

TITLE XV: LAND USAGE

Chapter

- 150. BUILDING REGULATIONS**
- 151. MANUFACTURED HOME COMMUNITIES**
- 152. FLOODPLAIN AREAS**
- 153. SUBDIVISIONS**
- 154. ZONING CODE**

CHAPTER 150: BUILDING REGULATIONS

Section

Public Buildings

- 150.01 Responsibility
- 150.02 Enforcement
- 150.03 Location and number of appliances
- 150.04 Fire drills
- 150.05 Removal of apparatus
- 150.06 Doors
- 150.07 Exit lights

- 150.99 Penalty

PUBLIC BUILDINGS

' 150.01 RESPONSIBILITY.

The owner, agent, occupant or person charged with the custody of any public building, auditorium, hotel, theater, lodge hall or church, and in the case of school, the President of the Board of Education or the person in charge thereof and owning the same, shall be held liable for the equipment and maintenance of such apparatus as is required in this chapter for the maintenance and safety of all exits, stairs, doors, windows or passageways.

(1975 Code, ' 28-101)

' 150.02 ENFORCEMENT.

It shall be the duty of the Fire Marshal or his or her assistants to inspect all apparatus to be installed, and their location, and to make or cause to be made periodic inspections concerning the operation and accessibility of regular and emergency exits in all such public places.

(1975 Code, ' 28-102)

' 150.03 LOCATION AND NUMBER OF APPLIANCES.

The location and number of the fire appliances shall be as follows (unless other location shall be more accessible and convenient for protection against fires):

(A) Foyer: two one-quart chemical hand extinguishers, one at each end;

(B) Manager=s office: one two-gallon chemical hand extinguisher or five-gallon hand pump;

(C) Public buildings, auditoriums, lodge halls and hotels: five-gallon hand pump and fire axe at or near the main entrance on the ground floor; five-gallon hand pump at or near the foot of all basement stairways; two pails in boiler room unless oil burner is used; then two and one-half gallon special chemical hand extinguisher just outside boiler room door; one quart chemical hand extinguisher on stage, and one quart chemical hand extinguisher in lobby; and

(D) Churches: one five-gallon hand pump and fire axe at or near main entrance on ground floor; same at head of each stairway; same in boiler room.

(1975 Code, ' 28-103)

' 150.04 FIRE DRILLS.

(A) It shall be the duty of the principal or other person in charge of the pupils in every school in the village to establish and maintain a good and efficient fire drill which shall be practiced at least twice a month during the time the building is used for school purposes.

(B) A written report shall be made by the principal or person in charge of such building of each fire drill held, and of the time elapsed from the first signal until the last person was out.

(1975 Code, ' 28-104)

' 150.05 REMOVAL OF APPARATUS.

It shall be unlawful to remove from its proper place any fire apparatus or appliances except for inspection or in case of emergency.

(1975 Code, ' 28-105) Penalty, see ' 150.99

' 150.06 DOORS.

All public buildings which may be or are used for church, school, opera performance, theater, lecture room, hotel, public meeting or similar purposes, or which may be of or are used for the collection of people for worship, amusement or instruction, and all buildings used for stores to which the public is invited, shall be so built that all doors leading from the main hall or place of assembly shall open outward; and all means of egress for persons within such buildings shall be by means of door which shall open outwards from the main hall and from the building.

(1975 Code, ' 28-106) Penalty, see ' 150.99

' 150.07 EXIT LIGHTS.

In all theaters and public meeting halls a red light illuminating the word Aexit@ shall be kept burning over each regular and emergency exit while the theater or hall is occupied by an audience or by patrons. Said exit lights to conform to state specifications.

(1975 Code, ' 28-107) Penalty, see ' 150.99

' 150.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to ' 10.99.

(B) Any person, firm or corporation violating any provision of ' ' 150.01 through 150.07 shall be fined not less than \$5 nor more than \$500 for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(1975 Code, ' 28-108)

CHAPTER 151: MANUFACTURED HOME COMMUNITIES

Section

General Provisions

- 151.001 Definitions
- 151.002 Incorporated and reference materials
- 151.003 Illustrations adopted by reference
- 151.004 Electric Code requirements
- 151.005 Unlicensed motor vehicles
- 151.006 Home rule units
- 151.007 Minimum road width
- 151.008 Water distribution pipe size
- 151.009 Minimum size and slope of sewer mains

Permits

- 151.020 Required permits
- 151.021 Applications
- 151.022 Plans
- 151.023 Floodplain requirement
- 151.024 Occupancy of new sites
- 151.025 Immobilization
- 151.026 Deletion of sites

