

VILLAGE OF SECOR, ILLINOIS

ZONING ORDINANCE

(Including Amendments)

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SECTION 1: TITLE

This ordinance shall be known and may be cited as "The Village of Secor, Illinois, Ordinance of 1980, amended 2015.

SECTION 2: PURPOSE

The zoning regulations and standards herein adopted and established have been made for the purpose of:

- A. securing adequate light, pure air, and safety from fire and other dangers;
- B. conserving the value of land, buildings, and structures throughout the Village;
- C. lessening and avoiding congestion in the public streets;
- D. lessening and avoiding hazards to persons and damage to property resulting from the accumulation of runoff of storm or flood waters;
- E. promoting the public health, safety, comfort, morals, and general welfare;
- F. regulating and limiting the height and bulk of buildings and structures hereafter to be erected;
- G. establishing, regulating, and limiting the building or setback lines on or along any street, traffic-way, drive, parkway, or storm or flood water runoff channel or basin;
- H. regulating and limiting the intensity of the use of lot areas, and regulating and determining the area of open spaces within and surrounding buildings and structures;
- I. classifying, regulating and restricting the location of trades and industries and the location of buildings, structures, and land designed for specified industrial, commercial, residential, and other uses;
- J. dividing the entire Village into Districts of such number, shape, area, and such different classes according to the use of land, buildings, and structures, intensity of the use of lot area, area of open spaces, and other classification as may be deemed best suited to carry out the purpose of this Ordinance;
- K. fixing regulations and standards to which buildings, structures, or uses therein shall conform;
- L. prohibiting uses, buildings, or structures incompatible with the character of such Districts; and

M. preventing additions to and alteration or remodeling of existing buildings, structures, or uses in such a way as to avoid the restrictions and limitations lawfully imposed under this Ordinance.

SECTION 3: DEFINITIONS

Unless otherwise expressly stated, the following words shall, for the purpose of this Ordinance have the meaning herein indicated. Any pertinent word or term not a part of this listing but vital to the interpretation of this Ordinance shall be construed to have its usual legal definition:

The present tense includes the future tense.

The masculine gender includes the feminine and the neuter.

The singular number includes the plural, and vice versa.

The word "shall" is always mandatory; the word "may" is always permissive.

The word "person" includes a partnership, association, firm, trust, club, company, or corporation as well as the individual.

The word "used" or "occupied" or "located" as applied to any land, building use, structure, or premises shall be construed to include the words "intended, arranged, or designed to be used or occupied or located."

The word "lot" shall include the words "plot" and "parcel."

The word "Village" shall mean the Village of Secor, Illinois.

The word "Board" shall mean the Zoning Board of Appeals of the Village.

The word "Plan Commission" shall mean the Plan Commission of the Village.

The word "engineer" shall mean the person or firm retained as engineer by the Village.

The words "Governing Body" shall mean the President and Board of Trustees of the Village.

Accessory Structure: A structure on the same lot with the main or principal structure, or the main or principal use; subordinate to and used for purposes customarily incidental to the main or principal structure or the main or principal use.

Accessory Use: A use on the same lot with, incidental and subordinate to the main or principal use or the main or principal structure.

Alley: A permanent service right-of-way which affords only a secondary means of access to property abutting such right-of-way and is not intended for general traffic circulation.

Area, Building: The total area taken on a horizontal plane at the largest floor level of the main or principal building and all accessory buildings on the same lot exclusive of uncovered porches, terraces, steps, awnings, marquees, and non-permanent canopies and planters.

Area, Floor: The sum of the gross horizontal areas of the several stories of a building excluding cellar and basement floor areas not devoted to residential use, but including the area of walled-in and roofed porches and terraces. All dimensions shall be measured between exterior faces of walls.

Area, Floor, Habitable: The sum of the horizontal areas of all rooms in a building used for habitation, such as living room, dining room, kitchen, bedroom, bathroom, or closet, but not including hallways, stairways, service rooms or utility rooms, nor unheated rooms such as enclosed porches, nor rooms without at least one window or skylight opening onto a yard or court, measured between the interior faces of walls.

Area, Lot: The total area within the lot lines.

Basement: A story having part of, but not more than one-half ($\frac{1}{2}$) of, its height below grade.

Block Face: Property abutting on one side of a street and lying between the two nearest intersecting or intercepting streets; or between the nearest intersecting or intercepting street and a railroad right-of-way, waterway, un-subdivided area, or other definite boundary.

Boarding House: A dwelling containing at least three dwelling units or lodging units in whatever combination. Meals are provided within such boarding house to the residents of the lodging units.

Building: An enclosed structure having a roof supported by columns, walls, arches, or other devices and used for the housing, shelter or enclosure of persons, animals, and chattels.

Building, Main or Principal: The building in which is conducted the main or principal use of the lot on which it is located.

Cellar: A story having less than one-half ($\frac{1}{2}$) its height above grade.

Court: An open space other than a yard, on the same lot with, a building which is bounded on two or more sides by, but is not enclosed by, the walls of such building.

Coverage: The percentage of the lot area covered by the building area.

Curb Level: The average elevation of the established curb of a street taken along the curb line between the points of intersection of the curb line and the lot lines. Where no curb has been established the curb level shall be the average elevation of the land surface taken along the street right-of-way line between the points of intersection of the right-of-way line and the lot lines.

Dwelling: A building designed for residential living purposes and containing one or more dwelling and/or lodging units.

Dwelling Unit: One or more rooms constituting all or part of a dwelling which are used exclusively as living quarters for one family and not more than two roomers or boarders, and which contain a stove, sink, and other kitchen facilities.

Dwelling, Single Family: A dwelling containing one dwelling unit.

Dwelling, Two Family: A dwelling containing two dwelling units with one dwelling unit arranged on the story or stories above the other dwelling unit.

Dwelling, Multi-Family: A dwelling containing three or more dwelling units.

Dwelling, Group: A group of two or more single family, two family, or multi-family dwellings in whatever combination, occupying a lot or lots in one ownership.

Family:

A. an individual; or

B. two or more persons related by blood, marriage, or adoption; or

C. a maximum of five persons not so related; together with his or their domestic servants and gratuitous guests maintaining a common household in a dwelling unit or lodging unit.

Garage, Public: A building in which, for compensation, one or more vehicles are parked.

Grade: The average of the elevations of the surface of the ground measured at all corners of a building.

Height: The vertical measurement from grade to a point midway between the highest and lowest points of the roof of a building or the vertical measurement from the average level of the surface of the ground immediately surrounding a structure to the uppermost portion of such structure.

Home Occupation: An accessory use of a service character customarily conducted within a dwelling, which is clearly incidental and secondary to the use of the dwelling for living purposes and does not change the character thereof or have any exterior evidence of such secondary use other than a sign as provided in Section 6.1 hereof. The occupation must conform to the following additional conditions:

1. It must be carried on solely by the members of the family who are residing on the premises;
2. The total floor area devoted to such use shall not exceed 25 percent of the area of one floor of the dwelling, shall be located only in the dwelling and shall not be located in any structure accessory thereto nor in the open;
3. No article is sold or offered for sale except such as may be produced on the premises;
- (4) no mechanical equipment is used except of a type that is similar in character to that normally used for purely domestic or household purposes.

Hotel: A building containing separate accommodations for use by primarily transient persons. A hotel may contain restaurants, barber shops, and other accessory services for serving primarily its residents and only incidentally the public.

Junk Yard: A lot, land, building, or structure, or part thereof used primarily for the collecting, storage, and/or sale of waste paper, rags, scrap metal, or discarded material or for the collecting, dismantling, storage, and salvaging of machinery or vehicles not in running condition and for the sale of parts therefrom.

Kennel: The keeping or housing of three or more dogs six months old or older, either as an accessory or a principal use. A kennel or any part thereof shall not be located in any front or side yard, nor within five feet of any side or rear lot line in a rear yard of any property zoned R-1.

Lodging Unit: One or more rooms constituting all or part of a dwelling which are used exclusively as living quarters for one family and do not contain cooking facilities.

Lodging House: A dwelling containing at least three dwelling units or lodging units in whatever combination. Meals are not provided within such lodging house to the residents of the lodging units.

Lot: The word "lot" when used alone shall mean a zoning lot unless the context of this Ordinance clearly indicates otherwise.

Lot, Corner: A lot located:

- A. at the junction of and abutting two or more intersecting streets; or
- B. at the junction of and abutting a street and the nearest shoreline or high-water line of a storm or floodwater runoff channel or basin: or
- C. at the junction of and abutting two or more storm or floodwater runoff channels or basins; or
- D. at and abutting the point of abrupt change of a single street where the interior angle is less than one hundred and thirty five (135) degrees and the radius of the street is less than one hundred (100) feet.

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

Lot Lines: The lines bounding a lot.

Manufactured Housing, Trailer or Mobile Home: Any portable or mobile vehicle used for residential living purposes by a family. For the purpose of this Ordinance such vehicle shall be classified as a trailer whether it is a single-width or double-wide unit, whether or not its wheels, rollers, skids, or other rolling equipment have been removed, or whether or not any addition thereto has been built on the ground.

Master Plan: The complete plan or any of its parts for the development of the Village and adopted by the Governing Body as the official plan.

Motel: A building or a group of buildings, whether detached, semi-detached, or attached, containing accommodations for primarily transient automobile travelers. The term motel includes such buildings designated as tourist courts, tourist cabins, motor lodges, and other similar terms.

Non Conforming Lot or Use: A lot, sign, structure, or use which does not conform to the regulations and standards of the district in which it is located.

Nursing or Convalescent Home: A building containing sleeping rooms where persons are housed or lodged and are furnished with meals and nursing care for hire.

Parking Space: A space accessory to a use or structure for the parking on one vehicle, the size of which shall be determined as herein specified.

Parking Lot: A lot, court, yard, or portion thereof used for the parking of vehicles.

Planned Development: A tract of land which is developed as a unit under single ownership or control, which includes two or more main or principal structures and is identified to its main or principal use by its functional definition prefix, as dwelling group.

Refuse: Any ashes, tin cans, sewage, scrap metal or waste material of any kind, discarded and which must be disposed of in the public interest.

Right-of-Way: The entire dedicated tract or strip of land that is to be used by the public for circulation and service.

Ringlemann Chart: A smoke chart giving shades of gray to which the density of columns of smoke rising from stacks may be compared. Each such shade of gray is categorized according to a Ringelmann number.

Screen Planting: A vegetative material of sufficient height and density to filter adequately from view, in adjoining Districts, structures, and uses on the premises upon which the screen planting is located.

Setback Line: The building restriction line nearest the front of and across a lot establishing the minimum distance to be provided between the line of a structure located on said lot and the nearest street right-of-way or centerline of the nearest shoreline or high water line of a storm or floodwater runoff channel or basin.

