

Ordinance No. 2023-06-19-01

An Ordinance Providing Zoning Code for the Village of Oakwood

WHEREAS, the Village of Oakwood ("Oakwood") is a non-home rule municipality in accordance with the Constitution of the State of Illinois of 1970 and pursuant to 65 ILCS 5/11-13-1 *et seq.*,

WHEREAS, the Village has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs that protect the public health, safety and welfare of its citizens,

WHEREAS, Village To the end that adequate light, pure air, and safety from fire and other dangers may be secured, that the taxable value of land and buildings throughout the municipality may be conserved, that congestion in the public streets may be lessened or avoided, that the hazards to persons and damage to property resulting from the accumulation or runoff of storm or flood waters may be lessened or avoided, and that the public health, safety, comfort, morals, and welfare may otherwise be promoted, and to insure and facilitate the preservation of sites, areas, and structures of historical, architectural and aesthetic importance, the corporate authorities in each municipality have the following powers,

- 1) To regulate and limit the height and bulk of buildings to hereafter be erected,
- 2) To establish, regulate and limit, subject to the provisions of Construction Ordinance No. 2023-06-19-02, the building or set-back lines on or along any street, traffic-way, drive, parkway, storm or floodwater runoff channel or basin,
- 3) To regulate and limit the intensity of the use of lot areas, and to regulate and determine the area of open spaces, within and surrounding such buildings,
- 4) To classify, regulate, and restrict the location of trades and industries and the location of buildings designed for specified industrial, business, residential, and other uses,
- 5) To divide the entire municipality into districts of such number, shape, area, and of such different classes (according to use of land and buildings, height and bulk of buildings, intensity of the use of the lot area, area of open space, or other classification) as may be deemed best suited to carry out the purposes of this Ordinance No. 2023-06-19-01,
- 6) To fix standards to which buildings or structures shall therein conform,
- 7) To prohibit uses, buildings, and structures that are incompatible with the character of such districts,
- 8) To prevent additions to and alteration or remodeling of existing buildings or structures in such a way as to avoid the restricts and limitations lawfully imposed under this Ordinance No. 2023-06-19-01
- 9) To classify, to regulate, and to restrict the use of property based on family relationship, which family relationship may be defined as one or more persons each related to the other by blood, marriage, or adoptions and maintaining a common household,
- 10) To regulate or forbid any structure or activity which may hinder access to solar energy

necessary for the proper functioning of a solar energy system, as defined in Section 1.2 of the Comprehensive Solar Energy Act of 1977,

- 11) To require the creation and preservation of affordable housing, including the power to provide increased density or other zoning incentives to developers who are creating, establishing, or preserving affordable housing, and
- 12) To establish local standards solely for the review of the exterior design of buildings and structures, excluding utility facilities and outdoor off-premises advertising signs, and designate a board or commission to implement the review process, except that, other than reasonable restrictions as to size, no home rule or non-home rule municipality may prohibit the display of outdoor political campaign signs on residential property during any period of time, the regulation of these signs being a power and function of the State and therefore this item no. 12 is a denial and limitation of concurrent home rule powers and functions under subsection (i) of Section 6 of Article VII of the Illinois Constitution.

NOW, THEREFORE, BE IT ORDAINED by the Village Board of Trustees of the Village of Oakwood as follows:

#### 1 AMENDMENTS OF REGULATIONS AND CREATION OF DISTRICTS:

Regulations may be amended from time to time by ordinance after the ordinance establishing them has gone into effect, but no such amendments shall be made without a hearing before the Village Board of Trustees and the required period of public notice. In the event a written protest against any proposed amendment of regulations, specifically identified and signed by twenty percent (20%) of the property owners in the Village of Oakwood and acknowledged by the Vermilion County Recorder of Deeds, is filed with the Village Clerk of the Village of Oakwood, the amendment shall not be passed except by a favorable vote of at least two-thirds (2/3) of the Village Board of Trustees in attendance and meeting the minimum requirement for a quorum.

#### 2 DEFINITIONS:

**ACCESSORY BUILDINGS AND USES:** An accessory building is an unattached subordinate building, the use of which is incidental to, or customarily found in connection with, and (except as otherwise provided in this ordinance) located on the same lot as the main building or principal use of the land. An accessory use is one which is incidental to, or customarily found in connection with, and (except as otherwise provided in this ordinance) on the same lot as the main use of the premises. When "accessory" is used in the text it shall have the same meaning as "accessory use".

**BASEMENT OR CELLAR:** A portion of the building located partly or wholly underground and having one-half (1/2) or more of its floor to ceiling height below the average grade of the adjoining ground.

**BLOCK, FRONT:** All property on one side of a street between two (2) intersecting streets or between an intersecting street and the dead end of a street, measured along the line of street.

**BUILDING:** Any structure including a roof supported by walls, designed, or intended for the support, enclosure, shelter or protection of persons, animals, chattels or property and forming a construction that is safe and stable, constructed onsite with building materials and resting on a foundation, the word "building" shall include the word "structure".

**BUILDING, HEIGHT OF:** The vertical distance from the grade (elevation of curb, sidewalk, or average elevation around the structure at the adjacent street) to the highest point of the structure or building not including any roof peak.

**DAYCARE CENTER:** Any childcare facility which regularly provides daycare for less than twenty-four (24) hours per day for more than eight (8) children at any one time in a family home or private school type facility.

**DAYCARE HOME:** Any childcare facility in a family home which regularly provides daycare for a maximum of eight (8) children at any one time for less than twenty-four (24) hours per day.

**DISTRICTS:** Areas within the Village of Oakwood that are distinct in construction and use, which are recognized to require distinct application of regulation, and thereby distinct permits.

**DWELLING:** Any building, or portion thereof, designed and used exclusively for residential purposes, constructed onsite with building materials and resting on a foundation.

**DWELLING, COMMUNITY LIVING FACILITY:** A dwelling operated under State license or certification, or contract to provide supervision, food, lodging, or other services to a service dependent population as herein defined, living and cooking together in a single cooperative housekeeping unit, consisting of: a) a basic group of members of a service dependent population and b) additional staff persons providing supervision of service to the basic group, as specified in aforesaid licensing, certification or contract regulations. Community living facilities are limited to one per structure.

**DWELLING, COMMUNITY LIVING FACILITY, CATEGORY I:** A community living facility dwelling with a basic group limited to not more than five (5) service dependent individuals plus a maximum of two (2) resident (live in) staff at any given time, subject to a higher number of staff if required to meet State or Federal regulations. Said facility is intended for permanent placements, and shall not be for crisis or short term, transient placements.

**DWELLING, COMMUNITY LIVING FACILITY, CATEGORY II:** A community living facility dwelling with a basic group limited to not more than eight (8) service dependent individuals plus a maximum of two (2) resident (live in) staff at any given time, subject to a higher number of staff if required to meet State or Federal regulations. Said facility is intended for permanent placements, and shall not be for crisis or short term, transient placements.

**DWELLING, COMMUNITY LIVING FACILITY, CATEGORY III:** A community living facility dwelling with a basic group limited to not more than fifteen (15) service dependent individuals plus a maximum of four (4) resident (live in) staff at any time, subject to a higher number if required to meet State or Federal regulations. Said facility may be used for temporary placement of service dependent individuals.

**DWELLING, MULTIPLE:** A dwelling which is designed for or occupied by three (3) or more families occupying separate living quarters, but not including a row house building.

**DWELLING, SINGLE-FAMILY:** A building designed for use or occupied exclusively by one family.

**DWELLING, TWO-FAMILY:** A building designed for or occupied exclusively by two (2) families.

**DWELLING UNIT:** A room or group of rooms within a dwelling and forming a single habitable unit with the facilities for living, sleeping, and cooking.

**FAMILY:** A person living alone, or two (2) or more persons living together as a single housekeeping unit in a dwelling unit, as distinguished from a group occupying a rooming house, motel, hotel, fraternity, or sorority house, provided, however, that for the purpose of definition, "family" shall not mean more than four (4) persons unrelated to each other by blood, marriage, or legal adoption. "Family" shall include members of a service dependent population living in community living facilities as herein defined.

**FLOOR AREA:** The sum of the gross horizontal areas of all floors of a building, measured from the exterior faces of the exterior walls or from the centerline of walls separating buildings, but not including cellar or basement space not used for retailing and not including accessory off street parking or loading space.

**GARAGE, PRIVATE:** An accessory building used only for the housing of motor vehicles, without their equipment for operation, repair, hire or sale.

**GARAGE, PUBLIC:** A garage, other than a private garage, used only for the housing of motor vehicles, without their equipment for operation, repair, hire or sale.

**GOVERNMENT BUILDINGS:** A structure or portion thereof used for the operations of the Village of Oakwood, State of Illinois, Federal government, or any other unit of government authorized by Municipal, State, or Federal legislation. Buildings owned by a governmental entity which are leased or operated as a private enterprise shall not be classified as a government building.

**HOME OCCUPATION:** Any occupation or activity which is clearly incidental and secondary to use of the premises for dwelling and which is carried on wholly within the main building or accessory building by a member of the family, for which there is no advertising other than an identification sign of not more than one square foot in area, and no other display or storage of materials or exterior indication of the home occupation or variation from the residential character of the main building or accessory building, and in connection with which not more than one person outside the family is employed and no equipment used or other result of the home occupation which creates offensive noise, vibration, smoke, dust, odors, heat or glare. When within the above requirements, a home occupation includes, but is not limited to, the following: lawyer, engineer, architect, accountant, salesman, real estate agent, insurance agent or other similar occupation and art studio, dressmaking, professional office of a physician and teaching, with musical instruction limited to not more than two (2) pupils at a time. Home occupation, however, shall not include commercial breeding, boarding, or training of animals, or other business where animals are on the premises, other than a dog or cat grooming business.

**HOTEL/MOTEL:** A building in which lodging, or lodging and meals, are regularly provided or offered to the public for compensation and which is customarily open to transient guests.

**LOT:** A parcel of land occupied or intended for occupancy by a use permitted in this ordinance, including one main building together with its accessory building, and the open spaces and parking spaces required by this ordinance, and having its principal frontage upon a street.

**LOT OF RECORD:** A lot or parcel of land, the plat, map, or deed to which has been recorded in the Office of the County Recorder of Vermilion County prior to the adoption of this ordinance.

**MAJOR STREET:** A street designated as a major street or master street on the official street plan.

**MOBILE HOME OR HOUSE TRAILER:** Any structure used for living, sleeping, business or storage purposes which has no foundation other than wheels, blocks, skids, jacks, horses or skirting and which has been, or reasonably may be, equipped with wheels or other devices for moving the structure from place to place, whether by motive power or by other means. No mobile home or house trailer, as herein defined, shall be construed as a dwelling. For purposes of this ordinance, the following items shall not be included within the definition of mobile home or house trailer: boat trailers, single or dual axle utility trailers, construction trailers located on an active or soon to be active construction site, campers, motorhomes, wagons, cargo containers, semi-trailers or semi-truck sleeping quarters, box trucks, or vehicles used only for recreation, any conveyance recognized as a mode for transportation, or any enclosure which is not at any time permanently connected to utilities such as electrical, water, sanitary, or natural gas.

**MANUFACTURED HOME:** Any type of prefabricated structure intended to be used as a residence assembled in a factory, and transported and affixed to a lot or premises to be set on a masonry foundation and permanently connected to utilities such as electrical, water, sanitary, or natural gas.

**NONCONFORMING USE:** Any building or land lawfully occupied at the time of passage of this ordinance and all amendments thereto, which does not conform with the use regulations of the district within which it is located.

**OCCUPANCY PERMIT:** A written approval issued by the Village of Oakwood, after meeting the current International Building Code requirements for safety and health, to permit occupancy of a building, dwelling, mobile home, house trailer, manufactured home, lot, premises, row house building, or row house dwelling, warehouse, and establishment of residence within the Village of Oakwood and permanently connect to or to resume use of public utilities.

**PARKING SPACE:** A surfaced area, which unless otherwise provided in this ordinance, connected to a public street or alley by a surfaced driveway and permanently reserved for the parking or storage of one motor vehicle.

**PLAT, LOT:** A drawing of a lot showing its dimensions, the building arrangement thereon and such other information as may be needed for enforcement of this ordinance.

**PREMISES:** A lot, together with all buildings and structures thereon.

**ROW HOUSE BUILDING:** A building which contains a row of two (2) or more single-family attached dwelling units, each unit being separated from the adjoining units in each story by walls without openings, and each unit having independent access to the exterior of the building in the ground story and each unit being located on a separate lot.

**ROW HOUSE DWELLING:** A dwelling unit which is part of a row house building.

**SETBACK, FRONT YARD:** The measurement extending across the front yard of a lot and being the minimum horizontal distance between the front of the main building or any projections thereof, other than the projections of uncovered steps, balconies, terraces, porches, decks, or entryways to the front property line.

**SETBACK, REAR YARD:** The measurement extending across the rear yard of the lot and being the minimum horizontal distance between the rear of the main building or any projection thereof, other than uncovered steps, balconies, terraces, porches, decks, or entryways to the rear property line.

**SETBACK, SIDE YARD:** The measurement extending across the side yard of the lot and being the minimum horizontal distance between the side of the main building and any projection thereof, other than uncovered steps, balconies, terraces, porches, decks, or entryways to any lots adjacent or to the side property line.

**SIGN:** Any structure or part thereof, or any device attached to, painted on, or represented on a building or other structure, upon which is displayed or included any letters, work, model, banner, flag, pennant, insignia, decoration, device, or representation used as, or which is in the nature of an announcement, direction, advertisement or other attention directing device. A sign shall not include a similar structure or device located within a building except for illuminated signs within show windows.

A sign includes any billboard, but does not include the flag, pennant or insignia of a nation or association of nations, or of any state, city, or other political unit, or of any political, charitable, educational, philanthropic, civic, professional, religious or like campaign, drive, movement, or event. The size limits for signs, as provided hereinafter, are cumulative and shall apply to the total of all signs on a single lot. Double sided signs shall count as two (2) signs.

**SIGN AREA:** That area within a line including the outer extremities of all letters, figures, characters, and delineations or within a line including the outer extremities of the framework or background of the sign, whichever line includes the larger area. The support for the sign background, whether it be columns, a pylon or a building or part thereof, shall not be included in the sign area.

**STORY:** That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it or, if there is not floor above it, the space between the floor and the ceiling next above it. A half-story is a partial story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than four feet (4') above the floor of each story.