Requirements of the Manufactured Home Community

- 151.040 Layout of the manufactured home community
- 151.041 Support systems
- 151.042 Street and parking
- 151.043 Water
- 151.044 Sewage
- 151.045 Electrical
- 151.046 Fuel supply
- 151.047 Fire safety
- 151.048 Lighting
- 151.049 Pools and beaches
- 151.050 Solid and landscape waste
- 151.051 Manufactured home community appearance
- 151.052 Identification of sites

Wapella - Land Usage

151.053 Vector control
 151.054 Fences
 151.055 Inspection doors
 151.056 Recreational vehicles
 151.057 Animal control
 151.058 Vacant sites
 151.059 Duplex units

Additional Responsibilities of the Licensee

151.070 Required documents
 151.071 Manufactured home community rules
 151.072 Register
 151.073 Inspections by manufactured home community management

Administrative Action by the Department

151.085 Variance procedures
 151.086 Enforcement action
 151.087 Common operation
 151.088 Existing communities

 151.999 Penalty

GENERAL PROVISIONS**' 151.001 DEFINITIONS.**

In addition to the definitions contained in the Mobile Home Park Act, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACT. The Mobile Home Park Act (210 ILCS 115).

APPLICANT. Any person making application for a license or permit.

COMMUNITY PUBLIC WATER SUPPLY SYSTEM. A system for the provision to the public of piped water for human consumption, if the system has at least 15 service connections or serves an average of at least 25 individuals daily at least 60 days per year. This includes any collection, treatment, storage and distribution facilities under control of the operator of such system and used primarily in connection with such system, and any collection or pretreatment storage facilities not under such control which are used in connection with such system.

DIRECTOR. The Director of the Illinois Department of Public Health.

LICENSE. A certificate issued by the Department allowing a person to operate and maintain a manufactured home community under the provisions of the Act and this chapter.

LICENSEE. Any person to whom a license or permit has been issued under the Act.

MANUFACTURED HOME. A structure, transportable in one or more sections, which while in the traveling mode is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 square feet or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein. Any home defined in the Act as a **MOBILE HOME** is defined as a **MANUFACTURED HOME** for the purposes of this chapter.

MANUFACTURED HOME COMMUNITY. A tract of land or two or more contiguous tracts of land that contains sites with the necessary utilities for five or more independent manufactured homes for permanent habitation either free of charge or for revenue purposes, and shall include any building, structure, vehicle or enclosure used or intended for use as a part of the equipment of such manufactured home community. Separate ownership of contiguous tracts of land shall not preclude the tracts of land from common licensure as a **MOBILE HOME COMMUNITY** if they are maintained and operated jointly. Neither an immobilized manufactured home nor a motorized recreational vehicle shall be construed as being part of a **MANUFACTURED HOME COMMUNITY**. Any community defined in the Act as a **MOBILE HOME PARK** is defined as a **MANUFACTURED HOME COMMUNITY** for the purposes of this chapter.

OWNER or OPERATOR. The licensee.

PERMIT. A certificate issued by the Department permitting the construction, alteration or the reduction in number of sites of a manufactured home community under the provisions of the Act and this chapter.

PERSON. Any individual group of individuals, association, trust, partnership, corporation, persons doing business under an assumed name, county, municipality, the State of Illinois, or any political subdivision or department thereof, or any other entity.

RESIDENT. Any person who occupies a manufactured home site for dwelling purposes.

SERVICE EQUIPMENT. The necessary electrical equipment, usually consisting of circuit breaker, or switch and fuses, and meter located near the point of entrance of supply conductors to the home and intended to constitute the main control and means of cutoff of the electrical supply.

SPECIAL FLOOD HAZARD AREA. An area that would be inundated by the base flood and shown as such on a regulatory floodplain map (published by the State Department of Natural Resources, Division of Water Resources), a flood insurance map or a flood hazard boundary map, both published by the Federal Insurance Administration or the Federal Emergency Management Agency.

(1975 Code, ' 35-10)

' 151.002 INCORPORATED AND REFERENCE MATERIALS.

The following standards of nationally recognized organization and federal and state regulations are incorporated or referenced in this chapter.

