

VILLAGE OF OGDEN
ZONING ORDINANCE

Amended June 16, 2011

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ARTICLE 1 GENERAL PROVISIONS

1.1 Title

This Ordinance shall be known as and cited as the "Village of Ogden, Illinois Zoning Ordinance."

1.2 Purpose

It is the purpose of this ordinance, prepared in accordance with the Village of Ogden Comprehensive Plan:

- A) to promote and protect the public health, safety, morals, comfort and general welfare of the people;
- B) to divide the Village into zones or districts restricting and regulating therein the location, erection, construction, reconstruction, alteration and use of buildings, structures and land for residences, business, manufacturing and other specified uses;
- C) to protect the character and stability of the residential and business areas within the Village and to promote the orderly and beneficial development of such areas;
- D) to regulate the intensity of use of lot areas, and to regulate the area of open spaces surrounding buildings, necessary to provide adequate light and air, and to protect the public health;
- E) to establish building lines and the location of buildings designed for residential, manufacturing and other uses within such areas;
- F) to affix reasonable standards to which buildings or structures shall conform therein;
- G) to prohibit uses, buildings, or structures incompatible with the character or development of intended uses within specified zoning districts;
- H) to prevent overcrowding of land and undue concentration of structures consistent with the overall character of the Village;
- I) to conserve the taxable value of land and buildings throughout the Village; and
- J) to define and specify the powers and duties of the administrative officers and bodies provided herein.

1.3 Jurisdiction

This Ordinance shall be applicable within the corporate limits of this municipality.

1.4 Interpretation

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, morals, comfort and general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties, except that if this Ordinance imposes a greater

restriction, this Ordinance shall control.

1.5 Disclaimer of Liability

Except as may be provided otherwise by statute or ordinance, no officer, board member, agent or employee of this municipality shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this Ordinance.

1.6 Severability

If any court of competent jurisdiction declares any part of this Ordinance to be invalid or unconstitutional, that decision shall not affect the validity of the remainder of this Ordinance.

ARTICLE 2 DEFINITIONS

2.1 Rules That Apply To Terms

A) Construction of Terms

- 1) The present tense includes the future tense.
- 2) The masculine gender includes the feminine and the neuter.
- 3) The singular number includes the plural, and vice versa.
- 4) The words "shall" and "must" are always mandatory; the word "may" is always discretionary.
- 5) The word "person" includes a partnership, association, firm, trust, club, company, or corporation as well as the individual.
- 6) The phrases "intended for," "used for," "arranged for," "occupied for," "designed for," and "maintained for" shall be synonymous.
- 7) All distances shall be measured to the nearest integral foot; six inches or more shall be considered one foot.
- 8) References to sections shall be considered as including all subsections within that section. References to a specific subsection designate only that subsection.
- 9) The words "Village" and "Municipality" will mean the Village of Ogden, Illinois.
- 10) The acronym "ZBA" will mean the Village of Ogden Zoning Board of Appeals.
- 11) The words "Administrator"; "Zoning Administrator"; "Zoning Official" or "Zoning Officer" shall refer to the official appointed by the Village President with the advice

and consent of the Village Board of Trustees to administer this Ordinance, or his representative.

12) The words "Village Board" shall mean the Board of Trustees of the Village of Ogden.

13) The body text of the Ordinance shall govern over any title, subtitle, or heading.

B) Definitions Specified

The words and phrases defined in Section 2.2 shall have the meaning as assigned in Section 2.2, unless the context clearly indicates otherwise. Words not defined in Section 2.2 shall have their standard English meanings.

2.2 Definitions

Abutting: As applied to lots, having a common lot line, or so located in relation to each other that there would be a common lot line but for the existence of a street, alley, railroad, or other public right-of-way, none of which exceeds 120 feet in width.

Access Way: A curb cut, ramp, or other means for providing vehicular access to an off-street parking or loading area from a street.

Accessory Building, Structure or Use: a building, structure or use located on the same lot as a principal use and incidental and subordinate to the use of the principal building or incidental and subordinate to principal use of the lot. An accessory building or structure may be part of or separate from the principal building.

Agriculture: Any one or any combination of the following: the growing of farm or truck garden crops, dairying, pasturage, horticulture, floriculture, animal husbandry or poultry husbandry. The term "agriculture" encompasses the farmhouse, and accessory uses and structures customarily incidental to agricultural activities.

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

Apartment: A room or suite of rooms in a multiple-family structure, which is arranged, designed, used or intended to be used as a housekeeping unit for a single family.

All-Terrain Vehicle (ATV): Any motorized, off-road vehicle 50 inches or less in overall width, having a dry weight of 900 pounds or less, designed to travel on three or more low pressure tires, having a seat designed to be straddled by the operator and handle bars for steering control, except equipment such as lawnmowers.

Alley: An unnamed public right-of-way that is primarily designed to serve as a secondary means of vehicular access to the rear or side of abutting premises that front on a nearby street.

Alteration: Any change in the bearing walls, columns, beams, girders, or supporting members of a structure, any change or rearrangement in the floor area of a building, any enlargement of a structure whether by extending horizontally or by increasing in height, and/or any movement of a structure from one location or position to another.

Animation or Animated: The movement or optical illusion of movement of a sign or its sign structure, design, or illumination, caused by any method other than physically removing and replacing the sign or its components. Animation shall include mechanical, electrical, electronic, or other means, or the appearance of movement, including but not limited to full-motion video, flashing, scrolling, oscillating, blinking, twinkling, or changing color or light intensity in a way simulating change; provided that signs employing static electronic displays, changing instantaneously without swipes or transitions, and with a frequency of change no more than once every ten seconds shall not be defined as animated signs.

Automobile Repair, Major: General repair, rebuilding or reconditioning of engines, motor vehicles or trailers; collision services, including: body, frame, or fender straightening or repair; overall painting or paint shop, or vehicle steam-cleaning.

Automobile Repair, Minor: Replacement of parts and motor services to passenger cars and trucks not exceeding 1-1/2 tons capacity, excluding body repairs.

Basement: A story having one-half or more of its height below the average level of the adjoining ground.

Bed and Breakfast Inn: An operator-occupied residence providing accommodations for a charge to the public with no more than five guest rooms for rent, in operation for more than 10 nights in a 12 month period. Breakfast and light snacks or refreshments may be provided to the guests only. Bed and breakfast establishments shall not include motels, hotels, boarding houses or food service establishments.

Block: An area of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways, or any other barrier to the continuity of development.

Block, Front: The frontage of property along one side of a street between two intersecting streets or between an intersecting street and the dead end of a street.

Boarding House: A single family dwelling where more than three, but fewer than six rooms are provided for lodging for definite periods of times. Meals may or may not be provided, but there is one common kitchen facility. No meals are provided to outside guests.

Buffer Strip: An area of land undeveloped except for landscaping fences, etc., used to protect a use situated on one lot from the adverse effects of the use on the adjacent lot.

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 other articles of movable personal property.

Building, Attached: A building having a common wall and/or a common roof.

Building, Detached: A building surrounded by yards on the same lot.

Building, Enclosed: A building covered by a permanent roof and separated on all sides from adjacent open space or other buildings by fixed exterior walls or by common walls with openings only for windows and doors.

Building Height: the vertical measurement from the mean finished grade of the ground adjoining the building to a point midway between the highest and lowest point of the roof.

Building, Principal: A non-accessory building in which the principal use of the premises is conducted.

Building Restriction Line: The line nearest the front of and across a lot, delineating the minimum open space required between the front of a structure and the street right-of-way line.

Camping Trailer: A trailer, not used commercially, constructed with partial side walls which fold for towing and unfold to provide temporary living quarters for recreational camping or travel use and of a size or weight not requiring an over-dimension permit when towed on a highway.

Camping Trailer Park: A lot developed with facilities for accommodating temporarily occupied camping trailers.

Clinic: An establishment where licensed physicians or dentists practice medicine or dentistry, but where overnight lodging for sick or injured persons is not provided.

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

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

Community Residence: A group home or specialized residential care home serving unrelated persons with developmental disabilities which is licensed, certified or accredited by appropriate local, state or national bodies. A “community residence” does not include a residence which serves persons as an alternative to incarceration for a criminal offense, or persons whose primary reasons for placement is substance or alcohol abuse or for treatment of communicable disease.

Community Residence - Large: A community residence serving nine to 15 persons with developmental disabilities.

Community Residence - Small: A community residence serving eight or fewer persons with developmental disabilities.

Conforming: In compliance with the applicable provisions of this Ordinance.

Convenience Shop: Any small retail commercial or service establishment offering goods and services.

Day Care Center: Any facility operated for the purpose of providing care, protection and guidance to 10 or more individuals during only part of a 24-hour day. This term includes nursery schools, preschools, day care centers for individuals, and other similar uses, but excludes public and private educational facilities or any facility offering care to individuals for a full 24-hour period.

Deck: A platform with no roof, either freestanding or attached to a building that is supported by pillars or posts.

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

District, Zoning: An area or areas within the limits of the municipality for which certain uniform requirements governing use, lot, and size of building and premises apply under the terms of this Ordinance.

Driveway: A paved or unpaved access strip of land providing a vehicular connector between the public right-of-way of the street and the parking space or garage of a property, and in conformance with the parking requirements of this Ordinance.

Drive-In Restaurant: An establishment principally used for the sale of fast order food for consumption off the premises or in parked cars on the premises. Fast order food means food that is: primarily intended for immediate consumption; available after a short waiting time; and packaged or presented in such a manner that it can be readily eaten outside the premises where it is sold.

Dwelling: A building or portion thereof designed or used primarily as living quarters for one or more families, but not including hotels, motels, and other accommodations for the transient public.

Dwelling, Multiple Family: A building or portion thereof containing three or more dwelling units.

Dwelling, Single Family: A detached dwelling containing one dwelling unit and intended for the occupancy of one family.

Dwelling, Two-Family: A dwelling containing two dwelling units.

Dwelling Unit: One or more rooms designed or used as living quarters by one family. A ‘dwelling unit’ always includes a bathroom and a kitchen.

Easement: A right to use another person’s real property for certain limited purposes.

Electronic Display: Visual representation of text, graphics, and/or images through electronic means, either analog or digital, and whether by cathode ray tube, light emitting diode (LED), liquid crystal display (LCD), plasma, or any other electronic means.

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

Erect: Build, construct.

Establishment: Either of the following:

- (A) an institutional business, commercial, or industrial activity that is the sole occupant of one or more buildings; or
- B) an institution, business, commercial, or industrial activity that occupies a portion of a building such that: the activity is a logical and separate entity from the other activities within the building and not a department of the whole; and the activity has either a separate entrance from the exterior of the building or a separate entrance from a common and clearly defined entryway that has direct access to the exterior of the building.

Existing: Constructed or in operation on the effective date of this Ordinance.

Extend: To increase the amount of floor area or land area devoted to an existing use.

Family: Any of the following entities:

- i. an individual; or
 - ii. two or more persons related by blood, marriage, or adoption; or
 - iii. five persons not so related; or
 - iv. two or more persons related by blood, marriage, or adoption and not more than three persons not so related;
- together with his or their domestic servants and gratuitous guests maintaining common household in a dwelling unit or lodging unit.

Farmhouse: A detached dwelling on a tract of land of not less than 10 acres and occupied by a family whose income is primarily derived from agricultural activities conducted on the premises.

Floor Area, Gross: As used in determining floor/area ratios and parking requirements, the sum of the gross horizontal areas of the several floors of a building, measured from the exterior faces of the exterior walls or from the center of the common walls of attached buildings. Gross floor area includes all of the following: basement floors; attic floor space; halls, closets, stairwells; space devoted to mechanical equipment; enclosed porches.

Freight Terminal: As applied to motor carriers subject to the Illinois Compiled Statutes, Chapter 625, Section 18c-1101 *et seq.*, a station for commercial motor vehicles wherein said motor trucks are stored, repaired or parked.

Frontage: The lineal extent of the front of a lot.

Garage: A structure designed and primarily used for the storage of motor vehicles.

Group Home: See “Community Residence.”

Guest Quarters: An attached or detached building that provides living quarters for guests and contains no kitchen or cooking facility, is clearly subordinate and incidental to the principal dwelling on the same lot, and is not rented or leased, whether compensation be direct or indirect.

Home Occupation: Any business, profession, or occupation conducted for gain or support entirely within a dwelling or on residential premises in conformity with the provisions of this Ordinance.

Hospital: An institution devoted primarily to the maintenance and operation of facilities around-the-clock for the diagnosis, treatment, or care for members of the general public suffering from disease, injury, or other abnormal physical conditions. The term “hospital” as used in this Ordinance does not include institutions operating solely for the treatment of insane persons, drug addicts, and alcoholics, nor does it include convalescent or nursing homes.

Hotel: An establishment containing multiple lodging units and associated accessory uses.

Kennel: A lot or premises on which more than six dogs, cats or other household domestic animals of at least six months of age are kept, boarded, bred, or retained for compensation; or a lot or premises on which dogs and/or cats are raised and offered for sale, adoption, or exchange, with or without compensation.

Landscape Fence: A non-obstructive fence, no greater than four feet in height, of approved design and materials. Picket, split-rail, and wrought iron fences are acceptable within this definition. Examples of unacceptable types include: privacy, chain link, and welded wire.

Loading Berth: A stall of dimensions herein specified, adjacent to a loading dock for the maneuvering and parking of a vehicle for loading and unloading purposes.

Loading Dock: A platform-like structure adjacent to a loading berth from which goods are loaded on and on which goods are unloaded from a vehicle parked in such loading berth.

Loading Space: An off-street space used for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

Lodging Unit: One or more rooms which are used exclusively as long- term or transient living quarters for one family and which do not contain cooking facilities.

Lot: a tract or parcel of land fronting on a street and occupied or capable of being occupied by a building or use. For the purposes of this Ordinance, the word "lot" is not necessarily synonymous with the term "platted lot" or "lot of record". Within the meaning of this Ordinance, a tract or parcel of land comprising a lot, may consist of: a portion of a platted lot; a platted lot; more than one platted lot; an unplatted tract; or any combination of the foregoing.

Lot, Corner: A lot having at least two adjacent sides that abut for their full length upon streets. Both such side lines shall be deemed front lot lines.

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

Lot, Through: A lot having a pair of approximately parallel lot lines that abut two approximately parallel streets. Both such lot lines shall be deemed front lot lines.

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

Lot Coverage: The portion of a lot that is occupied by buildings or structures, including accessory buildings or structures.

Lot Depth: The average horizontal distance between the front lot line and the rear lot line of a lot.

Lot Line: The property lines bounding the lot.

Lot Line, Front: The lot boundary abutting the street.

Lot Line, Rear: An interior lot line which is most distant from and most nearly parallel to the front lot line. The rear lot line on corner lots shall be defined as the line most distant and most nearly parallel to either of the front lot lines.

Lot Frontage: The lineal extent of the front street-side of a lot.

Lot of Record: An area of land designated as a lot on a plat of subdivision recorded or registered with the County Recorder of Deeds in accordance with State law.

Lot Width: The mean horizontal distance between the side lot lines of a lot measured at right angles to the depth; or the same distance measured at a point midway between the front lot line and the rear lot line; or at the rear line of the required front yard (building lines), especially on irregularly shaped lots.

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

Manufactured Home or Mobile Home: a structure, transportable in one or more sections, which while in the traveling mode is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 square feet or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. This definition excludes motor vehicles and travel trailers.

Manufactured Home Park: a contiguous parcel of land planned and approved for the placement of five or more mobile homes or manufactured homes.

Mini-Warehouses: A building, or part of one, for the storage of goods, merchandise, or other materials for rent to individuals or businesses for a monthly fee.

Modular Home: A dwelling that is manufactured in a production facility and assembled on location. The assembly process typically uses a traditional stick built home foundation (permanent). Unlike a mobile home or a manufacture home, a modular home cannot be moved once built.

Motel: An establishment containing multiple lodging units and associated accessory uses, for which direct independent access to and adjoining parking is provided for each lodging unit.

Nonconforming Use: A use which lawfully existed prior to the enactment of a zoning ordinance and which is maintained after the effective date of the ordinance, although it does not comply with the use restrictions applicable to the area in which it is located.

Nonconforming Building or Structure: A building or structure which lawfully existed prior to the enactment of a zoning ordinance and which is maintained after the effective date of the ordinance, although it does not comply with all of the regulations of the new ordinance.

Nursing Home: A building used as a medical care facility for persons who need long-term nursing care and medical service, but do not require intensive hospital care.

Office: A room or group of rooms used for conducting the affairs of a business, profession, service industry, or government.

Parking Garage or Lot: A lot, court, yard, or portion thereof used for the parking of vehicles containing one or more parking spaces together with means of access to a public street.

Parking Space: A space accessory to a use or structure for the parking of one vehicle.

Place of Worship: A church, synagogue, temple, mosque, or other facility that is used for prayer by persons of similar beliefs; or a special-purpose building that is architecturally designed and particularly adapted for the primary use of conducting formal religious services on a regular basis.

Pool: An artificially created container or tank capable of containing water for any period of time.

Premises: A lot or tract of land and any structure located thereon.

Private Accessway: A service way providing access to one or more lots which has not been dedicated to the public.

Recreation Vehicle: A camping trailer, motor home, mini motor home, travel trailer, truck camper or van camper used primarily for recreational purposes and not used commercially nor owned by a commercial business.

Retail: Refers to the sale of goods and services directly to the consumer rather than to another business.

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

Rural Specialty Business: Establishments that sell, principally at retail, agricultural products, foods or traditional handicrafts produced on the premises together with accessory recreational or educational activities and which may also sell related goods produced off of the premises provided that the sale of such goods constitutes less than 50 percent of the total gross business income, that such goods constitute less than 50 percent of the total stock in trade and that less than 50 percent of total lot area is devoted to commercial building area, parking or loading areas or outdoor sales display.

Satellite Dish: Any parabolic, dish-type apparatus, external to or attached to the exterior of a building or structure, capable of receiving, for the benefit of the principal use, television or radio signals. Satellite dishes are considered an accessory use.

Screen: A structure or landscaping element of sufficient opaqueness or density and maintained such that it completely or partially obscures from view throughout its height the premises upon which it is located.

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

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

Setback: The distance between the front lot line and the building restriction line; or between a side or rear lot line and the side of the structure which faces such lot line; or between the appropriate lot line and the nearest boundary of the area of operation which is approximately parallel to such lot line.

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 line.