**STREET:** Any public or private way set aside as a permanent right of way for traffic purposes.

**STRUCTURAL ALTERATION:** Any change in structural members of a building such as walls, columns, rafters, beams, or girders.

**STRUCTURE:** Anything constructed or erected, the use of which requires permanent location on the ground.

**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 buildings 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 on the same lot with a building unobstructed from the ground upward and measured as the area between the lot line and the main building.

**YARD, FRONT:** A yard extending across the front of a lot and being the area between the front lot line and the main building or any projections therefrom. The front yard shall run the full width of the lot. On corner lots the yards fronting both streets shall be considered front yards, and the front yards shall run the full width of the lot on both street frontages.

YARD, REAR: A yard extending across the rear of the lot and being the area between the rear lot line and the rear of the main building or any projection therefrom. The rear yard shall run the full width of the lot, except on corner lots, the rear yard shall only extend to the side lot line on the side to the rear of the side yard.

YARD, SIDE: A yard between the main building and the sideline of the lot, and between the front yard and the rear yard. Corner lots shall have only one side yard.

### 3 BOUNDARIES:

Where uncertainty exists with respect to the boundaries of any property, lot, or premises as shown on plat maps, the following rules shall apply until a survey is performed by a licensed surveyor:

- (A) Where boundaries are indicated as approximately following the centerlines of alleys, streets, or highways, said alley, street lines or highway right of way lines as existing shall be construed to be such boundaries regardless of whether the plat drawings reflect existing conditions.
- (B) Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines as existing based on surrounding alleys, streets, or highways in relation to public utility locations shown on the plat map shall be construed to be said boundaries.
- (C) The Village of Oakwood will determine said boundaries to the best agreement of visible or easily identified alleys, streets, or highways in relation to public utility locations for permit approval purposes and setbacks. Determining the exact boundary locations is the responsibility of the property owner by hiring a licensed surveyor and providing a professional survey by said surveyor to the Village of Oakwood in consideration of the permit application.

### 4 DISTRICTS:

The districts into which the Village is divided shall be designated as follows (a map of said areas is attached hereto as Exhibit A:

“A” – Agricultural District is designed for agricultural uses on lands primarily in the outlying areas of the Village, prior to Planned Unit Development projects of those areas. When such projects occur, it is expected that these areas will be rezoned to a class other than agricultural, in keeping with the general plan of that portion of the Village of Oakwood.

“R-1” – Residential District. An area of structures intended to provide dwellings(single) as suburban residences with moderate sized lots with dwellings of livable space 1200sq.ft. or greater. The density shall not exceed four (4) gross dwelling units per acre.

“R-2” – Residential District (Mobile or Manufactured Home). An area of structures, transportable in one or more sections, that while in the traveling mode is eight feet or more in width or 40 or more in length, or, when erected on site, is 320 square feet or more, and that is built on a permanent chassis and designed to be used as a mobile home or house trailer with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air condition, and electrical systems contained therein. This definition excludes: motor vehicles, boat trailers, single or dual axle utility trailers permitted temporary construction trailers, campers, or recreational vehicles.

“R-3” – Residential District. An area of structures intended to provide dwellings(two-family), dwellings(multiple), and Community Living Facilities that are classified as Categories I, II, or III.

“C” – Commercial District is intended to provide for most of the existing retail and service needs of the Village, excepting the downtown business districts, large-scale and bulk commercial uses, and uses which require outdoor display of material, merchandise, or inventory. This district recognizes that most of the existing retail and service uses are located adjacent to residential land uses. The designation of a District shall permit the continued existence and expansion of commercial uses, while reducing the conflict between residential and nonresidential uses.

“I” - Industrial District is intended to provide an area for manufacturing, assembly, warehousing, and other operations that require heavy equipment, produces additional noise, and chemicals. Every use of land or structures shall be operated in compliance with all applicable local, state and federal regulations including the State of Illinois Pollution Control Board rules and regulations hereby incorporated by reference. Every application for a building permit or occupancy permit within an Industrial District shall have affixed to it the certificate of a registered professional engineer licensed by the State of Illinois certifying that the building or structure, and the proposed use thereof, complies with all the provisions of this Zoning Code respecting performance standards for industrial and similar uses. The Zoning Administrator shall, upon receipt and upon complete review (either by said Zoning Administrator and/or any outside technical review agency selected by the Village) of such application, approve and authorize the issuance of a building permit or occupancy permit, provided the applicant has complied with all other relevant provisions of this Code.

If the Zoning Administrator determines it desirable to have some outside technical agency review applicant plans and permit application, then the applicant shall pay to the Village in advance a sum sufficient to reimburse the Village for such technical reviews. The Zoning Administrator may, however, withhold issuance of a building permit or occupancy permit because of examination of the plans or based on other evidence if the proposed activity will not in fact comply with the performance standards. The Zoning Administrator shall advise the applicant’s architect or engineer in writing of such denial.

The Zoning Administrator may also obtain an injunction or other appropriate legal or equitable relief, including but not limited to specific performance, writ of mandamus or mandatory injunction, to prevent, remedy, or abate any violations which occur after a building or occupancy permit is issued, which relief shall be in addition to any ordinance prosecutions for fines only. Each day a violation exists shall be considered a separate occurrence and violation as outlined in this Zoning Code.

The boundaries of these Districts are shown on the District Map, referred to herein and made part of this ordinance by reference. The original District Map shall be properly attested to and kept on file with the Village Clerk, as well as at the office of the County Recorder of Vermilion County.

The District Map shall be reviewed in January of each year by the Village Board of Trustees. Any proposed changes shall be voted upon, and the District Map shall be updated accordingly.

## 5 USES:

Permitted Uses: The following uses shall be permitted in the Village of Oakwood.

- (A) Accessory buildings subject to size and setback requirements.



- (B) Manufactured home subject to size and setback requirements.
- (C) Mobile home or house trailer in the mobile home park subject to size and setback requirements.
- (D) Parking, both private and public, with access beyond private lot lines.
- (E) Pool, hot tub, pond, or other water storage or holding apparatus.
- (F) Private and public property maintenance, subject to improvement value.
- (G) Private gardening, nurseries, orchards, and greenhouses.
- (H) Publicly owned and operated property subject to size and setback requirements.
- (I) Pumping or booster stations along a pipeline, or substations along an electric transmission line.
- (J) Roadside stands offering for sale only farm products which are produced on the premises.
- (K) Single-family dwelling subject to size and setback requirements.
- (L) Temporary buildings, the uses of which are incidental to construction operations being conducted on the same or adjoining tract or subdivisions and which shall be removed upon completion or abandonment of such construction, or upon the expiration of a period of two (2) years from the time of erection of such temporary buildings whichever is sooner.

Special Uses: The following uses shall be allowed by special use permit only:

- (A) Cemetery or mausoleum.
- (B) Churches, or similar places of worship, parish houses, convents.
- (C) Community living facility dwelling, category I, II, or III.
- (D) Commercial retail facility.
- (E) Commercial unit(s) for improvements that were built prior to 1980, as a commercial unit(s) and being converted to residential use.
- (F) Convalescent home, nursing home or housing for the elderly.
- (G) Country clubs and golf courses, miniature golf courses, and practice driving ranges.
- (H) Drive-in restaurant.
- (I) Drive-in theater.
- (J) Filling stations, automobile repair shops, automobile body shops.
- (K) Funeral home.
- (L) Government buildings.
- (M) Industrial manufacturing facility.
- (N) Medical or veterinary hospital, clinic, or institution.
- (O) Multiple family dwelling.

- (P) Parking facilities for nonresidential uses.
- (Q) Pavilion for public use.
- (R) Pharmacy.
- (S) Printing shop.
- (T) Preschool/daycare/childcare facility.
- (U) Public or private schools.
- (V) Public and parochial schools and institutions of higher education, public libraries, municipal buildings.
- (W) Public parks, public playgrounds, and recreational areas operated by membership organizations for the benefit of their members and not for gain.
- (X) Public parks, playgrounds, recreation areas and conservation areas.
- (Y) Radio tower, broadcasting station or telecommunications tower.
- (Z) Removal of gravel, topsoil, or similar natural material.
- (AA) Riding stable.
- (BB) Roadside stand, commercial amusement, or recreational development for temporary or seasonal periods.
- (CC) Row house dwellings.
- (DD) Stores and shops where goods are sold and/or services are rendered primarily at retail.
- (EE) Theaters (except drive-in theaters), assembly halls, restaurants, and cafes.
- (FF) Tire or electrical shops or similar trade.
- (GG) Two-family dwelling.
- (HH) Warehouse including self-storage warehouse.
- (II) Welding shops.
- (JJ) Wholesale merchandising when incidental and subordinate to a primary retail business.

Any special use permit is subject to the provisions specified for such districts and allow:

- (A) Compounding of cosmetics, toiletries, drugs, and pharmaceutical products.
- (B) Manufacturing uses which do not create any more danger to health and safety in surrounding areas and which do not create any more offensive noise, vibration, smoke, dust, lint, odors, heat, or glare than that which is generally associated with light industries.
- (C) Manufacture of boxes, crates, furniture, baskets, veneer, and other wood products of a similar nature.
- (D) Manufacture of rugs, mattresses, pillows, quilts, millinery, hosiery, clothing and fabrics, printing and finishing of textiles and fibers into fabric goods.

- (E) Manufacture or assembly of medical and dental equipment, drafting, optical and musical instruments, watches, clocks, toys, games and electrical or electronic apparatus.
- (F) Manufacture or storage of food products, including beverage blending or bottling, bakery products, candy manufacture, fruit and vegetable processing and canning, packing, and processing of meat, and poultry products, but not slaughtering of poultry or animals.
- (G) Wholesale merchandising or storage warehouses.

**6 AREA, HEIGHT, AND YARD REGULATIONS:**

Except as provided elsewhere in this code, the area, height, and yard regulations shall be shown as in the following table. Setbacks shall be measured from the nearest parallel parcel lot line.

| District | Maximum Height |      | Minimum Yard Setbacks Depth/Width In Feet |      |      | Minimum Average Lot Width In Feet | Minimum Lot Area Per Family In Square Feet |      |          |
|----------|----------------|------|---|------|------|-----------------------------------|--|------|----------|
|          | Stories        | Feet | Front                                     | Side | Rear |                                   | Single                                     | Two  | Multiple |
| A        | 4              | 50   | 15  | 15   | 15   | 100                               | n/a  | n/a  | n/a      |
| R        | 2.5            | 35   | 30  | 15   | 30   | 75 <sup>a</sup>                   | 7,500                                      | 4000 | 3000     |
| C        | 3              | 40   | 15  | 10   | 15   | None                              | n/a  | n/a  | n/a      |
| I        | n/a            | n/a  | 25  | 25   | 25   | None                              | n/a  | n/a  | n/a      |

Notes:

The lot width between the farthest front point of the main building and the farthest back point of the main building shall be no less than seventy-five feet (75') in R districts. If a lot has a narrow driveway access (e.g., "pennant shaped lot") at the front or the back, the narrow access area shall be included in calculating the average lot width. Any such narrow access drive shall be excluded in calculating the setback requirement if the zoning administrator determines that to do so is consistent with the intent of this code. In no event shall any pennant shaped have a frontage to a road of less than thirty-five feet (35') or a setback from any boundary line of less than that required for the side yard setback.

**7 MODIFICATIONS:**

- (A) The height and area regulations specified in the foregoing are modified as specified below to allow for existing conditions and approved variances within the specified district.
- (B) Any lot of record at the time of passage of this ordinance having less area or width than herein required may be used for a single-family dwelling.
- (C) In commercial districts only, the front yard setback may be reduced to the same distance as an immediately adjacent, existing building in the same block. In residential districts, the front yard setback requirement shall be reduced to the greater of the existing setback of two (2) immediately adjacent existing houses.
- (D) A side yard shall be maintained on each side, but such side yard setback may be reduced to ten percent (10%) of the lot width on existing lots of less than seventy-five feet (75') in width, provided, however, that no side yard setback shall be less than seven and a half feet (7.5').
- (E) The side yard setback on the street side of a corner lot shall be the same as the required front yard setback on such street, except that the buildable width of the front of the building shall not be reduced to less than thirty-two feet (32'), and no accessory building shall project beyond the required front yard on either street.
- (F) The side yard setback on a two-family dwelling shall equal a one (1) family dwelling on one (1) lot.
- (G) A rear yard setback may be reduced to twenty percent (20%) of the depth of the lot on any lot not exceeding one hundred twenty-five feet (125') in depth.
- (H) The ordinary projection of roof overhangs, sills, belt courses, cornices, and ornamental features except for covered porches and patios may not exceed twenty-four inches (24") when the main building is located at the minimum allowed setback.
- (I) Where a lot is in a commercial or industrial district and is used for commercial or industrial purposes, more than one main building may be located on the lot or tract but only when such buildings conform to all open space requirements around the lot for the district in which the lot is located.
- (J) In residential districts and agricultural districts, chimneys and antennas may be no higher than five feet (5') above the highest point of the roof. In commercial and industrial districts, chimneys, antennas, mechanical apparatus, elevator tower and stair towers may be no higher than ten feet (10') above the highest point of the building.
- (K) Public, semipublic, or public service buildings, hospitals, institutions, churches, and schools, when permitted in a district, may be erected to exceed height limits specified for the district, provided all required setbacks are increased by one foot (1') for each one foot (1') of building height above the specified height limit.

## 8 ROW HOUSES

Special regulations regarding row houses shall be as follows:

- (A) In districts where row house buildings are permitted and row houses are to be constructed (or converted from apartments) for sale, each on its own separate lot, to individual owners, such row houses shall not be subject to the minimum lot

requirements but instead shall be subject to the minimum requirements specified in this chapter.

