

CHAPTER 40

ZONING CODE

ARTICLE I - GENERAL PROVISIONS

40-1-1 **PURPOSE.** This Zoning Code has been prepared and is adopted:
(A) in order to protect and promote adequate light, pure air and safety from fire and other dangers;
(B) that the taxable value of land and buildings throughout the Village may be conserved;
(C) that congestion in the streets may be lessened or avoided; and
(D) that the public health, safety, comfort, morals and welfare may otherwise be promoted.

40-1-2 **POWERS AND DUTIES.** Specifically, the powers of this Code are as follows:
(A) to regulate and limit the height and square feet of buildings erected;
(B) to establish, regulate and limit the building or setback lines on or along any street, traffic way, driveway or parkway;
(C) 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;
(D) to regulate and restrict the location of trades and industries and the location of buildings designed for specified industrial, business, residential and other uses;
(E) to divide the Village into districts of such number, shape and area, and of such different classes (according to use of land and buildings, height and square footage of buildings, intensity of the use of lot area, area of open spaces or other classification) as may be deemed best suited to carry out the purposes of this Chapter;
(F) to fix standards to which buildings or structures therein shall conform;
(G) to prohibit uses, buildings or structures incompatible with the character of such districts;
(H) to prevent additions to and alterations or remodeling of existing buildings or structures in such a way as to avoid the restrictions and limitations lawfully imposed under this Chapter.

40-1-3 **REGULATIONS GENERALLY.**
(A) Except as provided in this Code, no building or land shall be used or occupied, and no building or part thereof shall be erected, moved or altered unless in conformity with the regulations specified in this Code for the district in which it is located.

(B) Except as provided in this Code, no building shall be erected or altered, nor shall any building or premises be used for any purpose other than is permitted in the use district in which the building or premises is located.

(C) 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.

(D) 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.

40-1-4 SIZE.

(A) No building shall be erected or altered to:

- (1) exceed the height;
- (2) accommodate or house a greater number of families;
- (3) occupy a greater percentage of lot area; or
- (4) have narrower or smaller yards, front yards, side yards, inner or outer courts than are specified in this Code for the district in which such building is located.

(B) No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit established in this Code for the district in which the building is located.

40-1-5 OPEN SPACE.

(A) No part of a yard or other open space required about any building for the purpose of complying with the provisions of this Code shall be included as a part of a yard or other open space similarly required for another building.

(B) The minimum yards and other open spaces, including lot area per family, required by this Code for each and every building existing at the time of passage of this Code, or for any building hereafter erected, shall not be encroached upon or considered as yard or open space requirements for any other building.

40-1-6 NUMBER OF BUILDINGS. Every building erected or structurally altered shall be located on a lot as defined in this Code, and in no case shall there be more than **one (1)** main building on **one (1) lot** unless otherwise provided in this Code.

40-1-7 YARDS. The front yard requirements on both streets of a corner lot shall be observed for all buildings and structures, including accessory buildings.

ARTICLE II - DEFINITIONS

40-2-1 SELECTED DEFINITIONS.

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

Apartment: A room or suite of rooms in a multiple-family or two-family dwelling, or where more than one living unit is established above nonresidential uses, intended or designed for use as a residence by a single family.

Apartment Hotel: A building designed for or occupied exclusively by more than **two (2) families**.

Basement: A story having part but not more than **one-half (1/2)** of its height below grade. A basement shall be counted as **one-half (1/2) story** for the purpose of height regulation.

Boarding House: A building other than a hotel where, for compensation, meals or lodging and meals are provided for not more than **twelve (12) persons**.

Building: Any structure designed or intended for support, enclosure, shelter or protection of persons, animals, chattel or property. When a structure is divided into separate parts by unpierced walls extending from the ground up, each part is deemed a separate building. "Building" includes the word "structure".

Building, Accessory: A subordinate building or a portion of a main building, the use of which is incidental to the main use of the premises.

Building Height: The vertical distance from the grade to the highest point of the coping of a flat roof or to the decline of a mansard roof, or to the mean height level between eaves and ridge, for gable, hip and gambrel roofs.

Building, Main: That building whose use conforms to the zoning regulations of the area in which it is located, subject to previous and existing nonconforming uses.

Cellar: A story having more than **one-half (1/2)** of its height below grade. A cellar is not included in computing the number of stories for the purpose of height measurement.

District: A section or sections of the territory covered by this Code for which the regulations governing the use of buildings and premises, the height of buildings, the size of yards and intensity of use are uniform.

Dwelling: Any building or portion thereof, excluding a mobile home, which is designed and used exclusively for residential purposes.

Dwelling, Multiple: See "**Apartment House**".

Dwelling, Single-Family: A building designed for or occupied exclusively by **one (1) family**.

Dwelling, Two-Family: A building designed for or occupied exclusively by **two (2) families**.

Family: **One (1)** or more persons occupying a premises and living as a single housekeeping unit, whether or not related to each other by birth, adoption or marriage, but no unrelated group occupying a boarding house, lodging house or hotel, as defined in this Article.

Farm: An area which is used for the growing of the usual farm products, such as vegetables, fruit, trees, grain and their storage on the area.

Farming.

(A) "**Farming**" means and includes the operating of an area for **one (1)** or more of the uses described above, including the necessary accessory uses for treating and storing produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal farming activities.

(B) Farming does not include the keeping or raising of poultry, pigs, cattle, horses, goats or sheep within the:

- (1) A residential district;
- (2) B residential district;
- (3) C commercial district; or
- (4) D light industrial district.

Filling Station:

(A) Any building or premises used for the dispensing, sale or offering for sale at retail of any automobile fuels or oils.

(B) When the dispensing, sale or offering for sale is incidental to the conduct of a public garage, the premises are classified as a public garage.

Frontage: All property on one side of a street between two intersecting streets, crossing or terminating, measured along the line of the street; or if the street is dead-ended, then all of the property abutting one side between an intersecting street and the dead-end of the street.

Garage, Public: Any building in which repair work is performed for the public within the building.

Grade:

- (A) for buildings having walls adjoining one street only, the established elevation of the sidewalk at the center of the wall joining the street;
- (B) for buildings having walls adjoining more than one street, the average of the established elevation of the sidewalk at the centers of all walls adjoining the streets;
- (C) for buildings having no walls adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building; or
- (D) any wall approximately parallel to and not more than **twenty (20) feet** from the street line is to be considered as adjoining the street.

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 (1) square foot** in area, and not to exceed **eighteen (18) inches** in length, or no display that will indicate from the exterior that the building is being utilized in whole or in part for any purpose other than that of a dwelling; and

- (A) No person is employed there other than a member of the immediate family residing on the premises; and
- (B) The area used shall not exceed **three hundred (300) square feet**.

Hotel and Motel: A building in which lodging is provided and offered to the public for compensation, and which is open to the transient guests, in contradistinction to a boarding house or lodging house.

Institution: A building occupied by a nonprofit corporation or a nonprofit establishment for public use.

Lodging House: A building or place where lodging is provided for a definite period, or which is equipped regularly to provide lodging by prearrangement for a definite period for compensation for **three (3)** or more, but not exceeding **twelve (12)** individuals, not open to transient guests, in contradistinction to hotels open to transients.

Lot: A parcel of land occupied or intended for occupancy by a use permitted in this Code, including:

- (A) One main building together with its accessory buildings; and
- (B) The open spaces and parking spaces required by this Code, which have principal frontage upon a street or upon an officially approved place.

Lot, Corner: A lot abutting **two (2)** or more streets at their intersection.

Lot Depth: The horizontal distance between the front and rear lot lines.

Lot, Double-Frontage: A lot having a frontage on **two (2)** nonintersecting streets, as distinguished from a corner lot.

Lot of Record: A lot which is a part of a subdivision, the plat of which has been recorded in the office of the Recorder of Deeds.

Manufacturing or Industry: Any use in which the major activity is the manufacturing, treatment, processing, rebuilding, repairing or wholesale storage of material, products or items, and where the finished product is not acquired by the ultimate user on the premises, as distinguished from a retail use where the treatment processing, repairing or storage is secondary to the sale, exchange or repairing of materials or products on the premises.

Mobile Home:

(A) A vehicle used, or so constructed as to permit being used as a conveyance upon the public streets or highways, and having a flush toilet and a bath or shower, and constructed in such a manner as will permit occupancy thereof for human habitation, dwellings or sleeping places for one or more persons.

(B) Refers to and includes all portable contrivances used or intended to be used generally for living and sleeping quarters, and which is capable of being moved by its own power, towed or transported by another vehicle.

Mobile Home Community: Any park, court, camp, lot, piece, parcel, tract or plot of land or any site whereupon **two (2)** or more mobile homes, as defined above, are placed, located or maintained, whether for or without compensation, and includes all accessory buildings used or intended to be used as part of the equipment thereof.

Mobile Home Space: A plot of ground within a mobile home community or park which is designated as the location for at least **one (1)** automobile and only **one (1) mobile home**, and not used for any other purposes whatsoever, other than the customary accessory uses thereof.

Nonconforming Use: Any building or land lawfully occupied by a use at the time of the passage of this Code, or any amendment thereto, which does not conform after the passage of this Code or amendment thereto with the use regulations of the district in which it is situated.

Parking Space: A durably surfaced area enclosed in the main building, in an accessory or unenclosed building, sufficient in size to store **one (1)** automobile and, if the space is unenclosed, comprising an area of not less than **one hundred forty (140) square feet**, exclusive of a durably surfaced driveway connecting the parking space with a street or alley and permitting satisfactory ingress and egress of an automobile.

Place: An open unoccupied space other than a street or alley, permanently reserved as the principal means of access to abutting property.

Rooming House: See "Lodging House".

Row House: A group of **two (2)** or more, but not exceeding **four (4)** single-family dwellings separated by walls without openings, not more than **two (2) rooms** deep.

Service Establishment: Shops wherein the major activities are the repair and maintenance of wearing apparel, sporting goods and articles for use in the home, including household appliances.