Sign: Any device (including but not limited to letters, words, numerals, figures, emblems, pictures, or any part or combination) used for visual communication intended to attract the attention of the public and visible to the public right-of-way or other properties. The term “sign” shall not include any item of merchandise normally displayed within a show window of a business.

Sign, Freestanding: A sign which is completely or principally self-supported by posts or other supports independent of any building or other structure.

Sign, Off-Premises (also referred to as a “billboard”): A sign which directs attention to a use, business, commodity, service or activity not conducted, sold, or offered upon the premises where the sign is located. Such signs are a principal use of a property.

Sign, On-Premises: A sign which relates solely to a use, business or profession conducted upon, or to a principal commodity, service, or entertainment sold, provided, or offered upon the premises where the sign is located or on a structure adjacent to the premises advertised. Such signs are an accessory use of a property.

Sign, Projecting: A sign other than a wall sign, which projects from and is supported by, or attached to, a wall of a building or structure.

Sign, Wall or Wall-Mounted: A sign displayed on or visible through a wall of a building or structure so as to be seen primarily from the direction facing that wall of the building or structure. A wall sign attached to the exterior wall of a building or structure does not project more than 20 inches there from.

Special Use: A use that has unusual operational, physical, or other characteristics which distinguish it from the permitted uses of a district, but which may be made compatible with the intended overall development within a district and which may be permitted in a district pursuant to, and in compliance with, procedures specified herein.

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, a drive, a highway, a lane, a parkway, a place, a road, a thoroughfare, or by other appropriate names. Streets are identified on the Official Zoning Map according to type of use, and generally as follows:

- A) Major Street: Federal or State highways.
- B) Collector Street: County highways and urban arterial streets.
- C) Minor Street: Local streets and Township roads.

Stoop: A small porch which is usually not covered with a roof and which is primarily used to provide access to the adjoining building.

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 and fences.

Structure, Temporary: Any structure that is not attached to a permanent foundation.

Use: The purpose or activity for which land or a structure thereon is designed, arranged, intended, occupied, or maintained. The term "permitted use" or its equivalent is not deemed to include any nonconforming use.

Use Variance: A type of amendment (not a Variance) that allows a use in a district where said use would not be allowed under existing provisions of this Ordinance.

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

Variance: A relaxation of the strict application of the lot size, setbacks, or other bulk requirements applicable to a particular lot or structure.

Veterinary Hospital: A place where animals or pets are given medical or surgical treatment by a licensed veterinarian. Use as a kennel is limited to short-term boarding and is only incidental to a veterinary hospital use.

Warehouse: A building within which raw materials, goods, or equipment including vehicles, are kept and wherein no manufacturing, assembly, construction, repair, sales or other activity is performed except for the packaging of goods and materials for shipment.

Warehouse, Self-Storage: A building, or building containing multiple, independently accessible spaces, where raw materials, goods or equipment, or personal goods including personal vehicles, are kept and wherein no other commercial or industrial activity occurs.

Yard: An open space, other than a court, of uniform width or depth on the same lot with the structure, lying between the structure and the nearest lot line and 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.

Yard, Rear: A yard extending the full width of a lot 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 a required front yard to the front line of the required rear yard.

ARTICLE 3 ZONING REGULATIONS

3.1 Establishment of Districts

In order to implement this Ordinance, and to achieve the objectives in Article 1, the entire municipality and that portion of its one and one-half mile extraterritorial area that is situated within Vermilion County, Illinois are divided into the following zoning districts:

Table 3.1-1

DISTRICT	DESIGNATION
Agriculture	A
Residential	R
Community Business	C
Highway Commercial	HC
Industrial	I
Public	P

3.2 Map - Annual Publication

The boundaries of the districts established in Section 3.1 of Article 3 are hereby established as shown on the map designated as the "Official Zoning Map, Ogden, Illinois". The original of this map shall be signed and dated by the Village Clerk. The map and all information shown on the map shall be a part of this Ordinance and it shall be filed as a part of this Ordinance with the Village Clerk. A copy of the map shall be available for public reference and notice of adoption of this map and Ordinance shall be filed with the County Recorder of Champaign County.

Amendments to this Ordinance which change the boundary lines of the districts shall, along with this Ordinance, be made available for public reference in the office of the Village Clerk. In March of each year, the Zoning Map shall be reviewed and brought up to date and new copies made available for public reference with the Village Clerk. However, no map shall be published for any calendar year during which there have been no changes in zoning districts or regulations.

3.3 Determining Territorial Limits

In determining with precision what territory is actually included within any zoning district, the Zoning Administrator shall apply the following rules:

- A) District boundaries indicated as approximately following the centerlines of streets or alleys shall be construed to follow such centerlines.
- B) District boundaries indicated as approximately following recorded lot lines shall be construed as following such lot lines.
- C) District boundaries indicated as approximately following municipal corporate limits shall be construed as following such municipal corporate limits.
- D) District boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

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- E) District boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines.
- F) District boundaries indicated as parallel to or extensions of features indicated in Paragraphs A through E shall be so construed.
- G) Distances not specifically indicated on the zoning map shall be determined by the scale of the map.
- H) Whenever any street, alley or other public way is legally vacated, the zoning districts adjoining each side of such vacated public way shall automatically extend to the center of such way.
- I) All territory (including bodies of water) that lies within the zoning jurisdiction of this municipality, but which is not shown on the zoning map as being located within any district, shall comply with the zoning regulations of the most restrictive adjoining district.
- J) The ZBA shall interpret the district boundaries where physical or cultural features existing on the ground are at variance with those shown on the zoning map or, in other circumstances, are not covered by Paragraphs A through I of this Section.

3.4 Annexed Territory

All property hereafter annexed to the Village of Ogden, Illinois shall be classified as Residential District (R) property, and so limited until subsequently changed by proper amendment of the Official Zoning Map, Ogden, Illinois.

3.5 General Prohibitions

It shall be unlawful to do or perform any one or more of the following acts, except in compliance with the provisions of this Ordinance:

- A) to erect a new building or structure;
- B) to erect more than one principal building on a lot;
- C) to excavate for or build any foundation
- D) to relocate, convert, enlarge, or structurally alter or reconstruct any building or structure;
- E) to establish, expand, enlarge, relocate or change any use or building of land; and
- F) to establish, expand, enlarge, relocate or change any nonconforming use.
- G) to lease, sell or convey a portion of an improved lot when the effect of such action is to reduce:
 - i. the area of the lot below the minimum area of requirements of this Ordinance;
 - ii. the depth or width of a yard to less than the minimum depth or width requirements of this Ordinance; or
 - iii. the number of parking spaces on the lot below the minimum number of spaces required by this Ordinance.

3.6 Unlisted Principal Uses Prohibited

The uses listed as permitted are principal uses. A principal use is permitted only in the districts and in the manner authorized in the ‘Table of Authorized Uses by District’ in Appendix A. A principal use that is not specifically authorized in a district is prohibited in that district. However, if the ZBA, following consultation with the Zoning Administrator, finds that the unlisted principal use is similar to and compatible with a listed principal use that is permitted by right, they may make a written ruling to that effect and classify the unlisted principal use as a principal use permitted by right. The ZBA’s decision shall become a permanent public record.

3.7 Meeting Minimum Requirements

A) Principal Uses

- 1) The principal use of a lot is the use that has the greatest overall impact. Any other use on the lot is a separate principal use unless it qualifies as an accessory use to the principal use as provided in Section 3.14 or is exempted by State or Federal law.
- 2) Each principal use is assigned to a pre-defined type listed in the ‘Table of Authorized Principal Uses by District’ and shown in Appendix A.
- 3) Each principal use must be located on a lot of its own except as permitted in Paragraphs 3.8 B and 3.8 C.
- 4) In a given district, a principal use is authorized in one of the following ways:
 - a. A principal use may be permitted ‘by right’ provided that all applicable requirements of this Ordinance are met, including: lot, building, structure, and site development regulations; parking, loading and driveway requirements; sign requirements; and Zoning Use Permit and Zoning Compliance Certificate procedures.
 - b. A principal use may be authorized as a ‘special use’ if the ZBA approves an applicant’s request for a special use. A special use is allowed only in the form and manner specifically requested and is subject to:
 - i. all requirements listed in Item a. above;
 - ii. any special conditions imposed by the ZBA as provided in Article 10, Division 10.4;
 - iii. public hearing and review procedures in Article 10; and
 - iv. the procedures specific to Special Use requests in Article 10, Division 10.4

B) Combination Principal Uses

More than one principal use may be allowed on a lot if all of the following conditions are met:

- 1) The component principal uses must be functionally related and incidental to one another.

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- 2) The component principal uses are part of a single enterprise or institution under common management.
- 3) Each separate component principal use must be either permitted 'by right' or permitted as a 'special use' in the district. A combination principal use may be allowed only in the manner specified for the most restricted component principal use.
- 4) A dwelling is not allowed as an additional principal use.

C) Multiple Principal Uses

More than one principal use not meeting the requirements for a combination principal use of Paragraph 3.8 B may be allowed as follows:

- 1) Multiple principal uses may be allowed on a lot in the Agriculture District, Community Business District, Highway Commercial District, Industrial District, or Public District if:
 - i. the uses are located in a single principal structure;
 - ii. the lot is under common management;
 - iii. the uses are permitted either 'by right' or as a 'special use' in the district; and
 - iv. approval is obtained for the most restricted use.
- 2) Multiple principal uses may be allowed in the Agriculture District, Community Business District, Highway Commercial District, Industrial District, or Public District in more than one principal structure as a 'special use'.
- 3) Multiple principal uses are not allowed on a lot in the Residential District.

D) Multiple Uses on a Single Lot

An additional use or uses may be allowed on a lot in addition to the principal use under the following conditions.

- 1) One or more accessory uses are allowed on a lot in addition to a principle use.
- 2) One antenna or tower not more than 100 feet in height (other than that of a telecommunications carrier or AM broadcast station) ~~or off-premises sign~~ may be allowed ~~in the manner specified in Section xx~~ in addition to another principal use if:
 - i. it complies with all the requirements of this Ordinance;
 - ii. the leasehold for the antenna or tower ~~or off-premises sign~~ is not included in the buildable area of the lot;
 - iii. the lot is located in the Agriculture District, Community Business District, Highway Commercial District, Industrial District, or Public District; and
 - iv. the leasehold complies with applicable municipal subdivision regulations.

E) Minimum Area, Dimension, or Yard Requirements

No portion of any minimum area, minimum dimensions, or minimum yards required for any lot, structure, or use shall be counted to satisfy the minimum area, dimensions, or yards requirements for any other lot, structure or use.

3.8 Temporary Uses

Except as specifically provided otherwise in this Ordinance, no temporary structure shall be used or occupied for any purpose, and no land shall be used for any temporary enterprise, whether for profit or not-for-profit, unless a temporary use permit has been obtained. Applications for temporary use permits shall be treated in the same way as applications for special use permits. A temporary use permit shall be valid for not more than one year unless it is properly renewed. (See Section 10.4.6.)

3.9 Access Required

No building shall be erected on any lot unless such lot abuts, or has permanent easement of access to, a public street or a private street.

3.10 Front Setbacks

- A) Every lot with multiple frontages (such as corner or through lots) shall meet the front setback requirements of the district in which it is located on every side having frontage.
- B) Except as specifically provided otherwise, in the Community Business District, Highway Commercial District, and Residential Districts, where lots having 50 percent or more of the frontage on one side of a street between intersections (that is, in one block) are developed with buildings, and the front setbacks of those lots do not differ by more than 10 feet, the minimum required front setback on that block shall be the average of the existing front setbacks, provided however, that in any built-up area, no front setback shall be less than 15 feet, nor shall any front setback greater than 50 feet be required.

3.11 Yard Intrusions

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

Table 3.11- 1

FEATURES	MAXIMUM INTRUSIONS ALLOWABLE INTO A YARD
Cornices, chimneys, planters or similar architectural features	2 feet
Fire escapes	4 feet
Patios	6 feet
Porches and stoops, if unenclosed, unroofed, and at no higher than two steps above ground level	6 feet
Balconies, decks, porches	4 feet
Canopies, roof overhangs	4 feet

3.12 Height - Exceptions

- A) Necessary Appurtenances. Chimneys, church spires, parapet walls, cooling towers, elevator bulkheads, fire towers, water towers, antennas, or other necessary appurtenances

commonly constructed above the roof line shall be permitted to exceed the maximum height limitations for the district in which they are located if they comply with all other pertinent ordinances of the Village of Ogden..

- B) Intersections. On corner lots, in the triangular portion of land bounded by the street lines and a line joining these street lines at points 30 feet from the point of intersection, no obstruction, whether natural or man-made, shall intrude into the air space that is between two and 10 feet above the level of the adjacent street. However, agricultural crops shall be exempted from such setback requirements.

3.13 Sanitary Sewage and Water Supply Provisions

- A) Sanitary Sewage. All sanitary sewage improvements and sanitary effluent shall meet the requirements of the applicable ordinances of the Village and the Champaign County Health Ordinance. No new private sewage treatments systems shall be allowed if the Village sanitary district sewage collection system is within 200 feet of the lot being developed.
- B) Water Supply. Water supply and usage shall meet the requirements of the applicable ordinances of the Village and the Champaign County Health Ordinance. No new private potable water supply systems shall be allowed if the Village water distribution system is within 200 feet of the lot being developed. Water usage shall be metered as required by the applicable Village ordinance.

3.14 Authorized Accessory Uses

The owner of a principal use on a lot may establish one or more uses that are accessory to the principal use as provided in this Section.

- A) Determination of Accessory Use Status
 - 1) A use is considered accessory to a principal use if it is customarily incidental to the principal use and subordinate to it.
 - 2) A use is incidental to a principal use if:
 - i. it is functionally related to the principal use; and
 - ii. it is necessary or convenient for the functioning of the principal use.
 - 3) The incidental relationship of an accessory use to a principal use is customary if:
 - i. it is a longstanding common practice;
 - ii. it is analogous to that of a similar accessory use; or
 - iii. it is a logical extension of a longstanding common practice.
 - 4) A use is subordinate to a principal use if it meets the following requirements.
 - i. An accessory use must be less imposing, overall, than the principal use with respect to the items listed in Subparagraph 3).
 - ii. An accessory use may not alter the basic character of the principal use.

- iii. The Zoning Administrator shall determine whether one use is subordinate to another. In making that determination, the Zoning Administrator shall consider the character of each use and the structures or site modifications associated with it with respect to:
 - a) area occupied;
 - b) size and bulk of associated structures;
 - c) noise, vibration, dust, fumes, odor, glare or other nuisance impacts;
 - d) sanitary and solid waste generation;
 - e) presence of hazardous materials and hazardous wastes,
 - f) impervious area;
 - g) electric, gas, water, sewer and other utility demands;
 - h) police, fire, ambulance, and other service demands; and
 - i) automobile and truck traffic generation.

B) Accessory Use Must Follow Principal Use

An accessory use may not be established before the principal use.

C) Structures and Site Modifications Associated with an Accessory Use

- 1) A structure or site modification associated with an accessory use must meet all applicable requirements of this Ordinance.
- 2) Use of any accessory structure as a dwelling is strictly prohibited throughout the Village.
- 3) An accessory structure may be built within a required rear yard when located at least five feet from the rear lot line and when occupying not more than 30 percent of the area of such required rear yard.
- 4) Accessory, open and uncovered swimming pools and home barbecue grills may occupy a rear yard provided that they are not located closer than five feet to a rear lot line or closer than two feet to a side lot line on interior lots.

3.15 Area Bulk Regulations

To facilitate public understanding of this Ordinance, the following Table 3.15-1 Summary of Minimum Lot Size and Minimum Yard Dimension Requirements and Table 3.15-2 Summary of Maximum Building Height and Maximum Lot Coverage Requirements are hereby adopted and declared to be an integral part of this Ordinance, and may be amended in the same manner as any other part of this Ordinance:

**Table 3.15-1
Summary of Minimum Lot Size and Minimum Yard Dimension Requirements**

ZONING DISTRICT	MINIMUM LOT SIZE		MINIMUM YARD DIMENSIONS				
	Lot Area	Width at Building Line (Linear Feet)	Depth of Front Yard or Side Yard Abutting a Street ^{(1) (5)} (Linear Feet)			Depth of Side Yard Abutting a Lot ^{(4) (6)} (Linear Feet)	Depth of Rear Yard (Linear Feet)
			Street Classification				
			Major	Collector	Minor		
A Agriculture	1 acre	150	35	30	25	15	25
R Residential	8,000 square feet - <i>single family dwelling</i> 12,000 square feet - <i>two family dwelling</i> 5,000 square feet per dwelling unit - <i>multiple-family dwelling</i>	70	35	30	25	10	25
C Community Business ^{(2) (3)}	6,500 square feet	70	35	30	25	5	25
HC Highway Commercial	6,500 square feet	65	35	30	25	5	15
I Industrial	10,000 square feet	65	35	30	25	10	15
P Public	8,000 square feet	100	35	30	25	10	20

Table 3.15-1 Notes:

1. In no case, however, shall the front setback from a Street Centerline be less than 85 feet from the Street Centerline of a Major Street, 75 feet from a Collector Street, or 55 feet from a Minor Street.
2. A building in the Community Business District located in the area bounded by West Avenue, Main Street, Leney Avenue and Broadway shall be exempted from providing required yard areas except in the case where Notes 1 and 3 apply.
3. A building on any lot in the Community Business District abutting or adjacent to the Residential District shall maintain the same side and rear yard as required in the adjacent Residential District.

4. On an existing nonconforming lot containing a dwelling, required side yards shall be maintained on each side of the dwelling, but such side yard may be reduced to 10 percent of the lot width on lots less than 70 feet in width, provided, however, that no side yards shall be less than five feet.
5. The required side yards on the street side of a corner lot shall be the same as required front yard on such street, except that the building width shall not be reduced to less than 32 feet and no accessory building shall project beyond the required front yard on either street.
6. For the purposes of the side yard regulations, a two family dwelling or multiple family dwelling shall be considered one building occupying one lot.
7. The required rear yard may be reduced to 20 percent of the depth of a lot on any lot not exceeding 125 feet in depth.

**Table 3.15-2
Summary of Maximum Building Height and Maximum Lot Coverage Requirements**

ZONING DISTRICT		MAXIMUM BUILDING HEIGHT (Linear Feet)	MAXIMUM LOT COVERAGE (Square Feet)
A	Agriculture	35	20%
R	Residential	35	30%
C	Community Business	35	30%
HC	Highway Commercial	35	65%
I	Industrial	40	40%
P	Public	75	50%

3.16 [reserved]

ARTICLE 4 REGULATIONS FOR SPECIFIC DISTRICTS

4.1 AGRICULTURE DISTRICT (A)

4.1.1 General Intent

The general intent of the Agriculture District (A) is to prevent scattered, indiscriminate non-agricultural development within areas which are predominately vacant and which presently do not demonstrate any significant potential for development.