Sign: Any structure or device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge, or insignia of any government or governmental agency, or any civic, charitable, religious, patriotic, fraternal or similar organization, or any sign indicating address. Each display surface of a sign shall be considered a sign.

Smoke Unit: The emission of smoke of a density of Ringelmann Number 1 for a period of one minute.

Special Use: A use permitted in a District pursuant to, and in compliance with, procedures specified herein.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above, then the space between any floor and the ceiling next above it.

Street: A thoroughfare within the right-of-way which affords the principal means of access to abutting property. A street may be designated as an avenue, a boulevard, drive, highway, lane, parkway, place, road, thoroughfare, or by other appropriate name.

Structure: Anything constructed or erected with a fixed location on the surface of the ground or affixed to something having a fixed location on the surface of the ground. Among other things, structures include buildings, walls, fences, billboards, signs, and television satellite dishes.

Structure, Main or Principal: The structure in or on which is conducted the main or principal use of the lot on which it is located.

Tourist Home: A dwelling containing the dwelling unit of the owner or operator and containing separate accommodations primarily for transient automobile travelers.

Trailer Camp, Manufactured Housing or Mobile Home Park: A tract of land meeting the standards established by the county health authorities and by the Illinois State Department of Health:

- A. Where two or more inhabited manufactured housing coaches are parked; or
- B. Which is used by the public as parking space for two or more inhabited trailer coaches.

Use: The specified purpose for which land, a structure or premises, is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any non-conforming use.

Yard: An open space, other than a court, of uniform width or depth on the same lot with a structure lying between the structure and the nearest lot line and is unoccupied and unobstructed from the surface of the ground upward except as may be specifically provided by the regulations and standards herein.

Yard, Front: A yard extending the full width of a lot and situated between the front lot line and the nearest line of a structure located on said lot. Where a lot is located such that its rear and front lot lines each abut a street right-of-way line or the nearest shoreline or high-water line of a storm or floodwater runoff channel or basin, both such yards shall be classified as front yards. Each yard of a corner lot facing a street right-of-way line or the shoreline or high-water line of a storm or floodwater runoff channel or basin shall be classified as a front yard.

Yard, Rear: A yard extending the full width of a lot line and situated between the rear lot line and the nearest line of a structure located on said lot.

Yard, Side: A yard situated between the side lot line and the nearest line of a structure located on said lot and extending from the rear line of the required front yard to the front line of the required rear yard.

Zoning Lot: A single property, parcel, unit, tract, plot, or otherwise designated portion of land, having meter and bounds, which is designated by its owner or developer as a property, parcel, unit, tract, plot, or otherwise designated portion of land which has been sold, or is offered, or will be offered for sale, and is to be used, developed, or built upon as a unit under single ownership or control, and which is occupied or capable of being occupied by one or more structures and the accessory structures, or uses customarily incidental to it, including such open spaces as are arranged and designed with a lot of record.

SECTION 4: DISTRICTS

4.1 In order to carry out the purposes and provisions of this Ordinance, the Village is hereby divided into the following Districts:

- 4.1.1 Agriculture District
- 4.1.2 R-1 Low Density Residential District
- 4.1.3 R-2 Multiple Family Residential District
- 4.1.4 B-1 Central Business District
- 4.1.5 I-1 Industrial District

4.2 The locations and boundaries of the Districts herein established are shown upon the map entitled "Village of Secor Zoning Map" which with all notations thereon, is hereby made a part of this Ordinance.

4.3 New or Annexed Land:

Any land which may be annexed to the Village shall be classified in accordance with the following schedule: Special uses existing when land is annexed to the Village shall continue.

4.3.1 Zoning Classification in County

Conservation A
Conservation B
Agriculture
Residential AR
Residential AS
Residential CS
Commercial
Industrial

Village Classification Upon Annexation

Agriculture
Agriculture
Agriculture
R-1 Residential
R-1 Residential
R-2 Residential
B-1 Business
I-1 Industrial

4.4 Zoning of Streets, Alleys, Public Ways and Railroad Rights-of-Ways:

All streets, alleys, public ways and railroad rights-of-ways, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting. Where the centerline of a street, alley, public way or railroad right-of-way serves as a district boundary, the zoning of such areas, when otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such centerline.

4.5 Rules for the Interpretation of District Boundaries:

Where uncertainty exists as to the Boundaries of Districts as shown on the Zoning Map, the following rules shall apply:

4.5.1. Boundaries indicated as approximately following the centerlines of streets or alleys shall be construed to follow such centerlines.

4.5.2. Boundaries indicated as approximately following recorded lot lines shall be construed as following such lot lines.

4.5.3. Boundaries indicated as approximately following Village limits shall be construed as following such Village limits.

4.5.4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

4.5.5. Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines.

4.5.6. Boundaries indicated as parallel to or extensions of features indicated in subsections (A) through (E) above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

4.5.7. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map or in other circumstances not covered by subsections (A) through (F) above, the Board shall interpret the District boundaries.

SECTION 5: GENERAL PROVISIONS

5.1 Construction and Use:

5.1.1 No structure or land shall hereafter be used or occupied and no structure or part thereof shall hereafter be constructed, erected, altered, remodeled, extended, or moved unless in conformity with all the regulations and standards herein specified for the district in which it shall be located.

5.1.2. No structure shall hereafter be constructed, erected, altered, remodeled, extended, or moved:

5.1.2.1. To exceed the height;

5.1.2.2 To occupy or house a greater number of families;

5.1.2.3. To occupy a greater percentage of the lot area;

5.1.2.4. To exceed the floor area ratio;

5.1.2.5. To have smaller or less habitable floor area per dwelling unit or lodging unit;

5.1.2.6. To exceed the maximum floor area; than hereinafter required or in any manner contrary to the regulations and standards of the district in which it is located.

5.1.2.7. In no case other than in planned developments shall there be more than one main or principal structure, or main or principal use on one lot or tract of land.

5.1.2.8. No accessory use shall be established prior to the establishment of the main or principal use, and no accessory structure shall be constructed, erected, altered, remodeled, extended, or moved prior to the establishment or construction of the main or principal structure except those accessory uses and structures of a temporary nature required for the establishment of the main or principal use, or for the construction of the main or principal structure.

5.1.2.9. No structure shall be constructed or erected on a lot or tract of land or moved to a lot or tract of land which does not abut a public street.

5.1.2.10. Nothing in this Ordinance shall be deemed to require any change in the plans, construction, or designated use of any structure existing or upon which construction was lawfully begun prior to the effective date of this Ordinance, provided that such structure shall be completed within one calendar year from the effective date of this Ordinance.

5.1.2.11. The performance standards, regulations and standards, rules, requirements, provisions, and restrictions set by this Ordinance shall apply to all structures, established after the effective date of this Ordinance and shall not be deemed to require any change in the structures, uses, lots and/or tracts of land lawfully existing on the effective date of this Ordinance except as expressly specified hereinafter.

5.1.2.12. The uses permitted in one District shall not be permitted in any other District unless specifically stated.

5.2 *Open Spaces:*

5.2.1. No part of a yard, buffer strip, or other open space, off-street parking space or loading berth, or lot area required about or in connection with any structure or use for the purpose of complying with the regulations and standards of this Ordinance shall be included as part of a yard, buffer strip or other open space, off-street parking or loading berth or lot area similarly required for any other structure or use.

5.2.2. No yard, buffer strip, or other open space, off-street parking space or loading berth, or lot shall be reduced in dimension or area below the requirements set forth hereinafter. Yards, buffer strips, or other open spaces, off-street parking spaces or loading berths, or lots created or established after the effective date of this Ordinance shall meet at least the minimum requirements established by the Ordinance.

5.3 *Height:*

5.3.1. The height of any main or principal structure or accessory building may exceed the maximum permitted height by one (1) foot for each additional foot by which the width of each yard exceeds the minimum yard dimension for the district in which such structure lies.

5.3.2. Height regulations and standards shall not apply to spires, belfries, penthouses, or domes not used for human occupancy nor to chimneys, ventilators, skylights, water tanks, bulkheads, utility poles, and power lines and other necessary mechanical appurtenances provided their location shall conform, where applicable, to the regulations and standards of the Federal Communications Commission, the Civil Aeronautics Administration, and other public authorities having jurisdiction.

5.4 *Yards:*

5.4.1. Notwithstanding any other provisions of this Ordinance the minimum yard dimensions specified thereafter shall not be reduced except through action by the Board.

5.4.2. Yards shall be kept unobstructed for their entire depth except as specified hereinafter.

5.4.3. Private driveways, service drives, easements, sidewalks, flag poles, arbors, trellises, fences, walls, columns, light poles, hydrants, patios, accessory signs, and other decorative, recreational, and utility devices and equipment may be placed in any yard. A television satellite dish may only be placed in a side or rear yard, and must be at least 10 feet (10') from the lot line.

5.4.4. Fences, walls, and/or hedges may be placed in any yard or along the edge of any yard; provided that no fence, wall, or hedge, except in the case of a junk yard, shall exceed 4 feet in height along the sides or front edge of the front yard or side yard; and 6 feet along the rear yard, except as modified by (12.8-E) below: Fences will be placed inside of the property line as near to the property line as is possible and shall not infringe upon neighboring property. It shall be the responsibility of the property owner or his agent(s) to ascertain exactly where the property line lies.

5.4.5. Corner Lot Visibility: On a corner lot nothing shall be constructed, erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two and one-half (2 ½) feet and ten (10) feet above the centerline grades of the intersecting streets in an area bounded by the street right-of-way lines of such corner lot and a straight line joining points along said street right-of-way lines fifty (50) feet from the nearest point of intersection. Beyond such fifty (50) foot limits, (5.4.4) shall apply.

5.5 Exemptions from Regulations and Standards:

5.5.1. The following structures and uses are exempted from the application of the District regulations and standards and are permitted in any District:

5.5.2. Poles, towers, wires, cables, conduits, vaults, laterals, pipes, mains, valves, or any similar distributing equipment for telephone or other communications, electric power, gas, water, and sewer lines, provided that the installation shall conform, where applicable, with the rules and regulations of the Illinois Commerce Commission, the Civil Aeronautics Administration, and of other public authorities, having jurisdiction. As used herein, "similar distributing equipment" shall not include a television satellite dish. A Zoning Permit shall be obtained for any above-ground electric substation or switching station, gas regulator station, water pump station, telephone exchange or similar utility structure.

5.6 Conformity:

All property annexed to the Village shall be zoned at the time of annexation to properly conform to the surrounding territory and as determined by the Planning Commission.

