

VILLAGE OF HAMMOND
PIATT COUNTY, ILLINOIS

ORDINANCE #2021-03

Zoning Ordinance

ADOPTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF HAMMOND THIS
14th DAY OF April 2021

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County, Illinois, this 14th day of April 2021

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Be it ordained by the President and the Board of Trustees of the Village of Hammond, Piatt County, Illinois, as follows:

SECTION 1 – Title, Intent, and Purpose

A. Title: These regulations may be referred to as the “Zoning Ordinance”

B. Intent & Purpose:

1. Need for public services and facilities in both size and location depends upon the character and intensity of land use. Regulation of the use of land is thus fundamental to a coordinated optimum physical development of the community. The land use regulations are intended to be the foundation of the entire process of improvement of the physical environment.
2. The regulations are intended to preserve and protect existing property uses and values against adverse or unharmonious adjacent uses.
3. The land use regulations divide the area into a number of zoning districts:
 - a. The comprehensive plan included careful estimates of the land area requirements for the various land uses such as commerce, residence, industry, transportation, and public uses. These urban uses should be directed into that land area where they may be most efficiently served by public services and facilities such as sewers, water, school, parks, and the like. Remaining lands should be reserved for rural uses. Consequently, the regulations include a Rural District for non-urban uses;
 - b. In the past, residential neighborhoods have deteriorated because they were invaded by small isolated commercial uses and by more intensive residential uses such as duplexes or apartment buildings. The great majority of our population desire to, and do, live in single-family homes which they own and which are located on fairly large lots. The regulations establish residential districts particularly designed to provide maximum protection for single-family and multiple family homes. Density, yard, and parking regulations would insure good living conditions in these areas;
 - c. Commercial districts recognize the different types of commercial areas that will be needed by the future growth of the community. There is a zoning district for the central commercial district or downtown area and a general commercial district for the more widely used commercial areas along major streets and highways;
 - d. The regulations are reasonable in relation to existing conditions. Yard dimensions are adjusted to peculiarities of existing lots. Lots that are now too small may be used. Nonconforming uses are permitted to continue;
 - e. Each of the regulations has been designed to work harmoniously with the others with the totality providing that minimum degree of land use control essential to the realization of the optimum urban environment.

SECTION 2 – Districts and Boundaries

- A. Districts: The intent of this section is to create a series of districts or zones of such number and character, as are necessary to achieve compatibility of uses within each district. For the purpose of this Ordinance, the Village of Hammond has been divided into the following districts:
1. District – Agriculture
 2. District – Business
 3. District – Residential
- B. District Boundaries:
1. The boundaries of the districts are shown upon the map attached hereto and made a part hereof, which map is designated as the “District Map”. The district map and all notations, references, and other information shown thereon are a part of this Ordinance and have the same force and effect as if the district map and all the notations, references, and other information shown thereon were all fully set forth or described herein, the original of which the district map is properly attested and is on file with the Village Clerk of the Village of Hammond, Illinois.
 2. Whenever any street, alley, or other public way is vacated by official action of the Village Council of the Village of Hammond, the zoning district adjoining each side of such street, alley, or public way shall be automatically extended to the center of such vacation, and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.
 3. All territory which may hereafter be annexed to the Village of Hammond shall be placed in the most appropriate district until otherwise changed by Ordinance.

SECTION 3 – General Provisions:

- A. Except as hereinafter provided:
1. No building shall be erected, converted, enlarged, reconstructed, or structurally altered; nor shall any building or land be used except for a purpose permitted in the district in which the building or land is located;
 2. No building shall be erected, converted, enlarged, reconstructed, or structurally altered except in conformity with the area regulations of the district in which the building is located;
 3. The density and yard regulations of this Ordinance are minimum regulations for any building hereafter erected or structurally altered. No land required for yards or other open spaces about an existing building or any building hereafter erected or structurally altered shall be considered a yard or lot area for more than one building;
 4. Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case, shall there be more than one main building on a lot except as otherwise provided in this Ordinance;
 5. No building shall be erected or structurally altered to the extent specifically provided hereinafter except in conformity with the off-street parking and loading regulations of this Ordinance;
 6. Cooperatives, condominiums, and all other forms of property ownership do not affect the provisions of these regulations and all requirements shall be observed as though the property were under single ownership;

7. All modular homes shall conform with the applicable yard size, height, and density requirements and all other requirements to which other single-family dwelling must conform of the district in which modular homes are permitted.

SECTION 4 – Use Regulations

A. District Regulations: In the following established districts, a building or premise shall be used only for the following purposes:

1. A: Agricultural District

Permissive uses:

- a. Agricultural activity;
- b. Single-family dwelling;
- c. Park or forest preserve;
- d. Church;
- e. Public school, elementary and high, or private school having a curriculum equivalent to a public elementary or public high school and having no rooms regularly used for housing or sleeping purposes;
- f. Large-scale residential development in accordance with the provisions of Section 4.B hereof;
- g. Golf course except miniature courses or driving range;
- h. Roadside stand for the display or sale of agricultural products raised on the premises;
- i. Greenhouse or nursery;

Conditional Uses:

- a. Extrication of coal, sand, or gravel;
- b. Airport;
- c. Public building erected by any governmental agency;
- d. Hospital, nursing home and educational, religious and philanthropic institution on sites of not less than five acres;
- e. New cemetery on site of not less than 20 acres or enlargement of existing cemetery;
- f. Radio and television towers and public utility substations;
- g. Privately operated outdoor recreational facility, including riding stable, lake, swimming pool, tennis court and golf course on site of not less than five acres;
- h. Sanitary landfill;
- i. Sewage treatment facilities;

2. R: Residential District

Permissive Uses:

- a. Single-family dwelling, including a modular home when it conforms with the applicable size, density, and yard regulations and satisfies the definition of a single-family dwelling;
- b. Public park or playground;
- c. Church;
- d. Public school, elementary and high, or private school having a curriculum equivalent to a public elementary or public high school and having no rooms regularly used for housing or sleeping purposes;
- e. Golf course, except miniature course and driving tees operated for commercial purposes;

- f. Large scale residential development in accordance with the provisions of Section 4.B;
- g. A “racetrack” of any type is NOT a permissible use in a residential district.

Conditional Uses:

- a. Privately operated lake, swimming pool, or tennis court on site of not less than five acres;
- b. Public building erected by any governmental agency;
- c. Hospital, nursing home, educational, philanthropic or religious institution on site of not less than five acres, provided not more than 50% of the site area may be occupied by buildings, and provided further that the building shall be set back from all required yard lines;
- d. Nursery, pre-kindergarten, kindergarten, play, special, and other private school;
- e. Private recreational facility, fenced if so, required elsewhere within, where buildings and/or structures do not occupy more than 10% of the site area;
- f. Greenhouse or nursery
- g. Conditional Use Permit

3. B: Business District

Permissive Uses:

- a. Any permissive use of the R: Residential District;
- b. Automobile, new and used, sales parking lot;
- c. Bank, bowling alley, dance hall, or skating rink;
- d. Dressmaking, tailoring, shoe repairing, repair of household appliances and bicycles, dry cleaning and pressing, bakery with sale of bakery products on the premises and other uses of similar character;
- e. Farm implements or agricultural service establishment, including feed and bottle gas;
- f. Funeral home or mortuary;
- g. Hotel or motel;
- h. Office or office building;
- i. Commercial garage or automobile repair shop;
- j. Personal service use, including barber shop, beauty parlor, photographic or artist’s studio, taxicab, newspaper or telegraphic service station, dry cleaning receiving station, restaurant, tavern, bar, and other personal service uses of a similar character;
- k. Retail store, including florist shop and greenhouse in connection with such shop, but there shall be no slaughtering of animals or poultry on the premises of any retail store;
- l. Automobile service station;
- m. Theatre or assembly hall;
- n. A mobile home park which is licensed, developed, maintained, and operated in accordance with State law and Village ordinances.