4.1.2 Special Restrictions

In the Agriculture District (A), only one principal dwelling shall be situated on any one lot.

4.1.3 Lot and Building Requirements

Every principal building erected in the Agriculture District (A) shall conform to the following requirements:

- A) Minimum Lot Area: 1 Acre
- B) Minimum Lot Width at the established building line: 150 feet
- C) Minimum Lot Depth 200 feet
- D) Minimum Setbacks
 - 1) From front lot line: 35 feet from a Major Street; 30 feet from a Collector Street, and 25 feet from a Minor Street.
In no case, however, shall the front setback from a Street Centerline be less than 85 feet from the Street Centerline of a Major Street, 75 feet from a Collector Street, or 55 feet from a Minor Street.
 - 2) From side yard abutting street: same as minimum setback requirement from a front lot line.
 - 3) From side lot line: 10 feet
 - 4) From rear lot line: 25 feet
- E) Maximum Building Height: 35 feet (Does not apply to accessory agricultural structures)
- F) Maximum Lot Coverage: 20 percent

4.1.4 [reserved]

4.2 RESIDENTIAL DISTRICT (R)

4.2.1 General Intent

The general intent of the Residential District (R) is to preserve the low density residential character of the Village while providing the possibilities for differing types of residential usage through the special use provisions of this Ordinance.

4.2.2 Special Restrictions

In the Residential District (R), only one principal building (single-family dwelling, two-family dwelling, or multiple-family dwelling) shall be situated on any one lot.

4.2.3 Lot and Building Requirements

Every principal building erected in the Residential District (R) shall conform to the following requirements:

- A) Minimum Lot Area: 8,000 square feet for a single family dwelling; 12,000 square feet for a two family dwelling; and 5,000 square feet per dwelling unit for a multiple-family dwelling.
- B) Minimum Lot Width at the established building line: 70 feet
- C) Minimum Setbacks
 - 1) From front lot line: 35 feet from a Major Street; 30 feet from a Collector Street, and 25 feet from a Minor Street. In no case, however, shall the front setback from a Street Centerline be less than 85 feet from the Street Centerline of a Major Street, 75 feet from a Collector Street, or 55 feet from a Minor Street.
 - 2) From side yard abutting street: same as minimum setback requirement from a front lot line.
 - 3) From side lot line: 10 feet
 - 4) From rear lot line: 25 feet
- D) Maximum Building Height: 35 feet
- E) Maximum Lot Coverage: 30 percent

4.2.4 [reserved]

4.3 COMMUNITY BUSINESS DISTRICT (C)

4.3.1 General Intent

The general intent of the Community Business District (C) is to provide development in line with the consumer needs of the Village and its service area while preserving the existing commercial area.

4.3.2 Special Restrictions

The following use restrictions shall apply:

- A) A building in the Community Business District (C) located in the area bounded by West Avenue, Main Street, Leney Avenue and Broadway shall be exempted from providing required yard areas except:
 - i. In no case, however, shall the front setback from a Street Centerline be less than 85 feet from the Street Centerline of a Major Street, 75 feet from a Collector Street, or 55 feet from a Minor Street; and
 - ii. A building on any lot in the Community Business District abutting or adjacent to the Residential District shall maintain the same side and rear yard as required in the adjacent Residential District.
- B) A building on any lot in the Community Business District (C) abutting or adjacent to the Residential District shall maintain the same side and rear yard as required in the adjacent residential District.
- C) Retail Only. Every commercial or service establishment located in this district shall deal directly with consumers.
- D) Processing Incidental. Any processing or treatment of goods on any premises must be clearly incidental to the retail business conducted on such premises.
- E) Unenclosed Activities Require a Special Use Permit. In this district, a special use permit is required to conduct any commercial, service or storage activities outside a completely enclosed building.
- F) Refuse Containers. All refuse generated by any establishment located within this district shall be stored in tightly covered containers placed in visually screened areas.
- G) Screening. Along the side and rear lot lines of any lot abutting any residential district, screening (a wall, solid fence, or closely-planted shrubbery) at least six feet high and of sufficient density to completely block the view from the adjacent residential property shall be installed.
- H) Parking. See Article 7.
- I) Signs. See Article 6.

4.3.3 Lot and Building Requirements

Every principal building erected in the Community Business District (C) shall conform to the following requirements:

- A) Minimum Lot Area: 6,500 square feet
- B) Minimum Lot Width at the established building line: 70 feet
- C) Minimum Setbacks
 - 1) From front lot line: 35 feet from a Major Street; 30 feet from a Collector Street, and 25 feet from a Minor Street. In no case, however, shall the front setback from a Street Centerline be less than 85 feet from the Street Centerline of a Major Street, 75 feet from a Collector Street, or 55 feet from a Minor Street.
 - 2) From side yard abutting street: same as minimum setback requirement from a front lot line.
 - 3) From side lot line: 5 feet
 - 4) From rear lot line: 25 feet
- D) Maximum Building Height: 35 feet
- E) Maximum Lot Coverage: 30 percent

4.3.4 [reserved]

4.4 HIGHWAY COMMERCIAL DISTRICT (HC)

4.4.1 General Intent

The general intent of the Highway Commercial District (HC) is to provide areas for commercial establishments which primarily serve the needs of interstate motorists and which are intended for application only adjacent to the interstate.

4.4.2 Use Restrictions

- A) Repairs Indoors. All repair and maintenance services shall be conducted within completely enclosed structures. Storage areas may be open to the sky, but shall be enclosed by walls or solid fences at least eight feet high.
- B) Refuse Containers. All refuse generated by facilities located within this district shall be stored in tightly-covered containers placed in visually-screened areas.
- C) Screening. Along the side and rear lot lines of any lot abutting any residential district, screening (a wall, solid fence, or closely-planted shrubbery) at least six feet high and of sufficient density to completely block the view from the adjacent residential property shall be installed.
- D) Parking. See Article 7.
- E) Signs. See Article 6.

4.4.3 Lot and Building Requirements

Every principal building erected in the Highway Commercial District (HC) shall conform to the following requirements:

- A) Minimum Lot Area: 6,500 square feet
- B) Minimum Lot Width at the established building line: 65 feet
- C) Minimum Setbacks
 - 1) From front lot line: 35 feet from a Major Street; 30 feet from a Collector Street, and 25 feet from a Minor Street. In no case, however, shall the front setback from a Street Centerline be less than 85 feet from the Street Centerline of a Major Street, 75 feet from a Collector Street, or 55 feet from a Minor Street.
 - 2) From side yard abutting street: same as minimum setback requirement from a front lot line.
 - 3) From side lot line: 5 feet
 - 4) From rear lot line: 15 feet
- D) Maximum Building Height: 35 feet
- E) Maximum Lot Coverage: 65 percent

4.4.4 [reserved]

4.5 Public District (P)

4.5.1 General Intent

The general intent of the Public District (P) is to preserve and protect public land throughout the Village for current and future use.

4.5.2 [reserved]

4.5.3 Lot and Building Requirements

Every principal building erected in the Public District (P) shall conform to the following requirements:

- A) Minimum Lot Area: 8,000 square feet
- B) Minimum Lot Width at the established building line: 100 feet
- C) Minimum Setbacks
 - 1) From front lot line: 35 feet from a Major Street; 30 feet from a Collector Street, and 25 feet from a Minor Street. In no case, however, shall the front setback from a Street Centerline be less than 85 feet from the Street Centerline of a Major Street, 75 feet from a Collector Street, or 55 feet from a Minor Street.
 - 2) From side yard abutting street: same as minimum setback requirement from a front lot line.
 - 3) From side lot line: 10 feet
 - 4) From rear lot line: 20 feet
- D) Maximum Building Height: 75 feet
- E) Maximum Lot Coverage: 50 percent

4.5.4 [reserved]

4.6 Industrial District (I)

4.6.1 General Intent

The general intent of the Industrial District (I) is to provide areas for storage and manufacturing uses compatible with needs and character of the Village.

4.6.2 Use Restrictions

- A) **Nuisances Prohibited.** No production, processing, cleaning, servicing, testing, repair, sale, or storage of goods, materials or equipment shall unreasonably interfere with the use occupancy, or enjoyment of neighboring properties or the community as a whole. Unreasonable interferences include, but are not limited to, excessive traffic congestion, loud or shrill noises, excessive emission of smoke, emission of toxic gases, excessive glare, and noxious odors.
- B) **Activities Enclosed.** All production, processing, cleaning, servicing, testing or repair activities shall be conducted within completely enclosed buildings. Storage areas may be open to the sky, but shall be enclosed by walls or fences (whether solid or chain-link), including gates, at least eight feet high.
- C) **Buffer Strips.** Wherever any industrial use located in this district abuts any other district, a 20 foot wide view and noise control buffer strip shall be installed. Such buffer strip shall consist of densely planted shrubbery that is at least five feet high when planted and that can be expected to reach a height of ten feet when full grown.
- D) **Parking.** See Article 7.
- E) **Signs.** See Article 6.

4.6.3 Lot and Building Requirements

Every principal building erected in the Industrial District (I) shall conform to the following requirements:

- A) **Minimum Lot Area:** 10,000 square feet
- B) **Minimum Lot Width at the established building line:** 65 feet
- C) **Minimum Setbacks**
 - 1) **From front lot line:** 35 feet from a Major Street; 30 feet from a Collector Street, and 25 feet from a Minor Street. In no case, however, shall the front setback from a Street Centerline be less than 85 feet from the Street Centerline of a Major Street, 75 feet from a Collector Street, or 55 feet from a Minor Street.
 - 2) **From side yard abutting street:** same as minimum setback requirement from a front lot line.
 - 3) **From side lot line:** 10 feet
 - 4) **From rear lot line:** 15 feet
- D) **Maximum Building Height:** 40 feet
- E) **Maximum Lot Coverage:** 40 percent

4.6.4 [reserved]

ARTICLE 5 SUPPLEMENTARY ZONING REGULATIONS

5.0 Applicability of Article

Division 1 of this Article establishes lot and structure requirements, design standards, and use limitations for the following specific structures and uses:

- Agricultural Activities
- Buffer Strips, Fences, Walls and Hedges
- Guest Quarters
- Home Occupations
- Junk Yards
- Kennels
- Lighting Controls
- Manufactured Homes
- Manufactured Home Parks
- Nursing Homes and Groups Homes
- Places of Worship and Other Religious Buildings
- Public Buildings
- Recreational Vehicles
- Schools
- Service Stations
- Swimming Pools
- Utility Substations

Division 2 of this Article establishes lot and structure requirements, design standards, and use limitations for structures and uses not covered in Division 1 above. Division 2 zoning provisions feature additional defined terms that are applicable to each structure and use. Division 2 Sections include:

- Wind Energy Systems
- [reserved]
- [reserved]
- [reserved]

These regulations apply in every zoning district where the specific structure or use is either permitted with a Zoning Use Permit and Final or Certificate of Compliance or allowed by Special Use permit. But if more stringent regulations are applicable in any particular district, such regulations shall prevail. For any structure or use permitted with a Special Use, the Village may require additional reasonable standards deemed consistent with the provisions of this Ordinance.

5.1 Division 1

5.1.1 Agricultural Activities

- A) Farm Animals. No barn, stable, shed, or other structure intended to shelter farm animals shall be erected closer than 300 feet to any existing dwelling, or closer than 200 feet to any lot line of residential property, whichever distance is greater. Similarly, fences shall be erected or other means shall be taken to prevent farm animals from approaching closer than 300 feet to any existing dwelling or closer than two hundred 200 feet to any lot line or residential property, whichever distance is greater.
- B) Farm Equipment or Commodities. No agricultural equipment or commodities (including, but not limited to, baled crops, fertilizer, pesticides or herbicides) shall be stored outdoors closer than 300 feet to any existing dwelling or closer than 200 feet to any lot line of residential property, whichever distance is greater. If said equipment or commodities are stored within a completely enclosed structure, said structure shall be located at least 100 feet from any lot line of residential property.
- C) Barbed Wire/Electrical Fences. (See Section 5.1.2 B.)

5.1.2 Buffer Strips, Fences, Walls, and Hedges

Buffer strips, fences, walls or hedges used for any purpose shall, in all districts, conform to the following:

- A) A commercial, multi-family or industrial use that abuts the Residential District or is across a street, alley or similar obstacle from the Residential District shall include a buffer strip of landscaping and/or other treatment between it and the Residential District. If a buffer strip is live landscaping, a temporary artificial screening shall be provided until such time as landscape screening reaches maturity. The required buffer strip width shall be 20 feet, except that between an industrial use and the Residential District, the required buffer strip width shall be 30 feet. Where the Residential District abuts a use requiring a buffer, the minimum setback from the buffer for the use requiring a buffer shall be 10 feet providing that no street is situated between the districts.
- B) No new permanent barbed wire or electrically charged fence less than eight feet in height shall be erected or maintained anywhere except in connection with agricultural uses; when the agricultural use abuts a property line or a public right-of-way, the use of such fencing shall require the issuance of a Special Use Permit.
- C) No fence, wall, or other obstruction shall be erected on or within three feet of any alley or public right-of-way; temporary barricades shall require the written permission of the Zoning Administrator.
- D) No fence, wall or other obstruction shall be erected in violation of the Illinois Drainage Code. (See 70 ILCS Sec. 2-1 through 2-13)
- E) Height restrictions to fences, walls, or other obstructions shall apply as follows, except that

planting screen requirements of Section 5-3 A are exempt from these restrictions:

- 1) In the Residential District, no fence, wall or other obstruction shall exceed seven feet in height.
 - 2) In the Agriculture, Public, Community Business District, and Highway Commercial Districts, no fence, wall or other obstruction shall exceed eight feet in height.
 - 3) In the Industrial District, no fence, wall or other obstruction shall exceed 10 feet in height.
- F) No fence, wall or other obstruction shall be erected in any front yard setback area, with the exception of landscape fences specifically approved by the Zoning Administrator. (See the definition of 'Landscape Fence' in Section 2.2.)
- G) No fence, landscape wall, or decorative post shall be located closer than one foot to a front lot line or street right-of-way. Fences, landscape walls, and decorative posts shall be set back at least one inch from other lot lines. No fence shall obstruct a vision clearance triangle as set forth in Paragraph 3.12 B).
- H) No fence, wall or other obstruction which completely encloses a lot shall be erected without the provision of a gate or similar type of moveable barrier for accessibility.

5.1.3 Guest Quarters

- A) A guest quarters is permitted only as an accessory use in accordance with the provisions of Section 3.14.
- B) A guest quarters shall contain no kitchen or cooking facility.
- C) A guest quarters shall not be rented or leased, whether compensation be direct or indirect.

5.1.4 Home Occupations

- A) Limitations on Use. A home occupation shall be permitted only in the Residential District, and subject to the following limitations:
 - 1) Employees. The use shall be conducted entirely within a dwelling or permitted accessory building and carried on by the inhabitants living there. No more than one other individual may be employed who does not reside on the premises.
 - 2) Dwelling Alterations. The principal residential building shall not be altered to accommodate a home occupation in such a way as to materially change the residential character of the building.
 - 3) Floor Space. The total area used for the home occupation shall not exceed 25 percent of the gross floor area of the dwelling, or 300 square feet, whichever is less.

- 4) Sign Restrictions. There shall be no exterior advertising other than identification of the home occupation by a sign which shall be attached to the dwelling or the accessory building and shall not exceed three square feet in area and shall not be illuminated.
 - 5) Exterior Storage. There shall be no exterior storage on the premises of material or equipment used as a part of the home occupation.
 - 6) Nuisances. There shall be no offensive noise nor shall there be vibrations, smoke, dust, odors, heat or glare noticeable at or beyond the property line. All nuisances are prohibited.
 - 7) Unlawful Storage. There shall be no storage or use of toxic, explosive or other dangerous or hazardous materials upon the premises.
 - 8) Parking Requirements. A home occupation, including studios or rooms for instruction, shall provide off-street parking area adequate to accommodate needs created by the home occupation as prescribed in Section 7.8.
 - 9) Covenants. The use must be in conformance with all valid covenants and agreements recorded with the County Recorder of Deeds, covering the land underlying the dwelling.
- B) Permit Required. A home occupation shall not be permitted without a Home Occupation Permit being granted by the Zoning Administrator, which shall determine whether or not the proposed home occupation complies with all applicable laws and ordinances.
- C) Activities Not Covered. A Home Occupation Permit shall not be required for activities such as telecommuting, involving no outside sign, little or no increase in traffic, and with only occasional visits by members of the public to the home. As used in this Section, “telecommuting” means working in the home by using a computer terminal connected to a central office or central computer.

5.1.5 Junk Yards

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

5.1.6 Kennels

- A) Kennels shall be permitted only in the Agriculture District.

- B) Every kennel shall be located at least 200 feet from the nearest dwelling, and at least 100 feet from any lot line.
- C) The lot on which any kennel is situated shall have a minimum area of three acres.

5.1.7 Lighting Controls

Any light used for the illumination of signs, swimming pools, or for any other purpose shall be arranged so as to confine the direct light rays away from neighboring residential properties and away from the vision of passing motorist.

5.1.8 Manufactured Homes

A manufactured home may be permitted as a Special Use in the R-Residential District on lots containing a manufactured home at the time of adoption of this Ordinance subject to the following:

- A) No manufactured home shall be located on a lot where there is another dwelling unit.
- B) No manufactured home or mobile home constructed prior to 1976 shall be permitted as a single family dwelling.
- C) All Illinois state requirements pertaining to manufactured home or a mobile home shall be met, including the Illinois Mobile Home Tiedown Act (210 ILCS 120/1 to 7) as may be amended and the Illinois Manufactured Housing and Mobile Home Safety Act (430 ILCS 115/1 to 15) as may be amended, and regulations promulgated under these acts by the Illinois Department of Public Health.