- (B) Minimum lot area for a row house lot shall be not less than four thousand square feet (4,000sqft) per house.
- (C) Minimum frontage of a row house lot on a public street shall be not less than thirty feet (30') on a standard lot and not less than fifty feet (50') on a corner lot.
- (D) No side yard shall be required along any side lot line which is common to two (2) attached row houses, whether they be on interior or exterior row house lots. One side yard, conforming to the minimum residential setback requirement shall be required along the side lot lines of an exterior row house lot where such lot is not common to that of any other attached row house.
- (E) Front yard and rear yard requirements for all row house lots containing row houses shall conform to the minimum residential setback requirements.
- (F) A minimum lot width of forty feet (40') shall be provided for all interior row house lots.
- (G) Row houses shall be developed on subdivided lots with no more than three (3) units per building, nor shall such building exceed one hundred twenty feet (120') in continuous width.
- (H) The maximum lot coverage (by a row house dwelling) for a row house lot shall be forty percent (40%) and not less than one thousand eight hundred square feet (1,800sqft) of open space shall be provided on each row house lot.
- (I) Exterior treatment of attached row houses shall be integrated. Exterior of buildings shall be maintained in their original color and treatment unless otherwise agreed to in writing by all affected lot owners.
- (J) An unobstructed easement shall be provided across the side and rear eight feet (8') of each exterior row house lot, when adjacent to an interior row house lot, and across the rear eight feet (8') of each interior row house lot, when adjacent to another interior row house lot, for ingress and egress of adjacent interior row house lot owners for access and maintenance purposes. Said access easement shall be unobstructed, and physically passable. This easement shall be incorporated into each deed transferring ordinance to the property and any replat of the lots involved.
- (K) A party wall agreement shall be included in the subdivision covenants for each row house lot setting forth provisions for repair of common walls, repair of common utility service connections, reconstruction of the common building in the event of damage or destruction of one or all of the dwelling units and common maintenance and repair of joint facilities.
- (L) The coincident property walls (party wall) of each row house shall be constructed in a manner which complies with the standards for common walls, and in any event each common wall shall have a minimum fire resistance rating of not less than two (2) hours.

## 9 ACCESSORY BUILDINGS AND USES:

Accessory buildings and uses are permitted when in accordance with the following:

- (A) A non-commercial greenhouse that does not exceed in floor area twenty five percent (25%) of the ground floor area of the main building.
- (B) A private residential garage used only for the housing of passenger vehicles and with a floor area of not to exceed seven hundred fifty square feet (750sqft). An additional floor area of one hundred square feet (100sqft) may be provided for each three thousand square feet (3,000sqft) of lot area by which such lot exceeds six thousand square feet (6,000sqft), provided that no garage shall exceed one thousand five hundred square feet (1,500sqft) nor house more than five (5) passenger vehicles.
- (C) An accessory building may be placed only within a required rear yard area which is defined as twenty feet (20') further back from the front of the main building if also located in a side yard area and may occupy not more than thirty percent (30%) of the area of such required rear yard, provided that no part of said structures, including any overhang or other projections, therefrom, shall be located closer than three feet (3') to the rear lot line, nor closer than three feet (3') to the side lot line.
- (D) To the benefit and use related to residential occupation of a dwelling or mobile home for storage of yard maintenance equipment, pool maintenance equipment, or similar benefit to remote use from the main dwelling.
- (E) Tennis courts, swimming pools, yard sheds, pergolas, ornamental gates, barbecue ovens, fireplaces or burn pits, fences, and similar uses customarily accessory to residential uses.
- (F) Vegetable or flower gardens.
- (G) Trees, shrubs, or ornamental plants given that overhang of such items, and not just the base, trunk, or stems entering the ground, extending across lot lines may result in costs and liability for removal by the property owner where the base, trunk, or stems entering the ground originate. Property owners may not plant any item on the property line as a marker, divider, or separation of property and must maintain all items that grow outside or beyond their lot line including items located between a public sidewalk and the property lot line. Trees, shrubs, or ornamental plants in an easement or public right of way may be removed by the Village of Oakwood without notice and the cost of removal invoiced to the property owner where the trees, shrubs, or ornamental plants base, trunk, or stems entering the ground originated. Trees and shrubs may not be planted between a public or private road and sidewalk for public use.
- (H) No accessory building shall be constructed upon a lot until the construction of the main building has commenced, and no accessory building shall be used unless the main building on the lot is also being used. However, nothing shall prevent the use of a temporary construction shed or road wagon for the storage of tools, material, and equipment by a contractor during building construction.
- (I) Accessory buildings may not be used as dwelling units or for sleeping purposes.

#### 10 SWIMMING POOLS, HOT TUBS, PONDS:

Private swimming pools, hot tubs, ponds, or portion thereof, including but not limited to aprons, walks, greenery, shrubs, etc. and mechanical equipment integral to the system (hereafter "Pool") are permitted as an accessory to residential use and subject to setbacks. Private above ground

swimming pools of a designed water depth of less than two feet (2') and do not contain an electric water pump or plumbing are exempt. The permit fee shall be fifty dollars (\$50.00) for each required visit by a representative of the Village of Oakwood to approve a pool permit application. The property owner must provide documentation of proper wiring, plumbing, fence or means of preventing access to the area, and avoidance of both overhead and underground utilities. The property owner shall be responsible for identifying utilities at the site prior to the schedule permit approval site visit. All swimming pools with an electrical pump and hot tubs must be Ground Fault protected and satisfy requirements listed in the National Electrical Code 2022.

- (A) A private Pool must be operated for the exclusive use of residents of the lot and their invited guests and not operated as a business or private club.
- (B) A Pool shall not be located within a front yard, or side yard closer to the front property line than the main building and shall not be located closer than five feet (5') to a rear or side property lot line nor located closer than three feet (3') of any utility easement area.
- (C) A Pool shall not be located closer than ten feet (10') measured horizontally from an overhead electrical wire, telephone wire, cable TV wire, or any other type of wire, nor within twenty-five feet (25') measured horizontally from high voltage electrical feeder wires (i.e. power poles). All diving boards, diving platforms, and diving towers shall not be located closer than seventeen feet (17') measured horizontally from all overhead wires.
- (D) A Pool shall not be located closer than five feet (5') measured horizontally from a buried wire unless buried wire is routed in approved underground conduit.
- (E) A Pool shall not change the existing water drainage characteristics of the site to cause water to drain onto an adjacent property.
- (F) Pools of a design water depth of three feet (3') or more must be enclosed by a separate fence of at least four feet (4') high and gates of at least four feet (4') high with lockable latches, constructed without horizontal rungs or points that could be used for climbing the fence. The sidewalls of an above-ground pool shall not be considered as a fence for the purpose of satisfying the requirements of this chapter.
- (G) The maximum width of openings (spacing/gaps) in the fence shall be four inches (4"). The maximum spacing between the bottom of the fence and the ground shall be two inches (2").

#### 11 MOBILE HOMES OR HOUSE TRAILERS:

- (A) Any mobile homes or house trailers (hereafter "Mobile Home") brought into the Village of Oakwood after the time of passage of this ordinance and all amendments thereto, shall only be installed in the mobile home park area except for designated construction trailers used during the period of construction and removed immediately at the conclusion of construction and prior to receiving and occupancy permit.
- (B) A mobile home shall not be located and used for living, sleeping, business, commercial or storage purposes outside of the approved mobile home park.
- (C) A mobile home shall have been manufactured within the preceding five (5) years of the date it is brought into or relocated within the Village of Oakwood.

- (D) A mobile home shall be separated from other mobile homes by an open yard of not less than twenty feet (20').
- (E) A mobile home lot shall have a width of greater than thirty feet (30') or a depth of greater than one hundred feet (100').
- (F) A mobile home shall not occupy more than twenty-five percent (25%) of the respective lot area. The accumulated occupied area of the mobile home and its accessory structures on a mobile home lot, including parking space and driveway, shall not exceed fifty percent (50%) of the respective lot area.
- (G) All mobile homes shall be located at least forty feet (40') from the exterior property district boundary line of it is located within.
- (H) All mobile homes or other structures shall have a front and rear yard of at least twenty-five (25') from the right-of-way of any public or private street.
- (I) A mobile home shall be located within one hundred feet (100') of a public or private street, and shall have free and unobstructed access to the street.
- (J) A mobile home stand shall have, or shall be improved to have, adequate support to tie-down the mobile home. The stand shall not heave, shift, or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration, wind, or other forces acting on the structure. Anchors or tie-downs shall comply with the Tie-Down Act administered by the Illinois Department of Public Health.
- (K) Each mobile home lot shall be provided with an outdoor living and service area. The minimum area shall be not less than three hundred square feet (300sqft), with at least one open area dimension of fifteen feet (15').
- (L) Each mobile home shall be skirted to enclose the space between the ground and the bottom of the mobile home.
- (M) *It shall be unlawful for any person to bring into or relocate a mobile home within the corporate limits of the Village of Oakwood without first securing a permit to do so.*

#### 12 MINIMUM PARKING SPACE QUANTITIES:

No building shall be erected, enlarged to the extent of increasing the floor area by twenty percent (20%) or more, or changed in use unless there is provided on the lot or already provided by public parking spaces within three hundred feet (300') of the front door of the building, space for the parking of passenger vehicles or other vehicles in accordance with the following minimum requirements. Duplicate counting of public parking spaces shall only be permitted when there is also no overlap in days and hours of operation for existing buildings in the area. For example, multiple businesses with equivalent business hours may not each count the same public parking spaces in the available number of overall parking places to meet the requirements below.

- (A) Any auditorium, theater, and other place of public assembly must have one (1) parking space for each five (5) seats.
- (B) Any church or temple must have one (1) parking space for each five (5) seats in the main auditorium.



- (C) Any community center, library, museum, or similar public or semipublic building must have one (1) parking space for each three hundred square feet (300sqft) of floor area in the building.
- (D) Any daycare facility must have three (3) parking spaces for each two (2) employees.
- (E) Any funeral home must have one (1) parking space for each one hundred square feet (100sqft) of parlor area, plus one (1) space for each vehicle maintained on the premises.
- (F) Any gasoline and service station must have one (1) parking space for each two hundred fifty square feet (250sqft) of floor area devoted to retail sales. The area designated for cars using the pump islands may not be counted as parking spaces.
- (G) Any hotel and motel must have three (3) parking spaces, plus one (1) space for each sleeping room or suite.
- (H) Any manufacturing or industrial establishment must have two (2) parking spaces for every three (3) employees on the maximum shift or one (1) space for each one thousand square feet (1,000sqft) of floor area, whichever is greater, plus space to accommodate all trucks and other vehicles used in connection therewith.
- (I) Any medical/dental clinic, or bank building must have one (1) parking space for each two hundred fifty square feet (250sqft) of the gross area used for this purpose.
- (J) Any mobile home, house trailer, or manufactured home must have two (2) spaces for each unit.
- (K) Any multiple dwellings must have two (2) spaces for each dwelling unit, provided that for any unit with more than three hundred square feet (300sqft) of bedroom area, one (1) additional parking space shall be provided for each additional one hundred square feet (100sqft), or part thereof, more than said three hundred square feet (300sqft) of bedroom area.
- (L) Any nursing home/residential care facility/elderly housing must have one (1) parking space for every two (2) beds.
- (M) Any private club or lodge must have one (1) parking space for each four hundred square feet (400sqft) of floor area.
- (N) Any restaurant, cafe, fast food, or bar, pub, saloon must have one (1) parking space for each one hundred fifty square feet (150sqft).
- (O) Any retail establishment must have one (1) parking space for each two hundred fifty square feet (250sqft) of floor area.
- (P) Any high schools, colleges, and universities must have ten (10) spaces per classroom, and elementary schools must have two (2) parking spaces per classroom.
- (Q) Any single-family and two-family dwellings must have two (2) spaces for each dwelling unit.
- (R) Any wholesale, warehouse or similar establishment must have one (1) space for each two thousand square feet (2000sqft) of floor area.
- (S) All other nonresidential buildings, except those above specified must have one (1) space for each three hundred square feet (300sqft) of floor area.

### 13 RULES FOR COMPUTING PARKING SPACES:

In computing the number of required off street parking spaces, the following rules shall apply:

- (A) Floor area shall mean the gross floor area of the specified use, excluding any floor or portion thereof used for parking, as herein defined.
- (B) Where fractional spaces result, the parking spaces required shall be the nearest whole number.
- (C) In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.
- (D) Whenever a building or use constructed or established after 2005, is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, parking spaces shall be provided based on the enlargement or change. Whenever a building or use existing prior to, 2005, is reconstructed or is enlarged to the extent of twenty percent (20%) or more in floor area, said building or use in its entirety shall then and thereafter comply with the parking requirements set forth herein. Any enlargement or change in use of less than twenty percent (20%) of the gross floor area shall be provided with additional parking based on the enlargement or change.

### 14 PARKING SPACE AND DRIVEWAY SPECIFICATIONS:

- (A) All permanent regular parking and driveway areas shall be established using an approved surface such as concrete, asphalt, or gravel or firm aggregate (hereafter "Paving").
- (B) All parking, access to parking such as driveways and approaches, or passages between public sidewalks must meet the current addition of IDOT Standard Specifications for Road and Bridge Construction.
- (C) Parking shall be maintained in a usable, dustproof condition and graded and drained to dispose of all surface water.
- (D) Whenever lighting is provided, it shall be hooded or shielded as to direct light downward and away from abutting or neighboring property, including any public right of way.
- (E) Permanent regular parking in grass, alleys, easements, or any other unapproved surface is not permitted.
- (F) Designated parking spaces must be accessed by continuous driveways from the public right of way.
- (G) Designated parking spaces between a public or private road and public sidewalk must meet the requirements of this chapter.
- (H) Designated parking spaces between a public or private road and public sidewalk for private use must receive a permit from the Village of Oakwood. Private parking spaces between a public or private road and public sidewalk for private use will be considered a public parking place unless permitted to post a private parking sign is granted to the adjacent homeowner by the Village of Oakwood. In no case can a private drive be

blocked, nor the area between the private parking area and public or private road be blocked and used for public parking.