Conditional Uses:

- a. Drive-in establishment, including, but not limited to, restaurant or theater;

- b. Veterinarian, animal hospital, or kennel;
- c. Lumberyard
- d. Bulk grain storage;
- e. Grain elevator;
- f. Truck or bus terminal;
- g. General repair and service establishments, including dyeing or cleaning works or laundry, plumbing and heating, printing, painting, upholstering, or appliance repair;

B. Other Use Regulations:

1. Special Provisions for Large Scale Residential Developments:

- a. Large scale residential developments, where permitted, are subject to the following conditions:

The housing type, minimum lot area, yard, and accessory uses shall be determined by the requirements and procedure set out below, which shall prevail over conflicting requirements of this Ordinance or the Ordinance governing the subdivision of land.

The Final Development Plan shall follow all applicable procedures, standards, and requirements of the Ordinance governing the subdivision of land. The Final Development Plan shall be prepared by and have the seal of an architect, engineer, or surveyor duly registered to practice in this state. No building permit shall be issued until a final plat of the proposed development is approved and recorded.

The council shall review the conformity of the proposed development with the standards of the official city plan and recognized principles of civic design, land use planning, and landscape architecture. The minimum yard and maximum height requirements of the district in which the development is located shall not apply except that minimum yards shall be provided around the boundaries of the area being developed. The Council may impose conditions regarding the layout, circulation, and performance of the proposed development and may require that appropriate deed restrictions be filed enforceable by the Village for a period of 20 years from date of filing. A plat of development shall be recorded regardless of whether a subdivision is proposed and such plat shall show building lines, common land, streets, easements, and other applicable features required by the Ordinance regulating the subdivision of land.

The number of dwelling units permitted shall be determined by dividing the net development area by the minimum lot area per family required by the district(s) in which they are located. Net development area shall be determined by subtracting the area set aside for churches, schools, or other non-residential uses from the gross development area and deducting 20% of the remainder for streets, regardless of the amount of land actually required for streets. The area of land set

aside for common open space or recreational use shall be included in determining the number of dwelling units permitted.

- b. The council may hold one or more public hearings on a Final Development Plan. The council shall approve or disapprove the Development Plan after public hearing. After approval by council and after any required restrictions are in effect, the building inspector may issue permits enabling the approved Final Development Plan to be carried out.
2. Accessory buildings and uses are permitted when in accordance with the following:
 - a. In the R District, accessory buildings and uses are limited to:

A non-commercial greenhouse that does not exceed in floor area 25% of the ground floor area of the main building;

A private residential garage used only for the housing of non-commercial passenger automobiles and with a floor area of not to exceed 450 square feet and height not to exceed 12 feet to the square from ground level. An additional floor area of 200 square feet may be provided for each 3,000 square feet of lot area by which such lot exceeds 6,000 square feet, provided that no garage shall exceed 1,000 square feet nor house more than five such automobiles;

Home occupation;

Vegetable or flower garden;

Tennis court, fenced swimming pool, garden house, pergola, ornamental gate, barbeque oven, fireplace, and similar uses customarily accessory to residential uses;

- b. There shall be the following additional regulations for accessory buildings:

No accessory building shall be constructed upon a lot until the construction of the main building has been actually 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;

No accessory building may be erected in front of a main building unless the accessory building is attached to the main building by a common wall;

Accessory buildings may not be used for dwelling purposes.
3. Regulations regarding signs shall be as follows:
 - a. The following signs are allowed in all districts:

Temporary signs not exceeding 12 square feet in area advertising the sale or lease of real estate when located upon property to which the sign refers and when not located closer than 10 feet to a lot line, which signs shall be removed upon sale or lease of the property;

Temporary ground signs advertising future use or development of property on which such signs are located may be maintained subject to the provisions of this section, provided such signs do not exceed 30 square feet in area or remain longer than six months. "For Rent" and "For Lease" signs in commercial districts for new buildings shall not exceed 48 square feet or remain more than 90 days after the building is completed;

Church or public building bulletin boards not exceeding 12 square feet in area;

Traffic and public signs;

- b. In the B District, there may be roof signs, wall signs, projecting signs, post signs, marquee signs, and awning signs when displaying no advertising matter except on the premises on which such sign is placed. The total square foot of roof signs, wall signs, projecting signs, marquee signs, and awning signs shall not exceed 1/5 of the total square foot area of the face of the building on which they are placed. There shall not be more than one post sign for each 100 feet of street frontage.
 - c. The following additional sign regulations shall be observed:
Ground signs-Every ground sign shall be stoutly constructed in a secure and substantial manner.
4. Regulations regarding fences shall be as follows:
 - a. No fence more than 30% solid or more than three feet high may be located within 25 feet of a street intersection;
 - b. Except as provided in (a) above, fences less than four feet high may be located on any part of a lot;
 - c. Except as provided in (a) above, fences less than six feet high may be erected on those parts of a lot that are as far back or farther back from the street than the main building.
 5. Regulations regarding motor vehicles in R Districts:
No motor vehicle having four or more axles and/or being more than 25 feet in overall combined length may be parked upon the streets or alleys in any Residential District for longer than one hour at a time, except that this regulation shall not apply to any such motor vehicle which is parked upon a private, properly constructed and designated drive way or inside a garage or shed upon property owned or leased by the owner or operator of such vehicle.
 6. Non-conforming uses are regulated:

- a. Non-conforming use of buildings: Except as otherwise provided herein, the lawful use of a building existing at the effective date of this Ordinance may be continued although such use does not conform to the provisions hereto. If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or of a more restricted classification. Whenever a non-conforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.
 - b. Discontinuance of nonconforming uses: No building or portion thereof used in whole or in part for a nonconforming use in a Residential District, which remains idle or unused for a continuous period of one year, the equipment or fixtures removed, shall again be used except in conformity with the regulations of the Residential District in which it is located.
 - c. Conditional uses not nonconforming: Existing uses eligible for conditional use permit shall not be nonconforming uses but shall require a conditional use permit for any alteration, enlargement, or extension.
 - d. Intermittent use: The casual, intermittent, temporary, or illegal use of land or buildings shall not be sufficient to establish the existence of a nonconforming use and the existence of a nonconforming use on the part of a lot or tract shall not be construed to establish a nonconforming use on the entire lot or tract.
7. Mobile Homes, Trailers, Campers, and Motor Homes:
- a. It shall be unlawful for any person to place, park, or leave any mobile home within the Village of Hammond, or to allow a mobile home to be placed, parked, or left on any parcel of ground owned by them within the Village of Hammond, other than in a mobile home park licensed, developed, maintained, and operated in accordance with state law and the ordinance of the Village, except that such mobile homes may be temporarily parked other than in a mobile home park in an emergency or while awaiting for admission to such park. As used in this paragraph temporarily parked means being left within the Village, whether attended or not attended, for more than three days.
 - b. It shall be unlawful for any person to occupy for residential or other purposes any mobile home in the Village of Hammond, which mobile home is not located within a mobile home park licensed, developed, maintained, and operated in accordance with state law and the ordinances of the Village.
 - c. It shall be unlawful for any person to occupy for residential or other purposes any travel trailer, camper, or motor home within the Village of Hammond other than in a mobile home park licensed, developed, maintained, and operated in accordance with state law and the ordinances of the Village, except that such units may be occupied on a temporary, infrequent basis by the owners of such units, or by guests visiting residents of the Village of Hammond. As used in this paragraph, a temporary, infrequent use of such a unit shall mean its use for not more than three consecutive days on not more than three occasions during a calendar year.