5.1.9 Manufactured Home Parks

In addition to meeting provisions regarding a manufactured home in Section 5-9, the more restrictive of the following provisions shall apply:

- A) A manufactured home park shall meet all requirements of the Mobile Home Park Act (210 ILCS 115/1 to 27; the Illinois Mobile Home Tiedown Act (210 ILCS 120/1 to 7); the Illinois Manufactured Housing and Mobile Home Safety Act (430 ILCS 115/1 to 15) and the Manufactured Home Community Code and all applicable regulations promulgated under these acts by the Illinois Department of Public Health, including: 77 Illinois Administrative Code Section 860, 77 Illinois Administrative Code, Sections 870.10 to 870.70, and 77 Illinois Administrative Code, Sections 880.10 to 880.1330, as may be amended.
- B) All lots within a manufactured home park shall have a minimum area of 4,000 square feet and a mobile manufactured home park shall contain no more than eight mobile home sites for each gross acre of land.
- C) All off-street parking areas shall be paved.

5.1.10 Nursing Homes and Group Homes

- A) The lot on which any group home is situated shall have a minimum width and depth of 200 feet, and a minimum area of two acres.
- B) The lot on which any nursing home is situated shall have a minimum width and depth of 200 feet, and a minimum area of one and one-half acres.

5.1.11 Places of Worship and other Religious Buildings

The following restrictions shall apply to places of worship and other religious buildings:

- A) **Lot Size.** The minimum size of the lot or tract shall be large enough to accommodate the parking requirements of said church building or house of worship (Section 7.8 B) and have a minimum frontage on a public street and at the building line of 150 feet.
- B) **Commercial and Residential Uses.** No part of a church or building for religious worship or accessory building shall be used for commercial or residential purposes, except that one parsonage may be permitted on the same lot or tract provided the parsonage is located no more than 75 feet from the principal building for religious worship.
- C) **Property Lines.** Each principal building shall be located at least 25 feet from all property lines, and shall meet all other applicable requirements of this Ordinance.
- D) **Accessory Buildings.** Accessory buildings shall meet all applicable requirements of the Zoning District.
- E) **Accessory Uses.** Permitted accessory uses and functions shall be directly related to and an integral part of the customary religious worship activities except as otherwise provided by applicable provisions. (See 805 ILCS Sec. 110/0.01 *et seq.*)

5.1.12 Public Buildings

In any district where municipally owned or other publicly owned buildings are permitted, the following additional requirements shall be met:

- A) In the Residential District or Public District, all municipal or other publicly-owned buildings shall be located at least 25 feet from all property lines.
- B) In the Residential District, Public District, Community Business District or Highway Commercial District, there shall be no permanent storage of heavy construction or maintenance equipment (such as excavating, road building, or hauling equipment), unless in an enclosed building or enclosed within a solid wall or fence at least six feet in height. Such storage areas, maintenance yards, or storage warehouses shall be located at least 25 feet from any front or side property line.

5.1.13 Recreational Vehicles

The regulations of this Section do not apply to travel trailers or other recreational vehicles parked

in a permitted travel-trailer park that conforms to the requirements of this Ordinance and the Village Code. The requirements of Paragraphs A, C, and D do not apply to travel trailers or other recreational vehicles parked on a permitted recreational vehicle sales lot.

- A) Not more than two trailers, or other type of recreational vehicle per dwelling shall be parked outside of an enclosed garage on any lot. All trailers or other types of recreational vehicles shall be placed on a parking surface as defined in Section 7.3 D of this Ordinance and in conformity with Section 7.5 of this Ordinance.
- B) No travel trailer or other recreational vehicle shall be used as a dwelling or permanent storage.
- C) No trailer or other recreational vehicle shall be used as an office or for any other commercial purpose.
- D) Travel trailers or recreational vehicles shall be required to have setbacks as required for accessory buildings.
- E) No travel trailer or other recreational vehicle shall be parked on any front yard.
- F) No manufactured home or mobile home, unless otherwise permitted in accordance with the provisions of this Ordinance, may be located in a travel trailer or recreational vehicle park.
- G) No trailer or other type recreational vehicle shall be parked on a public street or alley for more than a 72-hour period.

5.1.14 Schools

- A) The lot on which any school is situated shall have the minimum area indicated below:

Table 5.1.14-1

TYPE OF SCHOOL	MINIMUM LOT AREA
Nursery, Day Care Center	100 square feet of fenced outdoor play area per child
Other (elementary, junior high senior high)	As required by State law (ILCS, Chapter 105, Sec. 5/35-8)--normally four acres plus one additional acre for every 150 students in excess of 200.

- B) The principal building of any school shall be located at least 25 feet from all lot lines.

5.1.1.5 Service Stations

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

- C) Every device for dispensing or selling milk, ice, soft drinks, snacks, and similar products shall be located within or adjacent to the principal building.
- D) All trash receptacles, except minor receptacles adjacent to the gasoline pumps, shall be screened from view.
- E) A permanent curb of at least four inches in height shall be provided between the public sidewalk and the gasoline pump island, parallel to and extending the complete length of the pump island.

5.1.16 Swimming Pools

- A) Every in-ground swimming pool, whether public or private, shall be enclosed by a wall or fence at least four feet in height and shall have a gate that shall be locked when the pool is not in use. An above-the-ground pool, four feet or higher, need not have a fence with a gate, so long as the ladder is removed when not in use.
- B) No private swimming pool shall be located in any front yard or closer than 10 feet to any side or rear lot line.
- C) All lights used to illuminate any swimming pool shall be arranged or shielded so as to confine direct light rays within the lot lines to the greatest extent possible.
- D) Accessory, open and uncovered swimming pools may occupy a rear yard provided that they are not located closer than five feet to the rear lot line or closer than two feet to a side lot line on interior lots.

5.1.17 Utility Substations

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

- A) Every lot on which any such facility is situated shall meet the minimum area and dimension requirements of the district in which it is located. Every part of any such facility shall be located at least 25 feet from all lot lines, or shall meet the district setback requirements, whichever is greater.
- B) In the Residential District, the structure housing any such facility shall be designed and constructed to be compatible with the residential character of the area.
- C) Every such facility shall be screened by close-planted shrubbery at least 10 feet in height and of sufficient density to block the view from adjacent property. Furthermore, if the Administrator determines that the facility poses a safety hazard (for example, if there are exposed transformers), he shall require that a secure fence at least eight feet in height be installed behind the planting screen.

5.1.18 [reserved]

5.2 Division 2

5.2.1 Wind Energy Systems

A) Applicability

- 1) The provisions of this Section shall apply to wind energy systems erected and operated within the corporate limits of the Village and within the unincorporated land situated within the Village of Ogden's one and one-half mile extraterritorial jurisdiction. (Refer to 65 ILCS 5/11-13-26.)
- 2) All zoning districts and zoning regulations cited are as enacted by the Village or Champaign County, whichever is applicable to the subject property.
- 3) Pre-existing wind energy systems shall be exempt from the provisions of this Section with the exception of maintenance and removal of abandoned systems.

B) Purpose and Intent

The purpose of these regulations is to provide a uniform and comprehensive set of standards for the siting, installation and operation of wind energy systems within the Village and within the Village of Ogden's one and one-half mile extraterritorial jurisdiction. These regulations are intended to protect the public health, safety and welfare of the community without unduly restricting the use of wind energy systems.

C) Wind Energy System Definitions

Ambient Sound: The all-encompassing sound at a given location, usually a composite of sounds from many sources, near and far. For the purpose of this Section, the 'ambient sound level' shall mean the quiescent background level, that is, the quietest of 10-second average sound levels measured when there are no nearby or distinctly audible sound sources. Daytime ambient measurements should be made during mid-morning, weekday hours and nighttime measurements should be made after midnight.

On-Site Wind Energy System (OWES): A wind energy system having a total rated capacity of between 101 and 250 kilowatts and that is incidental and subordinate to and which generates power for the principal use of the zoning lot on which it is situated, even though excess electricity may be used by the utility company in exchange for a reduction in cost of electrical power supplied by that company.

Private Waiver: A written statement asserting that a landowner has agreed to waive a specific small wind energy system (SWES) separation distance requirement or rotor diameter size limit, and has knowingly agreed to accept the consequences of the waiver. A *private waiver* must be signed by the landowner.

Rotor: The rotating part of a wind turbine, including the blades and blade assembly or the rotating portion of the generator.

Rotor Diameter: The diameter of the circle swept by the rotor, specifically, the distance from the outer-most tip of the blade to the center of the turbine rotor multiplied by two.

Shadow Flicker: A repetitive oscillation of light and shadow cast when light passes through and is interrupted by moving wind turbine blades.

Small Wind Energy System (SWES): A wind energy system having a total rated capacity of not more than 100 kilowatts and that is incidental and subordinate to and which generates power for the principal use of the zoning lot on which it is situated, even though excess electricity may be used by the utility company in exchange for a reduction in cost of electrical power supplied by that company.

Sound Level: The A-weighted sound pressure level in decibels (dB) (or the C-weighted level if specified) as measured using a sound level meter that meets the requirements of a Type 2 or better precision instrument according to the American National Standards Institute (ANSI) S1.4. The “average” sound level is time-averaged over a suitable period using an integrating sound level meter that meets the requirements of ANSI S12.43.

Test Wind Tower: A temporary wind speed indicator constructed to analyze the potential for utilizing a wind energy system at a given site. This includes the tower, base plate, anchors, cables and hardware, wind direction vanes, booms to hold equipment, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location.

Total Extended Height: The height of a wind energy system turbine as measured from natural grade to the tip of the rotor blade at its highest point of travel, or blade-tip height.

Wind Energy System: All necessary devices that together convert wind energy into electricity, including the rotor, nacelle, generator, tower, electrical components, foundation, transformer, and electrical cabling.

Wind Energy System, Building-Mounted (BMWES): A wind energy system located on a building.

Wind Energy System, Utility-Scale (USWES): A wind energy conversion system, associated towers, controls or conversion electronics, which have a rated capacity of more than 250 kilowatts, or which exceeds the maximum system height or maximum rotor diameter standards provided by this Section for a WES. A USWES may generate power to be transferred for off-site use or to wholesale electricity markets.

D) Test Wind Tower

A Test Wind Tower shall be permitted in all zoning districts as a temporary use for no more than 18 months. An extension of this time period, not to exceed an additional 18 months, may be granted at the discretion of the Zoning Administrator upon submittal and review of sufficient evidence to support the requested extension.

E) Table 5.2.1-1 contains a summary regarding wind energy systems, and highlights a portion of the requirements contained in this Section that apply to each type.

**Table 5.2.1–1
Summary of Wind Energy Systems**

Authorization Required	Use Type	Zoning Districts	Maximum Height ¹	Maximum Rotor Diameter	Minimum Setback
Accessory Use	BMWES Building-Mounted Wind Energy System	All	10 feet, as measured from the highest point of the roof, for all uses in Residential District; 15 feet, as measured from the highest point of the roof, for all uses in non-residential zoning districts non-residential zoning districts	10 feet	Same as the required minimum yard (front, rear, side) for the zoning district in which it is located
Accessory Use	SWES Small Wind Energy System	All	125 feet in Residential District; 155 feet in non-Residential District	15 – 75 feet, depending on lot size ²	A distance equal to the <i>total extended height</i> from lot boundary lines, public right-of-ways, railroad right-of-ways, and overhead utility lines.
Accessory Use	OWES On-Site Wind Energy System	Agriculture AG-1 Agriculture AG-2 Agriculture Industrial	175 feet	15 – 75 feet, depending on lot size ²	A distance equal to the <i>total extended height</i> from lot boundary lines, public right-of-ways, railroad right-of-ways, and overhead utility lines.
Special Use	USWES Utility-Scale Wind Energy System	Agriculture AG-1 Agriculture AG-2 Agriculture	400 feet	300 feet	A distance equal to the <i>total extended height</i> from lot boundary lines, public right-of-ways, railroad right-of-ways, and overhead utility lines. ³

Table 5.2.1-1 Notes:

1. Except for a BMWES, the ‘maximum height’ refers to *total extended height* of each *wind energy system*.
2. The maximum *rotor diameter* shall be limited based on the separation distance as specified in Items (G) (2) (c) and (H) (2) (c) below.
5. Additionally, a Utility-Scale Wind Energy System (USWES) must meet the separation requirements as specified in Item (I) (2) (e).

F) Building-Mounted Wind Energy System (BMWES)

- 1) A BMWES shall be considered an accessory use in all zoning districts.
- 2) A BMWES shall be subject to the following requirements:
 - a) A BMWES shall meet the design standards set forth in Paragraph K of this Section.
 - b) The maximum height of a BMWES shall be 10 feet as measured from the highest point of the roof for all uses in the Residential District and 15 feet as measured from the highest point of the roof for all uses in non-residential zoning districts.
 - c) The *rotor diameter* of a BMWES shall not exceed 10 feet.
 - d) The minimum setback for a BMWES shall be equal to the required minimum yard (front, rear, and side) for the zoning district in which it is located. The setback shall be measured horizontally from the farthest outward extension of all moving parts to the nearest lot line.
 - e) If more than one BMWES is installed, a minimum distance equal to the height of the highest BMWES must be maintained between the base(s) of each BMWES.
 - f) The maximum number of BMWES on a property shall be based on setback and separation requirements as set forth in the above Items d and e.
 - g) The building upon which the BMWES is to be mounted shall be able to safely support operation of the BMWES.

G) Small Wind Energy System (SWES)

- 1) A SWES shall be considered an accessory use within all zoning districts.
- 2) A SWES shall be subject to the following requirements:

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- a) A SWES shall meet the design standards set forth in Paragraph K of this Section.
- b) The *total extended height* of a SWES shall not exceed:
 - i. 125 feet in the Residential District; and
 - ii. 155 feet in non-residential zoning districts.
- c) The maximum allowable *rotor diameter* of a SWES shall be as follows:
 - (1) 15 feet on a lot with less than one acre of lot area.
 - (2) 24 feet on a lot with one acre or more of lot area.
 - (3) Rotor diameter greater than 24 feet may be authorized as follows:
 - (a) when the separation distance from the SWES to the nearest dwelling under other ownership is a minimum of 8.3 times the rotor diameter, up to a maximum diameter of 75 feet; and
 - (b) when the lot area is three acres or larger.
- d) The minimum setback for a SWES shall be the distance equal to the *total extended height* of the SWES from all lot lines, public right-of-ways, railroad right-of-ways, and overhead utility lines. The setback shall be measured from the center of the SWEC tower's base.
- e) The requirements of Items c) and d) above may be lessened if a Variance is granted by the Board of Appeals and provided that prior to the Board of Appeals decision regarding such a Variance request, that each landowner with property that falls within the required setback distance as indicated in Item c) and Item d) above:
 - i. submits to the Board for its review a signed *private waiver* that establishes a specific agreement for a lesser requirement with regard to either Item c) or Item d), or both Item c) and Item d) above, which includes the landowner's acknowledgement and acceptance of the consequences of the waiver; and
 - ii. such signed *private waiver* is recorded as part of the chain of title in the deed to any relevant tract of land prior to the authorization of any Zoning Use Permit.
- f) No SWES guy wire anchors may extend closer than ten feet to the lot line, or the distance of the required setback in the respective zoning district, whichever results in a greater setback.
- g) No part of a SWES shall be located on any public easement.

- h) In the Residential District and commercial zoning districts, a SWES shall be located entirely behind the principal building.

H) On-Site Wind Energy System (OWES)

- 1) An OWES shall be considered an accessory use in the Agriculture District, AG-1 Agriculture District, AG-2, Agriculture District, or Industrial District.
- 2) An OWES shall be subject to the following requirements:
 - a) An OWES shall meet the design standards set forth in Paragraph K of this Section.
 - b) The *total extended height* of an OWES shall not exceed 175 feet, except that the *total extended height* shall not exceed 155 feet if located within 500 feet of an existing off-site dwelling, the boundary of a residentially zoned lot, or the boundary of a parcel within the Village of Ogden 1-1/2 mile extra-territorial jurisdiction and designated for future residential use by the Village of Ogden Comprehensive Plan Future Land Use Map.
 - c) The maximum allowable *rotor diameter* of an OWES shall be as follows:
 - (1) 15 feet on a lot with less than one acre of lot area.
 - (2) 24 feet on a lot with one acre or more of lot area.
 - (3) Rotor diameter greater than 24 feet may be authorized as follows:
 - (a) when the separation distance from the OWES to the nearest dwelling under other ownership is a minimum of 8.3 times the rotor diameter, up to a maximum diameter of 75 feet; and
 - (b) when the lot area is three acres or larger.
 - d) The minimum setback for an OWES shall be the distance equal to the *total extended height* of the OWES from all lot lines, public right-of-ways, railroad right-of-ways, and overhead utility lines. The setback shall be measured from the center of the OWEC tower base.
 - e) No OWES guy wire anchors may extend closer than ten feet to the lot line, or the distance of the required setback in the respective zoning district, whichever results in a greater setback.
 - f) No part of an OWES shall be located on any public easement.

- I) Utility-Scale Wind Energy System (USWES)
- 1) A USWES shall be permitted only as a Special Use in the Agriculture District, AG-1 Agriculture District, AG-2, Agriculture District, or Industrial District.
 - 2) A USWES shall be subject to the following requirements:
 - a) A Special Use Permit for a proposed USWES shall be evaluated in consideration of the factors set forth in Paragraph J of this Section.
 - b) A Special Use Permit for a proposed USWES shall meet the design standards set forth in Paragraph K of this Section.
 - c) The Village may require that a bond be posted, at time of approval of a Special Use Permit, for decommissioning and removal of the USWES.
 - d) Up to three wind turbine towers may be permitted as part of a USWES. A Special Use request may be submitted for all three together, or a separate Special Use request may be submitted for an individual wind turbine tower that comprises a USWES.
 - e) A USWES may not be located within 1,500 feet of an existing off-site dwelling, the boundary of a residentially zoned lot, or the boundary of a parcel within the Village of Ogden 1-1/2 mile extra-territorial jurisdiction and designated for future residential use by the Village of Ogden Comprehensive Plan Future Land Use Map. The setback shall be measured from the center of the tower's base.
 - f) The *total extended height* of a USWES shall not exceed 400 feet.
 - g) The maximum *rotor diameter* of a USWES shall be 300 feet.
 - h) The minimum setback for a USWES shall be the distance equal to the *total extended height* of the USWES from all lot lines, public right-of-ways, railroad right-of-ways, and overhead utility lines. The setback shall be measured from the center of the USWEC tower's base.
 - i) No USWES guy wire anchors may extend closer than ten feet to the lot line, or the distance of the required setback in the respective zoning district, whichever results in a greater setback.
 - j) No part of a USWES shall be located on any public easement.