(A) The following materials are incorporated by reference and include no later amendments or editions:

(1) Standard Specifications for Water and Sewer Main Construction in Illinois, 1996 Edition published by: Illinois Society of Professional Engineers; 1304 South Lowell Avenue, Springfield, Illinois 62704; referenced in ' 151.043;

(2) Flood insurance rate map and flood hazard boundary map published by: Federal Insurance Administration Region V; 300 Wacker Drive, 24th Floor Chicago, Illinois 60606; referenced in ' 151.023;

(3) National Electrical Code, 1996 Edition (NFPA 70-96) published by: National Fire Protection Association Batterymarch Park; Quincy, Massachusetts 02269; referenced in ' ' 151.004 and 151.045;

(4) Installation of Oil Burning Equipment, 1992 Edition (NFPA 31-92) published by: National Fire Protection Association Batterymarch Park; Quincy, Massachusetts 02269; referenced in ' 151.046;

(5) National Fuel Gas Code, 1992 Edition (NFPA 54-92) published by: National Fire Protection Association Batterymarch Park; Quincy, Massachusetts 02269; referenced in ' ' 151.026 and 151.046;

(6) Storage and Handling of Liquefied Petroleum Gases, 1995 Edition (NFPA 58-95) published by: National Fire Protection Association Batterymarch Park Quincy, Massachusetts 02269; referenced in ' 151.046;

(7) American Society of Testing and Materials, Standard Method of Test for Surface Burning Characteristics of Building Materials, Standard E84, published by: American Society of Testing and Materials; 1916 Race Street Philadelphia, PA 19103; referenced in ' 151.047; and

(8) Pipeline Safety Regulations, 4a C.F.R. part 192 United States Department of Transportation Office of Pipeline Safety; 400 7th Street S.W. Washington DC 20590; referenced in ' 151.046.

(B) The following materials are referenced in this chapter:

(1) State statutes:

(a) Illinois Architectural Practice Act of 1989 (225 ILCS 305); referenced in ' 151.022;

- (b) Illinois Professional Engineering Act (225 ILCS 325); referenced in ' 151.022;
 - (c) Illinois Vehicle Code (625 ILCS 5/4-203); referenced in ' ' 151.005 and 151.051;
 - (d) Mobile Home Park Landlord and Tenant Act (765 ILCS 745); referenced in ' 151.070;
 - (e) Abandoned Mobile Home Act (210 ILCS 117); referenced in ' 151.051;
 - (f) Private Sewage Disposal Licensing Act (225 ILCS 225); referenced in ' 151.044;
 - (g) Smoke Detector Act (425 ILCS 60); referenced in ' 151.071;
 - (h) Plumbing License Law (225 ILCS 320); referenced in ' ' 151.043 and 151.044;
 - (i) Swimming Pool and Bathing Beach Act (210 ILCS 125); referenced in ' ' 151.022 and 151.049;
 - (j) Illinois Mobile Home Tie-Down Act (210 ILCS 120); referenced in ' 151.070;
 - (k) Illinois Municipal Code (65 ILCS 5/11-40-3); referenced in ' 151.005;
 - (l) Counties Code (55 ILCS 5/5-1092); referenced in ' 151.005; and
 - (m) Township Code (60 ILCS 1/30-130); referenced in ' 151.005.
- (2) Department of Public Health regulations:
- (a) Illinois Swimming Pool and Bathing Beach Code (77 Ill. Adm. Code 820); referenced in ' 151.049;
 - (b) Illinois Plumbing Code (77 Ill. Adm. Code 890) Referenced in ' ' 151.004, 151.043, 151.044;
 - (c) Private Sewage Disposal Code (77 Ill. Adm. Code 905); referenced in ' 151.044;
 - (d) Drinking Water Systems Code (77 Ill. Adm. Code 900); referenced in ' 151.043;
 - (e) Illinois Water Well Construction Code (77 Ill. Adm. Code 920); referenced in ' 151.043;
 - (f) Illinois Water Well Pump Installation Code (77 Ill. Adm. Code 925); referenced in ' 151.043;
 - (g) Surface Source Water Treatment Code (77 Ill. Adm. Code 930); referenced in ' 151.043;

Wapella - Land Usage

(h) Public Area Sanitary Practice Code (77 Ill. Adm. Code 895); referenced in ' 151.043;

(i) Mobile Home Tie-down Code (77 Ill. Adm. Code 870); referenced in ' 151.056; and

(j) Rules for Practice and Procedure for Administrative Hearings (77 Ill. Adm. Code 100); referenced in ' 151.086.

(3) Illinois Pollution Control Board regulations:

(a) Public Water Supplies (35 Ill. Adm. Code Subtitle F); referenced in ' 151.043;

(b) Waste Disposal (35 Ill. Adm. Code Subtitle G); referenced in ' 151.044; and

(c) Solid Waste and Special Waste Hauling (35 Ill. Adm. Code Subtitle G, Subchapter i.); referenced in ' 151.050.