- d. The provisions of this Section shall not apply to a mobile home situated within the Village of Hammond, as of the date of this amendatory ordinance #1989-6, provided such mobile home is occupied and maintained in conformity with all state and local sewer, water, sanitation, and health laws and ordinances; but such mobile home may not be replaced by another mobile home nor removed to another location within the Village of Hammond, except in conformity with the provisions of this ordinance. Mobile homes so situated, but not in conformity with all applicable state and local sewer, water, sanitation, and health laws and ordinances shall be brought into compliance with said laws and ordinances on or before October 9, 1989, or be removed to a mobile home park licensed, developed, maintained, and operated in accordance with state law and the ordinance of the Village or removed from the Village.

SECTION 5 – Yard Regulations

A. Minimum yard requirements:

The following minimum yards, measured in feet, shall be provided within the districts indicated below:

<u>District</u>	<u>Front Yard</u>	<u>Side Yard</u>	<u>Rear Yard</u>
R (single or multi-family dwelling)	25	8	25
R (accessory buildings & private Recreational facilities)	not in front	4	10
A	none	none	none
B	none	none	none

Whenever a lot abuts upon a public alley, ½ of the alley width may be considered as a portion of the required yard.

Where there is no sidewalk, survey pin, or other physical landmark found, then the Village’s right of way shall be considered 10 feet from edge of the road. Where there is a sidewalk, the Village’s right of way shall be the inside of the sidewalk. The Village’s right of way is to be maintained by the homeowner.

The homeowner is responsible for the culvert on their property or the Village’s right of way.

B. Additional requirements: The following yard requirements must also be observed:

1. On corner lots, there must be a front yard on both streets. On corner lots that are lots of record, the buildable width cannot be reduced to less than 28 feet, except that there shall be a yard along the side street side of such a lot of at least five feet;
2. There may be two or more related multi-family, hotel, motel, or institutional buildings on a lot, provided that the required yards be maintained around the group of buildings;

3. Required front yards shall be devoted entirely to landscaped area except for guest parking and the necessary paving of driveways and sidewalks to reach parking or loading areas in the side or rear yard;
4. Where an official line has been established for the future widening or opening of a street or major thoroughfare upon which a lot abuts, then the depth of a front or side yard shall be measured from such official line to the nearest line of the building;
5. The minimum width of side yards for schools, libraries, churches, community buildings, and other public and semi-public buildings in residential districts shall be 25 feet, except where a side yard is adjacent to a commercial district in which case the width of that yard shall be as required in the district in which the building is located.
6. No sign, fence, wall, shrub, or other obstruction to vision exceeding three feet in height above the established street grade shall be erected, planted, or maintained within the area of a corner lot that is included between the lines of the intersecting streets and a straight line connecting them at points 25 feet distance from the intersection of the street lines.

C. Exceptions to yard requirements: The following exceptions may be made to the yard requirements:

1. Open unenclosed porches (not glassed in) may extend ten feet into a front yard.
2. Terraces which do not extend above the level of ground (first) floor may project into a required yard, provided these projections be distant at least two feet from the adjacent side lot line.
3. No side yards are required where dwellings are erected above commercial structures, except such side yard as may be required for a commercial building on the side of a lot adjoining a Residential District.
4. Accessory buildings may be located in a rear yard, but may not occupy more than 50% of a rear yard.

SECTION 6 – Density Regulations

A. Minimum Lot Area and Width: The following minimum lot areas and lot widths must be provided in the districts indicated.

District	Lot Width in Feet	Lot Area in Sq. Feet	Lot Area per Family in Sq. Feet
A	none	none	none
B	none	none	none
R	100	10,000	10,000

B. Exceptions to Lot Area and Width Requirements

The minimum lot area and lot width requirements established above may be modified as follows:

1. Where a lot of record at the time of the effective date of this Ordinance has less area or width than herein required in the district in which it is located, and the owner of such lot does not own any other parcel or tract adjacent thereto, said lot may nevertheless be used for a one family dwelling or for any non-dwelling use permitted in the district in which it is located;
2. Lot area per family requirements shall not apply to dormitories, fraternities, sororities, nursing homes, or other similar group quarters where no cooling facilities are provided in individual rooms or apartments.

SECTION 7- Off-Street Parking and Loading Regulations

- A. Off-Street Parking Requirements: Off-street parking spaces shall be provided as follows:
 1. Single family dwellings: one space for each dwelling;
 2. Multiple dwellings: One and one-half spaces for each dwelling unit in the Residential Districts;
- B. Location of Required Parking Spaces: All parking spaces required herein shall be located as follows:
 1. The parking spaces required for residential buildings or uses shall be located on the same lot with the building or use served;
 2. No parking spaces may be located in a front yard in the “R” Residential District, and there shall be no parking of cars in a front yard in said district.
- C. Minimum Improvement and Maintenance Standards: The parking areas shall be maintained in a usable condition and graded and drained to dispose of all surface water. Whenever lighting is provided, it shall be so hooded or shielded as to reflect the light away from abutting or neighboring property, including public rights-of-way.

SECTION 8 – Driveways

The following materials are deemed to be acceptable for driveways in residential areas:

1. Concrete
2. Blacktop
3. Rock
4. Oil and chip

Driveways in residential areas shall be constructed of one of said acceptable materials. Concrete driveways shall be terminated at property lines to facilitate repairs to underground utility installations; other acceptable materials for driveways shall be extended to the Village street.

SECTION 9 – Sidewalks

Existing sidewalk is the property of the Village and the sidewalk will be maintained by the Village. If the homeowner damages existing sidewalk(s), it’s the homeowner’s financial responsibility to replace said sidewalk per Village guidelines, as well as, ADA standards. The minimum width for an ADA-compliant sidewalk is 36 inches (3 feet), though sidewalks can be constructed wider than this. If sidewalks are less than 60 inches (5 feet) across, passing spaces must be constructed at set intervals. Typically, sidewalks should be wide enough to allow two adults to walk comfortably next to each other. A good standard width is 48 inches. A typical city

or builder installed sidewalk is straight and runs along the perimeter of your property. A sidewalk is for pedestrian use only.