J) Evaluation Factors for a USWES Special Use Request

In accordance with these established procedures and requirements for a Special Use in Article 10, the following additional factors shall be considered for a Special Use request for a USWES:

- 1) Number and location of proposed USWES turbine towers relative to lot size;
- 2) Whether the height of the proposed USWES is needed for its efficient operation;
- 3) Proximity to an existing dwelling, residential zoning district, or the boundary of a parcel within the Village of Ogden 1-1/2 mile extra-territorial jurisdiction and designated for future residential use by the Village of Ogden Comprehensive Plan Future Land Use Map;
- 4) Whether a substantial adverse effect on public safety will result from the height or rotor diameter of the USWES or some other aspect of the USWES design or proposed construction;
- 5) The nature of existing and planned future land use on adjacent and nearby properties;
- 6) Land use compatibility and impact on orderly development and consistency with the Village of Ogden Comprehensive Plan;
- 7) Surrounding topography; proximity to environmentally sensitive areas and the environmental impact of the system;
- 8) Location of other wind energy systems in the surrounding area;
- 9) Proximity to transmission lines to link the systems to the electric power grid;
- 10) Proximity to environmentally sensitive areas and the environmental impact of the system;
- 11) Whether the design of the proposed USWES is in compliance with the design standards of Paragraph K of this Section; and
- 12) Whether there is sufficient uniformity of design, including tower type, color, number of blades, and direction of blade rotation if multiple USWES turbine towers are proposed.

K) Design Standards

In addition to all other applicable requirements of this Section, wind energy systems shall be constructed in conformance with the following design standards:

- 1) Visual Appearance Standards

- a) SWES shall be required to have a monopole type tower.
- b) A wind energy system shall be the color supplied by the manufacturer or a non-reflective, non-obtrusive color such as off white, light gray or other neutral color. The required coloration and finish shall be maintained throughout the life of the system.
- c) No illumination of a wind energy system shall be allowed unless required by the Federal Aviation Administration. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to surrounding land uses.
- d) Signs, commercial markings, messages, or banners on the wind energy system shall be prohibited, except for one warning sign no more than four square feet in area.
- e) All on-site electrical transmission lines connecting a wind energy system to a building or public utility electricity distribution system or substation shall be located underground. As-built plans shall be submitted showing the location of underground conduit and cable located within the public right-of-way.

2) Safety Standards

- a) All wind energy systems shall be equipped with an automatic over speed control to render the system inoperable when winds are blowing in excess of the speeds for which the system is designed and a manually operable method to render the system inoperable in the event of a structural or mechanical failure of any part of the system. USWES shall be equipped with a redundant braking system that includes both aerodynamic over-speed controls and mechanical brakes.
- b) On a tower-mounted wind energy system with a vertically mounted rotor, a minimum clearance of 10 feet between the ground and the lowest arc of the rotor blades is required. On a tower-mounted wind energy system with a horizontally mounted rotor, a minimum clearance of 20 feet between the ground and the lowest arc of the rotor blades is required.
- c) Wind energy system towers shall be designed to discourage unauthorized climbing by removal of climbing rungs to a height of 12 feet, or by using a six foot height fence with locking portals or other applicable anti-climbing measures.
- d) All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.

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- e) At a minimum, a wind energy system shall be engineered to withstand a wind velocity of 110 miles per hour.
- f) All wind energy systems shall be designed and sited so that they shall not cause any significant electromagnetic interference with any radio, television, microwave communication, or satellite navigation on other properties.
 - (1) All wind energy systems shall comply with the Federal Communication Commission (FCC) requirements for electromagnetic interference including FCC Part 15.
 - (2) All wind energy system turbines shall utilize nonmetallic rotor blades.
- g) A wind energy system shall not produce vibrations detectible by persons without the aid of scientific instruments on any adjacent property.
- h) All wind energy systems shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI).
- i) Wind energy systems shall be designed and located to minimize shadow flicker.
 - (1) Shadow flicker expected to fall on a dwelling shall be acceptable provided that the shadow flicker, assuming sunlight will not be obscured by cloud cover during the entire course of the year, will not fall on the location of concern for more than 30 hours per year.
 - (2) Wind energy systems with a total extended height over 155 feet shall be sited in a manner that does not result in significant shadow flicker impacts on adjacent properties. Significant shadow flicker impacts are defined as surpassing the threshold as described in Item (1) above.

A Zoning Use Permit and Special Use Permit application for a wind energy system having a *total extended height* over 155 feet shall include a shadow flicker study. The applicant has the burden of providing evidence that the shadow flicker will not have significant adverse impact. Using available software, the applicant shall show calculated locations of shadow flicker caused by the wind energy system and the expected duration in total number of hours per year of the flicker cast upon adjacent dwellings, the boundary of a residentially zoned lot, or the boundary of a parcel within the Village of Ogden 1-1/2 mile extra-territorial jurisdiction and designated for future residential use by the Village of Ogden Comprehensive Plan Future Land Use Map. Potential shadow flicker shall be addressed either through siting or other approved mitigation measures.

j) Sound Level Limitations

- (1) No wind energy system or combination of wind energy systems on a single lot shall create noise that exceeds the regulatory standards set by the Illinois EPA Pollution Control Board at any property line where the wind energy system is located. Measurement of sound levels shall not be adjusted for, or averaged with, non-operating periods. Any wind energy system exceeding this level shall immediately cease operation upon notification by the Zoning Administrator and may not resume operation until the noise levels have been reduced in compliance with the required standards and verified by an independent third party inspector, approved by the Village, at the property owner's expense. Only upon the Zoning Administrator's review and acceptance of the third party noise level report, may the wind energy system resume operation.
- (2) A Special Use application for USWES shall include an environmental sound impact study that includes:
 - i. Certified manufacturer's specification of the sound emissions from similar turbines that specifically state that the overall sound level as well as the 1/3-octave band levels measure in accordance with International Electrotechnical Commission (IEC) 61400-11;
 - ii. The expected maximum one minute average A- and C-weighted sound level at the property line with all turbines operating; and
 - iii. The daytime and night time quiescent ambient sound levels at the property line as measured by an environmental acoustics expert (board certified by the Institute of Noise Control Engineering).

L) Additional Zoning Use Permit Application Requirements

In addition to the requirements established in Section 9.4 for a Zoning Use Permit application, a Zoning Use Permit application for a wind energy system shall include:

- a) A copy of the manufacturer's standard drawings of the wind turbine structure and stamped engineering drawings of the tower, base, footings, and/or foundations as provided by the manufacturer sufficient to prove that the wind energy system is safe for the use intended. Wet stamps shall not be required.
- b) A copy of the wind turbine manufacturer's certification of compliance with FCC requirements with the Zoning Use Permit application.
- c) Certificates of design compliance that equipment manufacturers have obtained from Underwriters Laboratories (UL), National Renewable Energy Laboratories (NREL), Det Norske Veritas (DNV), Germanischer Lloyd Wind Energie (GL), or an equivalent third party.

- d) Evidence must be given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
- e) Such evidence and documentation as required to verify that the wind energy system meets all other zoning ordinance requirements.

M) Maintenance

All wind energy systems shall be maintained in good condition and in safe working order throughout the life of the system. If the system is not maintained in operational condition and/or poses a potential safety hazard, the owner shall immediately correct the situation at the expense of the owner. Any wind energy system found to be unsafe by the Zoning Administrator or appointed designee, must stop operation immediately upon notification. If the owner fails to correct the unsafe condition, the Zoning Administrator may remove or cause to be removed, altered or repaired, at cost to the owner, an unsafe wind energy system immediately and without notice, if, in his/her opinion, the condition of the system is such as to present an immediate threat to the safety of the public.

N) Removal of an Inoperable Wind Energy System

The Wind Energy Conversion System or individual turbine is hereby declared to be a public nuisance if it has been inoperable or has not been operated to generate any electricity for 180 or more consecutive days. If a wind energy system is derelict for 180 or more consecutive days, the owner shall be notified that they must, within six months of receiving the notice, restore their system to operating condition. If the owner(s) fails to restore their system to operating condition within the six-month time frame, then the owner shall be required, at the expense of the owner, to remove the wind energy system. Removal of a wind energy system that constitutes a public nuisance shall include removal of the turbines, tower, and any above ground improvements, including fencing. If the owner fails to remove the wind energy system within one month, the Zoning Administrator shall send a notice that the wind energy system is in violation of the Zoning Ordinance and subject to a daily fine as provided for in Section 9.15.

O) Violation. Should a wind energy system or any part thereof violate the requirements of this Section, the owner shall cease operations immediately. Upon receipt of a complaint or the notice of a complaint from the owner, the Zoning Administrator shall make a determination as to whether there is a violation requiring the immediate cessation of operation. The system may resume operation once the violation(s) have been remedied.

P) Pre-Existing Wind Energy Systems

- 1) Pre-existing wind energy systems shall be allowed to continue. Routine maintenance shall be permitted on such pre-existing systems.
- 2) A Zoning Use Permit and any other necessary zoning and development approvals shall be obtained to alter, enlarge, extend, replace or relocate a pre-existing wind energy system.

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- 3) If a pre-existing wind energy system is nonconforming with this Section, it shall not be altered, enlarged, extended or relocated such that the nonconformity of the system is increased.
- 4) Pre-existing wind energy systems that are substantially damaged or destroyed must be rebuilt to conform to this Section.

5.2.2 [reserved]

ARTICLE 6 SIGN REGULATIONS

6.1 General Prohibition

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

6.2 Computation of Sign Area Allowance

Within the limitations and restrictions as further provided in this Article, the total area of all signs which an establishment is permitted to display shall be computed according to the following formula:

One square foot of sign area per one foot of street frontage or two square feet of sign for each lineal foot of the front width of the business, provided, however, that no establishment in any district shall display more than 300 square feet of sign on any street front.

6.3 Definition of Sign Area

As used in this Article, the term “sign area” means the area of the one imaginary square or rectangle which would completely enclose all the letters, parts, or symbols of a sign.

6.4 Special Situations

- A) Except as specifically provided otherwise in this Article, if an establishment has frontage on two or more streets, each side having such frontage shall be considered separately for purposes of determining compliance with the provisions of this Article. However, the area allowance for signs shall not be aggregated so as to permit such establishment to display on any one frontage a greater area of signs than would be permitted by application of the formula set forth above.
- B) The side of an establishment adjacent to an off-street parking area shall not be deemed frontage unless the establishment has no other frontage.

6.5 Signs to be Non-Hazardous, Well-Maintained

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

6.6 Illumination

Illumination of signs is permitted, subject to the following requirements:

- A) No sign shall employ red, yellow, or green lights in such a manner as to confuse or interfere with vehicular traffic.
- B) No sign shall have blinking, flashing, or fluttering lights or any other illuminating device which has a changing light intensity, brightness, or color.
- C) The light from any illuminated sign shall be shaded, shielded, or directed so that it creates neither a nuisance to adjacent property nor a traffic hazard.

6.7 Nonconforming Signs

A nonconforming sign means any lawfully erected sign or billboard that does not conform to one or more provisions of this Article or any amendment thereto.

6.8 Restrictions

Any nonconforming sign as defined in Section 6.5 that does not pose an imminent peril to life or property may lawfully remain subject to all the restrictions on the enlargement, alteration, or relocation, or reconstruction of nonconforming structures set forth in Article 8 of this Ordinance; provided as follows:

- A) Merely changing the message displayed on a nonconforming sign shall not be construed as a prohibited alteration.
- B) Whenever any sign is nonconforming solely because it is appurtenant to a nonconforming commercial/industrial use located in the Agriculture District, Residential District, or Public District, said sign shall be treated in the same manner as it would be if it were appurtenant to a commercial/industrial use located in the Community Business District, Highway Commercial District, or Industrial District.

6.9 Strictly Prohibited Signs

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

- A) Signs attached to trees, fences or public utility poles, other than warning signs posted by government officials or public utilities.
- B) Defunct Signs, including the posts or other supports that advertise or identify an activity, business, product, or service no longer conducted on the premises where such sign is located.
- C) Roof-mounted signs, that project or protrude above the highest point of the roof. (See Sec. 6.11)

6.10 Signs Permitted in Any District

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

against the displaying establishment's sign area allowance. (See Sec. 6.2)

- A) Construction Signs identifying the architects, engineers, contractors, and other individuals or firms involved with the construction, and/or announcing the character or purpose of the building, but not advertising any product: Such signs shall not exceed 24 square feet in area, shall be confined to the site of the construction, and shall be removed within 14 days after the intended use of the project has begun.
- B) Real Estate Signs, indicating the sale, rental, or lease of the premises on which they are located: Such signs on residential property shall not exceed six square feet; on other property, such signs shall not exceed 16 square feet. Not more than one real estate sign per street front shall be erected on any lot. Such signs shall be removed within seven days of the sale, rental or lease.
- C) Political Signs, announcing candidates seeking public/political office and/or political issues and other pertinent information: In any Agricultural or Residential District, political signs shall not exceed eight square feet; in other districts, such signs shall not exceed 32 square feet. Political signs shall be removed within seven days after the election to which they pertain, by the party responsible for their erection.
- D) Garage Sale Signs, advertising a garage or yard sale to be held on private residential property: Such signs shall not exceed four square feet, and shall not be posted for longer than five days.
- E) Public Interest Signs and Street Banners, publicizing a charitable or non-profit event of general public interest: In the Agricultural District, and in any Residential District, public interest signs shall not exceed 32 square feet. Public interest signs and street banners shall be permitted only for 60 days before and seven days after the event.
- F) Governmental, Public, and Directional Signs: Such as traffic control signs; railroad crossing signs; legal notices; signs indicating the location of underground cables; no trespassing signs; no parking signs; signs indicating the entrances and exits of parking lots; signs indicating the location of public telephones; restrooms, and so forth.
- G) Institutional Signs identifying a public, charitable, or religious institution: Such signs shall be located on the premises of such institution, shall not obstruct the vision of motorists, and shall not exceed 24 square feet.
- H) Integral Signs carved into stone or inlaid so as to become part of the building, and containing such information as date of erection, name of building, and memorial tributes.
- I) Home Occupation Signs, identifying only the name and occupation of the residents: Home occupation signs shall not be illuminated, and shall not exceed four square feet.
- J) Subdivision Entrance Signs, identifying a residential subdivision or apartment complex: Such signs shall contain no commercial advertising, and shall not exceed 20 square feet.

- K) Permanent House Numbers and/or Permanent Name of Occupant Signs located on the lot to which the sign applies: such signs shall not exceed two square feet for single-family dwelling, nor six square feet for multiple family dwellings.
- L) Signs Located in the Interior of Any Building or within an enclosed lobby or court of any building or group of buildings, provided such signs are designed and located to be viewed exclusively by the patrons or residents of such buildings.
- M) Mobile/Portable Marquees will be allowed so long as they have a temporary sign permit to do so and they are used for their active business advertising only and are in the Community Business District, Highway Commercial District, or Industrial District.

6.11 Signs Permitted in the Agriculture, Public and Residential Districts

No sign other than those listed in Section 6.10 shall be erected in the Agriculture District, Public District or in the Residential District.

6.12 Signs Permitted in the Business and Industrial Districts

No establishment located in the Community Business District, Highway Commercial District, or Industrial District shall display on any street front a total area of sign in excess of the allowance derived by application of the formula set forth in Sections 6.2 and 6.10. Signs that feature an electronic display that allows for multiple messages on the sign shall provide for a fixed message of at least ten seconds in length with a transition time between message changes of three seconds or less and shall not include animation or be animated.

Additionally, signs in the Community Business District, Highway Commercial District, or Industrial District shall conform to the requirements indicated in the subsections below:

- A) Flush-Mounted Signs. No flush-mounted (wall) sign shall:
 - 1) project more than 18 inches from the wall or surface to which it is attached; or
 - 2) extend above the roof line of the building to which it is attached.
- B) Window Signs. Signs permanently mounted in display windows shall not be debited against the sign area allowance of the particular establishment.
- C) Projecting Signs. No establishment shall display more than one projecting sign on any street front. No projecting sign shall:
 - 1) project above the roof line of the building to which it is attached;
 - 2) extend below a point eight feet above the ground or pavement;
 - 3) project over a driveway or beyond the curb line of any public street;
 - 4) project more than four feet from the building to which it is attached; or
 - 5) extend to a point above 12 feet.
- D) Canopy or Marquee Signs. Signs mounted flush on any canopy or marquee shall be considered flush-mounted (wall) signs, and shall meet the requirements of Section 6.12 A. Signs suspended beneath a canopy or marquee shall be considered projecting signs,

and shall meet the requirements of Section 6.12 C.

- E) Freestanding Signs. No establishment shall display more than one freestanding sign on any street front. Freestanding signs, whether mounted on the ground or post-mounted, shall comply with the following regulations:
 - 1) No part of any freestanding sign shall intrude into any public right-of-way. No part of any freestanding sign that extends below a point 10 feet above the ground or pavement shall be located closer than 10 feet from the public right-of-way line.
 - 2) The area of any freestanding sign, calculated in accordance with Section 6.3 shall not exceed 100 square feet.
 - 3) When attached to its structural supports, no part of any freestanding sign shall extend more than 20 feet above the ground or pavement.
 - 4) The length or width of any freestanding sign shall not exceed 12 feet.

- F) Off-premises advertising signs (also referred to as billboards) are strictly prohibited in every district except the Industrial District. No off-premises advertising sign shall:
 - 1) be stacked on top of another off-premises advertising sign;
 - 2) be located closer than 25 feet to any lot line or any public right-of-way;
 - 3) be located closer than 500 feet from any other off-premises advertising sign on the same side of the roadway;
 - 4) extend more than 20 feet above the ground or pavement; or
 - 5) exceed 300 square feet in area.

6.13 Temporary Signs

Temporary signs shall not remain in place for a period of more than 30 days except when the Zoning Administrator extends the time period for an additional 30 days. Any further time extension shall thereafter be applied for through Board of Appeals and the Board may grant such time extension as seems reasonable and necessary in compliance with this Article. A permit is required for all temporary signs. (See Sections 3.8 and 10.29)

ARTICLE 7
SUPPLEMENTARY OFF-STREET PARKING AND LOADING REGULATIONS

7.1 Applicability of Article

Off-street parking and loading shall be provided in accordance with this Article for all structures and uses erected or established after the effective date of this Ordinance.

7.2 Existing Off-Street Parking and Loading Facilities

- A) Existing off-street parking or loading facilities located on the same lot as the use served shall not be reduced below, or if already less than, shall not be further reduced below the requirements and standards for similar new structures or uses.
- B) When an existing structure or use is damaged or destroyed and subsequently repaired or rebuilt, additional off-street parking and loading facilities need not be provided, but parking/loading facilities equivalent to any maintained at the time of such damage or destruction shall be restored.
- C) Whenever the use of any structure or premises is intensified through addition of dwelling units, gross floor area, seating capacity, etc., additional parking and loading facilities commensurate with such increase in use-intensity shall be provided.
- D) Whenever the existing use of a structure is changed to a different use, parking or loading facilities shall be provided as required herein for such new use.

