (A) district subject to review that determines that the following requirements are met:

A. Vesting: Development shall only be permitted on a lot of record as of July 8, 1980.

B. Maximum Number Of Dwellings: No more than five (5) dwellings shall be permitted.

C. Density:

1. Each lot split requires that twenty (20) acres of land is reserved for agricultural or preservation purposes.
2. Therefore, there shall be only one lot of a minimum of 1.5 acres for one division and all other divisions shall be a minimum of five (5) acres in size. Each lot of division shall have twenty (20) acres of agricultural land reserved in perpetuity for agricultural uses.
3. The overall acreage for an agricultural tract of land shall not be considered to be reduced by the director for determining the number of permitted dwellings due to the transfer of a portion of said tract or land for purposes of pipeline or state, county, or township road rights of way.

D. Lot Configuration:

1. The minimum lot size shall be 1.5 acres.
2. The minimum lot width shall be one hundred seventy feet (170').
3. The newly created lots shall be contiguous with each other and shall share a joint entrance to an existing township or county road or to a state highway.

E. Subdivision Required: The following provisions are required for lots that are less than five (5) acres or any lot that does not have frontage on a public road:

1. Prior to establishment of a new residential lot, a legal description and plat of survey by a registered land surveyor of the proposed residential lot(s) shall be provided showing the lot lines of such lot(s).
2. The plat shall be approved in accordance with section 8-6-2, "Application Submittal Requirements", of this title. (Ord. 10-001, 1-12-2010; amd. Ord. 2011-012, 7-12-2011; Ord. 2012-010, 4-10-2012; Ord. 2012-011, 4-10-2012)

8-2-4-11: SOLAR COLLECTOR SYSTEMS:

A. Purpose: The purpose of this section is to provide regulations for the permitting of individual solar collector systems as an administrative use for all zoning districts. This section includes regulations for the construction of roof mounted, building integrated photovoltaic, pole mounted, and ground mounted solar collector units in regard to total height, setback provisions, and reflection. This section makes the distinction that individual solar collector systems shall be classified as accessory structures.

B. Definitions:

INDIVIDUAL SOLAR COLLECTION SYSTEMS: A panel or other solar device that is capable of collecting, storing, or transmitting at least twenty five thousand (25,000) btus. A solar collector may be a photovoltaic, plate type designed to convert solar energy into electric energy, or a structural element that is designed to collect solar energy and transmit it to internal spaces for heating. The following are definitions of the type of systems that this section will regulate:

Building Integrated Photovoltaic Unit: A system that is integrated into the structure of that building. Some examples of this are roofing tiles, carports, awnings, and curtain walls.

Ground Mount: A solar collector system in which an array is mounted onto the ground such as a wedge structure constructed from steel supports that are anchored into concrete footings. The structure itself is built from aluminum or galvanized steel.

Pole Mount: A solar collector system that consists of an array that is mounted on top of a single steel pole which is affixed to the ground. Pole mounted units have the capability of being pitched such that the angle of the array may be altered during the year to optimize the amount of solar energy collected.

Roof Mount: A solar collector system with an array of solar panels that are located on the roof of a structure. The solar collector system shall be installed such that it is attached directly to and supported by a structural member of the building.

SOLAR ENERGY: Radiant energy that is received through direct, diffuse, or reflected means from the sun.

SOLAR RIGHT: A property owner has the right to have an unobstructed line of sight path from a solar collector to the sun which permits radiation from the sun to be collected. The extent of the solar right is the amount of illumination provided by the path of the sun on a winter solstice day.

WINTER SOLSTICE DAY: On December 21 which marks the beginning of winter in the northern hemisphere when the sun reaches its most southern point.

Solar Panel Requirements: Certification of the solar collection system in accordance with the Solar Collector And Certification Corporation (SRCC) and all manufacturers' installation instructions shall be provided to the Grundy County building and zoning officer. All solar collection systems shall be limited to one hundred twenty percent (120%) of the electrical and/or thermal energy requirements of the structure as determined by a contractor licensed to install such systems. Solar collection systems connected to the electrical utility grid system may be installed once an interconnected customer-owner agreement is reached. This agreement shall be provided to the building and zoning officer at the time of building permit application submittal.

In the event of a power failure, solar collection systems that are interconnected to the grid system shall shut down until full power is restored by the electrical utility company. The solar collector electrical components need to be marked as such for emergency responders with an appropriate warning and guidance. Marking material shall be weather resistant in accordance with UL 969. An emergency shutoff mechanism shall be installed and notice of its location shall be provided for emergency responders. All solar collectors shall be certified by a third party and comply with all Grundy County building code requirements and manufacturer's installation instructions.

Owners of solar collector systems shall have solar rights to collecting solar energy from their property for their energy consumption.

Solar collector systems shall not be placed in the vicinity of any airport in a manner that would interfere with airport flight patterns.

The following requirements shall be applied to all installations of individual solar collection systems:

1. Ground Mounted And Pole Mounted Solar Collection Systems:

- a. The parcel in which the ground mounted or pole mounted solar collection systems are to be installed shall be a minimum of one acre in size and shall not exceed twenty percent (20%) of the lot area.
- b. Setbacks for the installation of the solar collection system shall meet with the requirements of the zoning district in which it is located.
- c. Solar collectors shall be considered to be accessory to the main structure of the parcel.
- d. All pole mounted solar collection system installations shall be within the side and rear yard of the property and shall be limited in height to twenty feet (20').
- e. All exterior electrical or plumbing lines serving the solar collector system shall be buried below the surface of the ground in accordance with the requirements of the Grundy County building code.
- f. Ground mounted solar collectors (including framework) shall not exceed a height of six feet (6') above grade.
- g. Reflection angles from the solar collector systems' surfaces shall be oriented away from adjacent structures that are constructed on adjacent properties or roadways.
- h. All mechanical equipment of the solar collection system such as storage cells or batteries shall be enclosed with a minimum six foot (6') fence that is self-locking.

2. Roof Mounted And Building Integrated Photovoltaic Solar Collection Systems:

- a. All exterior electrical and plumbing lines and components that serve these systems shall be buried below the surface of the ground and comply with the requirements of the Grundy County building code.
- b. Conduit lines that run below the roof sheathing shall be installed such that they are below the roof deck by a depth of ten inches (10") and are not installed such that they are perpendicular to roof rafters.
- c. Reflection angles from collector surfaces shall be oriented away from adjacent structures constructed on adjacent properties.
- d. Roof mounted units or building integrated photovoltaic solar collection systems (tiles) shall be installed such that they do not exceed the height restrictions of the zoning district in which they are located. A path of three feet (3') shall be provided from any peak, eave or valley of the roof for emergency accessibility and ventilation opportunities for emergency responders.

D. Application To The Building And Zoning Officer: All submittals to the building and zoning officer shall contain the following information in addition to that included on the application form:

1. Standard drawings of the solar collector system, including design and dimensions of panels, base, mounting poles, footings, and anchors. Overall height from natural grade to tip of the uppermost panel, and the square footage of the entire system structures shall be provided in the submittal.
2. Projected amount of energy created or offset of the solar collector shall be provided.
3. All manufacturer's installation and specification sheets shall be provided including all certifications. The installation instructions shall contain such items as the make, model, listing, size, weight, snow and wind load abilities of the solar collector system.

E. Site Plan: The following items shall be provided on the site plan submitted at the time of building permit application:

1. A scaled layout of the solar collector systems as proposed on the property or building. Site plans for the ground or pole mounted systems should include building envelope, base flood elevations (if necessary), location and footprint of the structures, adjacent roads and property lines.
2. The location of the panel installations, the main service location, and the locations of all equipment and disconnect.
3. Depiction and explanation of the main use of the property and the location of the adjacent buildings, trees, parking lot (if applicable) and landscaping. (Ord. 2012-016, 4-10-2012)

2-4-13: UTILITIES, NEIGHBORHOOD:

Neighborhood utilities shall be permitted in the agricultural (A), agricultural residential (AR), planned residential (PR), residential (R), commercial general (CG), and commercial interchange (CI) districts, subject to administrative review that demonstrates that the following provisions are met:

A. Utility Substations: Electrical, gas, or other utility substations shall be screened from view from public rights of way and abutting properties by:

1. Enclosure in structures that are designed to appear to be buildings; or
2. Landscape buffer pursuant to section 8-9-3, "Landscaping And Buffer Areas", of this title, which may include a fence if necessary for safety or security reasons.

B. Other Facilities: Lift stations, telephone switches, ground mounted transformers, and similar facilities shall be screened from view from public rights of way and abutting properties by:

1. Enclosure within a building; or
2. Enclosure by a hedge composed of shrubs planted thirty six inches (36") on center and maintained at a height that is at least equal to the utility facility. A fence may be located behind the hedge if necessary for safety or security reasons. An opening on one side of the facility of a size that is sufficient to provide access is permitted, provided that it does not face a public right of way, unless otherwise required by the county engineer in the case of public facilities which require such access.

C. Buildings: Any building associated with a neighborhood utility facility shall be designed to be compatible with other buildings in the neighborhood. Design elements include facade and roofing materials, roof pitch, height and scale, and orientation of blank walls. (Ord. 10-001, 1-12-2010; amd. Ord. 2011-012, 7-12-2011; Ord. 2012-010, 4-10-2012; Ord. 2012-011, 4-10-2012; Ord. 2012-016, 4-10-2012)

8-2-5-2: AGRICULTURAL SUPPORT AND OTHER RURAL SERVICES:

Agricultural supplies, storage, and related uses may be permitted as a special use in the agricultural (A) district, subject to the requirements of this section.

A. Minimum Lot Size: Five (5) acres.

B. Minimum Setback Requirements:

1. Buildings: Thirty five feet (35'), all yards.
2. Bulk petroleum, LP/propane gas, and ammonia storage tanks: One hundred feet (100'), all yards.

C. Access: The site shall have frontage on and access to a collector or higher classification street, provided the county board may approve alternative access, based on the recommendations of the township road commissioners for township roads and by the county highway engineer for any county roads.

D. Screening: Trucks, tractors, portable storage tanks, and trailer or motorized agricultural implements shall be screened from view of any agricultural residential (AR), planned residential (PR), or residential (R) district boundary located within a five hundred foot (500') radius of the property.

E. Intended Purpose: Sales shall be primarily to serve the agricultural community. (Ord. 10-001, 1-12-2010)

2-5-3: CAMPGROUNDS AND RECREATIONAL VEHICLE PARKS:

Campgrounds and RV parks may be allowed as a special use in the agricultural (A) district, subject to the following provisions:

A. Residential Use Prohibited: No recreational vehicle or tent shall be used as a permanent place of residence.

B. Access: Site access shall be from an arterial or collector road.

C. Design And Operations: All facilities shall conform to the design and operations provisions contained in chapter 11, "Recreational Vehicle Parks And Campgrounds", of this title. (Ord. 10-001, 1-12-2010)

8-2-5-5: COLLEGE/UNIVERSITY:

A college or university may be permitted as a special use in the agricultural (A), commercial general (CG), and commercial interchange (CI) districts, subject to the following provisions:

A. Campus Plan Required: The college or university shall submit a long range campus plan for approval that indicates the planned build out of the site.

B. Traffic Impact Study: This plan shall include a traffic impact study. (Ord. 10-001, 1-12-2010)

2-5-8: DAYCARE FACILITY:

Daycare facilities may be allowed as a special use in the agricultural (A), planned residential (PR), and residential (R) districts subject to the following restrictions:

- A. **Compliance With Illinois Regulations:** Daycare facilities shall either be exempt from Illinois licensing requirements (3 or fewer unrelated children) or meet the state licensing requirements for a daycare center, daycare home, or group daycare home.
- B. **Principal Use As Residential:** The operator of the facility must live in the building.
- C. **Number Of Children:** No more than eight (8) children, excluding children of the family providing daycare, shall be accommodated by a facility.
- D. **Location:** Exempt and nonexempt facilities shall comply with the following exterior play area and other requirements:
 - 1. **Play Areas:**
 - a. Uses shall provide an on site, fenced, outdoor play area, which shall have a fence beginning at ground level and extending to a minimum height of forty two inches (42"), so as to prevent children from crawling under or through the fence or otherwise becoming entrapped.
 - b. If the fenced outdoor play area is located within ten feet (10') of any property line, it shall be fully screened by shrubs or other vegetation with a minimum height equal to the fence height.
 - 2. **Pick Up/Drop Off:** An off street pick up/drop off area shall be provided, which may be a driveway provided it is kept free of parked vehicles and other obstructions for such use.
 - 3. **Parking:** One off street parking space per four (4) children shall be reserved for on site parking during the normal hours of operation. (Ord. 10-001, 1-12-2010)

8-2-5-11: GARDEN CENTER:

A garden center may be allowed as a special use in the agricultural (A) district, subject to the following provisions:

- A. Separation: The site must be located at least three hundred feet (300') from the nearest residential district boundary.
- B. Access: The premises shall abut and draw access from an arterial or collector street.
- C. Site Development Plan Review: Site development plan approval, as specified in section 8-14-4, "Site Development Permit", of this title, is required for approval or expansion.
- D. Traffic Impact Study May Be Required: A traffic impact study, prepared by individuals or firms that perform traffic engineering and sealed by a professional engineer, may be required by the land use department. (Ord. 10-001, 1-12-2010)

8-2-5-13: INSTITUTIONAL RESIDENTIAL:

Institutional residential use may be allowed as a special use in the agricultural (A), agricultural residential (AR), planned residential (PR), residential (R), and commercial general (CG) districts subject to the following requirements:

- A. Access: Access to the use is provided by a street that is classified as collector or greater in capacity.
- B. Building Character: In the planned residential (PR) district, the buildings are residential in character.
- C. Fence: An opaque fence that is six feet (6') high is constructed between the institutional residential use and abutting lot that is occupied by or zoned to permit single-family dwellings. (Ord. 10-001, 1-12-2010)

2-5-14: KENNELS:

Kennels may be allowed as a special use in the agricultural (A), commercial general (CG), and industrial (I) districts, subject to the following requirements:

A. All districts:

1. Individual pens shall be limited in size to a maximum of fifteen feet (15') wide and twenty feet (20') long.
2. Enclosing fences shall not be higher than six feet (6').
3. If there is a roof enclosure, it must be of an open mesh type material.

B. Agricultural (A) district: The use is permitted as a special use on a farmstead. It may also be permitted on lots of five (5) acres or larger. Dog runs shall be a minimum of one hundred feet (100') from residentially zoned or residentially occupied property.

Commercial general (CG) and industrial (I) districts: No outdoor dog runs shall be permitted on less than one acre. Dog runs shall be used only during daylight hours and shall be a minimum of one hundred feet (100') from residentially zoned or residentially occupied property. (Ord. 10-001, 1-12-2010)

8-2-5-15: LANDSCAPE WASTE COMPOSTING AND ORGANIC COMPOSTING FACILITY:

Landscape waste composting and organic composting facilities that accept off site materials may be permitted as a special use in the agricultural (A) and industrial (I) districts subject to the following requirements:

- A. Compliance With Illinois Regulations: Composting operations and provisions for site design shall be governed by applicable Illinois environmental protection agency (bureau of land) regulations: Title 35: environmental protection, subtitle G: waste disposal, chapter I: pollution control board, subchapter i: solid waste and special waste hauling, part 830 standards for compost facilities.
- B. Water Supply Protection Zone: Composting uses prohibited within two hundred feet (200') of the nearest potable water supply.
- C. Floodplain: The composting area of the facility must be located outside the boundary of the 100-year floodplain or the site shall be floodproofed. The composting area of the facility must be designed to prevent any compost material from being placed within five feet (5') of the water table, to adequately control runoff from the site, and to collect and manage any landscape waste leachate that is generated on the site.
- D. Setbacks And Spacing:
 - 1. The composting area of the facility must be located so as to minimize incompatibility with the character of the surrounding area, including at least a six hundred sixty foot (660') setback from any residential or educational occupancy.
 - 2. Composting areas shall be spaced from other districts as follows:
 - a. From agricultural residential (AR), planned residential (PR), commercial general (CG) or residential (R) districts: Nine hundred feet (900').
 - b. From commercial interchange (CI) district: Three hundred feet (300').
 - 3. The buffer must be at least one hundred feet (100') inside the property boundary and used for an agricultural use or forested.
 - 4. The facility shall be located on a site that is a minimum of five (5) acres in size.

Operating Conditions And Odors: The operator shall take specific measures to control odors and other sources of nuisance:

1. Landscape waste must be processed within five (5) days after receipt into windrows or other piles which promote proper conditions for composting.
2. The operator shall have a plan for minimizing odors and responding to odor complaints.
3. A litter control plan shall be submitted to show that the operation will prevent the blowing of any waste materials, trash, or dust particulate matter onto adjoining property or roadways.
4. The composting material shall not contain any domestic sewage, sewage sludge, or septage.
5. The operator shall have available for inspection a plan for the intended purposes of end product compost and a contingency plan for handling end product compost and composting material that does not meet the general use compost standards.

F. Site Plans And Siting Review: Any pollution control facility if located in unincorporated Grundy County needs to go through the local siting process. This public review is performed at the county level before an Illinois environmental protection agency permit can be approved. The county may impose fees for this review, which are listed by the land use department. (Ord. 10-001, 1-12-2010)

8-2-5-17: MANUFACTURED HOME PARK OR SUBDIVISION:

A manufactured home park or subdivision may be a special use in the agricultural (A) district, subject to the following requirements:

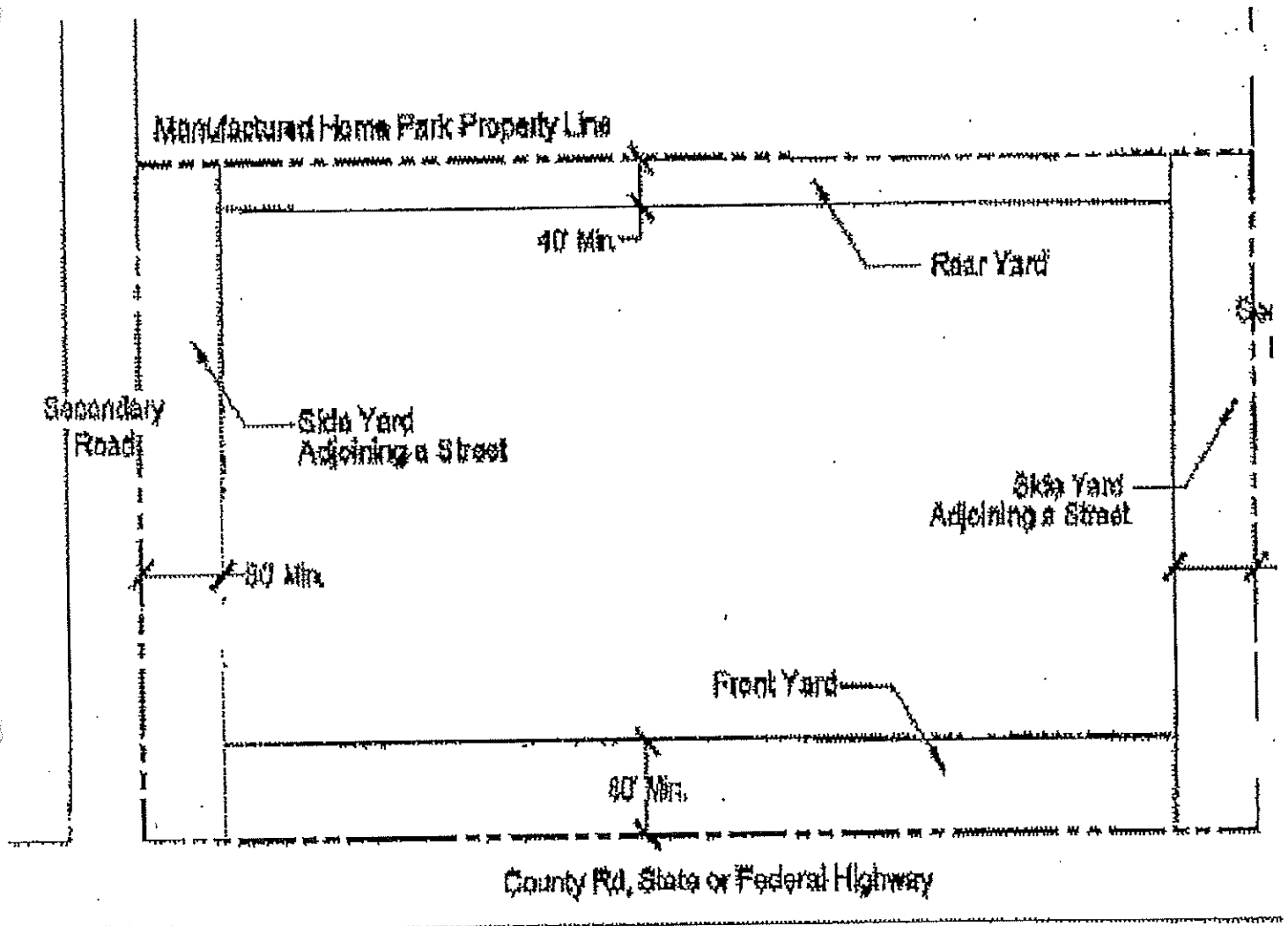
A. Exceptions:

1. Farm Exception: A farm owner may apply for a special agricultural exemption permit to allow manufactured homes to be used by seasonal farm help on that site. To qualify for the mobile home exemption, the farm must contain forty (40) acres for each mobile home; however, no more than two (2) mobile homes shall be permitted on any one tract.
2. Construction: A landowner may apply for a temporary permit to allow a manufactured home to be a temporary office or storage unit on the site during the construction of a permanent residential dwelling unit. This period of manufactured home use is not to exceed twenty four (24) months.

B. Manufactured Home Park Bulk And Yard Standards: Every manufactured home park shall comply with the following requirements, in addition to all other applicable Grundy County codes and ordinances:

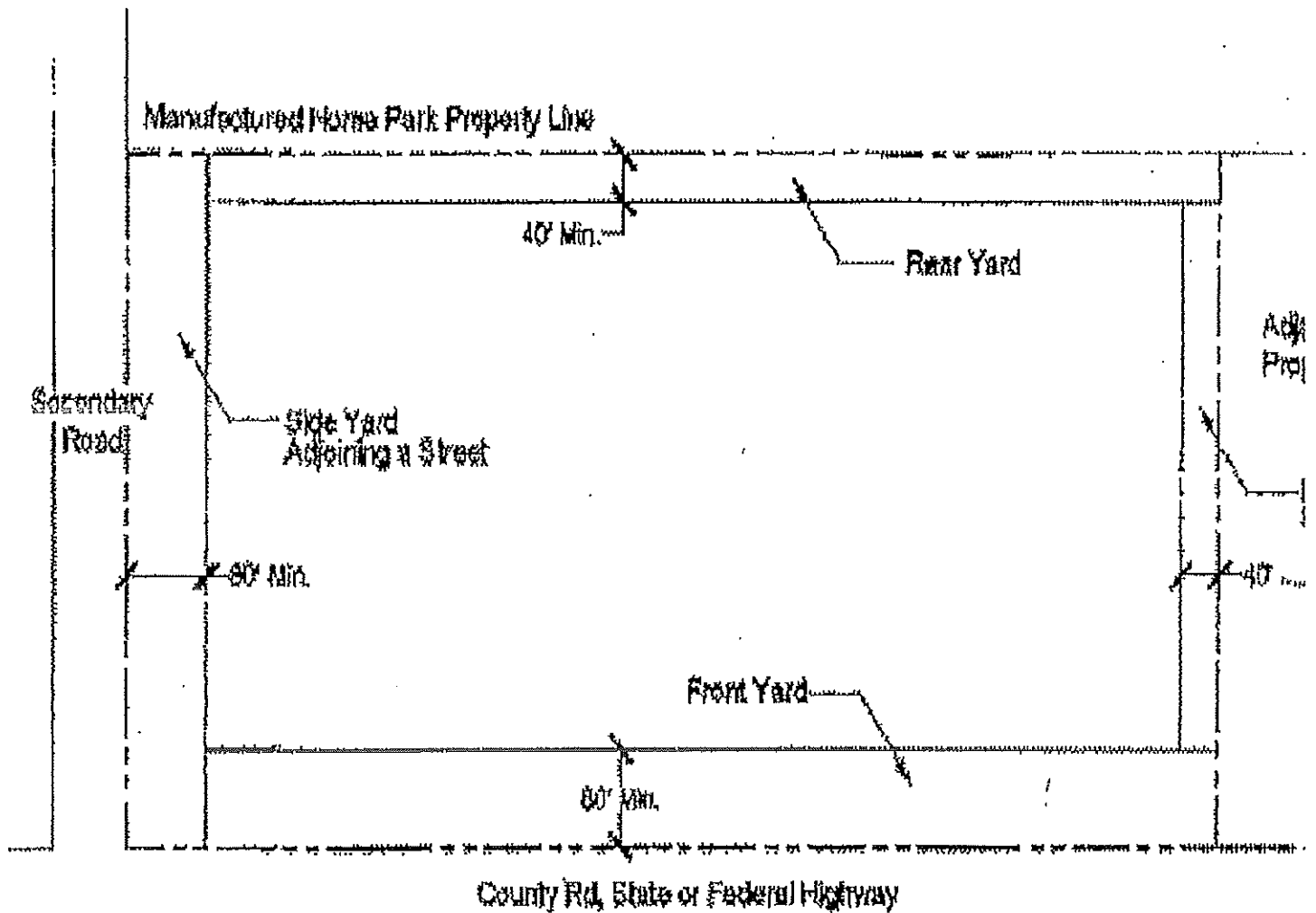
1. Lot Area: Manufactured home parks shall be a minimum of ten (10) acres and a maximum of twenty (20) acres in lot area.
2. Lot Width: Manufactured home parks shall have a minimum lot width of six hundred sixty feet (660'), and shall maintain a minimum lot width of six hundred sixty feet (660') throughout the entire depth of the park. All manufactured home parks shall front on a county road, state or federal highway.
3. Yards: Figure 8-2-5-17, "Manufactured Home Park Yards", of this section, illustrates the different configurations for required manufactured home park yards. Manufactured home park yard requirements are as follows:
 - a. Front yard: Eighty feet (80').
 - b. Side yard adjoining a street: Eighty feet (80').
 - c. Interior side yard: Forty feet (40').
 - d. Rear yard: Forty feet (40').