Sign:

(A) Any structure or part thereof, or device attached thereto or painted or represented thereon, which displays or include any letter, word, model, banner, flag, pennant, insignia, device or representation used as, or which is in the nature of an announcement, direction or advertisement.

(B) Includes the word "billboard", but does not include flag, pennant or insignia of any nation, state, city or other political, educational, charitable, philanthropic, civic, professional, religious or like campaign, drive, movement or event.

Sign, Advertising: A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than on the premises, and only incidentally on the premises, if at all.

Sign, Business: A sign which directs attention to a business or profession conducted on the premises. A "For Sale" sign or a "To Let" sign relating to the property on which it is displayed shall not be deemed a "business sign".

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

Story, Half:

(A) A space under a sloping roof which has the line of intersection of roof-decking and wall space not more than **three (3) feet** above the top-floor level, and in which space not more than **sixty percent (60%)** of the floor area is finished off for use.

(B) Also means and includes a "basement", as defined in this Article.

Street: All property dedicated or intended for public or private street, highway, freeway or roadway purposes or subject to easements therefor.

Street Line: A dividing line between a lot, tract or parcel of land and a contiguous street.

Structure: Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground, including but without limiting the general quality of the foregoing, and advertising signs, billboards, backstops for tennis courts and pergolas.

Structural Alteration: Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

Yard: An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided in this Code. In measuring a yard for the purpose of determining a side yard, the depth of the front yard or the depth of a rear yard, the mean horizontal distance between the lot line and the main building shall be used.

Yard, Front: A yard extending across the front of a lot between the side yard lines, and being the minimum horizontal distance between the street line and the main building, or any projection thereof other than the projection of the usual steps.

Yard, Rear: A yard extending across the rear lot, measured between the side lot lines and being minimum horizontal distance between the rear lot line and the rear of the main buildings or any projections other than steps. On both corner lots and interior lots the rear yard shall in all cases be at the opposite end of the lot from the front yard.

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

ARTICLE III – DISTRICTS AND ZONING MAP

40-3-1 **ESTABLISHMENT.** In order to:

- (A) Classify, regulate and restrict the location of trades, industries and the location of buildings designed for specified uses;
- (B) Regulate and limit the height and bulk of buildings erected or structurally altered; and
- (C) Regulate and determine the areas of yards, courts and other open spaces within and surrounding such buildings, the Village is divided into **five (5)** districts, known as:

- A Residential District
- B Residential District
- C Commercial Business District
- D Light Industrial District
- E Agricultural District

which areas and boundaries are designated by the official map.

40-3-2 **MAP ADOPTED.** The zoning map attached to this Code is made a part thereof, and adopted by reference. It is the official zoning map for the Village, setting forth the various districts described in **Section 40-3-1.**

40-3-3 **BOUNDARIES—STREETS OR ALLEYS.** The district boundaries are either streets or alleys unless otherwise shown, and where the districts designated on the zoning map described in **Section 40-3-2** are bound approximately by street or alley lines, the street or alley is to be the boundary of the district.

40-3-4 **BOUNDARIES—LOT LINES.** Where the district boundaries are not otherwise indicated, and where the property has been or may be divided into blocks and lots, the district boundaries shall be construed to be the lot lines. Where the district designated on the map accompanying and made a part of this Code are bounded approximately by lot lines, the lot lines shall be construed to be the boundaries of the districts unless the boundaries are otherwise indicated on the map.

40-3-5 **BOUNDARIES—VACATIONS.** Whenever any street, alley or other public way is vacated, the zoning district adjoining each 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.

ARTICLE IV

A – RESIDENTIAL DISTRICT

40-4-1 **REGULATIONS GENERALLY.** The regulations set forth in this Chapter, or set forth elsewhere in this Code when referred to in this Chapter, are the district regulations of the A Residential District.

40-4-2 **PERMITTED USES.**

(A) A building or premises shall be used only for the following purposes:

- (1) Churches, but only when off-street parking space is provided upon a lot or within **two hundred (200) feet** thereof, which space is adequate to accommodate one automobile for every **four (4) persons** for which seating is provided in the main auditorium of the church, and exclusive of the seating capacity of Sunday School and other special rooms;
- (2) Dwellings, one-family;
- (3) Dwellings, two-family;
- (4) Farms;
- (5) Golf courses, except miniature golf courses and practice driving tees and similar commercial enterprises;
- (6) Home occupations;
- (7) Institutions of a religious, educational, eleemosynary or philanthropic nature, but not penal or mental institutions;
- (8) Public and private forests and wildlife reservations or similar conservation projects;
- (9) Public libraries;
- (10) Private clubs, except skeet and gun clubs and other clubs the chief activity of which is a service customarily carried on as a business;
- (11) Public schools, elementary and high, or private schools having curriculum equivalent to a public elementary school, public high schools or public institutions of higher learning, and having no rooms regularly used for housing or sleeping purposes;
- (12) Telephone exchanges and electric substations, and sewage and water-pumping stations, provided such buildings shall conform to and harmonize with surrounding buildings;
- (13) Truck and flower gardening, nurseries and orchards.

(B) Accessory buildings incidental to the uses listed in paragraph (A), and located on the same lot.

40-4-3 FRONT YARD.

(A) There shall be a front yard having a depth of not less than the width of the street as measured from the center, unless **thirty percent (30%)** or more of the frontage is improved with buildings that have observed a greater or less depth of front yard, in which instance no new building or portion thereof shall project beyond a straight line drawn between the point closest to the street line of the residence upon either side of the proposed structure, or if there are residences upon only one side, then beyond the straight line projects from the front of the two nearest residences.

(B) This regulation shall not be interpreted to require a front yard of more than **sixty (60) feet**, or to permit a front yard of less depth than that of the nearest building.

(C) Where lots have a double frontage, the required front yard shall be provided on both streets.

(D) On a corner lot there shall be a front yard on each side of such lot, except that the buildable width of such lot need not be reduced to less than **thirty-two (32) feet**.

(E) No accessory building shall project beyond the front yard line on either street.

40-4-4 SIDE YARD.

(A) There shall be a side yard on each side of the building having a width of not less than **ten (10) feet**.

(B) Whenever a lot of record has a width of less than **fifty (50) feet**, the side yard on each side of a building may be reduced to a width of not less than **twelve percent (12%)** of the width of the lot, but in no instance shall it be less than **five (5) feet**.

40-4-5 REAR YARD. There shall be a rear yard having a depth of not less than **thirty (30) feet** or **twenty percent (20%)** of the depth of the lot, whichever amount is smaller.

40-4-6 ACCESSORY BUILDING SETBACK. Accessory building setbacks shall be as specified for front and side yards. Required rear yard setbacks shall be **two (2) feet** from the lot line.

40-4-7 INTENSITY OF USE. Every lot upon which a building is erected shall have an area of not less than **nine thousand (9,000) square feet**, and an average width of not less than **sixty (60) feet**, except that any of the uses permitted in this district may be erected or constructed upon a smaller lot of record.

40-4-8 **HEIGHT REGULATIONS.** No building shall exceed **two and one-half (2 ½) stories**, nor shall it exceed **thirty-five (35) feet** in height.

40-4-9 **PARKING REGULATIONS.** Whenever a structure is erected, converted or structurally altered, one automobile parking space shall be provided and maintained on the lot for each dwelling unit in the structure.

ARTICLE V

B – RESIDENTIAL DISTRICT

40-5-1 **REGULATIONS GENERALLY.** The regulations set forth in this Chapter, or set forth elsewhere in this Code and referred to in this Chapter, are the district regulations of the B Residential District.

40-5-2 **PERMITTED USES.**

- (A) A building or premises shall be used only for the following purposes:
- (1) Any use permitted in the A Residential District;
 - (2) Apartment houses;
 - (3) Farms;
 - (a) Raising or producing of vegetables, fruit, trees and grain, and their storage on the area;
 - (b) Farming includes the operating of such an area for **one (1)** or more of the above uses, including the necessary accessory uses for treating or storing the produce; provided, however, that the operation of any accessory uses shall be secondary to that of normal farming activities;
 - (c) Farming does not include the keeping or raising of poultry, pigs, cattle, goats or sheep within the A Residential District, the B Residential District, the C Commercial District or the D Light Industrial District;
 - (4) Hospitals and clinics, except animal hospitals or clinics or mental hospitals;
 - (5) Lodging houses or boarding houses;
 - (6) Mobile homes, or use variance granted in accordance with **Section 40-5-3**;
 - (7) Row houses.
- (B) Accessory buildings incidental to above uses located on the same lot.

40-5-3 **MOBILE HOME VARIANCE.** A permit for a mobile home to be placed upon a lot as a use variance shall be issued by the Zoning Administrator if the following conditions are met:

- (A) The mobile home is to have utility connections for electric, and/or gas distribution service where needed and individual connections to the municipal water and sewer system.
- (B) The mobile home is to be placed upon a permanent, masonry foundation and shall be properly skirted and securely anchored as described in **Article X**.

(C) The mobile home is to have a storage locker with a base of at least **fifty (50) square feet** as an accessory building.

40-5-4 FRONT YARD.

(A) There shall be a front yard having a depth of not less than the width of the street as measured from the center, unless **thirty percent (30%)** or more of the frontage is improved with buildings that have observed a greater or less depth of front yard, in which instance no new building or portion thereof shall project beyond a straight line drawn between the point closest to the street line of the residence upon either side of the proposed structure or, if there are residences on only one side, then beyond the straight line projected from the front of the two nearest residences.

(B) This regulation shall not be interpreted to require a front yard of more than **forty (40) feet**, or to permit a front yard of less depth than that of the nearest building.

(C) Where lots have a double frontage, the required front yard shall be provided on both streets.

(D) On a corner lot there shall be a front yard on each side of such lot, except that the buildable width of such lot need not be reduced to less than **thirty-two (32) feet**. No accessory building shall project beyond the front yard line on either street.

40-5-5 SIDE YARD. There shall be a side yard on each side of the building having a width of not less than **five (5) feet** and further provided that the building shall not occupy more than **seventy-five percent (75%)** of the width of the lot at the front building line.