SECTION 10-Administration

A. Zoning Board of Appeals

1. Creation of the Zoning Board of Appeals

- a. There is hereby created the Zoning Board of Appeals consisting of seven (7) members appointed by the Mayor, by and with the consent of the Board of Trustees. Upon the adoption of this Ordinance, the seven members shall be appointed to serve respectively for the following terms: One for one year, one for two years, one for three years, one for four years, one for five years, one for six years, and one for seven years. The successor to each member so appointed to serve for a term of five years.
- b. One of the members so appointed shall be named as Chairman at the time of his/her appointment. The amount of compensation to be paid to members, if any, shall be fixed by the Village Board. Subject to the approval of the Board of Trustees, the Mayor may remove any member for cause and after public hearing. Vacancies shall be filled for the unexpired term of the member whose place has become vacant.
- c. All meetings of the Board of Appeals shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman, or in his/her absence, the acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact, and shall also keep records of its examinations and other official actions. No hearing shall be conducted without a quorum of the Board being present, which shall consist of a majority of all the members. Any absent member who certifies that he has read the transcript of the proceedings before the Board may vote upon any question before the Board. Every rule, regulation, every amendment or repeal, thereof, and every order, requirement, decision, or determination of the Board shall immediately be filed in the office of the Board and shall be public record.

2. Duties of the Zoning Board of Appeals

- a. The Zoning Board of Appeals shall hear appeals from and review any order, requirement, decision, or determination made by the Village Building Inspector. In hearing such appeals, the Board is authorized to recommend to the Village Board interpretations of the meaning of the Ordinance in case of ambiguities and to recommend rulings with respect to the application of the Ordinance.
- b. The Zoning Board of Appeals is authorized to hear petitions for variations from the strict terms of the Zoning Ordinance where a genuine and unique hardship would result if the Zoning Ordinance were strictly applied. The Zoning Board of Appeals may recommend to the Village Board that the variation would be in harmony with the general purpose and intent of this Zoning Ordinance and in accord with general or specific rules written into this Ordinance.

- c. In no case does the Zoning Board of Appeals have the power to make changes in text itself or in the zoning maps. Amendments can be adopted only by the Village Board after public hearing before a commission or committee appointed by the Village Board, as required by state statute.
 - d. The Zoning Board of Appeals shall conduct hearings and make recommendations to the Village Board on applications for conditional use permits specifically listed in the district regulations of this Ordinance, if designated by the Board to do so.
 - e. The Zoning Board of Appeals shall conduct hearings on proposed amendments to the Zoning Ordinance, if designated by the Village Board to do so.
- B. Village Board: The Village Board shall have the following duties and responsibilities with respect to the administration and enforcement of the Hammond Zoning Ordinance:
- 1. The Village Board may grant only those conditional use permits which are listed in Section 4 hereof and such permits shall be issued only in the districts so designated.
 - 2. The Village Board may impose such conditions or restrictions upon the location, construction, design, or operation of a conditional use and the duration of such permit as it shall respectfully find necessary or appropriate to ensure that the standards set forth in this Ordinance and subsequent amendments are met.
 - 3. No conditional use permit shall be granted by the Village Board unless a committee or commission appointed by the Board shall first have conducted a public hearing on the permit application and shall have transmitted a report of its findings and recommendations to the Board for its consideration.
 - 4. No conditional use permit shall be granted unless said permit conforms to the standards as may be set forth in this Ordinance and subsequent amendments.
 - 5. The Village Board may grant a variation whenever and only when all of the conditions in Section 8.E.4 are met. All variations shall be granted by Ordinance. No variation shall be granted unless the Zoning Board of Appeals has conducted a public hearing on the application for variance in accordance with state statute.
 - 6. In the event that the Zoning Board of Appeals recommends that a proposed variation not be granted, then such variation may be granted by the Village Board only upon the favorable vote of two-thirds (2/3) of all members of the Village Board.
 - 7. The Village Board may from time to time amend by Ordinance the text of the Zoning Ordinance and the official zoning map, but no such amendment shall be made without a hearing before a committee or commission appointed by the Board.
 - 8. The Village Board shall review the report submitted by the commission or committee concerning proposed amendments to this Zoning Ordinance. In case of a written protest against any proposed amendment of the regulations or districts, signed and acknowledged by 20% of the owners of the frontage proposed to be altered, or by the owners of 20% of the frontage immediately adjoining or across an alley therefrom, or by the owners of 20% of the frontage directly opposite the frontage proposed to be altered, is filed with the Clerk of the municipality, the amendment shall not be passed except by a favorable vote of 2/3 of the Trustees of the Village.
 - 9. The Village Board may establish a schedule of fees, charges, and expenses in accordance with Section 10.

C. Enforcement of the Ordinance

1. Building Inspector

- a. Duties: It shall be the duty of the Building Inspector, who shall be appointed by the Village Board for such term as it may direct, to enforce this Ordinance. The Building Inspector shall receive applications required by this Ordinance, issue permits, and furnish the prescribed certificates. He/she shall examine premises for which permits have been issued, and shall make necessary inspections to see that the provisions of law are complied with. He/she shall enforce all laws relating to the construction, alteration, repair, removal, demolition, equipment, use and occupancy, location and maintenance of building and structures, except as may be otherwise provided for. He/she shall, when requested by the Mayor or Village Board, or when the interest of the municipality so require, make investigations in connection with matters referred to in this Ordinance and render written reports on the same. For the purpose of enforcing compliance with the law, he/she shall issue such notices or orders as may be necessary.
- b. Inspections: Inspections shall be made by the Building Inspector or a duly appointed assistant.
- c. Rules: For carrying into effect its provisions, the Building Inspector may adopt rules consistent with this Ordinance.
- d. Records: The Building Inspector shall keep careful and comprehensive records of applications, of permits issued, of certificates issues, of inspections made, of reports rendered, and of notices or orders issued. He/she shall retain on file copies of all papers in connection with building work so long as any part of the building or structure to which they relate may be in existence. All such records shall be open to public inspection at reasonable hours, but shall not be removed from the office of the Building Inspector.

2. Permits

- a. When required: It shall not be lawful to construct, alter, repair, remove, or demolish, or to commence the construction, alteration, removal, or demolition of a building or structure, without first filing with the Building Inspector an application in writing and obtaining a formal permit. A permit is not required for:
 1. Routine maintenance or repair of building structures or equipment;
 2. Alterations of existing buildings costing less than \$300;
 3. Construction of a service connection to a municipality owned and operated utility;
 4. Any agricultural use in the A District;
 5. Alterations on the inside of any building.
- b. Form: An application for a permit shall be submitted in such form as the Building Inspector may prescribe. Such application shall be made by the owner or lessee, or agent of either, or the architect, engineer, or builder employed in connection with the proposed work. If such application is made by a person other than the owner in fee, it shall be accompanied by a duly verified affidavit of the owner in fee, or the person making the application that the proposed work is authorized by the owner in fee and that the person making the application is authorized to make such application. Such application shall contain the full names and addresses of

the applicant and of the owner, and, if the owner is a corporate body, of its responsible officers. Such application shall describe briefly the proposed work and shall give such additional information as may be required by the Building Inspector for an intelligent understanding of the proposed work. Such application shall be accompanied by payment of such fees as the Village Board may determine from time to time.