7.3 Parking Design and Maintenance Standards

- A) Spaces.
 - 1) Each required off-street parking space shall be at least ten feet wide and 20 feet long, and shall have at least seven feet of vertical clearance. Every space shall be situated so that no part of any parked vehicle overhangs the public right-of-way.
 - 2) For multi-family, business and industrial uses, markings shall be laid and restored as often as necessary to clearly delineate each parking space.
- B) Interior Aisles. Aisles within parking lots in the Community Business District, Highway Commercial District, or Industrial District shall be sufficiently wide to permit safe and efficient vehicular movement in the aisles, and into and out of parking spaces. Aisles designed for two-way traffic shall be at least 22 feet wide. One-way aisles designed for 60 degree parking shall be at least 18 feet wide.
- C) Access Way.
 - 1) Off-street parking areas in the Community Business District, Highway Commercial District, or Industrial District shall be designed so that ingress to and egress from a parking space is from an aisle or driveway, not directly from the public right-of-way.
 - 2) No access way to any parking area shall be located within 30 feet of any corner formed by the intersection of the rights-of-way of two or more streets. At intersections where traffic control devices are installed, the Administrator may

- increase this requirement as necessary to prevent traffic hazards.
- 3) Parking lot access ways (as well as residential driveways) and public streets shall be aligned to form, as closely as feasible, right angles.
 - 4) The access way to every parking lot located in the Community Business District, Highway Commercial District, or Industrial District shall be at least 24 feet wide unless two one-way drives, each 12 feet wide, are provided.
 - 5) The access way to every parking area located in any residential zoning district shall be at least ten feet wide; but if the parking area contains more than eight parking spaces or if the access way is longer than 100 feet, access shall be provided either by one two-way drive at least 20 feet wide or by two one-way drives, each at least 10 feet wide.
- D) **Surfacing.** Parking lots shall be graded and improved with a compacted stone base at least seven inches thick, or a subsurface matting material, surfaced with at least two inches of asphalt, concrete or approved comparable material. Parking lots used exclusively for employees are hereby exempt from these requirements, but shall be constructed of an approved dustless surface. These requirements shall not apply to single-family residential. (Note: “Oil and chip” is not comparable material.)
- E) **Lighting.** Any light(s) used to illuminate any parking lot shall be arranged or shielded so as to confine direct light rays within the lot lines of the parking lot to the greatest extent possible and in no case, shall the light(s) shine skyward, onto adjacent roadways or into nearby residences.

7.4 Landscaping

In order to reduce heat and glare, to minimize blowing of dust and trash, and to reduce the oppressive visual effects of large open parking areas, landscaping shall be provided and maintained within every parking lot that contains 20 or more parking spaces. Parking lots used exclusively for employees are hereby exempt from these requirements, but shall be constructed of an approved dustless surface.

- A) A landscaping plan (either a separate document or an element of a more inclusive development plan) shall accompany every application for a Zoning Use Permit to develop any parking lot that will contain 20 or more parking spaces.
- B) The landscaping plan shall include the following information:
 - 1) Proposed type, amount, size and spacing of plantings, including trees, shrubbery and ground cover;
 - 2) Proposed size, construction materials, and drainage of landscaped islands; and
 - 3) Sketch indicating proposed spatial relationships of landscaped areas, parking spaces, automobile circulation, and pedestrian movement.

7.5 Location of Off-Street Parking

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

- A) For Dwellings

- 1) Off-Street parking spaces accessory to dwellings located in the Residential District shall be located on the same lot as the dwelling. Such parking spaces shall not be located in any front yard except in the driveway, but may be located in the side or rear yards. Each off-street parking space accessory to a multi-family dwelling shall be unobstructed so that no vehicle need be moved in order to allow another vehicle to enter/exit the parking area.
- 2) All off-street parking spaces accessory to permitted non-dwelling uses located in the Residential District or Public District generally shall be located on the same lot as the use served. However, by special use permit, such parking facilities may be located on another parcel within 200 feet of the use served. No commercial vehicle exceeding one ton cargo capacity shall be parked anywhere in the Residential District (except for normal loading, unloading, and service call), unless a special use permit has been obtained. No vehicle repair work shall be permitted on any parking lot located in the Residential District, i.e. school, place of worship, etc.

B) Business and Industrial Districts

- 1) Off-street parking spaces accessory to any dwelling located in the Community Business District or Highway Commercial District shall be located within 200 feet of the dwelling. Parking spaces accessory to any other conforming use located in the Community Business District, Highway Commercial District, or Industrial District shall be located within 500 feet of the use served.
- 2) No off-street parking space accessory to any use located in the Community Business District, Highway Commercial District, or Industrial District shall be located in the Residential or Public District except by special use permit; and in no case shall any such parking areas extend more than 500 feet into the Residential District or Public District.
- 3) In the Community Business District, Highway Commercial District, or Industrial District, off-street parking facilities for different buildings or uses may be provided collectively if the total number of spaces so located together is not less than the sum of the separate requirements for each use, and if all regulations governing location of parking spaces in relation to the use served are observed.

7.6 Design and Location of Off-Street Loading Facilities

All off-street loading facilities shall conform to the minimum standards indicated below:

- A) Size Of Space. Every required off-street loading space shall be at least 12 feet wide and 45 feet long exclusive of aisle and maneuver space, and shall have vertical clearance of at least 14 feet. In no case shall a vehicle being loaded or unloaded overhang into the public right-of-way.
- B) Access Way. Every off-street loading space shall have a safe means of vehicular access to a street or alley. Such access way shall be at least 12 feet wide.

- C) Surfacing. Every off-street loading area shall be improved with a compacted stone base at least seven inches thick, surfaced with at least two inches of asphaltic concrete or approved comparable material. (No “oil and chip”)
- D) Buffer Strips. No loading space or area for vehicles over two ton cargo capacity shall be developed closer than 50 feet to the lot line of any lot located in the Residential District, Public District, or the Agriculture District unless such space/area is completely enclosed by walls, a solid fence, or closely planted shrubbery at least 10 feet in height and of sufficient density to block the view from residential property.
- E) Location. Every off-street loading space shall be located on the same parcel of land as the use served, and not closer than 50 feet to the intersection of the rights-of-way of two or more streets, and not on any required front yard.

7.7 Computation of Required Off-Street Parking and Loading Spaces

In computing the number of off-street parking spaces required by this Code, the Zoning Administrator shall apply the following rules:

- A) In computing off-street parking space requirements based on the number of employees, the maximum number of employees on the premises at any period of the day shall be used. “Employee parking” means one parking space shall be required per one and one-half employees”, unless otherwise stated.
- B) In computing off-street parking or loading space requirements on the basis of building floor area, the gross floor area shall be used.
- C) Whenever it is necessary to translate gross parking lot area into number of parking spaces, 350 square feet of gross area shall be deemed one parking space.
- D) If computation of the number of off-street parking or loading spaces required by this Ordinance results in a fractional space, any fraction of one-half or more shall be counted as one space.
- E) No space or portion thereof needed to satisfy the minimum applicable requirement for number of off-street parking or loading spaces shall be counted as part of the off-street parking or loading spaces required for another structure or use.

7.8 Number of Off-Street Parking and Loading Spaces Required

Off-street parking and loading spaces shall be provided as indicated in tabular form below. For any use that is not listed in the table, the same amount of parking and loading space shall be provided as is required for the most similar listed use. The Zoning Administrator shall make the determination of similarity:

**Table 7.8-1
Required Off-Street Parking Spaces and Loading Spaces**

Use	Parking Spaces Required	Loading Spaces Required
(A) Dwellings, Lodgings		
Motels, Boarding Houses	1 space per lodging unit, plus employee parking	2 spaces if the use has 20,000 square feet or more of floor area
Single Family Dwellings and Two-Family Dwellings	2 spaces per dwelling unit	Not applicable
Multi-Family Dwellings	2 spaces per dwelling unit	Not applicable
(B) Educational, Institutional, Recreational		
Places of worship, assembly halls	3 spaces per 4 seats in the largest seating area	Not applicable
Libraries, museums	1 space per 500 square feet of floor area	On review by the Administrator
Nursing Homes	1 space per 5 beds plus 1.5 spaces per employee on the major shift	Up to 50,000 square feet of floor area: 1 space 50,001 - 100,000 square feet of floor area: 2 spaces
Elementary School Junior High School	1 space for every 20 students the building is designed to accommodate, plus employee parking	On review by the Administrator
Senior High School	1 space for every 4 students the building is designed to accommodate, plus employee parking	On review by the Administrator
(C) Commercial, Office, Service		
All commercial and service uses, unless specifically indicated otherwise below	1 space per 300 square feet of floor area	Up to 10,000 square feet of floor area: 1 space More than 10,000 square feet: 1 space plus 1 additional space per 50,000 square feet of floor area in excess of 10,000 square feet
Financial Institutions (walk-in)	1 space per 300 square feet of floor area, plus employee parking	(Both walk-in and drive in): Up to 30,000 square feet of floor area - Not applicable
Financial Institutions (drive in)	5 spaces per teller window	30,001 - 100,000 square feet: 1 space
Beauty Salons and Barber Shops	2 spaces per chair, plus employee parking	Not applicable

Village of Ogden Zoning Ordinance

Table 7.8-1 continued

Use	Parking Spaces Required	Loading Spaces Required
Bowling Alleys	4 spaces per bowling lane plus additional spaces as required herein for affiliated uses such as restaurants and taverns	Not applicable, except as required for affiliated uses
Car Wash	3 spaces per wash lane	Not applicable
Furniture and appliance stores	1 space per 600 square feet of floor area	Up to 25,000 square feet of floor area: 2 spaces; More than 25,000 square feet of floor area: 2 spaces plus 1 additional space per 25,000 square feet of floor area in excess of 25,000 square feet
Home Occupations	1 space per 150 square feet of floor area devoted to the home occupation in addition to parking requirements for the dwelling	Not applicable
Offices, generally, but not medical/dental offices	1 space per 300 square feet of floor area	Up to 30,000 square feet of floor area: Not applicable; 30,001-100,000 square feet: 1 space
Offices, medical/dental	1 space per 200 square feet of floor area or 3 spaces per professional, whichever is greater	Not applicable
Mortuaries/Funeral Homes	1 space per 5 seats plus 1 space per funeral vehicle, but not less than 20 spaces per chapel or state room	1 space per 10,000 square feet of floor area
Restaurants: refreshment stands (sit down)	1 space per 4 seats or 1 space per 50 square feet, whichever is greater	(Both sit-down and drive-in) 1 space per structure having 10,000 square feet or more floor area
Restaurants: refreshment stands (drive-in)	1 space per 25 square feet of floor area	
Service stations	2 spaces per service stall, plus employee parking	Not applicable
Taverns	1 space per 2 seats or 1 space per 50 square feet of floor area, whichever is greater	1 space per structure having 10,000 square feet or more of floor area

Village of Ogden Zoning Ordinance

Table 7.8-1 continued

Use	Parking Spaces Required	Loading Spaces Required
Theaters		
(indoor)	1 space per 4 seats	Not applicable
(outdoor)	On review by the Administrator	
Vehicle sales	1 space per 600 square feet of enclosed floor area plus: Up to 10,000 square feet of open lot area devoted to sale/display of vehicles: 1 space Above 10,000 square feet: 4 spaces plus 1 additional space per 5,000 square feet of open lot area in excess of 10,000 square feet	Up to 25,000 square feet of floor area and open lot area: 2 spaces More than 25,000 square feet of floor area and open lot area: 2 spaces, plus 1 additional space per 25,000 square feet in excess of 25,000 square feet
(D) Industrial:		
Any manufacturing, warehousing, or other industrial use	Employee parking of 1 space per 1.5 employees; plus 1 space per company vehicle, plus 1 visitor space	Up to 20,000 square feet of floor area: 1 space; 20,001 - 50,000 square feet: 2 spaces; 50,001 - 90,000 square feet: 3 spaces; Above 90,000 square feet: 3 spaces plus 1 additional space per 50,000 square feet of floor area in excess of 90,000 square feet

ARTICLE 8 NONCONFORMITIES

8.1 Nature of Nonconformities

The requirements imposed by this Ordinance are designed to guide the use of land by encouraging the development of structures and uses that are compatible with the predominant character of each of the various districts. Lots, structures, and uses of land or structures that do not conform to the requirements of the district in which they are located tend to impede appropriate development. For example, nonconformities are frequently responsible for heavy traffic on residential streets, the overtaking of parking facilities, the creation of nuisances, and/or the lowering of property values. The regulations in this Article are intended to alleviate such existing/potential problems by encouraging the gradual elimination of nonconformities.

8.2 Nonconforming Lots

If the Zoning Board of Appeals approves a variance for any vacant lot that does not conform to one or more of the lot size (area dimensions) requirements of the district in which it is located, that lot may, nonetheless, be developed for any use permitted in that district if such vacant lot:

- A) was recorded in the office of the County Recorder of Deeds prior to the effective date of this Ordinance (or pertinent amendment thereto);
- B) has continuously remained in separate ownership from abutting tracts of land throughout the entire period during which the creation of such lot was prohibited by the applicable zoning code or other ordinances; and
- C) is at least 50 feet wide.

8.2.1 Non-Urban and Residential Districts

In the Agriculture District and in the Residential District, one single-family dwelling and related accessory structure, but no other use, may be erected on any vacant nonconforming lot of the type described above provided all the bulk regulations of the particular district and public health and safety requirements are met.

8.2.2 Business and Industrial Districts

In the Community Business District, Highway Commercial District, Public District or Industrial District, any structure permitted in the particular district may be erected on any vacant nonconforming lot of the type described above if the bulk requirements of the particular district and public health and safety requirements are met.

8.2.3 Two or More Lots in Common Ownership

If two or more lots or combinations of lots and portions of lots with continuous frontage were of record and in common ownership on the effective date of this Ordinance, and if one or more of those lots does not meet the minimum lot width, depth, and area requirements of the district in which it is located, the land involved shall be considered an undivided parcel. No portion of any such parcel shall be developed except in compliance with this Ordinance, nor shall any such parcel be divided so as to create a lot that does not meet the requirements of this Ordinance.

8.3 Nonconforming Structures

Any otherwise lawful structure which exists on the effective date of this Ordinance, but which could not be erected under the terms of this Ordinance because of requirements/restrictions concerning lot size, height, setbacks, or other characteristics of the structure or its location on the lot, may lawfully remain, subject to the following provisions:

- A) **Maintenance.** A nonconforming structure may be maintained by ordinary repairs.
- B) **Enlargement, Alterations.** A nonconforming structure shall not be enlarged or altered in any way which increases its nonconformity.
- C) **Relocation.** A nonconforming structure shall not be moved unless, after relocation, it will conform to all the regulations of the district in which it is situated.
- D) **Reconstruction.** No structure which is destroyed or damaged by any means shall be reconstructed if the Administrator determines that the cost of such reconstruction exceeds 50 percent of the structure's market value at the time of loss, unless after reconstruction the structure will conform to all applicable regulations of the district in which it is located. In the event the Administrator determines the estimated cost of reconstruction is less than 50 percent the structure's market value at the time of loss, repairs or reconstruction shall be permitted, provided such work starts within six months from the date the damage occurred and is diligently worked on and through completion.

The Administrator may require that the reconstruction cost estimate be made by a bona fide construction contractor, and that the structure's market value at the time of loss be determined by a licensed real estate appraiser. The owner of the damaged structure shall be responsible for obtaining these estimates for the Administrator.

As an alternative, the market value may be determined by the Administrator by using the "state equalized assessed value" multiplied by the number three. The provisions of Paragraph D shall not apply to single-family dwellings.

8.4 Nonconforming Uses Occupying a Structure

If any lawful use occupying a structure exists on the effective date of this Ordinance, such use may lawfully continue, subject to the following provisions:

- A) **Maintenance.** Any structure housing a nonconforming use may be maintained through ordinary repairs.
- B) **Enlargement, Alteration, Reconstruction, Relocation.** No structure housing a nonconforming use shall be enlarged, structurally altered, reconstructed or relocated unless the use of the structure is changed to a permitted use.
- C) **Extension of Use.** No nonconforming use may be extended to any part(s) of the structure not intended or designed for such use, nor shall the nonconforming use be extended to occupy any land outside such structure.

- D) **Change of Use.** A nonconforming use occupying a structure may be changed to a similar use, to a more restrictive use, or to a conforming use. Such use shall not thereafter be changed to a less restrictive use.
- E) **Discontinuance of Use.** When a nonconforming use of a structure or of a structure and premises in combination is discontinued for twelve consecutive months or for eighteen months during any three-year period, the nonconforming use shall not thereafter be resumed. Any discontinuance caused by government action and without any contributing fault by the nonconforming user shall not be counted in calculating the length of discontinuance.

8.5 Nonconforming Use of Land

Any lawful use of land existing on the effective date of this Ordinance that would not be permitted under the terms of this Ordinance may lawfully continue, subject to the following provisions:

- A) **Intensification or Extension of Use.** A nonconforming use of land shall not be intensified, or extended to occupy a greater area of land than was occupied by such use on the effective date of this Ordinance.
- B) **Relocation.** No nonconforming use of land shall be moved, in whole or in part, unless such use, upon relocation, will conform to all pertinent regulations of the district in which it is proposed to be located.
- C) **Change of Use.** Whenever a nonconforming use of a building has been changed to a more restrictive use or to a conforming use, such use shall not thereafter be changed to a less restrictive use. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or more restricted classification.
- D) **Discontinuance.** When a nonconforming use of land is discontinued for a period of 12 consecutive months or for 18 months during any three-year period, it shall not thereafter be resumed, and any subsequent use of such land shall conform to the applicable district regulations. Any discontinuance caused by government action and without any contributing fault by the owner or operator shall not be counted in calculating the length of discontinuance.

8.6 Nonconformities Under Permit Authority

The regulations of this Article shall not apply to any change in an existing structure or to any change in the use of a structure or of land for which a permit was issued prior to the effective date of this Ordinance or any pertinent amendment thereto, provided that the work authorized by such permit is completed within a reasonable time as determined by the Zoning Administrator.