SECTION 6: A AGRICULTURAL DISTRICT

6.1 Purpose:

The Agricultural District is intended to regulate those areas of the Village predominantly devoted to agricultural uses and in which it is desired to maintain and encourage such open use of land.

6.2 Permitted Uses:

No building, premises or land shall be used and no building shall be thereafter erected or altered either on "A" Agricultural District, unless otherwise provided for in this Ordinance, except for the following uses:

6.2.1. The raising or growing of crops and other vegetative products, including ornamental plants, in the open.

6.2.2. The raising or growing of livestock, or poultry, provided that any building housing such animals or poultry or any feedlot shall be located at least 300 feet from any residential district boundary, and any sewage lagoon, manure pit, or storage area shall be so located, designed, constructed and operated that no odor therefrom is noticeable at any Residential District boundary.

6.3.3. One-family dwellings.

6.2.4. Churches, temples, other places of public worship.

6.2.5. Public or private schools, offering general instruction between kindergarten and twelfth grade levels; public or private colleges offering courses leading toward an associate, baccalaureate, or advanced degree in arts or science or comparable recognized degree.

6.2.6. Parks or recreation areas operated by a unit of government.

6.2.7. Customary accessory uses to any of the above.

6.3 Height:

No building shall hereafter be erected or altered to exceed 35 feet in height.

6.4 Lot Size:

Each dwelling, church, temple, or other place of worship; a public or private school hereafter erected shall be on a lot having an area of not less than 2 acres, with a width of at least 220 feet for an interior lot, or 265 feet for a corner lot; provided, however, that where a lot is smaller than herein required and was of record at the time of the passage of this Ordinance said lot may be occupied by not more than one one-family dwelling.

6.5 Yards:

No building shall hereafter be erected or enlarged unless the following yards are provided and maintained in connection with such buildings:

6.5.1. A Front Yard not less than 60 feet in depth.

6.5.2. A Side Yard on each side not less than 30 feet in width.

6.5.3. A Rear Yard not less than 100 feet in depth.

6.6 Habitable Floor Area:

Any building used as a residence shall contain at least 750 square feet of livable floor space.

SECTION 7: R-1 RESIDENTIAL DISTRICT

7.1 Purpose:

The R-1 Residential District is intended to include those portions of the Village developed predominantly with one-family dwellings on individual lots where it is deemed desirable to maintain and encourage this pattern of development, or those undeveloped portions of the Village in which it is deemed desirable to encourage this pattern or predominant land usage and density of population.

7.2 Permitted Use:

No building or premises shall be used and no building shall be hereafter erected or altered within R-1 Residential District, unless otherwise provided for in this Ordinance, except for the following uses:

7.2.1. One-family dwellings

7.2.2. Libraries; public museums.

7.2.3. Churches; temples; other places of public worship.

7.2.4. Public or private schools offering general instruction between kindergarten and twelfth grade levels; public or private colleges offering courses leading toward an associate, baccalaureate or advanced degree in arts or science or comparable recognized degree.

7.2.5. Parks, recreation areas, recreation building operated by a unit of government; government building but not including storage yards or buildings for the housing of trucks, contractors' equipment, poles, pipe, road building materials or similar materials.

7.2.6. Farming, truck gardening, horticultural nurseries, but not including the raising, housing, pasturing or keeping of bees, fowl, or livestock.

7.2.7. Temporary buildings, structures, and uses incidental to construction on the site, for a period not to exceed one (1) year.

7.2.8 Customary home occupations, but not including the conduct of a retail or wholesale business, manufacture or kennels.

7.2.9. Customary accessory uses, including private garages.

7.2.9.1. No shipping containers or semi-trailers shall be used as garages, storage sheds, or dwellings, under any circumstance.

7.2.9.2. Temporary storage systems consisting of structures of various sizes that are delivered to a site and are commonly referred to as "portable on demand storage" may be located on a residential site for a period not to exceed 60 days..

7.2.10. One nameplate sign not exceeding one square foot in area, which may include the occupant's name, street address and profession or home occupation if such is conducted on the premises. One sign advertising the sale or rental of the premises, and not exceeding 5 square feet in area and including the zoning classification may be displayed.

7.2.11. Trailers and/or mobile homes, must comply with the regulations in 7.8.

7.2.12. No tractor/trailer or other semi-trailer commercial vehicle may be parked or stored in the R-1 District for any purpose other than loading or unloading.

7.3 Height:

No building shall hereafter be erected or altered to exceed 35 feet in height.

7.3.1. Height of accessory building: No accessory building on any lot within the R-1 District shall have an eave height of greater than ten feet above the average ground level surrounding said accessory structure. The roof pitch of any accessory structure shall not be greater or steeper than the roof pitch on the principal structure on the lot which is served by the accessory structure.

7.4 Lot sizes:

Every building hereafter erected shall be on a lot having an area not less than 7,200 feet, a lot width measured along the front setback line of 60 feet and a lot depth of not less than 100 feet, measured along a line midway between the side lot lines perpendicular to the front lot line; provided, however, that where a lot is smaller than herein required, and was of record at the time of the passage of this Ordinance, said lot may be occupied by not more than one family.

7.5 Yards:

No principal building shall hereafter be erected or enlarged unless the following yards are provided and maintained in connection with such buildings.

7.5.1. Front Yard not less than twenty (20) feet in depth, unless 40 percent or more of the frontage is improved with buildings that have observed a greater or less depth of front yard, in which instance no new buildings or portion thereof shall project beyond a straight line drawn between the point closest to the front property line of the two nearest residences, but this regulation shall not be interpreted to require a front yard of more than fifty (50) feet nor to permit a front yard of lesser depth than that of the nearest building. Where the street is curved the line shall follow the curve of the street rather than to be a straight line.

7.5.2. A Side Yard on each side not less than 10 percent of the width of the lot, and need not exceed 10 feet. This shall be measured from the roof edge, rather than the foundation wall.

7.5.3. A Rear Yard having a depth of not less than 25 feet.

7.5.4 Supplementary Regulations: On a corner, no fence, hedge, earth terrace, parking facility or other structure or plant which would obstruct motor vehicle visibility or traffic approaching the corner or intersection shall be erected, placed or maintained within the triangular area formed by the intersection of the lot lines nearest the street intersection and a straight line joining said lot lines at points which are fifteen feet distant from the point of intersection of the lot lines.

7.5.5 Accessory Buildings: Accessory buildings may be built in a required rear yard but such accessory building shall not occupy more than thirty percent of the required rear lot area. Such accessory building shall not be nearer than one and one-half (1 ½) feet to any side or rear lot line nor nearer than five (5) feet to any alley abutting the rear of the lot where doors open to the alley. No accessory building shall be constructed nearer to a public street than is permitted for a main building on the same lot. If the building is to be joined to or constructed with a building on an adjoining lot, the one and one-half (1 ½) foot setback will not be required if the application for a building permit is supported by a letter or agreement signed by the owner of the adjoining property consenting to the proposed construction.

7.6 Building Coverage:

No building, with its accessory building, shall occupy in excess of 37 percent of the area of an interior lot, nor more than 40 percent of the area of a corner lot.

7.7 Habitable Floor Area:

No one story dwelling shall hereafter be erected with a habitable floor area of less than 750 square feet.

7.8 Manufactured Housing, Trailers and/or Mobile Homes:

7.8.1. No trailer shall be placed on any lot in the Village of Secor nearer than

thirty-five (35) feet from a side lot line of any adjoining residence property or trailer; 20 feet from any side street and 20 feet from any alley.

7.8.2. All trailers and/or mobile homes are to be placed parallel on a lot; that is to say, the length of the trailer and/or mobile home shall run parallel with the length of the lot upon which it is placed.

7.8.3. All trailers shall be set back from the front of the lot a corresponding distance with other residence properties and/or no nearer than 30 feet if there are no buildings in said block.

7.8.4. No trailer having less than three hundred (300) square feet of living area shall be placed on any lot in the Village of Secor. However, before said trailer is placed on any lot, the same shall be inspected and approved by the committee appointed in paragraph (e) below, and the following will also apply:

7.8.4.1. Any trailer having less than 400 square feet of living area shall not be occupied by more than 2 people.

7.8.4.2 Any trailer having from 400 to 500 square feet of living area may be occupied by up to 4 people.

7.8.4.3 Any trailer having from 500 to 600 square feet of living area may be occupied by up to 6 people.

7.8.4.4. Any trailer having more than 600 feet of living area my be occupied by more than 6 people but not more than 8 people.

7.8.5. The President of said Board of Trustees shall appoint a committee for the purpose of checking and inspecting each trailer and/or mobile home that is to be placed within said Village from this date forward. Application shall be made by any person desiring to place a trailer and/or mobile home in said Village, on forms to be approved by said Committee.

7.8.6. All trailers and/or mobile homes shall be enclosed with a suitable skirting within 60 days.

7.8.7. Required yards, suitably landscaped, shall be maintained around the perimeter of the project.

7.8.8. Requirement for hurricane straps shall be a minimum of 3 per trailer.

7.8.9. A \$20.00 fee will be charged for a permit to move any trailer into the Village limits.

7.9 Off-Street Parking:

There shall be provided on the same or adjacent lots, off-street parking for two vehicles for each dwelling.

SECTION 8: R-2 MULTIPLE-FAMILY RESIDENTIAL DISTRICT

8.1 Purpose:

The R-2 Multiple-Family Residential District is intended to include those portions of the Village developed or to be developed with apartments, one-family dwellings, nursing homes, sheltered care homes, and group residential facilities.

8.2 Use:

No building or premises shall be used and no building shall be hereafter erected or altered within any R-2 Multiple-Family Residential District, unless otherwise provided for in this Ordinance except for the following uses:

8.2.1. Any use permitted in the R-1 Residential District subject to the restrictions of that district.

8.2.2. Two-family dwellings.

8.2.3. Multi-family residences; sheltered care homes; nursing homes; hospitals for humans; subject to the restrictions herein set forth for such users. Upon approval of the board one or more of the following uses may be established clearly incidental to a multi-family residence, sheltered care home or nursing home: restaurant, office of doctor, dental or similar practitioner in the healing arts. Such incidental use shall be allowed only if it is primarily for the use and benefit of the occupants of the principal use.

8.2.4. Group dwellings, subject to Section 14.

8.2.5. Funeral homes and undertaking parlors.

8.2.6. Professional offices and clinics for human beings.

8.2.7. Private or fraternal clubs, lodges, fraternities and sororities, except those whose chief activity is primarily of a business nature.

8.2.8. No tractor/trailer or other semi-trailer commercial vehicle may be parked or stored in the R-2 District for any purpose other than loading or unloading.