- c. Plans: Application for permits shall be accompanied by such drawings of the proposed work, drawn to scale, including such floor plans, sections, elevations, and structural details, as the Building Inspector may require.
- d. Plot Diagram: There shall also be filed a plot diagram in a dorm and size suitable for filing permanently with the permit record, drawn to scale, with all dimensions figured, showing accurately the size and exact location of all new construction or, in the case of demolition, of such construction as is to be demolished, and of all existing buildings prepared by, and signed by, a registered surveyor, engineer, or architect.
- e. Amendments: Nothing in this section shall prohibit the filing of amendments to an application or to a plan or other record accompanying same, at any time before the completion of the work for which the permit was sought. Such amendments, after approval, shall be filed with and be deemed a part of the original application.
- f. Completion of Existing Buildings: Nothing contained in this ordinance shall require any change in the plans, construction, size, or designated use of a building for which a valid permit has been issued or lawful approval given before the effective date of this ordinance; provided, however, construction under such permit or approval shall have been started within three (3) months and the entire building completed within one (1) year.
- g. Action on Application: It shall be the duty of the Building Inspector to examine applications for permits within a reasonable time after filing. If, after examination, he/she finds no objection to the same and it appears that the proposed work will be in compliance with the laws and ordinances applicable thereto, he/she shall approve such application and issue a permit for the proposed work as soon as practicable. If his/her examination reveals otherwise, he/she will reject such application, noting his/her findings in a report to be attached to the application and delivering a copy to the applicant.
- h. Approval in Part: Nothing in this section shall be construed to prevent the Building Inspector from issuing a permit for the construction of part of a building or structure before the entire plans and detailed statements of said building or structure have been submitted or approved, if adequate plans and detailed statements have been presented for the same and have been found to comply with this ordinance.
- i. Condition of the Permit: All work performed under a permit issued by the Building Inspector shall conform to the approved application and plans and approved amendments thereof. The location of all new construction as shown on the approved plot diagram or an approved amendment
- j. Signature to Permit: Every permit issued by the Building Inspector under the provisions of this ordinance shall have his/her signature affixed thereto; but this shall not prevent him/her from authorizing a subordinate to affix such signature.

- k. Limitation: A Permit under which no work is commenced within three (3) months after issuance shall expire by limitation.
- l. Posting of Permit: A copy of the permit shall be kept on the premises open to public inspection during the prosecution of the work and until the completion of same. The Building Inspector may require a certified copy of the approved plans to be kept on the premises at all times from the commencement of the work to the completion thereof. The Building Inspector shall be given at least 12 (twelve) hours' notice of the starting of work under a permit.
- m. Revocation: The Building Inspector may revoke a permit or approval issued under the provisions of this ordinance in case there has been any false statement or misrepresentation of plans on which the permit or approval was based.
- n. Certificate of Occupancy for a Building: No building shall be occupied before a Certificate of Occupancy has been issued. Certificate of Occupancy for a new building or the reconstruction or alteration of an existing building shall be applied for coincident with the application for a building permit and said certificate shall be issued within three (3) days after the request for same shall have been made in writing to the Building Inspector after the erection or alteration of such building or part thereof shall have been completed, in conformity with the provisions of these regulations. Pending the issuance of a regular certificate, a temporary certificate of occupancy may be issued by the Building Inspector for a period not exceeding one year, during the completion of alterations or during partial occupancy of a building pending its completion. Such temporary certificate shall not be construed as in any way altering the respective rights, duties, or obligations of the owners or of the tenants relating to the use or occupancy of the premises or any other matter covered by this ordinance, and such temporary certificate shall not be issued except under such restrictions and provisions as will adequately ensure the safety of the occupants.
- o. Certificate of Occupancy for Land: Certificate of Occupancy for the use of vacant land or the change in the character of the use of land as herein provided shall be applied for before any such land shall be occupied or used, and a Certificate of Occupancy shall be issued within three (3) days after the application has been made, provided such use is in conformity with the provisions of these regulations.
- p. Content of Certificate of Occupancy: Certificate of Occupancy shall state that the building or proposed use of a building or land complies with all the building and health laws and ordinances and with the provisions of these regulations. A record of all certificates shall be kept on file in the office of the Building Inspector and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected. No fee shall be charged for a Certificate of Occupancy.
- q. Certificate of Occupancy for Non-conforming Uses: A Certificate of Occupancy shall be required of all non-conforming uses. Applications for such certificate for non-conforming uses shall be filed within 12 (twelve) months from the effective date of this ordinance.
- r. Excavation Permit: No permit for excavation for any building shall be issued before application has been made for Certificate of Occupancy.

3. Appeals from Decisions.
 - a. An appeal to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer or department of the Village. The appeal shall be taken within 45 days of the action complained of by filing with the Village Building Inspector from whom the appeal is taken, specifying the grounds therefore. The official from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from is taken.
 - b. The appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Appeals, after notice of appeal has been filed with him/her, that by reason of facts stated in the certificate a stay would in his/her opinion, cause imminent peril to life or property.
 - c. In this event, the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a court of record on application and on notice to the officer from whom the appeal is taken and on due cause shown.
 - d. The Board of Appeals shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the parties and decide the appeal within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney. The Board of Appeals may recommend to the village Board to reverse or affirm wholly or partly or to modify the order, requirement, decision, or determination of the official. A vote of four of the Board of Appeals is required to recommend reversal of the official's action.
 - e. Upon receipt of the recommendations of the Board of Appeals, the Village Board shall decide the appeal. The Village Board may reverse or affirm wholly or partly or may modify the order, requirement, decision, or determination as in its opinion ought to be made, to the end that the Village Board has all the powers of the officer from whom the appeal is taken.

D. Boundaries of Districts

Where uncertainty exists with respect to the boundaries of the various districts as shown on the District map accompanying and made a part of this ordinance, the following rules apply:

1. The district boundaries are either streets or alleys unless otherwise shown, and where the districts designated on the map accompanying and made a part of this ordinance are bounded approximately by street or alley lines, the street or alley shall be construed to be the boundary of the district.
2. Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines and where the districts designated on the District Map accompanying and made a part of this ordinance are bounded approximately by lot lines, the lot lines shall be construed to be the boundary of the districts unless the boundaries are otherwise indicated on the map.
3. In unsubdivided property, the district boundary lines on the map accompanying and made a part of this ordinance shall be determined by use of the scale appearing on the map.

E. Variations

A variation is a relaxation of the strict terms of the Zoning Ordinance in order to provide relief for a property owner (or occupant) upon whom this Zoning Ordinance has imposed undue hardship or difficulty. Usually, variation applications request relief from required lot sizes and widths, setbacks, and minimum yards. Variations should be granted only to provide relief in unusual situations which were not intended or foreseen when this ordinance was adopted. No variation should be granted unless it will be in harmony with the general intent and purpose of this ordinance.

1. Authorization: After a public hearing before the Zoning Board of Appeals, the Village Board may authorize such variations from the terms of this ordinance as will not be contrary to the public interest. Variations may be authorized only in those specific instances enumerated in Section B.E.
2. Application for Variation: An application for a variation shall be filed with the Village Building Inspector who shall transmit the application immediately to the Chairman of the Zoning Board of Appeals. The application shall contain the following information:
 - a. The particular requirements of this ordinance which prevent the proposed use or construction;
 - b. The characteristics of the subject property which prevents compliance with said requirements of this ordinance;
 - c. The reduction of the minimum requirements of this ordinance which would be necessary to permit the proposed use or construction; and
 - d. The practical difficulty or particular hardship which would result if said particular requirements of this ordinance were applied to the subject property;
 - e. When an existing building is razed and they want to build on the same foundation-if this is out of compliance, there needs to be a variance request.
3. Hearing and Notice:
 - a. The Zoning Board of Appeals shall select a reasonable time and place for a hearing and give public notice of the hearing in accordance with Section 8.H. hereof. Such notice shall contain the date, time, and place of the hearing, the street address or common description of the property involved, the legal description of the property involved, and a brief description of the relief sought. The Zoning Board of Appeals may give such additional notice as it may from time to time by rule provide. Any party in interest may appear and be heard at the hearing in person, by agent, or by attorney.
 - b. The Zoning Board of Appeals shall submit in writing to the Village Clerk a summary of the testimony and findings of fact received at the public hearing, a record of the Board's vote, and a statement of the Board's recommendations concerning the desired variation.
4. Standards for Variations: The Zoning Board of Appeals may recommend to the Village Board the granting of a variation whenever and only when it shall have determined, recorded in writing, that all of the following conditions below have been met. The Village Board shall grant a variation whenever and only when all of the conditions below have been met. The Zoning Board of Appeals may recommend to the Village Board and the Village Board may impose such conditions and restrictions

upon the location, construction design, and use of the property benefited by a variation as may be necessary or appropriate to comply with the standard listed below and to protect adjacent property and property values.