- (I) Parking at a residential lot is required to be located directly in front of the garage door(s), when present, to the nearest public right of way and not wider than one hundred and fifty percent (150%) of the width of the garage doors on the main building to minimize paving of the lot. Additional paving for areas devoted to parking and access thereto shall not exceed twenty percent (20%) of the total remaining lot area after subtraction of the dwelling area and accessory building(s) area from the lot area.
- (J) Multiple Dwelling, Nonresidential, Commercial and Industrial Uses shall have the location of each parking space and the direction of movement along the access driveways indicated by painting upon the surface of the lot. A structurally sound abutment shall be installed and so placed around each side of the parking lot to ensure that no part of an automobile either extends over or is capable of accidentally rolling across the property line of the parking lot.
- (K) All commercial and industrial parking must allow for snowplows and heavy vehicles for garbage disposal or delivery trucks.
- (L) On residential lots, the following shall regulate the parking of heavy trucks, trailers, recreational vehicles, watercraft, and off the road vehicles:
  - i. No person shall park any vehicle more than ten thousand pounds (10,000lbs), bucket truck, semitrailer, heavy equipment trailer, agricultural wagon trailer, or pole trailer on any residential lot, or within or on the side of a public right of way, alley, or easement,
  - ii. Recreational watercraft greater than twenty feet (20') in length, and off the road non-licensed vehicles shall be stored inside a carport or garage, outside behind the face of the principal building, or outside in the front yard at least five feet (5') from the front lot line provided said parking is for loading and unloading operations completed within a twenty-four (24) hour period, and space is not available in the side yard, or there is no reasonable access to either the side yard or rear yard. A lot shall be deemed to have reasonable access to the rear yard if terrain permits and access can be had without substantial damage to existing large trees or landscaping. A corner lot shall be deemed to have reasonable access to the rear yard,
  - iii. The length of the watercraft shall not include any portion of any trailer used for transporting the watercraft which extends beyond the watercraft itself.
- (M) No more than two (2) commercial vehicles shall be parked on any residential lot at any time. Such commercial vehicles shall not exceed one ton (1ton) capacity and shall be used by an occupant of the dwelling for personal or business transportation. Commercial vehicles engaged in lawful construction or service operation on the site are exempt from this requirement.
- (N) Offsite parking for residential uses must be located immediately adjacent to the use or within three hundred feet (300') of the principal use and designated for public parking without limitations on days and hours of use. The distance shall be measured from the nearest point of the parking facility to the nearest point of the lot occupied by the building or use that such facility is required to serve.

- (O) When offsite private parking facilities are provided on a lot other than the lot upon which the building or use requiring such facilities is located, the owner of the lot upon which the principal use is located and the owner of the lot upon which parking is provided, shall execute a written covenant containing at least the following terms:
- (P) The lot on which the parking facility is located will be used and maintained solely for offsite parking purposes for such principal use, describing the premises for which said parking is provided.
- (Q) The covenant shall be in effect so long as the structures comprising such principal use continue to exist without sufficient parking elsewhere or upon the lot with the principal use, or termination of the covenant is approved by the Village Board of Trustees.
- (R) The parking lot or portion of the parking lot shall contain appropriate signage to indicate that certain parking spaces are reserved for the use described in the covenant.
- (S) Dimensions for parking spaces shall meet the standards in the following tables regarding minimum stall depth, aisle, and space and module widths.

| Type     | Width           | Length           |
|----------|-----------------|------------------|
| Standard | 8 feet 9 inches | 18 feet 6 inches |
| Parallel | 8 feet 6 inches | 22 feet          |
| Handicap | 16 feet         | 18 feet 6 inches |

| Angle<br>(In Degrees) | Space Width     | Stall Depth      | Aisle Width      | Module Width (Two Rows Of Parking) |
|-----------------------|-----------------|------------------|------------------|------------------------------------|
| 45                    | 8 feet 9 inches | 17 feet 6 inches | 14 feet          | 49 feet                            |
| 60                    | 8 feet 9 inches | 19 feet          | 16 feet          | 54 feet                            |
| 75                    | 8 feet 9 inches | 19 feet 6 inches | 18 feet 6 inches | 57 feet 6 inches                   |
| 90                    | 8 feet 9 inches | 18 feet 6 inches | 23 feet          | 60 feet                            |
| Parallel              | 8 feet 9 inches | 22 feet          | 13 feet          | 30 feet                            |

Notes:

- a. Aisle widths noted are for 1-way aisles except for 90-degree parking which must provide a 2-way aisle.

- b. Motor vehicle display lots are not required to park display vehicles in accordance with these standards. Such display lots are required to meet all other applicable standards for parking lots.
- c. Additional Provisions for Handicap Spaces: All off street parking lots shall provide handicapped parking spaces in conformance with the state of Illinois vehicle code, the Americans with disabilities act and Illinois environmental barriers act.
- d. Driveway width to single or tandem parking spaces shall not be less than ten feet (10') wide.
- e. Driveway width to parallel parking spaces shall not be reduced to less than fifteen feet (15') wide at the frontage of the property subject to the minimum widths and depths above to provide adequate area to align the vehicle into the designated parking spaces.

## 15 SIGN CODE

As used in this chapter, the following definitions shall apply unless the context otherwise indicates:

- (A) SIGN: Any structure or part thereof, or any device attached to, painted on, or represented on a building or other structure, upon which is displayed or included any representation used as, or which in nature is an announcement, direction, advertisement, or other attention directing device. A sign shall not include a similar structure or device located within a building except for illuminated signs within show windows.
- (B) A sign includes any billboard, marquee, or advertisement, but does not include the flag, pennant, or insignia of a nation or association of nations, or of any state, city, or other political unit, or of any political, charitable, educational, philanthropic, civic, professional, religious or like campaign, drive, movement, or event.
- (C) The size limits for signs, as provided hereinafter, are cumulative and shall apply to the total of all signs on a single lot. Double sided signs shall count as two (2) signs.
- (D) SIGN AREA: That area within the outer extremities of all letters, figures, characters, delineations, digital or electronic boundaries, or within the outer extremities of the framework or background of the sign, whichever is the larger area. The support for the sign background, whether it be columns, a pylon or a building or part thereof, shall not be included in the sign area.

## 16 SIGN USES

- (A) No sign shall be erected on any residential lot unless the party seeking to erect said sign first applies for and receives a special sign permit to advertise a home-based business or service.
- (B) In subdivisions where four (4) or more undeveloped lots are owned by the subdivision developer, a sign announcing the names of the developer, architects, engineers, contractors, or other individuals or firms, involved with the subdivision of property (but not including any advertisement of anything not related to the subdivision) or announcing the layout or character of the subdivision or the purpose for which it is intended shall be allowed given that the signs shall be confined to the site of the

subdivision, and shall be permitted for one year from the date of erection of the first of such signs. If development of the subdivision is not completed within one year after erection of the signs, the sign shall be permitted to exist an additional period, not to exceed one year unless approved by the Village Board of Trustees.

- (C) No sign containing more than thirty-two square feet (32sqft) may be erected on any agricultural lot unless the party seeking to erect said sign first applies for and receives a special sign to advertise an agricultural business or service.
- (D) No sign containing more than one hundred fifty square feet (150sqft) may be erected on any commercial or industrial lot unless the party seeking to erect said sign first applies for and receives a special sign to advertise a commercial business or service subject to the sign may not exceed fifty percent (50%) of the lot width.
- (E) The application for a special sign permit shall contain: the name, address and telephone number of the applicant and owner of the property where the proposed sign is to be located, an adequate description of the exact location where said proposed sign is to be located, the exact dimensions, design, materials, and nature of said sign, and any further applicable information such as drawings or renderings. If the applicant is not the owner of the property and is renting or leasing the property on which the sign will be located, then a letter signed by the owner approving the request shall be submitted with the application.
- (F) Signs that were erected prior to 2005 but would now be subject to special sign permit requirements, or signs that were erected pursuant to a special sign permit, as provided for herein, may be replaced with a sign that is substantially the same as the original sign in location, dimensions, and appearance.
- (G) No sign structure shall be erected or placed at the intersection of any street in such a manner as to obstruct free and clear vision, or at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device, or which makes use of the words "stop" or "danger" or any other word, phrase, symbol or character in such a manner as to interfere with, mislead or confuse vehicular traffic.
- (H) Electronic signs shall be located at least twenty feet (20') measured horizontally from the edge of any public right of way. The parking lane along a public right of way may be included in the setback distance. All electronic signs must be equipped with automatic dimming technology that is not programmed by only a timer and will automatically reduce brightness to adjust for ambient light conditions. All electronic signs must be UL rated, FCC approved, and state the sign manufacturer, electrical load, model number, and contact information.
- (I) Sign maintenance shall be the duty of both the owner and occupier of the premises upon which the sign is erected. The appearance of any sign shall not be allowed to become unsightly and if repair, cleaning, or painting of any said sign is deemed to be necessary by the Village Board of Trustees, then within sixty (60) days of notification of such necessity by the Village Board of Trustees, the said owner or occupier of said premises shall complete said repair, cleaning, or painting. If such repair, cleaning, or

painting is not accomplished within said time, then said failure shall constitute a violation of the provisions of this ordinance.

- (J) All signs that no longer serve their purpose shall be removed by the owner or occupier of the premises. When any such sign is removed, such removal shall be completed with due care and with concern for the appearance of the premises as well as safety on said premises and nearby properties. Any supporting structures, such as sign standards or frames shall also be removed, and any holes or excavations shall be filled to equal immediately surrounding surfaces. In the event that such removal is not in compliance with this ordinance, then notice of said failure shall be given to the owner or occupier of the premises and if said work is not completed in compliance with said notice within thirty (30) days of the mailing of said notice, then said owner or occupier shall be deemed to be in violation of the provisions of this ordinance.
- (K) It shall be unlawful to adhere, paste, paint, print, or fasten any handbill, sign, poster, advertisement, or notice of any kind on any curbstone, flagstone, masonry, or any other portion or part of any sidewalk, or upon any tree, hydrant or other public property, or upon any private wall, door or gate (without the consent in writing of the owner of such wall, door or gate), provided, however, that nothing herein contained shall be construed to apply to the posting of legal notices by officers or attorneys in the manner and places prescribed by law, or on wooden posts or poles provide the owner of such wooden posts or poles has granted consent of the posting. The Village may remove and destroy, or cause to be hidden from public view any such prohibited signs or other prohibited signage promoting hate speech, racism, discrimination, violence, or other personal attack on public or private property in the public view.

## 17 PLANNED UNIT DEVELOPMENTS

- (A) Planned Unit Developments. The term Planned Unit Development refers to a type of development which incorporates either a single use or a mixture of uses that are planned and developed as a unit. The Planned Unit Development classification acts as an overlay zone. With this approach, the overall intensity of a development is consistent with the underlying zoning district and the Village Comprehensive Plan. These Planned Unit Development (PUD) regulations provide design flexibility that may be desired, but is not available through the application of the standard Zoning Districts established by this ordinance. Such flexibility requires a review process and detailed development plans. In exchange for flexibility, PUDs may be required to provide amenities not otherwise required through traditional zoning techniques. This requirement is designed to offset the impact of changes in development standards allowed through these provisions such as mixed land uses, increased open space and reduced setbacks. Because of the complex nature of Planned Unit Developments, specific procedures, standards, fees and exceptions are hereby established to govern PUDs.
- (B) Purpose. The purpose of these Planned Unit Development regulations is to encourage and allow more creative and imaginative design for land developments than is possible under the more conventional zoning regulations of this chapter. The Planned Unit Development designation also provides for a more efficient use of land and thus results in more economical physical development.
- (C) The Planned Unit Development method is intended to:

- i. Promote a creative approach to the use of land and related physical facilities that results in better design and development,
  - ii. Combine and coordinate architectural styles, building forms and building relationships with a possible mixing of different urban uses in an innovative design,
  - iii. Promote flexibility in design and permit planned diversification in the location of structures,
  - iv. Promote an efficient use of land to facilitate a more economic arrangement of buildings, circulation systems, land uses and utilities, and the conservation of energy,
  - v. Preserve to the greatest extent possible the existing landscape features and amenities, and to utilize such features in a harmonious fashion,
  - vi. Create a method for the permanent preservation of common open space for the continued use and enjoyment of the residents of the development,
  - vii. Provide for more usable and suitably located recreation facilities, schools, and other public and private facilities, and
  - viii. Allow development, under a specifically approved design concept and site plan, which otherwise may not be permitted by the Zoning Ordinance.
- (D) **Size & Location.** The site of a PUD must be at least two acres in area and of reasonable dimensions to allow a practical arrangement of improvements, open spaces, and land use. A PUD shall front on an arterial or collector roadway as defined in the Village's Comprehensive Plan. Under no circumstances shall a single PUD lie on two sides of an existing public street or alley.
- (E) **Ownership.** The site of a PUD must be under single ownership and/or unified control prior to application for a PUD approval.
- (F) **Permitted Uses.** The particular uses included in a proposed PUD are subject to the review and approval procedures specified herein and shall not be deemed to be permitted by right. All uses permitted in the PUD may be mixed. The mixture of uses must be arranged in such a way as to ensure compatibility among uses.
- i. Residential PUDs may include any use permitted by right or as a special use as a principal or accessory use within any Residential Zoning Districts. A maximum of 10% of the gross site area of a residential PUD may be devoted to commercial uses permitted by right or as a special use in the R-1, R-3, and C Districts, including the required parking and any other accessory uses,
  - ii. Commercial PUDs may include any use permitted by right or as a special use as a principal or accessory use within any Business or Professional Zoning Districts,
  - iii. Industrial PUDs may include any use permitted by right or as a special use as a principal or accessory use in the Industrial Zoning Districts.

**Default Standards.** The use, bulk, development and improvement standards for each planned unit development shall be derived from the underlying zoning district. In the context of the planned unit development those standards shall be referred to as default standards. The PUD shall be



consistent with the underlying zone upon which the PUD is based. Deviations from any of the default standards may be approved only as provided in this subchapter and shall be explicitly stated in the Ordinance approving the PUD.

**Density.** Dwelling unit densities in a planned unit development shall not exceed the maximum densities as designated in the Village Comprehensive Plan. However, increases in dwelling unit densities above the densities allowed by the underlying zoning district may be allowed according to the following criteria:

- (A) Incorporation of common open space, an increase of up to 10%.
- (B) Preservation of natural features or utilization of existing natural features in a harmonious fashion within the design of the site, an increase of up to 5%.
- (C) Removal of deteriorating structures occupying 15% or more of the development site, an increase of up to 5%.
- (D) Donation of land for schools or other public facilities, an increase of up to 10%.

**Lot Coverage.** The maximum lot coverage over the entire PUD site shall be no more than 15% above the maximum lot coverage of the underlying zoning district.

**Yards and Setbacks.** The required setbacks along the periphery of the PUD site shall be at least equal in width or depth to the minimum requirements of the underlying zoning district unless the applicant can demonstrate that a reduction of setbacks is necessary for protection of natural resources, and the reduced setbacks will be offset by additional screening or common open space.

**Common Open Space.** The amount and location of common open space provided shall be consistent with the declared function of the common open space as set forth in the application for a planned unit development. There shall be such provisions for the ownership and maintenance of the common open space to reasonably ensure its continuity and conservation. This assurance shall be attained through the formation of a homeowner's association for the area involved in the planned unit development, or by such other provisions as may be required by the Village Board.

