

ORDINANCE NO. 68 (As Amended by Ordinance No. 152)

AN ORDINANCE TO REGULATE THE HEIGHT AND BULK OF BUILDINGS: TO REGULATE AND LIMIT THE INTENSITY OF THE USE OF LOT AREAS: TO REGULATE AND DETERMINE THE AREA OF OPEN SPACES WITHIN AND SURROUNDING SUCH BUILDINGS: TO CLASSIFY, REGULATE AND RESTRICT THE LOCATION OF TRADES AND INDUSTRIES AND OTHER USES AND THE LOCATION OF BUILDINGS DESIGNED FOR SPECIFIED INDUSTRIAL, BUSINESS, RESIDENTIAL, AND OTHER USES: AND FOR SAID PURPOSES TO DIVIDE THE ENTIRE VILLAGE INTO DISTRICTS: TO PROVIDE FOR THE ENFORCEMENT AND ADMINISTRATION OF SAID REGULATIONS: TO PROVIDE FOR AMENDMENTS AND TO PRESCRIBE PENALTIES FOR THE VIOLATION OF ITS PROVISIONS.

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF OREANA, ILLINOIS:

SECTION I. SHORT TITLE

This Ordinance shall be known as the Zoning Ordinance.

SECTION II. DEFINITIONS

For the purpose of this Ordinance certain terms and words are herewith defined as follows:

Words used in the present tense include the future; words in the singular number include the plural, and words in the plural number include the singular; the word "shall" is mandatory and not directory.

1. Accessory Building or Use: A subordinate building or a portion of the main building, located on the same lot as the main building, the use of which is incidental to that of the main building or to the main use of the lot. An accessory use is one which is incidental to the main use of a building or land.
2. Block Front: All of the property on one side of a street between two intersecting streets.
3. Building: Any structure, including a roof supported by walls, designed or intended for the support, enclosure, shelter or protection of persons, animals, chattels or property and forming a construction that is safe and stable; the word "building" shall include the word "structure".
4. Building, Height of: The vertical distance from the grade (elevation of the curb, sidewalk, or average elevation of the ground around the structure) to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or the mean height level between eaves and ridge for gable, hip, or gambrel roofs.
5. Clinic: An establishment where patients, who are not lodged overnight are admitted for examination and treatment by two or more dentists or physicians practicing together.

6. District: A section or sections of the Village of Oreana 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.
7. Dwelling: Any building or portion thereof designed for or used exclusively for residential purposes, but not including hotels, motels, motor courts or trailers.
8. Dwelling, Single Family: A building designed for or used exclusively by one family as a residence.
9. Dwelling, Two Family: A building designed for or occupied by two (2) families.
10. Dwelling, Multiple: A building designed for or occupied by three or more families.
11. Dwelling Unit: A room or group of rooms within a dwelling and forming a single habitable unit with permanent facilities for living, sleeping and cooking.
12. Family: One or more persons each related to the other by blood, marriage, or adoption, or a group of not more than three persons not so related maintaining a common household in a dwelling unit. Domestic servants and gratuitous guests residing with a family shall be considered to be members of the family.
13. Farm: An area which is used for the growing of the usual farm products such as vegetables, fruit, trees, and grain, and their storage on the area, as well as for the raising thereon of the usual farm poultry and -farm animals only for the use or consumption of the person or persons operating the farm. The term "farming" includes the operating of such an area for one or more of the above uses, including the necessary accessory uses for treating or storing the produce, provided, however, that the operation or any such accessory uses shall be secondary to that of the normal farming activities, and provided further, that farming does not include the feeding of garbage or offal to swine or other animals.
14. Service Station: Any building, structure, or land used for the dispensing, sale or offering for sale at retail of any automobile fuels, oils or accessories, including lubrication of automobiles and replacement or installation of minor parts and accessories but not including major repair work such as motor replacement, body and fender repair or spray painting. When such services are incidental to the conduct of a public garage, the use shall be classified as a public garage.
15. Floor Area: The sum of the gross horizontal areas of all floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating buildings but not including cellar or basement space not used for business or commerce.
16. Garage, Private: An accessory building which is designed or used for the storage of not more than three motor-driven vehicles which are the property of and for the private use of the occupants of the lot on which the private garage is located. Not more than one of the vehicles may be a commercial vehicle.
17. Garage, Public: A building or portion thereof, other than a private garage, designed

or used for equipping, servicing, repairing, hiring, selling or storing motor-driven vehicles.

18. Home Occupation: Any occupation or activity entirely incidental to residential use, when (1) carried on in the main building by a member of the immediate family residing on the premises; (2) no sign display or other evidence other than a maximum three (3) square foot identification sign shall be placed on any lot and shall not advertise any product nor which shall contain any mobile illuminous or flashing parts; (4) there is no commodity sold upon the premises; (5) no person is employed other than a member of the immediate family residing on the premises; and (6) no mechanical equipment is used except of a type that is similar in character to that normally used for purely domestic or household purposes.