FIGURE 8-2-5-17
MANUFACTURED HOME PARK YARDS



Manufactured Home Park Yard Standards

For parks with 2 side yards adjoining a street



Manufactured Home Park Yard Standards

For parks with 1 side yard adjoining a street & 1 interior side yard

4. Yard Landscaping: All required yards must be landscaped in accordance with section 8-9-1, "General Requirements", of this title. No encroachments are permitted in any manufactured home park yard, and no part of any manufactured home site may be located within required yards.
5. Open Space: A minimum of twenty percent (20%) of a manufactured home park's total area shall be maintained as community open space and recreational areas for park residents.
 - a. Permitted types of community open space and recreational areas include, but are not limited to:
 - (1) Swimming pools.
 - (2) Tennis courts.
 - (3) Recreational open space accessory buildings.
 - (4) Jogging trails and fitness courses.
 - (5) Playgrounds.
 - (6) Natural water features, wetlands and conservation areas.
 - (7) Detention areas which are accessible to occupants or the public via nature trails, boardwalks, and/or perimeter walkways, but only if they are designed as wetlands or natural water features and are landscaped with native vegetation.
 - b. The following are not considered part of community open space and cannot be used to fulfill the twenty percent (20%) requirement:
 - (1) Required manufactured home park yards and manufactured home site yards.
 - (2) Interior streets, sidewalks or other public rights of way.
 - (3) Driveways, parking lots, and loading and storage areas.
6. Number Of Manufactured Home Sites: Each manufactured home park shall be limited to a maximum of one hundred (100) manufactured home sites.
7. Separation Requirement: No manufactured home park shall be located within ten (10) miles of another manufactured home park. The distance between any two (2) manufactured home parks shall be measured in a straight line, without regard to intervening structures, from the property lines of each manufactured home park.

Manufactured Home Site Bulk And Yard Standards: Every manufactured home site within a manufactured home park shall comply with the following requirements:

1. Site Area: Each manufactured home site shall comply with the site area requirements shown in table 8-2-5-17, "Site Area And Site Width Dimensions For Manufactured Home Sites", of this section.
2. Site Width: Each manufactured home site shall comply with the site width requirements shown in table 8-2-5-17, "Site Area And Site Width Dimensions For Manufactured Home Sites", of this section.

TABLE 8-2-5-17
SITE AREA AND SITE WIDTH DIMENSIONS
FOR MANUFACTURED HOME SITES

	Minimum Site Area (Square Feet)	Minimum Site Width (Feet)
Single manufactured home site	7,200	50
Doublewide manufactured home site	10,800	75
Triplewide manufactured home site	12,240	85

3. Height And Roof Form:

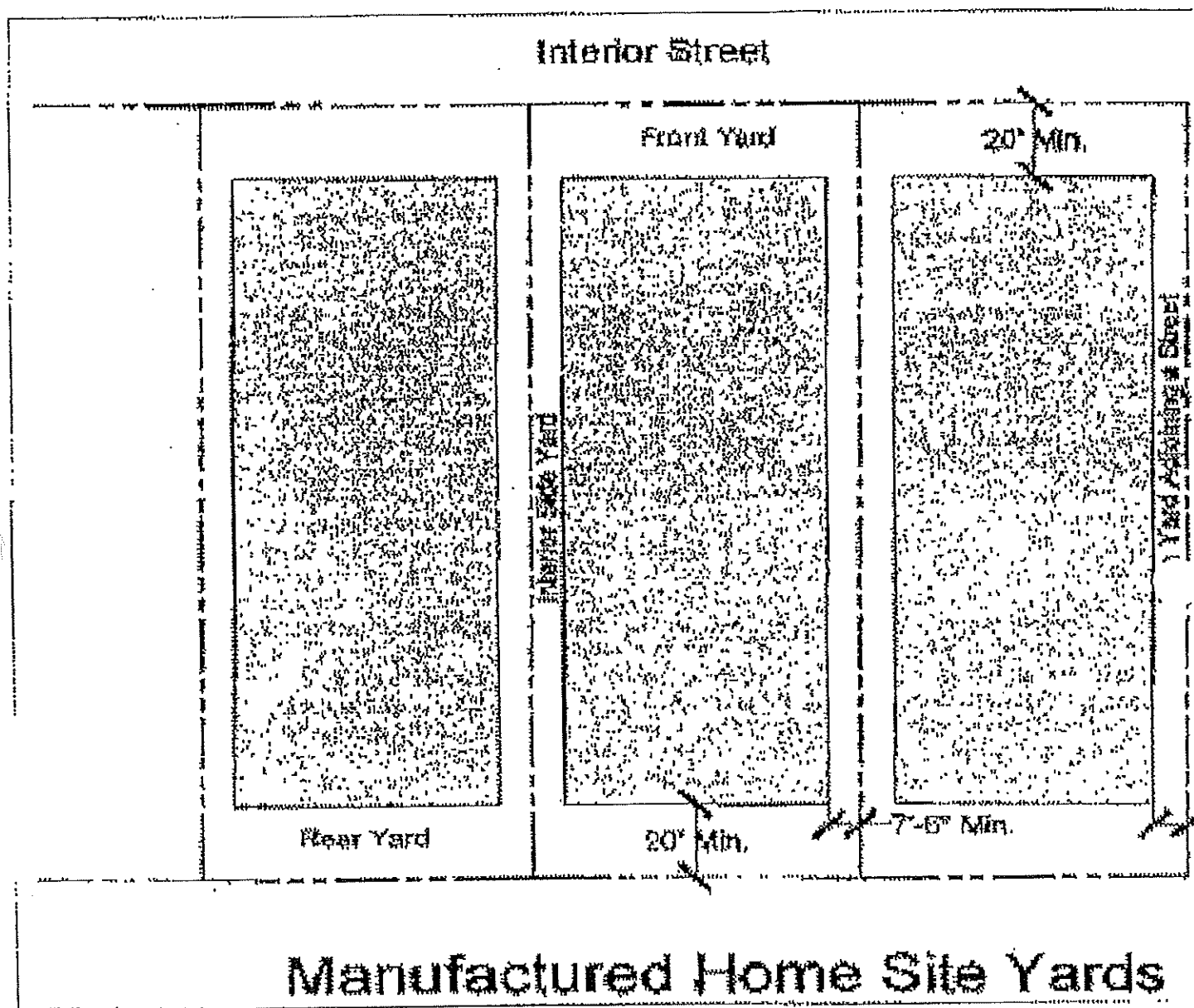
- a. No manufactured home unit shall exceed a height of twenty feet (20'), as measured to the peak of the roof. No other principal structures within a manufactured home park shall exceed twenty five feet (25') in height, as measured to the peak of the roof. Structures accessory to individual manufactured home units, shall not exceed fifteen feet (15') in height, as measured to the peak of the roof.
- b. Each manufactured home unit shall utilize roofing materials consisting of asphalt shingles (or an equivalent material of comparable quality), similar in color, material and appearance to the roofing used on other single-family dwellings in the vicinity. The roof design of all manufactured home units shall utilize a full height roof element with a minimum pitch of three to twelve (3:12) (commonly referred to as a 3/12 pitched roof).

4. Yards: All manufactured home sites shall have the following minimum front, side and rear yards:

- a. Front yard: Twenty feet (20').
- b. Side yard adjoining a street: Seven and one-half feet ($7\frac{1}{2}'$).
- c. Interior side yard: Seven and one-half feet ($7\frac{1}{2}'$).
- d. Rear yard: Twenty feet (20').

FIGURE 8-2-5-17B

MANUFACTURED HOME SITE YARDS



5. Location: All manufactured home sites shall front on a street, interior to the manufactured home park, improved to the standards set forth in subsection 11, "Interior Streets", of this section.
6. Use Of Sites: No more than one manufactured home unit shall occupy any designated and staked manufactured home site. Mobile homes are not permitted to occupy any manufactured home site, except that existing mobile homes found in preexisting manufactured home parks, are permitted as legal nonconforming uses.

7. Designation Of Manufactured Home Sites: The corners of each manufactured home site shall be clearly marked on the ground by permanent flush stakes, markers or similar means approved by the zoning officer or designee.

D. Manufactured Home Site Installation Standards:

1. Pads: Each manufactured home site shall have two (2) concrete pads for a manufactured home unit to be set upon. Each pad shall be at least two feet (2') in width. The distance between the centerlines of each pad shall be at least four and one-half feet (4½').
2. Skirting: All manufactured home units shall be skirted with a rigid material. Such skirting must be in place within thirty (30) days after the manufactured home unit is installed on the manufactured home site. Skirting shall be ventilated in order to ensure proper airflow under the home. Skirting material shall be weatherproof and fire resistant. Skirting shall be provided with doors to permit access to sewer, water and gas connections.
3. Walkways: A concrete walkway shall be provided from the doorway of each manufactured home unit to the required driveway and shall be at least four feet (4') in width.
4. Electricity: Electrical service delivering one hundred (100) ampere service of not less than one hundred ten (110) volts shall be required for each individual manufactured home site. The installation shall comply with all state and local electrical codes and ordinances.

E. Accessory Buildings, Structures, And Uses:

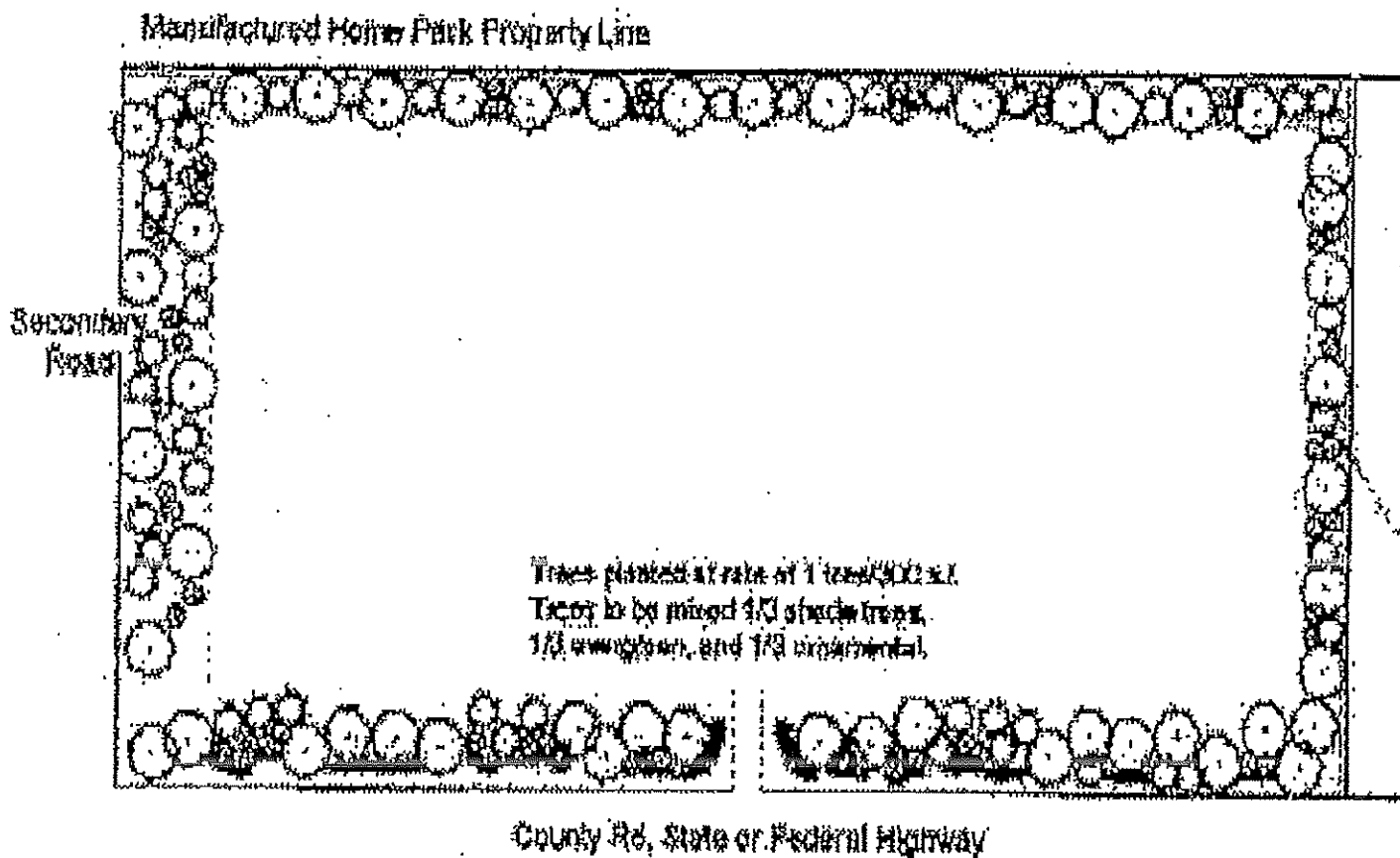
1. Accessory structures are prohibited within the required front or side yards of any manufactured home site.
2. Accessory buildings, such as storage sheds, shall not exceed a total of one hundred fifty (150) square feet. Accessory buildings are permitted to encroach into the required rear yard, provided they are located no closer than ten feet (10') from any manufactured home site boundary line within the rear yard.
3. Detached garages shall not exceed a total of four hundred eighty four (484) square feet. Garages are permitted to encroach into the required rear yard, provided they are located no closer than ten feet (10') from any manufactured home site boundary line within the rear yard.
4. Carports shall be used only for parking no more than two (2) vehicles and not for any other purpose, including storage. Carports shall have a minimum height of seven feet (7') and a maximum width of twenty feet (20').
5. Porches and decks may encroach into the required rear yard, provided they are located no closer than ten feet (10') from any manufactured home site boundary line within the rear yard.
6. Accessory buildings and structures shall not exceed fifteen feet (15') in height, as measured to the peak of the roof. However, in no case shall a carport be higher than the lowest part of the roof of the manufactured home unit, as installed, to which the carport is accessory.

7. Any home occupations conducted within accessory buildings and structures, or within the manufactured home, shall comply with the regulations of section 8-2-3-5, "Home Occupation", of this chapter.

F. Landscaping Requirements:

1. Landscaping The Required Yards Of Manufactured Home Parks: Landscaping of the required yards of manufactured home parks, as illustrated in figure 8-2-5-17C, "Manufactured Home Park Required Yard Landscaping", of this section, shall meet the following standards:
- a. In every required yard, there shall be a minimum of one tree for every three hundred (300) square feet. One-third ($\frac{1}{3}$) of all trees shall be evergreens a minimum of six feet (6') in height at planting, one-third ($\frac{1}{3}$) of all trees shall be shade trees a minimum of two inches (2") in caliper at planting, and one-third ($\frac{1}{3}$) of all trees shall be ornamental trees a minimum of two inches (2") in caliper at planting.
 - b. Shrubs shall be planted at a rate of one shrub for every three (3) linear feet.
 - c. To achieve effective screening, landscape materials shall be planted in a naturalistic and staggered fashion.
 - d. Areas not planted with trees shall be maintained as turf or other ground cover.
 - e. A berm, with a maximum slope of four feet (4') in length to each one foot (1') in height (also referred to as 4:1 proportion), shall be provided in the required yards and shall be fully landscaped in accordance with subsections F1a through F1d of this section. Berms shall have a rounded top surface that is a minimum of five feet (5') in width.
 - (1) Required front and corner side yards: Eight foot (8') berm.
 - (2) Required rear and interior side yards: Three foot (3') berm. Required berming is illustrated in figure 8-2-5-17D, "Required Berming", of this section.
 - f. In rear and interior side yards, a six foot (6') solid fence is required. Such fence shall be located a minimum of five feet (5') from the property line.

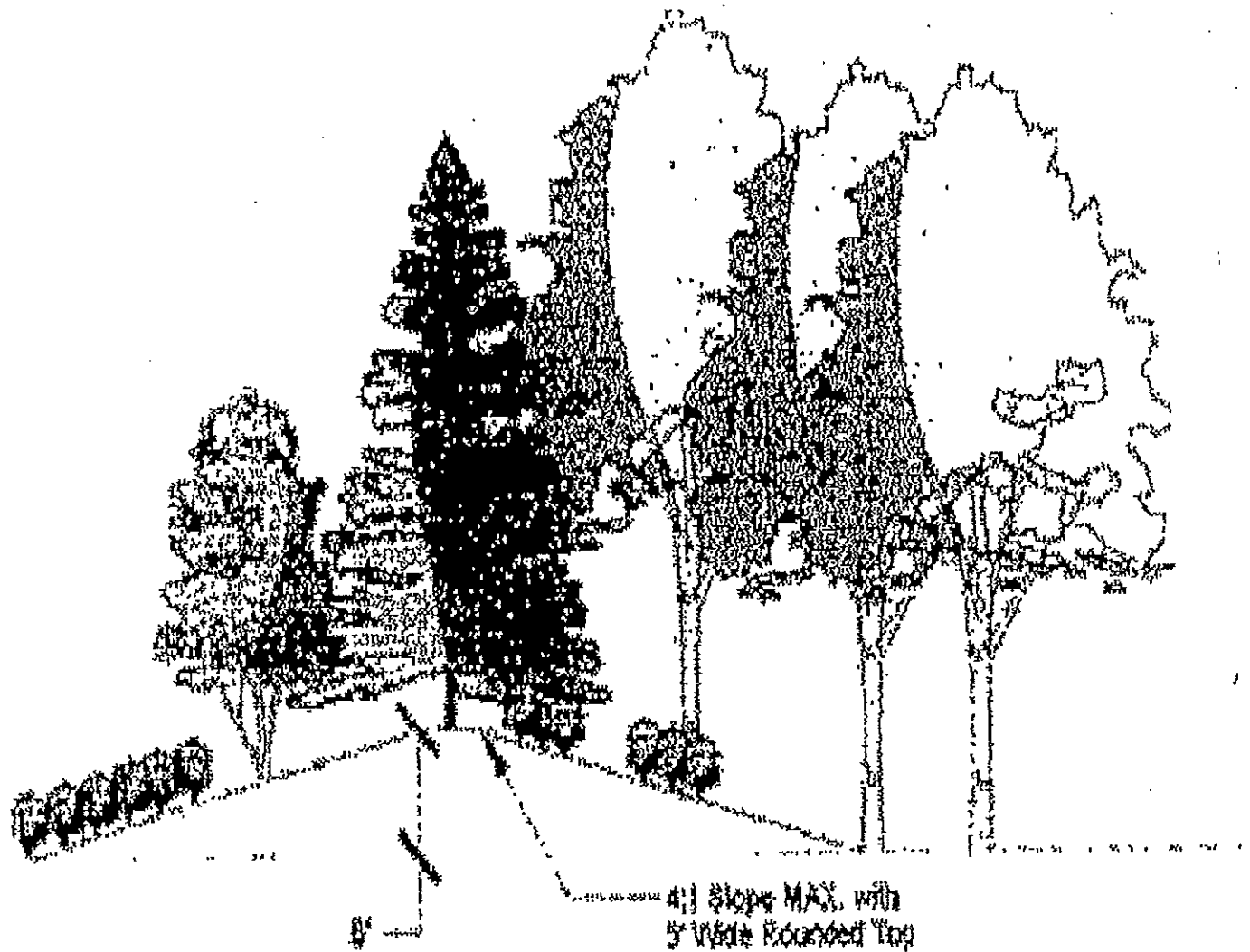
FIGURE 8-2-5-17C
MANUFACTURED HOME PARK REQUIRED YARD LANDSCAPING



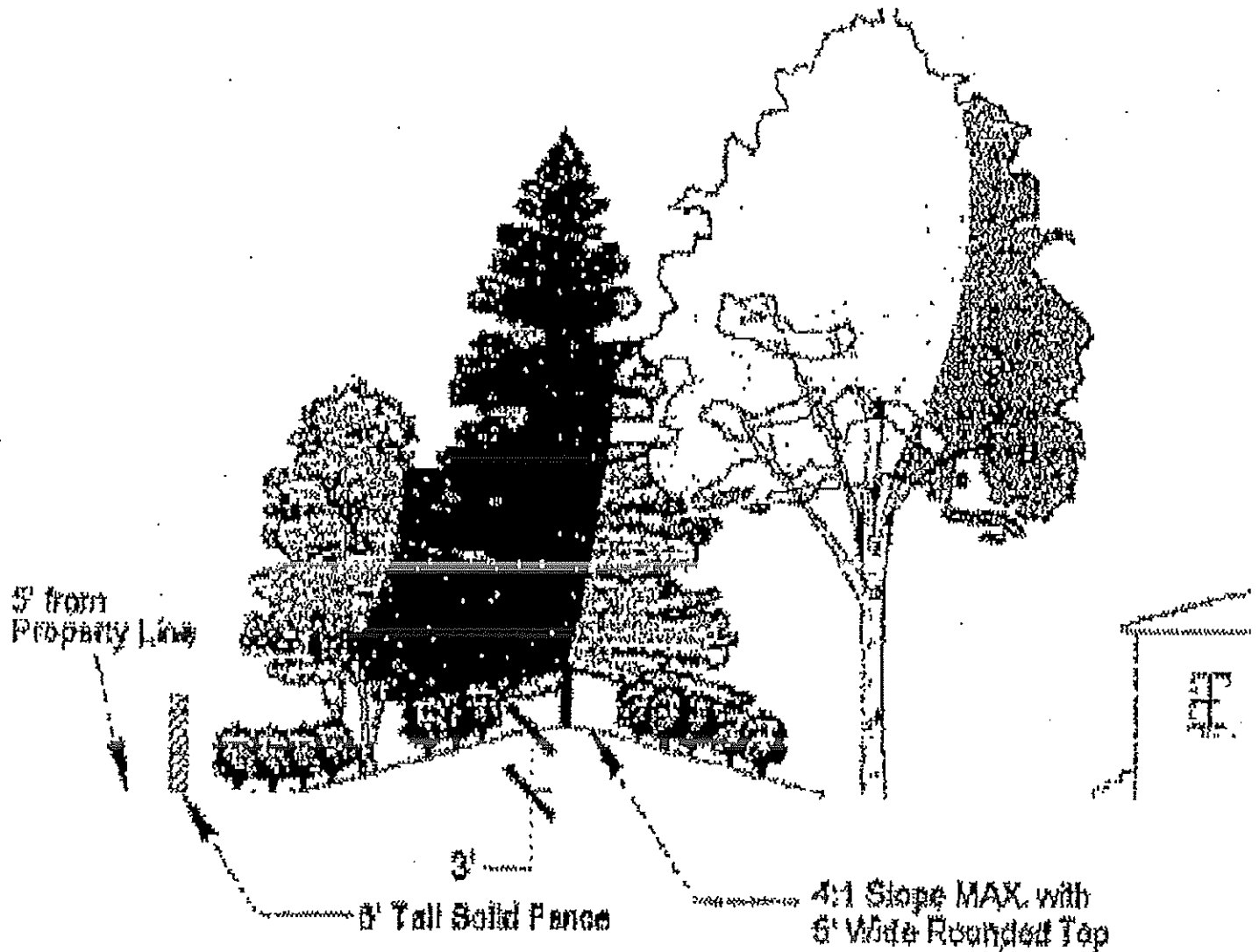
Landscaping Requirements

For parks with 1 side yard adjoining a street & 1 interior side yard

FIGURE 8-2-5-17D
REQUIRED BERMING



Front Yard & Side Yard Adjoining a Street Berms



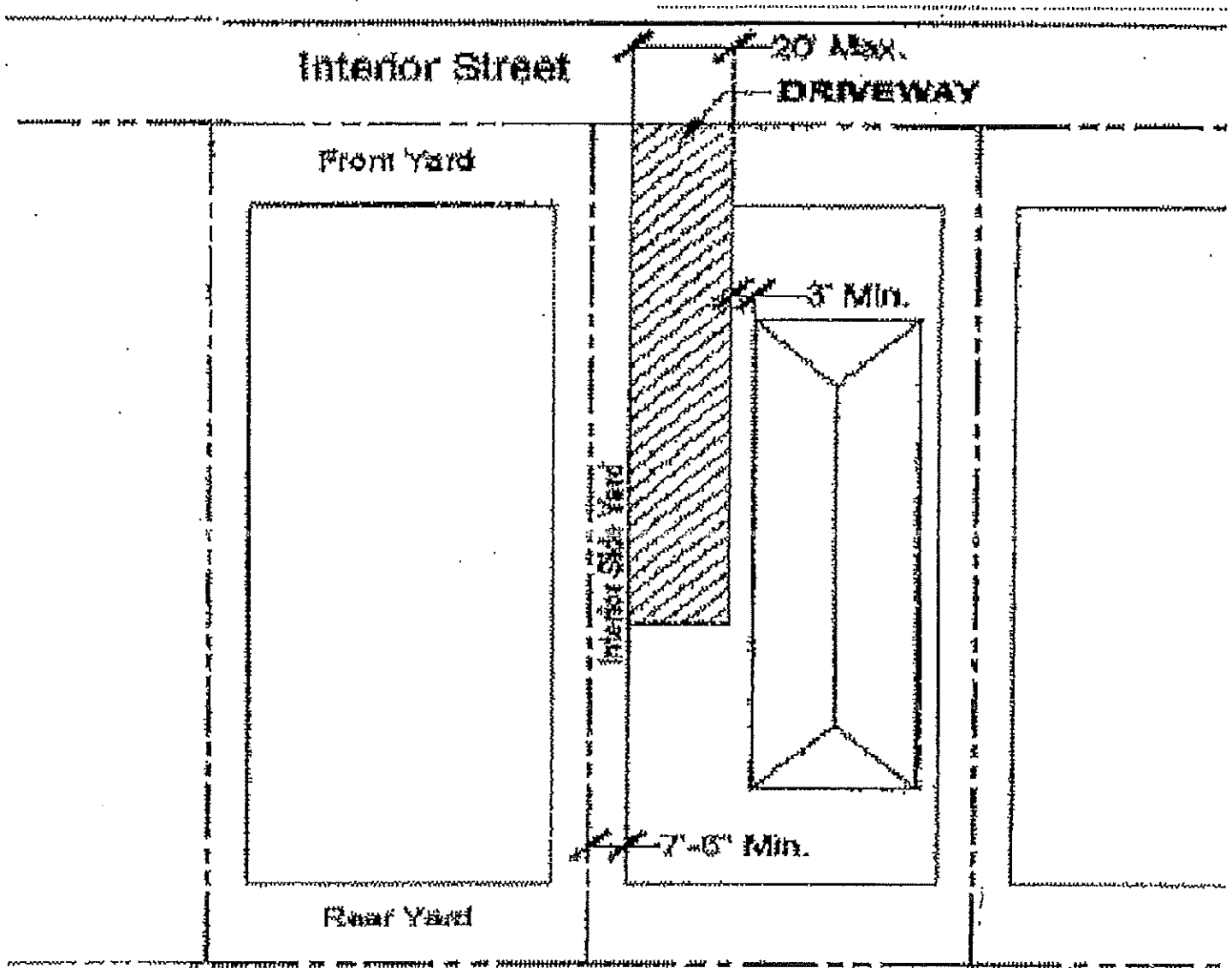
Rear Yard & Interior Side Yard Berms

2. Landscape Plan: A landscape plan shall be submitted as part of a manufactured home park development application, as required in subsection J, "Manufactured Home Park Development Application", of this section.
3. Maintenance Of Landscaping: Any diseased, dead or damaged plants within the required manufactured home park yards or common open space areas must be removed and replaced as indicated in section 8-9-10, "Installation, Maintenance, And Replacement", of this title.