**Off-street Parking.** In no instance shall the off-street parking requirements be less than that be permitted by the Zoning Ordinance

**Landscaping.** A minimum of 2% of all off-street parking areas shall be designated and improved as landscaped areas. Landscaped areas shall be adequately protected from vehicular traffic and properly maintained.

**Screening.** In addition to the landscaping requirements, in any Zoned District which is not a Residentially Zoned District, there shall be provided along any side or rear yard abutting a Residentially Zoned District either: a fence that is a minimum of five-foot high and keeps with the general architectural design of the development, or a densely planted hedge which serves the same purpose as a traditional fence.

**Signage.** Signs for commercial uses in a Residential PUD with underlying residential zoning shall comply with the sign regulations permitted by the Zoning Ordinance. All other signs and sign structures must comply with the regulations for the underlying zoning district.

**Sewers.** All PUDs shall be connected to the public sanitary sewer system prior to occupancy and refuse removal shall be provided to the entire development.

## 17.2 PUD APPLICATION AND REVIEW PROCEDURES

The approval and classification of a proposed PUD shall be accomplished in accordance with the following procedures:

- (A) Prior to the preparation of a formal application, the applicant shall meet with the Zoning Administrator to discuss the proposed development. The purpose of this meeting is to afford the applicant the opportunity to be advised of the procedures and requirements involved in submitting an application and the policies that may affect the application.
- (B) The applicant shall complete a PUD application and shall prepare a preliminary development plan and other supporting materials to generally describe:
  - i. General layout of proposed land uses,
  - ii. Location of proposed buildings, structures and other improvements,
  - iii. Location of proposed streets, sidewalks, access ways, parking areas, and screening,
  - iv. Location of common open space and the use of common open space being provided, where applicable,
  - v. Location of all existing property lines, easements, buildings, streets, sidewalks and other improvements,
  - vi. Location of any significant physical features existing on the site including floodplains, waterways and topography and the pattern of surface water drainage,
  - vii. A legal description of the entire area proposed for development,
  - viii. The total number of dwelling units proposed and a description of the types of residential units, if applicable,
  - ix. The proposed gross leasable floor area of commercial and/or industrial buildings, if applicable,
  - x. The proposed lot coverage of buildings and structures as a percentage of the total development
  - xi. The present and proposed ownership arrangement of all land within the site,
  - xii. Preliminary engineering plans or information on existing and proposed sanitary sewers, storm drainage, water supply and other utilities necessary to adequately service the development,
  - xiii. Proposed agreements, provisions or covenants which will govern the use, maintenance, and continued protection of the development and any of its common open space,
  - xiv. A timetable for development that indicates the approximate date when construction would begin, the stages in which the project would be built and the approximate dates when construction of each stage would begin and end,
  - xv. Additional information that may be requested by the Zoning Administrator.
  - xvi. The applicant shall file the completed application, the preliminary development plan and other exhibits with the Zoning Administrator and shall pay a filing fee

according to the fee schedule in this code. Once filed with the Zoning Administrator the PUD shall be scheduled for a public hearing before the Village Board.

- (C) The PUD shall be filed and the public hearing conducted in accordance with the standard hearing requirements for zoning district amendments. The applicant shall have notice of the public hearing published in a newspaper of general circulation in the Village at least 15 days but not more than 30 days prior to the public hearing. Notices of the public hearing shall be mailed to all property owners within 250 feet of the outer boundaries of the property in question. Said mailing shall be completed at least 15 days but not more than 30 days prior to the public hearing.
- (D) The Village Board shall hold a public hearing and shall review the application and preliminary development plan to determine possible adverse effects of the proposed PUD and to determine what additional requirements may be necessary to reduce such adverse effects.
- (E) General Review Criteria. The Village Board's review of the PUD preliminary and final development plans and exhibits shall be based on the following criteria:
  - i. The PUD is in general conformance with the Village Comprehensive Plan,
  - ii. The use or uses within the PUD are compatible with surrounding land uses,
  - iii. The intensity of development imposes no unreasonably adverse effects on surrounding property,
  - iv. Adequate public facilities exist or will exist to serve the requested use at the time such facilities are needed,
  - v. Ingress and egress to the PUD is provided in a manner that facilitates access by emergency vehicles and efficient and safe traffic circulation in the vicinity,
  - vi. The plan has minimized, to the degree possible, adverse effects on the natural environment,
  - vii. The request conforms to all applicable provisions of this chapter unless specifically excluded by this section.
- (F) Following the public hearing and review, the Village Board shall recommend approval, modification or disapproval of the PUD and preliminary development plan within 30 days. In doing so the Village Board shall develop findings of fact, in accordance with this chapter on which to base its recommendation.
- (G) The Village Board, within a period of 60 days shall approve, approve with modifications or disapprove the PUD and the preliminary development plan. In the case of approval or approval with modifications, the Village Board shall pass an ordinance granting the PUD classification.
- (H) Approval of the preliminary development plan by the Village Board shall not constitute final approval of a PUD. Rather, it shall be deemed an expression of approval of the basic provisions and concepts of the plan and act as a guide for the preparation of the final development plan. The final development plan shall conform to the approved preliminary development plan. Approval of the preliminary development plan shall

not be construed as an implied waiver of any matter. A waiver of any requirement shall be in written form and must accompany the final development plan.

- (I) The approval of the preliminary development plan by the Village Board shall be valid for one year from the date of approval. If a final development plan is not filed within one year from the date of approval of the preliminary development plan by the Village Board, the approval of the preliminary development plan shall lapse, and the PUD classification shall be void and no longer in effect.
- (J) After receiving approval of the PUD designation and the preliminary development plan the applicant shall prepare a final development plan and other supporting materials to specifically include:
  - i. A subdivision plat in the same form and meeting all the requirements of a semi-final subdivision plat under the Subdivision regulations, if the subdivision of land is necessary,
  - ii. A legal description of each separate unsubdivided use area, including common open space,
  - iii. Specific types of uses and location of such uses to be created within the PUD,
  - iv. Designation of the exact location of all buildings to be constructed and the internal uses of these buildings,
  - v. Final tabulation of number of dwelling units per acre, residential unit types and lot coverage,
  - vi. Complete landscaping plan for the development,
  - vii. Detailed maintenance plan for open space and responsibilities for all public and private improvements,
  - viii. Any other plans or specifications that may be necessary for final engineering approval of drainage, street design, utilities, and other facilities by the Village Engineer or Engineering Firm hired by the Village,
  - ix. Certificates, seals, and signatures required for the dedication of lands, and recording of the documents,
  - x. The other materials required for the preliminary development plan submission in their final form,
  - xi. Declaration of covenants, easements and restrictions affecting any of the uses within the PUD,
  - xii. Additional information that may be requested by the Zoning Administrator.
- (K) Once the final development plan has been completed and filed with the Zoning Administrator, the final development plan shall be scheduled for review by the Village Board.
- (L) Following the review of the final development plan, the Village Board shall recommend approval, modification or disapproval of the final development plan for the PUD within 30 days.

- (M) The Village Board shall approve, approve with modifications or disapprove the final development plan within a period of 60 days.
- (N) The final approval of the PUD shall be effective only upon the passage of an ordinance by the Village Board and the filing of the final development plan with the Recorder of Deeds. The recording of the final development plan shall inform all who deal with the PUD of the terms, conditions and provisions of the plan, which shall run with the land. A PUD shall be developed only according to an approved and recorded final development plan.
- (O) The final development approval may be granted in phases as approved by the Village Board. Each final development approval of a phase shall be recorded in the same manner as the final approval of an entire PUD.
- (P) Village Board approval of a final development plan for a PUD that involves the subdivision of land shall also constitute semi-final plat approval under the Subdivision regulations.
- (Q) No construction shall commence until the provisions of this ordinance are met, along with all other applicable Village codes and ordinances.

#### 17.3 FINDINGS.

- (A) As part of making a recommendation to the Village Board on an application for a Planned Unit Development and preliminary development plan, the Village Board shall make findings of fact based upon the evidence presented in the hearing. These findings should detail the degree to which the proposed PUD is consistent with the general review criteria for PUDs and should assist in clarifying any conditions or restrictions recommended as a result of this review process. The approval of a Planned Unit Development shall not be made unless a preponderance of the evidence establishes all of the following:
  - i. That the proposed PUD is consistent with the stated purpose of these PUD regulations,
  - ii. That the proposed PUD meets the requirements and standards of these PUD regulations,
  - iii. That the proposed PUD is in the public interest and is compatible with adjacent properties and neighborhoods,
  - iv. That the proposed PUD is in conformity with the intent and spirit of the planning objectives of the Village.
- (B) As part of making a recommendation to the Village Board on a final development plan, the Village Board shall confirm whether the final development plan complies with the requirements of this subchapter.

#### 17.4 CHANGES SUBSEQUENT TO APPROVAL

No amendments or modifications shall be made to the final development plan after approval and recording, except as provided below.

- (A) Minor Amendments. Changes which do not alter the basic provisions and concepts of the final development plan shall be considered minor amendments and may be authorized at the discretion of the Zoning Administrator. Minor amendments may include changes in the location, siting, and height of buildings, provided these changes are necessitated by engineering limitations or other circumstances unforeseen at the time the final development plan was approved. No amendment to the approving ordinance shall be needed in such cases, but a memorandum of changes shall be filed and recorded with the Recorder of Deeds.
- (B) Major Amendments. All other changes to the uses, common open spaces, arrangement of lots, lot coverage, or development schedule may only be made by following the procedures for final development plan approval as provided herein. Any changes which are subsequently approved must be recorded as amendments to the final development plan in accordance with the procedure established for the recording of the initial final development plan.

#### 17.5 EXPIRATION AND TERMINATION

- (A) The applicant shall conform to the development schedule that is approved with the final development plan. If the applicant has not complied with the approved development schedule a new hearing shall be scheduled before the Village Board, to determine whether the approval of the final development plan shall lapse, and the PUD classification be void and no longer in effect. At its discretion and for good cause, the Zoning Administrator may extend up to one additional year the period for the beginning of construction, the establishment of an approved use, or completion of a phase of the development as indicated in the approved development schedule.
- (B) If the final approval of a PUD lapses under the provisions of this ordinance, the Village Board shall pass an ordinance declaring such PUD final development plan null and void under the terms of this section and shall direct the Village Clerk to record said vacation ordinance.
- (C) Once the final development plan for a PUD is recorded, if the applicant desires to abandon and vacate such final development plan, the applicant shall petition the Village Board for the passage of an ordinance vacating such final development plan. If such an ordinance is passed, the Village Clerk shall record such vacation ordinance with the County Recorder, with the recording fee to be paid by the applicant. Unless such vacation is approved by the Village Board and duly recorded, no construction shall be undertaken or use established on the property included in the PUD, except in accordance with the approved PUD plan.

#### 17.6 REQUIRED DOCUMENTS AND BONDS

- (A) All common open space, upon mutual agreement of the applicant and the Village, shall be either conveyed to the Village or conveyed to a not-for-profit corporation or entity established for the purpose of benefiting the owners and residents of the PUD or adjoining property owners by providing perpetual maintenance of all lands in common within the PUD, or guaranteed by a restrictive covenant describing the open space and its maintenance and improvement and running with the land for the benefit of the residents of the PUD or adjoining property owners or both.

- (B) The construction and maintenance of all public facilities and improvements which are a part of a PUD shall have Payment and Performance bonds, and approved prior to the recording of the final development plan.

## 18 SPECIAL USE PERMITS

### 18.1 General provisions:

- (A) **Classification of Special Uses.** To provide for the location of certain uses with unique characteristics which may be appropriate for and compatible within a given zoning district, but depending on how the use is designed and operated, there is the potential that the use could be incompatible with surrounding properties, or adversely affect the future development of the community, a classification of special uses is established. The review requirements and standards outlined in this subchapter are designed to provide a stricter examination of such uses in order to assure compatibility within the Zoning District and to minimize potential harmful effects of the use. Such special uses may be developed in the zoning districts specified only if findings are made that the standards and conditions set forth in the appropriate ordinances are met.
- (B) **Special Use Permits.** Utilizing the provisions established by this subchapter, an applicant may file an application for a special use permit, allowing for the establishment, operation and maintenance of a particular use, which traditionally affects the public interest, but whose unusual nature may give rise to unique problems for neighboring property or public facilities.
- (C) **Conformance with Other Requirements.** Special uses shall conform to all the applicable requirements governing bulk, off-street parking and loading and all other applicable provisions of this chapter.

### 18.2 APPLICATION AND REVIEW PROCEDURES

An application for a special use permit shall be made in accordance with the following procedures.

- (A) Prior to the preparation of a formal application, the applicant or his agent shall meet with the Zoning Administrator to discuss the situation, learn the procedures, obtain an application form, and present any preliminary information.
- (B) The applicant or his agent shall complete the application and shall prepare a site plan and other supporting materials that contain the information as requested in this chapter as well as the following:
  - i. Description of business operations, including hours, products, market area, traffic volumes, and timetable for development (if applicable),
  - ii. A written joinder agreement signed by the title holder of the property and notarized, concurring with the special use request (if the applicant is not the owner of the property).
- (C) The applicant or his agent shall file the completed application form, and the required site plan and exhibits, with the Zoning Administrator at least 20 days prior to the required public hearing, and shall pay a filing fee according to the fee schedule in this chapter. The Zoning Administrator shall schedule the application for a public hearing before the Village Board.

- (D) The applicant shall have notice of the public hearing published in a local newspaper of general circulation at least 15 days but not more than 30 days prior to the public hearing.
- (E) If all required site plans and exhibits are provided, the Village Board shall hold the public hearing and shall study the application to determine possible adverse effects of the proposed special use and to determine what additional requirements may be necessary to reduce such adverse effects. If all required plans and exhibits are not available for the Village Board's consideration, action on the application may be delayed until the information is made available.
- (F) In reviewing the special use permit application and the other evidence presented, the Village Board shall consider the following criteria. Any request for a special use permit shall be reviewed for consistency with the following criteria:
- (G) The use is in substantial harmony with the purpose and intent of the Zoning District in which it is to be located.
- (H) The use conforms to all applicable regulations of the Zoning District in which it is to be located.
- (I) The use is necessary for the public convenience at the location.
- (J) The use is consistent with applicable provisions of the Village Comprehensive Plan.
- (K) The use is compatible with the existing or allowable uses of adjacent properties.
- (L) The use will preserve the essential character of the neighborhood in which it is located.
- (M) The use will not adversely affect the public health, safety or welfare.
- (N) The use will not adversely influence living conditions in the immediate vicinity.
- (O) The use will not adversely affect adjacent properties.
- (P) The use will not create undue traffic congestion.
- (Q) The request conforms to all applicable provisions of this chapter.
- (R) The Village Board shall prepare and adopt findings, and make decisions in accordance with the provisions of this chapter.