Home occupation shall include the use of premises by a physician, surgeon or dentist for consultation or emergency treatment, but not for the general practice of his profession.

Home occupation shall also include private tutoring limited to three pupils at anyone time, nursery schools limited to three pupils, musical instruction limited to a single pupil at a time, and a maximum of four hours of instruction per day; architects, professional engineers, surveyors, and other professional persons, provided that no person is employed other than a member of the immediate family residing on the premises.

A home occupation may include barber shops, beauty shops when: (1) no more than one chair for a barber shop is installed in the building; and no more than two hair dryers for a beauty shop; (2) when the shop is on a 18,000 square foot or more lot and can provide space for two off-street parking spaces on the lot; (3) that items (1) through (5) are adhered to.

A home occupation shall not be interpreted to include commercial stables and/or kennels.

19. Hotel: A building in which lodging, or lodging and meals, are regularly provided or offered to the public for compensation and which is customarily open to transient guests; and in which ingress and egress to and from all rooms is made through an inside lobby or office.

20. Junk Yard: A lot, land or structure, or part thereof, used primarily for the collecting, storage and sale of waste paper, dismantling, storage and salvaging to machinery or vehicles not in running conditions and for sale of parts thereof. A junkyard includes auto wrecking yards.

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

22. Lot Line: A property boundary line of any lot held in single or separate ownership, except that where any portion of the lot extends into an abutting street or alley, the lot line shall be deemed to be the street or alley line. The front lot line is the boundary of a

lot which is along a street, except that on corner lots the front lot line shall be deemed along the street upon which the lot has its least dimension. The rear lot line is the boundary of a lot at the opposite end of the lot from the front lot line. The side lot line is any boundary of a lot which is not a front or rear lot line.

23. Lot of Record: A lot which is part of a subdivision, the map of which has been recorded in the office of the Recorder of Deeds of Macon County prior to the passage of this Ordinance; or a parcel of land, the deed of which was recorded in the office of the Recorder of Deeds of Macon County prior to the passage of this Ordinance.

24. Lot, Corner: A lot abutting upon two or more streets at their intersection.

25. More Restricted Classification: A zoning district in which the limitations upon the uses to which a building or land can be devoted are more restricted than those in the district with which it is being compared. The "A-1", "A-2", "A-3" Residence Districts are more restricted than the "B" Commercial District; the "B" Commercial District is more restricted than the "C" Industrial District.

26. Motel, Motor Hotel or Motor Court: A building or group of related buildings in which lodging is provided or offered for compensation to transient guests customarily traveling by automobile.

27. Nonconforming Use: Any building or land lawfully occupied by a use at the time of passage of this Ordinance or any amendment thereto, which does not conform after the passage of this Ordinance or amendment thereto with the use regulations of the district in which it is situated. The term also includes any use of a building or land which becomes nonconforming by virtue of being annexed to the Village of Oreana subsequent to the passage of this Ordinance.

28. Parking Space: A surfaced area of at least one hundred eighty square feet located on the same lot as the building or use it is intended to serve and of such shape as to be suitable for parking or storage of a motor vehicle. The minimum area is exclusive of driveways which give convenient access between the parking space and a street serving the lot.

29. Story: That portion of a building, other than a cellar or basement, 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.

30. Story, Half: A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four feet above the floor of such story, except that any partial story used for residence purposes, other than for a janitor or caretaker or his family, or by a family occupying the floor immediately below it, shall be deemed a full story.

31. Street: Any public or private way set aside as a permanent right-of-way which affords the principal means of access to abutting property.

32. Structure: Anything constructed or erected, the use of which requires more or less permanent location on or in the ground or attached to something having a permanent

location on or in the ground, including, but without limiting the generality of the foregoing, advertising signs, billboards, back stops for tennis courts, pergolas, carports, open sheds and underground storage vaults or tanks.

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

34. Trailer or Tourist Camp: Any lot or parcel used for one or more auto trailers, tents, house or camp cars or other portable or mobile shelters used for living, sleeping, business or storage purposes.

35. Trailer: Any structure used for living, sleeping, business or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses, or skirtings and which is, has been, or reasonably can be, equipped with wheels or other devices for transporting the structure from place to place, whether by motive power or other means. The term "trailer" shall include camp car and house car.

36. Yard: An open space on the same lot with a building which is measured as the minimum horizontal distance between the lot line and main building. A yard shall be unoccupied and unobstructed from the ground upward except as otherwise provided by this Ordinance or amendments thereto.

37. Yard, Front: A yard extending across the front of a lot between the side lot lines and measured as the minimum horizontal distance between the street line and the front of the main building or any projection thereof, other than the projection of steps, terraces, uncovered porches or uncovered entrance ways which are permitted by this Ordinance. On corner lots the front yard shall be deemed as parallel to the street upon which the lot has its least dimension.