G. Off Street Parking And Driveways:

1. Required Parking: Each manufactured home site shall provide two (2) off street parking spaces within the site.
2. Visitor Parking Lots:
 - a. A visitor parking lot shall be located within no more than three hundred feet (300') of each manufactured home site within the manufactured home park.
 - b. The total number of visitor parking spaces provided within the park shall be equal to three-tenths ($\frac{3}{10}$) parking space per manufactured home site.
 - c. The perimeter of visitor parking lots shall be screened with compact hedging or decorative masonry, or a combination of these, to a maximum height of two and one-half feet ($2\frac{1}{2}'$).
3. Driveways: Driveways shall not be considered interior streets, as described in subsection 11, "Interior Streets", of this section, and as illustrated in figure 8-2-5-17E, "Driveways And Interior Streets", of this section. Manufactured home site driveways shall comply with the following:
 - a. The maximum width of manufactured home site driveways shall be twenty feet (20').
 - b. Driveways shall not be located within the required side yards. Driveways shall be separated a minimum of three feet (3') from the manufactured home unit, as measured from the edge of the driveway.
 - c. All driveways and off street parking areas shall be paved, and graded to drain rapidly and be free of standing water.

FIGURE 8-2-5-17E
DRIVEWAYS AND INTERIOR STREETS



H. Signs:

1. **Manufactured Home Park Sign:** Manufactured home parks shall be limited to one freestanding monument identification sign. Such sign shall not exceed four feet (4') in height and thirty two (32) square feet in sign area, and shall be located at least twenty feet (20') from any manufactured home site. Only uplighting, where light is directed from the ground onto the sign face, is permitted to illuminate the sign.

2. **Site Identification Numbers:** A manufactured home park shall maintain signs on each manufactured home site that identify the site number. Site numbers shall be four inches (4") in height and shall remain readily identifiable while the site is in use. No site identification sign may exceed five inches (5") in height and ten inches (10") in width.

I. Public Improvements:

1. Interior Streets:

- a. Interior streets within a manufactured home park shall be designed in accordance with chapter 6, "Subdivisions And Land Development", and section 8-6-3-4, "Streets, Roadways, And Paths", of this title, in addition to all other applicable Grundy County codes and ordinances. The interior streets of the manufactured home park shall be considered (general) high intensity "residential subcollectors" for the purposes of said section 8-6-3-4, "Streets, Roadways, And Paths", of this title. Curbing is required on all interior streets. Shoulders and drainage swales are not permitted.
 - b. All interior streets shall be properly lit, in accordance with the requirements of subsection 8-6-3-4P, "Street Lighting", of this title, except that the maximum height of light poles, as measured from grade at the base to the bottom of the luminaire, shall not exceed twenty feet (20').
 - c. Interior streets shall be serviced and maintained by the owners of the manufactured home park. No officer, agent or employee of the county shall, at any time, service or maintain, or offer or agree to service or maintain, any interior road or any part thereof.
 - d. In section 8-17-1-2 of this title, the residential subcollector category, contains subcategories for roads with one sided, two (2) sided and off street parking. There are also standards for an unnamed, i.e., general - high intensity residential subcollector. This "general" category applies to the interior streets of manufactured home parks.
2. **Stormwater Management:** Stormwater drainage and detention system shall be provided in accordance with section 8-4-5, "Stormwater Drainage And Detention", of this title; in addition to all other applicable Grundy County codes and ordinances.
 3. **Sewer System:** Sewage disposal shall be provided in accordance with section 8-6-3-6, "Sewage Collection And Disposal", of the this title, in addition to all other applicable Grundy County codes and ordinances. Septic tanks and oxidation lagoons shall not be permitted within manufactured home parks. In addition, each sewer connection to a manufactured home site that is unoccupied shall be closed until the site is occupied.
 4. **Water Supply:** A water supply system shall be provided in accordance with section 8-6-3-7, "Water Systems", of this title, in addition to all other applicable Grundy County codes and ordinances.
 5. **Public Utilities:** Public utilities shall be provided in accordance with sections 8-6-3-8, "Public Utilities", and 8-6-3-9, "Easements", of this title, in addition to all other applicable Grundy County codes and ordinances.

J. Manufactured Home Park Development Application:

1. Required: Prior to the construction, expansion and/or alteration of any new or existing manufactured home park, the manufactured home park developer shall make application to, and receive approval from, the Grundy County board in accordance with the requirements and procedures of this subsection.
2. Procedure:
 - a. Preapplication Conference: Prior to submittal of an application to develop a manufactured home park, the developer shall meet with the regional planning commission to discuss the scope and nature of the proposed development. At the preapplication conference, the applicant shall provide information as to the location of the proposed manufactured home park development, the proposed public improvements, a list of any anticipated exceptions to county ordinances, and any other information necessary to clearly explain the manufactured home park development. The purpose of such preapplication conference is to make advice and assistance available to the applicant before preparation of the application.
 - b. Application Submittal: Following the preapplication conference, the application to develop a manufactured home park shall be submitted to the zoning officer. The application shall be in accordance with the requirements of subsection J3, "Application Requirements", of this section. The zoning officer shall forward copies of the application to the regional planning commission for their report and recommendation, as well as other applicable administrative officials.
 - c. Regional Planning Commission Recommendation: In making its recommendation, the regional planning commission shall be guided by, and give consideration to, the following:
 - (1) The proposed development is in conformance with the Grundy County comprehensive plan, this title and the requirements of the MHP district.
 - (2) The proposed development will have a character of sustained desirability and stability.
 - (3) The proposed development will be in harmony with its surroundings.
 - (4) The proposed development will not cause undue congestion on local streets or thoroughfares. The regional planning commission may recommend approval or denial of the application, including any special uses. If the regional planning commission shall fail to act within sixty (60) working days after receipt of the application, the application shall be deemed to be recommended for approval.
 - d. Zoning Board Of Appeals Recommendation: The zoning board of appeals may recommend to the county board approval, approval with conditions or denial of any special uses that are part of the application including, but not limited to, approval of accessory structures and uses, and community sewer and water systems, as set forth in chapter 15, "Enforcement, Interpretation, And Severability", of this title.
 - e. Approval By County Board: Upon receipt of a recommendation from the regional planning commission and zoning board of appeals, the Grundy County board may approve, approve with conditions or deny approval of the development, including any special use permits.
3. Application Requirements: In order to develop a manufactured home park, the applicant shall file with the land use department an application that includes the following:

- a. The full name and address of the applicant or applicants, or the names and addresses of the partners if the applicant is a partnership or the names and addresses of the officers if the applicant is a corporation.
- b. The address, location and legal description of the tract of land upon which it is proposed to construct a manufactured home park.
- c. The name of the proposed manufactured home park.
- d. The proposed number of manufactured home sites.
- e. A site plan of the proposed manufactured home park, which must include the following:
 - (1) All manufactured home sites shall be clearly delineated, and each shall include site dimensions and square footage, and building envelope information. Building elevations for existing and proposed buildings and facilities, or any alterations to existing buildings and facilities, must be shown.
 - (2) The location of all required visitor parking lots.
 - (3) All streets, sidewalks and driveways.
 - (4) All signage for the manufactured home park, including manufactured home site numbering, street signs and directional signage.
 - (5) All public improvements and amenities, including community facilities and required open space.
 - (6) North arrow, drawing scale, signature and seal of an Illinois registered engineer or architect, and date of preparation.
- f. A landscape plan shall be submitted with each application, and is subject to approval by the land use department. A landscape plan must include the following:
 - (1) The location, quantity, size and name, both botanical and common, of all existing plant material on the lot, and indicating which plant material will be retained and which will be removed. The landscape plan should include provisions to preserve existing trees in accordance with section 8-9-11, "Preservation Of Trees And Other Vegetation", of this title.
 - (2) The location, quantity, size and name, both botanical and common, of all proposed plant material including, but not limited to, shade and evergreen trees, shrubs, ground cover and turf, drawn at a size equal to three-fourths ($\frac{3}{4}$) maturity.
 - (3) The existing and proposed grading of the site indicating contours at one foot (1') intervals. Proposed berming shall be indicated using one foot (1') contour intervals.
 - (4) Elevation drawings indicating the materials used for all proposed fences.
 - (5) Installation and maintenance specifications as required by the land use department.
 - (6) North arrow, drawing scale, signature and seal of an Illinois registered landscape architect, a date of preparation.

(7) In the event that it can be demonstrated that existing vegetation meets the intent of the landscaping requirements of this section, it may be credited toward the required landscape materials, as determined by the land use department.

g. A traffic impact analysis is required if the proposed manufactured home park has fifty (50) or more manufactured home sites or, if additional sites are proposed to be added to an existing park, when the total number of manufactured home sites meets or exceeds fifty (50) sites. Such traffic impact analysis shall be conducted by an Illinois registered engineer and shall include the following:

(1) A description of the development site, proposed land use and intensity, and the area of influence of site traffic.

(2) Existing conditions of perimeter streets and intersections, including traffic counts and capacity and level of service analysis.

(3) Analysis of future conditions in trip generation at peak periods and for twenty four (24) hours.

(4) Proposed driveway locations, geometries, sight distances and turn restrictions.

(5) Impact on adjoining street network.

4. Alterations: Any alterations to existing manufactured home parks, excluding normal maintenance, shall require a new application.

5. Appeal: Any person denied approval of his/her manufactured home park development shall have the right to appeal such decision before the circuit court of the 13th judicial court, Grundy County, Illinois.

6. Records: When an application for a manufactured home park development has been approved, land use department shall retain the original and keep a file thereof. One copy shall be returned to the applicant, or his/her agent, and one copy shall be delivered to county clerk.

K. Manufactured Home Park License Requirements:

1. General Requirements:

a. No person, firm or corporation shall establish, maintain, conduct or operate a manufactured home park without first obtaining a license from the land use department.

b. A license to operate a manufactured home park shall be issued for one year and shall expire at twelve o'clock (12:00) midnight on April 30 of each year. The license may be renewed from year to year upon payment of an annual license fee in accordance with subsection K1c of this section. Licenses issued hereunder apply only to the premises described in the application and in the license. Only one location may be described in the license. A license which has been issued for a particular premises may not be moved to any other premises.

c. In addition to the application fees, the licensee shall pay to the land use department, on or before April 30 of each year, a nonrefundable annual license fee of fifty dollars (\$50.00) plus three dollars (\$3.00) for each manufactured home site in the park. The land use department shall deposit all funds received with the county treasurer.

- d. All licenses to operate a manufactured home park shall be prominently displayed in the manufactured home park office.
2. **Revocation Of License:** Any license granted hereunder shall be subject to revocation or suspension by the land use department. The zoning officer shall first serve, or cause to be served, upon the licensee, a written notice which shall specify the way or ways in which such licensee has failed to comply with this title. Said notice shall require the licensee to remove or abate such nuisance, unsanitary or objectionable condition, specified in such notice, within five (5) days, unless a longer period of time is allowed by the zoning officer. If the licensee fails to comply with the terms and conditions of said notice, the land use department may revoke or suspend such license.
3. **Records:** When a license to operate and maintain a manufactured home park has been approved, the land use department shall retain the original and keep a file thereof. One copy shall be returned to the applicant, or his/her agent, and one copy shall be delivered to county clerk.
4. **Management Responsibilities:** The following manufactured home park management provisions are applicable to all manufactured home parks licensed within Grundy County:
- a. Every park shall be managed by a responsible party on duty twenty four (24) hours per day and seven (7) days per week whose name, address and telephone number shall be on file at all times with the land use department and Grundy County sheriff. The duties of this responsible party shall be to maintain the park, and its facilities and equipment, in a clean, orderly and sanitary condition, and shall be responsible, in addition to the licensee, for any violation of this title.
 - b. Each manufactured home park shall have a manager's office where each manufactured home shall be assigned its manufactured home site, issued a copy of the manufactured home park's rules and registered. A register shall be maintained by the manager and shall include:
 - (1) The name and address of the owner of each manufactured home unit.
 - (2) The name and address of each occupant of such unit.
 - (3) The license number and state of issuance, for such unit.
 - (4) The date of entry of such unit into the park. The register shall be signed by the owner or occupant of the manufactured home.
 - c. Any person furnishing misinformation for purposes of registration shall be deemed guilty of a misdemeanor. Registration records shall be kept for seven (7) years after the manufactured home unit has left the manufactured home park. The register shall be available for inspection upon request by all law enforcement officers.
 - d. The land use department shall keep a record of all manufactured home parks. These records shall show the names and addresses of all manufactured home parks, names and addresses of the manufactured home park licensees, number of manufactured home sites in each park, source of water supply, system of sewage and garbage disposal, and any other information desired by the land use department.
5. **Required School District Registration:** The following provisions are applicable to all manufactured home parks licensed within Grundy County:

- a. It shall be the duty of each licensee to file with the school board(s) of the school district(s) where the manufactured home park is located, within the first five (5) business days of February and of September of each year, a report that contains the names and ages of all school age children who reside in the manufactured home park.
- b. The governing body of the school district in which such manufactured home park is located, by and through its officers, attendance officers and proper employees, may visit and inspect a manufactured home park for the purpose of enforcing the attendance of school children who reside in the park. When a manufactured home park is located in more than one school district, the school boards of the school districts, acting jointly, are authorized to visit and inspect a manufactured home park for the purpose of enforcing the attendance of school children who reside in the park.

L. Nonconforming Manufactured Home Parks:

1. Manufactured home parks established prior to the effective date of the MHP district shall be considered legal nonconforming manufactured home parks and shall continue to be governed by all standards in effect at the time they were approved.
2. The replacement of manufactured homes in legal nonconforming manufactured home parks shall be governed by the standards in effect when the manufactured home parks were approved. However, no manufactured home or mobile home shall be replaced by a "mobile home", as defined in this title
3. Expansion of a legal nonconforming manufactured home park shall only be allowed when such expansion also includes substantial improvements in the existing manufactured home park to such a degree that the existing park, including the expanded area, complies with the provisions of the MHP district. (Ord. 10-001, 1-12-2010)

2-5-22: PLACES OF PUBLIC ASSEMBLY:

The standards of this section are intended to ensure land use compatibility, protect the integrity of neighborhoods, and preserve community character, while allowing uses that serve the community to locate near and among residential uses. Places of public assembly may be allowed as a special use in the agricultural (A), agricultural residential (AR), planned residential (PR), and residential (R) districts subject to the following requirements:

- A. Location: The place of public assembly complies with the provisions of section 8-3-4-2, "Nonresidential Scale And Design Regulations", of this title, and is located on the classification of roadway that is required for the scale of the use.
- B. Minimum Lot Size: Places of public assembly shall have a minimum site area:
 - 1. For places of public assembly in the planned residential (PR) or residential (R) districts, four (4) times the minimum lot size is required for that district.
 - 2. For the agricultural (A) and agricultural residential (AR) districts, the following minimum site areas:
 - a. School: Five (5) acres.
 - b. Places of worship, libraries, museums: Three (3) acres.
 - c. Childcare centers: One acre.
- C. Additional Requirements: Based on the recommendations of the zoning board of appeals, planning commission, and planning and zoning committee, the county board may impose additional standards on places of public assembly that:
 - 1. Ensure appropriateness of scale,
 - 2. Maintain consistency in the community character in which the use is situated, or
 - 3. Mitigate impacts on the transportation system and public service requirements. (Ord. 10-001, 1-12-2010)

9-2-5-24: PRIVATE CLUB:

Private clubs may be allowed as a special use in the agricultural (A), agricultural residential (AR), planned residential (PR), and residential (R) districts subject to the following requirements:

A. Building Character: The building in which the use is located:

1. Has the character of a residential building, and
2. Has a floor area that is not greater than 1.5 times the floor area of the largest dwelling that is located on the same street face.

B. Street Access: The use shall be accessed by a public street that is classified as a collector or greater capacity, or within three hundred feet (300') of an intersection with a road that is classified as a collector or greater capacity. (Ord. 10-001, 1-12-2010)

8-2-5-23: PRIVATE AIRSTRIP:

Private airstrips may be allowed as a special use in the agricultural (A) district subject to the following provisions:

A. Safety Aviation Rules: The safety restrictions on the airstrip are in accordance with the state of Illinois.

B. Ownership: A special use approval shall run with the ownership of the parcel, and it shall be recorded as such.

C. Fly-Ins: The owner is limited to two (2) events per year. Each fly-in is limited to fifteen (15) planes per event.

D. Natural Conditions: Natural conditions are to be preserved, which permits only grass strips. No towers are permitted. (Ord. 10-001, 1-12-2010)

2-5-25: PRIVATE PIPELINES:

Natural gas and petroleum pipelines located on agricultural properties or properties with sensitive areas including, but not limited to, wetlands, steep slopes, woodlands, or floodplains may be subject to the following special use standards in order to minimize construction impacts:

- A. Entrance And Exit To Property: Prior to the pipeline's installation, the applicant and landowners/tenants shall reach an acceptable agreement on the route that will be used for entering and exiting the right of way and other construction areas. The affected property owners/tenants shall be notified of the project intent and approximate scheduling of the construction.
- B. Location: All pipelines greater than ten inches (10") in diameter that transport flammable or hazardous material shall be located a minimum of five hundred feet (500') from any occupied principal structure.
- C. Land Cover: Except for aboveground piping facilities, the pipeline shall be buried with:
 - 1. A minimum of five feet (5') of top cover where it crosses agricultural land that has been determined as having prime soils.
 - 2. A minimum of three feet (3') of top cover where it crosses agricultural land that has been determined as having nonprime soils.
 - 3. A minimum of three feet (3') of top cover where it crosses properties having the protected resource categories listed in section 8-4-2-1, "Protected Resources", of this title.
 - 4. Substantially the same top cover as an existing parallel pipeline, but not less than three feet (3'), where an existing pipeline is within one hundred feet (100') perpendicular to the new pipeline.
- D. Replacement Of Topsoil:
 - 1. Existing topsoil depths shall be restored.
 - 2. Replacement shall be undertaken in a manner as to minimize settling and the mixing of topsoil with subsoil materials. In no instance shall the topsoil materials be used for any other purpose.
 - 3. As the topsoil is replaced, all rocks greater than three inches (3") in dimension shall be removed.
- E. Restoration Of Ground Cover And Field Tiles:

1. All conservation practices such as terraces or grassed waterways that are damaged by the pipeline construction shall be restored to their preconstruction condition. Vegetation in sensitive areas shall be restored to their preconstruction state.
2. All existing field tiles shall be identified before construction and repaired or replaced at the conclusion of construction. (Ord. 10-001, 1-12-2010)

8-2-5-26: RECREATION, INDOOR:

Indoor recreation may be allowed as a special use in the agricultural (A) and residential (R) districts, subject to the following provisions:

- A. Limited Access Or Membership: In the agricultural (A) district, access to the use is limited to residents of the development or neighborhood in which it is located and their invitees.
- B. Use Compatibility: The use is:
 1. Located at least one hundred feet (100') from any residential building;
 2. Constructed of sound resistant materials; or
 3. Limited in operation such that it is closed between ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M. (Ord. 10-001, 1-12-2010)

8-2-5-27: RECREATION, OUTDOOR:

Outdoor recreation may be allowed as a special use in the agricultural (A), planned residential (PR), and residential (R) districts, subject to the following provisions:

- A. The premises shall be closed between nine o'clock (9:00) P.M. and seven o'clock (7:00) A.M.; or
- B. Portions of the use, such as an athletic field, that are open later than nine o'clock (9:00) P.M. shall be located at least three hundred feet (300') from any property that is used for residential purposes. (Ord. 10-001, 1-12-2010)

2-5-30: SOLAR FARMS:

A. Purpose: The purpose of this section is to provide regulations for the permitting of solar farms as a special use for A agricultural and I industrial zoning districts. This section provides for the preservation, protection of natural resources such as forests, tributaries, and habitat while also providing restrictions for the development to aid in the quality of life for the adjacent property owners and general aesthetic qualities for the county while preventing detriment to the public health, safety and welfare of the county as a whole.

B. Definitions:

LARGE SOLAR ENERGY SYSTEM: Energy generated from multiple solar panels over a large parcel in which this would be the primary land use. Poles and racks of multiple solar panels would be used that would generate direct current (DC) rated capacity greater than one hundred (100) kilowatts.

SOLAR ARRAY: A number of photovoltaic modules or panels connected together to provide a single electrical output.

SOLAR COLLECTOR TOTAL HEIGHT: The height of the solar collector system from grade to the highest point of the system that may be achieved when in operation.

TRACKING SOLAR ARRAY: A solar array that follows the path of the sun to optimize the amount of solar radiation received by the device.

C. Filing Requirements For A Special Use Of A Solar Farm: Submittal packets for a special use for the construction of a solar farm shall contain the following:

1. Application: The applicant for a solar farm special use shall file twenty five (25) copies of application, including ten (10) full size copies of exhibits and fifteen (15) reduced copies of all exhibits, with the land use department of the county, together with the appropriate site review application fee. The applicant is to provide up to ten (10) additional copies of the application to the county upon request.
2. Land Use Department: The land use department of the county, upon receiving said application, shall do the following:
 - a. Accept for filing, and date stamp as filing, any application that is filed. The date stamp of the land use department should be considered the official filing date for all time limit purposes. Receipt and acceptance of an application by the department is pro forma, and does not constitute an acknowledgment that the applicant has complied with the county ordinances.
 - b. The land use department shall make available a copy of the application and public record concerning the application for public inspection during the normal business hours of the department. Additionally, the department shall provide to any person so requesting, copies of the

application or the public record, upon payment by such persons for the actual cost of reproduction in accordance with the county FOIA requirements.

3. Form Of Applications:

- a. All applications shall be in writing on paper of eight and one-half inches by eleven inches ($8\frac{1}{2}$ " x 11"), eight and one-half inches by fourteen inches ($8\frac{1}{2}$ " x 14"), or eleven inches by seventeen inches (11" x 17").
- b. The pages of the application shall be consecutively numbered, and all exhibits clearly marked and identified.
- c. The text portion of the application (not including exhibits or graphic presentations) shall be furnished in an electronic format. The exhibits or graphic representations may also be furnished in electronic format.

D. Content Of The Solar Farm Application: Every solar farm application shall include the following information and documentation:

1. Host Agreement: An executed host agreement must be appended to, and included as part of, any solar farm special use application filed with the county.
2. Applicant Information: The applicant shall describe itself, its legal standing as to whether it is a corporation, limited liability company, individual, or other legal entity and shall identify its officers and directors, shareholders, and members. It shall also identify its parent and subsidiary companies. The same information shall be provided for all owners and operators of the solar farm system. In addition, the applicant shall identify the property owners that have entered into leases or agreements with the applicant and proof must be included that the applicant has the legal authority to bring this application in the name of such property owners.
3. Project Description: The applicant shall provide a general description of the project, including its total generating capacity; the equipment manufacturer, the type and model of solar collectors proposed, the number of solar collectors, the nameplate generating capacity of each solar collector, the proposed height of each solar collector and overall dimensions thereof.
4. Site Plan:
 - a. All proposed setback dimensions.
 - b. All proposed structures on the property, including, but not limited to, solar collectors, substations, and service roads.
 - c. Topographic site information for the subject property and the adjacent properties within a quarter mile of the property line of the subject property indicating contours in five foot (5') intervals.
 - d. Existing structures on subject property and properties within a quarter mile of the property.
 - e. All existing and proposed underground and aboveground utilities.

- f. All rights of way, wetlands, wooded areas, and public conservation lands.
- g. Ingress and egress from the site as proposed during construction and thereafter, which indicate:
 - (1) Proposed road surface and cover.
 - (2) Dust control.
 - (3) Width and length of access route and location of ingress.
 - (4) Road maintenance progress or schedule for proposed use of land.
- h. Certified easements, contracts, waivers, and option agreements for proposed use of the land.
- i. Utility interconnection details and a copy of written notification to the utility company requesting the proposed interconnection.
- j. Fire protection plan for the construction and the operation of the facility, and emergency access to the site.
- k. Revegetation or reclamation plan of the areas that will be disturbed.
- l. Drainage plan and erosion control plan.
- m. Description of hours of operation for construction and maintenance of the facility, numbers of employees and type of traffic expected to be generated from the site.
- n. Public road routes.

E. Design And Installation Requirements:

1. Height: The total height of the solar collectors shall not exceed twenty feet (20') in height when oriented at a maximum tilt position unless specifically allowed by the Grundy County board.
2. Setbacks:
 - a. Yard Setback Requirements: The setback for the rear, front and side of the solar array and components of the solar collector system shall conform to the requirements of a structure for the zoning district in which the solar farm is located.
 - b. Public And Private Roads: Components of the solar collector system shall be located such that they are one hundred fifty feet (150') from public and private roads.
 - c. High Water Mark: High water mark of navigable waterways/public parks/public conservation lands: One hundred fifty feet (150').
 - d. Waiver: Any waiver of any setback requirement shall only be considered an effective compliance with this subsection if said waiver runs with the land and is recorded as part of the chain of title and the deed of the subject property.