40-5-6 REAR YARD. There shall be a rear yard having a depth of not less than **thirty (30) feet** or **twenty percent (20%)** of the depth of the lot, whichever amount is smaller.

40-5-7 INTENSITY OF USE.

(A) Every lot upon which a building is erected shall have an area of not less than **eight thousand two hundred fifty (8,250) square feet** and an average width of not less than **sixty (60) feet**, except that any of the uses permitted in this district may be erected or constructed upon a smaller lot of record.

(B) No multiple dwelling or apartment shall be constructed upon a lot having an area of not less than **two thousand (2,000) square feet** for each dwelling unit placed thereon.

40-5-8 **HEIGHT REGULATIONS.** No building shall exceed **two and one-half (2 ½) stories**, nor shall it exceed **thirty-five (35) feet** in height.

40-5-9 **PARKING REGULATIONS.** Whenever a structure is erected, converted or structurally altered, one parking space shall be provided and maintained on the lot for each dwelling unit in the structure.

ARTICLE VI

C – COMMERCIAL DISTRICT

40-6-1 **REGULATIONS GENERALLY.** The regulations set forth in this Chapter, or set forth elsewhere in this Code and referred to in this Chapter, are the district regulations of the C Commercial District.

40-6-2 **PERMITTED USES.**

(A) Unless otherwise specifically prohibited herein, a building or premises shall be used only for the following purposes:

- (1) Any use permitted in the A Residential District or the B Residential District;
- (2) Bakeries where products are sold at retail on the premises;
- (3) Banks;
- (4) Barbershops or beauty shops;
- (5) Bowling alleys;
- (6) Business or commercial schools, or dancing or music academies;
- (7) Catering establishments;
- (8) Coin-operated laundries and cleaning establishments;
- (9) Filling stations;
- (10) Garages where repair work shall be done inside such garage;
- (11) Hotels;
- (12) Offices;
- (13) Messenger and telegraph service stations;
- (14) Photography galleries;
- (15) Restaurants;
- (16) Stores or shops for the conduct of retail business;
- (17) Stores for the collection and distribution of laundry and dry-cleaning articles, but not for the treatment, cleaning or processing of such articles;
- (18) Theaters, except open air drive-in theaters, provided, however, that no theater shall be erected or reconstructed unless there is provided on the same lot, or within **three hundred (300) feet** thereof, parking space containing an area adequate to accommodate one automobile for every **five (5) seats** in a theater;
- (19) Tailor shops;
- (20) Undertaking establishments;
- (21) Service establishments.

(B) Accessory buildings, and uses customarily incident to the above uses, including a sign or bulletin board relating only to services, articles and products offered within the building to which the sign is attached.

40-6-3 PROHIBITED USES. No mobile home, as that term is defined in this Chapter, shall be placed and/or used in or on a premises located in a commercial district.

40-6-4 FRONT YARD. There are no restrictions on front yards in the C Commercial District.

40-6-5 SIDE YARD. There are no restrictions on side yards in the C Commercial District.

40-6-6 REAR YARD. Rear yards in the C Commercial Districts shall have a depth of not less than **fifteen (15) feet**.

40-6-7 INTENSITY OF USE. No restrictions except as to yards as set forth in **Section 40-6-4** through **40-6-6**.

40-6-8 HEIGHT REGULATIONS. No building shall exceed **three (3) stories**, or shall exceed **forty-five (45) feet** in height.

40-6-9 PARKING REGULATIONS GENERALLY. The parking requirements for uses permitted in A and B Residential Districts shall apply to such uses when located in the C Commercial District.

40-6-10 OFF-STREET PARKING REGULATIONS. Off-street parking spaces shall be owned or provided under common ownership by the owner of the lot within **three hundred (300) feet** of the site of each of the permitted uses in accordance with the following schedule:

(A) For offices and office buildings, **one (1) parking space** for each individual office, either separate or part of a suite of offices, plus **one (1) additional parking space** for every **three (3) employees**;

(B) For restaurants or any other use in conjunction with which food or drink is served, **one (1) parking space** for each **one hundred (100) square feet** of floor space allotted to the serving of food or drink;

(C) For any of the other purposes permitted, **one (1) parking space** for each **two hundred (200) square feet** of floor space used for commercial purposes;

(D) The provisions of paragraphs (A), (B) and (C) do not apply to commercial buildings existing in the Village on the effective date of this Code.

40-6-11 **OFF-STREET LOADING FACILITIES.** All loading and unloading of all material, merchandise and equipment shall take place on premises.

ARTICLE VII

D – LIGHT INDUSTRIAL DISTRICT

40-7-1 **REGULATIONS GENERALLY.** The regulations set forth in this Chapter, or set forth elsewhere in this Code and referred to in this Chapter, are the district regulations for the D Light Industrial District.

40-7-2 **PERMITTED USES.**

- (A) A building or premises shall be used only for the following purposes:
- (1) Any use permitted in the A Residential District, or the B Residential District;
 - (2) Any use permitted in the C Commercial Business District;
 - (3) Auto wrecking yards, to be enclosed with an **eight (8) foot** opaque fence;
 - (4) Bakeries;
 - (5) Bottling works;
 - (6) Coal yards;
 - (7) Dyeing and cleaning establishments using cleaning fluid with a base of material other than petroleum or one of its derivatives;
 - (8) Electric repair shops;
 - (9) Garages;
 - (10) Greenhouses;
 - (11) Hospitals and clinics for animals, but no open kennels;
 - (12) Lumber and building material yards;
 - (13) Manufacturing establishments;
 - (14) Milk distribution stations;
 - (15) Mobile home communities, provided the requirements in **Article X** are met;
 - (16) Motels;
 - (17) Painting and decorating shops;
 - (18) Plumbing shops;
 - (19) Printing plants;
 - (20) Public utility facilities;
 - (21) Recreation or amusement buildings;
 - (22) Sales or showrooms;
 - (23) Tinsmithing maps;
 - (24) Used car lots;
 - (25) Warehouses and storage lots;
 - (26) Wholesale establishments;

(27) Wholesale storage of gasoline, oil and other petroleum products.

(B) Accessory buildings, structures and uses customarily incident to the above uses, including a sign or a bulletin board relating only to services, articles and products offered within the building to which the sign is attached.

40-7-3 **FRONT YARD.** There are no front yard restrictions in the D Light Industrial District.

40-7-4 **SIDE YARD.** There are no side yard restrictions in the D Light Industrial District.

40-7-5 **REAR YARD.** Rear yards in the D Light Industrial District shall have a depth of not less than **fifteen (15) feet**.

40-7-6 **INTENSITY OF USE.** There are no intensity of use restrictions in the D Light Industrial District, except as to yards as set forth in **Section 40-7-3** through **40-7-5**.

40-7-7 **HEIGHT REGULATIONS.** No building shall exceed **four (4) stories**, nor shall it exceed **fifty-five (55) feet** in height.

40-7-8 **PARKING REGULATIONS GENERALLY.**

(A) The parking requirements for uses permitted in the C Commercial District shall apply to such uses when locating the D Light Industrial District.

(B) Whenever a structure is erected or reconstructed for any of the other purposes permitted in this District there shall be provided parking spaces in the ratio of not less than **one (1) parking space** for each **two hundred (200) square feet** of floor space in the building which is used for commercial purposes, and except that any recreation or amusement building shall provide parking spaces on the lot in the ratio of not less than **one (1) parking space** for each **one hundred (100) square feet** of floor space in the building. Such parking space may be located on the same lot as the building or on an area within **three hundred (300) feet** of the building.

(C) **Two (2)** or more owners of buildings may join together in providing this space, provided that the minimum requirements of this Section are maintained.

40-7-9 **OFF-STREET PARKING.** Off-street parking spaces shall be provided for each **two (2) employees** of the maximum work shift of any manufacturing establishment.

40-7-10 **OFF-STREET LOADING FACILITIES.** All loading and unloading of all material, merchandise and equipment shall take place on company property.

ARTICLE VIII

E – AGRICULTURAL DISTRICT

40-8-1 **REGULATIONS GENERALLY.** The regulations set forth in this Chapter, or set forth elsewhere in this Code and referred to in this Chapter, are the district regulations in the E Agricultural District.

40-8-2 **PERMITTED USES.** A farm is used for the growing of the usual farm products, such as vegetables, fruit, trees, grain and their storage on the area and further includes animal husbandry.

ARTICLE IX

NONCONFORMING USES

40-9-1 **CONTINUATION OF EXISTING USES.** The lawful use of any building or land existing at the time of the enactment of this Code may be continued, although such use does not conform with the provisions of this Chapter. The conditions of any such use imposed elsewhere in this Chapter shall be complied with.

40-9-2 **CONTINUATION NOT OF CONSTITUTE EXTENSION.** A nonconforming use shall not be extended or expanded, but the extension of a lawful use to any portion of a nonconforming building which existed prior to the enactment of this Chapter shall not be deemed the extension of such nonconforming use.

40-9-3 **EXEMPTIONS.** Nothing contained in this Chapter shall require any change in plans, construction or designated use of a building for which a building permit has been issued, and the construction of which has been diligently prosecuted within **three (3) months** of the date of such permit and the ground-story framework of which, including the second tier of beams, was completed within **six (6) months** of the date of the permit, and which entire building shall be completed according to such plans as filed within **one (1) year** of the enactment of this Chapter.

40-9-4 **DISPLACEMENT PROHIBITED.** No nonconforming use shall be extended to displace a conforming use.

40-9-5 **REVERSION PROHIBITED – MOBILE HOMES EXCEPTED.** Once changed to a conforming use, no building or land shall be permitted to revert to a nonconforming use, except that should a landowner desire to remove from his property an existing mobile home which is the principal building on the property and replace it with another mobile home, he may do so by notifying the Zoning Administrator by certified mail of his intension to do so. Such landowner shall have **sixty (60) days** from the date of the notification to remove and replace mobile home.