(4) Illinois Environmental Protection Agency regulations; Illinois Recommendation Standards for Sewage Works (35 Ill. Adm. Code 370); referenced in ' 151.044.

(5) Material of other state agencies:

(a) Regulatory Flood Plain Map published by: Illinois Department of Natural Resources Division of Water Resources 310 South Michigan, Room; 1606 Chicago, Illinois 60604; referenced in ' 151.023; and

(b) Statewide Permit Number 6, issued September 15, 1993 by: Illinois Department of Transportation Division Resources; 2300 South Dirksen Parkway, Springfield, IL 62764; referenced in ' 151.023.

(1975 Code, ' 35-20) Penalty, see ' 151.999

' 151.003 ILLUSTRATIONS ADOPTED BY REFERENCE.

The illustrations attached to the ordinance codified herein are adopted by reference and incorporated herein as fully as if set out at length herein.

(1975 Code, ' 35-III)

' 151.004 ELECTRIC CODE REQUIREMENTS.

The explanation of the 1996 National Electrical Code Requirements for Manufactured Home Communities is hereby adopted by reference and incorporated herein as fully as if set out at length herein.

(1975 Code, ' 35-App B) Penalty, see ' 151.999

' 151.005 UNLICENSED MOTOR VEHICLES.

(A) Section 35-310(d) of the Manufactured Home Community Code prohibits unlicensed vehicles in manufactured home communities. This includes cars, trucks, motorcycles and trailers. While it is the manufactured home community owner=s responsibility to assure compliance with this requirement, the manufactured home community=s owner may have legal difficulties in getting an unlicensed vehicle either licensed or removed within the time period allotted by the Department (usually 30 days).

(B) The Department recognizes this problem and encourages an investigation into the following possibilities.

(1) The rules of the particular manufactured home community should prohibit unlicensed vehicles from being located in the manufactured home community and contain language that allows the manufactured home community owner to have unlicensed vehicles towed at the owner=s expense after seven days' written notice is provided. The resident should sign an acknowledgment and agreement to the rules.

(2) Effective January 1, 1988, the local government jurisdiction has the authority to adopt an ordinance to permit it to tow inoperable motor vehicles and their parts after seven days' written notification to the owner. Manufactured home community owners should encourage local jurisdictions to adopt such an ordinance and then advise the authorities when enforcement action needs to be initiated by the local authorities. The language describing this authority is contained in three particular laws for municipalities (65 ILCS 5/11-40-3), for counties (55 ILCS 5/5-1092) and for townships (60 ILCS 1/30-130). This pertains only to inoperable vehicles but includes those on public and private property.

(3) Section 4-203 of the State Vehicle Code (625 ILCS 5/4-203) contains provisions that allows a manufactured home community owner to immediately tow an unlicensed vehicle if the owner has a sign posted as specified in the State Vehicle Code.

(4) The American Lung Association has a Vehicle Donation Program. For more information contact the American Lung Association Vehicle Donation Program, #1 Christmas Seal Drive, P.O. Box 2576, Springfield, IL 62708-2576, or call 1-800-583-4425.

(5) The National Kidney Foundation of Illinois, Inc. has a car donation program. Call 1-800-488-CARS for details.

(1975 Code, ' 35-App C) Penalty, see ' 151.999

' 151.006 HOME RULE UNITS.

(A) Section 26 of the Mobile Home Park Act exempts home rule units. All of Cook County and municipalities with a population of more than 25,000 are home rule units, unless a specific referendum was passed.

Wapella - Land Usage

(B) The list of home rule units in Illinois as of November 1, 1997 is adopted and incorporated by reference herein.

(1975 Code, ' 35-App D)

' 151.007 MINIMUM ROAD WIDTH.

<i>Minimum Road Width (in Feet)</i>		
	<i>One-Way Traffic</i>	<i>Two-Way Traffic</i>
No parking on streets	18	24
Parking on streets	24	30
Parking on both sides	30	36

(1975 Code, ' 35-Table A)

' 151.008 WATER DISTRIBUTION PIPE SIZE.

<i>Inside Diameter of Main (in Inches)</i>	<i>Maximum Number of Manufactured Home Sites Connected</i>	<i>Maximum Length of Main (in Feet)</i>
2	20	600
3	60	1,800
4	120	3,600
6	400	12,000
Note: if local requirements exceed the above sizes, the local standards must be met.		

