

## **ARTICLE IV General Provisions**

Section 1. ZONING AFFECTS EVERY STRUCTURE AND USE.

Except as hereinafter provided, no building or structure shall be erected, constructed, occupied, moved, altered or repaired, nor shall any land be occupied or used except in conformity with the regulations hereinafter specified for the District in which it is located.

Section 2. MINIMUM STREET FRONTAGE, LOT OF RECORD, NUMBER OF BUILDINGS ON A LOT, AND LOTS UNSERVED BY SEWER OR WATER.

2.001 Minimum Street Frontage. No lot shall be created after the adoption of the Ordinance unless it abuts at least twenty (20) feet on a public street and has access thereto. Unless said lot(s) are on a private road that has suitable access to a public street.

2.002 Lot of Record. In any Residence District a single-family dwelling may be established on a lot of record in existence at the time of enactment of the Ordinance regardless of the size of the lot, provided all other requirements of the Ordinance are complied with. However, where two (2) or more undeveloped lots of record in existence prior to the adoption of the Ordinance are held in common ownership, they shall be considered as a single zoning lot for purposes of the Ordinance, unless each lot has an area of at least ninety (90) percent of the required minimum lot area for the District in which it is located.

2.003 Number of Buildings on a Zoning Lot. Except in the case of planned unit developments, not more than one principal building shall be located on a zoning lot.

2.004 Lots Unserved by Sewer and/or Water. In any Residential District where neither central water supply nor central sewerage services are reasonably available, one (1) single-family detached dwelling may be constructed on each lot, provided the lot area and width are a minimum of twenty thousand (20,000) square feet, ;and one hundred (100) feet respectively; further provided, however, that where either a public water supply system or a public sanitary sewer system is accessible, these requirements shall be ten thousand (10,000) square feet, and seventy-five (75) feet respectively, except as hereinafter specified.

Section 3. ACCESSORY BUILDINGS.

3.001 TIME OF CONSTRUCTION. No accessory buildings or structures shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory, unless such accessory building is erected in preparation for the erection of the principal building and after the building permit has been issued for the principal building.

3.002 PERCENTAGE OF REQUIRED YARD OCCUPIED. No detached accessory buildings shall occupy, more than fifty (50) percent of the area of a required yard.

3.003 HEIGHT OF ACCESSORY BUILDINGS. No detached accessory building or structure shall exceed the height of the principal building or structure.

- 3.004 LOCATION ON LOT. No accessory building or structure shall be erected in any front yard. Accessory buildings shall be no closer than five (5) feet from all lot lines of adjoining lots which are in any "R" District and at least six (6) feet from alley lines. If an accessory building is erected on either side of the principal building, it shall not encroach upon the side-yard requirement,
- 3.005 RATIO OF BUILDING LENGTH TO WIDTH. No accessory building shall be constructed in residential districts where the length exceeds the width by more than 75% of the width. Fractional measurements can be rounded to the next higher footage.
- 3.006 NUMBER AND SIZE. In any residential District, the number of accessory buildings on any lot shall be limited to two (2) with one (1) accessory building not exceeding 75% of the square footage of the principal building at grade and two (2) accessory buildings not exceeding 100% of the square footage of the principal building at grade.

Section 4. REQUIRED YARD CANNOT BE REDUCED OR USED BY ANOTHER BUILDING.

No lot, yard, court, parking area or other open space shall be so reduced in area or dimension as to make any such area or dimension less than the minimum required by the Ordinance, and, if already less than the minimum required, it shall not be further reduced. No required yard provided around any building or structure shall be included as part of any yard required for another building or structure.

Section 5. CONVERSION OF DWELLINGS.

The conversion of any building into a dwelling, or the conversion of any dwelling so as to accommodate an increased number of dwelling units, shall be permitted only within a district in which a new building for similar occupancy would be permitted under the Ordinance, and only when the resulting occupancy will comply with the requirements governing new construction in such district with respect to minimum lot size, lot area per dwelling unit, dimensions of yards and other open spaces, and off-street parking. Each conversion shall be subject also to such further requirements as may be specified hereinafter within the article applying to such district.