40-9-6 **ALTERATION CONDITIONS.** A nonconforming building may not be reconstructed or structurally altered during its life to an extent exceeding an aggregate cost of **fifty percent (50%)** at any one time of the fair cash market value of the building as determined by the Board of Appeals, unless the building is changed to a conforming use.

40-9-7 RESTORATION OF DAMAGE. Any structure or portion thereof declared unsafe by a proper authority may be restored to a safe condition, but may not be altered.

40-9-8 DUMPS, JUNK AND WRECKING YARDS UNLAWFUL. Notwithstanding any other provisions of this Chapter, any dump, automobile wrecking yard or other junk yard in existence in any district at the date of enactment of this Chapter shall at the expiration of **three (3) years** from such date become a prohibited and unlawful use, and shall be discontinued.

40-9-9 ABANDONMENT. Whenever a nonconforming use has been discontinued for a period of **one (1) year**, such use shall not thereafter be reestablished, and any future use shall be in conformity with the provisions of this Chapter.

ARTICLE X

MOBILE HOME COMMUNITIES

DIVISION I – GENERAL REGULATIONS

40-10-1 DEFINITIONS. For the purposes of this Chapter, the following words and phrases shall have the meanings set out in this Article:

"Accessory Structure" means any structural addition to the mobile home which includes awnings, cabanas, carports, florida rooms, porches, armadas, storage cabinets and other similar appurtenant structures.

"Building" means a roofed structure erected for permanent use.

"Common Area" means any area or space designed for joint use of tenants occupying mobile home developments.

"Community System" (water or sewerage) means a central system which serves all living units, and is not publicly owned.

"Density" means the number of mobile homes or mobile home stands per gross acre.

"Driveway" means a minor private way used by vehicles and pedestrians on a mobile home lot, or for common access to a small group of lots or common facilities.

"Dwelling" means the same as living unit.

"Easement" means a vested or acquired right to use land, other than as a tenant, for a specific purpose; such as rights being held by someone other than the owner who holds title to the land.

"Enforcing Agency" means the Zoning Administrator.

"Health Authority" means the State Department of Health or the Health Officer.

"Housing" means living units, dwellings and/or other structures that shelter or cover.

"License" means a written document issued by the enforcing agency allowing a person to operate and maintain a mobile home development under the provisions of this regulation.

"Living Unit" means a residential unit providing complete, independent living facilities for one family including permanent provisions for living, sleeping, eating, cooking and sanitation.

"Lot Area" means the total area reserved for exclusive use of the occupants of a mobile home.

"Lot Line" means a line bounding the lot as shown on the accepted plot plan.

"Mobile Home" means manufactured relocatable housing.

"Mobile Home Community" means a body of people living in a mobile home development.

"Mobile Home Community Management" means the person who owns or has charge, care or control of the mobile home development.

"Mobile Home Development" means a contiguous parcel of land which has been planned and improved for the placement of mobile homes.

"Mobile Home Lot" means a parcel of land for the placement of a mobile home and the exclusive use of its occupants.

"Mobile Home Stand" means that part of an individual mobile home lot which has been reserved for the placement of a mobile home.

"Occupied Area" means that area of an individual mobile home lot which has been covered by a mobile home and its accessory structures.

"Permit" means a written document issued by an enforcing agency permitting the construction, alteration or expansion of a mobile home development.

"Permanent Building" means a building, except a mobile home accessory structure.

"Plat" means any map, plan or chart of a city, town, section or subdivision, indicating the location and boundaries of individual properties.

"Plot" means a parcel of land consisting of one or more lots or portions thereof, which is described by reference to a recorded plat or metes and bounds.

"Power Supply Assembly" means:

- (A) Conductors, including the grounding conductors, insulated from one another;
- (B) Connectors;
- (C) Attachment plug caps; and
- (D) All other fittings, grommets or devices installed for the purpose of delivering energy from the service equipment to the distribution panel within the mobile home.

"Private Street" means a private way which affords principal means or access to abutting individual mobile home lots and auxiliary buildings.

"Property" means a plot with any buildings or other improvements located thereon.

"Property Line" means a recorded boundary of a plot.

"Public Street" means a public way which affords the principal means of access to abutting properties.

"Public System" (water or sewerage) means a system which is owned and operated by a local governmental authority or by an established public utility company which is adequately controlled by a governmental authority. Such systems are usually existing systems serving a municipality, a township, an urban county or a water or sewer district established and directly controlled under the laws of a state.

"Rights of Way" means the area, either public or private, over which the right of passage exists.

"Service Building" means a building housing toilet, lavatory and such other facilities as may be required by this regulation.

"Service Equipment" means the necessary equipment, usually consisting of circuit breaker or switch and fuses, and their accessories located near the point of entrance of supply conductors to or in a building or mobile home, and intended to

constitute the main control and means of cut off for the supply to that mobile home or building.

"Sewer Connection" means a connection consisting of pipes, fitting and appurtenances from the drain outlet of the mobile home, to the inlet of the corresponding sewer-riser pipe of the sewerage system serving the mobile home development.

"Sewer-Riser Pipe" means that portion of the sewer lateral which extends vertically to the ground elevation and terminates at each mobile home lot.

"Shall" indicates that which is required.

"Should" indicates that which is recommended but not required.

"Site" means a parcel of land consisting of one or more lots or portions thereof which is described by reference to a recorded plat, or by metes and bounds.

"Water Connection" means a connection consisting of all pipes, fittings and appurtenances from the water-riser pipe to the water-inlet pipe of the distribution system within the mobile home.

"Water-Riser Pipe" means that portion of the water supply system serving the mobile home development which extends vertically to the ground elevation, and terminates at a designated point at each mobile home lot.

40-10-2 EXEMPTIONS.

(A) Where the enforcing agency finds that the compliance with provisions of this Chapter would result in undue hardship, an exemption may be granted by the enforcing agency without impairing the intent and purpose of this Chapter.

(B) Deviation from design, construction and installation provisions shall be brought into compliance within one or two periods of time. The period of time referred to as a "minimum period" shall not exceed **five (5) years**, and the period of time referred to as a "maximum period" shall not exceed **twenty-five (25) years**.

(C) Factors to be considered in determining the length of time and the given period in which to correct any deviation in and from standards shall include, but not be limited to:

- (1) the economic feasibility of improvement;
- (2) nature, significance and extent of the deviation;
- (3) depreciation of materials;
- (4) improvements;
- (5) the existing layout; and
- (6) other similar factors.

(D) Gradual improvements to a higher degree of conformity shall be permitted, provided that there shall be complete conformity at the end of a period described by the enforcing agency.

40-10-3 RESERVED.

DIVISION II – PERMITS AND LICENSES

40-10-4 PERMIT REQUIRED FOR CONSTRUCTION. It is unlawful for any person to construct, alter or extend any mobile home development within the Village limits unless he holds a valid permit issued by the enforcing agency in the name of such person, for the specific construction, alteration or extension proposed.

40-10-5 APPLICATION. All applications for permits shall contain the following:

(A) Name and address of the applicant;
(B) Location and legal description of the mobile home development;
(C) Complete engineering plans and specifications of the proposed development, showing but not limited to the following:

- (1) the area and dimensions of the tract of land,
- (2) the number, location and size of all mobile home lots,
- (3) the location and width of roadways and walks,
- (4) the location of water and sewer lines and riser pipes,
- (5) plans and specifications of the water supply and refuse and sewage disposal facilities,
- (6) plans and specifications of all buildings constructed or to be constructed within the mobile home development,
- (7) the location and details of lighting and electrical systems.

40-10-6 FEE. All applications shall be accompanied by a payment of a fee as specified in **Section 40-11-3.**

40-10-7 ISSUANCE. When upon review of the application the enforcing agency is satisfied that the proposed plan meets the requirements of this Chapter, a permit shall be issued.

40-10-8 DENIAL--HEARING. Any person whose application for a permit under this Chapter has been denied may request and shall be granted a hearing on the matter before the enforcing agency, under the procedure provided by this Article.

40-10-9 LICENSE REUQIRED FOR ADMINISTRATION.
(A) It is unlawful for any person to administer any mobile home community within the Village limits unless he holds a valid license issued annually by the enforcing agency in the name of such person for the specific mobile home community.

(B) All applications for licenses shall be made to the enforcing agency, who shall issue a license upon compliance by the applicant with the provisions of this Chapter.

40-10-10 APPLICATION.

- (A) Applications for original licenses shall contain:
- (1) the name and address of the applicant;
 - (2) the location and legal description of the mobile home community showing all mobile home standard, structures, roads and other service facilities.
- (B) Applications for original licenses shall be:
- (1) in writing;
 - (2) signed by the applicant;
 - (3) accompanied by an affidavit of the applicant as to the truth of the application; and
 - (4) accompanied the deposit of a fee of **Ten Dollars (\$10.00)**.

40-10-11 TRANSFERABILITY.

(A) Every person holding a license shall give notice in writing to the enforcing agency within **twenty-four (24) hours** after having sold, transferred, given away or otherwise disposed of interest in or control of a mobile home community. Such notice shall include the name and address of the person succeeding to the ownership or control of the mobile home community.

(B) Upon application in writing for a transfer of the license and deposit of a fee of **Ten Dollars (\$10.00)**, the license shall be transferred if the mobile home community is in compliance with all applicable provisions of this Chapter.

40-10-12 DENIAL--HEARING. Any person whose application for a license under this Article has been denied may request and shall be granted a hearing on the matter before the enforcing agency under the procedure provided by **Sections 40-10-98 through 40-10-101.**

40-10-13 RENEWAL. Applications for renewals of licenses shall:

- (A) be made in writing by the holders of the licenses; and
- (B) be accompanied by the deposit of a fee of **Ten Dollars (\$10.00)**;
- and
- (C) contain any change in the information submitted since the original license was issued or the latest renewal granted.

40-10-14 REVOCATION.

(A) Whenever upon inspection of any mobile home community the enforcing agency finds that conditions or practices exist which are in violation of this Chapter, the enforcing agency shall give notice in writing in accordance with **Section 40-10-98**, to the person to whom the license was issued, that unless such conditions or practices are corrected within a reasonable period of time specified in the notice by the enforcing agency, the license shall be suspended.