3. **Electrical Components:** All electrical components of a solar farm shall conform to all applicable local utility standards and national electric codes. All electrical wires and lines that are used in conjunction with the solar farm shall be installed underground.
4. **Environmental Impact:** The applicant shall have a third party, qualified professional conduct an analysis to identify and assess any potential impacts on the natural environment including wetlands and other fragile ecosystems, historical or cultural sites and antiquities, and adjacent agricultural uses such as rotating crops. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis. The applicant shall identify and evaluate the significance of any effects or concerns that will remain after mitigation efforts. In addition a water usage or impact study shall be completed that will indicate any impact that the solar farm will have on county water resources.
5. **Avian And Wildlife Impact:** The applicant shall have a third party, qualified professional conduct an analysis to identify and assess any potential impacts on wildlife and endangered species. The applicant shall take the appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.
6. **Warning Signage:** Signs warning of the high voltage associated with the solar farm shall be posted at every entrance to the facility, at the base of all pad mounted transformers and substations. A sign that provides emergency contact information, such as phone number, shall be posted near the tower and the operations and maintenance building.
7. **Landscaping:** Applicant shall minimize the disruption of natural environment, retain existing vegetation and native plant species to the maximum extent feasible and replant with native vegetation if existing vegetation is disturbed during construction. Landscaping shall be used as part of screening from adjacent properties or public view. All landscape shall comply with the requirements set forth in chapter 9 of this title.
8. **Federal And State Requirement Compliance:** The solar collecting system shall meet or exceed any standards and regulations of any agency of the state or federal government with the authority to regulate solar farms.
9. **Power Lines:** All electrical control wiring and power lines shall be wireless or not aboveground except where wind farm collector wiring is brought together for connection to the transmission or distribution network, adjacent to that network.
10. **Access Roads:** The applicant shall minimize the number and width of access roads, minimize cut and fill on sloping terrain and use natural terrain where feasible for these access points.
11. **Roads:** All routes on either county or township roads that will be used for the construction and maintenance purposes shall be identified on the site plan. All routes for either egress or ingress need to be shown. The routing shall be approved subject to the approval of the Grundy County highway engineer in coordination with the township road commissioners. The developer shall provide and complete a preconstruction baseline survey to determine existing road conditions for assessing potential future damage due to development related traffic. The developer applicant shall provide a road repair plan to ameliorate any and all damage, installation or replacement of roads that might be required by the developer. The developer applicant shall provide a letter of credit or a surety bond in an amount and form approved by the highway/roadway official(s).

12. **Property Value Protection Plan:** The developer shall provide within the application a plan to protect the property values of any nonparticipating real property owner within two (2) miles of the boundaries of the solar farm.
13. **Complaint Resolution:** The applicant shall develop a process to resolve any complaints that may arise from neighboring property owners during the construction and operation of the solar farm. The process may use an independent mediator or arbitrator and shall include a time limit for acting on a complaint that is received. The process shall not preclude the local government from acting on a complaint. The applicant shall provide to the nearby residents a phone number of the project manager during the construction of the facility if a problem should arise.
14. **Waste Disposal:** All solid waste generated from supplies, equipment, parts, packaging or operation of the facility shall be removed from the site immediately and disposed of in an appropriate manner. Any hazardous waste that is generated by the facility, including, but not limited to, lubricating materials, shall be removed consistent with all local, state and federal rules and regulations.
15. **Drainage:** The plan shall state that any damage to waterways, drainage ditches, field tiles or any other infrastructures caused by the construction or maintenance of the solar farm shall be completely repaired to near original condition and so as not to impede the natural flow of water. All repairs shall be completed within a reasonable amount of time. The solar farm owner is to notify the county engineer that the construction of any part of the project encounters any underground field drainage tiles. A plan sufficient to provide remediation shall be submitted, reviewed and subject to the approval of the county engineer. All existing drainage tiles that will be crossed by private access roads shall be removed and replaced with load resistant tiles as specified by the county engineer. This shall be done before the private access roads are used for construction purposes. The load resistant tiles shall extend a minimum of thirty feet (30') across the private access roads and shall be of the same diameter of the existing tiles. To ensure that all drainage tiles are located, reasonable measures shall be made to locate all existing tiles in the vicinity of the private access roads by exploratory trench or other appropriate methods. All drainage tiles that are encountered during construction shall be noted on the site plan. Financial assurances in the form of cash or an escrow account, surety bond or a letter of credit in a form and amount acceptable to the county engineer shall be posted to assure compliance with this section.
16. **Conformance To Industry And Code Standards/Engineer Certification:** The solar farm shall comply with all applicable local and county codes for the electrical, mechanical and structural components of the facility. All documents provided for review shall be stamped and signed by a professional engineer. All solar collection system panels shall be certified by the Solar Collector And Certification Corporation (SRCC).
17. **Operation And Maintenance:** Each applicant or successor in interest shall have the facility inspected annually by third party qualified wind power professionals at their own expense. The third party qualified wind power professional shall be subject to the approval of the Grundy County land use department. Within fifteen (15) days of the inspection a copy of all reports shall be provided to the Grundy County land use department. The solar farm shall not operate unless a certificate is provided to the Grundy County land use department indicating that the annual maintenance has been completed and the facility is in good working condition. Failure to provide this annual certification may cause the revocation of the special use as issued by Grundy County.

18. Fencing: Perimeter fencing having a maximum height of eight feet (8') shall be installed around the boundary of the solar farm. The fence shall contain appropriate warning signage that is posted such that it is clearly visible on the site.
 19. Reflective Coating: Solar energy system components shall be designed with an antireflective coating. Verification shall be provided that verifies that the components of the solar energy system have this quality.
 20. Lot Area: Solar farms and components thereof shall be located on a parcel that is a minimum of forty (40) acres in size. The lot or parcel shall have a minimum width of six hundred feet (600').
 21. Vegetation Control: A vegetation and weed control plan shall be provided that protects against the creation of a prey habitat and/or aesthetic impacts to the surrounding area.
 22. Antiperching Protection: Antiperching protection devices shall be used to prevent negative environmental impacts.
 23. Airport And Airport Control Zones: Solar farms shall not be located adjacent to or within a control zone of any airport.
 24. Cleaning Supplies And Solvents: Cleaning chemicals and solvents used during the operation or maintenance of the solar farm facility shall consist of biodegradable products and shall be low in volatile organic compounds.
 25. Reflection Angles: Reflection angles for solar collectors shall be oriented such that they do not direct glare toward residential users on adjacent properties.
- F. Decommissioning Or Abandonment Of The Solar Farm: Prior to receiving a special use of the solar farm, the operator/owner shall provide for a decommissioning plan for the anticipated service life of the facility or in the event that the facility is abandoned or has reached its life expectancy. If the solar farm is out of service or not producing electrical energy for a period of nine (9) months, it will be deemed nonoperational and decommissioning and removal of that facility will need to commence according to the decommissioning plan provided and approved. The decommissioning plan shall have the following information provided:
1. Removal of the following within nine (9) months:
 - a. All solar collectors and components, aboveground improvements and outside storage.
 - b. Foundations, pads and underground electrical wires and reclaim the site to a depth of four feet (4') below the surface of the ground.
 - c. Hazardous material from the property and dispose of in accordance with federal and state law.
 - d. A cost estimate for the decommissioning of the facility shall be prepared by a professional engineer or contractor who has expertise in the removal of the solar farm. The decommissioning cost estimate shall explicitly detail the cost before considering any projected salvage value of the out of service solar farm. The decommissioning cost shall be made by cash, surety bond or irrevocable letter of credit before any construction commences.

e. A restoration plan shall be provided for the site.

G. Liability Insurance: The owner or operator of the solar farm shall maintain a current general liability policy covering bodily injury and property damage and name Grundy County as an additional insured with limits of at least two million dollars (\$2,000,000.00) per occurrence and five million dollars (\$5,000,000.00) in the aggregate with a deductible of no more than five thousand dollars (\$5,000.00).

H. Administration And Enforcement: The zoning officer shall enforce the provisions of this section through an inspection of the solar farm every year. The zoning officer is hereby granted the power and authority to enter upon the premises of the solar farm at any time by coordinating a reasonable time with the operator/owner of the facility. Any person, firm or corporation who violates, disobeys, omits, neglects, refuses to comply with, or resists enforcement of any of the provisions of this section shall, upon conviction, be fined not less than twenty five dollars (\$25.00) nor more than five hundred dollars (\$500.00) for each offense. Each tower, nacelle, or any other component of the solar farm shall be the subject of a separate violation and further each week that a violation is permitted to exist shall constitute a separate offense. Other actions may be taken by law or in equity to prevent or to remedy any violation of this section and these remedies shall be in addition to any other remedies, damages or penalties. (Ord. 2012-015, 4-10-2012)

8-2-5-33: UTILITIES, COMMUNITY:

Community utilities may be allowed as a special use in the agricultural (A), agricultural residential (AR), planned residential (PR), residential (R), and commercial interchange (CI) districts subject to the following standards:

- A. Buffer: The facility shall be surrounded by a landscape buffer 1.5 times the requirements of chapter 9, "Landscaping And Tree Protection", of this title.
- B. Design Compatibility: In the PR and R districts, the design of the community utilities shall be compatible with the residential environment. Masonry walls, rather than fences, shall be used to screen the facility. The street faces shall be improved to provide continuation of the sidewalk areas, with landscaping designed to make the utility a part of the commercial area. (Ord. 10-001, 1-12-2010; amd. Ord. 2012-015, 4-10-2012)

2-6-1: STANDARDS FOR ALL TEMPORARY USES:

A. Standards: All temporary uses shall be reviewed against the following criteria:

1. Traffic Circulation: The temporary use shall have adequate sight distances for safe vehicular ingress and egress. It shall have adequate turn lanes or provide for police control to move traffic in and out of the use. The adjacent street shall have adequate capacity to handle the anticipated additional flow of traffic.
2. Public Convenience And Litter Control: Adequate on site restroom facilities may be required to handle the expected attendance. Adequate waste containers shall be required and a written guarantee shall be required that all litter generated by the event shall be removed at no expense to the county. This shall include adjoining public rights of way.
3. Signs: A sign permit is not required; however, the land use department shall review and approve all signage. The land use department may approve signs up to fifty percent (50%) smaller than would be permitted in chapter 5, "Signs", of this title, and may also approve attention getting devices. The number, type, and size of signs and attention getting devices shall be determined using the following criteria:
 - a. The need for obvious way finding information, based on the location of the event and its likelihood of attracting visitors who are unfamiliar with the area, who may lose their way or become confused if signs are limited to the sign area otherwise allowed by this title.
 - b. The type, length, and size of the proposed event or use.
 - c. Sight distances, other signage in the area or on the property, sidewalks, traffic volumes, and speed on the road.
 - d. Other lighting in area, type of neighbors, light intensity, and glare potential.
 - e. Logical travel routes to the site.

B. Modification Of Provisions: The land use department may establish additional conditions deemed necessary to ensure land use compatibility or minimize potential adverse impacts on neighboring properties, public streets, or the county. These may include, but are not limited to, the following:

1. Modification or restrictions on hours of operation or duration of the event.
2. Posting of a performance bond to ensure cleanup and removal of signage.
3. Arrangements satisfactory to the county for the provision of special or extraordinary services or equipment, such as traffic control or security personnel, or equipment that is needed to ensure safe operation of the use or event. This may also include liability insurance.

4. The land use department may refuse to issue a permit if the event is too large to be safe for the site, neighborhood, street, or other infrastructure, or may place limits on attendance to ensure it can be properly managed.

C. Other Permits And Licenses: All temporary uses or special events shall comply with all state and county regulations pertaining to the intended activities or occupancy. (Ord. 10-001, 1-12-2010)

8-2-6-3: FARM STAND OR FARMERS' MARKET:

Temporary farm stands or farmers' markets may be permitted in the agricultural (A) district, subject to administrative review that demonstrates that the following provisions are met:

- A. Access should be taken by means of the farmer's driveway.
- B. Additional curb cuts would need to be approved separately. The township road commissioner, Illinois department of transportation, or the county highway engineer would provide approval of curb cuts if it was a township, state, or county road, respectively.
- C. In addition to meeting any Illinois department of transportation setback and access requirements, the development review committee shall ensure that there is adequate access and parking. (Ord. 10-001, 1-12-2010)

2-6-5: SPECIAL EVENTS:

Special events in public athletic fields or parks may be regulated by the county board or appropriate school district and are not limited by this section. All other special events may be authorized as a special use in agricultural (A), commercial general (CG), and commercial interchange (CI) districts. All other special events shall meet the following standards:

- A. Frequency: Special events shall not be held on a property more than two (2) times per calendar year.
- B. Duration: The special event shall be limited to no more than four (4) successive days.
- C. Access: If deemed necessary by the county sheriff, property access shall be controlled by special traffic personnel paid for by the applicant. Prior to receiving a permit, the applicant must provide written communication from the sheriff indicating adequate provisions have been made.
- D. Sanitation: The county health department shall approve the sanitary provisions. Prior to receiving a permit, the applicant must provide written communication from the environmental health director indicating adequate provisions have been made.
- E. Electrical Service And Lighting: The county's electrical inspector shall approve all electric and lighting facilities. Prior to receiving a permit, the applicant must provide written communication from the inspector indicating adequate provisions have been made.
- F. Noise: Maximum noise levels shall comply with Grundy County ordinance 08-004.
- G. Surety: The applicant shall provide surety for complete site restoration upon the event's conclusion or should the permit be revoked. (Ord. 10-001, 1-12-2010)

8-3-2-1: RESIDENTIAL DENSITY STANDARDS:

Residential site development standards are shown in table 8-3-2-1, "Residential Density Standards", of this section.

TABLE 8-3-2-1
RESIDENTIAL DENSITY STANDARDS

District And Development Type (Average Lot Size)	Minimum Open Space Ratio (OSR) ¹	Minimum Lot Size	Minimum Area Of Site Proposed For Development
Agricultural (A):			
Farmstead	n/a	1.5 acres	20 ac.
Manufactured home park	0.20	7,200 sq. ft. - 12,240 sq. ft.	10 acres with 20 acres maximum
Single-family (Ag. split option) ²	n/a	5 acres	20 acres
Agricultural residential (AR):			
Farmstead	n/a	1.5 acres	n/a
Single-family	n/a	1.5 acres	n/a
Planned residential (PR):			
Cluster	0.25	18,000 sq. ft.	15 acres
Single-family	0.10	2 acres	15 acres
Residential (R):			
All permitted residential types	See section 8-3-2-2, "Table 8-3-2-2, Single-Family Lot And Building Standards", of this chapter for the residential (R) district		
Commercial general (CG):			
Multi-family	0.30	8,000 sq. ft.	4 acres

Notes:

1. OSR - "open space ratio". OSR for single-family and manufactured housing development does not apply to the development of 1 home on an individual lot of record.

² Up to 5 lots permitted, provided there is a 20 acre combined required area per single-family residence.

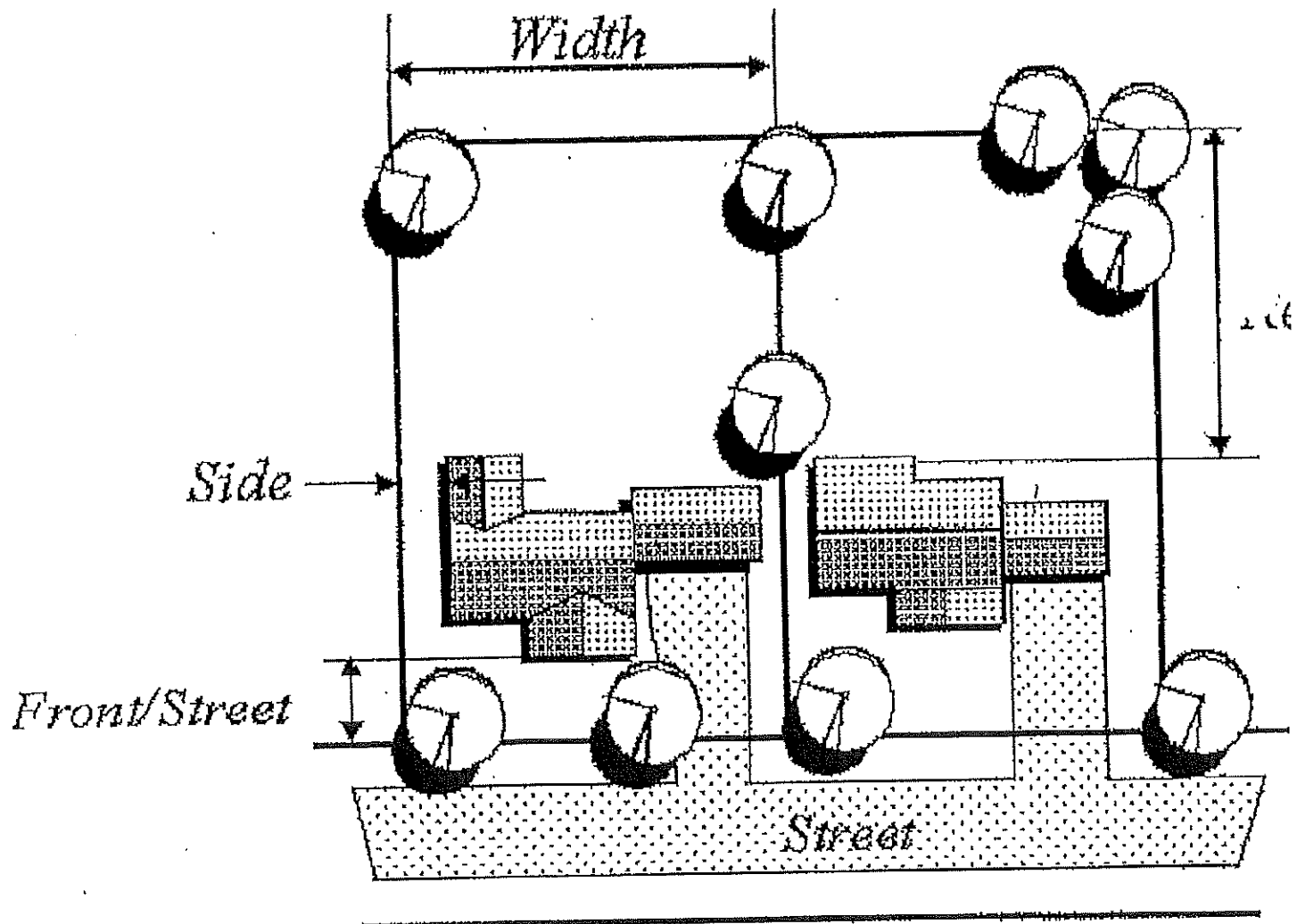
See section 8-2-4-10 of this title.

(Ord. 10-001, 1-12-2010)

3-2-2: SINGLE-FAMILY DETACHED:

- A. Generally: The single-family detached housing type consists of a single-family detached residence located on a privately owned lot with private yards on each side of the unit. There shall be not more than one such principal residential dwelling on each lot. See figure 8-3-2-2, "Single-Family Detached Unit", of this section.

FIGURE 8-3-2-2
SINGLE-FAMILY DETACHED UNIT



Single-Family Detached

B. Standards: The lot and building standards for single-family detached units are set out in table 8-3-2-2, "Single-Family Lot And Building Standards", of this section.

TABLE 8-3-2-2
SINGLE-FAMILY LOT AND BUILDING STANDARDS

Zoning District	Minimum						Maximum	
	Minimum Lot Area	Lot Width	Front Yard	Side Yard	Corner Side Yard	Rear Yard	Height	Building Coverage
Agricultural (A)	1.5 acre	170'	50'	30'	50'	50'	35'	—
Agricultural residential (AR)	1.5 acre ¹	170'	50'	50'	50'	50'	35'	0.15
Planned residential (PR)	18,000 sq. ft.	90'	25'	25'	25'	35'	28'	0.3
Residential (R) subdistricts	See subsection C of this section							
Residential (R-200)	5 acres	350'	50'	40'	50'	50'	35'	0.06
Residential (R-40)	40,000 sq. ft.	100'	50'	30'	50'	40'	30'	0.3
Residential (R-12)	12,500 sq. ft.	80'	25'	10'	30'	30'	30'	0.4

Note:

1. See section 8-2-3-11, "Residential Development", of this title, for additional lot area requirements for the agricultural residential (AR) district.

C. Dwellings In The Residential (R) District: The development standards are intended to allow flexibility to property owners in established neighborhoods within the residential (R) district to improve and expand their homes in a manner that is consistent with the character of the immediate area.

- Subdistricts are established within the residential (R) district to accommodate variation in the forms and scale of residential development and subdivisions that have been built in the unincorporated areas of Grundy County under earlier zoning provisions.
- The lot and building standards for residential (R) subdistricts are as shown in table 8-3-2-2, "Single-Family Lot And Building Standards", of this section.

D. Attached Accessory Residential Units: Accessory dwellings may be built on any existing or future single-family residential lot that meets the standards below. The accessory unit is exempted from the calculation as a dwelling unit when determining the maximum density in section 8-3-2-1, "Table 8-3-2-1, Residential Density Standards", of this chapter. Accessory units may be constructed as follows:

1. Transition: The plan shall provide a means of protecting adjoining residential uses or residentially zoned land from any impacts of the additional density and design of the unit. Increased buffer yard opacity, landscaping, setbacks from the adjoining homes, or prohibiting the lots that abut the site boundary from having the accessory units are techniques that may be required (see chapter 9, "Landscaping And Tree Protection", of this title).
2. Unit Standards: An accessory unit shall consist of not more than eight hundred fifty (850) square feet. It shall have no more than one bedroom or bathroom.
3. Unit Design: The applicant shall submit plans showing how the home will be designed to provide for an attached accessory unit. The unit shall be within the structure or above an attached garage. Specific design standards shall be provided for each one of the arrangements that are to be permitted. In no event shall a single-family or cluster lot smaller than six thousand (6,000) square feet contain an accessory unit.
4. Appearance: The accessory living unit, and any related changes to the property, shall be designed so that the appearance remains that of a single-family residence and is consistent with the single-family character of other residences in the neighborhood. Any new entrances shall be located on the side or in the rear of the building.
5. Other Forms Of Ownership Prohibited: The single-family dwelling or the accessory living unit shall not be converted to a condominium or any other form of legal ownership distinct from the ownership of the existing single-family dwelling. An accessory living unit shall be recorded by deed addendum, indicating the conditions and limitations of the approval granted.
6. Owner Occupied Principal Dwelling Required: The single-family dwelling to which an accessory living unit has been added shall be owner occupied.
7. Allowed As Part Of Housing: Accessory living units will be allowed only as part of single-family detached housing.
8. Access To Principal Dwelling: The accessory living unit shall have convenient and direct access to the principal dwelling unit.
9. Occupancy: The occupancy shall be limited to a specific extended family member(s). For the purposes of this title, "extended family" is defined as parents (and their spouses), grandparents (and their spouses), children (and their spouses), grandchildren and persons under legal guardianship. In the event that extended family member(s) vacate that unit, the administrative review permit shall expire and any new occupancy shall require a new administrative review permit application. (Ord. 10-001, 1-12-2010)

8-3-4-1:NONRESIDENTIAL BULK STANDARDS:

Nonresidential bulk requirements include the following requirements:

TABLE 8-3-4-1

NONRESIDENTIAL BULK REQUIREMENTS

District And Use	Lot Area	Lot Width ¹	Minimum			Minimum Area Of Proposed Land Development ¹	Maximum Building Height
			Front Yard ^{1,2}	Side Yard	Rear Yard ¹		
Agricultural (A) and agricultural residential (AR):							
All uses	5 acres	n/a	50 ft.	25 ft.	50 ft.	5 acres	35 ft.
Planned residential (PR):							
Institutional residential	2 acres	100 ft.	40 ft.	15 ft.	25 ft.	2 acres	35 ft.
Office/retail/service	10,000 sq. ft.	100 ft.	40 ft.	25 ft.	25 ft.	1 acre	35 ft.
All other uses	5 acres	100 ft.	50 ft.	25 ft.	30 ft.	5 acres	35 ft.
Residential (R):							
All permitted nonresidential uses	4 times the minimum lot area for single-family	2 times the yards required for single-family development				2 acres	35 ft.
Commercial general (CG) and commercial interchange (CI):							
Commercial retail	15,000 sq. ft.	100 ft.	40 ft.	15 ft.	25 ft.	1 acre	35 ft.
Office/lodging	15,000 sq. ft.	100 ft.	40 ft.	15 ft.	25 ft.	2 acres	50 ft.
Services	15,000 sq. ft.	100 ft.	40 ft.	15 ft.	25 ft.	1 acre	35 ft.
All other uses		100 ft.	40 ft.	20 ft.	25 ft.	1 acre	35 ft.

	20,000 sq. ft.						
Industrial (I):							
Light industrial	20,000 sq. ft.	120 ft.	40 ft.	20 ft.	30 ft.	1 acre	4 stories or 50 ft., whichever is lower
Heavy industrial	60,000 sq. ft.	150 ft.	50 ft.	30 ft.	30 ft.	2 acres	4 stories or 50 ft., whichever is lower
Warehouse	1 acre	150 ft.	50 ft.	30 ft.	30 ft.	2 acres	3 stories or 40 ft., whichever is lower
All other uses	20,000 sq. ft.	120 ft.	40 ft.	20 ft.	25 ft.	1 acre	4 stories or 50 ft., whichever is lower

Notes:

1. Along Route 47, frontages and yard requirements in excess of the minimum requirements specified here may be required. See chapter 10, "Overlay District", of this title.
2. Front yard refers to the front yard of a lot. A typical corner lot would have 2 front yards.

(Ord. 10-001, 1-12-2010)

8-4-2-2: RESOURCE PROTECTION LEVELS:

The area of resources designated in this section shall be protected as indicated in table 8-4-2-2, "Resource Protection Standards", of this section.

- A. Site Plan Requirements: The site plan shall designate the areas and acreages of each resource listed in table 8-4-2-2, "Resource Protection Standards", of this section. The area to be protected shall meet the open space requirements for each resource category. The site plan shall include a table that enumerates the following:
1. The total acreage of each designated resource area on the site.
 2. The protected acreage for each resource.
 3. The acreage for each resource that is permitted to be disturbed.
 4. The acreage for each resource that will be disturbed when the project is completed.
- B. Protecting Resources: Protected areas shall be designated on the plan as common open space. The county board may also permit a conservation easement on properties intended for development as long as the minimum area requirements for residential lots are met outside the easement.
- C. Overlapping Resources: It is likely that resource areas will overlap. In these cases, the area of the most restrictive resource (that with the highest open space ratio) shall be used.