8.3 Standards to which multi-family residences, sheltered care homes, nursing homes and hospitals shall comply:

8.3.1. Required Area: Each single family dwelling shall be erected on a lot having an area not less than seventy-two hundred (7200) square feet per family, a two-family dwelling shall be erected on a lot having an area of not less than thirty-six hundred (3600) square feet per family, and in case of multiple dwellings, not less than twenty-five hundred (2500) square feet per dwelling unit, and all dwellings shall be located on a lot having a width of not less than sixty (60) feet.

8.3.2. Floor Area Ratio: Irrespective of the number of floors in a building or a series of buildings on the same lot, the sum of the total area of all floors shall not exceed the area of the lot (FAR 1.0).

8.3.3. Density: No multi-family residence shall hereafter be erected or altered to accommodate or make provision for more than 20 families on any acre of land, nor make provision for more than a proportional number of families on a fractional part of any acre of land.

8.3.4. Building Height: No building shall hereafter be erected or altered to exceed 42 feet in height.

8.3.4.1 Height of accessory building: No accessory building on any lot within the R-2 District shall have an eave height of greater than ten feet above the average ground level surrounding said accessory structure. The roof pitch of any accessory structure shall not be greater or steeper than the roof pitch on the principal structure on the lot which is served by the accessory structure.

8.3.5. Side Yard: On each side of the building there shall be a side yard having a width of not less than 10 percent of the width of the lot or 1-5 the building height, whichever is greater.

8.3.6. Rear Yard: There shall be a rear yard having a depth of not less than 15 percent of the lot depth but not less than 10 feet in depth, or 1-3 building height, whichever is greater.

8.3.7. Front Yard: There shall be a front yard along each abutting street having a depth of at least 25 feet measured from the right-of-way line.

8.3.8. Off-street Parking: There shall be provided on the same or an adjacent lot, off-street parking for two vehicles for each dwelling unit in a multi-family residence; one car space for each employee per shift plus one car space for each four residents' accommodation in a sheltered care home or nursing home. In addition, if one or more incidental uses are permitted by the zoning board, off-street parking shall be provided as the zoning board deems adequate.

8.3.9. Before any permit shall be issued for a multi-family residence, sheltered care home or nursing home in the District, the site plans therefore shall be submitted to the planning commission for approval. Such site plans shall show: Lot lines; building placement; width of bounding streets and type of pavement; location and size of water lines and sewer lines serving the property; location of off-street parking, with access drives; heights of buildings or parts thereof; landscaping; surrounding land use, such other details as the commission may require in its deliberation.

8.3.10. In its deliberation, the planning commission shall give due consideration to the probable effect the proposal would have on surrounding land uses; the adequacy of existing water and sewer utilities serving the site; the relation of the building height and mass to surrounding structures; the effect the project would have as a traffic generator on streets giving access to the site.

8.3.11. The planning commission may approve the plans, as submitted, may approve the plans subject to modification, or may disapprove the plan. Its decision in each case shall be in writing, spread upon the minutes of the commission, with copies to the applicant, the Building Commissioner, and the Governing Body.

SECTION 9: B-1 CENTRAL BUSINESS DISTRICT

9.1 Purpose:

It is the purpose of the B-1 Central Business District regulations to provide for those uses and establishments most appropriate to be located in the Village center, recognizing its historic age, and existing intensity of development.

9.2 Permitted Uses:

In the B-1 Central Business District, buildings, structures and land may only be put to the following uses:

9.2.1. Bakeries.

9.2.2. Banks.

9.2.3. Barber Shops, Beauty Shops and Shoe Repair and Shining Shops.

9.2.4. Battery Stations, Tire Repair Shops and Gasoline Service Stations.

9.2.5. Bus Stations.

9.2.6. Dairies.

9.2.7. Hospitals.

9.2.8. Hotels and Motels.

9.2.9. Locker Plants.

9.2.10. Stores for the collection and distribution of laundry and dry cleaning articles, but not for the treatment, cleaning or processing of such articles, unless with non-flammable liquids.

9.2.11. Offices.

9.2.12. Photograph and Art Studios.

9.2.13. Printing and Publishing Establishments.

9.2.14. Public Buildings; Fire Stations, Police Stations, and Post Offices.

9.2.15. Public Garages.

9.2.16. Recreation Establishments.

9.2.17. Restaurants.

9.2.18. Shops for Electrical Work, Plumbing, Steam Fitting, Tin-smith, Locksmith, Painting, Decorating and Upholstering.

9.2.19. Stores, Shops, Showrooms and Salesrooms for the conduct of Retail Business.

9.2.20. Storage Rental Facilities

9.2.21. Tailor, Millinery and Dress Making Shops.

9.2.22. Telephone Exchanges and Telegraph Offices.

9.2.23. Theaters.

9.2.24. Professional offices, clinics, and hospitals for human patients.

9.2.25. Signs advertising only goods or services available on the premises on which displayed. Such signs shall not exceed, in total area, two times the lot frontage upon which displayed.

9.2.26. Customary accessory uses, including industrial purposes incidental to a permitted use, provided that not more than five employees shall be engaged at any one time in any such incidental use.

9.2.27. Hospital for human patients.

9.3 Yards, Courts, Coverages:

9.3.1. There shall be a rear yard of not less than 10 percent of the depth of the lot, provided, however, it need not exceed 10 feet in depth.

9.3.2. No side yards are required, but if provided, a side yard shall be not less than 8 feet in width.

9.3.3. No front yard is required.

9.3.4. If an outer court is provided, it shall be not less than 5 feet wide, nor less than 1/6 the length of such court from the closed end.

9.3.5. If an inner court is provided, it shall be not less than 6 feet wide, nor shall its area be less than twice the square of its least required dimension.

9.3.6. No building with its accessory buildings, to be used for commercial purposes, shall occupy in excess of 90 percent of the lot area.

9.3.7. Notwithstanding any of the above requirements in Section 9.3, buildings used in part for residential purposes shall conform to the floor area ratio, density and off-street parking requirements for multi-family residences in Section 8.

SECTION 10: I-1 INDUSTRIAL DISTRICT

10.1 Purpose:

It is the Purpose of the I-1 Industrial District regulations to protect established residential areas from nearby industrial activities which may create offensive noise, vibration, smoke, dust, odors, heat, glare, fire hazards, and other objectionable influences; to protect the limited amount of suitable industrial land from preemption by other uses and thereby to protect and enhance the tax base of the Village.

10.2 Permitted Uses:

No building or premises shall be used and no building shall hereafter be erected or altered within any Industrial District, unless otherwise provided in the ordinance, except for the following:

- 10.2.1. Public utility substations, distribution centers, gas regulator stations.
- 10.2.2. Wholesale business establishments, warehouses, storage of household goods.
- 10.2.3. Building material storage yards, contractors' plants or storage yards, lumber yards.
- 10.2.4. Laboratories.
- 10.2.5. Manufacturing, fabricating, assembly and processing of materials, articles and products, subject to the performance standards of the Woodford County Zoning Ordinance, which standards are hereby adopted by reference.
- 10.2.6. Offices, display rooms, as an accessory use to any of the above permitted uses.

SECTION 11: OFF-STREET PARKING AND LOADING

11.1 Purpose:

It is the purpose of this section to prevent added congestion of the public streets and so promote the safety and welfare of the people by requiring, in connection with any new construction, that off-street parking and loading be provided in accordance with the use to which the property is put and its location in the Village.

11.2 General Provisions:

11.2.1. *Procedure:* An application for a building permit for a new or enlarged building, structure or use shall include therewith a plot plan in duplicate, drawn to scale, and fully dimensioned showing any parking or loading facilities to be provided in compliance with the requirements of this Ordinance.

11.2.2. *Extent of Control:* The off-street parking and loading requirements of the Ordinance shall apply as follows:

11.2.2.1. All building and structures erected and land uses initiated after the effective date of this Ordinance shall provide accessory off-street parking or loading facilities as required hereinafter for the use thereof, except that a building or structure for which a building permit has been issued prior to the effective date of this Ordinance shall not be required to furnish parking or loading facilities if construction is begun thereon within six months of the effective date of this Ordinance and diligently prosecuted to completion.

11.2.2.2. When a building or structure erected prior to or after the effective date of this Ordinance shall undergo any decrease in number of dwelling units, gross floor area, seating capacity, number of employees, or other unit of measurement specified hereinafter for required parking or loading facilities and further, when said decrease would result in a requirement for fewer total parking or loading spaces through application of the provisions of this Ordinance thereto, parking and loading facilities may be reduced accordingly, provided that existing parking or loading facilities shall be so decreased only when the facilities remaining would at least equal or exceed the parking or loading requirements resulting from application of the provisions of the Ordinance to the entire building or structure as modified.

11.2.2.3. When a building or structure shall undergo any increase in number of dwelling units, gross floor area, seating capacity, or other unit of measurement specified hereinafter for required parking or loading facilities, and further, when said increase would result in a requirement for additional total parking or loading spaces through application of the provisions of this Ordinance thereto, parking and loading facilities shall be increased accordingly so that the total shall at least equal the parking or loading requirements resulting from application of the provisions of the Ordinance to the entire building or structure as modified.

11.2.3 Existing Parking and Loading Spaces:

Accessory off-street parking and loading spaces in existence on the effective date of this Ordinance may not be reduced in number unless already exceeding the requirements of this section for equivalent new construction; in which event, said spaces shall not be reduced below the number required herein for such equivalent new construction.

11.2.4 Additional Parking and Loading Spaces:

Nothing in this section shall prevent the establishment of off-street automobile parking or loading facilities to serve any existing use of land or buildings, subject to full compliance with the provisions of this section, except that off-street parking areas accessory to existing multiple-family structures cannot be located off the premises containing the main use, unless on a lot adjacent thereto, without authorization by the Governing Body.

11.2.5 Damage or Destruction:

Any building, structure or use which is in existence and is a non-conforming use on the effective date of this Ordinance and which subsequently shall be damaged or partially destroyed by fire, collapse, explosion or other cause

shall not be reconstructed, re-established or repaired unless off-street parking or loading facilities equivalent to any maintained at the time of such damage or destruction shall be restored and continued in operation. However, it shall not be necessary to restore or maintain parking or loading facilities in excess of those required by this Ordinance for equivalent new construction.

11.3 Schedule of Requirements:

Requirements governing the number of off-street parking and loading in relation to the use of property are as set forth in the following table and are deemed to be minimum requirements. The requirements for any use not specified thereon shall be the same as for a similar specified use, as determined by the Board of Appeals. For the purpose of this section a parking space shall be deemed an area of not less than 170 square feet, at least 8' 6" in width and not less than 25 feet in length.