38. Yard, Rear: A yard extending across the rear of the lot between the side lot lines and measured as the minimum horizontal distance between the rear lot line and the rear of the main building or any projection thereof, other than the projection of steps, terraces, uncovered porches or uncovered entrance ways which are permitted by this Ordinance. On all lots the rear yard shall be at the opposite end of the lot from the front yard.

39. Yard, Side: A yard between the main building and the side lot line, extending from the front yard to the rear yard. A side yard is measured as the minimum horizontal distance between the side lot line and the side of the main building.

SECTION III. DISTRICTS AND GENERAL REQUIREMENTS

A. For the purposes of this Ordinance, the Village of Oreana is hereby divided into six zoning districts to be known as follows:

- "A-1" Single Family Residence District
- "A-2" Two Family Residence District
- "A-3" Multiple Dwelling District
- "B" Commercial Service District

- “C” Industrial District
- “D” Agricultural District

The boundaries of these districts are shown on the “District Map” which accompanies and which is hereby made a part of this Ordinance. The original of this map is properly attested and on file with the Village Clerk, and said map and all the information shown thereon shall have the same force and effect as if fully set forth or described herein.

B. No building shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any building or land be used except for a use permitted in the district in which such building or land is located. No building shall be erected, enlarged, reconstructed, moved or structurally altered except in conformity with the height, yard, area per family, off-street parking and other regulations prescribed herein for the district in which such building is located.

C. The minimum yards, parking spaces, and open spaces, including lot area per family, required by this Ordinance for each and every building existing at the time of passage of this Ordinance or for any building hereafter erected, shall not be encroached upon or considered as part of the yard or parking space or open space required for any other building, nor shall any lot area be reduced below the requirements of this Ordinance for the district in which such lot is located.

D. Every building hereafter erected or structurally altered shall be located on a lot as defined in Section II and in no case shall more than one residential building be located on a lot.

E. All territory which may hereafter be annexed to the Village of Oreana shall be automatically classified as a “A-1” Single Family Residence District until this classification is changed by amendment to this Ordinance.

F. Whenever any street, alley, or other public way is vacated, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation, and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.

SECTION IV. “A-1” SINGLE FAMILY RESIDENCE USE REGULATIONS

In the “A-1” Single Family Residence District the following uses only are permitted:

- (a) Dwelling, single family.
- (b) Church, school or library.
- (c) Public park, playground or community center.
- (d) Golf course or a private club not operated for gain.
- (e) Truck garden, provided that no structure, building, or enclosure for the sale or storage of the produce be permitted.
- (f) Home occupation.
- (g) Private garage customarily incident to the above uses, but not involving the conduct of a business, provided that such private garage is not constructed prior to beginning construction of the main building, and provided only one private garage is constructed on each lot.
- (h) Accessory building or use customarily incidental to the above uses, not involving the

conduct of a business, including a church, school or similar bulletin board, or sign not exceeding ten square feet in area appertaining to the lease, hire or sale of a building or land, or the sale of products grown only on the premises, provided that not more than one sign of the above character shall be permitted upon any lot; provided that any accessory building is not constructed prior to beginning construction of the main building.

SECTION V. "A-2" TWO FAMILY RESIDENCE DISTRICT USE REGULATIONS

In the "A-2" Two Family Residence District the following uses only are permitted:

- (a) Any use permitted in the "A-1" Single Family Residence District.
- (b) Two family dwelling.

SECTION VI. "A-3" MULTIPLE DWELLING DISTRICT USE REGULATIONS

In the "A-3" Multiple Dwelling District the following uses only are permitted:

- (a) Any use permitted in the "A-2" Two Family Residence District.
- (b) Multiple Dwelling

SECTION VII. "B" COMMERCIAL SERVICE DISTRICT USE REGULATIONS

In the "B" Commercial Service District the following uses only are permitted:

- (a) Any use permitted in the "A-3" Multiple Dwelling District.
- (b) Store or shop where goods are sold primarily at retail or personal services are rendered, including a grocery, drug store, meat market, hardware store, gift shop, bank, beauty parlor, restaurant, studio, shoe repair, electrical - repair or similar retail sales, service or - repair shop.
- (c) Office.
- (d) Hotel.
- (e) Service station or, when located at least twenty-five feet from any "A" District boundary, a public garage.
- (f) Business or commercial school or dancing or music academy.
- (g) Clinic.
- (h) Theatre.
- (i) Printing shop.
- (j) Automobile, farm implement, or trailer display or sales room.
- (k) Automobile, farm implement, or trailer sales or storage lot when located at least twenty-five feet from any "A" boundary.
- (l) Billboard, when at least one hundred feet from any "A" District boundary.
- (m) Frozen food locker.
- (n) Milk distributing station.
- (o) Motel, motor hotel or motor court.
- (p) Painting, plumbing, tinsmithing, upholstering or similar general service shop.
- (q) Undertaking establishment or mortuary.
- (r) Veterinarian or animal hospital, provided any such building, kennel, or exercise runway is located at least one hundred feet from any "A" District boundary.
- (s) Also when located at least one hundred feet from any "A" District boundary:

- Bowling alley
- Drive-in restaurant or similar establishment
- Drive-in theatre
- Other similar place of entertainment or amusement.
- (t) Accessory building or use customarily incident to the above uses.