ARTICLE 9 ADMINISTRATION AND ENFORCEMENT

9.1 Zoning Administrator

This Ordinance shall be administered and enforced by the Zoning Administrator appointed by the Village Board. The Zoning Administrator may be provided with the assistance of such persons as the Village Board may direct.

9.2 Duties

The Zoning Administrator is hereby authorized and directed to diligently administer and enforce the provisions of this Ordinance. This broad responsibility encompasses, but is not limited to, the following duties:

- A) To review applications pertaining to land, structures and the uses of land and/or structures;
- B) To issue or deny zoning use permits and final certificates of zoning compliance;
- C) To supervise inspections of land, structures, and the uses of land and/or structures to determine compliance with this Ordinance, and where there are violations, to initiate appropriate action to secure compliance;
- D) To receive, file and forward to the Zoning Board of Appeals all applications for variances, appeals; amendments and special use permits;
- E) To maintain up-to-date records of this Ordinance including, but not limited to, district maps, zoning use permits, certificates of zoning compliance, special use permits, variance, appeals and interpretative decisions of the Zoning Board of Appeals, amendments and all applications related to any of these matters;
- F) To periodically review the provisions of this Ordinance to determine whether revisions are needed, and to make recommendations on these matters to the Village Board;
- G) To cause copies of this Ordinance (including the district map) and any amendments thereto to be printed from time to time, as necessary; and
- H) To provide information to the general public on topics related to this Ordinance; and
- I) To republish the zoning district map not later than March 31st if any rezonings or annexations have been approved during the preceding calendar year.

9.3 Zoning Use Permits

- A) Upon the effective date of this Ordinance, no land shall be developed, no new use or structure shall be established or erected, and no existing use or structure shall be enlarged, extended, altered, relocated or reconstructed until a Zoning Use Permit has been issued.
- B) A zoning permit shall be obtained by the owner or 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, accessory structure or land either by itself or in addition to another use;
 - 2) to construct or erect a new structure or accessory structure or part thereof;
 - 3) to extend or move any structure, accessory structure or part thereof;
 - 4) to extend, expand and change or re-establish any non-conforming use.
- C) The Zoning Administrator shall not issue a Zoning Use Permit unless he or she determines that the proposed activity conforms to the applicable provisions of this Ordinance.

9.4 Zoning Use Permit Application

- A) An applications for a zoning use permits shall be filed in written form with the Zoning Administrator on such forms as the Zoning Administrator shall prescribe and shall include:
- 1) the location including township and tract comprising the legal description of property;
 - 2) name and address of the applicant;
 - 3) name and address of the owner or operator of the proposed lot, structure or use, if different from Item 2) above;
 - 4) description of the uses to be established or expanded, including the nature of the proposed use, including type of activity, manner of operations, number of occupants or employees, and similar matters;
 - 5) a plan in duplicate, or duplicate prints thereof, drawn approximately to scale showing:
 - a) area and actual dimensions of the lot to be built upon;
 - b) the size, shape, and locations of the proposed use(s) to be established in the structure(s) to be constructed; including any proposed accessory structure or use to be established or constructed at the same time as the proposed principal structure or principal use to be established or constructed on the same lot or tract of land; and
 - c) the size, shape and location of all existing structures, accessory use structures and uses on the lot.
 - 6) details regarding any proposed change in elevation or drainage on any portion of the construction site or lot;
 - 7) information about proposed water supply and sewage disposal facilities, including a

true and correct copy of any permit required by the Village of environmental protection approving such facilities;

- 8) height, setbacks, and lot coverage of the proposed structures;
- 9) number and size of proposed dwelling units, if any;
- 10) location and number of proposed parking spaces or loading spaces and access ways; and
- 11) other information requested by the Zoning Administrator that may be necessary to provide for the proper administration and enforcement of this Ordinance.

9.5 Issuance of Zoning Use Permit

- A) The Zoning Administrator shall retain the original copy of the zoning use permits and shall mark such permit whether approved or disapproved.
- B) One copy shall be returned to the applicant, duly signed and marked as in Paragraph A above.

9.6 Expiration of Zoning Use Permit

- A) If the work described on any zoning use permit shall not have begun within 90 days from issuance thereof, said permit shall expire or be cancelled by the Zoning Administrator and written notice thereof shall be given to the applicant.
- B) The Zoning Use Permit shall be valid for one year, or until revoked for failure to abide by a corrective action order.
- C) If the work described on any zoning use permit shall not have been substantially completed within 365 consecutive days of the issuance thereof, said permit shall expire and shall be cancelled by the Zoning Administrator and written notice thereof shall be given to the applicant together with notice that further work as described on the cancelled permit shall not proceed until a new permit shall have been issued.
- D) The Zoning Administrator may renew the Zoning Use Permit for successive one year periods upon written request, provided the applicant is making a good faith effort to complete the authorized work. (See Sec. 9.8.)
- E) A zoning permit issued for the establishment of a use of land where no structures are involved or on which land a structure accessory to the main or principal use not involving any structure shall not expire.

9.7 Certificates of Zoning Compliance

- A) Application for Zoning Compliance Certificate for a New or Altered Use or Structure:
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 land and structure conforms to the regulations and standards of this Ordinance.
- B) Application for Zoning Compliance Certificate for a Non-Conforming Use:
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.
- C) Issuance of Zoning Compliance Certificate:
The Zoning Administrator shall not issue a Certificate of Zoning Compliance until it has been determined, by inspection, that the work authorized by the Zoning Use Permit has been completed in accordance with approved plans. No zoning use permit shall be issued until an application has been made for a 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 where no structure is involved, 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 principal use, such 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 months during alterations or partial

occupancy of a structure pending its completion, provided that such temporary certificates may require such conditions and safeguards as will protect the safety of the occupants and the public.

- D) **Zoning Compliance Certificate Fees**
Only in the case of issuance of a Zoning Compliance Certificate for the registration of a non-conforming use, shall a fee be charged for such certificate. Such fee shall be as established in Section 9.14 and shall not be refundable.

9.8 Corrective Action Order

Whenever the Zoning Administrator finds, by inspection or otherwise, that any lot, structure, or use, or work thereon is in violation of this Ordinance, he shall so notify the responsible party, and shall institute appropriate measures to secure compliance.

9.9 Contents of Order

The order to take corrective action shall be in writing and shall include:

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

9.10 Service of Order

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

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

9.11 Stop Order

Whenever any work being done in violation of a zoning use permit, the Zoning Administrator's

corrective action order may state that the violation be stopped immediately. In such case, the corrective action order is equivalent to a stop order. (See Sec. 9.9.)

9.12 Emergency Measures

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

9.13 Complaints

Whenever any violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint on forms provided by the Zoning Administrator. The Zoning Administrator shall record such complaints, promptly investigate, and, if necessary, institute appropriate corrective action.

9.14 Fees

A) The Village Board of Trustees establishes the following schedule of fees for the various permits and procedures listed in this Ordinance. The fees are intended to defray the administrative costs connected with the processing/conducting of such permits or procedures; the fees do not constitute a tax or other revenue-raising device. All such fees shall be paid at the time the application is filed by the applicant to the Village Clerk as follows:

Zoning Use Permits

Projects costing less than \$5,000.00	\$ 40.00
Projects costing more than \$5,000.00.....	\$ 50.00
Wind Energy System with <i>total extended height</i> over 155 feet.....	\$ 400.00

Zoning Compliance Certificate

For a nonconforming use.....	\$ 5.00
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Requests to Zoning Board of Appeals

Interpretation of Ordinance (Appeal).....	\$ 75.00
Special Use Permit.....	\$ 100.00
Special Use Permit for a Utility-Scale Wind Energy System.....	\$ 3,500.00
Variances	\$ 75.00
Amendments	\$ 100.00

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- B) Each such application except that initiated by the Village Board, or Zoning Administrator, shall be accompanied by a fee to be paid by the applicant as provided in this Section.

9.15 Penalties

- A) Any person who is convicted of a violation of this Ordinance shall be fined not less than \$75.00, nor more than \$750.00, plus costs. Each day on which a violation continues shall be considered a separate offense.
- B) Nothing contained in this Section shall prevent the Village from taking any other lawful action that may be necessary to secure compliance with this Ordinance.

ARTICLE 10 SPECIAL PROCEDURES AND PERMITS

10.1 ZONING BOARD OF APPEALS

10.1.1 Zoning Board of Appeals

The Zoning Board of Appeals is hereby established in accordance with Illinois law. The Zoning Board of Appeals shall hereinafter be referred to as the Board of Appeals. (See 65 ILCS Sec. 5/11-13-3.)

10.1.2 Membership, Appointment, Compensation

- A) The Village Board of Trustees shall provide for the appointment of the Board of Appeals in the manner provided for by State Statute. (See 65 ILCS Sec. 5/11-13-3.)
- B) The Board of Appeals shall consist of seven members. The Board of Appeals shall select one of its members to serve as Chair, one of its members to serve as the vice-chairman, and one to serve as the secretary. Each Board member shall receive compensation as established by the Village Board of Trustees.

10.1.3 Term of Office -Vacancies

- A) A Zoning Board member shall serve for a term of five years.
- B) Removal of any Board of Appeals member shall be in compliance with State Statutes. (See 65 ILCS Sec. 5/11-13-3.)
- C) Vacancies on the Board of Appeals shall be filled for the unexpired term of the member whose place has become vacant in the manner provided for by State Statutes. (See 65 ILCS Sec. 5/11-13-3.)

10.1.4 Meeting - Quorum

All meetings of the Board of Appeals shall be held at the call of the Chair and at such times as the Board of Appeals may determine. All Board of Appeals meetings shall be open to the public. The Board of Appeals may adopt their own rules of meeting procedures consistent with this Ordinance and the applicable Illinois Statutes. The Board of Appeals may select such officers as it deems necessary. The Chair, or in his or her absence, the Acting Chair may administer oaths and compel the attendance of witnesses. Four members of the Board of Appeals shall constitute a quorum, and the affirmative vote of at least four members shall be necessary to authorize any Board of Appeals action. (See Section 10.6 for vote on decisions of Board of Appeals.)

10.1.5 Records

The Board of Appeals shall keep minutes of its proceedings and examinations. These minutes shall indicate the absence of any member, the vote or abstention of each member on each question, and any official action taken. A copy of every rule, variance, order or recommendation of the Board of Appeals shall be filed immediately with the Village Clerk and shall be a public record.

10.1.6 Decisions

The concurring vote of four members of the Board of Appeals shall be necessary to grant a variance or make a recommendation to the Village Board regarding a special-use permit request, text amendment request, or zoning map amendment request. The authorization of the Board of Appeals for a variance request and the recommendation of the Board for a special use permit request, text amendment request, or zoning map amendment request shall be by written letter and shall contain its findings of fact. A copy shall be forwarded to the Village Clerk.

10.1.7 Period of Validity

No decision by the Board of Appeals granting a variance shall be valid for a period longer than twelve months from the date of such decision unless (1) an application for a Zoning Use Permit is obtained within such period and construction, moving, remodeling, or reconstruction is started, or 2) an occupancy certificate is obtained and a use is commenced. However, the Board of Appeals may grant additional extensions of time not exceeding 180 days, each upon written application made within the initial 12 month period without further notice or hearing, but said right to so extend said time shall not include the right to grant additional relief by expanding the scope of the variation.

10.1.8 Finality of Decisions of the Board of Appeals and Village Board of Trustees

All decisions of the Board of Appeals and Village Board of Trustees, shall in all instances be the final administrative determination and shall be subject to review by a court in the manner provided by applicable Illinois Compiled Statutes. No applicant shall apply for the same or identical request for a period of one year unless the facts and/or request have substantially changed.

10.1.9 Office of the Secretary of the Board of Appeals

The Secretary of the Board of Appeals shall be appointed by the Board of Appeals to serve until a successor is appointed. The Secretary shall record the minutes of the Board of Appeal's proceedings and actions, showing the vote of each member upon each question or if absent or failing to vote, indicating such fact. The Secretary shall perform such other duties as may be assigned from time to time by the Board of Appeals.

10.1.10 [reserved]

10.2 APPEALS

10.2.1 Nature of an Appeal

Any person aggrieved by any decision or order of the Zoning Administrator in any matter related to the interpretation or enforcement of any provision of this Ordinance may appeal to the Board of Appeals on a prescribed form. Every such appeal shall be made and treated in accordance with Illinois law and the provisions of this Division. (See 65 ILCS Sec. 5/11-13-12.)

10.2.2 Filing, Record Transmittal

Every appeal shall be made within 45 days of the matter complained of by filing with the Zoning Administrator and the Chair of the Board of Appeals a written notice specifying the grounds for appeal. Every appeal shall also be filed with the Soil and Water Conservation District pursuant to State law. The notice of appeal shall describe the order, requirement, decision or determination appealed from and shall specify the grounds for the appeal. Not more than five working days after the notice of appeal has been filed, the Zoning Administrator shall transmit to the Board of Appeals all records pertinent to the case. (See 65 ILCS Sec. 5/11-13-12 and 70 ILCS Sec. 405/22.02A.)

10.2.3 Stay of Further Proceedings

An appeal stays all further action on the matter being appealed unless the Zoning Administrator certifies to the Board of Appeals after the notice of appeal has been filed with him, that for reasons stated in the certificate, a stay would cause imminent peril to life or property. In such case, further action shall not be stayed unless the Board of Appeals or the Circuit Court grants a restraining order for due cause and so notifies the Zoning Administrator. (See 65 ILCS Sec. 5/11-13-12.)

10.2.4 Appeal Procedure and Public Hearing

The Zoning Administrator shall, upon receipt of the notice of appeal, transmit to the secretary of the Board of Appeals all the documents and files constituting the record upon which the action, appealed from, was taken. The Chair of the Board of Appeals shall fix a reasonable time, not more than 30 days in the future, for the hearing on the appeal and inform the secretary of the time and place that the hearing will be held. The secretary shall give due notice of the hearing, in writing, to the appellant, to the Zoning Administrator, to the members of the Board of Appeals, and to any other person directly interested in the outcome of the appeal. The appellant may appear before the Board of Appeals on the appeal and may be represented by counsel. It shall not be necessary to publish any notice of a hearing on an appeal.

10.2.5 Decision by Board of Appeals

The Board of Appeals shall render a decision on the appeal within 30 days after the hearing therein. The Board of Appeals may reverse or affirm, wholly or partly, or may modify or amend the decision or order appealed from the extent and in the manner that they deem appropriate. In so doing, the Board of Appeals has all the power of the Administrator. (See 65 ILCS Secs. 5/11-13-3 and 5/11-13-12.)

10.2.6 [reserved]

10.3 VARIANCES

10.3.1 Variances

- A) A variance is a relaxation of the requirements of this Ordinance that are applicable to a particular lot or structure.
- B) A so-called “use variance” (which would allow a use that is neither permitted nor special in the district in question) is not a variance, it is an amendment, and should be granted only as provided for in Section 10-30.

10.3.2 Application

Every application for a variance shall be filed with the Zoning Administrator on a prescribed form at the same time that the filing fee indicated in Section 9-14 is submitted. Every variance application shall also be filed with the Soil and Water Conservation District as per State law. The Administrator shall promptly transmit said application, together with any device he might wish to offer, to the Board of Appeals. The application shall contain sufficient information to allow the Board of Appeals to make an informed decision and shall include, at a minimum, the following: [See 70 ILCS Sec. 405/22.02(A).]

- A) Name and address of the applicant;
- B) Location of the structure/use for which the variance is sought;
- C) Brief description of adjacent lots, structures, and/or uses;
- D) Brief description of the problems/circumstances engendering the variance request;
- E) Brief, but specific, explanation of the desired variance;
- F) Specific section(s) of this Ordinance containing the regulations which, if strictly applied, would cause a serious problem; and
- G) Any other pertinent information that the Administrator may require.

10.3.3 Public Hearing, Notice

The Board of Appeals shall hold a public hearing on each variance request within 60 days after the variance application is submitted to them. At the hearing any interested party may appear and testify either in person or by duly authorized agent or attorney. Notice indicating the time, date, and place of the hearing, and the nature of the proposed variance shall be given not more than 30 nor less than 15 days before the hearing:

- A) by first class mail to the applicant and to the record owner of the subject property;
- B) by publication in a newspaper of general circulation within the municipality (see 65 ILCS Sec. 5/11-13-6); and,

- C) by first-class mail to record owners of property located within 250 feet of the subject property.

10.3.4 Standards for Variances

- A) The Board of Appeals shall not recommend any variance unless they find that the proposed variance is consistent with the general purposes of this Ordinance, and that the strict application of the district requirements would result in great practical difficulties of hardship to the applicant. More specifically the Board of Appeals shall not decide upon a variance unless they determine, based upon the evidence presented to them, that:
 - 1) The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zone;
 - 2) The plight of the owner is due to peculiar circumstances; and
 - 3) The variance, if granted, will not alter the essential character of the locality.
(See 65 ILCS Sec. 5/11-13-4 and 5/11-13-5.)

A variance shall be permitted only if in the judgment of the Board of Appeals sustains each of the three conditions above.

- B) The Zoning Board may vary the application of the regulations imposed by this Ordinance to permit:
 - 1) The reduction of the depth or width of a required yard by not more than 25 percent of the depth or width required by this Ordinance;
 - 2) In the Community Business District, for the area bounded by West Avenue, Main Street, Leney Avenue and Broadway, to permit a reduction in the number of off-street parking spaces required about or in connection with a use, and for the same District and area to permit greater coverage than required by the applicable regulations and to permit the use of a lot for a use otherwise prohibited solely because of the insufficient area of the lot.

10.3.5 Decisions by Board of Appeals

The Board of Appeals shall decide on every variance request within 30 days after the final hearing thereon. A copy of the Board of Appeal’s decision shall be transmitted to the applicant or appellant and to the Zoning Administrator. The Board of Appeals shall specify the terms of relief recommended (if any) in one statement and their findings of fact in another statement. The findings of fact shall clearly indicate the Board of Appeal’s reasons for recommending or denying any requested variance. (See 65 ILCS Sec. 5/11-13-5 and 5/11-13-11.)

10.3.6 [reserved]

10.4 SPECIAL USES

10.4.1 Special Use Permits

This Ordinance divides the Village into various districts, and permits in each district as a matter of right only those uses which are clearly compatible with one another. Certain other uses, because of their special operational or physical characteristics, may or may not have a detrimental impact on nearby permitted uses, depending upon their precise location, manner of operation and other factors. Such special uses require careful case-by-case review, and may be allowed only after review by the Board of Appeals and approval of the Village Board of Trustees. (See 65 ILCS Sec. 5/11-13-1.1.)