USE	MINIMUM REQUIRED PARKING SPACES	MINIMUM REQUIRED LOADING SPACES
Dwellings	2 per dwelling unit.	0
Hotels, Motels, Clubs	1 per 3 guests, or 1 per sleeping unit	0
Lodging, Rooming,	1 per 3 guests, plus 1 for Boarding House manager	0
Private Clubs (without sleeping rooms)	Parking spaces equal to 25% of total membership or 1 space for every 400 sq.' of floor area whichever is greater	1
Hospitals, Sanitariums, Convalescent Homes, Nursing Homes	1 for each 4 beds, plus 1 for each staff and visiting doctor, plus 1 for each 3 other employees.	1 space for 40,000 sq.' of floor area, plus 1 space for each additional 100,00 sq.' floor area.
Medical, Dental Clinics	5 spaces per doctor engaged at the clinic.	0
Mortuaries, Funeral Parlors	1 space per 50 sq. ft. of floor space in chapels and parlors.	1
Churches, School Auditoriums, stadiums, sports arenas, Indoor Theaters	1 space per 5 individual seats.	0
Other places of assembly without fixed seating	1 space per 75 sq. ' of gross floor area.	0

Banks, Business or Professional Offices	1 per 400 sq. ft. of floor area.	1 space per 100,000 sq.' of floor area or major fraction thereof.
Bowling Alleys	5 per alley.	1 space per 100,000 sq.' of floor area or major fraction.
Retail Stores, Shop, and Banks	1 per 200 sq. ft of floor area.	1 space per 100,000 sq.' of floor area of major fraction thereof.
Mobile Home Courts	2 per mobile home lot.	0
Manufacturing and Industrial, Warehousing Research & Testing Labs	1 per 2 employees per shift based upon the largest shift.	1 for 1st 40,000 sq.' of floor area, plus 1 for each additional 100,000 sq. ft.

11.4

Notwithstanding the above requirements, the required off-street parking or loading may be waived for an establishment in the B-1 Central Business District where the establishment participates in the development and maintenance of community off-street parking in accordance with plans as adopted by the Planning Commission, upon its finding that the establishment is a cooperator in the Business District plan implementation.

11.5

All required off-street parking and loading shall be on the same lot with the establishment or on an adjacent lot or one across a street therefrom.

SECTION 12: SPECIAL USES

12.1 Description and Purpose:

A "Special Use" is a use which is necessary or desirable for the public welfare, but which is potentially incompatible with the uses normally permitted in the zoning Districts established herein. It is hereby declared the policy and purpose of this Ordinance to employ the Special Use as a flexible means of permitting certain exceptions to the Districts established and the rules and regulations adopted herein, in cases where the public benefit of such uses outweighs the potential harm, and under such conditions imposed as are necessary to protect the public health, safety and welfare and individual property rights

12.2 Authorizing Special Use Permits:

Special Use permits may be authorized by the Planning Commission in accordance with the procedure herein set forth when it appears:

- A. That it is reasonably necessary for the public convenience at the location;
- B. That it is so designed, located, and proposed as to be operated so that it will not be injurious to the district in which it shall be located or otherwise detrimental to the public welfare;
- C. That it conforms to the applicable regulations and standards of and preserves the essential character of, the district in which it shall be located;
- D. That in the case of an existing non-conforming use, it will make such use more compatible with its surroundings.

12.3 Schedule of Special Uses:

- 1. Cemeteries in Agricultural and Residential Districts.
- 2. Commercial Kennels in the Agricultural and Business District provided any runs or pens not located within a completely enclosed building shall be at least 200 feet from any property line.
- 3. Billboards in the Agricultural, B-2 and Industrial Districts, subject to Section 12.10.
- 4. Golf courses (par 3 or standard or miniature) or golf driving ranges in the Agricultural, Commercial or Industrial Districts.
- 5. Fairgrounds, circuses, carnivals, celebrations in the Agricultural, Commercial and Industrial Districts.
- 6. Fraternity and sorority houses in the Residential Districts.
- 7. Gravel or sand mining or processing, top soil removal, borrow pits or removal of fill dirt in any district, subject to Section 12.7.
- 8. Junk yards in the Industrial District, subject to Section 12.6.
- 9. Mobile home parks in the R-2 Residential Districts, subject to Section 12.7.
- 10. Group dwellings in the Residential Districts, subject to Section 12.8.

11. Single and multi-family dwellings in B-1 Districts.

12. Swim club, tennis club or similar intensive recreation facility operated by a membership organization, in the Agricultural, R-2 Residential District, Commercial District, or Industrial Districts.

12.4 Applicability of District Regulations:

In addition to any special conditions or restrictions which may be prescribed as a condition of approval of a special use, the yard and setback line regulations and the off-street parking and loading requirements for the District in which the special use is located, shall apply.

12.5 Specific Regulations for Gravel or Sand mining or processing, Top soil removal, Borrow pits or Removal of fill dirt:

1. All excavations, structures and equipment storage, including truck parking or servicing areas, shall be subject to the setback and yard restrictions for principal structures in the district in which located.
2. All pits developed by the excavation of material shall have side slopes of 1.5 to 1 vertical; such slopes shall not encroach upon the required setbacks and yards
3. Such use shall be allowed only upon satisfactory proof to the city that the land will be left in a condition, upon completion of the operation, such that it can be utilized for a use permitted in the district in which located.
4. Adequate provision of fencing, landscape screening, erosion control both during and subsequent to completion of the operation and protection of any water sources or ground water shall be submitted and approved as deemed appropriate by the city.

12.6 Specific Regulations for Junk Yards:

1. The yard shall be so located physically that it can be screened from view by plant materials, ornamental fencing not over 8 feet in height or a combination of both, from any public street or highway or from adjoining property. A condition of approval shall be that such screening shall be put in place forthwith upon grant of the special use.
2. No open burning shall be permitted or tolerated.
3. Materials within the yard shall be stored in an orderly and neat manner.
4. No garbage, trash, or other materials shall be stored or allowed to accumulate

which may harbor vermin or rodents.

12.7 Specific Regulations for Mobile Home Parks

1. Detailed site plans and specifications shall be presented for the proposed mobile home park showing its relationship to surrounding uses and its utilization of the topography within the site.
2. The park shall be served by an approved water supply and an approved septic tank system.
3. All utilities shall be underground.
4. All internal driveways shall be 25 feet or more in width, surfaced with blacktop or better.
5. The site shall be free from objectionable smoke, noxious or toxic fumes, odors, vapors, gas, noise, insect or rodent infestation, flood hazard or similar objectionable factors.
6. It shall conform to all applicable local, county or state regulations.
7. A density of no more than seven mobile home spaces per gross acre of the site shall be permitted.
8. Adequate common open space, and recreation facilities as appropriate to the size of the project and its intended occupancy shall be provided.
9. Required yards, suitably landscaped, shall be maintained around the perimeter of the project.

12.8 Specific Regulations for Group Dwellings.

Detailed site plans and statement of intent shall be presented for the group dwelling site. Such site plan and statement shall show vehicular access ways, sidewalks, utility services and easements, the location, type and maximum size of dwelling units, areas intended for recreation or any uses other than housing method of operation and such other information deemed pertinent by the city planning commission to its proper understanding of the application. Modifications of the site plan may be made only with the approval of the Plan Commission. Approval of the site plan by the Village Planning Commission shall be determined on the basis of the following standards.

A. Vehicle and pedestrian entrances to the group dwelling area from public streets and highways shall be so planned as to avoid traffic and shall have sufficient right-of-way to meet requirements for city streets.

B. Private access ways which might serve through traffic shall have sufficient right-of-way to meet requirements for city streets.

C. The area shall not be divided into lots, but shall be developed as a single parcel; however, a designated part of that parcel may be designated as private open space for one or more dwellings.

D. Dwelling units may be single-family, two-family, or multi-family.

E. Along boundary lines next to other property or public streets or highways the setback regulations under Residential R-2 Districts shall apply.

F. Buildings shall not in the aggregate occupy more than 40 percent of the area.

G. Heights of buildings shall not exceed 42 feet.

H. There shall be no requirements as to the livable floor area per dwelling unit or as to the distance between units.

I. Overall density shall not exceed one (1) family per 2,500 square feet of total lot area, except that for a group dwelling to be occupied exclusively by elderly families, the overall density shall not exceed one (1) family per 1,250 square feet of total lot area.

J. Adequate parking in garages, carports or in open parking areas out of the traveled way of interior access ways shall be provided at the rate of at least four (4) spaces for each three (3) dwelling units. No parking on public streets shall be deemed as meeting in whole or in part this requirement.

12.09 Specific Regulations for Billboards:

1. Detailed site plans and specifications shall be presented, showing the lot lines, proposed location of sign structure, location of other structures on the lot, illumination specification and landscaping.

2. Individual sign structures shall be at least 100 feet apart, whether located on the same lot or different lots, and not less than 10 feet from any interior side lot line.

3. The maximum sign area shall not exceed 2 square feet of sign area per foot of frontage of the lot on which located.

4. Any sign illumination shall be so located, shielded and operated as not to cause direct glare to approaching motorist nor to nearby residences. No such illumination shall be of a flashing or intermittent type nor of a color or type to be

confused with any traffic regulatory device nor safety warning light.

5. Any such sign shall be so located with respect to public streets as not to create a traffic hazard.

6. Only billboards shall be permitted which refer to services or products available in Secor and specifying thereon the location where such services or products are available.

12.10 Procedure for Consideration of a Special Use:

A. A written application shall be filed with the City clearly stating the name and address of the applicant and of the owner of record; the location of the property; the specific special use sought; facts to demonstrate compliance with the requirements for special use in general and for the specific special use sought. A detailed sit plan shall accompany the application.

B. The Planning Commission shall conduct a public hearing thereon, after publicity of notice in a newspaper of local circulation at least 15 days but not more than 30 days prior to the date of hearing.

C. The applicant shall cause a copy of said notice to be delivered to the owner of record of all property within 300 feet thereof and the occupants within said 300 feet, and shall so certify at the hearing. Evidence of mailing notice to the person responsible for the last tax bill shall be deemed meeting the owner of record notification requirements.

D. Anyone wishing so to do may testify for or against said application provided his statements are under oath or affirmation.

E. The hearing may be adjourned from time to time to afford everyone an opportunity to be heard. A written record shall be kept and shall constitute a public record.

F. Upon the completion of the hearing the Planning Commission may grant in whole or in part, or deny the petition for special use. In granting a special use it may impose such additional conditions as deemed necessary in the particular case to further the Zoning Plan and protect surrounding uses.

G. The Planning Commission shall notify the applicant and the Village Board of Trustees of its decision in writing and shall publish notice of decision in a newspaper circulated in the Village.

H. Within 30 days of the publication of notice of decision, anyone aggrieved by said decision may appeal to the Village Board of Trustees for review. The Village Board of Trustees, by simple majority vote of its entire membership, may affirm or reverse, in

whole or in part, said decision of the Planning Commission. Said action by the Village Board of Trustees shall be based solely upon its study and review of the full transcript of the hearing before the Planning Commission.