### 18.3 FINDINGS AND DETERMINATION

- (A) Findings of Fact. Before deciding, the Village Board shall make findings of fact based upon the evidence presented in the hearing. These findings should detail the degree to which the proposed special use is consistent with the review criteria and should assist in clarifying any conditions or restrictions recommended as a result of this review process. The approval of a special use permit shall not be made unless the evidence presented is such to establish all the following:
  - i. That the proposed use is designed, located, and proposed to be operated so that it will not be unreasonably injurious to the district in which it shall be located or otherwise detrimental to the public health, safety or general welfare,
  - ii. That the proposed use substantially complies with the specific requirements of, and preserves the essential character of the Zoning District in which it shall be located,



- iii. That the proposed use is reasonably necessary for the public convenience at the location in question.
- (B) Conditions. In granting approval for any special use permit, the Village Board may recommend and the Village Board may impose additional conditions as are deemed appropriate or necessary for the reasonable protection of the public health, safety, and welfare and to carry out the purposes of this chapter including but not limited to the following:
- i. Regulate the location, extent, and intensity of such uses,
  - ii. Require adherence to an approved site plan,
  - iii. Require additional landscaping and the screening of such uses by means of fences, walls, or vegetation,
  - iv. Stipulate required minimum lot sizes, minimum yards, and maximum height of buildings and structures,
  - v. Regulate vehicular access and volume, and the design and location of parking and loading areas and structures,
  - vi. Require conformance to health, safety, and sanitation requirements, as necessary,
  - vii. Regulate signs, architectural features, and outdoor lighting,
  - viii. Any other conditions deemed necessary to effect the purposes of this chapter.
- (C) Upon receipt of written objections to the proposed special use from more than 50% of the property owners within 250 feet of the subject property, a favorable vote of two thirds of those Village Boarders present shall be required to forward a recommendation of approval of the special use permit.
- (D) Final Determination. The Village Board shall take final action on the application within 45 days of the public hearing. If the Village Board votes to approve the request, it shall do so by adopting the proposed request by ordinance. If the Village Board voted to deny an application for a special use permit, a two thirds (2/3rds) affirmative vote of the Village Board then holding office is required to override the previous Village Board's action if a substantially similar request is made within twelve (12) months.
- (E) Withdrawal. An application may be withdrawn any time prior to the beginning of the public hearing without penalty. If the application is withdrawn between the time the hearing begins and the Village Board takes final action, said application cannot be reheard for 12 months.
- (F) Denial. If an application is considered and ultimately denied by the Village Board, that request shall not be reconsidered by the Village Board at any time in a substantially similar form unless the Zoning Administrator determines that conditions affecting the requested special use have changed significantly enough to justify reconsideration of said request.
- (G) Re-submittal. Resubmitting another application for special use after denial or withdrawal shall be accomplished in the same general manner as is prescribed in this subchapter.

#### 18.4 CHANGES SUBSEQUENT TO APPROVAL

An applicant desiring to amend the plans that were approved as part of the special use permit approval process shall contact the Zoning Administrator.

- (A) Minor Amendments. If the Zoning Administrator deems the amendments minor and not significant, the Zoning Administrator shall review the revised plans and decide as to whether the changes will be allowed.
- (B) Major Amendments. If the Zoning Administrator deems the amendments significant, an application for a new special use permit will need to be submitted and approval of that special use permit application granted.

#### 18.5 EXPIRATION AND REVOCATION

Once a special use permit is approved by the Village Board for a specific location, the permit and each condition thereof shall be deemed continuing until the permit is revoked or otherwise terminated.

- (A) Expiration. In any case where a special use permit has been approved, the special use permit shall terminate, and the use of the property authorized by the special use permit shall be ended immediately if:
  - i. Once a special use is established, a change in use occurs from the established special use to another use,
  - ii. An established special use is abandoned or discontinued for a period of 12 consecutive months,
  - iii. Special use is not established within 18 months of the date of final approval by the Village Board.
- (B) Within that period, if an applicant can show the Zoning Administrator that progress is being made towards establishing an approved special use, then the Zoning Administrator has the discretion to grant in writing one time extension for a reasonable period under the circumstances.
- (C) Revocation. Violation of the conditions of a special use permit shall be deemed a violation of this chapter and shall be grounds for revocation of a special use permit.
- (D) In the event of a violation of the special use permit or any condition thereof, the Zoning Administrator will notify the property owner of the violation in writing. If the violation specified in such notice is not corrected within 30 days after the notice is issued, then the Zoning Administrator shall cause a citation for such violation to be issued and served on the property owner at the location for which the permit was granted and the penalty provisions of this chapter shall apply, provided, however, that, if in the judgment of the Zoning Administrator, the violation cannot be corrected or the property owner has refused to correct the violation and the Zoning Administrator is satisfied that such violation will not be corrected under the circumstances, then the Zoning Administrator may elect to commence revocation proceedings.
- (E) The Zoning Administrator commences revocation proceedings by filing a complaint with the Village Board, alleging the facts and circumstances of the violation of the special use permit or any condition and requesting that the permit be revoked. Within

ten (10) days after filing such complaint, the Zoning Administrator shall cause a copy thereof to be served on the property owner, who shall have a period of twenty (20) days after such service to file with the Village Board a response to the allegations of the complaint. Any allegation which is not denied is deemed admitted. The Village Board shall set the matter for public hearing at its next regular meeting after the response is filed or the time for filing the response has elapsed without a response being filed. At the hearing, the Village Board shall determine whether the complaint has been proven by a preponderance of the evidence, and, if so, the Village Board shall recommend the revocation of the special use permit. The property owner shall have the right to cross-examine witnesses and present evidence at the hearing.

- (F) If the Village Board recommends the revocation of the special use permit, the Village Board shall approve or reject such recommendation at a regular meeting occurring within thirty (30) days.
- (G) In the event the Village Board approves the revocation of the special use permit, the permit shall be revoked and the use of the premises that had been permitted under the special use permit shall cease.

## 19 COMMUNITY DESIGN REGULATIONS

### 19.1 General provisions

The purpose of this Article is to establish standards and procedures for the review of the exterior designs of buildings and structures in order to enhance the aesthetic quality of the community and encourage the development of buildings and neighborhoods of distinguished architectural character and appearance.

### 19.2 DESIGN REVIEW PROCEDURES IN THE R DISTRICT.

Design review of buildings in the R-1, R-2, and R-3 Districts shall be conducted in accordance with the following procedures.

- (A) In accordance with the International Residential Code Edition
- (B) Prior to the preparation of a formal application, the applicant or his agent shall meet with the Zoning Administrator to discuss the situation, learn the procedures, obtain an application form, and present any preliminary information.
- (C) The applicant or his agent shall complete the application and shall prepare a site plan and other supporting materials that contain the information requested in this chapter as well as the following:
  - i. Elevation drawings,
  - ii. Material samples,
  - iii. Other information in sufficient detail as necessary to determine compliance with these standards.
- (D) The applicant or his agent shall file the completed application form, and the required site plan and exhibits, with the Zoning Administrator and shall pay a filing fee according to the fee schedule in this chapter.

- (E) The Zoning Administrator shall then notify the Village Board of the receipt of an application and make a recommendation on the application to the Zoning Administrator not more than 30 days after the filing of the application. The Zoning Administrator shall determine whether the submission complies with the applicable standards set forth in this subchapter. Evaluation of the design shall also be based on the quality of the design in relation to surroundings.
- (F) The Zoning Administrator shall approve, reject, or approve with conditions the design within five days of the receipt of the recommendation of the Village Board.
- (G) Approval of a design shall be granted upon a finding that:
  - i. The building or structure complies with the standards in this chapter,
  - ii. The building or structure is compatible in design with buildings within the immediate area.

### 19.3 MANUFACTURED HOUSING DESIGN REVIEW PROCEDURES.

A manufactured housing unit design compatibility review shall be conducted in accordance with the following procedures.

- (A) Prior to the preparation of a formal application, the applicant or his agent shall meet with the Zoning Administrator to discuss the situation, learn the procedures, obtain an application form, and present any preliminary information.
- (B) The applicant or his agent shall complete the application and shall prepare a site plan and other supporting materials that contain the information requested in this chapter as well as the following:
  - i. Elevation drawings,
  - ii. Material samples,
  - iii. Other information in sufficient detail as necessary to determine compliance with these standards.
- (C) The applicant or his agent shall file the completed application form, and the required site plan and exhibits, with the Zoning Administrator and shall pay a filing fee according to the fee schedule in this chapter.
- (D) The Zoning Administrator shall then conduct the review and decide at least ten days but not more than 20 days after the receipt of the application. In conducting the design compatibility review the Zoning Administrator shall determine whether the submission complies with the standards set forth in this subchapter. Evaluation of the design of a manufactured housing unit shall also be based on the quality of the design in relation to surroundings. A proposed manufactured housing unit shall be compared to other housing within 250 feet of the proposed location. Anticipated development of an area may be considered when deciding about compatibility.
- (E) The Zoning Administrator shall approve, reject, or approve with conditions the design at least ten (10) days but not more than twenty (20) days after the receipt of the application.
- (F) Approval of a design shall be granted upon a finding that:

- i. The proposed manufactured housing unit complies with all standards of this chapter,
- ii. The proposed manufactured housing unit is compatible in design with homes within the immediate area,
- iii. The proposed manufactured housing unit is comparable in construction value with homes within the immediate area, and
- iv. Siding and roofing materials are compatible with the general aesthetic appearance of existing residential structures within the immediate area.

## 20 NONCONFORMITIES

### 20.1 General Provisions.

- (A) Purpose. The purpose of this subchapter is to define and regulate different types of nonconformities with the intent that ultimately most nonconformities will be eliminated or brought into compliance with the requirements of this chapter.
- (B) Classification of Nonconformities. An existing building, structure, use, or lot legally established prior to the effective date of this chapter, or subsequent applicable amendments thereto, that does not conform to one or more of the regulations currently applicable to the zoning district in which the building, structure, use or lot is located shall be classified as a nonconformity and subjected to the regulations of this subchapter.
- (C) Interpretations. The regulations for nonconforming uses shall apply not only to the principal building but also to all accessory buildings or structures located on the same lot. In addition, the regulations of this subchapter pertaining to a building occupied by a nonconforming use shall apply not only to a building which is completely occupied by such a use but shall also apply to a building in which the nonconforming use occupies only a portion of the building.
- (D) Evidence of Legal Status. The evidence of the legal status of nonconformity shall be supplied by the owner of the property upon request of the Zoning Administrator. Owners who fail to present sufficient evidence to indicate that the nonconformity was lawfully established at some point may be denied the rights and privileges granted by this subchapter and may subject the owner to enforcement proceedings by the Village in order to obtain full compliance with this chapter. An owner of record seeking to establish the legal status of a nonconformity shall provide documentation, in a form acceptable to the Zoning Administrator of the following:
  - i. The date of construction for all buildings and structures or the date the use was initially established. Such documentation may include, but not be limited to, a certified copy of the building permit, certificate of occupancy, certificate of zoning compliance, business license or Federal Employer Identification Number,
  - ii. Indication of continuous on-site operation of said use, or a use determined by the Zoning Administrator to be similar in nature to a previous use, on said lot, in the previous 12 months.

- (E) Continuation. Any legal nonconformity may be continued under this subchapter but shall be subject to full compliance with the other applicable provisions of this subchapter.

## 20.2 CHANGE OF USE.

A nonconforming use of any building or lot may not be changed to another use unless the new use is a permitted use in the zoning district in which it is located and complies with the provisions of this chapter. When a nonconforming use is replaced by a permitted use, the building or lot shall not thereafter be used or occupied by a nonconforming use.

## 20.3 ADDITIONS OR EXPANSIONS.

- (A) Additions or enlargements to nonconforming buildings or structures shall be permitted, provided that no such addition or enlargement increases an existing nonconformity or creates a new nonconformity.
- (B) Any nonconforming use of a building shall not be expanded into any other portion of the building.
- (C) A nonconforming use shall not be expanded or moved to any other part of a lot.

## 20.4 ALTERATIONS, REPAIRS, AND MAINTENANCE.

Structural alterations designed to extend the life of a nonconformity shall not be made to a nonconforming building or structure, except when:

- (A) Required by law or a regulatory authority pursuant to law,
- (B) The alteration will result in the elimination of the nonconformity,
- (C) A building in a residential district containing nonconforming residential uses is being altered to improve the livability, provided that the structural alterations shall not increase the number of dwelling units or increase the nonconformity, or
- (D) Routine repairs and maintenance on nonconforming buildings or structures shall be permitted.

## 20.5 DISCONTINUANCE AND ABANDONMENT.

When any nonconforming use has been discontinued for a period of 12 consecutive months, regardless of any intent to resume operations, the nonconforming use shall be presumed to be abandoned and the rights provided by this subchapter shall be forfeited and any subsequent use of the premises shall follow the requirements applicable to the zoning district in which the use is located.

## 20.6 DAMAGE OR DESTRUCTION.

- (A) If a nonconforming building or structure or building containing a nonconforming use is damaged or destroyed, by any means, to the extent of 50% or more of its fair market value, based on the valuation of the township assessor, then it shall not thereafter be reconstructed or repaired unless in full compliance with the provisions of this ordinance.
- (B) In the event the damage or destruction is less than 50% of its fair market value, the building or structure may then be restored to its preceding condition and the occupancy

and use of the building or structure which existed at the time of the damage may be continued, provided that the restoration is completed within 12 months of the date of damage or destruction.