In the above uses when a minimum distance is required from any "A" District boundary this shall include the "A-1" Single Family Residence District; the "A-2" Two Family Residence District; and the "A-3" Multiple Dwelling District.

SECTION VIII. "C" INDUSTRIAL DISTRICT USE REGULATIONS

In the "C" Industrial District the following uses only are permitted:

- (a) Any use permitted in the "B" Commercial Service District.
- (b) Bottling Works
- (c) Carting, express or storage yard,
- (d) Contractor's yard.
- (e) Coal, coke or lumber yard.
- (f) Grain elevator.
- (g) Any other business, industry or manufacturing use where the process of manufacture or treatment or other activity is such that only a nominal amount of dust, odor, gas, smoke, vibration or noise is emitted and not more than ten percent of the lot or tract is used for the open storage of products, materials or equipment.
- (h) Any other use not in conflict with the enacted laws of the State of Illinois or the Ordinances of the Village of Oreana regulating nuisances, provided that no use omitting or likely to emit substantial amounts of dust, odor, gas, smoke, vibration or noise, and none of the following specific uses shall be permitted unless approved by the President and Board of Trustees after a review and report of the Board of Appeals, and subject to such requirements as the President and Board of Trustees may deem necessary to protect adjacent property and prevent objectionable or offensive conditions:
 - Acid or chemical manufacture.
 - Auto wrecking yard, or junk yard.
 - Yard for storage of wrecked automobiles.
 - Commercial buying or selling of live poultry or storage thereof.
 - Distillation of bones.
 - Dumping, storage or disposal of garbage, trash, refuse, waste, junk or abandoned material.
 - Explosives, manufacture or storage.
 - Fat rendering, or fertilizer manufacture.
 - Garbage, offal or dead animal reduction or dumping. ..
 - Glue manufacture.
 - Lime, phosphate or limestone storage or handling.
 - Slaughter or processing of poultry or poultry products.
 - Stockyards or slaughter and processing of animals.
 - Wholesale or retail bulk storage of gasoline or propane.
 - Any similar use that would be hazardous to the public health, safety or welfare.

In authorizing any of the uses in this subsection, there may be imposed such reasonable requirements as to landscaping, off-street parking, screening and other features of the

development as are deemed necessary to protect adjacent property and prevent objectionable or hazardous conditions.

SECTION IX. "D" AGRICULTURAL DISTRICT USE REGULATIONS

In the "D" Agricultural District the following uses only are permitted:

- (a) All types of farming, provided that all types of buildings for the storage of products and the housing of animals, be located at least three hundred feet from any "A" District boundary.
- (b) Greenhouse or nursery.
- (c) Any other use not in conflict with the enacted laws of the State of Illinois or the ordinances of the Village of Oreana, provided it be approved by the President and Board of Trustees after a review and report of the Board of Appeals, and subject to such requirements as the President and Board of Trustees may deem necessary to protect adjacent property and prevent objectionable or offensive conditions.

SECTION X. AREA AND HEIGHT REGULATIONS FOR ALL DISTRICTS

A. Except as provided in part B of this subsection, the area and height regulations shall be as follows:

(a) Area: Every lot used for a single family dwelling shall have a minimum area of 11,200 square feet. Every lot used for a two family dwelling shall have a minimum lot area of 14,000 square feet. Every lot used for a multiple dwelling shall have a minimum lot area of 4,000 square feet per dwelling unit, but no lot used for a multiple dwelling shall have a minimum lot area of less than 14,000 square feet. No minimum is required for a lot used only for commercial or industrial purposes.

(b) Yards: The front yard requirements are twenty-five feet in the "A-1" Single Family Residence District; the "A-2" Two Family Residence District; "A-3" Multiple Dwelling District; the "B" Commercial Service District and the "C" Industrial District.

The side yard requirements for dwellings shall be a minimum of ten feet. No side yard is required for business, commercial or industrial buildings except along the side of a lot abutting a lot in a "A" District in which case a side yard of twenty-five feet shall be provided.

The rear yard requirements for dwellings shall be a minimum of twenty-five feet.

A rear yard of at least two feet shall be required for business, commercial, or industrial buildings except on a lot abutting a lot in an "A" District in which case a rear yard of twenty-five feet shall be provided.

(c) Every lot used for a dwelling shall have a minimum width of eighty feet.

(d) Building height: No building shall exceed a height of two and one-half stories or a height of thirty-five feet in the "A-1" Single Family Residence District; the "A-2" Two Family Residence District; the "A-3" Multiple Dwelling District; or the "B" Commercial Service District, or a height of three stories, or forty-five feet, in a "C" Industrial District.

(e) There shall be no requirements as to area, yards, lot width, or building height in the "D" Agricultural District, except that where said district abuts an "A" District no building other than a dwelling shall be constructed within fifty feet of said district boundary.