Section 6. TRAFFIC VISIBILITY AT CORNER LOTS.

In all Zoned Districts on any corner lot, no fence, structure, or planting shall be erected or maintained within twenty (20) feet of the "corner" so as to interfere with traffic visibility across the corner.

Section 7. ESSENTIAL SERVICES.

Essential services shall be permitted as authorized and regulated by law and other ordinances of the Village, it being the intention hereof to exempt such essential services from the application of the Ordinance.

Section 8. VALIDITY OF EXISTING BUILDING PERMITS.

Nothing contained herein shall require any change in the overall layout, plans, construction, size or designated uses of any building or structure, or part thereof, for which the official approvals and required building permits have been granted before the enactment of the Ordinance; provided, however, that the construction of such buildings or structures shall have been started prior to the effective date of the Ordinance and the completion thereof

carried on in a normal manner within the subsequent six (6) months period, except for reasons beyond the builders' control.

Section 9. FLOOD-HAZARD AND OBSTRUCTION OF WATER COURSE CHANNELS,

- 9.001 Flood Hazard. In any District which is subject to flood hazard, a building permit or any structure, exclusive of signs, shall be issued only when the bottom of the floor joists of the first, floor of such structure are above the elevation subject to periodic flooding or where such hazard has been eliminated to the satisfaction of the Village Engineer by a protective wall or other means.
- 9.002 Obstruction of Water Course Channels. To prevent encroachment upon or construction in river or creek channels, and to avoid obstruction to the natural conveyance of water flow in such rivers, creeks and other natural water courses, there shall not be placed, erected or located within the banks of such water courses any building's or structures, piers or marinas or retaining or revetment walls, except properly authorized bridges or dams. In addition there shall not be placed any filling of earth, ashes, rubbish, rubble, concrete, masonry, or any other kind of fill within the banks of such water courses. However, this provision may be waived if the structure or fill is approved by the Village Engineer, and, where applicable, the County Soil and Water Conservation District, and/or the U.S. Army Corps of Engineers, and/or the Illinois Department of Transportation as well as other concerned agencies.

Section 10 – LANDSCAPE REQUIREMENTS (Site Plan)

- a. Site Plans. If a building permit is applied for an administrative site plan approval will be required. Site plans are not required for single family and two family residences.
- b. Site Plan Review. An application for a building or parking lot permit shall promptly be forwarded to the Zoning Officer. Review must be completed within fifteen (15) days of the receipt by the village of a complete site plan review application. If, in the judgment of the Zoning Officer, the site plan review application does not contain sufficient information to enable the Zoning Officer to properly carry out his/her responsibilities, the Zoning Officer may request additional information from the applicant. In that event, the 15-day period previously referred to shall be suspended, pending the receipt of all information requested by the Zoning Officer.
- c. Landscaping and Screening Requirements. The provisions of this section for the installation and maintenance of landscaping and screening requirement are intended to protect the character and stability of residential, commercial, industrial and conservation areas, and to enhance the aesthetic and visual image of the village.
1. The grounds surrounding a building development will be landscaped with grass, trees, bushes and scrubs so as to enhance the property.
  2. Parking lots of five (5) or more spaces shall be set back ten feet (10') from the front property line(s). Landscaping requirements with the front yard(s) include that the yard be seeded or sodded with grass. Rock cover may be used, but may not exceed twenty percent (20%) of the landscaped front yard setback. In addition, one canopy tree for every five (5) parking spaces and a minimum for five percent (5%) ground cover landscape coverage of shrubs and evergreens/conifers shall be required.

The ten-foot (10') front yard setback may be reduced to five (5') if there is a continuous twenty-six inch (26") solid wall/fence or shrubbery hedge provided. Sodding, rock ground cover, canopy tree and ground cover landscape coverage requirements will still be applied if a solid wall/fence is provided. Sodding and/or rock ground requirements will still be applied if a shrubbery fence is provided.