TABLE 8-4-2-2
RESOURCE PROTECTION STANDARDS

Resource	Required Open Space Ratio	
	Agricultural (A) District	All Other Districts
Wetlands	1	1
Steep slopes (10 to 20%)	0.25	0.5
Steep slopes (greater than 20%)	0.6	0.8
Riparian woodland or mature trees	0.25	0.5

Ord. 10-001, 1-12-2010)

5-4-1: SIGNS PERMITTED IN THE AGRICULTURAL (A) DISTRICT:**A. On Premises Signs:**

1. Agricultural Uses: There shall be not more than one sign, not exceeding ten (10) square feet in area, for each principal farm dwelling, except on a corner lot where two (2) such signs for each dwelling unit shall be permitted. The sign shall indicate the name of the occupant and any specialized agricultural activities being conducted on the premises.
2. Nonagricultural Uses: A single on premises business identification sign not exceeding sixteen (16) square feet in area is permitted. On a corner lot, two (2) such signs, one facing each street, shall be permitted.
3. Projection And Height Restrictions: On premises advertising signs shall be subject to the following restrictions:
 - a. Projection: No sign shall project beyond the front lot line.
 - b. Height: No sign shall project higher than ten feet (10') above grade at the near edge of the roadway pavement.

B. Real Estate Signs: "For sale" and "for rent" signs, subject to the following:

1. Maximum Area: No sign shall exceed twelve (12) square feet in area.
2. Maximum Number Of Signs: There shall be not more than one sign facing each street on which the property fronts.
3. Projection: No sign shall project beyond the front lot line.
4. Height: No sign shall project higher than ten feet (10') above grade at the near edge of the roadway pavement.

C. Outdoor Advertising Signs: Off premises outdoor advertising signs ("billboards") shall only be permitted on parcels of land abutting I-55 and I-80, provided such signs have no moving parts, shall conform with other county codes or ordinances and Illinois statutes, and shall conform with the following regulations:

1. Spacing: Along interstate highways, no advertising sign shall be located nearer than two thousand feet (2,000') from another outdoor advertising sign.
2. Maximum Area Of Displays:
 - a. Each outdoor advertising sign structure shall contain not more than two (2) display surfaces. One item shall be displayed on each surface.

- b. The structure shall have a length and height of not more than such dimension needed to secure either two (2) standardized fifteen foot by twenty five foot (15' x 25') poster panel displays or a single fifteen foot by fifty five foot (15' x 55') bulletin display on each surface. The overall display surface (both sides) shall not exceed one thousand six hundred fifty (1,650) square feet.

3. Location:

- a. Off premises outdoor advertising signs ("billboards") shall only be permitted on tracts of land abutting I-55 and I-80. No off premises outdoor advertising sign shall be located along other roads or on other parcels in the county.
- b. No outdoor advertising sign shall be located nearer than fifty feet (50') from a side lot line, nor nearer than one hundred fifty feet (150') from a residential district boundary line.

- 4. Illumination: Illumination shall be subject to the safety and nuisance restrictions contained in section 8-8-3-3, "Public Safety And Public Nuisance", of this title. (Ord. 10-001, 1-12-2010)

Section 10.00 - F-1 FLOOD PLAIN DISTRICT

10.01 PURPOSE

This ordinance is enacted pursuant to the police powers granted to this Village by the Illinois Municipal Code (65 ILCS 5/1-2-1, 5/11-12-12, 5/11-30-2, 5/11-30-8 and 5/11-31-2) in order to accomplish the following purposes:

- A. To prevent unwise developments from increasing flood or drainage hazards to others;
- B. To protect new buildings and major improvements to buildings from flood damage;
- C. To protect human life and health from the hazards of flooding;
- D. To lessen the burden on the taxpayer for flood control, repairs to public facilities and utilities, and flood rescue and relief operations;
- E. To maintain property values and a stable tax base by minimizing the potential for creating blight areas;
- F. To make federally subsidized flood insurance available, and
- G. To preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.
- H. The Flood Plain District does not follow lot lines.

10.02 Definitions

For the purposes of this ordinance, the following definitions are adopted:

Base Flood: The flood having a one percent (1%) probability of being equaled or exceeded in any given year. The base flood is also known as the 100-year flood. The base flood elevation at any location is as defined in Section 3 of this ordinance.

Base Flood Elevation (BFE): The elevation in relation to mean sea level of the crest of the base flood.

Basement: That portion of a building having its floor sub-grade (below ground level) on all sides.

Building: A walled and roofed structure, including gas or liquid storage tank, which is principally above ground, including manufactured homes, prefabricated buildings and gas or liquid storage tanks. The term also includes recreational vehicles and travel trailers installed on a site for more than one hundred eighty (180) days per year.

Critical Facility: Any facility which is critical to the health and welfare of the population and, if flooded, would create an added dimension to the disaster. Damage to these critical facilities can impact the delivery of vital services, can cause greater damage to other sectors of the community, or can put special populations at risk.

Examples of critical facilities where flood protection should be required include: emergency services facilities (such as fire and police stations), schools, hospitals retirement homes and senior care facilities, major roads and bridges, critical utility sites (telephone switching stations or electrical transformers, and hazardous material storage facilities (chemicals, petrochemicals, hazardous or toxic substances).

Development: Any man-made change to real estate including, but not necessarily limited to:

1. Demolition, construction, reconstruction, repair, placement of a building, or any structural alteration to a building;
2. substantial improvement of an existing building;
3. installation of a manufactured home on a site, preparing a site for a manufactured home, or installing a travel trailer on a site for more than one hundred eighty (180) days per year;
4. installation of utilities, construction of roads, bridges, culverts or similar projects;
5. construction or erection of levees, dams walls or fences;
6. drilling, mining, filling, dredging, grading, excavating, paving, or other alterations of the ground surface;
7. storage of materials including the placement of gas and liquid storage tanks, and channel modifications or any other activity that might change the direction, height, or velocity of flood or surface waters.

“Development” does not include routine maintenance of existing buildings and facilities, resurfacing roads, or gardening, plowing, and similar practices that do not involve filing, grading, or construction of levees.

Existing Manufactured Home Park or Subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed or buildings to be constructed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading

or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Expansion to an Existing Manufactured Home Park or Subdivision: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FEMA: Federal Emergency Management Agency

Flood: A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

Flood Fringe: That portion of the floodplain outside of the regulatory floodway.

Flood Insurance Rate Map: A map prepared by the Federal Emergency Management Agency that depicts the floodplain or special flood hazard area (SFHS) within a community. This map includes insurance rate zones and may or may not depict floodways and show base flood elevations.

Flood Insurance Study: An examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations.

Floodplain and Special Flood Hazard Area (SFHA): These two terms are synonymous. Those lands within the jurisdiction of the Village of Dwight that is subject to inundation by the base flood. The floodplains of Gooseberry Creek and The West Fork of Gooseberry Creek are generally identified as such on the Flood Insurance Rate Map of the Village of Dwight prepared by the Federal Emergency Management Agency and dated December 18, 2007. The floodplains of those parts of unincorporated Livingston and Grundy Counties that are within the extraterritorial jurisdiction of the Village of Dwight or that may be annexed into the Village of Dwight are generally identified as such on the Flood Insurance Rate Map prepared for Livingston and Grundy Counties by the Federal Emergency Management Agency and dated December 18, 2007 and December 15, 1994 respectively. *Floodplain also includes those areas of known flooding as identified by the community.*

Floodproofing: Any combination of structural or nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate, property, and their contents.

Floodproofing Certificate: A form published by the Federal Emergency management agency that is used to certify that a building has been designed and constructed to be structurally dry flood proofed to the flood protection elevation.

Flood Protection Elevation (FPE): The elevation of the base flood plus one foot of freeboard at any given location in the floodplain.

Floodway: That portion of the floodplain required to store and convey the base flood. The floodway for the floodplains of Gooseberry Creek *shall* be as delineated on the Flood Insurance Rate Map of The Village of Dwight prepared by FEMA and dated December 18, 2007. The floodways for each of the remaining floodplains of the Village shall be according to the best data available from the Federal, State, or other sources.

Freeboard: An increment of elevation added to the base flood elevation to provide a factor of safety for uncertainties in calculations, future watershed development, unknown localized conditions, wave actions and unpredictable effects such as those caused by ice or debris jams.

Historic Structure: Any structure that is:

1. Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.
3. Individually listed on the state inventory of historic places by the Illinois Historic Preservation Agency.
4. Individually listed on a local inventory of historic places that has been certified by the Illinois Historic Preservation Agency.

IDNR/OWR: Illinois Department of Natural Resources/Office of Water Resources.

Lowest Floor: The lowest floor of the lowest enclosed area (including basement). The unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor. This is provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Section 7 of this ordinance.

Manufactured Home: A structure transportable in one or more sections that is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities.

Manufactured Home Park or Subdivision: A parcel (or contiguous parcels) of land divided into two or more lots for rent or sale.

New Construction: Structures for which the start of construction commenced or after the effective date of floodplain management regulations adopted by a community and includes any subsequent improvements of such structures.

New Manufactured Home Park or Subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed or buildings to be constructed (including, at a minimum, the

installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by a community.

NFIP: National Flood Insurance Program.

Recreational Vehicle or Travel Trailer: A vehicle which is:

1. built on a single chassis;
2. four hundred (400) square feet or less in size;
3. designed to be self-propelled or permanently towable by a light duty truck and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Repetitive Loss: Flood related damages sustained by a structure on two separate occasions during a ten year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds twenty-five percent (25%) of the market value of the structure before the damage occurred.

SFHA: See definition of floodplain.

Start of Construction: Includes substantial improvement and means the date the building permit was issued. This provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement or other improvement, was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation or placement of a manufactured home on a foundation. For a substantial improvement, actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building whether or not that alteration affects the external dimensions of the building.

Structure (see "Building")

Substantial Damage: Damage of any origin sustained by a structure whereby the cumulative percentage of damage subsequent to the adoption of this ordinance equals or exceeds fifty percent (50%) of the market value of the structure before the damage occurred regardless of actual repair work performed. Volunteer labor and materials must be included in this determination. The term includes "Repetitive Loss Buildings" (see definition).

Substantial Improvement: Any reconstruction, rehabilitation, addition, or improvement of a structure taking place after the adoption of this ordinance in which the cumulative percentage of improvements:

equals or exceeds fifty percent (50%) of the market value of the structure before the improvement or repair is started, or

increases the floor area by more than twenty percent (20%).

“Substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. This term includes structures which have incurred repetitive loss or substantial damage, regardless of the actual repair work done.

The term does not include:

1. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
2. Any alteration of a structure listed on the National Register of Historic Places or the Illinois Register of Historic Places.

Violation: The failure of a structure or other development to be fully compliant with the community’s floodplain management regulations. A structure or other development without the required federal, state, and/or local permits and elevation certification is presumed to be in violation until such time as the documentation is provided.

10.03 BASE FLOOD ELEVATION

This ordinance’s protection standard is the base flood. The best available base flood data are listed below. Whenever a party disagrees with the best available data, the party shall finance the detailed engineering study needed to replace the existing data with better data and submit it to the FEMA and IDNR/OWR for approval prior to any development of the site.

- A. The base flood elevation for the floodplains of Gooseberry Creek and The West Tributary of Gooseberry Creek shall be as delineated on the 100-year flood profiles in the Flood Insurance Study of the Village of Dwight prepared by the Federal Emergency Management Agency and dated December 18, 2007.
- B. The base flood elevation for each floodplain delineated as an “AH Zone” or “AO Zone” shall be that elevation (or depth) delineated on the Flood Insurance Rate Map of the Village of Dwight.
- C. The base flood elevation for each of the remaining floodplains delineated as a “A Zone” on the Flood Insurance Rate Map of the Village shall be according to the best data available from federal, state, or other sources. Should no other data exist, an engineering study must be financed by the applicant to determine base flood elevations.
- D. The base flood elevation for the floodplains of those parts of unincorporated Livingston and Grundy Counties that are within the extraterritorial jurisdiction of the Village, or that may be annexed into the Village, shall be as delineated on the 100-year flood profiles in the Flood Insurance Studies of Livingston and Grundy

County prepared by the Federal Emergency Management Agency and dated December 18, 2007 and December 15, 1994 respectively.

10.04 DUTIES OF THE BUILDING INSPECTOR

The Building Inspector shall be responsible for the general administration of this ordinance and ensure that all development activities within the floodplains under the jurisdiction of the Village meet the requirements of this ordinance. Specifically, the Building Inspector shall:

- A. Process development permits in accordance with Section 5;
- B. ensure that all development in a floodway (or a floodplain with no delineated floodway) meets the damage prevention requirements of Section 6;
- C. ensure that the building protection requirements for all buildings subject to Section 7 are met and maintain a record of the "as-built" elevation of the lowest floor (including basement) or floodproof certificate;
- D. assure that all subdivisions and annexations meet the requirements of Section 8;
- E. ensure that water supply and waste disposal systems meet the Public Health standards of Section 9;
- F. if a variance is requested, ensure that the requirements of Section 11 are met and maintain documentation of any variances granted;
- G. inspect all development projects and take any and all penalty actions outlined in Section 13 as a necessary to ensure compliance with this ordinance;
- H. assure that applicants are aware of and obtain any and all other required local, state, and federal permits;
- I. notify IDNR/OWR and any neighboring communities prior to any alteration or relocation of a watercourse;
- J. provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques;
- K. cooperate with state and federal floodplain management agencies to coordinate base flood data and to improve the administration of this ordinance;
- L. maintain for public inspection base flood data, floodplain maps, copies of state and federal permits, and documentation of compliance for development activities subject to this ordinance;
- M. perform site inspections to ensure compliance with this ordinance and make substantial damage determinations for structures within the floodplain, and

- N. maintain the accuracy of floodplain maps including notifying IDNR/OWR and/or submitting information to FEMA within six months whenever a modification of the floodplain may change the base flood elevation or result in a change to the floodplain map.

10.05 DEVELOPMENT PERMIT

No person, firm, corporation, or governmental body not exempted by law shall commence any development in the floodplain without first obtaining a development permit from the Building Inspector. The Building Inspector shall not issue a development permit if the proposed development does not meet the requirements of this ordinance.

- A. The application for development permit shall be accompanied by:
1. drawings of the site, drawn to scale showing property line dimensions;
 2. existing grade elevations and all changes in grade resulting from excavation or filling;
 3. the location and dimensions of all buildings and additions to buildings;
 4. the elevation of the lowest floor (including basement) of all proposed buildings subject to the requirements of Section 7 of this ordinance, and
 5. cost of project or improvements as estimated by a licensed engineer or architect. A signed estimate by a contractor may also meet this requirement.
- B. Upon receipt of an application for a development permit, the Building Inspector shall compare the elevation of the site to the base flood elevation. Any development located on land that can be shown by the base flood elevation. Any development located on land that can be shown by survey data to be higher than the current base flood elevation and which has not been filled after the date of the site's first Flood Insurance Rate Map is not in the floodplain and therefore not subject to the requirements of this ordinance. Conversely, any development located on land shown to be below the base flood elevation and hydraulically connected, but not shown on the current Flood Insurance Rate Map, is subject to the provisions of this ordinance.

The Building Inspector shall maintain documentation of the existing ground elevation at the development site and certification that this ground elevation existed prior to the date of the site's first Flood Insurance Rate Map identification.

The Building Inspector shall be responsible for obtaining from the applicant copies of all other federal, state, and local permits, approvals or permit-not-required letters that may be required for this type of activity. The Building Inspector shall not issue a permit unless all other federal, state, and local permits have been obtained.

10.06 PREVENTING INCREASED FLOOD HEIGHTS AND RESULTING DAMAGES

Within any floodway identified on the countywide Flood Insurance Rate Map, and within all other floodplains where a floodway has not been delineated, the following standards shall apply:

- A. Except as provided in Section 6(B) of this ordinance, no development shall be allowed which, acting in combination with existing and anticipated development will cause any increase in flood heights or velocities or threat to public health and safety. The following specific development activities shall be considered as meeting this requirement:
 1. Bridge and culvert crossings of streams in rural areas meeting the conditions of the Illinois Department of Natural Resources, Office of Water Resources Statewide Permit Number 2;
 2. Barge fleeting facilities meeting the conditions of IDNR/OWR Statewide Permit Number 3;
 3. Aerial utility crossings meeting the conditions of IDNR/OWR Statewide Permit Number 4;
 4. Minor boat docks meeting the conditions of IDNR/OWR Statewide Permit Number 5;
 5. Minor, non-obstructive activities such as underground utility lines, light poles, sign posts, driveways, athletic fields, patios, playground equipment, minor storage buildings not exceeding seventy (70) square feet and raising buildings on the same footprint which does not involve fill and any other activity meeting the conditions of IDNR/OWR Statewide Permit Number 6;
 6. Outfall Structures and drainage ditch outlets meeting the conditions of IDNR/OWR Statewide Permit Number 7;
 7. Underground pipeline and utility crossings meeting the conditions of IDNR/OWR Statewide Permit Number 8;
 8. Bank stabilization projects meeting the conditions of IDNR/OWR Statewide Permit Number 9;
 9. Accessory structures and additions to existing residential buildings meeting the conditions of IDNR/OWR Statewide Permit Number 10;
 10. Minor maintenance dredging activities meeting the conditions of IDNR/OWR Statewide Permit Number 11;

11. Bridge and culvert replacement structures and bridge widening meeting the conditions of IDNR/OWR statewide Permit Number 12:
12. Temporary construction activities meeting the conditions of IDNR/OWR statewide Permit Number 13:
13. Any Development determined by IDNR/OWR to be located entirely within a flood fringe area shall be exempt from State Floodway permit requirements.

B. Other development activities not listed in 6(A) may be permitted only if:

1. permit has been issued for the work by IDNR/OWR (or written documentation is provided that an IDNR/OWR permit is not required), or
2. sufficient data has been provided to FEMA when necessary, and approval obtained from FEMA for a revision of the regulatory map and base flood elevation.

10.07 PROTECTING BUILDINGS

In addition to the state permit and damage prevention requirements of Section 6 of this ordinance, all buildings located in the floodplain shall be protected from flood damage below the flood protection elevation. This building protection requirement applies to the following situations:

1. Construction or placement of a new building or alteration or addition to an existing building valued at more than one thousand dollars (\$1,000) or seventy (70) square feet.
2. Substantial improvements or structural alterations made to an existing building that increase the floor area by more than twenty percent (20%) or equal or exceed the market value by fifty percent (50%). Alteration shall be figured cumulatively after the adoption of this ordinance. If substantially improved, the existing structure and the addition must meet the flood protection standards of this section.
3. Repairs made to a substantially damaged building. These repairs shall be figured cumulatively after the adoption of this ordinance. If substantially damaged the entire structure must meet the flood protection standards of this section within twenty-four (24) months of the date the damage occurred.
4. Installing a manufactured home on a new site or a new manufactured home on an existing site. (The building protection requirements do not apply to returning a manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage).

5. Installing a travel trailer or recreational vehicle on a site for more than one hundred eighty (180) days per year.

6. Repetitive loss to an existing building as defined in Section 2.

B. Residential or non-residential buildings can meet the building protection requirements by one of the following methods:

1. The building may be constructed on permanent land fill in accordance with the following:

- a. The lowest floor (including basement) shall be at or above the flood protection elevation.
- b. The fill shall be placed in layers no greater than six inches before compaction and should extend at least ten (10) feet beyond the foundation before sloping below the flood protection elevation.
- c. The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or other structural measure.
- d. The fill shall be composed of rock or soil and not incorporated debris or refuse material, and
- e. shall not adversely affect the flow of surface drainage from or onto neighboring properties and when necessary stormwater management techniques such as swales or basins shall be incorporated.

2. The building may be elevated on solid walls in accordance with the following:

- a. The building or improvements shall be elevated on stilts, piles, walls, crawlspace, or other foundation that is permanently open to flood waters.
- b. The lowest floor and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the flood protection elevation.
- c. If walls are used, all enclosed areas below the flood protection elevation shall address hydrostatic pressures by allowing the automatic entry and exit of flood waters. Designs must either be certified by a licensed professional engineer or by having a minimum of one (1) permanent opening on each wall no more than one (1) foot above grade

with a minimum of two (2) openings. The openings shall provide a total net area of not less than one (1) square inch for every one (1) square foot of enclosed area subject to flooding below the base flood elevation, and

- d. the foundation and supporting members shall be anchored, designed, and certified so as to minimize exposure to hydrodynamic forces such as current, waves, ice, and floating debris.
 - i. All structural components below the flood protection elevation shall be constructed of materials resistant to flood damage.
 - ii. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other service facilities may be located below the flood protection elevation provided they are waterproofed.
 - iii. The area below the flood protection elevation shall be used solely for parking or building access and not later modified or occupied as habitable space, or
 - iv. In lieu of the above criteria, the design methods to comply with these requirements may be certified by a licensed professional engineer or architect.
- 3. The building may be constructed with a crawlspace located below the flood protection elevation provided that the following conditions are met:
 - a. The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - b. Any enclosed area below the flood protection elevation shall have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. A minimum of one opening on each wall having a total net area of not less than one (1) square inch per one (1) square foot of enclosed area. The openings shall be no more than one (1) foot above grade;
 - c. The interior grade of the crawlspace below the flood protection elevation must not be more than two (2) feet below the lowest adjacent exterior grade.

- d. The interior height of the crawlspace measured from the interior grade of the crawl to the top of the foundations wall must not exceed four (4) feet at any point.
- e. An adequate drainage system must be installed to remove floodwaters from the interior area of the crawlspace within a reasonable period of time after a flood event.
- f. Portions of the building below the flood protection elevation must be constructed with materials resistant to flood damage, and
- g. Utility systems within the crawlspace must be elevated above the flood protection elevation.

C. Non-residential buildings may be structurally dry floodproofed (in lieu of elevation) provided a licensed professional engineer or architect certifies that:

- 1. Below the flood protection elevation, the structure and attendant utility facilities are watertight and capable of resisting the effects of the base flood.
- 2. The building design accounts for flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effects of buoyancy, and the impact from debris and ice.
- 3. Floodproofing measures will be incorporated into the building design and operable without human intervention and without an outside source of electricity.
- 4. Levees, berms, floodwalls, and similar works are not considered floodproofing for the purpose of this subsection.

D. Manufactured homes or travel trailers to be permanently installed on site shall be:

- 1. Elevated to or above the flood protection elevation in accordance with Section 7(B), and
- 2. Anchored to resist flotation, collapse, or lateral movement by being tied down in accordance with the rules and regulations for the Illinois Mobile Home Tie-Down Act issued pursuant to 77 Ill. Adm. Code § 870.

E. Travel trailers and recreational vehicles on site for more than one hundred eighty (180) days per year shall meet the elevation requirements of section 7(D) unless the following conditions are met:

- 1. The vehicle must be either self-propelled or towable by a light duty truck.

2. The hitch must remain on the vehicle at all times.
3. The vehicle must not be attached to external structures such as decks and porches
4. The vehicle must be designed solely for recreation, camping, travel, or seasonal use rather than as a permanent dwelling.
5. The vehicles largest horizontal projections must be no larger than four hundred (400) square feet.
6. The vehicle's wheels must remain on axles and inflated.
7. Air conditioning units must be attached to the frame so as to be safe for movement of the floodplain.
8. Propane tanks as well as electrical and sewage connections must be quick-disconnect and above the 100-year flood elevation.
9. The vehicle must be licensed and titled as a recreational vehicle or park model, and
10. must either:
 - a. entirely be supported by jacks, or
 - b. have a hitch jack permanently mounted, have the tires touching the ground and be supported by block in a manner that will allow the block to be easily removed by used of the hitch jack.

F. Garages, sheds, or other minor accessory structures constructed ancillary to an existing residential use may be permitted provided the following conditions are met:

1. The garage or shed must be non-habitable.
2. The garage or shed must be used only for the storage of vehicles and tools and cannot be modified later into another use.
3. The garage or shed must be located outside of the floodway or have the appropriate state and/or federal permits.
4. The garage or shed must be on a single-family lot and be accessory to an existing principle structure on the same lot.
5. Below the base flood elevation, the garage or shed must be built of materials not susceptible to flood damage.

6. All utilities, plumbing, heating, air conditioning and electrical must be elevated above the flood protection elevation.
7. The garage or shed must have at least one permanent opening on each wall not more than one (1) foot above grade with one (1) square inch of opening for every one (1) square foot of floor area.
8. The garage or shed must be less than fifteen thousand dollars (\$15,000) in market value or replacement cost whichever is greater or less than five hundred and seventy-six (576) square feet (24'x24').
9. The structure shall be anchored to resist floatation and overturning.
10. All flammable or toxic materials (gasoline, paint, insecticides, fertilizers, etc.) shall be stored above the flood protection elevation.
11. The lowest floor elevation should be documented, and the owner advised of the flood insurance implications.

10.08 SUBDIVISION REQUIREMENTS

The Dwight Village Board of Trustees shall take into account hazards, to the extent that they are known, in all official actions related to land management use and development.

A. New subdivisions, manufactured home parks, annexation agreements, planned unit developments, and additions to manufactured home parks and subdivisions shall meet the damage prevention and building protections standards of Sections 6 and 7 of this ordinance. Any proposal for such development shall include the following data:

1. The base flood elevation and the boundary of the floodplain, where the base flood elevation is not available from an existing study, the applicant shall be responsible for calculating the base flood elevation;
2. the boundary of the floodway when applicable, and
3. a signed statement by a Licensed Professional Engineer that the proposed plat or plan accounts for changes in the drainage of surface waters in accordance with the Plat Act (765 ILCS 205/2).

Streets, blocks lots, parks and other public grounds shall be located and laid out in such a manner as to preserve and utilize natural streams and channels. Wherever possible the floodplains shall be included within parks or other public grounds.

10.09 PUBLIC HEALTH AND OTHER STANDARDS

A. Public health standards must be met for all floodplain development. In addition to the requirements of Sections 6 and 7 of this ordinance the following standards apply:

1. No development in the floodplain shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the flood protection elevation unless such materials are stored in a floodproofed and anchored storage tank and certified by a professional engineer or floodproofed building constructed according to the requirements of Section 7 of this ordinance.
2. Public utilities and facilities such as sewer, gas and electric shall be located and constructed to minimize or eliminate flood damage.
3. Public sanitary sewer systems and water supply systems shall be located and constructed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
4. New and replacement on-site sanitary sewer lines or waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding. Manholes or other above ground openings located below the flood protection elevation shall be watertight.
5. Construction of new or substantially improved critical facilities shall be located outside the limits of the floodplain. Construction of new critical facilities shall be permissible within the floodplain if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor (including basement) elevated or structurally dry floodproofed to the 500-year flood frequency elevation or three feet (3') above the level of the 100-year flood frequency elevation whichever is greater. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities.

B. All other activities defined as development shall be designed so as not to alter flood flows or increase potential flood damages.

10.10 CARRYING CAPACITY AND NOTIFICATION

For all projects involving channel modification, fill, or stream maintenance (including levees), the flood carrying capacity of the watercourse shall be maintained.