- a. That special circumstances or conditions such as exceptional narrowness, topography, or siting, fully described in the report of the Zoning Board of Appeals, apply to the land for which a variation is sought, and that those conditions do not apply generally in the district;
 - b. That the special circumstances or conditions have not resulted from any act of the applicant subsequent to the adoption of this ordinance, whether or not in violation of the provisions thereof;
 - c. That, for reasons fully set forth in the report of the Zoning Board of Appeals, the aforesaid circumstances or conditions are such that the strict application of the provisions of this ordinance would deprive the applicant of any reasonable use of his/her land. Mere loss in value shall not justify a variation; there must be a deprivation of beneficial use of land;
 - d. That the variation granted is the minimum adjustment necessary for the reasonable use of the land;
 - e. That the granting of a variation is in harmony with the general purposes and intent of this ordinance and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the Village.
5. The Village Board after a hearing by the Zoning Board of Appeals may permit a variation of the parking regulations herein where an applicant demonstrates conclusively that the specific use of a building would make unnecessary the parking spaces required by this ordinance, but providing that such a reduction not be more than 50% of the usual requirement.
6. Decision on Variations: A vote of four of the members of the Zoning Board of Appeals shall be necessary to recommend that a variation be granted. The recommendations of the Zoning Board of Appeals shall be in writing and shall contain its findings of fact. Variations shall be granted by the Village Board only by ordinance. In the event that the Zoning Board of Appeals recommends that a proposed variation not be granted, then such a variation may be granted by the Village Board only upon the favorable vote of 2/3 of all the members of the Village Board.

F. Conditional Use Permit

1. Authorization: For the purposes of this ordinance, the special use permit authorized by statute shall be called the “conditional use permit”. The location, construction, extension, or structural alteration of any use which is classified as a conditional use by this ordinance may be authorized by a permit issued by the Village Board and following a public hearing before a commission or committee appointed by the Village Board and subject to such standards as may be set forth in this ordinance and subsequent amendments.
2. Application Requirements: An application for a conditional use permit shall be filed with the Village Building Inspector and shall be accompanied by the following information and exhibits:

- a. A plot plan of the proposed site and of the surrounding area within 300 feet of the site showing the location and names of all streets, easements, and railroad or utility rights-of-way; and the location of any parks or other public open spaces or uses, residences, or other permanent structures;
 - b. A drawing showing the proposed development of the site; and
 - c. Any additional information specified in this section for the particular use.
3. Report of Hearing: The commission or committee appointed by the Village Board shall conduct hearings upon the applications for conditional use permits specifically listed in the district regulations of this ordinance. Said commission or committee shall select a reasonable time and place for the hearing and shall give public notice of the hearing in accordance with Section 8.H. hereof and shall transmit to the Village Board a written report of its findings as to the compliance of the proposed conditional use with standards specified in this ordinance or its amendments and giving its recommendations for action to be taken by the Village Board.
4. Conditions: The commission or committee appointed by the Village Board may recommend and the Village Board may impose such conditions or restrictions upon the location, construction, design, and operation of a conditional use, including by not limited to provisions for off-street parking spaces, and the duration of such permit as they shall respectfully find necessary or appropriate to ensure that:
 - a. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
 - b. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted nor substantially diminish and impair property values within the neighborhood;
 - c. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;
 - d. Adequate utilities, access roads, drainage, and/or other necessary facilities will be provided;
 - e. Adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;
 - f. The conditional use shall in all other respects conform to the applicable regulations of the district in which it is located and the Board shall find that there is a public necessity for the conditional use.
5. Action by Village Board: After receiving the report of the commission or committee the Village Board shall review the report and may accept the findings and recommendations in whole or in part, or may reject them in whole or in part, or may refer the matter back to the commission or committee for further study. However, in the event the commission or committee recommends against the issuance of a conditional use permit, then it may be issued only upon the favorable vote of 2/3 of the members of the Village Board.
6. If any existing use requiring a conditional use permit is located in a zone in which such a use is permitted as a conditional use, a permit shall be issued provided it meets any standards designated in this ordinance or amendments to this ordinance. Such permit shall be issued without charge or public hearing.

G. Amendments

1. The regulations imposed and the districts created under the authority of this ordinance 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 commission or committee appointed by the Village Board.
2. The commission or committee so appointed shall submit in writing to the Village Clerk a summary of the testimony and findings of fact received at the public hearing, a record of the commission's vote, and a statement of the commission's recommendations concerning the proposed amendment.
3. Amendments are made by ordinance by the Village board. The Village Board shall review the report submitted by the commission or committee. In case of a written protest against any proposed amendment of the regulations or districts, signed and acknowledged by owners of 20% of the frontage immediately adjoining or across an alley therefrom, or by the owners of 20% of the frontage directly opposite the frontage proposed to be altered, is filed with the clerk of the municipality the amendment shall not be passed except by a favorable vote of 2/3 of all members of the Village Board.
4. The commission or committee appointed and the Village Board shall consider the proposed amendment on its merits, using the following criteria as a guide:
 - a. Criteria for Text or Map Amendment: One or more of the following criteria shall be met for all amendments:
 1. The proposed amendment shall correct an error in the original zoning;
 2. The area under application has changed so that the zoning is no longer contributing to the community welfare;
 3. The proposed amendment shall be consistent with the intent of this ordinance and with its various provisions;
 4. The proposed amendment shall not be detrimental to the development of the Village.
 - b. Additional Criteria for Map Amendments: In addition to the above conditions, the following shall be met for all map changes:
 1. Every use permitted under the new classification must be a suitable use for the further development of the area in the vicinity of the rezoning and must be compatible with the uses already developed in the vicinity; and
 2. Adequate public facilities, sewer and water lines, other needed services or facilities must exist or must be capable of being provided prior to the development of the uses which would be permitted on the property if it were classified.
 - c. Spot Zoning: Applications which would result in spot zoning will be denied. Spot zoning is defined as rezoning of a relatively small area into a district which is unrelated to the immediate area or the general plan for the community. Such rezoning may be a special privilege or an inconsistent restriction of one property which is not made applicable to others. A zoning pattern once established and relied upon must be sufficiently stable to accomplish the purposes of the plan and to protect those who comply with the law. Spot zoning constitutes an entering wedge, contributing to the breakdown of this stability.

H. Public Notice of Hearings

1. In cases of requests for variations, the Zoning Board of Appeals, and in cases of requests for conditional use permits or amendments to this Ordinance, the commission or committee appointed by the Village Board shall conduct one or more public hearings.
2. Public notice of such hearing or hearings shall be published at least once not less than 15 days nor more than 30 days before such hearing in a newspaper published within Piatt County which has general circulation within the Village. Such notice shall contain the date, time, and place of the hearing, the street address or common description of the property involved, and a brief description of the purpose of the hearing.
3. Not less than 15 days before such a hearing, a copy of the public notice described above shall be sent by certified mail and return receipt requested, to every owner of property adjacent to the property under consideration for a variation, conditional use permit, or ordinance amendment.