(B) At the time of such period, the enforcing agency shall reinspect the mobile home community and, if such conditions or practices have not been corrected, he shall suspend the license and give notice in writing of such suspension to the person to whom the license is issued.

(C) Upon receipt of notice of such suspension, such person shall cease administration of the mobile home community, except as provided in **Section 40-10-100**.

40-10-15 RESERVED.

DIVISION III – DEVELOPMENT STANDARDS

40-10-16 REQUIREMENTS GENERALLY.

(A) A mobile home development shall be located only upon property designated for that use by the Zoning Board of Appeals.

(B) No part of any park shall be used for nonresidential purposes, except such uses that are required for the direct servicing and well-being of park residents, and for the management and maintenance of the park.

(C) Nothing in this Section shall be deemed as prohibiting the sale of a mobile home located on a mobile home stand and connected to the pertinent utilities.

40-10-17 LOTS GENERALLY. The limits of each mobile home lot should be marked on the ground by suitable means. Location of lot limits on the ground should be the same as shown on accepted loans.

40-10-18 STANDS.

(A) The mobile home stand shall be improved to provide adequate support for the placement and tie-down of 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 or other forces acting on the structures.

(B) Anchors or tie-downs, if provided, such as case-in-place concrete dead men, eyelets imbedded in concrete, screw augers or arrow-head anchors shall be placed at least at each corner of the mobile home stand, and each device shall be able sustain a minimum load of **four thousand eight hundred (4,800) pounds.**

40-10-19 DRIVEWAYS AND PARKING SPACES.

(A) Improved driveways should be provided on lots where necessary for convenient access to mobile homes. The minimum width shall be **ten (10) feet.**

(B) The design criteria for automobile parking shall be based upon **two (2)** parking spaces for each mobile home lot. Parking may be in tandem.

40-10-20 OUTDOOR LIVING AREAS.

(A) Each mobile home lot should be provided with an outdoor living and service area. The minimum area should be not less than **three hundred (300) square feet**, with a least dimension of **fifteen (15) feet.**

(B) Such area should be improved as necessary to assure reasonable privacy and comfort.

40-10-21 ACCESSORY STRUCTURES. Accessory structures, as defined in **Section 40-10-1**, are dependent upon the mobile home and shall not be used as complete independent living units with permanent provisions for sleeping, cooking and sanitation. Such structures shall be erected, constructed or occupied on a mobile home lot as directed by the management of the mobile home development, as required by applicable national, state or local standards and as specified in the following:

(A) Accessory structures shall be designed in a manner that will enhance the appearance of the mobile home development.

(B) Accessory structures shall not obstruct required openings for light and ventilation of the mobile home, and shall not prevent inspection of mobile home equipment and utility connections.

(C) Construction and electrical installations, unless otherwise specified, shall comply with applicable ANSI Standard A119.1.

(D) Electrical circuits supplying the accessory structure shall be independent of the circuit supplying the mobile home.

40-10-22 STREETS GENERALLY.

(A) All mobile home developments shall be provided with safe and convenient vehicular access from abutting public streets or roads to each mobile home lot. Such access shall be provided by streets, driveways or other means.

(B) All streets shall be a minimum width of **thirty-four (34) feet**.

(C) Grades of all streets shall be sufficient to insure adequate surface drainage, but should not be more than **eight percent (8%)**. Short runs with a maximum grade of **twelve percent (12%)** may be permitted, provided traffic safety is assured.

40-10-23 ENTRANCE.

(A) Entrances to mobile home developments shall have direct connections to a public street, and shall be designed to allow free movement of traffic on such adjacent public streets.

(B) No parking shall be permitted on the entrance street for a distance of **one hundred (100) feet** from its point of beginning.

40-10-24 CIRCULATION.

(A) The street system should provide convenient circulation by means of minor streets and properly located collector streets.

(B) Dead-end streets shall be limited in length to **one thousand (1,000) feet**, and their closed end shall be provided with an adequate turn-around, a **sixty (60) feet** in diameter cul-de-sac.

40-10-25 INTERSECTIONS. Street intersections should generally be at right angles. Offsets at intersections and intersections of more than **two (2) streets** at one point should be avoided.

40-10-26 IMPROVEMENTS.

(A) All streets shall be provided with a smooth, hard and dense surface which shall be durable and well-drained under normal use and weather conditions.

(B) The surface shall be maintained free of cracks and holes, and its edges shall be protected by suitable means to prevent traveling and shifting of the base.

40-10-27 LIGHTS. Lighting shall be designed to produce a minimum of 0.1 foot candle throughout the street system. Potentially hazardous locations, such as major street intersections and steps or stepped ramps, shall be individually illuminated with a minimum of 0.3 foot candle.

40-10-28 SETBACKS, BUFFER STRIPS AND SCREENING.

(A) All mobile homes shall be located at least **twenty-five (25) feet** from any park property boundary line abutting upon a public street or highway, and at least **ten (10) feet** from other park property boundary lines.

(B) There shall be a minimum distance of **ten (10) feet** between the mobile home stand and the abutting park street.

(C) All mobile home developments located adjacent to industrial or commercial land uses shall be provided with screening, such as fences or planted trees or shrubs, along the property boundary line separating the development and such adjacent nonresidential uses.

40-10-29 RECREATION AREAS--EXEMPTIONS.

(A) Not less than **eight percent (8%)** of the gross site area shall be devoted to recreational facilities, generally provided in a central location. In larger developments recreational facilities can be decentralized with at least one area large enough for a small softball park, or **two-thirds (2/3)** of an acre.

(B) Recreational areas may include space for community buildings and community-use facilities, such as indoor recreation areas, swimming pools, hobby and repair shops and service buildings.

(C) Where compliance with this provision results in undue hardship, and/or individual lot areas are substantially above minimum standards and provided for sufficient outdoor recreation, an exemption shall be granted to the extent that an absolute minimum of **one hundred (100) square feet** per lot be considered sufficient for the site of a centralized recreation area, provided that no recreation area shall contain less than **five thousand (5,000) square feet.**

40-10-30 WALKS GENERALLY. All mobile home developments shall be provided with safe, convenient, all-season pedestrian access of adequate width for intended use, durable and convenient to maintain. Sudden changes in alignment and gradient shall be avoided.

40-10-31 WALKS--COMMON. A common walk system shall be provided and maintained between locations where pedestrian traffic is concentrated. Such common walks shall have a minimum width of **three and one-half (3 ½) feet.**

40-10-32 WALKS--INDIVIDUAL.

(A) All mobile home stands shall be connected to:

- (1) common walks;
- (2) streets;
- (3) driveways; or
- (4) parking spaces.

(B) Such individual walks shall have a minimum width of **two (2) feet.**

40-10-33 RESERVED.

DIVISION IV - UTILITIES

40-10-34 WATER GENERALLY.

- (A) Attachment to the municipal services are required when available.
- (B) An accessible, adequate, safe and potable supply of water shall be provided in each mobile home development. Where a public supply of water of satisfactory quantity, quality and pressure is available at the site or at the boundary of the site, connection shall be made thereto and its supply used exhaustively.
- (C) When a satisfactory public water supply is not available, a private water supply system may be developed and used as approved by the enforcing agency.

40-10-35 SOURCE AND VOLUME.

- (A) The water supply shall be capable of supply a minimum of **one hundred fifty (150) gallons** per day per mobile home.
- (B) Every well or suction line of the water supply system shall comply with appropriate regulations of the health authority.
- (C) No well-casings, pumping machinery or suction pipes shall be placed in any pit, room or space extending below ground-level, nor any room or space above-ground which is walled in or otherwise enclosed, unless such rooms, whether above or below-ground, have free drainage by gravity to the surface of the ground.
- (D) The treatment of private water supply shall be in accordance with applicable laws and regulations.

40-10-36 DISTRIBUTION.

- (A) All water-piping, fixtures and other equipment shall be constructed and maintained in accordance with state and local regulations and requirements, and shall be of a type and in locations approved by the health authority.
- (B) The water-piping system shall not be connected with nonpotable or questionable water supplies, and shall be protected against the hazards of backflow or back-siphonage.
- (C)
 - (1) The system shall be so designed and maintained as to provide a pressure of not less than **twenty (20) pounds**, and not more than **eighty (80) pounds** per square inch, under all normal operating conditions at each mobile home stand.
 - (2) The system shall also be capable of supplying e.g.:
 - (a) **fifty (50) mobile homes** with a demand load of **one hundred (100) gpm**;
 - (b) **one hundred (100) mobile homes** with a demand load of **one hundred eighty (180) gpm**; and

- (c) **three hundred (300) mobile homes** with a demand load of **three hundred seventy (370) gpm.**

(D) Greater design values may be required when the system is to provide fire hydrants. In such event the water supply system shall permit the operation of a minimum of **two (2) one and one-half (1 ½) inch** hose streams. Each **two (2) nozzles**, held **four (4) feet** above the ground, shall deliver at least **seventy-five (75) gallons** of water per minute at a flowing pressure of at least **twenty (20) pounds** per square inch at the highest elevation point of the development.

(E) Fire hydrants shall be located within **five hundred (500) feet** of any mobile home, service building or other structure in the development.

(F) Water mains, if installed parallel to sewer lines, shall be separated whenever possible at least **ten (10) feet** horizontally from any sanitary sewer, storm sewer or sewer manhole. In case of unusual conditions, separation requirements can be waived, provided the sewer is constructed of materials and with joints that are equivalent to water main construction standards and is pressure-tested to assure water-tightness prior to backfilling.

40-10-37 STORAGE.

(A) All water-storage reservoirs shall be covered, water tight and constructed of impervious material.

(B) Overflows and vents of such reservoirs shall be effectively screened.

(C) Manholes shall be constructed with overlapping covers so as to prevent the entrance of contaminated material.

(D) Reservoir overflow pipes shall discharge through an acceptable air gap.

40-10-38 RISER PIPES AND CONNECTIONS.