In addition, the Village of Dwight shall notify adjacent communities in writing thirty (30) days prior to the issuance of a permit for the alteration or relocation of the watercourse.

10.11 VARIANCES

Whenever the standards of this ordinance place undue hardship on a specific development proposal, the applicant may apply to the Dwight Village Board of Trustees for a variance. The Zoning Board of Appeals shall review the applicant's request for a variance and shall submit its recommendation to the Dwight Village Board of Trustees. The Zoning Board of Appeals may attach such conditions to granting of a variance as it deems necessary to further the intent of this ordinance.

- A. No variance shall be granted unless the applicant demonstrates that all of the following conditions are met:
 - 1. The development activity cannot be located outside the floodplain.
 - 2. An exceptional hardship would result if the variance were not granted.
 - 3. The relief requested is the minimum necessary.
 - 4. There will be no additional threat to public health, safety, or creation of a nuisance.
 - 5. There will be no additional public expense for flood protection, rescue or relief operations, policing, or repairs to roads, utilities, or other public facilities.
 - 6. The applicant's circumstances are unique and do not establish a pattern inconsistent with the intent of the NFIP, and
 - 7. All other state and federal permits have been obtained.
- B. The Zoning Board of Appeals shall notify an applicant in writing that a variance from the requirements of the building protections standards of Section 7 that would lessen the degree of protection to a building will:
 - 1. Result in increased premium rates for flood insurance up to twenty-five dollars (\$25) per one hundred dollars (\$100) of insurance coverage;
 - 2. Increase the risk to life and property, and
 - 3. Require that the applicant proceed with knowledge of these risks and that the applicant acknowledge in writing the assumption of the risk and liability.

C. Historic Structures

1. Variances to the building protection requirements of Section 7 of this ordinance which are requested in connection with reconstruction, repair, or alteration of a historic site or historic structure as defined in "Historic Structures", may be granted using criteria more permissive than the requirements of Sections 6 and 7 of this ordinance subject to the conditions that:
 - a. The repair or rehabilitation is the minimum necessary to preserve the historic character and design of the structure;
 - b. The repair or rehabilitation will not result in the structure being removed as a certified historic structure.

D. Agriculture

Any variance granted for an agricultural structure shall be decided individually based on a case by case analysis of the building's unique circumstances. Variances granted shall meet the following conditions as well as those criteria and conditions set forth in this ordinance.

In order to minimize flood damages during the 100-year flood and the threat to public health and safety, the following conditions shall be included for any variance issued for agricultural structures that are constructed at-grade and wet-flood proofed.

1. All agricultural structures considered for a variance from the floodplain management regulations of this ordinance shall demonstrate that the varied structure is located in wide, expansive floodplain areas and no other alternate location outside of the special flood hazard area exists for the agricultural structure. Residential structures or animal confinement facilities, such as farmhouses, cannot be considered agricultural structures.
2. Use of the varied structures must be limited to agricultural purposes in zone A only as identified on the community's Flood Insurance Rate Map (FIRM).
3. For any new or substantially damaged agricultural structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below the base flood elevation, must be built with flood-resistant materials in accordance with Section 7 of this ordinance.
4. The agricultural structures must be adequately anchored to prevent flotation, collapse, or lateral movement of the structures in accordance with Section 7 of this ordinance. All of the building's structural components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, and hydrodynamic and debris impact forces.
5. Any mechanical, electrical, or other utility equipment must be located above the base flood elevation or flood proofed so that they are contained within a watertight

flood proofed enclosure that is capable of resisting damage during flood conditions in accordance with Section 7 of this ordinance.

6. The NFIP requires that enclosure or foundation walls, subject to the 100-year flood, contain openings that will permit the automatic entry and exit of floodwaters in accordance with Section 7(B) this ordinance.

7. The agricultural structures must comply with the floodplain management floodway provisions of Section 6 of this ordinance. No variances may be issued for agricultural structures within any designated floodway.

8. Wet-flood proofing construction techniques must be reviewed and approved by the floodplain administrator and a registered professional engineer or architect prior to the issuance of any floodplain development permit for construction.

10.12 DISCLAIMER OF LIABILITY

The degree of protection required by this ordinance is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods may occur, or flood heights may be increased by man-made or natural causes. This ordinance does not imply that development either inside or outside of the floodplain will be free from flooding or damage. This ordinance does not create liability on the part of the Village or any officer or employee thereof for any flood damage that results from proper reliance on this ordinance or any administrative decision made lawfully thereunder.

10.13 PENALTY

Failure to obtain a permit for development in the floodplain or failure to comply with the conditions of a permit or a variance shall be deemed to be a violation of this ordinance. Upon due investigation, the Village of Dwight may determine that a violation of the minimum standards of this ordinance exists. The Village of Dwight shall notify the owner in writing of such violation.

A. If such owner fails after ten (10) days notice to correct the violation:

1. The Village shall make application to the circuit court for an injunction requiring conformance with this ordinance or make such other order as the court deems necessary to secure compliance with the ordinance.
2. Any person who violates this ordinance shall upon conviction thereof be fined not less than fifty dollars (\$50) or more than seven hundred fifty (\$750) for each offense.
3. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues, and

4. The Village shall record a notice of violation on the title of the property.
- B. The Village shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.

The Village is authorized to issue an order requiring the suspension of the subject development. The stop-work order shall be in writing, indicate the reason for the issuance, and shall order the action, if necessary, to resolve the circumstances requiring the stop-work order. The stop-work order constitutes a suspension of the permit.

No site development permit shall be permanently suspended or revoked until a hearing is held by the Zoning Board of Appeals. Written notice of such hearing shall be served on the permittee and shall state:

1. The grounds for the complaint, reasons for suspension or revocation, and
2. The time and place of the hearing.

At such hearing the permittee shall be given an opportunity to present evidence on their behalf. At the conclusion of the hearing, the Zoning Board of Appeals shall determine whether the permit shall be suspended or revoked.

- C. Nothing herein shall prevent the Village from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

10.14 ABROGATION AND GREATER RESTRICTIONS

This ordinance repeals and replaces other ordinances adopted by the Village Board of Trustees to fulfill the requirements of the National Flood Insurance Program including: Ordinance Number 1235, dated November 26, 2007. However, this ordinance does not repeal the original resolution or ordinance adopted to achieve eligibility in the program. Nor does this ordinance repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where this ordinance and other ordinance easements, covenants or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

10.15 SEVERABILITY

The provisions and sections of this ordinance shall be deemed separable and the invalidity of any portion of this ordinance shall not affect the validity of the remainder.

SECTION 11.00 - PERFORMANCE STANDARDS

11.01 JURISDICTION

Any use hereafter established in any zoning district in the Village of Dwight shall be used and maintained in such a manner as to comply with applicable performance standards as hereinafter set forth governing noise, smoke, particulate matter, toxic or noxious matter, odors, fire and explosive hazards, vibration, radiation, or glare or heat, for the district in which such use shall be located; and 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 applicable performance standards for the district in which such use is located.

11.02 PERFORMANCE STANDARDS - NOISE

Each land use must conform to the standards set forth from time to time by the Illinois Environmental Protection Agency, other agencies of the State of Illinois or the United States Government. External noises incidental to the land use on a particular property, such as vehicles entering and exiting the property and operation of lawn maintenance equipment on the property, shall be excluded from this standard.

11.03 PERFORMANCE STANDARDS - VIBRATION

1. In any district, no activity or operation 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 or complement of instruments capable of simultaneously measuring in three (3) mutually perpendicular directions. The maximum vector shall be less than the vibration displacement permitted. For the purpose of this ordinance, steady state vibrations are vibrations which are continuous, or vibrations in discrete impulses more frequent than one hundred (100) per minute. Discrete impulses which do not exceed one hundred (100) per minute shall be considered impact vibrations.

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

$$D = \frac{K}{f} \quad D = \text{displacement in inches}$$

K = a constant to be determined
by reference to the following tables

f = the frequency of the vibration transmitted
through the ground expressed in cycles per
second

3. The maximum earth displacement permitted at the points described below shall be determined by use of the formula in the preceding paragraph 2 and the appropriate K constant shown in Table 1.

Table 1: Values of K to be used in Vibration Formula

<u>Location</u>	<u>K</u>
In any neighboring lot --	
Steady state	0.008
Impulsive	0.015
Less than 8 pulses per 24 hour period	0.037
In any residence district --	
Steady state	0.003
Impulsive	0.006
Less than 8 pulses per 24 hour period	0.015

11.04 PERFORMANCE STANDARDS - SMOKE AND PARTICULATE MATTER

Each land use must conform to the standards set forth from time to time by the Illinois Environmental Protection Agency, the Illinois Air Pollution Control Board, or other agencies of the State of Illinois or the United States which may promulgate related to the discharge of smoke and particulate matter.

11.05 PERFORMANCE STANDARDS - TOXIC MATTER

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

11.06 PERFORMANCE STANDARDS - ODOROUS MATTER

No use shall, for any period of time, emit an odorous matter in such quantity as to be readily detectable at any point along lot lines or as to produce a public nuisance or hazard beyond the lot line.

Each land use must conform to the standards set forth from time to time by the Illinois Environmental Protection Agency, the Illinois Air Pollution Control Board, and any other standards as promulgated by the State of Illinois or government of the United States.

11.07 PERFORMANCE STANDARDS - FIRE AND EXPLOSION

1. **Detonable Materials.** In accordance with Chapter 19, Article 1 of the Municipal Code of Dwight, Illinois.
2. **Flammable Solids.** In any district, the storage, utilization, or manufacture of solid materials or products ranging from incombustible to moderate burning is permitted, provided that all Village building codes and fire prevention codes are complied with.

In any district, the storage, utilization, or manufacture of solid materials or products ranging from free or active burning to intense burning is permitted, provided that all Village building codes and fire prevention codes are complied with.

3. **Flammable Liquids and Gases.** The storage of flammable liquids shall be permitted only in accordance with Chapter 20, Section 20.127 of the Municipal Code of Dwight, Illinois. Below ground, gas storage tanks not to exceed a size of thirty thousand (30,000) gallons.

11.08 PERFORMANCE STANDARDS - GLARE

1. In any district, any operation or activity producing glare at night shall be conducted so that direct and/or indirect illumination from the source of light on the lot shall not cause illumination in excess of one-half ($\frac{1}{2}$) foot candle when measured in the residence district.
2. Flickering or intense sources of light shall be controlled or shielded so as not to cause a nuisance across lot lines. When street lighting produces illumination in excess of one (1) foot candle at any point in the residence district, the contribution by light sources from within the industrial use measured at the same period shall not exceed fifty percent (50%) of the street lighting.

11.09 PERFORMANCE STANDARDS - RADIATION HAZARDS

Radioactive materials shall be governed by the latest Atomic Energy Commission standards or by standards set forth by the State of Illinois, whichever are more stringent.

11.10 PERFORMANCE STANDARDS - WATER POLLUTION

Each land use must conform to the standards set forth from time to time by the Illinois Environmental Protection Agency and the Illinois Pollution Control Board, as may be amended.

SECTION 12.00 - SIGNS

12.01 PERMIT REQUIRED

No person, firm or corporation shall erect any sign, signboard, or rigid canopy in the Village without having first obtained a permit, therefore. Permits for signs, canopies or signboards shall be issued by the Village Clerk, upon payment of the fee as designated in the building fee schedule and shall designate the location of the proposed structure, ensuring that it complies with all the regulations as herein specified.

12.02 APPLICATIONS

Applications for such permits shall be made in writing to the Building Inspector. Each application shall state thereon the name, address and telephone number of the owner of the premises, the name, address and telephone number of the person or corporation constructing the sign; and specifications showing the size, material and manner of construction of the sign.

12.03 EXEMPTIONS FROM PERMITS

The following signs shall not require a permit; however, such signs shall be subject to the sign regulations:

1. Non-electrical real estate signs not exceeding six (6) square feet in area, which advertise the sale, rental, or lease of the premises upon which said signs are located only.
2. Signs, including bulletin boards, which are not over sixteen (16) square feet in area for public, educational, charitable, fraternal, or religious institutions when the same are located on the premises of such institution.
3. Signs denoting only the name and profession/business of an occupant in a commercial building, public institution building, or dwelling house and not exceeding two (2) square feet in area.
4. A non-electrical single sign denoting the architect, engineer or contractor when placed upon work under construction and not exceeding thirty-two (32) square feet in area.
5. Memorial signs or tablet, names of buildings, and date of erection when cut into any masonry surface or when constructed of bronze or other noncombustible materials.
6. Publicly owned street name signs, traffic control signs, legal notices, railroad

crossing signs, danger and temporary warning or emergency signs; and emblems, names, logo, and symbols on motor vehicles and equipment being used for purposes other than the display of signs or advertising devices.

7. Public service signs which give only directions "in and out" or signs which provide only information about directing people to ancillary facilities such as parking, entrance, etc.
8. A non-electrical temporary sign supporting a candidacy for office or urging action on any other matter on the ballot of a primary, general or special election or Village election, provided that said signs be removed within five (5) days after the election to which said signs pertain.
9. A non-electrical temporary or portable sign.

12.04 INSPECTION

The Building Inspector or designee shall inspect signs subject to the provisions of the sign regulations for the purpose of determining whether the same is in compliance with the sign regulations. All signs shall be constructed in such a manner and installed with such materials so as to be considered safe and substantial by the Building Inspector and to meet the requirements of the BOCA Code. Signs shall be maintained to be structurally sound and in a safe condition and shall be kept in a state of undeteriorated appearance by means of painting, sealing, or coating and repair or replacement of damaged parts, panels, or lights.

12.05 REMOVAL OF SIGNS

Any sign now or hereafter existing, which for a period of six (6) months no longer advertises a bona fide business conducted, or a product sold, or a service offered, shall be taken down and removed by the owner or owners of the building or premises upon which it is located within thirty (30) days of written notice from the Building Inspector.

12.06 PROHIBITIONS

No person shall have or permit on any premises:

1. A ground sign which extends to any degree over public property.
2. Any signs which employ flashing, blinking or rotating lights, except time and temperature signs.
3. Any off premises sign shall not be permitted in any residential district in the Village, nor shall any off premises sign exceed three hundred (300) square feet,

contain more than two (2) surfaces back to back, or be nearer than a three hundred fifty (350) foot radius from any other off premises sign.

4. Signs attached to or placed upon rocks, fences, trees, utility poles, or benches.

12.07 TRAFFIC HAZARDS

No person shall erect any sign at the intersection of any street in such a manner as to obstruct free and clear vision of such intersection, or at any location where by reason of the position, shape or color it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device.

12.08 ILLUMINATION

Lighting shall be permitted on signs provided; however, the reflectors shall be provided with proper lenses, concentrating the illumination on the area of the sign to prevent glare upon the street or adjacent property. It shall be unlawful for any person to have any sign which is wholly or partially illuminated by floodlights or spotlights that interfere with the vision of pedestrian or vehicular traffic or residences.

12.09 ON PREMISES SIGNAGE

For all signs subject to the sign regulations, in the Village of Dwight there may be three (3) square feet of signage for each foot of street frontage. Where any side of a building abuts on an alley, only painted on wall signs shall be permitted on the side abutting the alley. Such sign shall be calculated as part of total permissible signage.

For all signs subject to the sign regulations in residential zoning districts, only the following signs shall be allowed:

1. Those signs listed in Section 12.03, paragraphs 1 through 9, defined as exempt from permitting requirements.
2. Signs bearing the name and address of a residential development having a character of design and construction in harmony with that of the development itself, and not exceeding thirty-two (32) square feet in area. Such signs may be incorporated in or affixed to fences or walls, provided that all applicable standards and requirements are complied with.

12.10 GROUND SIGNS

All ground signs subject to sign regulations shall meet the following requirements:

1. All letters, figures, characters, or representations in cut out or irregular form maintained in conjunction with or attached to or superimposed upon any ground sign shall be safely and securely built or attached to the sign's structure.
2. Signs and location:
 - a. It shall be unlawful to erect or permit any ground sign of a height greater than seventy (75) feet in any District with the following exception:
 - i). Ground signs for businesses whose property directly abuts (is adjacent to) the Interstate only may be of a height no greater than one hundred (100) feet.
 - b. Off premises ground signs will be permitted to have a maximum of three hundred (300) square feet of sign surface on a side.
 - c. No ground sign shall be erected or permitted nearer the street than the property line. No part of said sign shall be permitted to overhang the public domain or present a traffic hazard by limiting visibility.
 - d. The minimum distance between on premises ground signs on any one business location shall be fifty (50) feet.

12.11 WALL SIGNS

Wall signs subject to the sign regulations shall meet the following location requirements:

1. **Limitation on placement.** No wall sign shall cover wholly or partially any wall opening or project beyond the ends or tops of the wall to which it is attached.
2. **Projection over public property.** No wall sign shall be erected in a plane which is more than twelve (12) inches over the surface of any public right-of-way.
3. **Alleys.** Only wall signs painted on the wall of a building will be permitted.

12.12 ROOF SIGNS

1. **Materials.** The uprights, supports, and braces thereof shall be constructed of materials as set forth in the BOCA Code adopted by the Village of Dwight.
2. **Location.**

- a. No roof sign shall have its highest point extend more than twenty (20) feet above the roof level.
 - b. No roof sign shall be erected or maintained with a face thereof nearer than five (5) feet to the outside wall toward the sign faces.
 - c. No roof sign shall be placed on the roof of any building or structure in such manner as to prevent free passage from one part of said roof to another part thereof or interfere with openings on said roof.
3. **Bracing, anchorage, and supports.** Every roof sign shall be thoroughly secured to the building by iron or other metal anchors, bolts, supports, rods, or braces. The sign supports shall be anchored to the basic building structure, roof joists, or roof girders. The bearing posts of such sign may bear on masonry walls or intermediate steel columns in the building or shall be supported or anchored to the structural members of the building.
4. **Off premises signage.** Off premises roof signs shall not be permitted.

12.13 PROJECTING SIGNS

All projecting signs subject to the sign regulations shall meet the following requirements:

1. **Support.** All bracing systems shall be designed and constructed to transfer lateral forces to the foundations. For signs on buildings, the dead and lateral loads shall be transmitted through the structural members of the building to the ground in such manner as not to over stress any of the elements thereof.
2. **Limitations on glass.** The lettering or advertising design to be illuminated on projecting signs may be composed of glass or other transparent or semi-transparent material. Any glass forming a part of any sign shall be safety glass or wire glass.
3. **Movable parts.** Any movable parts of a projecting sign such as a cover of a service opening shall be securely fastened by safety chains or hinges.
4. **Height.** The top line of the projecting sign shall not be higher than the roof or parapet line of the building to which it is attached, except that when the roof line is less than fifteen (15) feet in height, the sign may extend three (3) feet above; but under no circumstances shall the top line of a projecting sign be permitted at a height of more than sixty (60) feet above ground level.
5. **Thickness.** The distance measured between the principal faces of any projecting sign shall not exceed eighteen (18) inches.
6. **Location.** The bottom line of every projecting sign shall be placed at least ten

(10) feet above any public sidewalk over which it is erected. A maximum extension of six (6) feet will be permitted providing it is no nearer than two (2) feet from the curb line. No projecting signs shall be erected in an alleyway. No projecting signs shall project across or over any portion of a public roadway. The minimum distance between projecting signs on any one business location shall be fifty (50) feet.

12.14 TEMPORARY AND/OR PORTABLE SIGNS

12.14.1 Temporary and/or portable signs subject to the sign regulations are allowed at any time provided they shall meet the following requirements:

- a) A Property owner may place one sign with a sign face no larger than two (2) square feet on the property at any time.
- b) A property owner may place a sign no larger than 8.5 inches by 11 inches in one window on the property and any time.

12.14.2 One temporary sign may be located on the owner's property for a period of sixty (60) days prior to an election involving candidates for a federal, state, or local office.

12.14.3 One temporary sign may be located on a property when:

- a) The owner consents and that property is being offered for sale through a licensed real estate agent.
- b) If not offered for sale through a real estate agent, when the sign is owned by the property owner and that property is offered for sale by the owner through advertising in a local newspaper of general circulation; and
- c) For a period of fifteen (15) days following the date on which a contract of sale has been executed by a person purchasing the property.

12.14.4 One temporary sign may be located on the owner's property on a day when the owner is opening the property to the public; provided however, the owner may not use this type of sign in a Residential District on more than three consecutive days and may not use this type of sign in any Business or Industrial District for more than fourteen (14) consecutive days.

12.15 MARQUEE SIGNS

Marquee signs subject to the sign regulations shall meet the following provisions:

1. Signs attached to or placed upon the roof of a marquee shall be completely within the border line of the marquee's outer edge.

2. Signs hung from a marquee shall be completely within the border line of the marquee's outer edge and in no instance shall the bottom of said sign be lower than seven and one-half (7½) feet above the sidewalk or public thoroughfare. No hanging or suspended sign shall exceed eighteen (18) inches in height overall.

12.16 AWNING AND CANOPY SIGNS

The name of the owner and the business, industry, or pursuit conducted within the premises may be painted or otherwise permanently placed in a space not exceeding twelve (12) inches in height on the front and side portions thereof, or on signs suspended beneath a canopy, but no portion thereof may be lower than seven and one-half (7½) feet above a sidewalk.

12.17 NONCONFORMING SIGNS

Signs, except temporary and/or portable signs, in existence on December 1, 1990 when these sign regulations became effective, may continue in existence provided they comply with all regulations of this section, including the following:

1. **Structural alterations.** A sign shall not be altered structurally or moved unless it is made to comply with the provisions of this section, except that the changing of the movable parts of an existing sign that is designed for such changes, or the repainting or reposting of display matter shall not be deemed a structural alteration.
2. **Discontinuation of use.** The lawful use of a sign existing on the effective date of these regulations, although such sign does not conform to the provisions hereof, may continue; but if such nonconforming use is discontinued for a period of six (6) months, any future use of such sign shall be in conformity with the provisions of this section.
3. **Damages.** No sign which has been damaged by fire, wind, explosion, or other act of God to the extent that fifty percent (50%) or more of the sign is destroyed, shall be restored except in conformity with the regulations of this section. Any sign which has been damaged to an extent less than fifty percent (50%) may be restored to its condition which existed as a nonconforming use prior to its damage within six (6) months after having been so damaged. If not restored within six (6) months, such sign shall be in conformity with the provisions of this section.
4. **Temporary and/or Portable Signs.** Any temporary and/or portable sign in existence as of December 1, 1990, shall be considered as newly placed and subject to the requirements of this section.

SECTION 13.00 OFF-STREET PARKING AND LOADING

13.01 PURPOSE

The purpose of this section is to alleviate or prevent the congestion of the public streets, and so promote the safety and welfare of the public by establishing minimum requirements for the off-street parking and loading and unloading of motor vehicles in accordance with the use to which property is put.

13.02 GENERAL PROVISIONS - PARKING AND LOADING

1. **Scope of Regulations.** The off-street parking and loading provisions of this ordinance shall apply as follows:
 - a. For all buildings and structures erected and all uses of land established after the effective date of this ordinance, accessory parking and loading facilities shall be provided as required by the regulations of the district in which such buildings or use are located. However, where a building permit has been issued prior to the effective date of this ordinance, and provided that construction is begun within one (1) year of such effective date, and diligently prosecuted to completion, parking and loading facilities as required shall meet the requirements of Ordinance #674, passed by the Village of Dwight on September 26, 1977.
 - b. When the intensity of use of any building, structure or premises shall be increased through addition of dwelling units, gross floor area, seating capacity or other unit of measurement specified herein for required parking or loading facilities, parking and loading facilities as required herein shall be provided for such increase in intensity of use.

However, no building or structure lawfully erected or use lawfully established prior to the effective date of this ordinance shall be required to provide such additional parking or loading facilities unless and until the aggregate increase in units of measurement shall equal not less than fifteen percent (15%) of the unit of measurement existing upon the effective date of this ordinance, in which event parking or loading facilities as required herein shall be provided for the total increase.
 - c. Whenever the existing use of a building or structure shall hereafter be changed to a new use, parking or loading facilities shall be provided as required for such new use. However, if the said building or structure was erected prior to the effective date of this ordinance, additional parking or loading facilities are mandatory only in the amount by which the requirements for the new use would exceed those for the existing use if the latter were subject to the parking and loading provisions of this ordinance.

2. **Existing Parking and Loading Facilities.** Accessory off-street parking or loading facilities which are located on the same lot as the building or use served which were in existence on the effective date of this ordinance or were provided voluntarily after such effective date shall not hereafter be reduced below, or if already less than, shall not further be reduced below the requirements of this ordinance for a similar new building or use.
3. **Permissive Parking and Loading Facilities.** Nothing in this ordinance shall be deemed to prevent the voluntary establishment of off-street parking or loading facilities to serve any existing use of land or buildings provided that all regulations herein governing the location, design, improvement and operation of such facilities are adhered to.
4. **Damage or Destruction.** For any conforming or legally non-conforming building which is in existence on the effective date of this ordinance, which subsequent thereto is damaged or destroyed by fire, collapse, explosion or other cause, and which is reconstructed, reestablished or repaired, off-street parking or loading facilities equivalent to any maintained at the time of such damage or destruction shall be restored or continued in operation. However, in no case shall it be necessary to restore or maintain parking or loading facilities in excess of those required by this ordinance for equivalent new uses or construction.
5. **Control of Off-Site Parking Facilities.** When required parking facilities are provided on land other than the zoning lot on which the building or use served by such facilities is located, they shall be and remain in the same possession or ownership as the zoning lot occupied by the building or use to which the parking facilities are accessory. No such off-site parking facilities shall be authorized and no occupancy permit shall be issued where the plans call for parking facilities other than on the same zoning lot until and unless the Zoning Board of Appeals has reviewed the plans and heard the applicant and made findings that the common ownership or possession of the zoning lot and the site of the parking facilities are reasonably certain to continue and that the off-site parking facilities will be maintained at all times during the life of the proposed use or building.
6. **Submission of Plot Plan.** Any application for a building permit, or for a certificate of occupancy where no building permit is required, shall include therewith a plot plan - drawn to scale and fully dimensioned - showing any parking or loading facilities to be provided in compliance with this ordinance.

13.03 ADDITIONAL REGULATIONS - PARKING

1. **Use of Parking Facilities.** Off-street parking facilities accessory to residential use and developed in any residential district in accordance with the requirements of this section shall be used solely for the parking of passenger automobiles owned by occupants of the dwelling structures to which such facilities are

accessory or by guests of said occupants. Under no circumstances shall required parking facilities accessory to residential structures be used for the parking of automobiles belonging to the employees, owners, tenants, visitors or customers of business or manufacturing establishments.