## 21 VARIATIONS

### 21.1 General provisions.

- (A) Purpose. This subchapter affords property owners a process by which variations from certain provisions of this chapter may be considered in order to prevent unnecessary and undue hardship that may be caused by the literal enforcement of the provisions of this chapter.
- (B) Applicability. Variances may be granted with respect only to the following provisions of this chapter:
  - i. Supplementary Use Regulations,
  - ii. Parking space requirements in, loading and landscaping requirements,
  - iii. Sign height and area requirements, or
  - iv. of up to a 50% variation.
- (C) Under the provisions of this chapter, said applications shall be separated and classified as either a minor or major variance according to the degree of non-compliance said variance will produce in relation to the amount required for full compliance with the applicable provisions of this chapter.
  - i. Minor Variance. Applications seeking relief from specific provisions of this chapter, which will produce an increase or decrease in the degree of compliance by not more than 25% of the amount required for full compliance, shall be classified as a minor variance.
  - ii. Major Variance. All applications seeking relief from specific provisions of this chapter, which will produce an increase or decrease in the degree of compliance by more than 25% of the amount required for full compliance, shall be classified as a major variance.
- (D) Conditions. In granting any variation, the Zoning Administrator may prescribe appropriate conditions as are deemed appropriate or necessary for the reasonable protection of the public health, safety, and welfare and to carry out the purposes of this chapter. Violations of such conditions shall be deemed a violation of this chapter.

### 21.2 PROCEDURES FOR MINOR VARIANCES.

An application for a minor variance shall be in accordance with the following procedures.

- (A) Prior to the preparation of a formal application, the applicant or his agent shall meet with the Zoning Administrator to discuss the situation, learn the procedures, obtain an application form, and present any preliminary information.
- (B) The applicant or his agent shall complete the application and shall prepare a site plan and other supporting materials to describe:
  - i. Location of the property, and

- ii. Classification of Variations. In order to ensure efficient consideration of all applications for variances:
  - (a.) Actual dimensions of the lot,
  - (b.) Location of the building or structure to be erected, converted, enlarged, or structurally altered and distance from the building or structure to each lot line, and
  - (c.) Other such information as may be necessary to determine and provide for the enforcement of this chapter.
- (C) The applicant or his agent shall file the completed application form together with the required site plan with the Zoning Administrator and shall pay a filing fee according to the fee schedule in this chapter.
- (D) The Zoning Administrator shall review the application and other related evidence, and then prepare findings and make a final determination on the application in accordance with this subchapter within 20 days of the filing of an application.

### 21.3 PROCEDURES FOR MAJOR VARIANCES.

An application for a major variance shall be in accordance with the following procedures.

- (A) Prior to the preparation of a formal application, the applicant or his agent shall meet with the Zoning Administrator to discuss the situation, learn the procedures, obtain an application form, and present any preliminary information.
- (B) The applicant or his agent shall complete the application and shall prepare a site plan and other supporting materials to describe:
  - i. Location of the property,
  - ii. Actual dimensions of the lot,
  - iii. Location of the building or structure to be erected, converted, enlarged, or structurally altered and distance from the building or structure to each lot line, and
  - iv. Other such information as may be necessary to determine and provide for the enforcement of this chapter.
- (C) The applicant or his agent shall file the completed application form together with the required site plan with the Zoning Administrator and shall pay a filing fee according to the fee schedule in this chapter.
- (D) The Zoning Administrator shall schedule the application for a public hearing before the Board within ten days of the receipt of an application.
- (E) The applicant shall have notice of the public hearing published in a local newspaper of general circulation at least 15 days but not more than 30 days prior to the public hearing.
- (F) The Board shall hold the public hearing and shall consider the application and other evidence to determine possible adverse effects of the proposed variation.
- (G) In reviewing the variance application and the other evidence presented the Board shall consider the following criteria. Any request for a variation shall be found to be consistent with the following criteria:



- i. The request is not the result of a situation or condition that was knowingly or deliberately created by the applicant,
  - ii. The variation will not adversely affect adjacent properties,
  - iii. The variation is consistent with applicable provisions of the Village Comprehensive Plan, or
  - iv. The variation conforms to the purpose and intent of this chapter.
- (H) The Board shall review the application and other related evidence, and then prepare findings and decide on the application in accordance with this subchapter within 20 days of the close of the public hearing.
- (I) All decisions of the Board of on major variances shall be subject to the following:
- i. Any decision of the Board concerning a major variance request shall be considered a provisional decision for a period of 15 days. During the 15-day provisional period the variance applicant or any member of the Village Board may file in writing with the Village Clerk an appeal for a stay of the decision. Upon receipt of such an appeal the Village Clerk shall forward a notice of such appeal to the applicant and the Mayor. The provisional decision shall then be forwarded to the next regularly scheduled Village Board meeting and be deemed a recommendation on the variation requested. At that Board meeting, the Village Board shall conduct a de novo hearing and hear arguments by the parties. Parties shall include: (1) the applicant, (2) any other interested person filing a written entry of appearance. The Village Board shall in the exercise of its legislative authority then render a final decision on the variance request. The Village Board shall render its final decision within 30 days of the filing of the notice of appeal. Such time period may be extended by agreement with the applicant.
  - ii. In the event the applicant or a Village Board member does not file an appeal for a stay of the provisional decision as provided above, the provisional decision shall become a final decision of the Board on the 16th day following the initial decision.
  - iii. All final decisions of the Village Board on major variations shall be subject to judicial review in accordance with applicable law.

#### 21.4 FINDINGS AND DETERMINATION.

- (A) Findings of Fact. Before deciding on an application for variation, the decision maker shall develop findings of fact based upon the evidence presented in the hearing. These findings should detail the degree to which the applicant has established that the variation is necessary and should assist in clarifying any conditions or restrictions recommended as a result of this review process. The approval of a variation shall not be made unless the evidence presented is such to establish all the following:
- i. That there are special circumstances or practical difficulties that exist that have created an undue hardship that is applicable only to the property involved,
  - ii. That the undue hardship was not created by the action or inaction of the applicant, owner of the property or any previous property owner,

- iii. That the applicant cannot derive a reasonable use of the property without the variance,
  - iv. That the literal interpretations of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district, and
  - v. That the proposed variance represents the minimum necessary to make possible the reasonable use of the lot or structures.
- (B) Final Determination. Once the findings are made the Village Board shall then make a final determination on the variance application to approve, conditionally approve, or deny the application. The Zoning Administrator shall immediately notify the applicant of the decision and the findings and final determination shall be filed in the office of the Zoning Administrator.

## 22 AMENDMENTS

### 22.1 General provisions.

- (A) Authority. The regulations and standards of this chapter and the district boundaries on the Official Zoning Map may be amended from time to time by following the provisions set forth in this subchapter.
- (B) Classification of Amendments. In order to ensure efficient consideration of all proposed amendments under the provisions of this chapter, said amendments shall be separated and classified as either a textual amendment or a map amendment.
  - i. Textual Amendment. All petitions for additions, modifications, deletions or other substantive changes to the text, requirements or procedures of this chapter shall be defined as textual amendments.
  - ii. Map Amendment. All petitions for modification to the delineation of zoning district boundaries on the Official Zoning Map shall be defined as map amendments.
- (C) Initiation of Amendments. Textual amendments may be proposed by the Village Board, Village Board, or Zoning Administrator. Map amendments may be proposed by the Village Board, Village Board, Zoning Administrator, or any person with an ownership interest in the property which is subject of the proposed amendment.
- (D) Definition of Person. "Person" shall include an individual, corporation, partnership, limited liability company, trust, or other entity.

### 22.2 PROCEDURES FOR AMENDMENTS INITIATED BY THE VILLAGE.

A petition to amend the Official Zoning Map or the text of this chapter that is initiated by the Village Board, Village Board, or Zoning Administrator shall be made in accordance with the following procedures.

- (A) The Zoning Administrator shall file a completed petition with the Village Clerk on behalf of the Village of Oakwood at least 20 days prior to the required public hearing. The filing fee shall be waived. The Zoning Administrator shall then schedule the petition for a public hearing before the Village Board.

- (B) The Zoning Administrator shall have notice of the public hearing published in a local newspaper of general circulation at least 15 days but not more than 30 days prior to the public hearing.
- (C) The Village Board shall then hold the public hearing and shall review the petition and other related evidence, and then prepare and adopt the findings and make a recommendation on the petition in accordance with 150.173 of this subchapter.

### 22.3 PROCEDURES FOR AMENDMENTS INITIATED BY OTHERS.

A petition to amend the Official Zoning Map that is initiated by a person other than the Village shall be made in accordance with the following procedures.

- (A) Prior to the preparation of a formal petition, a petitioner or his agent shall meet with the Zoning Administrator to discuss the situation, learn the procedures, obtain a petition, and present any preliminary information.
- (B) The petitioner or his agent shall complete the petition and shall prepare a site plan and other supporting materials that contain the information requested in this chapter as well as the following:
  - i. Description of business operations, including hours, products, market area, traffic volumes, and timetable for development (if applicable),
  - ii. A written joinder agreement signed by the title holder of the property and notarized, concurring with the requested amendment (if the petitioner is not the owner of the property).
- (C) The petitioner or his agent shall file the completed petition, together with the required site plan and exhibits, with the Zoning Administrator at least 20 days prior to the required public hearing and shall pay a filing fee according to the fee schedule in this chapter. The Zoning Administrator shall then schedule the petition for a public hearing before the Village Board.
- (D) The petitioner shall have notice of the public hearing published in a local newspaper of general circulation at least 15 days but not more than 30 days prior to the public hearing.
- (E) If all required site plans and exhibits are provided, the Village Board shall then hold the public hearing and shall review the petition and other related evidence. If all required plans and exhibits are not available for the Village Board's consideration, action on the petition may be delayed until the information is made available.
- (F) In reviewing the petition and the other evidence presented, the Village Board shall consider the criteria listed here. Any request for a map amendment shall be reviewed for consistency with the following criteria:
  - i. The request is consistent with all applicable provisions of the Village Comprehensive Plan,
  - ii. The request is compatible with the existing or allowable uses of adjacent properties,
  - iii. The request will preserve the essential character of the neighborhood in which it is located,
  - iv. The request will not adversely affect the public health, safety or welfare,

- v. The request will not adversely influence living conditions in the immediate vicinity,
  - vi. The request will not adversely affect adjacent properties,
  - vii. The request will not create undue traffic congestion,
  - viii. The request has minimized, to the degree possible, adverse effects on the natural environment,
  - ix. The request can demonstrate that adequate public facilities exist or will exist to serve the requested use at the time such facilities are needed, and
  - x. The request conforms to all applicable provisions of this Ordinance.
- (G) The Village Board shall then prepare and adopt findings and make a recommendation on the petition in accordance with this subchapter.

#### 22.4 FINDINGS AND DETERMINATION.

- (A) Findings of Fact. Before deciding on an application for variation, the decision maker shall develop findings of fact based upon the evidence presented in the hearing. These findings should detail the degree to which the applicant has established that the variation is necessary and should assist in clarifying any conditions or restrictions recommended as a result of this review process. The approval of a variation shall not be made unless the evidence presented is such to establish all the following:
- i. That the proposed amendment is consistent with the goals, objectives and policies of the Village Comprehensive Plan and is in conformity with the designations delineated on the Future Land Use Map,
  - ii. That the proposed amendment is consistent with the spirit, purpose and intent of this chapter, and
  - iii. That the development allowed by the proposed amendment will be compatible with existing uses and existing zoning classifications of property within the general area.
- (B) Final Determination. The Village Board shall then take final action on the petition within 45 days of the public hearing. If the Village Board votes to approve the request, it shall do so by adopting the proposed amendment by ordinance. If an amendment request is contrary to the Future Land Use Map of the Village Comprehensive Plan, a two thirds (2/3rds) affirmative vote of the Village Board then holding office is required to approve the request.
- (C) Written Protests. In case of a written protest against any proposed amendment of the regulations or districts, signed and acknowledged by either (1) the owners of 20% of the frontage proposed to be altered, (2) the owners of 20% of the frontage immediately adjoining or across the alley therefrom, or (3) the owners of 20% of the frontage directly opposite the frontage proposed to be altered, is filed with the Village Clerk on or before the date of the public hearing set forth in the notice of hearing so published, the amendment shall not be passed except by an affirmative vote of two thirds (2/3rds) of the Village Board then holding office. In such cases, a copy of the written protest shall be served by the protestor(s) on the petitioner for the proposed amendment and a copy upon the attorney, if any, for the petitioner, by certified mail at the address of such petitioner and attorney as shown in the petition for the proposed amendment.

- (D) Withdrawal. A petition may be withdrawn any time prior to the beginning of the public hearing without penalty. If the petition is withdrawn between the time the hearing begins and the Village Board takes final action, said petition cannot be reheard for 12 months.
- (E) Denial. If a petition is considered and ultimately denied by the Village Board, that request shall not be reconsidered by the Village Board at any time in a substantially similar form unless the Zoning Administrator determines that conditions affecting the requested amendment have changed significantly enough to justify reconsideration of said request.
- (F) Re-submittal. Resubmitting another petition for an amendment after denial or withdrawal shall be accomplished in the same general manner as is prescribed in this subchapter.

## 23 ADMINISTRATION AND ENFORCEMENT

### 23.1 Zoning Administrator.

- (A) Powers and Duties. The Zoning Administrator shall have the authority to administer and enforce this chapter. In carrying out the administration and enforcement of this chapter the Zoning Administrator may:
  - i. Interpret, construe and apply the provisions of this chapter,
  - ii. Maintain permanent records pertaining to this chapter, including: maps, amendments, special uses, variations, appeals and applications therefor,
  - iii. Conduct inspections of buildings, structures and uses as may be necessary to determine compliance with this chapter,
  - iv. Order the discontinuance of uses of land, buildings or structures, the discontinuance of work being done or any other actions authorized by this chapter to insure compliance with or to prevent violations of its provisions,
  - v. Issue all sign permits where authorized by this chapter, and keep permanent records thereof,
  - vi. Enforce all provisions of this chapter and all permits and approvals granted hereunder, and
  - vii. Carry out such other responsibilities as may be specifically delegated to the Zoning Administrator by this chapter, or by the Village Board.

### 23.2 PLANNING AND ZONING VILLAGE BOARD.

- (A) Purpose. The Village of Oakwood, as established by and described shall act as the advisory body with respect to planning and zoning matters outlined in this chapter.
- (B) Powers and Duties. The Village Board shall have the following authority and duties under this chapter:
  - i. Prepare and an official Village Comprehensive Plan to guide the future development or redevelopment of the Village and its planning area and, from time to time, to recommend amendments to the plan,

- ii. Propose and adopt amendments to this ordinance,
- iii. Conduct public hearings and review applications for proposed zoning map amendments, special use permits, and Planned Unit Developments, and make decisions thereon, and
- iv. Carry out such other responsibilities as may be required to achieve the goals set forth in this ordinance.