SECTION 11-Interpretation

- A. In interpreting and applying the provisions of this Ordinance, they shall be held to the minimum requirements for the promotion of the public safety, health, conveniences, comfort, morals, prosperity, and general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any easements, covenants, or other agreements between parties, except that if this Ordinance imposes a greater restriction, this Ordinance shall control.
- B. Whenever a provision of this Ordinance or any other provision of law, whether set forth in this Ordinance or established by any other Ordinance, regulations, statute, or rule of any kind, imposes overlapping or contradictory regulations or contains any restrictions covering any of the same subject matter, the provision which is more restrictive or which imposes higher standards or requirements shall control.

SECTION 12-Schedule of Fees, Charges, and Expenses

- A. The Village Board shall establish a schedule of fees, charges, and expenses, and a collection for building permits, and conditional use permits, but excluding occupancy permits. In addition, the Village Board shall establish a schedule of charges for variations and amendments, and other matters pertaining to this Ordinance. The schedule of fees shall be posted in the office of the Village Building Inspector and may be altered or amended by the Village Board.
- B. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal. Cost of a building permit: \$30.00; cost of a pool permit: \$10.00; no cost for a demo permit. Fencing permit – the cost to construct a fence according to provisions of this ordinance: \$10.00.

SECTION 13-Violations

- A. Complaints Regarding Violations
Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Village Building Inspector. He/she shall record forthwith such

complaint, immediately investigate, and take action thereon as provided by this ordinance.

B. Penalties for Violation

1. Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditionals and safeguards established in connection with grants of variations or conditional uses) shall constitute the following fines:
 2. **1st Offense: \$180.00**
 - 2nd Offense-committed within 12 months of any prior offense: **\$330.00**
 - 3rd Offense-committed within 12 months of any prior offense: **\$580.00**

Notice shall be deemed to be properly served by:

 - a. **Depositing the notice in U.S. mail, prepaid first-class postage regardless of whether the addressee accepts or refuses delivery; or**
 - b. **Personal service; or**
 - c. **Posting of notice upon property**
3. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.
4. Nothing herein contained shall prevent the Village from taking such other lawful action as is necessary to prevent or remedy any violation.
5. The Village Building Inspector may be fined up to \$100 and removed from office at the discretion of the Circuit Court upon a hearing on a petition filed by any resident of the Village seeking his/her removal for willful failure to perform his/her duties under this ordinance. This paragraph is not intended to provide a method of appeal from any decision of the building official.

SECTION 14-Definitions

For the purpose of this Ordinance, certain terms are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word “building” shall include the word “structure” and “premises”; the word “shall” is mandatory and not directory; the words “used” or “occupied” include the words “intended”, “designed”, or “arranged to be used or occupied”; the word “lot” includes the words “plot” or “parcel”; and the word “person” includes a firm, association, organization, partnership, trust, company, or corporation, as well as, an individual. Any word not herein defined shall be defined in any recognized standard English dictionary.

Accessory Building-A subordinate building, the use of which is incidental to and customary in connection with the principal building or use and which is located on the same lot with such principal building or use.

Accessory Use-A subordinate use which is incidental to and customary in connection with the principal building or use and which is located on the same lot with such principal building or use.

Agricultural Activity-Agricultural activity, including forests and forest products, harvest and management, dairy farming, livestock grazing and pasturage, truck gardening, the raising of

crops, fruit and nursery stock, fish farm, animal kennels and fur bearing animal farms, and the harvesting, processing, packaging, packing, shipping, and selling of products procured on the premises, and incidental farm occupations and uses such as machinery, farm equipment and domestic repair and construction, excluding commercial fee lots.

Alley-A public or private thoroughfare which affords only a secondary means of access to abutting property.

Apartment-See Dwelling Unit.

Automobile Service Station-Any land, building, structure, or premises used for the sale at retail of motor vehicle fuels, oils, or accessories, or for servicing or lubricating motor vehicles or installing or repairing parts and accessories, but not including the repairing or replacing of motors, bodies, or fenders of motor vehicles or painting motor vehicles, public garages, and the open storage of rental vehicles or trailers.

Basement-A story having a part but not more than one-half of its height below grade. A basement is counted as a story for the purposes of height regulation of subdivided and used for dwelling purposes other than by a janitor employed on the premises.

Board-Means Board of Appeals established in Section 8.

Boardinghouse-A building, other than a hotel or apartment hotel, where for compensation and by prearrangement for definite periods, lodging, meals, or lodging and meals are provided for three or more persons.

Building-Any structure having a roof supported by columns or walls for the shelter or enclosure of persons or property.

Building Inspector-The individual designated by the Village Board to administer the Zoning Ordinance and who is responsible for the enforcement of the regulations imposed by said Ordinance.

Buildable Width-The width of the lot left to be built upon after the side yards are provided.

Cellar-That part of a building having more than one-half of its height below the average grade of the adjoining ground.

Clinic-An establishment where patients are not lodged overnight but are admitted for examination and treatment by a group of physicians or dentists practicing medicine together.

Conditional Use-A use allowed in a zoning district after a permit is granted by the Village Board according to provisions of Section 8.

Court-An open space more than on-half surrounded by buildings.

District-Means a part of the Village wherein regulations of this ordinance are uniform.

Dwelling-Any building or portion thereof which is designed and used exclusively for residential purposes.

Dwelling, Single-Family-A building designed for or occupied exclusively for one family, having at least 900 square feet in floor space, which is connected permanently to sewer, water, and electrical hookups.

Dwelling, Two-Family-A building designed for or occupied exclusively by two families, having at least 1,000 square feet in floor space.

Dwelling, Multiple-A building designed for or occupied exclusively by two families, having at least 1,000 square feet in floor space.

Dwelling, Unit-One or more rooms in a dwelling occupied or intended to be occupied as separate living quarters by a single family as defined herein.

Family-One or more person related by blood, marriage, or adoption occupying a dwelling unit as an individual housekeeping organization. A family may not include more than two persons not related by blood, marriage, or adoption.

Farm-See Agricultural Activity.

Fence-A structure for enclosures or screening.

Floor Area-The square feet of floor space within the outside line of walls and includes the total of all space on all floors of a building. It does not include porches, garages, or space in a basement or cellar when said basement or cellar space is used for storage or incidental uses.

Frontage-All the property on one side of a street or highway between two intersecting streets (crossing or terminating).

Garage, Private-A detached accessory or portion of a main building housing the automobiles of the occupants of the premises, but not commercial vehicles.

Garage, Public-A building or portion thereof, other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling, storing, or parking motor-driven vehicles. The term repairing shall not include an automotive body repair shop nor the rebuilding, dismantling, or storage of wrecked or junked vehicles.

Garage, Storage-Any building or premises used for housing only motor-driven vehicles, other than trucks and commercial vehicles.

Grade-The average level of the finished surface of the ground adjacent to the exterior walls of the building.