SECTION 13: NON-CONFORMITIES

A. Within the Districts established by this Ordinance or by amendments that may later be adopted, there exists lots, premises, structures, and uses of land which were lawful before this Ordinance was effective or amended, but which would be prohibited, regulated, or restricted under the provisions of this Ordinance or future amendment.

B. It is the intent of this Ordinance to permit these non-conformities to continue until they are removed (except as otherwise herein provided), but not to encourage their survival. Such non-conformities are declared by the Ordinance to be incompatible with the permitted structures and uses of land and structures in the Districts involved. It is further the intent of this Ordinance that such non-conformities shall not be enlarged upon, expanded, or extended except as provided for herein, nor to be used as grounds for adding other structures or uses prohibited elsewhere in the same District.

C. A non-conforming use of land, premises, or structures shall not be enlarged upon, expanded, or extended after the effective date of this Ordinance by the attachment of a structure, premises, or land; of additional signs intended to be seen off the premises or land, or by the addition of other uses of a nature which would be prohibited in the District involved.

D. A non-conforming use or a non-conforming structure which is non-conforming only because of failure to provide required off-street parking spaces or loading berths shall have all the rights of a conforming use or structure.

13.1 Non-Conforming Lots of Record:

A. In any District in which single family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single family dwelling and customary accessory building may be erected on any single lot of record at the effective date of adoption, or amendment of this Ordinance. Such lot must be in separate ownership and not a continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the District provided that yard dimensions and other requirements not involving area or width, or both, of the lots shall conform to the regulations for the District in which such lot is located unless otherwise provided herein.

B. If two or more lots or combination of lots and portions of lots with continuous frontage in single ownership are of record on the effective date of this Ordinance, and if

all or part of the lots do not meet the requirements for lot area, width, and/or depth as established by this Ordinance, the lots involved shall be considered to be an undivided tract of land for the purpose of this Ordinance, and no portion of said undivided tract of land shall be used by the present owner, or any future owner, for the erection of a structure which does not meet the lot area, width, and/or depth requirements established by this Ordinance.

C. Anything contained herein notwithstanding, a lot of record on the effective date of this Ordinance which is classified non-conforming because said lot fails to meet the requirements for area, width, and/or depth of the District in which said lot is located, shall not be eligible for the location of a dwelling for reasons of protecting the public health unless said lot contains a minimum area not less than ten thousand (10,000) square feet in area.

D. Yard Regulations and Standards for Single Non-Conforming Lots of Record.

1. Front Yard: The front yard regulations and standards of the District in which such lot is located shall apply.

2. Rear Yard: The rear yard regulations and standards of the District in which such lot is located shall apply.

3. Side Yard:

(a) On such lot with a width of fifty (50) feet or more, two (2) side yards shall be provided as required by the regulations, and standards of the District in which such lot is located.

(b) On such lot less than fifty (50) feet but not less than twenty-seven (27) feet in width, two (2) side yards shall be provided, each equaling ten percent (10%) of the lot width.

(c) On such lot less than twenty-seven (27) feet but not less than twenty (20) feet in width, the structure located on such lot shall have a width of not more than ninety percent (90%) of such lot width. Only one (1) side yard need be provided, equaling in width the difference between the lot width and the maximum permitted width of the structure. No other side yard need be provided. The wall of any building facing the side of the lot on which no side yard is required shall be without openings and shall not be constructed as a common wall.

13.2 *Non-Conforming Uses of Land:*

Where, on the effective date of adoption or amendment of the Ordinance, a lawful use of land exists that is no longer permissible under the regulations and standards of the

Ordinance as adopted, or amended, such use may be continued so long as it remains otherwise lawful subject to the following provisions:

A. No such non-conforming use of land shall be enlarged, increased, or extended to occupy a greater area of land than was occupied on the effective date of adoption or amendment of this Ordinance.

B. No such non-conforming use of land shall be moved in whole or in part to any other portion of the lot or tract of land occupied on the effective date of adoption or amendment of this Ordinance.

C. If any such non-conforming use of land ceases for any reason for a period of more than one hundred eighty (180) consecutive days, and subsequent use of such land shall conform to the resolutions and standards set by the Ordinance for the District in which such land is located.

13.3 Non-Conforming Structures:

Where, on the effective date of adoption or amendment of this Ordinance, a lawful structure exists that could not be built under the regulations and standards of this Ordinance as adopted or amended, by reasons of restrictions on lot area, lot coverage, floor area ratio, height, yards, spacing between buildings, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful subject to the following provisions:

A. No such structure devoted to a use not permitted by this Ordinance in the District in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or altered except in changing the use of such structure to a use permitted in the District in which it is located.

B. Any non-conforming use may be extended throughout any parts of the building or structure which were manifestly arranged or designed for such use at the effective date of adoption, or amendment, of this Ordinance, but no such use shall be extended to occupy land outside of such structure.

C. If no structural alterations are made, any non-conforming use of a structure, or of any premises, may be changed to another non-conforming use provided that the board, either by general rule or by making findings in the specific case shall find that the proposed use is equally appropriate or more appropriate to the District than the existing non-conforming use. In permitting such change the board may require appropriate conditions and safeguards in accord with the provisions of this Ordinance.

D. Any structure, or any premises, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations and standards of the District in which such structure or premises is located, and the non-conforming use

shall not be resumed.

E. When a non-conforming use of a building or structure, or of a premises, is discontinued or abandoned for six (6) consecutive months or for eighteen (18) months during any three (3) Year Period, the structure, or the premises, shall not thereafter be used except in conformance with the regulations and standards of the District in which it is located.

F. Where non-conforming use status applies to a premises, removal or destruction of the structure shall eliminate the non-conforming use status of the land, except as it may qualify as a non-conforming lot of record.

13.4 Non-Conforming Signs:

Where, on the effective date of adoption or amendment of this Ordinance, a lawful sign exists that could not be located under the regulations and standards of this Ordinance as adopted, or amended, by reasons of restrictions on location, sign area, height, or other characteristics, such sign may be continued so long as it remains otherwise lawful subject, however, to the following limitations and provisions:

A. No such sign may be enlarged or altered which increases its non-conformity but the substitution or interchange of poster panels or painted boards shall be permitted.

B. Should such sign be destroyed by any means to an extent of more than fifty percent (50%) of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance

C. Should such sign be moved for any reason for any distance whatever it shall thereafter conform to the regulations and standards for the District in which it is located after it is moved.

13.5 Repairs and Maintenance:

On any structure devoted in whole or in part to any non-conforming use, or which itself is non-conforming, work may be done in any period of twelve (12) consecutive months of ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, to a extent not to exceed ten percent (10%) of the then current replacement value of the structure, provided that the volume of such building or the size of such structure as it existed at the effective date of adoption, or amendment, of this Ordinance shall not be increased. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

SECTION 14: ADMINISTRATION

14.1 Administration and Enforcement:

14.10 Zoning Administrator:

A. Appointment:

This Ordinance shall be administered and enforced by the Zoning Administrator appointed by the Chairman of the Governing Body and confirmed by the members of the Governing Body. The Zoning Administrator may be provided with the assistance of such persons as the Governing Body may direct.

B. Duties:

The Zoning Administrator shall have the authority and duty to administer and enforce this ordinance and shall:

1. Issue all Zoning Use Permits where authorized by this Ordinance and keep permanent records thereof;
2. Issue all Zoning Compliance Certificates and keep permanent records thereof;
3. Conduct such inspections of structures and uses as are necessary to determine compliance with this Ordinance;
4. Maintain permanent records pertaining to variance, special conditions, and special uses granted, modified, or denied by the board;
5. Maintain permanent records of all amendments to this Ordinance;
6. Make, or cause to be made, changes to the Official Zoning Map in the manner specified herein;
7. When directed by the Board or Plan Commission, prepare factual reports pertaining to any variance, special condition, or special use, or to any amendment to this Ordinance;
8. When directed by the Board or Plan Commission, attend meetings of the Board or Plan Commission or public hearings held in connection with any variance, special conditions, or special use, or with any amendment to this Ordinance;
9. In the event that any regulations and standards of this Ordinance are being violated, notify immediately in writing upon his knowledge of such

violation the perpetrator of such violation, indicating the nature of the violation and the action necessary to correct it. The Zoning Administrator shall order the discontinuance of illegal use of any structure or land; removal of any illegal structure or of any addition, change, or alteration thereto; discontinuance of any illegal work being done; or alteration thereto; discontinuance of any illegal work being done; or shall take other action authorized by this Ordinance to insure compliance with or to prevent violation of its regulations and standards. When necessary, the Zoning Administrator, after investigation and recommendation, may inform the Village Attorney who shall, in turn, institute an appropriate action or proceeding in equity to restrain, correct, or abate such violation.

14.11 Zoning Use Permit:

A. Scope of the Zoning Use Permit:

A Zoning Use Permit shall be obtained by the owner, lessee, agent of either, or the architect, engineer, or builder employed in connection with the proposed work from the Zoning Administrator before starting:

1. To establish, occupy, or change the use of a structure or land either by itself or in addition to another use;
2. To construct or erect a new structure or part thereof;
3. To extend, or move any structure or part thereof;
4. To change one (1) non-conforming use to another such use or to a special use;
5. To extend, expand, change or reestablish any non-conforming use.

No Zoning Use Permit fee shall be required for those structures and uses exempted by the Ordinance.

B. Application for Zoning Use Permit:

1. Applications for Zoning Use Permits shall be filed in written form with the Zoning Administrator on such forms as the Zoning Administrator shall prescribe, and shall:

(a.) state the location, including street number, lot, block and/or tract comprising the legal description of the property;

(b.) state the name and address of the owner, the applicant, and the contractor if known;

(c.) state the estimated costs;

(d.) describe the uses to be established or expanded;.

(e.) be accompanied by a plan in duplicate, or duplicate prints thereof, drawn approximately to scale, showing the:

- (1) actual dimensions of the lot to be built upon;
- (2) size, shape, and location of the use to be established or the structure to be constructed;
- (3) size, shape, and location of all existing structures and uses located on the lot;
- (4) minimum floor elevation and highest known flood level, where applicable;
- (5) ingress and egress;
- (6) off-street parking spaces, and loading berths;
- (7) water supply and sewage disposal facilities, including a true and correct copy of any permit required by the City, County, or State Health Department approving such facilities;
- (8) other information as may be necessary to provide for the proper administration and enforcement of this Ordinance.

(f.) include any accessory structure, or use established or constructed at the same time the main or principal structure, or main or principal use is established or constructed

2. Each Zoning Use Permit for a main or principal structure, or main or principal use shall cover any accessory use established or constructed at the same time on the same lot or tract of land.