B. Exceptions and modifications: The height and area regulations specified in the foregoing section shall be modified under certain conditions or with respect to certain types of structures as specified below:

(a) Lot area and width: Where a lot of record at the time of the passage of this Ordinance has less area or width than herein required, and the owner of such a lot does not own any other parcel or tract adjacent thereto, said lot may nonetheless be used for a single family dwelling.

(b) Front yard: Where thirty percent or more of a block front is improved with buildings, then no part of any new building shall project beyond a line joining the two adjacent corners of the buildings on either side thereof, or where there is a building on only one side, beyond a line projected from the corresponding adjacent corners of the two nearest buildings, except that no building shall be required to provide a front yard greater than fifty feet in any event.

A corner lot shall have a yard on each street which meets the front yard requirements of the district in which it is located, except that the building width of the lot shall not be reduced to less than forty feet, and no accessory building shall project beyond the required yard on either street.

(c) Side yard: For the purpose of the side yard regulations, a building containing more than one dwelling unit shall be considered as one building occupying one lot.

(d) Rear yard: The required rear yard may be reduced to twenty percent of the depth of the lot on a lot of record which does not have a depth of at least one hundred twenty feet.

An accessory building may be built within a required rear yard when located at least five feet from the rear and side lot lines and when occupying not more than thirty percent of the area of such required rear yard.

(e) All yards: The ordinary projection of sills, belt courses, cornices, eaves and ornamental features may be permitted not to exceed twenty-four inches in any required minimum side yard.

An open, uncovered porch, paved terrace, entrance way, or steps, may extend not more than ten feet into the required minimum front yard.

(f) Height: Chimneys, cooling towers or water towers, elevators, bulkheads, fire towers, monuments, stacks, stage towers, tanks, spires, church steeples, radio towers, or necessary mechanical apparatus may be erected to any safe height not in conflict with any other Ordinance of the Village of Oreana.

Public, semi-public or public service buildings, hospitals, institutions, churches and schools, when permitted in a district, may be erected to a height not exceeding sixty

feet, provided all required yards are increased by one foot for each foot of building height above the height limit otherwise provided.

SECTION XI. OFF-STREET PARKING REQUIREMENTS

A. In all districts, whenever a building is erected, converted, enlarged, or structurally altered for a use described in this section, or the use of a building or land is hereafter changed to a use described in this section, then off-street parking for automobiles or trucks shall be provided on the lot or tract of land used in accordance with the following minimum requirements:

- (a) For dwellings: Two parking spaces for each dwelling unit.
- (b) Business or professional office, bank, medical or dental clinic: Three parking spaces plus one additional parking space for each 300 square feet of floor area over 1,000.
- (c) Hotel: One parking space for each three sleeping rooms or suites plus one space for each 200 square feet of commercial floor area contained therein.
- (d) Tourist home, cabin, or motel: One parking space plus one parking space for each sleeping room or suite.
- (e) Restaurant, cafe or recreation or amusement establishment: One parking space for each 100 square feet of floor area.
- (f) Retail store or personal service establishment, except as otherwise specified herein: One parking space for each 200 square feet of floor area.
- (g) Furniture or appliance store, hardware store, wholesale establishments, machinery, or equipment sales and services, clothing or shoe repair or service shop: Two parking spaces plus one additional parking space for each 300 square feet of floor area over 1000.
- (h) Printing or plumbing shop or similar service establishment: One parking space for each three persons employed therein.
- (i) Bowling alley: Five parking spaces for each alley.
- (j) For any manufacturing or industrial use: One parking space for each two employees on the maximum working shift, plus space to accommodate all trucks and other vehicles in connection therewith.
- (k) A required off-street parking space shall be at least nine (9) feet in width and at least eighteen (18) feet in length exclusive of access drives or aisles, ramps, columns, or office or work areas. Enclosed parking spaces shall have a vertical clearance of at least seven (7) feet.

B. In computing the number of such parking spaces required, the following rules shall govern:

- (a) "Floor Area" shall mean the gross floor area of a specific use.
- (b) The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature.
- (c) Where fractional spaces result, the parking spaces required shall be construed to be the nearest whole number.
- (d) In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

C. Parking spaces may be provided in the required side, rear and front yards of lots located in the "B" Commercial Service District and the "C" Industrial District, except that parking spaces may be provided only in the required side and rear yard when a lot in such districts is used for a dwelling. Parking spaces may be provided in the required side and rear yard of lots located

in the "A" Residence Districts, but not in the required front yard thereof.

Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement. No driveway across public property at the right-of-way line shall exceed a width of twenty-five (25).

Accessory parking spaces may be open to the sky or enclosed in a building.

All open off-street parking areas containing four (4) or more parking spaces shall be improved with a compacted base and permanent wearing surface as approved by the designated Village Engineer.