(A) Individual water-riser pipes shall be located within the area of the mobile home stand and approximately **thirty (30) feet** from the front of each stand.

(B) Water-riser pipes shall extend at least **four (4) inches** above ground elevation. The pipe diameter shall be at least **three-quarter (3/4) inch**. The water outlet shall be capped when a mobile home does not occupy the lot.

(C) Adequate provisions shall be made to prevent freezing of service lines, valves and riser pipes and to protect risers from heaving and thawing actions of the ground during freezing weather. Surface drainage shall be diverted from the location of the riser pipe.

(D) A shutoff valve below the front line shall be provided near the water-riser pipe on each mobile home lot.

(E) Underground stop and waste valves shall not be installed on any water service.

40-10-39 SEWERAGE GENERALLY. An adequate and safe sewerage system shall be provided in all mobile home developments for conveying and disposing of all sewage. Whenever feasible, connection shall be made to a public system. All new improvements shall be designed, constructed and maintained in accordance with state and local laws.

40-10-40 SEWER LINES.

- (A) All sewer lines shall:
- (1) be constructed of materials approved by the enforcing agency;
 - (2) be adequately ventilated; and
 - (3) have watertight joints.
- (B) All sewer lines shall be located in trenches of sufficient depth to be free of breakage from traffic or other movements and shall be separated from the development water supply system at a safe distance, as described in **Section 40-10-36(F)**.
- (C) Sewers shall be at a grade which insures a velocity of **two (2) feet** per second when flowing full. The system shall be designed to be adequate for a minimum flow of **one hundred fifty (150) gallons** per day per mobile home lot.

40-10-41 CONNECTIONS.

- (A) Each mobile home stand shall be provided with a **four (4) inch** diameter sewer-riser pipe. The sewer-riser pipe shall be located within the area of the mobile home stand, and approximately **forty (40) feet** from the front of such stand.
- (B) The sewer connection, as defined in **Section 40-10-1**, shall have a nominal inside diameter of **three (3) inches**, and the slope of any portion thereof shall be at least **one-fourth (1/4) inch** per foot. The sewer connection shall consist of one pipe line only, without any branch fittings. All joints shall be watertight.
- (C) All materials used for sewer connections shall be semi rigid, corrosion-resistant, nonabsorbent and durable. The inner surface shall be smooth.
- (D) Provisions shall be made for sealing the sewer-riser pipe when a mobile home does not occupy the lot. Surface drainage shall be diverted away from the riser. The rim of the riser pipe shall extend at least **four (4) inches** above ground elevation.

40-10-42 TREATMENT AND DISCHARGE. Where the sewer lines of the mobile home development are not connected to a public sewer, all proposed sewage disposal facilities shall be approved by the health authority prior to construction. Effluents from sewage treatment facilities shall be discharged only as permitted by the enforcing agency.

40-10-43 ELECTRICAL DISTRIBUTION SYSTEM GENERALLY.

(A) The mobile home development electrical wiring system consists of all the electrical wiring, fixtures, equipment and appurtenances related to electrical installations within a mobile home development up to the mobile home service entrance conductor or, if none, the mobile home service equipment.

(B) The mobile home development secondary electrical distribution system to the mobile home lot shall be single-phase, 120/240 volts.

40-10-44 CONFORMANCE WITH NATIONAL ELECTRICAL CODE. Except as otherwise permitted or required by this standard, all electrical installations in mobile home developments shall be designed and constructed in accordance with the applicable code adopted by the enforcing agency. Where the state or other political subdivision does not assume jurisdiction, such electrical installations shall be designed and constructed in accordance with the appropriate provisions of the National Electrical Code, ANSI c-1.

40-10-45 CALCULATED LOAD.

(A) Mobile home development electrical wiring systems shall be calculated on the basis of not less than **sixteen thousand (16,000) watts**, at 120/240 volts, per each mobile home service. The demand factors which are set forth in the following table are the minimum allowable demand factors which may be used in calculating the load on feeders and service:

<u>Number of Mobile Home Lots</u>	<u>Demand Factor (Percent)</u>
1	100
2	55
5	33
10	27
20	25
50	23
100 and over	22

(B) For the purpose of this Section, where the development service exceeds **two hundred forty (240) volts**, transformers and secondary distribution panel boards shall be treated as services.

(C) Mobile home lot feeder circuit conductors shall have adequate capacity for the loads supplied, and shall be rated at not less than **one hundred (100) amperes** at 120/240 volts.

40-10-46 EQUIPMENT.

(A) Provision may be made for connecting a mobile home power supply assembly by a permanent wiring method, and the mobile home service equipment may provide for the installation of at least **one (1) fifty (50) ampere** receptacle, conforming to ANSI c 73.17-1966.

(B) Mobile home service equipment may also be provided with a means for connecting a mobile home accessory building or structure, or additional electrical equipment located outside a mobile home by a permanent wiring method.

(C) Additional receptacles may be provided for the connection of electrical equipment located outside of the mobile home. When connected by a flexible cord assembly, the cord shall be outside SO, ST or STO not more than **twenty (20) feet** in length and the attachment plug cap shall be an approved grounding type conforming to the configuration of the receptacle to which it is connected.

(D) The point of the electrical connection for the mobile home will be within the area of the mobile home stand, and approximately **forty (40) feet** from the front of such stand.

40-10-47 GAS DISTRIBUTION SYSTEM GENERALLY. Gas equipment and installations within a mobile home development shall be designed and constructed in accordance with the applicable codes adopted by the enforcing agency. Where the state or other political subdivision does not assume jurisdiction, such installations shall be designed and constructed in accordance with the appropriate provisions of ANSI-Z21.30 and Z106.1.

40-10-48 GAS SUPPLY--CALCULATION.

(A) The minimum hourly volume of gas required at each mobile home lot outlet or any section of the mobile home development gas piping system shall be calculated as follows:

	<u>Natural</u>	<u>L.P.G.</u>
For the most remote mobile home lot outlet on any branch or main	125 CFH	50 CFH
For the second most remote outlet on any branch or main	100 CFH	40 CFH
For the third most remote outlet on any branch or main	75 CFH	30 CFH

(B) After the third most remote outlet, subsequent branch or main line loadings may be computed using a value of **fifty (50) cubic feet** per hour for natural gas and **twenty (20) cubic feet** per hour for liquefied petroleum gas.

40-10-49 INSTALLATION. All gas piping installed below ground shall have a minimum earth cover of **eighteen (18) inches**. Gas piping shall not be installed under any mobile home.

40-10-50 SYSTEM SHUTOFF VALVE. A readily accessible and identified shutoff valve controlling the flow of gas to the entire gas piping system shall be installed near the point of connection to the service piping, or supply connection of the liquefied petroleum gas tank.

40-10-51 LOT SHUTOFF VALVE.

(A) Each mobile home lot shall have an approved gas shutoff valve installed upstream of the mobile home gas outlet and located on the outlet riser at a height of not less than **four (4) inches** above grade.

(B) Such valve shall not be located under any mobile home.

(C) Whenever the mobile home lot outlet is not in use, the outlet shall be equipped with an approved cap or plug to prevent accidental discharge of gas.

40-10-52 CONNECTION.

(A) Each mobile home shall be connected to the mobile home lot outlet by an approved **three-quarter (3/4) inch** mobile home connector not more than **six (6) feet** in length.

(B) Approved pipe fittings may be used between the flexible connector and the mobile home lot gas outlet when the distance between the mobile home lot gas outlet and the mobile home gas service connection exceeds that required to make a safe installation with only a mobile home connector.

40-10-53 CONNECTION--INSTALLATION. The mobile home gas connection shall be installed at the edge of the mobile home stand, approximately **thirty (30) feet** from the front of such stand, and located so as not to terminate beneath the mobile home.

40-10-54 PROTECTION REQUIRED. All gas-outlet risers, regulators, meters, valves or other exposed equipment shall be protected from mechanical damage by vehicles or other causes.

40-10-55 FUEL OIL SYSTEM GENERALLY. Distribution systems shall be installed and maintained in accordance with applicable codes and regulations governing such systems.

40-10-56 INSTALLATION. All fuel oil storage tanks and cylinders should be installed underground and shall not be located inside or beneath any mobile home or accessory structure, or less than **five (5) feet** from any mobile home exit.

40-10-57 PIPING.
(A) Piping installed below ground shall have a minimum earth cover of **eighteen (18) inches.**
(B) All piping from outside fuel-oil storage tanks or cylinders to mobile homes shall be permanently installed and securely fastened in place.

40-10-58 TANKS. Every tank shall be vented by a vent not less than **one and one-quarter (1 ¼) inch** iron-pipe size, so designed and installed to prevent entrance of rain or debris.

40-10-59 SHUTOFF VALVE. A shutoff valve located immediately adjacent to the gravity-feed connection of a tank shall be installed in the fuel oil supply line to the mobile home.

40-10-60 VALVES AND CONNECTORS.
(A) Fuel oil connectors from the tank to the mobile home shall be brass or copper tubing, or approved flexible metal hose, not smaller than **three-eighths (3/8) inch** iron pipe size or tubing, and shall be protected from physical damage. Aluminum tubing shall not be used.
(B) Valves and connectors shall be listed standard fitting, and maintained liquid-tight to prevent spillage of fuel oil on the ground.

40-10-61 TELEPHONE SERVICE. When telephone service to mobile home stands is provided, the distribution systems shall be underground, unless economically impractical.

40-10-62 RESERVED.

DIVISION V – HEALTH AND SAFETY

40-10-63 BUILDING REQUIREMENTS--APPLICABILITY. The requirements of **Sections 40-10-64** and **40-10-65** shall apply to service buildings, recreation buildings and other community service facilities such as:

- (A) Management offices, repair shops and storage areas;
- (B) Sanitary facilities;
- (C) Laundry facilities;
- (D) Indoor recreation areas;
- (E) Commercial uses supplying essential goods and services for the exclusive use of development occupants.