C. Issuance of Zoning Use Permit:

1. The Zoning Administration shall retain the original copy of the Zoning Use Permit and shall mark such Permit whether approved or disapproved.

2. One (1) copy shall be returned to the applicant, duly signed and marked, as in (1) above.

3. The applicant's copy shall be posted in plain sight on the premises for which it is issued until the Zoning Compliance Certificate shall have been issued by the Zoning Administrator.

4. No Zoning Use Permit shall be issued until application has been made for a Zoning Compliance Certificate.

D. Expiration of Zoning Use Permit:

1. If the work described on any Zoning Use Permit shall not have begun within ninety (90) days, from the issuance thereof, said Permit shall expire and be canceled by the Zoning Administrator and written notice thereof shall be given to the applicant.

2. If the work described on any Zoning use Permit shall not have been substantially completed within two (2) calendar years from the issuance thereof, said Permit shall expire and be canceled by the Zoning Administrator and written notice thereof shall be given to the applicant together with notice that further work as described on the canceled permit shall not proceed until a new permit shall have been issued;

"provided, however, that for commercial and industrial buildings the permit shall extend for such additional period as is set forth in the application for the Zoning Use Permit as the time necessary to complete the building."

Such new permit may require, at the discretion of the Board, a limitation on time allowed for the completion of the work and a performance bond to insure completion within the time set. Such new Permit shall not, in any case, be valid after three hundred and sixty-five (365) consecutive days from the date of issuance thereof.

3. A Zoning Use Permit issued for the establishment of the use of land where no structure is involved or on which land a structure is accessory to the main or principal use not involving any structure, shall not expire. The land so used shall be inspected by the Zoning Administrator at one (1) year intervals from the date of issuance of such Permit to insure compliance with the regulations and standards of this Ordinance. Land used for agriculture shall be exempt from this requirement.

E. Zoning Use Permit Fees;

1. A fee, where required, shall be charged for each permit and collected by the Zoning Administrator who shall account for the same to the Village.

(a) New construction of a main or principal structure of 2,500 square feet of floor area or less: **\$25.00**

(b) New construction of an accessory building: **\$15.00**

(c) Alter, remodel, or extend a main or principal structure, regardless of square footage: **\$15.00**

(d) Alter, remodel, or extend an accessory use: **\$15.00**

(e) Move a structure from one lot to another: \$15.00

(f) Wrecking or demolition: \$25.00

(g) Change in use: \$25.00

2. There shall be no refund of any Zoning Use Permit Fee paid herewith.

3. Exemptions from Zoning Use Permit Fees:

Notwithstanding any other provision of this Ordinance, the following structures and uses are exempt from Zoning Use Permit Fees:

(a) Those structures enumerated in Section 5.4 (c.)

(b) Those structures and uses enumerated in Section 5.5.

(c) Government bodies, government owned and/or operated utilities, and agriculture.

14.12 Zoning Compliance Certificates:

A. Application for Zoning Compliance Certificate:

1. New or Altered Uses, and Structures:

(a) It shall be unlawful to use or occupy or permit the use or occupancy of any land or structure or part thereof hereafter created, constructed, erected, changed, moved, or wholly or partly altered or enlarged in its use or structure until a Zoning Compliance Certificate shall have been issued thereof by the Zoning Administrator stating that the proposed use of the land and structure, conforms to the regulations and standards of this Ordinance.

(b) No Zoning Use Permit shall be issued until an application has been made for a Zoning Compliance Certificate.

2. Non-Conforming Uses:

(a) No non-conforming use of land and no non-conforming use of a structure shall be renewed, changed, altered, or extended until a Zoning Compliance Certificate shall have been issued by the Zoning Administrator. The Zoning Compliance Certificate shall state specifically wherein such non-conforming use differs from the regulations and standards of this Ordinance.

(b) Owners or occupants of land or structures the use of which is non-conforming may within three (3) months after the enactment of this Ordinance, or after an amendment hereof rendering use non-conforming apply for a Zoning Compliance Certificate. Failure to make such application within three (3) months shall be prima facie evidence that the use of land or structure was a conforming use at the time of enactment or amendment of this Ordinance.

B. Issuance of Zoning Compliance Certificate:

1. When all work as described on the Zoning Use Permit is complete, the applicant shall notify the Zoning Administrator in writing. After examination of the premises to ascertain that all work described on the Zoning Use Permit has been conducted in compliance with the regulations and standards of this Ordinance, the Zoning Administrator shall issue the Zoning Compliance Certificate.

2. Except in the case of the use of land as specified in Section 16.11D (3), the issuance of the Zoning Compliance Certificate shall invalidate the Zoning Use Permit issued for work conducted in connection with the premises involved.

3. The Zoning Administrator shall retain the original copy of the Zoning Compliance Certificate.

4. One copy shall be returned to the applicant, duly signed.

5. On each successive date of inspection of land, the use of which does not involve a structure or on which land a structure is accessory to the main or principal use, such main or principal use not involving any structure, and for which the Zoning Use Permit does not expire, the Zoning Administrator shall issue a Zoning Compliance Certificate if such use has been conducted in conformance with the regulations and standards of this Ordinance and shall be effective only until the next required date of inspection.

6. A temporary Zoning Compliance Certificate may be issued by the Zoning Administrator for a period not exceeding six (6) months during alterations or partial occupancy of a structure pending its completion; **provided that such conditions and safeguards as will protect the safety of the occupants and the public.**

C. Zoning Compliance Certificate Fees:

Only in the case of issuance of a Zoning Compliance Certificate for the registration of a non-conforming use as specified in Section 14.12A (2) shall a fee be charged for such Certificate. Such fee shall be \$15.00 and shall not be refundable.

14.13 Construction and Use to be as Provided in Applications, Plans, Zoning Use Permits and Zoning Compliance Certificates:

Zoning Use Permits and Zoning Compliance Certificates issued on the basis of plans and applications approved by the Zoning Administrator authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction.

Use, arrangement, or construction at variance with that authorized, the construction, erection, alteration, remodeling, extension or movement of any use or structure without a Zoning Use Permit and/or a Zoning Compliance Certificate shall be deemed a violation of this Ordinance and punishable as provided in Section 18 hereof.

14.14 Zoning Board of Appeals (hereinafter referred to as the Board)

A. Appointment:

1. The Governing Body shall provide for the appointment of the Board. The Board shall consist of seven (7) members to serve as follows:

- One (1) for 1 (1) year
- One (1) for two (2) years
- One (1) for three (3) years
- One (1) for four (4) years
- One (1) for five (5) years
- One (1) for six (6) years
- One (1) for seven (7) years

The successor to each member so appointed by the Governing Body shall serve for three (3) years.

2. All appointments to the Board shall be made by the Chairman of the Governing Body and be confirmed by the members of the Governing Body.

3. One (1) of the members of the Board shall be named by the Governing Body as Chairman of the Board and in case of vacancy a new chairman shall be designated in like manner.

4. The Governing Body shall have the power to remove any member of the Board for cause, after public hearing, held after at least ten (10) days notice to the member concerned, of the charges against him. Vacancies shall be filled by the Governing Body for the unexpired term of any member whose place has become vacant.

B. Proceedings of the Board:

1. Meetings:

(a) All meetings of the Board shall be held at the call of the Chairman and at such times and places within the Village as the Board may determine.

(b) All meetings of the Board shall be open to the public.

(c) The presence of a majority of the members of the Board at a meeting of the Board shall constitute a quorum. No action shall be taken by the Board unless a quorum is present.

(d) The Board shall adopt rules necessary to the conduct of its affairs and

in keeping with the provisions of this Ordinance.

(e) The Chairman or in his absence the Acting Chairman may administer oaths and compel the attendance of witnesses. All testimony by any witness shall be given under oath.

(f) 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 such facts, and shall also keep records of its examinations and other official actions

(g) Every rule, regulation, every amendment or repeal thereof, and every order, requirement, decision, or determination of the Board shall immediately be filed in the office of the Board and shall be a public record.

(h) In the performance of its duties the Board may incur such expenditures as are authorized by the Governing Body.

C. Appeals: Notice: Hearing:

1. Appeals may be taken to the Board as follows:

(a) By any person aggrieved or by any officer, department, board, commission, or bureau of the Village.

(b) By any person affected by any order, requirement, interpretation, decision, or determination made by the Zoning Administrator.

2. Appeals shall be taken within such time as may be provided by the rules of the Board, by filing with the Zoning Administrator and with the Board a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

3. An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator from whom the appeal is taken certifies to the Board after the notice of the appeal has been filed with him that by reasons of facts stated in the certificate a stay would in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application, on notice to the Zoning Administrator from whom the appeal is taken, and on due cause shown.

4. The Board shall fix a reasonable time for the hearing of the appeal and give notice thereof to the parties and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.

D. Powers and Duties:

The Board shall have the following powers and duties:

1. The Board shall also hear and decide all matters referred to it or upon which it is required to pass under this Ordinance.

2. Administrative Review: To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator in the administration and enforcement of this Ordinance.

3. Variances: To authorize upon application in specific cases such variance in the application of this Ordinance as shall be in harmony with its general purpose and intent in cases where there are practical difficulties or particular hardship in the way of carrying out the strict letter of any of the regulations and standards of this Ordinance relating to the use, construction, and alteration of structures or in the use of land. A variance from the items of this Ordinance shall not be granted by the Board unless and until:

(a) A written application for a variance is submitted demonstrating:

(1) that special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other lands or structures in the same District;

(2) that literal interruption of the provisions of this resolution/Ordinance would deprive the applicant of rights commonly enjoyed by other lands or structures in the same District under the terms of this Ordinance;

(3) that the special conditions and circumstances do not result from the actions of the applicant;

(4) that the granting of the variance requested will not confer on the applicant any special privilege that is denied by the Ordinance to other lands or structures in the same District;

No non-conforming use of neighboring lands or structures in the same District, and no permitted use of lands or structures in other Districts shall be considered grounds for the issuance of a variance.

(b) at least fifteen (15) days (but no more than thirty (30) days notice of the time and place of the hearing of a proposed variance shall be published in an official paper or a paper of general circulation in the Village. The notice of such hearing shall contain the address and location of the property for which the variance is sought as well as a brief description of the variance sought. The applicant shall pay the cost of

such publication.

(c) The public hearing shall be held. Any person may appear in person, or by agent or by attorney.

(d) The Board shall make findings that the requirements of Section 14.14D(3)(a) have been met by the applicant for a variance.

(e) The Board shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land or structure.

(f) The Board shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

(g) In granting any variance, the Board may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under the Ordinance.

Under no circumstances shall the Board grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by publication prohibited by the terms of this Ordinance in said District.