2. **Joint Parking Facilities.** Off-street parking facilities for different buildings, structures or uses or for mixed uses, may be provided collectively in any zoning district in which separate parking facilities for each constituent use would be permitted, provided that the total number of spaces so located together shall not be less than the sum of the separate requirements for each use.
3. **Computation.** When determination of the number of off-street parking spaces required by this ordinance results in a requirement of a fractional space, any fraction of one-half ($\frac{1}{2}$) or less may be disregarded while a fraction in excess of one-half ($\frac{1}{2}$) shall be counted as one (1) parking space.
4. **Size.** A required off-street parking space shall be at least nine (9) feet in width and at least twenty (20) feet in length, exclusive of access drives or aisles, ramps, columns or office or work areas. Such space shall have a vertical clearance of at least seven (7) feet.
5. **Access.** Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide an efficient means of vehicular access to such parking space. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movements. No driveway across public property nor curb cut shall exceed a width of thirty (30) feet.
6. **In Yards.** Except as hereinafter noted in this paragraph, off-street parking spaces may be located in any yard except required front yards but shall not be closer than five (5) feet to the lot line. Provided, however, automobile dealerships, whether located in a B-4 auto oriented business district or elsewhere by special or traditional use, shall be allowed to park motor vehicles in a required front yard, but not closer than five (5) feet to the lot line.
7. **Design and Maintenance**
 - a. **Open and Enclosed Parking Spaces.** Accessory parking spaces located on the same lot as occupied by the use served may be open to the sky or enclosed in a building. Accessory parking spaces located in a residence district elsewhere than on the same lot occupied by the use served shall be open to the sky except when otherwise allowed as a special use.
 - b. **Surfacing.** All open off-street parking areas, driveways, and loading berths shall be improved with a compacted macadam base, not less than four (4) inches thick, surfaced with asphaltic concrete or some comparable all-weather dustless material.

- c. Screening and Landscaping. All open auto-mobile parking areas containing more than five (5) parking spaces shall be effectively screened on each side adjoining or fronting on any property situated in a residence district or any institutional premises by a wall, fence or densely planted compact hedge not less than four (4) feet nor more than seven (7) feet in height. Such required screening shall conform with the front and side yard setback requirements of the district in which the parking is located.
- d. Lighting. Any lighting used to illuminate off-street parking areas as not to create a nuisance.
- e. Disabled Parking. Construction of all parking facilities shall comply with state and federal statutes related to providing disabled parking spaces. Disabled parking spaces shall conform with design criteria and signage requirements set by the State of Illinois and federal government.

13.04 LOCATION OF ACCESSORY OFF-STREET PARKING FACILITIES

The location of off-street parking spaces in relation to the use served shall be as prescribed hereinafter. All distances specified shall be walking distances between such parking spaces and a main entrance to the use served.

- 1. For Uses in a Residence District. Parking spaces accessory to dwellings shall be located on the same zoning lot as the use served. Spaces accessory to uses other than dwellings may be located on a lot adjacent to, or directly across a street or alley from the lot occupied by the use served, but in no case at a distance in excess of three hundred (300) feet from such use.
- 2. For Uses in Business and Industrial Districts. All required parking spaces shall be within one thousand (1,000) feet of the use served, except for spaces accessory to dwelling units, which shall be within three hundred (300) feet of the use served. However, no parking spaces accessory to a use in a business or manufacturing district shall be located in a residence district, except that private, free, off-street parking accessory to such use and municipal parking lots may be allowed by special use permit in accordance with the Administrative Section within two hundred (200) feet of and adjacent to any business or industrial district.

13.05 SCHEDULE OF PARKING REQUIREMENTS

For the following uses, accessory off-street parking spaces shall be provided as required hereinafter. Parking spaces required on an employee basis shall be based on the maximum number of employees on duty or residing, or both, on the premise at any one time.

1. **Residential uses.**

- a. One-Family Dwellings and Two-Family Dwellings. Two (2) parking spaces shall be provided for each dwelling unit.
- b. Multiple-Family Dwellings (including Apartment-Hotels). Two (2) parking spaces shall be provided for every single dwelling unit. For lodging rooms located in an apartment hotel, one (1) parking space shall be provided for each two (2) lodging rooms.
- c. Motels, Hotels, Inns and Auto Courts. One (1) parking space shall be provided for each guest or sleeping room or suite, plus one (1) additional space for the owner or manager.
- d. Lodging, Rooming and Boarding Houses. One (1) parking space shall be provided for each two (2) lodging rooms, plus one (1) space for the owner or manager.
- e. Private Clubs and Lodges (with Sleeping Facilities for Guests). One (1) parking space shall be provided for each two (2) lodging rooms, plus parking spaces equal in number to ten (10%) percent of the capacity in persons (exclusive of lodging room capacity) of such club or lodge.
- f. Mobile Home Camps. Two (2) parking spaces shall be provided for each mobile home space.

2. **Retail and Service uses.**

- a. Retail Stores and Banks. One (1) parking space shall be provided for each two hundred (200) square feet of floor area more than two thousand (2,000) square feet. Drive-in banks or other similar drive-in establishments shall provide three (3) stacking spaces per teller or customer service window.
- b. Automobile Service Stations. One (1) parking space shall be provided for each two (2) employees.
- c. Automobile Laundry. Ten (10) stacking spaces shall be provided for each wash rack, plus one (1) parking space for each four (4) employees.
- d. Bowling Alleys. Three (3) parking spaces shall be provided for each alley, plus such additional spaces as may be required herein for affiliated uses - bars, restaurants, and the like.
- e. Establishments Dispensing Food or Beverages for Consumption on the Premises. One (1) parking space shall be provided for each three hundred

(300) square feet of floor area.

- f. Furniture and Appliance Stores, Household Equipment or Furniture Repair Shops. One (1) parking space shall be provided for each six hundred (600) square feet of floor area more than two thousand (2,000) square feet.
 - g. Motor Vehicle Sales and Machinery Sales. One (1) parking space shall be provided for each three hundred (300) square feet of floor area.
 - h. Theaters (indoor). One (1) parking space shall be provided for each five (5) seats.
 - i. Undertaking Establishments, Funeral Parlors. Six (6) parking spaces shall be provided for each chapel or parlor, plus one (1) parking space for each funeral vehicle kept on the premises.
- 3. Offices -- Business, Professional and Governmental. One (1) parking space shall be provided for each two hundred (200) square feet of floor area.
 - 4. Medical or Dental Clinics. Ten (10) parking spaces shall be provided for each doctor.
 - 5. Wholesale Establishments (but not including Warehouses and Storage Buildings other than Accessory.) One (1) parking space shall be provided for each six hundred (600) square feet of floor area more than four thousand (4,000) square feet.
 - 6. Manufacturing uses or Any Establishments Engaged in Production, Processing, Cleaning, Servicing, Testing or Repair of Materials, Goods or Products. One (1) parking space shall be provided for each two (2) employees, plus one (1) parking space for each vehicle used in the conduct of the enterprise.
 - 7. Warehouses and Storage Buildings. One (1) parking space shall be provided for each two (2) employees, plus one (1) space for each vehicle used in the conduct of the enterprise.
 - 8. Community Services Uses.
 - a. Church, School, College and Other Institutional Auditoriums. One (1) parking space shall be provided for each three (3) auditorium seats. Adequate space shall also be provided for buses used in connection with the activities of the institution, and all loading and unloading of passengers shall take place upon the premises.
 - b. Colleges, Universities and Business, Professional and Trade Schools. One (1) parking space shall be provided for each three (3) employees and one (1) parking space shall be provided for each four (4) students based on the

maximum number of students attending classes on the premises at any one time during any twenty-four (24) hour period.

- c. Hospitals. One (1) parking space shall be provided for each two (2) hospital beds, plus one (1) parking space for each two (2) employees (other than staff doctors), plus one (1) parking space for each doctor assigned to the staff.
- d. Libraries, Art Galleries and Museums - Public. One (1) parking space shall be provided for each one thousand (1,000) square feet of gross floor area.
- e. Municipal or Privately Owned Recreation Buildings or Community Centers. One (1) parking space shall be provided for each two (2) employees, plus spaces adequate in number, as determined by the Zoning Administrator, to serve the visiting public.
- f. Public Utility and Public Service Uses. One (1) parking space shall be provided for each three (3) employees, plus spaces adequate in number, as determined by the Zoning Administrator, to serve the public.
- g. Schools - Nursery and Elementary. One (1) parking space shall be provided for each employee.
- h. Schools - High. One (1) parking shall be provided for each employee, plus one (1) additional space for every four (4) students.
- i. Rest Homes and Nursing Homes. One (1) parking space shall be provided for each four (4) beds, plus one (1) parking space for each two (2) employees, (other than staff doctors), plus one (1) parking space for each doctor assigned to the staff.

9. **Places of Assembly.**

- a. Stadiums, Arenas, Auditoriums (other than church, college, or institutional schools), Convention Halls, Dance Halls, Exhibition Halls, Skating Rinks and Other Similar Places of Assembly. Parking spaces equal in number to twenty-five percent (25%) of the capacity in persons shall be provided.

10. **Mixed Uses.** When two (2) or more uses are located on the same zoning lot within the same building, parking spaces equal in number to the sum of the separate requirements for each such use shall be provided. No parking spaces or portion thereof shall serve as a required space for more than one (1) use unless otherwise authorized by the Zoning Board of Appeals.

11. **Other Uses.** For uses not listed heretofore in this schedule of parking requirements, parking spaces shall be provided on the same basis as required for

the most similar listed uses, or as determined by the Zoning Administrator.

SECTION 14 FENCES

14.01 RESIDENTIAL, COMMERCIAL AND INDUSTRIAL

No fence may be erected within a residential, commercial or industrial district which does not comply with the following specifications:

1. Any fence erected in a required front yard shall be at least fifty percent (50 %) open, and no fence erected in a required front yard may exceed five (5) feet in height measured from ground level. A clearance of three (3) inches shall be allowed for installation purposes and shall not count in determining the height of a fence. No privacy fence may be erected in the front of a residence. For through lots, that yard which is used as a rear yard, and which would normally be considered a rear yard for lots other than through lots, shall be considered a rear yard for purposes of erecting a fence. (*See also Paragraph 22.120 of the Dwight Municipal Code*).
2. Any fence on an interior side or rear yard may be placed on the property line.
3. No fence may be erected which exceeds six (6) feet in height above ground level in a residential area. In commercial and industrial areas, no fence may be erected which exceeds eight (8) feet in height.
4. No fence may be constructed with barbed wire, metal spikes, or any other sharp pointed materials. All chain link fences shall be installed with the knuckle portion of the fence up and with the barb portion of the fence at or near the ground. No fence may be electrified.
5. All areas of a lot on the exterior side of the fence, including the fence itself, are to be maintained by the property owner.
6. The finished side of all fences shall face outward from the property on which the fence is being erected.

14.02 RECREATIONAL PURPOSE FENCES

Fences erected for purposed of providing fencing around sports or recreation facilities or areas as listed below, shall not be subject to the height restrictions specified elsewhere in this Section. The maximum height of a fence is listed by each sports or recreational facility or area as follows:

<u>USE</u>	<u>MAXIMUM HEIGHT</u>
Tennis Courts	Twelve (12) feet
Baseball Diamond Backstop	Sixteen (16) feet
Public Swimming Pools	Eight (8) feet

14.03 PRIVATE SWIMMING POOLS AND OTHER BODIES OF WATER

Every person owning land on which there is situated a swimming pool or other man-made body of water, which contains twenty-four (24) inches or more of water in depth at any point, shall erect and maintain thereon, an adequate enclosure, either surrounding the property or pool area, sufficient to make such body of water inaccessible to small children. Such enclosure, including gates therein, shall be not less than four (4) feet above the underlying ground and shall comply with the maximum height restrictions listed elsewhere in this section. All gates shall be self-closing and self-latching with latches placed four (4) feet above the underlying ground and otherwise made inaccessible from the outside to small children.

A protective device approved the Village Administrator shall be an acceptable enclosure so long as the degree of protection afforded by the substituted devices or structures is not less than the protection afforded by the enclosure.

SECTION 15.00 ADMINISTRATION

15.01 GENERAL PROVISIONS

The administration of this ordinance is hereby vested in the following:

1. The Zoning Administrator.
2. The Zoning Board of Appeals.
3. The Plan Commission.

15.02 ADMINISTRATIVE OFFICER

The Building Inspector, as Zoning Administrator, shall be in charge of the administration and enforcement of this ordinance.

1. Duties. The Building Inspector shall:
 - a. Will receive and review all application requests from the Village Clerk and shall issue permits and certificates after the approval and consent by the Village Administrator of such certificates and permits, after compliance with the Ordinance.
 - b. Examine premises for which permits have been issued, and make necessary inspections to determine compliance.
 - c. When requested by the Village Administrator or by the President of the Board of Trustees or when the interest of the Village so requires, make investigations and render written reports.
 - d. Issue such notices or orders as may be necessary.
 - e. Adopt rules and procedures consistent with this ordinance.
 - f. Keep careful and comprehensive records of applications, permits, certificates, inspections, reports, notices, orders and all localized actions of the Board of Trustees, and shall file the same permanently by street address.
 - g. Keep all such records open for public inspection, at reasonable hours, but not for removal from his office.
 - h. Request and receive the assistance and cooperation of the Police Department, the legal department, and of other Village officials.
 - i. Inform the President and Board of Trustees of all violations and all matters requiring prosecution or legal action.

j. Be entitled to rely upon any opinion of the legal department as to the interpretation of this ordinance or the legal application of this ordinance to any actual situation.

k. Discharge such other duties as may be placed upon him by this ordinance.

15.03 ZONING CERTIFICATES

1. No permit as required by the Building Ordinance of the Village of Dwight shall be issued by the Building Inspector without the consent and approval of the Village Administrator for the construction of a building, structure, or land improvement or an alteration or enlargement of an existing building, structure or land improvement and the uses thereof, until the Building Inspector certifies in such permit that the application for a permit with accompanying plans and specifications conforms with the regulations of this ordinance.
2. When a permit is not required by the Building Ordinance of the Village of Dwight, for an improvement and the use thereof requiring conformance with the regulations of this ordinance, an application for a zoning certificate shall be filed with the Building Inspector. A zoning certificate shall be issued only when the application shows conformance with the regulations of this ordinance.
3. All applications for building permits or zoning certificates shall be accompanied by a plat, in duplicate, drawn to scale showing the actual dimensions of the lot or lots to be built upon, the size of the building or structure to be erected or structurally altered, its location on the lot or lots and such other information as may be necessary to provide for the enforcement of these regulations. A careful record of such applications and plats shall be kept in the office of the Building Inspector. The Building Inspector shall, after approval of the Village Administrator of all building permits or zoning certificates, issue written verification of such approval or of such disapproval within thirty (30) days after the submission of the application to the Village Board. Any such application for a building permit or zoning certificate shall be presented to the Village Administrator within thirty (30) days after the same is presented to the Building Inspector. If the Building Inspector does not present an application for a building permit or zoning certificate within thirty (30) days after it is submitted to him, then the person requesting such permit or certificate may approach the Village Administrator in their own right.

15.04 OCCUPANCY CERTIFICATE

1. No building or addition thereto, constructed after the effective date of this ordinance and no addition to a previous existing building shall be occupied and no land vacant on the effective date of this ordinance shall be used for any purpose until an occupancy certificate has been issued by the Building Inspector with the approval of the Village Administrator. No change in a use in any district shall be made until an occupancy certificate has been issued by the Building Inspector and approved by the Village Administrator. Every occupancy certificate shall state that the use or occupancy complies with all the provisions of this ordinance.

2. Every application for a building permit shall also be deemed to be an application for an occupancy certificate. Every application for an occupancy certificate for a new or changed use of land or building where no building permit is required shall be made to the Building Inspector.
3. No occupancy certificate for a building or addition thereto, constructed after the effective date of this ordinance, shall be issued until construction has been completed and the premises have been inspected and certified by the Building Inspector to be in full and complete compliance with the plans and specifications upon which the zoning certificate was based. No addition to a previously existing building shall be occupied, and no new use of a building in any district shall be established until the premises have been inspected and certified by the Building Inspector to be in full compliance with all the applicable standards of the zoning district in which it is located. Pending the issuance of a regular certificate, a temporary certificate may be issued to be valid for a period not to exceed six (6) months from its date during the completion of any addition or during partial occupancy of the premises. An occupancy certificate shall be issued, or written notice shall be given to the applicant stating the reasons why a certificate cannot be issued, not later than fourteen (14) days after the Building Inspector is notified in writing that the building or premises is ready for occupancy.

15.05 DENIAL/APPEAL

The Village Administrator shall set forth in writing the reasons why any building permit, zoning certificate or occupancy permit has been denied, and shall date the same. Such denial shall then be served upon the Applicant at the Applicant's address, either by regular mail or personally served upon the Applicant. Such denial shall be served upon the Applicant within a reasonable time.

With respect to any building permit, zoning certificate, or occupancy certificate which has been approved or denied by the Village Administrator, the Applicant or any interested party may appeal such decision to the Village Board of Trustees for a final determination thereon. Such appeal shall be filed with the Village Clerk, shall specifically refer to the requested permit or certificate which has been denied, and specifically shall set forth the reasons why the Applicant believes such permit or certificate should be issued and why the denial of the same was inappropriate.

Thereafter, such appeal shall be held before the Village Board of Trustees as soon as thereafter as is reasonably possible.

15.06 ZONING BOARD OF APPEALS

1. Creation and Procedure.

- a. The Zoning Board of Appeals of the Village of Dwight is hereby created and under the provisions of the zoning ordinance of the Village of Dwight shall serve in such capacity for the full term for which they are appointed and until their

respective successors are appointed and qualify. The successor of each member shall serve for a term of five (5) years.

- b. All appointments to the Zoning Board of Appeals shall be made by the President of the Board subject to approval of the Village Board. One (1) of the members so appointed shall be named as Chairman at the time of his appointment. The President of the Board, subject to the approval of the Village Board, shall have the power to remove any member of the Zoning Board of Appeals for cause and if a public hearing is requested by the member of the Zoning Board of Appeals for cause and if a public hearing is requested by the member being removed a public hearing shall be held. Vacancies shall be filled as soon as possible for the unexpired term of any member whose place has become vacant. In the event that the office of Chairman is vacated for any reason, the President of the Board, subject to approval of the Village Board, shall immediately appoint either one of the remaining members of the Board of Appeals or any member who is appointed to fill such vacancy on the Zoning Board of Appeals as the new Chairman.
 - c. All meetings of the Zoning Board of Appeals shall be held at the call of the Chairman and at such other times as the Board may determine. All testimony by witnesses at any hearing provided for in this ordinance shall be given under oath. The Chairman, or in his absence the Vice Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact, and shall also keep records of its examinations and other official actions. Every rule, regulation, order, requirement, decision or determination of the Board shall immediately be filed in the office of the Village Clerk and shall be a public record.
 - d. The Zoning Board of Appeals shall decide matters as authorized by this ordinance in a specific case and after public hearing. A concurring vote of four (4) members of the Zoning Board of Appeals shall be necessary on any matter upon which it is authorized to decide by this ordinance.
2. **Jurisdiction and Authority.** The Zoning Board of Appeals is hereby vested with the following jurisdiction and authority:
- a. To hear and decide an appeal from an administrative order, requirement or determination made by the Building Inspector under this ordinance.
 - b. To hear or decide all other matters referred to it upon which it is required to decide under this ordinance.
 - c. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Building Inspector, or to decide in favor of the applicant any matter upon which it is required to pass under this ordinance.

15.07 APPEALS

1. **Authority.** The Zoning Board of Appeals shall hear and decide appeals from an administrative order, requirement or determination under this ordinance, made by the Building Inspector.
2. **Initiation and Processing.** An appeal may be taken to the Zoning Board of Appeals by any person, firm or corporation, or by any office, department, board, bureau or commission, aggrieved by an administrative order, requirement, decision, or determination under this ordinance.

The appeal shall be taken within such time as shall be prescribed by the Board of Appeals by a general rule by filing with the Village Clerk and with the Board of Appeals, a notice of appeal, specifying the grounds thereof. Such appeal shall be taken upon forms provided by the Zoning Board of Appeals. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed was taken.

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

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

3. **Decisions.** All decisions, after hearing of the Zoning Board of Appeals on appeals from an administrative order, requirement, decision or determination of the Building Inspector shall, in all instances, be appealable to the Village Board of Trustees wherein a vote of any four members of the Village Board of Trustees shall be necessary to reverse a decision of the Zoning Board of Appeals. All such decisions upon final appeal shall be subject to judicial review in accordance with applicable Illinois statutes.

15.08 VARIATIONS

1. **Authority.** The Zoning Board of Appeals shall decide variations of the provisions of this ordinance in harmony with its general purpose and intent, and shall vary then only in the specific instances hereinafter set forth where the Zoning Board of Appeals shall have made a finding of fact based upon the standards hereinafter prescribed that there are

practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of this ordinance.

2. **Initiation.** An application for a variation may be made by any person, firm, or corporation, or by any office, department, board, bureau or commission requesting or intending to request application for a building permit or zoning certificate.
3. **Processing.** An application for a variation shall be filed with the Village Clerk. The Village Clerk shall forward such application to the Zoning Board of Appeals for processing in accordance with applicable statutes of the State of Illinois, and the provisions of this ordinance.

No variation shall be made by the Zoning Board of Appeals except after a public hearing before the Zoning Board of Appeals, of which there shall be a notice of time and place of the hearing published at least once, not more than thirty (30) nor less than fifteen (15) days before the hearing, in one or more newspapers with a general circulation within Dwight; and a written notice is served at least fifteen (15) days before the hearing on the owners of the properties located adjacent to the location for which the variation is requested.

4. **Decisions.** All final administrative decisions and findings of the Zoning Board of Appeals on variations arrived at after the hearing shall be accompanied by findings of facts specifying the reason or reasons for approving or disapproving the variation and shall be final and subject to judicial review only in accordance with applicable statutes of the State of Illinois.
5. **Standards.**
 - a. The Zoning Board of Appeals shall not vary the provisions of this ordinance as authorized in this section, unless it shall have made findings based upon the evidence presented to it in the following cases:
 - (1) That the particular physical surroundings, shape, or topographical conditions of the specific property involved will bring a particular hardship upon the owner as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out;
 - (2) That the conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoned classification;
 - (3) That the purpose of the variation is not based exclusively upon a desire to make more money out of the property;
 - (4) That the alleged difficulty or hardship has not been created by any person presently having an interest in the property;
 - (5) That the granting of the variation will not be detrimental to the public

welfare or unduly injurious to other property or improvements in the neighborhood in which the property is located; or

- (6) That 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 so endanger the public safety, or substantially diminish or impair property values within the neighborhood.
 - b. The Zoning Board of Appeals may require such conditions and restrictions upon the premises benefitted by a variation as may be necessary to comply with the standards set forth in this section to reduce or minimize the effect of such variation upon other property in the neighborhood, and to implement the general purpose and intent of this ordinance.
6. **Authorized Variation.** Variations from the regulations of this zoning ordinance shall be granted by the Village Board of Trustees, but only after a public hearing as set forth herein for an authorized variation and a report from the Zoning Board of Appeals recommending the variation be approved or disapproved. The concurring vote of four (4) members of the Village Board shall be necessary to reverse the recommendation of the Zoning Board of Appeals.

15.09 PLAN COMMISSION

- 1. **Jurisdiction.** The Plan Commission of the Village of Dwight which has been duly established is the Plan Commission referred to in this ordinance, and shall have the following duties under this ordinance:
 - a. To hear all applications for amendments and special uses and thereafter submit reports of findings and recommendations thereon to the Village Board in the manner prescribed in this section for amendments and special use;
 - b. To initiate, direct and review, from time to time, studies of the provisions of this ordinance, and to make reports of its recommendations to the Village Board; and
 - c. To hear and decide all matters upon which it is required to pass under this ordinance.
- 2. **Meetings and Rules.** All meetings of the Plan Commission shall be held at the call of the Chairman, and at such times as the Plan Commission may determine. All hearings conducted by said Plan Commission under this ordinance shall be in accordance with Illinois statutes. In all proceedings of the Plan Commission provided for in this ordinance, the Chairman, and in his absence, the Vice Chairman, shall have the power to administer oaths. All testimony by witnesses at any hearing provided for in this ordinance shall be given under oath. The Plan Commission shall keep minutes of its proceedings, and shall also keep records of its hearings and other official actions. A copy of every rule or regulation, every amendment and special use, and every recommendation, order, requirement, decision or determination of the Plan Commission

under this ordinance shall be filed in the Office of the Village Clerk and shall be a public record. The Plan Commission shall adopt its own rules and procedures, not in conflict with this ordinance or with applicable Illinois statutes.

15.10 AMENDMENTS

1. **Authority.** The regulations imposed and the districts created under the authority of this ordinance may be amended from time to time, by ordinance in accordance with applicable statutes of the State of Illinois. An amendment shall be granted or denied by the Village Board of Trustees only after a public hearing before the Plan Commission and a report of its findings and recommendations has been submitted to the Village Board of Trustees.
2. **Initiation of Amendment.** Amendments may be proposed by the Village Board, by the Plan Commission, the Zoning Board of Appeals, other governmental bodies, or by any resident of or owner of property within the jurisdictional limits of this ordinance.
3. **Processing.** An application for an amendment shall be filed with the Village Board and thereafter introduced into the Village Board of Trustees. Such application shall be forwarded from the Village Board to the Plan Commission, with a request to hold a public hearing. Notice shall be given of the time and place of the hearing, not more than thirty (30) nor less than fifteen (15) days before the hearing, by publishing a notice thereof at least once in one or more newspapers with a general circulation within Dwight.

15.11 SPECIAL USES

1. **Purpose.** The development and execution of the zoning ordinance is based upon the division of the Village into districts, within any one of which the use of land and buildings and the bulk and location of buildings or structures, as related to the land, are essentially uniform. It is recognized, however, that there are special uses which, because of their unique character, cannot be properly classified in any particular use or the particular location. Such special uses fall into two categories:
 - a. Uses operated by a public agency or publicly regulated utilities, or uses traditionally affected with a public interest.
 - b. Uses entirely private in character, but of such a nature that the operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.
2. **Authority.** Special uses shall be authorized or denied by the Village Board in accordance with the provisions of this ordinance applicable to amendments of this ordinance and the regulations and conditions set forth in this ordinance for special uses.