40-10-64 SANITARY FACILITIES REQUIRED. Every development should be provided with the following emergency sanitary facilities:

- (A) For each **one hundred (100)** mobile home lots, or fractional part thereof, there shall be one flush toilet and one lavatory.
- (B) The building containing such emergency sanitary facilities shall be accessible to all mobile homes.

40-10-65 PERMANENT BUILDINGS.

(A) All portions of a permanent structure shall be properly protected from damage by ordinary use and by decay, corrosion, termites and other destructive elements. Exterior portions shall be of such material and so constructed and protected as to prevent entrance or penetration of moisture and weather.

(B) All rooms containing sanitary or laundry facilities shall:

- (1) have sound-resistant walls extending to the ceiling between male and female sanitary facilities. Walls and other plumbing fixtures shall be constructed of dense, nonabsorbent, waterproof material or covered with moisture-resistant material;
- (2) have at least one window or skylight facing directly to the outdoors. The minimum aggregate gross area of windows for each required room shall be not less than **ten percent (10%)** of the floor area served by them;
- (3) have at least one window which can be easily opened, or a mechanical device which will adequately ventilate the room.

(C) Toilets shall be located in separate compartments equipped with self-closing doors. Shower stalls shall be of the individual type. The rooms shall be screened to prevent direct view of the interior when the exterior doors are open.

- (D) Illumination levels shall be maintained as follows:
 - (1) general-seeing tasks, five foot candles;
 - (2) laundry room work area, forty foot candles;
 - (3) toilet room in front of mirrors, forty foot candles.
- (E) Hot and cold water shall be furnished in every lavatory, sink, bathtub, shower and laundry fixtures. Cold water shall be furnished to every water closet and urinal.

40-10-66 REFUSE GENERALLY. The storage, collection and disposal of refuse in the mobile home community shall be conducted so as to create no health hazards, rodent harborage, insect-breeding areas, accidents or fire hazards or air pollution.

40-10-67 REFUSE AND SOLID WASTE--COLLECTION.

(A) All refuse containing garbage shall be collected at least twice weekly. Where a suitable collection service is not available from municipal or private agencies, the management shall provide this service. All refuse shall be collected and transported in covered vehicles or covered containers.

(B) Solid waste collection stands shall be provided for all waste containers. Such stands shall be so designed as to:

- (1) prevent containers from being tipped;
- (2) minimize spillage;
- (3) contain deterioration; and
- (4) facilitate cleaning around them.

40-10-68 INCINERATORS GENERALLY. Where municipal or private disposal service is not available, the management shall dispose of the refuse by incineration, or by transporting it to a disposal site approved by the health authority.

40-10-69 OPERATION. Incinerators shall be operated only when attended by some person specifically authorized by the management.

40-10-70 CONSTRUCTION—REFUSE AND SOLID WASTE.

(A) If provided, refuse incinerators shall be constructed in accordance with engineering plans and specifications which shall be reviewed and approved by the health authority or other authority having jurisdiction.

(B) If provided, solid waste incinerators shall be constructed in accordance with engineering plans and specifications which shall be reviewed and approved by the enforcing agency or other authority having jurisdiction.

40-10-71 FIRE PROTECTION. Mobile home communities shall be kept free of litter, rubbish and other flammable materials.

40-10-72 FIRE CONDITIONS. Fires shall be made only in stoves, incinerators and other equipment intended for such purposes.

40-10-73 FIRE EXTINGUISHERS. Portable fire extinguishers rated for classes B and C shall be kept in service buildings and at other locations conveniently and readily accessible for use by all occupants, and shall be maintained in good operating condition. Their capacity shall not be less than **two and one-half (2 ½) pounds.**

40-10-74 FIRE HYDRANTS. Fire hydrants shall comply with **Section 40-10-36(D) – (F).**

40-10-75 LIQUEFIED GAS AND OIL TANKS--INSTALLATION.

(A) Liquefied petroleum gas containers installed on a mobile home lot shall be securely but not permanently fastened to prevent accidental overturning. Such containers shall not be less than **twenty-five (25)** or more than **one hundred (100) pounds** LP-gas capacity.

(B) All fuel-oil storage tanks or cylinders shall be securely fastened in place and shall not be located inside or beneath any mobile home or less than **five (5) feet** from any mobile home exit.

40-10-76 LIQUEFIED GAS—UNLAWFUL STORAGE. No liquefied petroleum gas vessel shall be stored or located inside or beneath any storage cabinet, carport, mobile home or any other structure, unless such installations are approved by the health authority.

40-10-77 INSECT AND RODENT CONTROL GENERALLY.

(A) The community shall be maintained free of accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitoes and other pests.

(B) Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation.

40-10-78 CONFORMANCE. Extermination methods and other measures to control insects and rodents shall conform with the requirements of the health authority.

40-10-79 STORAGE AREAS. Storage areas shall be so maintained as to prevent rodent harborage. Lumber, pipe and other building materials shall be stored at least **one (1) foot** above the ground.

40-10-80 EXTERIOR OPENINGS. Where the potential for insect and rodent infestation exists, all exterior openings in or beneath any structure shall be appropriately screened with wire mesh or other suitable materials.

40-10-81 NOXIOUS WEEDS PROHIBITED. The growth of brush, weeds and grass shall be controlled to prevent the harborage of ticks, chiggers and other noxious insects. The community shall be so maintained as to prevent the growth of ragweed, poison ivy, poison oak, poison sumac and other noxious weeds considered detrimental to health. Open areas shall be maintained free of heavy undergrowth of any description.

DIVISION VI – ADMINISTRATION

40-10-82 MANAGEMENT DUTIES GENERALLY. The person to whom a license for a mobile home community is issued shall provide adequate supervision to maintain the community in compliance with this Chapter, keep its facilities and equipment in good repair and in a clean and sanitary condition.

40-10-83 NOTIFICATION. The management shall notify the community residents of all applicable provisions of this Chapter, and inform them of duties and responsibilities under this Chapter.

40-10-84 SUPERVISION OF MOBILE HOME PLACEMENT. The management shall supervise the placement of each mobile home on its mobile home stand, which includes securing its stability and installing all utility connections.

40-10-85 REGISTER. The management shall maintain a register containing the names of all community residents identified by lot number or street address. Such register shall be available to any authorized person inspecting the community.

40-10-86 CONTAGIOUS DISEASES. The management shall notify the enforcing agency immediately of any suspected communicable or contagious disease within the community.

40-10-87 RESIDENT DUTIES GENERALLY. The resident shall comply with all applicable requirements of this Chapter, and shall maintain his mobile home lot, its facilities and equipment in good repair and in clean and sanitary condition.

40-10-88 MOBILE HOME PLACEMENT. The resident shall be responsible for proper placement of his mobile home on its mobile home stand, and proper installation of all utility connections in accordance with the instructions of the management.

40-10-89 PERMITTED ADDITIONS. Skirtings, porches, awnings and other additions shall be installed only if permitted and approved by the management. When installed, they shall be maintained in good repair. The space immediately underneath a

mobile home shall be used for storage only if permitted by the management. If permitted, the following conditions shall be satisfied:

- (A) The storage area shall be provided with a base of impervious material.
- (B) Stored items shall be located so as not to interfere with the underneath inspection of the mobile home.
- (C) The storage area shall be enclosed by skirting.

40-10-90 PETS. Pets, if permitted in the community, shall be prohibited to run at large, or to commit any nuisance within the limits of any mobile home lot.

40-10-91 RUBBISH. The resident shall store and dispose of all his rubbish and garbage in a clean, sanitary and safe manner. The garbage container shall be rodent proof, insect proof and watertight.

40-10-92 FIRE EXTINGUISHERS. First aid fire extinguishers for class B and C fires shall be kept at the premises and maintained in working condition.

40-10-93 RESERVED.

DIVISION VII - ENFORCEMENT

40-10-94 INSPECTION. The health authority is authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this Chapter.

40-10-95 RIGHT OF ENTRY. The health authority shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this Chapter.

40-10-96 REGISTER INSPECTION. The health authority shall have the power to inspect the register containing a record of all residents of the mobile home community.

40-10-97 MANAGEMENT ACCESS. It shall be the duty of every resident of a mobile home community to give the management thereof, or his designated agent, access to any part of such mobile home development at reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with this Chapter.

40-10-98 NOTICE OF VIOLATION.

(A) Whenever the enforcing agency determines that there are reasonable grounds to believe that there has been a violation of any provision of this Chapter, the enforcing authority shall give notice of such alleged violation to the person to whom the permit or license was issued, as provided in this Chapter.

(B) Such notice shall:

- (1) be in writing;
- (2) include a statement of the reasons for its issuance;
- (3) include time for the performance of any act it requires;
- (4) be served upon the owner or his agent, as the case requires; provided, that such notice or order shall have been properly served upon such owner or agent when a copy thereof has been sent by registered mail to his last-known address, or his registered agent;
- (5) contain an outline of remedial action which, if taken, will affect compliance with the provisions of this Chapter.

40-10-99 NOTICE—NOT REQUIRED IN EMERGENCY.

(A) Whenever the enforcing agency finds that an emergency exists which requires immediate action to protect the public health, he may without notice of hearing issue an order citing the existence of such an emergency and requiring that such action be taken as he may deem necessary to meet the emergency including the suspension of the permit or license.

(B) Notwithstanding any other provision of this Chapter, such order shall be effective immediately. Any person to whom such an order is directed shall comply therewith immediately, but upon petition to the enforcing agency shall be afforded a hearing as soon as possible.

(C) The provisions of **Section 40-10-101** shall be applicable to such hearing, and the order issued thereafter.

40-10-100 NOTICE—HEARING.

(A) Any person affected by any notice which has been issued in connection with the enforcement of any provision of this Chapter may request and shall be granted a hearing on the matter before the enforcing agency; provided, that such person shall file in the office of the enforcing agency a written petition requesting such hearing and setting forth a brief statement of the grounds therefore within **ten (10) days** after the notice was served.

(B) The filing of the request for the hearing shall operate as a stay of the notice and of the suspension, except in the case of an order issued under **Section 40-10-99**.

(C) Upon receipt of such petition, the enforcing agency shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn.