(h) The Board may, by majority vote, postpone or adjourn from time to time any public hearing. In the event of such postponement or adjournment, further publication of a proposed variance need not be made.

(i) Variances from the regulations and standards of this Ordinance shall be granted by the Board only in accordance with the regulations and standards set forth in Section 14.14C(3) and may be granted in the following instances only and in no others:

(1) to permit any yard, court, buffer strip, setback line, or spacing between buildings of less dimension than required by the applicable regulations;

(2) to permit a reduction in the minimum or an increase in

the maximum floor area ratio imposed by the applicable regulations;

(3) to permit any structure to exceed the height limitations imposed by the applicable regulations;

(4) to permit greater coverage than required by the applicable regulations;

(5) to permit the use of a lot for a use otherwise prohibited solely because of the insufficient area of the lot;

(6) to permit a reduction in the minimum habitable floor area of a dwelling unit, or a lodging unit;

(7) to permit a reduction in the minimum, or an increase in the maximum floor area of a building as imposed by the applicable regulations;

(8) to permit a reduction in the number of off-street parking spaces or loading berths required about or in connection with a use;

(9) to permit the reconstruction of a non-conforming structure which has been destroyed or damaged to an extent of more than fifty percent (50%) of its value, by fire, or an act of God, or the public enemy; where the Board shall find some compelling necessity requiring a continuance of the non-conforming structure.

E. Decisions of the Board:

In exercising the above mentioned powers and duties; the Board may, as long as such action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination of the Zoning Administrator from whom the appeal was taken and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the Zoning Administrator from whom the appeal was taken.

The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, to effect any variance in the application of this Ordinance.

14.15 Village Planning Commission (hereinafter referred to as the Plan Commission)

A. Appointment:

1. The Plan Commission shall consist of five (5) members to serve as follows:

Two (2) for one (1) year

Two (2) for two (2) years

One (1) for three (3) years

The successor of each member so appointed shall serve for three (3) years.

2. All appointments to the Plan Commission shall be made by the Chairman of the Governing Body and be confirmed by members of the Governing Body.

3. One (1) of the members of the Plan Commission shall be named by the Governing Body as Chairman of the Commission and in case of vacancy a new chairman shall be designated in like manner.

B. Proceedings of the Plan Commission:

Section 14.14B shall apply.

C. Powers and Duties:

1. Special Uses:

The Plan Commission shall have the power on application to authorize such special uses as are enumerated in Section 12. A special use shall not be granted by the Plan Commission unless and until:

- (a) A written application for a special use is submitted demonstrating that it meets the requirements of Section 12.2;

- (b) Each application for a special use shall be accompanied by a fee of \$25.00 to be paid by the applicant;

- (c) At least fifteen (15) days but not more than thirty (30) days notice of time and place of the hearing of a proposed special use shall be published in a paper of general circulation in the Village. The notice of such hearing shall contain the address and location of the property for which such special use is sought as well as a brief description of the special use sought. The applicant shall pay the cost of the publication.

- (d) The public hearing shall be held. Any person may appear in person, or by agent or by attorney.

- (e) The Board shall make findings that the requirements of Section 12.2 have been met by the applicant for a special use.

- (f) The Board shall further make a finding that the reasons set forth in the application justify the granting of the special use.

(g) The Board shall further make a finding that the granting of the special use will be in harmony with the general purpose and intent of this Ordinance and will not be injurious to the District in which it shall be located or otherwise detrimental to the public welfare.

(h) In granting any special use, the Board may prescribe special conditions as to appropriate conditions and safeguards in conformity with the Ordinance. Violations of such special conditions when made a part of the terms under which the special use is granted, shall be deemed a violation of this Ordinance and punishable under this Ordinance.

Under no circumstances shall the Board grant a special use to allow a use not permissible under the terms of this Ordinance, in the District involved, or any use expressly or by implication prohibited under the terms of this Ordinance in said District.

(i) The Board may, by majority vote, postpone or adjourn from time to time, any public hearing. In the event of such postponement or adjournment, further publication of a proposed special use need not be made.

D. Decision of the Plan Commission:

The concurring vote of four (4) members of the Plan Commission shall be necessary to authorize a special use.

SECTION 15: AMENDMENTS

The regulations and standards, restrictions, and District boundaries set forth in this Ordinance may from time to time be amended, supplemented, changes or repealed. No such action may be taken unless and until:

(a) A written application is submitted to the Plan Commission. Such applications may be initiated by the Governing Body, the Plan Commission, or the owners of more than fifty percent (50%) of the area involved.

(b) Each such application, except that initiated by the Governing Body or by the Plan Commission, shall be accompanied by a fee of \$25.00 to be paid by the applicant.

(c) At least fifteen (15) days but not more than thirty (30) days notice of the time and place of the hearing of such action shall be published in a paper of general circulation in the Village. The notice of such hearing shall contain the information related to such action. The applicant shall pay the cost of such publication.

(d) The public hearing shall be held. Any person may appear in person, or by agent or by attorney.

(e) The Plan Commission may, by majority vote, postpone or adjourn from time to time any public hearing. In the event of such postponement of adjournment further publication of such action need not be made.

(f) Within a reasonable time after the public hearing, the Plan Commission shall make a report to the Governing Body.

(g) Action of the Governing Body:

(1) In the event that the report of the Plan Commission is adverse to such action referred to it, such action shall not be passed except by the favorable vote of three fourths of all the members of the Governing Body.

(2) In case of a written protest against any such action:

a. signed and acknowledged by the owners of twenty percent (20%) of the frontage, the zoning classification of which is proposed to be altered; or

b. signed and acknowledged by the owners of twenty percent (20%) of the frontage immediately adjoining or across an alley from the frontage, the zoning classification of which is proposed to be altered; or

c. signed and acknowledged by the owners of twenty percent (20%) of the frontage directly opposite from the frontage, the zoning classification of which is proposed to be altered; and

d. filed with the Village Clerk, such action shall not be passed except by the favorable vote of three-fourths (3/4) of all members of the Governing Body.

SECTION 16: APPEALS FROM THE BOARD

Any person or persons, or any board, department, bureau, or commission of the Village aggrieved by any final decision of the Board may seek judicial review by a court of record of such decision, in the manner provided by the laws of the State of Illinois and particularly by the provisions of the "Administrative Review Act", approved May 8, 1956, and all amendments and modifications thereof, and the rules adopted pursuant thereto.

Every final decision of the Board or Plan Commission shall be subject to review by certiorari.

SECTION 17: DUTIES OF ZONING ADMINISTRATOR; BOARD, GOVERNING BODY, AND COURTS ON MATTERS OF APPEAL

It is the intent of this Ordinance that all questions of interpretation and

enforcement shall be first presented to the Zoning Administrator, and that such questions shall be presented to the Board only on appeal from the decision of the Zoning Administrator, and that recourse from the decisions of the Board shall be to the courts as provided in Section 16.

It is further the intent of this Ordinance that the duties of the Governing Body in connection with this Ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in the Section and this Ordinance. Under this Ordinance the Governing Body shall have only the duties of:

(a) Considering and adopting or rejecting proposed amendments or the repeal of this Ordinance, as provided by law; and

(b) Appointing a Zoning Administrator and Members of the Board.

SECTION 18: VIOLATIONS

(a) Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint shall state fully the causes and basis thereof and shall be filed with the Zoning Administrator. The Zoning Administrator shall record properly such complaint, immediately investigate, and take action thereon as provided by this Ordinance.

(b) In case any structure is erected, constructed, reconstructed, altered, converted, or any structure, or land is used in violation of this Ordinance;

(1) The Zoning Administrator, or any person the value or use of whose property is or may be affected by such violation, in addition to other remedies, may institute an appropriate action or proceedings in equity to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, to restrain, correct, or abate such violation, to prevent the occupancy of said structure or land, or to prevent any illegal act, conduct, business, or use in or about such structure or land.

(2) The Zoning Administrator, or any owner or tenant of real property in the same contiguous Zoning District as the structure or land in question, in addition to other remedies, may institute an appropriate action or proceeding in any Court of Competent Jurisdiction.

a. To prevent the unlawful construction, reconstruction, alteration, repair, conversion, maintenance, or use of a structure;

b. To prevent the occupancy of the structure or land;

c. To prevent any illegal act, conduct, business, or use in or about such structure or land;

d. To restrain, correct, or abate the violation.

(3) Any violation of this Ordinance shall be deemed a misdemeanor and shall be punishable by a fine not exceeding \$200.00 or imprisonment not exceeding six (6) months, or both in the discretion of the Court. Each day such violation or failure to comply is permitted to exist after notification thereof shall constitute a separate offense.

(4) Nothing herein contained shall prevent the Village from taking such other lawful action as is necessary to prevent or remedy any violation.

SECTION 19: VALIDITY

If any Court of Competent Jurisdiction shall declare any part of this Ordinance to be invalid, such ruling shall not effect any other provisions of this Ordinance not specifically included in the said ruling.

If any Court of Competent Jurisdiction shall declare invalid the application of any provision of this Ordinance to a particular property, structure, or land, such ruling shall not effect the application of said provision to any other property, structure, or land not specifically included in said ruling.

SECTION 20: REPEAL OF CONFLICTING ORDINANCE

All ordinances or parts thereof in conflict with this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

SECTION 21: NON-INTERFERENCE WITH GREATER RESTRICTIONS OTHERWISE IMPOSED

It is not intended by this Ordinance to interfere with or abrogate or annul any easements, restrictions, covenants, or other agreements between parties, not to interfere with, or abrogate or annul any ordinances other than expressly repealed hereby, rules, regulations, or permits previously adopted or issued, and not in conflict with any of the provisions of this Ordinance, or which shall be adopted or provided, except that where this Ordinance imposes a greater restriction upon the use of land or structures, or upon the height of structures, or requires larger or greater open spaces, yards, spacing between buildings, buffer strips, courts, lot area; lot area per dwelling unit or lodging unit; floor

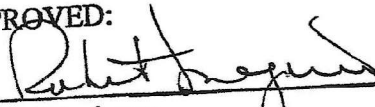
area, floor area ratio; lot width or lot depth, or any similar restrictions, than are required by or imposed by such easements, restrictions, covenants, or other agreements between parties, or by such ordinances, rules, regulations, or permits the provisions of this Ordinance shall control.

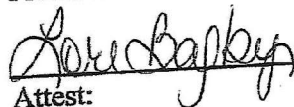
SECTION 22: EFFECTIVE DATE

This Ordinance shall be in full force and effect upon its passage and approval.

PASSED: this 13th day of April, 2015

APPROVED:


Robert Meginnis
President of the Board of Trustees


Attest:
Lori Bagby
Clerk of the Village of Secor,