Home Occupation-Any occupation or profession carried on by a member of the immediate family, residing on the premises, in connection with which there is used no sign other than a

nameplate, not more than one square foot in area, or no display that will indicate from the exterior that the building is being utilized in whole or part for any purpose other than that of a dwelling; there is no commodity sold upon the premises except that prepared on the premises; no person is employed other than a member of the immediate family residing on the premises; and no mechanical equipment is used except such as is customary for purely domestic household purposes.

Hotel-A building in which lodging is provided and offered to the public for compensation, and which is open to transient guests in contradistinction to a boardinghouse or lodging house as herein defined.

Institution-A nonprofit establishment for public use.

Kennel-An establishment where small animals are boarded for compensation or where dogs are bred or raised on a commercial scale.

Landscaped Area-An area that is permanently devoted and maintained to the growing of shrubbery, grass, and other plant material.

Lodging or Rooming House-Same as “Boardinghouse”.

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 buildings, open spaces and parking spaces required by this ordinance, and having its principal frontage upon a road or street.

Lot, Corner-A lot abutting upon two or more streets at their intersections.

Lot, Depth-The mean horizontal distance between the front and rear lot lines.

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

Lot, Width-The width of a lot at the front yard line.

Lot of Record-A lot or parcel of land the plat or deed of which has been recorded prior to the adoption of this ordinance.

Nonconforming Use-The lawful use of land or a building, or a portion thereof, which use does not conform with the use regulations of the district in which it is located.

Mobile Home-A structure designed for permanent habitation and so constructed as to permit its transport on wheels, temporarily or permanently attached to its frame, from the place of its construction to the location, or subsequent locations, at which it is intended to be inhabited. This definition shall include a structure as above described, even should the wheels or mobile underpinnings thereof be removed and it be set upon a permanent foundation. Prefabricated homes shall not be included in this definition.

Nursing Home-A home for the aged or infirm in which three or more persons not of the immediate family are received, kept or provided with food and shelter, or care for compensation; but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

Open Area-That part of a lot on which no part of a building or structure extends above the following elevations:

- a. Two feet above the highest curb elevation for each one and one-fourth foot the building or structure is set back from the street lot line, except that no portion of the structure shall exceed 12 feet above the adjacent curb elevation. This provision shall not apply to walls or structures that do not extend more than four feet above the adjacent curb elevation.
- b. One foot above the adjacent curb elevation for each one and one-fourth foot the building or structure is set back from the street lot line, except that no portion of the structure shall exceed 12 feet above the adjacent curb elevation. This provision shall not apply to walls or structures that do not extend more than four feet above the adjacent curb elevation.

Parking Space-A surfaced area, enclosed or unenclosed, sufficient in size to store one automobile together with a driveway connecting the parking space with a street, road, or alley and permitting ingress and egress of that automobile.

Premises-A lot together with all buildings and structures thereon.

Private Recreational Facility-A tennis court or swimming pool, which must be fenced in, or other recreational facility which may be designated by the Village Board, which is used for private family entertainment and not for a commercial purpose.

Sign-An identification, description, illustration, or device which is affixed to or represented directly or indirectly upon a building, structure, or land and which directs attention to a product, place, activity, person, institution, or business.

Ground Sign-Any sign erected, constructed, or maintained for the purpose of displaying outdoor advertising by means of posters, pictures, pictorial, and reading matter when such sign is supported by two or more uprights, posts, or braces placed upon or affixed in the ground and not attached to any part of a building.

Roof Sign-Any sign erected, constructed, or maintained upon the roof of any building.

Wall Sign-Any painted sign or poster on any surface or plane that may be affixed to the front, side, or rear wall of any building.

Post Sign-Any letter, word, model sign, device, or representation used in the nature of an advertisement or announcement not attached to a building and which is supported by a single stationary pole or post.

Marquee Sign-Any sign affixed to a marquee over the entrance to a building and supported from the building.

Sign Area-The total area of the space to be used for advertising purposes, including the spaces between open type letters and figures, including the background structure or other decoration or addition which is an integral part of the sign. A double-faced sign shall have twice the total area of a single-faced sign.

Advertising Device-Banners affixed on poles, wires, or ropes and streamers, wind operated devices, flashing lights, and other similar devices.

Street-A public way which affords the principal means of access to abutting property.

Street Centerline-The street centerline is a line half-way between the street lines.

Structure-Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Among other things, structures include buildings, walls, and fences.

Structural Altercation-Any change except those required by law or ordinance, which would prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams or girders, not including openings in bearing walls as permitted by other ordinances.

To the Square-The point at which the roof meets the vertical line of the side of a building.

Tourist Home-An establishment used for dwelling purposes in which rooms, with or without meals, are offered to transient guests for compensation.

Town House-A building that has one-family dwelling units erected in a row as a single building on adjoining lots, each being separated from the adjoining unit or units by a masonry party wall or walls extending from the basement floor to the roof along the dividing lot line, and each such building being separated from any other building by space on all sides.

Trailer or Mobile Home-A vehicle designed for transportation on streets and highways on its own wheels or on flatbed or other trailer, other than a recreation vehicle or camper and arriving at the site where it is to be occupied on a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, locations on jacks, or other permanent foundations, connections to utilities, and the like.

Variation-A variation is a relaxation of the strict terms of the zoning ordinance in order to provide relief for a property owner (or occupant) upon whom the zoning ordinance has imposed undue hardship or difficulty. Usually, variation applications request relief from required lot sizes and widths, setbacks, and minimum yards. Variations should be granted only to provide relief in unusual situations which were not intended or foreseen when the comprehensive zoning ordinance was adopted.

Village-Means the Village of Hammond, Piatt County, Illinois.

Village Board-Means the Village Board of Trustees and President of the Village of Hammond.

Yard-An open space, other than a court on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this ordinance.

Yard, Front-A yard across the full width of the lot extending from the front line of the main building to the front line of the lot.

Yard, Side-A yard between the main building and the side line of the lot and extending from the front yard line to the rear yard line.

Yard, Rear-A yard extending the full width of the lot between a principal building and the rear lot line.

Yard, Width and Depth-The shortest horizontal distance from a lot line to the main building.

SECTION 15-Separability

The several provisions of this ordinance shall be separable, in accordance with the following:

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

SECTION 16 – This ordinance shall take effect and be in force from and after its passage and publication as provided by law.

Passed by the Board of Trustees of the Village of Hammond, Piatt County, Illinois, this 14th day of April 2021, by the following roll call vote:

AYES: 5

NAYS: 0

ABSENT: 0

Brenda Sebens
Village Clerk, Village of Hammond
Piatt County, Illinois

Approved by the President of the Board of Trustees of the Village of Hammond, this 14th day of April 2021.

Deborah Waldrop
President, Board of Trustees
Village of Hammond, Piatt County, Illinois

State of Illinois)
) ss.
County of Piatt)
Certificate of Publication)

I, Brenda Sebens, certify that I am the duly appointed and acting Municipal Clerk of the Village of Hammond, Piatt County, Illinois.

I further certify that on April 14, 2021, the Corporate Authorities of such municipality passed and approved Ordinance #2021-03, entitled "An Ordinance Authorizing Zoning, Within the Corporate Limits of the Village of Hammond", which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance #2021-03, including the Ordinance and a cover sheet thereof, was prepared and a copy of such Ordinance was posted in the municipal building commencing on April 15, 2021 and continuing for at least 10 (ten) days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Municipal Clerk.

Dated at Hammond, Illinois, this 14th day of April, 2021.

(SEAL)

Brenda Sebens
Municipal Clerk