3. Parking lots of five (5) or more spaces shall be setback five feet (5') from side and rear property lines. Landscaping requirements within the side and rear yards include that the yard be seeded or sodded with lawn. Rock ground cover may be used, but may not exceed twenty percent (20%) of the landscaped side and rear yard setback. In addition, one canopy tree for every five (5) parking spaces and a minimum of five percent (5%) ground landscape coverage of shrubs and evergreens/conifers shall be required.

When a side and/or rear yard is adjacent to a residential use, a continuous four foot (4') solid wall/fence or shrubbery hedge shall also be provided with the five foot (5') setback yard. If a four-foot (4') shrubbery hedge is provided, canopy tree and ground landscape coverage shall not be required.

4. Wherever landscaping and screening requirements may interfere with traffic vision, the height and placement shall be determined by the Zoning Officer.
5. Trees and other landscaping shall be of a species, which are hardy to the area and have measured diameters of such identified in the Minimum Standards of Plantings section of this appendix. Prohibited trees are identified in Section F.
6. Subject to the approval of the Zoning Officer, alternate landscaping plans may be substituted for consideration.
7. A landscaping/site plan will be required to be submitted for staff review prior to issuing a building permit. The following basic standards should be set:
  - a. Drawn to scale;
  - b. Identify location of landscaping or other features;
  - c. Specify nature of materials (i.e. species, variety, etc.);
  - d. Specify number of plants, shrubs, trees, etc., by species.
8. Landscaping and screening must be maintained in good condition, free of refuse and debris, and provide a healthy, neat and orderly appearance at least equal to the original installation. It shall be owner's responsibility to see that the landscaping is maintained.

**d.** Appeal Process. If the Zoning Officer approves a site plan, a building permit may then be issued. If the Zoning Officer does not approve a site plan, the applicant may appeal the decision to the Planning & Zoning Commission. A notice of appeal must be filed with the Planning & Zoning Commission no later than fifteen (15) days after receipt by the applicant of the decision.

**e.** Minimum Standards for Plantings.

1. Canopy Trees. Two inches (2") diameter, six inches (6") above ground level, and ten feet (10') in height when planted.
2. Understory Tree. One-inch (1") diameter, six inches (6") above ground level and six feet (6') in height when planted.
3. Shrubs. Twenty-four inches (24") in height when planted; forty percent (40%) or

more must reach a mature height of six feet (6') or more.

4. Evergreens/Conifers. Two inches (2") in diameter, six inches (6") above ground level, and six feet (6') in height when planted. Twenty feet (20') minimum height at maturity.
- f. Prohibited Trees. The following weak-wooded trees and generally undesirable trees for urban conditions shall be prohibited for use in meeting any of the landscaping/screening requirement for off-street parking areas and/or buffer yard requirements:
- A. Ailanthus (tree of heaven)
  - B. Box Elder
  - C. European Mountain Ash
  - D. European White Birch
  - E. Ginkgo, fruit bearing
  - F. Hawthorne
  - G. Mulberry
  - H. Pin Oak
  - I. Poplar
  - J. Purple-Leaf Plum
  - K. Russian Olive
  - L. Siberian Elm
  - M. Silver Maple
  - N. Sweet Gum
  - O. Willow
  - P. White Ash
- g. Maintenance of Landscaping and Screening. Landscaping must be maintained in good condition, free of refuse and debris and provide a healthy, neat and orderly appearance at least equal to the original installation. It shall be the owner's responsibility to see that the landscaping is maintained.

Section 11. Storage Boxes, Tents and Canopied Storage Shelters.

- a. This provision shall control the use of storage boxes (i.e. such as PODS), tents (i.e. fabric free standing structures for car/material storage/parking), and canopied storage shelters (i.e. free standing open sided, metal or wood covered structures for car parking/storage) within the Village.
- b. Storage boxes can be used within "R" zoned areas of the Village for a period not to exceed 30 days in any one-year period.
- c. Storage tents and canopied storage shelters will not be permitted in any "R" zoned area of the Village.
- d. Exceptions. On property of 15 contiguous acres or more, storage boxes, tents and canopied shelters may be placed or erected but not closer than 250 feet from adjacent property lines.