All open parking areas containing more than four (4) parking spaces, located less than forty (40) feet from a property line, shall be effectively screened on each side adjoining or fronting on any property situated in a Residential District or any institutional premises by a wall or fence, not less than five (5) feet, nor more than eight (8) feet in height. Screening shall be property maintained in good repair.

Lighting shall be used to illuminate off-street parking areas and shall be directed away from residential properties in such a way as not to create a nuisance, and in a parking area containing ten (10) or more parking spaces security lighting shall be maintained during hours of darkness.

SECTION XII. SPECIAL USES

A. The President and Board of Trustees of the Village of Oreana may, by resolution, grant a special permit for the following special uses in any district, except as herein qualified, for which they are otherwise prohibited by this Ordinance, and may impose appropriate conditions, safeguards and off-street parking requirements, and including a specified period of time for the permit, to conserve and protect property and property values in the neighborhood:

- (a) Hospital, clinic, nursing home, sheltered care home or similar institutions, provided that less than forty percent of the total land area is occupied by buildings and that all the required yards are increased by one foot for each foot of building height.
- (b) Airport, landing field, or strip for aircraft.
- (c) Radio or television broadcasting tower or station.
- (d) Cemetery or mausoleum.
- (e) Removal of gravel, topsoil, or similar natural material, with safeguards for the protection of adjoining property and the community as a whole.
- (f) Riding stable.
- (g) Roadside stand, commercial amusement or recreational development for temporary or seasonal periods.
- (h) Sanitary fill for the disposal of garbage or trash.
- (i) Railroad or public utility structure other than the usual poles, wires, and underground utilities.
- (j) Trailer or tourist camp, observing all appropriate State and Village regulations, provided there is at least 2,000 square feet of lot area per trailer, no trailer or service building is closer than twenty-five feet to any lot line, and such hard-surfaced drives,

landscaping and similar improvements are provided as may be deemed necessary for its proper development and for the protection of the surrounding area are provided.

No trailer shall be occupied, or otherwise used for living, sleeping, business or storage purposes within the village limits of the Village of Oreana unless such trailer is parked within a trailer or tourist camp which has been granted a special permit as set forth in Section XII.

No trailer which is designed for use primarily as a mobile home as opposed to camping, hauling, et cetera, shall be parked within the village limits of the Village of Oreana unless such trailer is parked within a trailer or tourist camp which has been granted a special permit as set forth in Section XII.

B. Additional Special Uses: A second type of special use where a new or unusual use, not covered in Subsection A may be granted after holding a hearing as prescribed in Section XII, Subsection D, provided that:

- Because of the characteristics of the use, it is desirable that the use be located in this zone.
- That the use can be operated or developed in such a manner that it will not adversely effect surrounding land uses.
- The character is unique to the extent that it cannot be classified as a permitted use in any zone.
- Such special uses shall only be permitted after the Board of Appeals submits to the Village Board in writing a report explaining why the proposed use meets the above criteria and recommend under what conditions the special use shall be permitted.

C. Temporary Uses: A temporary use permit may be granted for a specific length of time for restricted uses, such as, landfills, gravel operations, forestry activities, special events such as centennials, fairs, carnivals, and revival meetings provided that the Board finds:

- The use will not have a detrimental effect on surrounding land use.
- That a plat is submitted with the permit showing the placement of temporary structures, parking, utilities and necessary sanitary facilities (as required by the Health Department), and provided that no construction is done other than that associated with the temporary use.
- That if the natural landscape, vegetation terrain, soil cover, or drainage is disrupted, plans will be submitted to the Commission and the developer will be responsible for improvements necessary to restore the property to its original condition.

The Board reserves the right to repeal any special use permit where it finds the use being conducted in such a manner that it violates the general requirements of this Ordinance, or the special requirements provided for in the issuance of the permit.

D. Before authorization of any of the above special uses, the request therefore shall be referred to the Board of Appeals for study and report concerning the effect of the proposed use on the character and development of the neighborhood and a public hearing shall be held in relation thereto before the Board of Appeals. Notice of the time, place and purpose of such

hearing shall be given in the manner prescribed for hearings on amendments to this Ordinance. If no report is received from the Board of Appeals within sixty days of such referral, the President and Board of Trustees may take action without further awaiting such report.

SECTION XIII. NONCONFORMING USES

A. Except as otherwise provided in this Ordinance, a nonconforming use of a building, or a portion thereof, may be continued even though such use does not conform with the provisions hereof. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or more restricted classification, provided the off-street parking requirements applicable to the new use are met. Whenever a nonconforming use is changed to a more restricted use or to a conforming use, it shall not therefore be changed to a less restricted use.

B. The nonconforming building which has been damaged by fire, explosion, act of God or the public enemy to the extent of more than sixty percent of its reproduction value at the time of damage shall not be restored except in conformity with the regulations of the district in which it is located. When damaged, by less than sixty percent of its reproduction value, a nonconforming building may be repaired or reconstructed and used as before the time of damage provided such repairs or reconstruction are completed within one year of the date of such damage.