No application for a special use shall be acted upon by the Village Board until after:

- a. Written report is prepared and forwarded to the Village Board by the Plan Commission in a manner prescribed herein for amendments to this ordinance; and
 - b. A public hearing has been held by the Plan Commission, after due notice by publication as prescribed herein, for amendments and the findings and recommendations of the Plan Commission have been reported to the Village Board.
3. **Initiation.** An application for a special use may be made by any person, firm or corporation, or by any office, department, board, bureau or commission requesting or intending to request a building permit or occupancy certificate.
4. **Processing.** An application for a special use, in such form and accompanied by such information as shall be established from time to time by the Plan Commission shall be filed with the Village Clerk and thereafter processed in the manner prescribed heretofore for applications and amendments.

The Plan Commission shall hold the public hearing and forward its recommendations in the form of a written report, to the Village Board within forty-five (45) days of the date the petition was submitted to the Plan Commission, unless it is withdrawn by the petitioner.

In the case of a written protest against any proposed amendment of the regulations or districts, signed and acknowledged by the owners of twenty (20%) percent of the frontage proposed to be altered, or by the owners of twenty (20%) percent of the frontage immediately adjoining or across an alley therefrom, or by the owners of twenty (20%) percent of the frontage directly opposite the frontage proposed to be altered, is filed with the Clerk of the municipality, the amendment shall not be passed except by a favorable vote of two-thirds (2/3) of all of the Trustees of the Village of Dwight. Any proposed amendment which fails to receive the approval of a majority of the Plan Commission members and is so reported, shall not be passed by the Village Board except by a favorable vote of two-thirds (2/3) of all the Trustees of the Village of Dwight.

5. **Decisions.** The Village Board, upon report of the Plan Commission and without further public hearing, may grant or deny any proposed amendment in accordance with applicable statutes of the State of Illinois, or may refer it back to the Plan Commission for further consideration.
6. **Guidelines.** In guiding its decision as to whether or not to recommend a Special Use to the Dwight Village Board of Trustees, and the Village Board of Trustees in considering whether or not the recommendation of the Plan Commission should be accepted, rejected, or modified, the Plan Commission and the Village Board of Trustees shall use the following criteria when considering a Special Use Request, such criteria to be as follows:
 - a. Is the Special Use a Special Use as set forth in the Dwight Zoning Ordinance and is the Special Use a Special use for the particular zoning district involved?

- b. Will the Special Use be harmonious with and in accordance with the general objectives or with any specific objective of the Village of Dwight's Comprehensive Plan and/or Dwight Zoning Ordinance?
- c. Will the Special Use and any structure or improvement to be built, constructed, or remodeled pursuant thereto, be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and zoning district and that such special use will not change the essential character of the area in which it is to be placed?
- d. That the Special Use will not be hazardous or disruptive to existing or future neighboring uses now existing or permitted in the particular zoning district.
- e. That the Special Use will not create excessive additional requirements at public expense for public facilities and services and will not be detrimental to the economic welfare of the Village of Dwight.
- f. That the Special Use will not involve uses, activities, processes, materials, equipment and/or conditions or operations that will detrimental to any persons, property, or to the general welfare of the citizens of the Village of Dwight by reasons of excessive production of traffic, noise, smoke, fumes, glare, and/or odors, and that such criteria shall be viewed with respect to the zoning district in which the Special Use is being requested and the surrounding uses.
- g. That the Special Use will have sufficient vehicular, foot and bicycle approaches to the property on which the Special Use is to be located which shall be designed as to not create an interference with traffic on surrounding public thoroughfares and surrounding private property.
- h. That the Special Use will not result in the destruction, loss, or damage of any natural, scenic or historic features of major importance.
- i. That although a Special Use being requested may not satisfactorily meet each and every requirement of the aforementioned criteria, that all criteria need not be met so long as in the opinion of the Plan Commission and/or thereafter the Board of Trustees of the Village of Dwight that any such deficiencies have been remedied by the placing of specific conditions on the construction and/or operation of the Special Use and issuance of the Special Use Permit. The attachment of special conditions on a Special Use Permit may be made by recommendation of the Plan Commission after approval of such special conditions by the Village Board of Trustees, or upon special conditions being placed on any Special Use Permit by the Village Board of Trustees of the Village of Dwight shall have the final legislative authority to reject, approve, or approve as modified any Special Use recommendation from the Plan Commission.

15.12 PLANNED UNIT DEVELOPMENT

1. **Purpose.** To encourage the most orderly development of properties through advance planning and thus assure adequate standards for the development of residential neighborhoods; provide regulations to encourage a variety of dwelling types; assure adequate open space; protect residential areas from undue traffic congestion; protect residential areas from the intrusion of business, industrial and other land uses that may create an adverse effect upon the living environment; and thus promote the general welfare of the community.
2. **Provisions.** The basic provisions and requirements concerning Planned Unit Development are as follows: The subdivision, development and use of land containing ten (10) or more acres as an integral unit, combining more than one (1) primary land use and which may provide for single-family residential, multiple-family residential, educational, business, commercial, industrial, recreational, park and common use areas may be described as a Planned Unit Development.
 - a. In its establishment and authorization as a special use, in addition to the foregoing provisions, the following procedures, requirements, restrictions, standards and conditions shall be observed.
 - b. The Planned Unit Development may be excluded from the provisions of the Subdivision Regulations and of the Zoning Ordinance of the Village of Dwight to the extent specified in the final authorization of the Planned Unit Development.
3. **Procedure.**
 - a. **Pre-application Conference.** A pre-application conference shall be held with the Plan Commission. At such conference, the applicant shall provide information as to the location of the proposed Planned Unit Development, the uses, and approximate area of use for each use category; a list of any and all exceptions to the Subdivision Regulations and Zoning Ordinance of Dwight, and any other information necessary to clearly explain the Planned Unit Development to the Plan Commission.
 - b. **Review.** The Plan Commission shall review and consider the proposed plan as to its compatibility with the Comprehensive Plan and the goals and policies for planning of the Village of Dwight and advise the applicant on the information, documents, exhibits, drawings, and any limitations on the proposal that should be included in the application to the Village for a Special use Permit for Planned Unit Development.
4. **Preliminary Plan.** The applicant shall request the Special use Permit, by letter addressed to the Village Board, to be placed on the agenda of the meeting of the Plan Commission for a preliminary discussion of the proposed Planned Unit Development, and the Plan Commission shall consider the proposed Planned Unit Development at such meeting, which may be continued from time to time. The applicant shall present such exhibits and written information as may be necessary to fully acquaint the Plan

Commission with the proposed development which shall include, but not necessarily be limited to the following:

- a. The map or maps which shall be included as part of the application shall be drawn at a scale of one hundred feet to the inch (1" = 100'), or if the area of the site is more than two hundred (200) acres, two hundred feet to the inch (1" = 200'). The following information shall be shown :

(1) Boundary Survey. A boundary line survey of the subject site which shall be prepared and certified by a registered land surveyor.

(2) Topography. The existing topographic character of the land with contours shown at intervals no greater than five (5) feet. Topographic data shall refer to the use U.S.G.S. North American Datum - Mean Sea Level Elevation.

(3) Site Analysis. A detailed site analysis of the property in question, which shall show the following information:

- (a) Physical factors information:

Existing land uses both on the site and immediately adjacent to it.

Scenic views.

Wooded areas.

Soil problem areas based upon a soil survey of the site to include a report from the Soil Conservation Service. Additional soil information may be requested by the Plan Commission and/or the Village Engineer.

Portions of the site in any flood plain and/or flood plain fringe area.

Streams, drainage ditches, culverts and standing water.

Isolated preservable trees six (6) inches or more in diameter at one (1) foot above ground level.

General directions of the storm water run-off across the property.

- (b) Public utilities information, which shall show the location and size of any existing sanitary sewers, storm sewers, and water lines both on the site and in easements and rights-of-way immediately adjacent to the site, gas, electric and telephone.

- (c) Other information:

Existing county and/or municipal zoning on all parts of the site.

Municipal corporate boundaries across and adjacent to the subject site.

School district boundaries across and adjacent to subject site.

Utility easements across and adjacent to the subject site.

- (4) Land use Plan. A proposed land use plan which shall be drawn upon a print of the topographic map for the site. The proposed land use plan shall contain the following information:

- (a) Identification and description:

Name of the Planned Unit Development.

Location of the subject site by section, town, and range or by other approved legal description.

Name and address of the site planner and/or engineer.

Name and address of the owner and/or Trust Beneficiary or developer.

Scale, north point and date.

- (b) Design features information, which shall show:

Right-of-way alignments, widths, and names of all streets. Such street names shall not duplicate the name of any street heretofore used in the Village of its environs unless such street is an extension of or is in line with an already named street in which event that name shall be used.

The location of all multiple family or single-family attached buildings and structures.

Off-street parking and service areas.

All areas to be dedicated as common open space and all sites to be conveyed, dedicated, or reserved for parks, playgrounds, school sites, public buildings, and similar public and quasi-public uses.

The pedestrian circulation system, any parkway belt system, or bicycle circulation system.

All other information necessary to clearly show the proposed elements of the Planned Unit Development.

- (5) Utility Plan. A proposed utility plan which shall be drawn on a print of the proposed land use plan. The proposed utility plan shall show the approximate location and dimensions of all sanitary sewer, storm sewer, and water lines for all proposed land uses, drainage ditches, culverts and water retention areas, as well as any utility easements. The utility plan shall be accompanied by a statement from the Village Engineer attesting to the capability of existing sewer systems to service the proposed development.
- (a) The written statement which shall be included as part of the application for approval of the Preliminary Plan shall contain the following information:
- (i) A statistical tabulation of the acreage amounts of all of the land uses proposed in the Preliminary Plan.
 - (ii) The type and number of dwelling units for any proposed residential land uses.
 - (iii) The stages in which the project will be built and the approximate dates when construction of each stage can be expected to begin and to end.
- (b) Other information may be requested if the Plan Commission finds that the Planned Unit Development may create special problems for traffic, parking, landscaping and/or economic has ability. Such information may include but not be limited to any of the following:
- (i) An off-street parking and loading plan.
 - (ii) A traffic study indicating the volume of traffic to be generated by the Planned Unit Development or this phase of it and proposing any special engineering design features and/or traffic regulation devices needed to insure the proper safety of traffic circulation to, through, and around the Planned Unit Development or this phase of it.
 - (iii) Economic impact-tax impact study detailing the impact which the Planned Unit Development or this phase of it will have upon all taxing bodies. In addition, the expected number of students to be generated by any residential portion of it shall also be quantified.
 - (iv) A landscaping planting plan, indicating the height,size, location, quantities and variety of stock to be planted.

- (c) The procedure for approval of the Preliminary Plan shall be as follows:
- (i) The Village Board shall refer the Preliminary Plan to the Dwight Plan Commission. The Village Board shall instruct the appropriate Village departments and consultants to collaborate with the Plan Commission in reviewing the Preliminary Plan for the Planned Unit Development for its compliance with these regulations and other ordinances of the Village of Dwight. Such collaboration may include meetings at which the developer shall meet with Village officials and consultants in order that the Plan Commission may have prior to its public hearing the informal recommendations of its experts.
 - (ii) The Village Board shall notify the applicant as to the time and place of the public hearing at which the applicant shall present his Preliminary Plan. The Village Board shall cause notice of such public hearing to be published in a manner approved by the Village Attorney for the Plan Commission for all special use permits and as required by statute.
 - (iii) The Plan Commission and the Village Board may utilize the services of the professional Village consultants in arriving at recommendations or decisions. The applicant shall pay the Village the reasonable cost incurred for the services rendered by its consultants within ten (10) days after the submission of the bill from the Village to him. The consultants shall bill for their services at the hourly rate which they normally charge municipal clients. The Village consultants shall include but not be limited to the persons who provide the Village with advice in the fields of engineering, law, planning, traffic, design and finance.
- (d) The Plan Commission shall proceed as quickly as possible in its review of the Preliminary Plan. Within no more than thirty (30) days after the final adjournment of the public hearing, the Plan Commission shall:
- (i) Approve or disapprove the Preliminary Plan and shall submit its written recommendation, which may include the recommendations of the Village Engineer, Village Planner, and/or Village Attorney, to the Board of Trustees, with a copy being sent to the applicant; or
 - (ii) Advise the applicant in writing if the Plan Commission finds that changes, additions, or corrections are required in the Preliminary Plan. The applicant shall resubmit ten (10) copies

of the reviewed Preliminary Plan for consideration of the Plan Commission at a continuation of or a new public hearing. The applicant shall do so without paying an additional filing fee. The Plan Commission shall submit its recommendations in writing to the Village Board, which may also include the recommendations of the Village Engineer, Village Planner and/or Village Attorney, with a copy also being sent to the applicant.

- (e) The Village Board of Trustees shall accept or reject the Preliminary Plan within forty-five (45) days after its next regular meeting following the receipt of the written recommendations of the Plan Commission. The applicant and the Village Board of Trustees may mutually agree to extend the forty-five (45) day period:
 - (i) If the Preliminary Plan is disapproved, the Village Board may state in writing the reasons for the disapproval and such writing, if prepared, shall be filed with the Village Clerk, and a copy shall be sent to the applicant.
 - (ii) If the Preliminary Plan is approved, the Village Board shall authorize the applicant to submit a final development plan for the Planned Unit Development.
 - (iii) Within one (1) year following the approval of the Preliminary Development Plan, the applicant shall file with the Plan Commission, a final development plan completing in final form all information required as noted in this section.

5. **Final Development Plan.** Within one (1) year following the approval of the Preliminary Development Plan, the applicant shall file with the Plan Commission a final development plan containing in final form the information required in the preliminary plan. The final development plan shall also include the following:

- a. A final land use plan, suitable for recording with the County Recorder of Deeds. The purpose of the final development plan is to designate the land subdivided into lots as well as the division of other lands not so treated, into common open areas and building areas and to designate and limit the specific internal use of each building or structure, as well as of the land in general.
- b. An accurate legal description of the entire area under immediate development within the Planned Unit Development.
- c. If subdivided lands are included in the Planned Unit Development, a subdivision plat of all subdivided lands in the same form and meeting all the requirements of a normal subdivision plat, to the extent that compliance with the subdivision regulations of the Village shall be required.

- d. An accurate legal description of each separate unsubdivided use area, including common open space.
- e. Designation of the location of all buildings to be constructed, and a designation of the uses for which each building is designed.
- f. Certificates, seals and signatures required for the dedication of land, and recording the document.
- g. Tabulations of each separate unsubdivided use area, including land area and number of dwelling units per gross acre.
- h. Landscaping plan.
- i. Utilities and drainage plan.
- j. Final agreements, bylaws, provisions, or covenants which govern the use, maintenance and continued protection of the Planned Unit Development and any of its common open area or other common facilities.
- k. Final development and construction schedule.
- l. Final architectural plans.
- m. Final engineering drawings.

The Final Development Plan shall be approved as follows:

- a. The Plan Commission shall review the Final Development Plan within thirty-five (35) days of its submission and shall recommend approval if it is in compliance with the Preliminary Development Plan. The Plan Commission shall certify to the Board of Trustees that the Final Development Plan is in conformity with the previously filed Preliminary Development Plan.
- b. If the Final Development Plan is substantially changed from the approved Preliminary Development Plan, the Plan Commission shall recommend to the Village Board that a new public hearing be held in conformance with the procedures for approval of a Preliminary Development Plan.
- c. The Board of Trustees after receipt of the recommendation of the Plan Commission shall itself review the Final Development Plan and shall, if it is in conformity with the Preliminary Development Plan, authorize issuance of Special Use Permits. If the Final Development Plan is held not to be in conformity with the Preliminary Development Plan, the Village Board shall inform the applicant with regard to the specific areas found to be not in compliance.

15.13 CHANGES AND MODIFICATIONS OF THE PLANNED UNIT DEVELOPMENT AFTER APPROVAL OF THE FINAL PLAN.

1. After the approval of the Final Development Plan, the use of land and the construction, modification or alteration of any buildings or structures within the Planned Unit Development will be governed by the approved Final Development Plan, rather than by any other provisions of the Zoning Ordinance of the Village.
2. No changes may be made in the approved Final Development Plan except upon application to the appropriate agency according to the following procedures:
 - a. During the construction of the Planned Unit Development, the procedure shall be as follows:
 - (1) Minor changes in the location, siting, and height of buildings and structures and in the location of streets and ways of public access and in the size and location of open space, may be authorized by the Plan Commission as required by engineering or other circumstances not foreseen at the time that the final plat was approved.
 - (2) All changes in land uses, any rearrangement of lots, blocks, and building tracts, any major changes in the provisions for common open space and all other changes in the approved Final Development Plan must be made by the Village Board of Trustees, under the procedures authorized by the Zoning Ordinance for the amendment to the zoning map.
 - (3) Any changes which are approved for the Final Plat must be recorded as amendments to the recorded copy of the Final Plat. If changes are allowed in a final site plan a new site plan reflecting such changes shall be filed with the Village.
 - b. After the completion of the construction of the Planned Unit Development, the procedure shall be as follows:
 - (1) Any minor extension, alterations, or modifications of existing buildings or structures may be recommended by the Plan Commission if they are consistent with the purpose and intent of the Final Plat.
 - (2) Any building or structure that is totally or substantially destroyed may be reconstructed only in compliance with the Final Plat unless an amendment to the Final Plat is approved following the procedures for the amendment of the zoning map.
 - (3) All other changes in the Final Development Plan must be made by the Village Board of Trustees, under the procedure authorized by the Zoning Ordinance for the amendment of the zoning map. No changes may be made in the Final Development Plan unless they are required

for the continued successful functioning of the Planned Unit Development, or unless they are required by changes in conditions that have occurred since the Final Development Plan was approved or by changes in the development policy of the Village.

15.14 STANDARDS

No Planned Unit Development shall be authorized unless the Plan Commission shall find and recommend, in addition to those standards established herein for special uses, that the following standards will be met:

1. General

- a. The uses permitted by such exceptions as may be requested or recommended are necessary or desirable and appropriate to the purpose of the development.
- b. The uses permitted in such development are not of such nature or so located as to exercise an undue detrimental influence or effect upon the surrounding neighborhood.
- c. That any industrial park areas established in the Planned Unit Development conform to all requirements therefore as set forth elsewhere in this ordinance.
- d. That all minimum requirements pertaining to commercial, residential, institutional, or other uses established in the Planned Unit Development shall be subject to the requirements for each individual classification as established elsewhere in this ordinance, except as may be specifically varied in this ordinance granting and establishing a Planned Unit Development use.
- e. When private streets and common driveways are made a part of the Planned Unit Development or private common open space or recreation facilities are provided, the applicant shall submit, as part of the application, the method and arrangement whereby the private facilities shall be operated and maintained. Such arrangements for operating and maintaining private facilities shall be subject to the approval of the Village Board.

2. Residential

- a. Residential density for a Planned Unit Development shall not be greater than the recommended density, as shown in the Zoning Ordinance for the Village, nor shall any lot to be used for residential purposes be less in area or dimension than that required by the district regulations applicable to the district in which the Planned Unit Development is located, except that the Plan Commission may recommend and the Village Board may grant a reduction in such lot area and dimension, but not more than fifteen (15%) percent when the Planned Unit Development provides common open space equal to not less than ten (10%) percent of the gross area of the Planned Unit Development.

- b. The open areas provided in the part of the Planned Unit Development containing only residential structures shall be preserved over the life of the Planned Unit Development for use only by the residents of the Planned Unit Development.
 - c. For that part of a Planned Unit Development devoted to residential uses, the Plan Commission may recommend and the Village Board of Trustees may approve, access to a dwelling by a driveway or pedestrian walk easement, and spacing between buildings of lesser widths or depths than required by district regulations for the district in which the Planned Unit Development is located, provided:
 - (1) That adequate provisions are made which perpetuate during the period of the special use, access easements and off-street parking spaces for use by the residents of the dwelling served;
 - (2) The spacing between buildings shall be approved by the Plan Commission and shall be consistent with the application of recognized site planning principles for securing a unified development, and due consideration is given to the openness normally afforded by intervening streets and alleys;
 - (3) The yards for principal buildings along the periphery of the development shall be not less in width or depth than required for permitted uses in the district regulations applicable to the districts in which the Planned Unit Development is located; and the plan is developed to afford adequate protection to neighboring properties as recommended by the Plan Commission and approved by the Village Board of Trustees.
 - d. Business uses may be included as part of a planned residential development when the Plan Commission finds that such business uses are beneficial to the overall Planned Unit Development and will not be injurious to adjacent or neighboring properties. Such business uses shall not be greater in area than ten (10%) percent of the Planned Unit Development.
3. **Cluster Subdivision.** In any single-family cluster subdivision, the Plan Commission may recommend and the Village Board may authorize the following exceptions to the regulations of the district in which the cluster subdivision is permitted as a special use:
- a. A reduction of the lot width to seventy (70) feet in the R-1 Residential District.
 - b. That in the part of the Planned Unit Development containing only residential uses, the minimum lot area per dwelling unit may be not more than five (5%) percent less than that required for permitted uses in the district regulations applicable to the district in which the Planned Unit Development is located.

Reduction of such lot area shall be recommended by the Plan Commission and approved by the Village Board only where there is contained within the Planned

Unit Development permanent open area, the area and location of which shall meet with the approval of the Plan Commission, and that such open space shall not be less than that which would pertain if developed on individual lots.

Such open areas shall be preserved over the life of the Planned Unit Development, for use only by the residents of the Planned Unit Development or dedicated to the Village of Dwight for school, park, playground or other public uses; and

- c. That in a Planned Unit Development devoted to residential uses, the Plan Commission may recommend and the Village Board may approve, access to a dwelling by a driveway or pedestrian walk easement; however, off-street parking facilities for such dwellings shall be located not more than two hundred (200) feet from the dwelling served; yards of lesser widths or depths than required for permitted uses in the district regulations applicable to the district in which the Planned Unit Development is located, provided
 - (1) That protective covenants are recorded which perpetuate access easements and off-street parking spaces for use by the residents of the dwellings served;
 - (2) That spacing between buildings shall be consistent with the application of recognized site planning principles for securing a unified development and due consideration is given to the openness normally afforded by intervening streets and alleys;
 - (3) Spacing between principal buildings within a part of a Planned Unit Development shall be equivalent to such spacing as would be required between buildings by district regulations for the district in which it is located.
- d. That in a Planned Business Development, the following additional requirements are hereby specified:
 - (1) All buildings shall be setback not less than thirty (30) feet from all streets bounding the site;
 - (2) Required off-street parking space shall be provided in the ratio of not less than ten (10) parking spaces for every one thousand (1,000) square feet of gross floor area;
 - (3) All walks within the Planned Business Development shall be paved with a hard surfaced material meeting the specifications of the Village Engineer;
 - (4) Any part of the Planned Business Development not used for buildings, loading and access ways, shall be attractively landscaped with grass, trees, shrubs or pedestrian walkways, according to a landscape plan, as approved by the Plan Commission;

- (5) The buildings in the Planned Business Development shall be planned and designed as a unified and single project.

4. **Variations of Minimum Requirements.**

- a. **Residential.** Wherever the applicant proposes to provide and set out, by platting, deed, dedication, restriction, or covenant, any land or space separate from single-family or multiple-family residential districts to be used for parks, playgrounds, commons, greenways or open areas, the Plan Commission may consider and recommend to the Village Board and the Village Board may vary the applicable minimum requirements of the Subdivision Regulations and the Zoning Ordinance which may include but not necessarily be limited to the following:

Rear yard	Street Width
Side yard	Sidewalks
Lot area	Public Utilities
Bulk	Off-Street Parking
Intensity of use	

b. **Business.**

- (1) Business uses shall be as prescribed by the Plan Commission.
- (2) All business and/or age of materials shall be conducted or stored within a completely enclosed building.
- (3) Not more than thirty (30%) percent of the lot area shall be covered by buildings or structures.
- (4) At least ten (10%) percent of the lot shall be provided for landscape and open space purposes.
- (5) No building shall be more than thirty-five (35) feet in height.
- (6) No dwelling shall be permitted in a Planned Business Development.
- (7) Off-street parking shall be provided and maintained on the same lot based upon three (3) square feet of parking space for each foot of gross floor area unless otherwise recommended by the Plan Commission and approved by the Village Board.
- (8) Service and loading and unloading facilities shall be provided as recommended and approved by the Plan Commission.
- (9) No building shall be located nearer than fifty (50) feet to any street line.

- (10) Outside lighting shall be so designed and placed so as to not be disturbing to adjacent residential areas.
- (11) Business developments shall be adequately screened by fencing or landscaping or both along the boundaries of adjacent residential, public open space, schools, churches or other similar uses. The screen planting shall be prepared by a landscape architect and shall meet the approval of the Plan Commission.
- (12) Signs shall comply with the regulation of B-1 Retail Business District uses permitted in this ordinance.

c. Industrial.

- (1) The standards for industrial areas in a Planned Unit Development shall conform to the applicable standards in this Zoning Ordinance of the Village for industrial areas.
- (2) At least twenty percent (20%) of the industrial land use areas shall be reserved for landscape and open space purposes.

- 5. Conditions and Guarantees. Prior to granting any special uses, the Plan Commission may recommend, and the Village Board shall stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the special use as deemed necessary for the protection and requirements specified herein or as may be from time to time required. In all cases in which special uses are granted, the Village Board shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.
- 6. Effect of Denial of a Special Use. After a public hearing, no application for a special use which has been denied wholly or in part by the Village Board shall be resubmitted for a period of one (1) year from the date of said order of denial, except on the grounds of substantial new evidence or proof of changed conditions found to be valid by the Plan Commission and the Village Board.
- 7. Termination of Special Use Permit. If work on the proposed development has not begun within twenty-four (24) months from the date of the authorization order of the Village Board, the authorization shall become null and void and all rights thereunder shall lapse.

15.15 FEES

The Village Board shall establish a schedule of fees, charges and expenses for zoning certificates, appeals, application for amendments or special use, site plan review and other matters pertaining to this ordinance. The schedule of fees shall be posted in the office of the Village Clerk and may be altered or amended only by the Village Board.

Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

15.16 VIOLATION, PENALTY, ENFORCEMENT

Any person, firm or corporation, who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance unless otherwise specified, shall upon conviction be fined not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00) for each offense. Each day that a violation is permitted to exist after notification thereof shall constitute a separate offense.