### 23.3 VILLAGE BOARD APPEAL.

- (A) Proceedings. Meetings of the Board shall be held as the need arises and at such reasonable times and place as the Board may determine, though all hearings shall be scheduled within 30 days of receiving an application. Any application to the Board must be made within 30 days of the Board's final decisions. When conducting hearings and making decisions a quorum shall be present. All meetings shall be public and shall be subject to the Open Meetings Act. The Board may adopt its own rules and procedures for hearings which are not in conflict with the statutes or this chapter. A recording secretary shall be present at all meetings where formal action is to occur. The recording secretary shall create an audio tape of the hearing and prepare a detailed set of minutes for each case. After having heard the evidence, the Board shall decide which shall be supported by written findings of fact. A decision made on an appeal application shall be final and subject to review in accordance with the Administrative Review Act of the State of Illinois. A decision made on a major variance shall be a provisional decision. All hearing minutes as well as actions and determinations shall immediately be filed in the office of the Zoning Administrator and the Village Clerk and shall be a public record. Any further such review may be made in a court of competent jurisdiction.

### 23.4 VILLAGE BOARD.

- (A) In the administration and enforcement of this chapter, it shall be the duty and responsibility of the Village Board to:
  - i. Review recommendations of the Village Board on zoning map amendments, special use permits, Planned Unit Developments, and other amendments to this Ordinance and make final determinations thereon,
  - ii. Consider all appointments made by the Mayor to the Village Board,
  - iii. Carry out such other responsibilities as may be specifically delegated to the Village Board by this chapter.

### 24 CONSTRUCTION PERMITS.

- (A) Building Permit. A building permit is issued to ensure that all structures comply with the provisions of this chapter and the applicable building codes. No person shall construct or modify a building or structure until a building permit has been issued. The Zoning Administrator shall review each application for a building permit made under the building code of the Village, prior to the issuance of a building permit. If an application for a building permit is for any new construction of a building or structure or an addition to an existing building or structure the application shall be accompanied by a site plan, as described above. Site plan review and approval by the Zoning

Administrator shall be required prior to the issuance of a building permit in such instances.

- (B) Other Construction Permits. Applications for electrical, plumbing, HVAC, and any other similar permits authorizing a change in a building or property shall contain a statement indicating the existing and proposed use for which the building or structure will be used. The Zoning Administrator shall review each application which indicates a change of use, even if the proposed permit does not indicate a change in the exterior elements of the property. The permit shall be issued subject to zoning approval.
- (C) Voided Permits. Any construction permit issued which purports to authorize the use, structure or improvement to the land not in compliance with the requirements of this chapter or Chapter 127 shall be void.

## 25 SITE PLAN REVIEW.

- (A) In order to ensure conformity with the provisions of this chapter and compatibility with adjacent development prior to construction, a site plan review procedure is hereby established. Projects that involve the construction of a new building or structure or an addition to an existing building or structure require site plan review and approval. Site plan review may also be required in order to ensure compliance with any other provisions of this chapter at the discretion of the Zoning Administrator. When a site plan review is required, site plan approval by the Zoning Administrator must be granted prior to the issuance of a construction permit or certificate of occupancy. A project which requires site plan review shall be accompanied by a site plan drawn to scale, and supporting documents that contain the following information:
  - i. Location of the property,
  - ii. Actual dimensions of the lot,
  - iii. Location and exact size of the building or structure to be erected, converted, enlarged, or structurally altered,
  - iv. Distance from proposed buildings or structures to each lot line,
  - v. Existing and intended use of each building or part thereof,
  - vi. Location of all existing buildings and structures,
  - vii. Location of each parking space, loading space, access way and curb cut, Location of trash disposal areas and screening for such areas, Landscaping plan for the development,
  - viii. Lighting plan for parking areas,
  - ix. Location of principal signage along with conceptual designs, and
  - x. Other such information as may be necessary to determine and provide for the enforcement of this chapter.
- (B) The submitted site plan shall be reviewed by the Zoning Administrator to determine the following:
  - i. That the proposed building or structure is either entirely occupied by a conforming use, or that if the structure is occupied wholly or partly by a nonconforming use,

that such nonconforming use is allowed under and complies with the regulations of as stated in this code,

- ii. That the proposed building or structure complies with the applicable height, area, yard, parking and landscaping regulations as required by this chapter,
- iii. That the proposed building or structure complies with all other applicable standards as required by this ordinance, and
- iv. Upon a determination that all the requirements above are met or not met, the Zoning Administrator shall approve or disapprove the site plan.

## 26 CERTIFICATE OF OCCUPANCY.

A certificate of occupancy is needed to ensure that all structures and uses comply with the provisions of this chapter and all preceding development permit approvals. No building or structure shall be occupied, and no change shall be made in the use of any land, building or structure until a certificate of occupancy permit has been issued by the Zoning Administrator or the building inspector, stating that the building and use comply with the provisions of this chapter.

## 27 ZONING COMPLIANCE LETTER.

A zoning compliance letter is issued by the Zoning Administrator to certify that a proposed or existing use or development is or is not in compliance with the provisions of this chapter. Any person with an interest in a property may request a zoning compliance letter from the Zoning Administrator at any time. In no case shall the issuance of a zoning compliance letter prevent an applicant from having to obtain any other form of development approval otherwise required by this ordinance or referenced codes.

## 28 APPEALS.

- (A) Any decision regarding the interpretation or enforcement of the provisions of this chapter may be appealed to the Board by any person claiming to be aggrieved thereby, in accordance with the provisions of this ordinance.
- (B) In order to initiate the appeals process, an application for zoning appeal must be completed and filed with the Village Clerk within 180 days of the decision of the Zoning Administrator, and a filing fee paid according to the fee schedule in this chapter. The application for appeal shall contain the following information:
  - i. Identification of the decision being appealed including the section of the chapter subject to the appeal, and
  - ii. Identification of the grounds for the appeal including sufficient facts and conditions which serve to notify the Board of the basis for the appeal.
- (C) Once an appeal has been filed, no permits shall be issued, or other approvals granted for the subject property until the appeal is decided. A hearing shall be scheduled before the Village Board and the appeal shall be heard within 45 days of the filing date of the appeal. Notice of the time and place of the hearing shall be provided to the applicant at least 20 days prior to the hearing.
- (D) The applicant shall have notice of the public hearing published in a local newspaper of general circulation at least 15 days but not more than 30 days prior to the public hearing.



- (E) The hearing shall be held in accordance with the rules and procedures established by the Village Board and the Village Board shall make a determination on the appeal within 30 days of the close of the hearing.
- (F) On an appeal of any decision or determination of the Zoning Administrator, the Village Board shall be limited to a determination of the propriety of the questioned action taken by the Zoning Administrator. The Board may reverse, affirm, or modify the decision appealed. In order to reverse or modify a decision, any one or combination of the following findings must be satisfied:
  - i. That the Zoning Administrator misinterpreted the provisions of this chapter,
  - ii. That the section of this chapter does not apply in this situation, or
  - iii. That the provision in question is unclear and an interpretation is necessary to determine the intent and application of the provision.
- (G) In making its determination, the Village Board may not grant a variation in the application of the regulations of this chapter.
- (H) Any further review shall be filed with a court of competent jurisdiction within 45 days of receipt of the written determination.

#### 29 FEES.

Any application for a zoning map amendment, special use permit, planned unit development, variation, or appeal to the Board shall be filed with the Village Clerk and accompanied by a fee in the amount prescribed in this section. Once an application has been filed and the fee paid the fee is non-refundable.

- (A) Zoning Map Amendment - \$500
- (B) Special Use Permit - \$4.00 per \$1000 of Project Value
- (C) Planned Unit Development - \$6.00 per \$1000 of Project Value
- (D) Design Compatibility Review:
  - i. Minor Variance - \$2.00 per \$1000 of Project Value
  - ii. Major Variance - \$3.00 per \$1000 of Project Value

#### 30 VIOLATIONS.

- (A) No person shall erect, construct, alter, use, maintain or allow any building, lot, or parcel of land to be used or maintained in violation of this chapter. In addition to other actions which may constitute a violation, the following constitute violations of this chapter:
  - i. The use, arrangement, or construction of a building, structure or improvement to land does not conform with that authorized by approved plans,
  - ii. An improvement is constructed, or a use is operating without obtaining the appropriate permits or zoning approvals,
  - iii. The use of a structure or land which is nonconforming does not meet the requirements of this code,

- iv. The use of a structure or parcel of land which is a conforming use, but does not meet the applicable district standards or other requirements of this chapter, unless otherwise provided,
  - v. The use of a structure or parcel of land does not comply with conditions or standards enumerated in a special use approval, or
  - vi. The sale, conveyance, or use of any portion of a lot which reduces the lot area below the minimum area required, depth or width of a yard to less than the minimums required, or the number of parking spaces below the minimum number of spaces required.
- (B) The following shall be presumed for assessing the existence and length of a violation:
- (C) Persons are presumed to be fully aware of the provisions of this chapter and ignorance of such does not exempt such persons from the enforcement actions provided for in this chapter.
- i. A violation shall be presumed to have existed from the earliest date that can be legally established from the following:
    - (a.) The date of issuance of a notice of violation, license, permit, registration, inspection report, or other documentation in relation to the offense or that permits a use that would not otherwise be permitted in this chapter,
    - (b.) The date of any advertisement, correspondence, or other documentation generated by the establishment announcing or describing the illegal operation of that establishment, or
    - (c.) The date of collection or reporting of taxes, fees, or other payments to any agency in relation to the offense.
- (D) A separate offense shall be deemed committed on each day during which a violation of this chapter occurs or continues after it has been established that the violation existed, unless the person charged establishes that the violation did not occur on a subsequent date or dates.
- (E) Enforcement of a violation may be initiated against the owner, whether legal, equitable, or in the case of an Illinois land trust, a beneficial interest holder, a tenant, occupant, or other person with ownership interest in or control of the property.
- (F) Whenever the Zoning Administrator determines that there has been a violation of this chapter or has reasonable grounds to believe that a violation has occurred, the Zoning Administrator shall give notice of the violation to the owner or person or persons responsible therefor in the manner prescribed here. Such notice shall be in writing and shall include:
- i. The date the violation was established,
  - ii. A description of the subject property,
  - iii. A statement of the reason or reasons why the notice is being issued, including the section of this chapter that is being violated,

- iv. A correction order allowing a reasonable time for the action necessary to bring the property into compliance with the provisions of this chapter or otherwise cease the violation, and
  - v. An explanation of the owner or person(s) charged with the violation the right to appeal the notice to the Village Board.
- (G) Such notice of violation shall be deemed to be properly served upon such owner or person charged if:
- i. A copy thereof is personally delivered to the owner or person(s) charged,
  - ii. The notice is sent by first class mail and addressed to the last known address of the owner or person(s) charged, or
  - iii. If the letter is returned stating that it is undeliverable by posting a copy thereof in or about the structure or property affected by such notice and publishing such notice in a local newspaper of general circulation.
- (H) When a person receives notice of a violation and does not comply with the order to correct the violation within the specified time, the Zoning Administrator may elect to proceed under any one, or combination of, the enforcement measures described within this chapter or otherwise authorized by law to seek correction of the violation or punishment for the offense or both.
- (I) The Zoning Administrator is authorized to issue a failure to comply ticket, or similar instrument, to any person that has violated any of the provisions of this chapter. The failure to comply ticket may function as the notice of violation. A failure to comply ticket shall be served in the manner described above.
- (J) The Zoning Administrator shall have the authority to issue a stop work order to any person the Zoning Administrator has reasonable grounds to believe is committing or has committed a violation of this chapter.
- (K) Nothing herein shall limit any other right or remedy of the Village or other person in interest including, but not limited to, the right to obtain an injunction of any violation from a court of competent jurisdiction.

### 31 PENALTIES.

A violation by any person, corporation, or other entity, whether as principal, agent, employee, or otherwise, of any provisions of this chapter shall be punishable by a fine of not less than \$100 per day per violation, nor more than \$1,000 per day per violation. In addition to any fine imposed hereunder, the violator shall pay all of the costs and fees incurred by the Village in prosecuting the violation, which shall include but not be limited to the costs associated with an administrative adjudication proceeding or court proceeding, and reasonable attorney's fees.

All ordinances, resolutions, and orders or parts of such in conflict with this Ordinance are repealed to the extent of such conflict.

This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

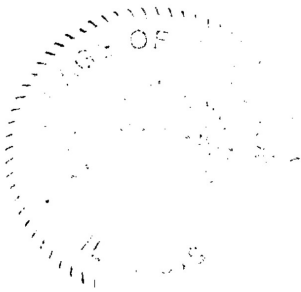
Adopted on 6-19, 2023, by the Board of Trustees of the Village of OAKWOOD, situated in Vermilion County, Illinois, pursuant to a roll call vote as follows:

Ayes: Fegett, Light, Parr, Trimell, Fritz

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

Abstain: \_\_\_\_\_



Village of Oakwood

WSEVSK

Village Mayor

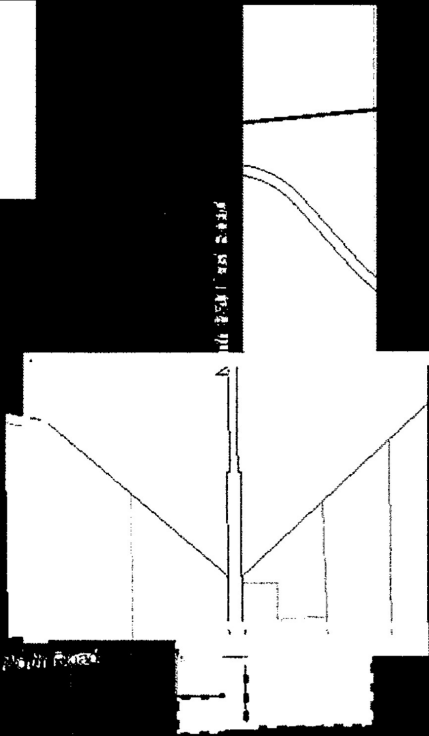
ATTEST:

Conner Young

Clerk

**Village of Oakwood District Map**

- A - Agriculture
- R-1 - Residential
- R-2 - Residential
- R-3 - Residential
- C - Commercial
- I - Industrial



Map of Village of Oakwood  
1984-85-86-87

Map of Village of Oakwood  
1984-85-86-87



Map of Village of Oakwood  
1984-85-86-87

Map of Village of Oakwood  
1984-85-86-87