(D) The hearing shall be commenced not later than **ten (10) days** after the day on which the petition was filed; provided, that upon application of the petitioner the enforcing agency may postpone the date of the hearing for a reasonable time beyond such **ten (10) day** period when, in his judgment, the petitioner has submitted good and sufficient reasons for such postponement.

40-10-101 HEARING—FINDINGS.

(A) After such hearing the enforcing agency shall make findings as to compliance with the provisions of this Chapter, and shall issue an order in writing sustaining, modifying or withdrawing the notice, which shall be served as provided in **Section 40-10-98**.

(B) Upon failure to comply with any order sustaining, modifying or withdrawing a notice, the license of the mobile home development affected by the order shall be revoked, and the licensee shall be subject to the penalties of **Section 40-12-6**.

ARTICLE XI

ADMINISTRATION AND ENFORCEMENT

40-11-1 BUILDING PERMIT REQUIRED. It is unlawful to construct any building or structure other than a fence in the Village, or to alter or remodel any building or structure so as to change the bearing walls, beams, supports or the roof thereof, without first securing a permit therefor.

40-11-2 APPLICATION. Application for building permits shall be made to the Zoning Administrator, and shall have attached thereto **two (2) copies** of a layout or plot plan showing the actual dimensions of the lot to be built upon, the exact size and location on the lot of the building and accessory buildings to be erected and such other information as may be necessary to determine and provide for the enforcement of this Article.

40-11-3 FEE. When an application is made for a building permit a fee of **Twenty-Five Dollars (\$25.00)** shall be charged for up to **Nine Thousand Nine Hundred Ninety-Nine Dollars (\$9,999.00)** and **Twenty-Five Dollars (\$25.00)** over **Ten Thousand Dollars (\$10,000.00)** plus **Fifty Cents (\$0.50)** for each **Five Hundred Dollars (\$500.00)** over **Ten Thousand Dollars (\$10,000.00)** increment (or part thereof) of the anticipated construction cost. **One (1) copy** of such layout or plot plan shall be returned to the applicant when the building permit is issued. **(Ord. No. 22-04; 05-09-22)**

40-11-4 CERTIFICATE OF OCCUPANCY GENERALLY. No land shall be occupied or used, and no buildings erected, altered, extended or changed in use until a certificate of occupancy has been issued by the Zoning Administrator stating that the building or proposed use complies with the provisions of this Article.

40-11-5 NONCONFORMING USES. No nonconforming use shall be maintained or reestablished without a certificate of occupancy having been issued by the Zoning Administrator.

40-11-6 BUILDING OR ALTERATIONS. No permit for excavation, or erection, alteration or repair to any building shall be issued until an application has been made for a certificate of occupancy.

40-11-7 CERTIFICATE OF OCCUPANCY—BUILDING PERMIT. All certificates of occupancy shall be applied for coincident with the application for a building permit. The certificate shall be issued within **ten (10) days** after the erection or alteration have been approved as complying with the provisions of this Article.

40-11-8 ZONING ADMINISTRATOR DUTIES. The Zoning Administrator shall maintain a record of all certificates, and copies shall be furnished upon request to any person having a proprietary or tenant interest in the building affected.

40-11-9 ENFORCEMENT. This Article shall be enforced by the Zoning Administrator, who shall be appointed by the Village Board of Trustees. No building permit or certificate of occupancy shall be granted by him for any purpose except in compliance with the provisions of this Article.

ARTICLE XII

BOARD OF APPEALS

40-12-1 **CREATED.**

(A) A Board of Appeals is created which shall consist of **seven (7) members** appointed by the Village Board to serve respectively the following initial terms:

- (1) **one (1)** for **one (1) year**;
- (2) **one (1)** for **two (2) years**;
- (3) **one (1)** for **three (3) years**;
- (4) **one (1)** for **four (4) years**;
- (5) **one (1)** for **five (5) years**;
- (6) **one (1)** for **six (6) years**;
- (7) **one (1)** for **seven (7) years**.

The successor of each member so appointed shall serve a term of **five (5) years**.

(B) **One (1) member** of the Board shall be designated by the Village Board as Chairman, and shall hold office as Chairman until his successor is appointed. The Board may select or appoint such other officers as it deems necessary.

(C) The Chairman, or in his absence a member designated by the Board as the acting chairman, shall have the power to administer oaths and compel attendance of witnesses.

(D) The Zoning Administrator shall be Secretary to the Board of Appeals.

(E) A quorum shall consist of a majority of the members of the Board so appointed.

40-12-2 **POWERS AND DUTIES.**

(A) The Board of Appeals may make and enforce such reasonable rules and regulations in the conduct of its proceedings as are consistent with the laws of the state and the ordinance of the Village.

(B) The Board of Appeals shall have all the powers and duties prescribed by law and by this Article, which are more particularly specified as follows:

- (1) Upon appeal from a decision by an administrative official to decide any question involving the interpretation of any provision of this Article, including determination of the exact location of any district boundary if there is uncertainty with respect thereto;
- (2) To vary or adopt the strict application of any of the requirements of this Article in the case of exceptionally irregular, narrow or shallow lots, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship depriving the

owner of the reasonable use of the land or building involved, but in no other case;

- (3) To hear applications for use variance and make recommendations thereon to the Village Board, the power to grant use variances being expressly reserved to the Village Board.

(C) No variance in the strict application of any provision of this Article shall be granted by the Board of Appeals, nor shall any recommendation for use variance be made unless it finds that:

- (1) There are special circumstances or conditions, fully described in the findings, applying to the land or building for which the variance is sought, which circumstances or conditions are peculiar to such land or buildings in the neighborhood and that the circumstances or conditions are such that the strict application of the provisions of this Article would deprive the applicant of the reasonable use of such land or building;
- (2) For reasons fully set forth in the findings, the granting of the variance is necessary for the reasonable use of the land or building and that the variance as granted by the Board is the minimum variance that will accomplish this purpose;
- (3) The granting of the variance will be in harmony with the general purpose and intent of this Article, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare or in conflict with the general plan. In granting any variance, the Board of Appeals shall prescribe any condition it deems necessary or desirable.

40-12-3 **MEETINGS.** The Board shall meet at the call of the Chairman and at such other times as it may determine. The Board shall keep minutes of its proceedings, including:

- (A) findings of fact;
- (B) all its determinations and decisions, and the reasons therefor; and
- (C) the vote of each member upon every question, which minutes shall immediately be filed in the office of the Village Clerk, and shall be a matter of public record.

40-12-4 **AMENDMENTS TO ARTICLE.**

(A) The regulations imposed and districts created by this Article may be amended from time to time by ordinance, after the ordinance establishing them has gone into effect. No such amendments shall be made without a hearing before the Board of Appeals.

(B) Notice shall be given of the time and place of the hearing, by publishing a notice thereof at least once in one or more newspapers available in the Village and posting at the Village Hall.

(C) In case a written protest against any proposed amendment of the regulations or districts is filed with the Village Clerk, signed and acknowledged by the owners of **twenty percent (20%)** of the frontage immediately adjoining or across an alley therefrom, or by the owners of **twenty percent (20%)** of the frontage directly opposite the frontage proposed to be altered, the amendments shall not be passed except by a favorable vote of **two-thirds (2/3)** of the Village Board.

40-12-5 APPEALS—FILING—FEES.

(A) An appeal may be taken to the Board of Appeals by any person, group or organization, public or private, affected by a decision by the Zoning Administrator. Such appeal shall be taken within **forty-five (45) days** of the action complained of, by filing with the Zoning Administrator and with the Board a notice of appeal specifying the grounds thereof.

(B) A fee of **Ten Dollars (\$10.00)** shall accompany all notices of appeal. All publishing costs shall be paid by any person, group or organization, public or private, making the appeal.

40-12-6 APPEALS—HEARING—APPLICATION.

(A) The Board of Appeals shall act in strict accordance with the procedure specified by law and by this Article.

(B) All appeals and applications made to the Board shall be in writing, on forms prescribed by the Board. Every appeal or application shall refer to the strict provision of the ordinance involved, and shall exactly set forth:

- (1) the interpretation that is claimed;
- (2) the use for which the special permit is sought; or
- (3) the details of the variance that should be granted.

40-12-7 HEARING—CONFORMANCE WITH STATE CODE.

(A) 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. Hearings and all proceedings of the Board shall be in conformity with the Illinois law on zoning, as presently set out in Division 13 Article XI of the Illinois Municipal Code as amended.

(B) All hearings shall be open to the public, and any party in interest may appear in person or by agent or attorney. All final administrative decisions of the Board of Appeals shall be subject to judicial review.

40-12-8 HEARING--DECISION.

(A) Every decision of the Board of Appeals shall be by resolution, each of which shall contain a full record of the findings of the Board in the particular case. Each such resolution shall be filed in the office of the Village Clerk by case number, under one of the following headings:

- (1) interpretations; or
- (2) variances;

 together with all documents pertaining thereto.

(B) The Board of Appeals shall notify the Village Board of each special permit, and each variance granted under the provisions of this Article. A copy of all decisions of the Board of Appeals shall be given to the Zoning Administrator.

ARTICLE XIII

VIOLATIONS

40-13-1 VILLAGE BOARD AUTHORITY. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this Chapter, the Village Board, in addition to other remedies, may institute any proper action or proceedings in the name of the Village to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to:

- (A) restrain, correct or abate such violation;
- (B) prevent the occupancy of the building, structure or land; or
- (C) prevent any illegal act, conduct, business or use in or about the premises.

40-13-2 PENALTY FOR VIOLATION.

(A) Any person, firm or corporation violating any of the provisions of this Article shall be subject to a fine upon conviction of not less than **Twenty-Five Dollars (\$25.00)**, nor more than **Five Hundred Dollars (\$500.00)** for each offense.

(B) In addition to the penalties described in paragraph (A), all court costs, which shall include all costs incurred by the Village in prosecuting the case, shall be recoverable from anyone convicted of a violation of this Article, or any provision thereof. Each day during which any violation of any section persists after notice of conviction shall be deemed a separate offense.