10.4.2 Application

Every applicant for a special use permit shall submit to the Zoning Administrator in narrative and/or graphic form, the items of information enumerated below and the required filing fee for a special use request as specified in Section 9-14. The Zoning Administrator shall promptly transmit the completed application, together with any comments or recommendation he might have, to the Zoning Board of Appeals for further consideration.

- A) Name and address of the applicant;
- B) Name and address of the owner or operator of the proposed structure or use, if different from A;
- C) Nature of the proposed use, including type of activity, manner of operation, number of occupants or employees, and similar matters;
- D) Location of the proposed use or structure, and its relationship to existing uses of structures on adjacent lots;
- E) Area and dimensions of the site for the proposed structure or use;
- F) Existing topography of the site and proposed finished grade;
- G) Existing and proposed screening, landscaping, and erosion control features on the site, including the parking area;
- H) Height and setbacks of the proposed structure;
- I) Number and size of the proposed dwelling units, if any;
- J) Number and location of proposed parking/loading spaces and access ways;
- K) Identification and location of all existing or proposed utilities, whether public or private;
- L) Location of any signs; and

- M) Any other pertinent information that the Zoning Administrator may require;

10.4.3 Public Hearing, Notice

The Board of Appeals shall hold a public hearing on every special use permit application within 60 days after the application is submitted to them. At the hearing, any interested party may appear and testify, either in person or by duly authorized agent or attorney. Notice indicating the time, date, and place of the hearing, and the nature of the proposed special use shall be given not more than 30 days nor less than 15 days before the hearing:

- A) by first class mail to the applicant and to the record owner of the subject property (see 65 ILCS Sec. 5/11-13-6);
- B) by publication in a newspaper of general circulation within this municipality; and
- C) by first class mail to the record owners of property located within 250 feet of the subject property.

10.4.4 Advisory Report, Factors Considered

Within 30 days after the public hearing, the Zoning Board of Appeals shall make a recommendation regarding approval or denial of the proposed special use to the Village Board of Trustees based on their consideration of the following factors:

- A) whether it is necessary for the public convenience at that location, and whether it is consistent with the Village’s comprehensive plan;
- B) whether the proposed design, location, and manner of operation will adequately protect the public health, safety, and welfare, and the physical environment;
- C) that the intensity of the proposed development does not impose any adverse effects on surrounding property, public utilities and on the traffic circulation on nearby streets.
- D) whether it is compatible with surrounding land use; and
- E) whether it conforms to the intent and regulations and standards of and preserves the essential character of the district in which it is proposed to be located.

10.4.5 Decisions - Findings of Facts

- A) Within a reasonable time after a public hearing, the Zoning Board of Appeals shall forward to the Village Board of Trustees its recommendation regarding a decision for each special use permit application.
- B) The Zoning Board of Appeals may recommend and the Village Board may prescribe special conditions for a special use to preserve the general public health, safety and welfare, and these terms and conditions of the special use (if any) shall be specified in one statement.

- C) The Zoning Board of Appeals shall provide their findings of fact regarding each special use request in a separate statement. The finding of fact shall be responsive to the decision-making factors listed in the preceding section and shall clearly indicate the Board of Appeal's reasons for recommending that the Village Board grant, with or without modifications and/or conditions, or deny the requested special use permit.
- D) The Village Board, upon receiving a recommendation from the Zoning Board of Appeals, shall act upon said recommendation within a reasonable period of time and shall either accept or reverse the recommendation in whole or in part or return the request to the Zoning Board of Appeals for further study. It shall require two-thirds vote of all Village Board members to reverse a recommendation of denial received from the Zoning Board of Appeals.

10.4.6 Temporary Use Permits, Procedure For

Requests for temporary use permits shall be treated in the same manner as requests for special use permits. The Board of Appeals shall issue no temporary use permit for a period longer than one year but may renew any such permit as they see fit.

10.4.7 [reserved]

10.5 AMENDMENTS

10.5.1 Amendments

The Village Board of Trustees may amend this Ordinance in accordance with State law and the provisions of this Section. Proposed alterations of district boundaries or proposed changes in the status of uses (permitted, special, prohibited) shall be deemed proposed amendments.

Amendments may be proposed by the Village Board, the Zoning Board of Appeals, the Plan Commission, the Zoning Administrator or any party in interest. (See 65 ILCS Sec. 5/11-13-14.)

10.5.2 Filing

- A) Every proposal to amend this Ordinance shall be filed with the Zoning Administrator on a prescribed form and submitted with the fee for an amendment indicated in Section 9-14.
- B) Every amendment proposal shall also be filed with the Soil and Water Conservation District pursuant to State law.
- C) The Zoning Administrator shall promptly transmit the completed amendment proposal, together with any comments or recommendations he or she might wish to make to the Zoning Board of Appeals for a public hearing.) (See 70 ILCS Sec. 405/22.02(A).)

10.5.3 Public Hearing - Notice

The Board of Appeals shall hold a public hearing on every amendment proposal within 60 days after said proposal has been submitted to them. At the hearing, any interested party may appear and testify, either in person or by duly authorized agent or attorney. Notice of the public hearing shall indicate the time, date, and place of the hearing, the nature of the proposed amendment, and, if the boundaries of a district are proposed to be changed, the notice shall also contain a description of the area for which the change is proposed. (See 65 ILCS Sec. 5/11-13-14.) Such notice shall be given not more than 30 nor less than 15 days before the hearing:

- A) by first class mail to the applicant, and, if with regard to a map amendment proposal, by certified mail to the record owner(s) of the subject property;
- B) by publication in a newspaper of general circulation within the municipality; and
- C) if with regard to a map amendment proposal, by first class mail to the record owner(s) of property located within 250 feet of the subject property.

10.5.4 Advisory Report - Findings of Fact

Within 30 days after the public hearing, the Zoning Board of Appeals shall submit their advisory report to the Village Board of Trustees. The report shall state the recommendations of the Zoning Board of Appeals regarding adoption of the proposed amendment and their reasons therefore. If the effect of the proposed amendment would be to alter district boundaries or to change the status of any use, the Zoning Board of Appeals shall include in their advisory report findings of fact concerning each of the following matters:

- A) Existing use and zoning of the property in question;

- B) Existing uses and zoning of other lots in the vicinity of the property in question;
- C) Suitability of the property in question for uses already permitted under existing regulations;
- D) Compatibility of the proposed use with the Village's Comprehensive Land Use Plan and suitability of the property in question for the proposed use;
- E) The trend of development in the vicinity of the property in question, including changes (if any) which may have occurred since that property was initially zoned or last rezoned.

10.5.5 Action by Village Board of Trustees

The Village Board of Trustees shall act on every proposed amendment at their next regularly scheduled meeting following submission of the advisory report of the Zoning Board of Appeals. Without further public hearing, the Village Board of Trustees may approve or disapprove any proposed amendment or may refer it back to the Zoning Board of Appeals for further consideration by simple majority vote of all the members then holding office.

10.5.6 When A Two-Thirds Majority Vote is Required

The favorable vote of at least two-thirds of the members of the Village Board of Trustees is required to pass an amendment to this Ordinance in each of the following instances:

- A) When passage would be contrary to the recommendation of the Zoning Board of Appeals.
- B) When the amendment is opposed, in writing, by the owners of 20 percent of the frontage proposed to be altered, or by the owners of 20 percent of the frontage immediately adjoining or across an alley there from, or by the owners of 20 percent of the frontage directly opposite the frontage proposed to be altered.

10.5.7 Notice to Applicant of Written Protest

In cases of written opposition to an amendment of this Ordinance as prescribed in Section 10.5.6, a copy of the written protest shall be served by the protester or protesters on the applicant for the proposed amendment and a copy upon the applicant's attorney, if any, by certified mail at the address of such applicant and attorney shown in the application for the proposed amendment. (See 65 ILCS Sec. 5/11-13-14.)

10.5.8 [reserved]

A = Agriculture District; R = Residential District; P = Public District; C = Community Business District;
 HC = Highway Commercial District; I = Industrial District

TABLE OF AUTHORIZED USES BY DISTRICT

<i>Residential Uses</i>	A	R	P	C	HC	I
Dwelling, single family	P	P	-	-	-	-
Dwelling, two-family	P	P	-	-	-	-
Dwelling, multi-family	-	S	-	-	-	-
Manufactured home	-	S	-	-	-	-
Manufactured home park	S	-	-	-	-	-
Community residence	-	S	-	-	-	-
Assisted living facility	-	S	-	-	-	-
Boarding house	-	S	-	-	-	-
Bed and breakfast inn	-	S	-			-
Hotel or motel	-			P	P	-
<i>Resource Production and Agricultural Uses</i>						
<i>Resource Production and Agricultural Uses</i>	A	R	P	C	HC	I
Agriculture, including customary accessory uses	P	-	-	-	-	-
Produce stand operated by farm operator	P	-	-	-	-	-
Commercial greenhouse	S	-	-	-	-	-
Retail nursery	S	-	-	P	P	-
Boarding stable	P	-	-	-	-	-
Riding stable	S					
Rural specialty business	S	-	-	-	-	-
Mineral extraction, quarrying, topsoil removal & allied activities	S	-	-	-	-	S
<i>Agricultural Business Facilities and Use</i>						
<i>Agricultural Business Facilities and Use</i>	A	R	P	C	HC	I
Farm chemicals and fertilizer sales, including incidental storage and mixing of blended fertilizer	S	-	-	-	-	S
Farm equipment sales and service	-	-	-	S	-	P
Feed and grain (sales only)	-	-	-	-	-	P
Grain storage elevator and bins	S	-	-	-	-	P
Kennels	S	-	-	-	-	-
<i>Institutional or Community Facilities and Use</i>						
<i>Institutional or Community Facilities and Use</i>	A	R	P	C	HC	I
Hospital	S	S	P	P	-	-
Medical clinic	S	S	S	S		
Social assistance, welfare, and charitable services (not otherwise enumerated)	-	S	S	S	-	-

A = Agriculture District; R = Residential District; P = Public District; C = Community Business District;
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TABLE OF AUTHORIZED USES BY DISTRICT

<i>Institutional or Community Facilities and Use (continued)</i>	A	R	P	C	HC	I
Child and youth services	-	S	S	S	-	-
Child care institution (basic)	-	S	S	S	-	-
Child care institution (specialized)	-	S	S	S	-	-
Day care center	S	S	S	S	-	-
Community food services	-	-	S	S	-	-
Emergency and relief services	-	-	S	S	-	-
Other family services	-	-	S	S	-	-
Services for elderly and disabled	-	S	S	S	-	
Veterinary hospitals	S	-	S	P	-	P
School or university buildings	S	S	P	-	-	-
Trade or specialty school facility	S	S	P	-	-	-
Library	-	S	P	P	-	-
Museum, exhibition, or similar facility	-	-	P	P	-	-
Exhibitions and art galleries	-	-	P	P	P	-
Outdoor facility, no major structure	-	-	-	S	-	-
Public safety-related facility	S	P	P	P		
Fire and rescue station	S	P	P	P		
Police station	S	P	P	P		
Emergency operation center			P	P	P	P
Correctional or rehabilitation facility	S	-	-	-	-	S
Cemetery, monument, tombstone, or mausoleum	S	-	-	-	-	-
Funeral homes	-	-	-	P	-	-
Cremation facilities	-	-	-	-	-	S
Municipal or Government Building	S	-	P	P	-	-
Public Maintenance and Storage Garage	-	-	-	P	-	P
Post offices	S	P	P	P	-	-
Clubs or lodges						
<i>Public Assembly Structures and Use</i>						
Amusement, sports, or recreation establishment (not specifically enumerated)	S	-	-	S	S	-
Performance theater	-	-	-	P	P	-
Movie theater	-	-	-	P	P	-
Drive-in theaters	S	-	-	-	S	-
Indoor games facility	-	-	-	P	-	-
Amusement or theme park	-	-	-	S	S	-
Arcade	-	-	-	S	-	-
Miniature golf establishment	S	S	-	P	S	-
Fitness, recreational sports, gym, or athletic club	-	S	S	P	P	-

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TABLE OF AUTHORIZED USES BY DISTRICT

<i>Public Assembly Structures and Use (continued)</i>	A	R	P	C	HC	I
Bowling, billiards, pool, etc.	-	-	-	S	S	-
Skating rinks	-	-	S	S	-	-
Exhibition, convention, or conference structure	-	-	S	S	S	-
Places of worship and other religious facilities	S	S	-	S	-	-
Active open space/athletic fields/golf courses	S	S	S	S	S	S
Passive open space	P	P	P	P	P	P
Commercial Buildings and Use						
Commercial Center	-	-	-	P	P	-
Shop or store building with drive-through facility	-	-	-	P	P	-
Restaurant, with incidental consumption of alcoholic beverages	-	-	-	P	P	-
Restaurant, with no consumption of alcoholic beverages permitted	-	-	-	P	P	-
Stand-alone store or shop building	-	-	-	P	P	P
Department store building	-	-	-	P	P	-
Warehouse discount store/superstore	-	-	-	P	P	-
Market shops, including open markets	-	-	-	P	P	-
Gasoline station	-	-	-	P	P	-
Major automobile repair and service (all indoors)	-	-	-	-	P	P
Minor automobile repair and service (all indoors)	S	-	-	S	P	P
Car dealer	-	-	-	S	S	S
Bus, truck, mobile home, or large vehicle dealers	-	-	-	S	S	S
Bicycle, motorcycle, all-terrain vehicle dealers	-	-	-	S	S	S
Parts, accessories, or tires	-	-	-	P	P	-
Gasoline service station	-	-	-	S	S	S
Lumberyard and building materials	-	-	-	P	P	P
Outdoor resale business	-	-	-	-	P	-
Pawnshops	-	-	-	P	-	-
Beer, wine, and liquor store (off-premises consumption of alcohol)	-	-	-	P	-	-
Shopping center	-	-	-	P	P	-
Convenience stores or centers	-	S	-	P	P	-
Car care center	-	-	-	S	S	-

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TABLE OF AUTHORIZED USES BY DISTRICT

<i>Commercial Buildings and Use (continued)</i>	A	R	P	C	HC	I
Car washes	-	-	-	P	P	P
Office or bank building, stand-alone (without drive-through facility)	-	-	-	P	P	-
Office building (with drive-through facility)	-	-	P	P	P	-
Office or store building with residence on top	-	-	-	S	-	-
Office building over storefronts	-	-	-	P	-	-
Research-and-development services (scientific, medical and technology)	-	-	-	P	P	P
Car rental and leasing				P	P	-
Leasing trucks, trailers, recreational vehicles, etc.	-	-	-	S	S	P
Services to buildings and dwelling (pest control, janitorial, landscaping, carpet/upholstery cleaning, parking, and crating)	-	-	-	-	P	P
Bars, taverns, and nightclubs	-	-	-	P	S	-
Camps, camping, and related establishments	S	-	-	-	S	-
Tattoo parlors	-	-	-	P	-	-
<i>Industrial Structures and Use</i>						
	A	R	P	C	HC	I
Light industrial structures and facilities (not specifically enumerated)	-	-	-	-	-	S
Loft building	-	-	-	-	-	S
Mill-type factory structures	-	-	-	-	-	S
Manufacturing plants	-	-	-	-	-	S
Industrial parks	-	-	-	-	-	S
Laboratory or specialized industrial facility	-	-	-	-	-	S
Assembly and construction-type plants	-	-	-	-	-	S
Process plants (metals, chemical, etc.)	-	-	-	-	-	S
Construction-related businesses	-	-	-	-	-	S
Automotive wrecking and graveyards, salvage yards, and junkyards	-	-	-	-	-	S
Demolition business	-	-	-	-	-	S
Recycling business	-	-	-	-	-	S
Warehouse or storage facility	-	-	-	-	-	S
Mini-warehouse	-	-	-	-	-	S
Refrigerated warehouse or cold storage	-	-	-	-	-	S
Large area distribution or transit warehouse	-	-	-	-	-	S
Wholesale trade-durable goods	-	-	-	-	-	S
Warehouse and storage services	-	-	-	-	-	S

A = Agriculture District; R = Residential District; P = Public District; C = Community Business District;
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TABLE OF AUTHORIZED USES BY DISTRICT

<i>Transportation Facilities and Use</i>	A	R	P	C	HC	I
Airport, Residential	S	-	-	-	-	-
Heliport or Helistop	S	-	-	-	-	S
Heliport-Restricted Landing Area	S	-	-	S	S	S
Motor Bus Station	-	-	-	S	P	P
Towing and other road services	S	-	-	S	P	P
Parking Garage or Lot	-	-	-	P	P	P
Railroad Yard & Freight Terminal	-	-	-	-	-	P
Railway Station	-	-	-	P	-	-
Restricted Landing Area	S	-	-	-	-	S
Truck Terminal	-	-	-	S	S	P
<i>Utility and Other Nonbuilding Structures and Use</i>						
Water treatment plant	S	-	-	-	-	S
Water tank (elevated, at grade, underground)	S	S	S	S	S	S
Sewage disposal plant or lagoon	-	-	-	-	-	S
Sanitary landfill	-	-	-	-	-	S
Electric power generating facility (e.g., gas turbine peaker; natural gas steam turbine; coal/oil steam turbine; wind turbine)	S	-	-	-	-	S
Electrical substations	S	S	S	S	S	S
Antenna & Supporting Structures of Telecommunications Carrier or AM Broadcast Station	P	P	P	P	P	P
Antenna or tower not more than 100 feet in Height other than that of Telecommunications Carrier or AM Broadcast Station	P	P	P	P	P	P
Antenna or Tower over 100 feet in height other than that of Telecommunications Carrier or AM Broadcast Station	S	-	-	S	S	S
Outdoor stage, bandstand, or similar structure	-	-	P	P	-	-
Playground equipment	-	P	P	P	-	-
Artificial lake of 1 or more acres	S	-	-	-	-	S
Ponds, pools, or spas 2 feet or more in depth & less than 1 acre in area	P	P	P	P	P	P
Off premises advertising sign	-	-	-	-	-	P
Utility-Scale Wind Energy System	S	-	-	-	-	-

P - Permitted Use
 S - Special Use

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Appendix B. Amendments to Zoning Ordinance Since October, 2010 Update

1. Village Ordinance adopted June 16, 2011 to amend the Zoning Ordinance to add:
 - Section 5.0 Applicability of Article;
 - Section 5.1 Division 1 Supplementary Zoning Regulations;
 - Section 5.2 Division 2 Supplementary Zoning Regulations; and
 - Subsection 5.2.1 Wind Energy Systems

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