C. Whenever a nonconforming use of a building or portion thereof is discontinued for a continuous period of two years, any future use of such building or portion thereof shall be in conformity with the regulations of the district in which such building is located.

D. A nonconforming use of land may be continued, provided, however, that no such nonconforming use of land shall be in any way expanded or extended, either on the same or adjoining property. If such nonconforming use of land or any portion thereof is discontinued for a continuous period of six months, or changed, any future use of such land shall be in conformity with the provisions of this Ordinance.

E. The nonconforming use of land for storage purposes and nonconforming advertising signs and billboards shall be discontinued within five years from the date of passage of this Ordinance and any such uses of land which become nonconforming by reason of a subsequent amendment to this Ordinance or by reason of being annexed to the Village of Oreana, shall also be discontinued within five years from the passage of the amendment or annexation Ordinance.

SECTION XIV. BOARD OF APPEALS

A. Creation and Membership.

(a) A Board of Appeals is hereby established. The word "Board" when used in this section shall be construed to mean the Board of Appeals. The Board shall consist of seven members who shall be appointed by the President upon approval by the Board of Trustees. The terms of office of the members of the Board shall be five years except that the seven members first appointed shall serve respectively for terms of one, two, three, four, five, six, and seven years. Thereafter, as each term expires, the appointment shall be for five years.

(b) Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions. The Board may adopt such rules of procedure as are not in conflict with this Ordinance or the laws of the State of Illinois.

B. Jurisdiction: The Board shall have the power, and shall be charged with the duty to hear and decide:

(a) Appeals from any order, requirement, decision or determination made by the Building Inspector under this Ordinance, as set forth in sub-paragraph C of this section.

(b) Requests for variations in the application of the regulations imposed by this Ordinance, as set forth in sub-paragraph Q of this section.

(c) All matters specifically referred to it under the provisions of this Ordinance.

C. Appeals:

(a) An appeal may be taken to the Board by any person, firm or corporation, or by any officer, department, board or bureau affected by a decision of the Building Inspector relative to this Ordinance. Such appeal shall be taken within such time as shall be prescribed, by the Board by general rule, by filing with the Building Inspector and with the Board a Notice of Appeal, specifying the grounds thereof. The Building Inspector shall forthwith transmit to the Board all of the papers constituting the record upon which the action appealed from was taken. The Notice of Appeal shall be accompanied by a receipt from the Village Treasurer showing the payment of an appeal fee of thirty-five dollars (\$35.00) which is hereby established as the required fee for each appeal taken under the provisions of this subsection.

(b) An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Building Inspector certifies to the Board after the Notice of Appeal has been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by a Court of Record on application and notice to the Building Inspector, and on due cause shown.

(c) The Board shall select a reasonable time and place for the hearing of the appeal and give due notice thereof to the parties and shall render a decision on the appeal without unreasonable delay. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney.

D. Variations: When a property owner shows that a strict application of the terms of this Ordinance relating to the use, construction or alteration of buildings or structures, or to the use of land, imposes upon him practical difficulties or particular hardship, then the Board may make such variations of the strict application of the terms of this Ordinance as are in harmony with its general purpose and intent when the Board is satisfied, under the evidence heard before it, that a granting of such variation will not merely serve as a convenience to the applicant, but is necessary to alleviate some demonstrable hardship or difficulty so great as to warrant a variation in the following instances:

- (a) To permit the extension of a district where the boundary line thereof divides a lot held in a single ownership at the time of passage of this Ordinance.
- (b) To interpret the provisions of this Ordinance in such a way as to carry out the intent and purpose of the plan, as shown upon the District Map, where the street layout on the ground varies from the street layout as shown on the District Map.
- (c) To permit reconstruction of a nonconforming building otherwise prohibited by Subsection XI-C where such action would not constitute continuation of a monopoly.
- (d) To permit a variation in the yard regulations where there is an exceptional or unusual physical condition of a lot, which condition is not generally prevalent in the neighborhood and which condition when related to the yard regulations of this Ordinance would prevent a reasonable or sensible arrangement of buildings on the lot.
- (e) To waive or reduce the off-street parking requirements where it is conclusively shown that the specific use of a building would make unnecessary the parking spaces otherwise required by this Ordinance.

E. Procedure on Request for Variation: A request for variation shall be made in writing and shall be filed with the Chairman of the Board. Each request shall specify the exact nature of the variation requested and shall be accompanied by a receipt from the Village Treasurer showing the payment of a fee of thirty-five dollars (\$35.00) which is hereby established as the required fee for each request for variation filed under the provisions of this subsection. The Board shall select a reasonable time and place for the hearing on the request for variation and shall render a decision without unreasonable delay. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney.

F. Notices: All hearings of the Board shall comply with all requirements as to notice, publication and procedure set forth in Chapter 24, Subsection 11-13-14 of the Illinois Revised Statutes. When five members concur on a decision, the decision is binding and not subject to review.

G. Review: The decisions of the Board with regard to appeals from a decision of the Building Inspector and the decisions of the Board of Trustees with regard to variations shall only be subject to review pursuant to the provisions of the Illinois Administrative Review Act.

SECTION XV. ENFORCEMENT AND ADMINISTRATION

A. It shall be the duty of the person appointed by the President and Board of Trustees, as Building Inspector to enforce and administer the regulations contained herein.

B. No building shall be constructed or altered without a building permit nor without a certificate of occupancy as required by this section. Building permits and occupancy permits shall be issued by the Building Inspector. Application for a building permit shall be made to the Building Inspector and shall be accompanied by a plat, in duplicate, drawn to scale showing the name of the applicant, the actual dimensions of the lot to be built upon, the size, shape and location of the building to be erected, and such other information as may be necessary for the enforcement of the Ordinance. A record of applications and plats shall be kept in the office of the Building Inspector.

C. Subsequent to the passage of this Ordinance no change in the use or occupancy of land, or in the use or occupancy of an existing building other than for single-family dwelling

purposes, shall be made, nor shall any new building be occupied until a certificate of occupancy has been issued by the Building Inspector. Such certificate of occupancy shall state that the new occupancy complies with all provisions of this Ordinance.

D. No permit for excavation for, or the erection or alteration of any building shall be issued before application has been made and approved for a certificate of occupancy, and no building or premises shall be occupied until such certificate and permit is issued. A record of all certificates of occupancy shall be kept on file in the office of the Building Inspector.

E. Fees for the issuance of building permits and certificates of occupancy shall be established by the President and Board of Trustees from time to time.

SECTION XVI. AMENDMENT

A. The President and Board of Trustees may, from time to time on its own motion or on petition. amend this ordinance and the districts created herein. in the manner prescribed by Chapter 24, Subsection 11-13-14 of the Illinois Revised Statutes. The Board of Appeals is hereby designated as a commission to hold hearings on such amendments. No such amendment shall be made until after it has been referred to the Board of Appeals for a public hearing and a report has been received by said Board.

B. All petitions asking for an amendment of this Ordinance or the districts created herein, shall be filed with the Village Clerk, and shall specify the exact nature of the amendment requested, and the legal description of any real estate owned by the petitioner adjacent to the area proposed to be changed and the legal description of the district or parts of districts proposed to be changed. Such petition shall recite facts indicating that the proposed amendment will not be detrimental to the general public interest and the purposes of this Ordinance and shall further disclose the use which the petitioner proposes for property owned by him in the area to be changed.

C. A petition asking for an amendment of this Ordinance or the districts created herein shall be accompanied by a receipt from the Village Treasurer showing the payment of a fee of thirty-five dollars (\$35.00) which is hereby established as the required fee for each petition asking for such amendment.

SECTION XVII. INTERPRETATION

A. Where uncertainty exists with respect to the boundaries of a district as shown on the District Map, the following rules shall apply:

(a) The district boundaries are either streets or alleys unless otherwise shown, and where the district designated on the District Map is bounded approximately by street or alley shall be construed to be such boundary.

(b) Where the district boundary is not otherwise indicated, and where the property has been or may hereafter be divided into blocks and lots, such boundary shall be construed to be the lot lines, and where the district designated on the District Map is bounded approximately by lot lines, such lot lines shall be construed to be the boundary of the districts unless otherwise indicated on the map,

(c) In unsubdivided property the district boundary shall be determined by the use of the scale appearing on the map.

B. In interpreting and applying the provisions of this Ordinance, they shall be held to the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare. It is not intended by this Ordinance to interfere with or aggregate or annul any easements, covenants or other agreements between parties, provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or land, or upon the height of buildings, or requires larger open spaces or yards than are imposed or required by other ordinances, rules, regulations, or by easements, covenants or agreements between parties, the provisions of this Ordinance shall govern.

SECTION XVIII. VIOLATION AND PENALTY

A. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of any of the provisions of this Ordinance shall, upon conviction, be fined not more than One Hundred Dollars (\$100.00) for each offense. A separate offense shall be deemed committed on each day a violation occurs or continues.

B. 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 Ordinance, the Village of Oreana, in addition to other remedies, may institute any proper action or proceedings in the name of the Village of Oreana, Illinois, to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct, or abate such violation, to prevent the occupancy of said building structure or land, or to prevent any illegal act, conduct, business or use in or about the premises.

SECTION XIX. VALIDITY

Should any section, provision, part or clause of this Ordinance be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

SECTION XX. CONFLICTING ORDINANCES REPEALED

The provisions of the present Zoning Ordinance of the Village of Oreana, being Ordinance No.6, which are at variance or in conflict with the provisions of this Ordinance, are hereby repealed.

SECTION XXI. FORCE AND EFFECT

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

SECTION XXII. PRINTING IN PAMPHLET FORM

The Village Clerk shall certify to the passage and approval of this Ordinance and cause it to be printed in pamphlet form and published by authority of the President and Board of Trustees of the Village of Oreana, Illinois.