(1975 Code, ' 35-Table B)

' 151.009 MINIMUM SIZE AND SLOPE OF SEWER MAINS.

<i>Number of Sites</i>	<i>Sewer Inside Diameter (Inches)</i>	<i>Minimum Slope</i>
1 to 125	6	0.75%
More than 125	8	0.40%

(1975 Code, ' 35-Table C)

PERMITS

' 151.020 REQUIRED PERMITS.

Section 4 of the Act specifies the information required to obtain a permit for the construction of a new manufactured home community. Section 4.2 of the Act contains information required to obtain a permit for the alteration of an existing manufactured home community. Permits shall expire three years from the date of issuance. One three-year extension may be granted upon written request. Section 4.3 of the Act contains information required for a permit to reduce sites in an existing manufactured home community. Alterations to an existing manufactured home site or community must be performed in accordance with the Act and this chapter. A permit is not required for routine maintenance and repairs. (1975 Code, ' 35-101)

' 151.021 APPLICATIONS.

All permit applications shall be submitted in triplicate to the Department on a form furnished by the Department. The application shall indicate the number and identification of existing sites, new sites to be constructed, licensed sites to be altered or eliminated and the new total number of proposed licensed sites. (1975 Code, ' 35-102)

' 151.022 PLANS.

(A) Section 4(d) of the Act specifies that, for a new manufactured home community, plans must be prepared and sealed by an architect licensed under the authority of the State Architectural Practice Act of 1989 or an engineer licensed under the authority of the State Professional Engineering Act. The plans shall be drawn to scale. Two copies of the plans shall be submitted to the Department.

(B) The plans and application material shall contain, at a minimum, an overall manufactured home community plan and a typical site plan as follows:

(1) The overall manufactured home community plan shall include the following details for all proposed construction:

- (a) The location and dimension of each proposed site;
- (b) The location, width, type of surface material and traffic flow of all streets;
- (c) The locations of all sidewalks and parking areas;

Wapella - Land Usage

(d) The existing and proposed contours of the area, including an indication of any area in a floodplain;

(e) The locations, types and identification numbers of all water pipes; details of any private or semi-private water sources, sufficient to indicate compliance, and if the manufactured home community is served by a community public water supply system, the name of the system;

(f) The locations, types, sizes and identification numbers of all sewage pipes, details of all private sewage disposal systems sufficient to indicate compliance, and if the manufactured home community is served by a public sewer system, the name of the system;

(g) The locations, types and sizes of all electrical conductors and equipment;

(h) The type, sizes, heights and locations of all proposed manufactured home community lighting;

(i) The sizes, locations and types of all fuel pipes; the location and sizes of fuel storage tanks;

(j) The locations of all recreational equipment, beaches, swimming pools, parks and community buildings (swimming pools and bathing beaches are subject to a separate construction permit as required by the Swimming Pool and Bathing Beach Act.);

(k) The general locations of all existing manufactured home sites and a description of how proposed utility extensions for new sites will be connected;

(l) The types, sizes and locations of all garbage containers and the frequency of garbage collection;

(m) The types, sizes and location of any storm drainage pipes;

(n) The locations of fire hydrants and holding ponds and the name of the fire department that serves the manufactured home community; and

(o) The location of all easements.

(2) The typical manufactured home site plan shall include the following:

(a) Size, type and location of the foundation system for the home;

(b) Details and location of sewer, water and gas piping, showing the height of the risers, the distance between them, and any valves;

(c) For private sewage disposal systems, detailed drawings of the proposed system showing the distance between components of the system and potable water systems or bodies of water,

soil type and/or percolation rates, depth of ground water table, and size of system components (when a permit for construction of a private sewage disposal system has been obtained or is pending from a unit of local government, a copy of the permit or permit application shall be submitted); and

(d) Types, locations and ratings of electrical service equipment and conductors with indication of the method of grounding.

(1975 Code, ' 35-103) Penalty, see ' 151.999

' 151.023 FLOODPLAIN REQUIREMENT.

Prior to the issuance of a construction permit, the permit applicant shall submit with the application a completed Special Flood Hazard Area Request Form provided by the Department. If the site is within a special flood hazard area, the applicant shall forward the plans for the project to the State Department of Natural Resources, Division of Water Resources. No project to be located in a special flood hazard area shall be issued a permit without a copy of a statement from the Division of Water Resources that the construction complies with the requirements of Executive Order 79-4, effective May 31, 1979. Construction of items such as water wells, septic tanks, underground utilities, light poles, pavilions, playground equipments, sidewalks and driveways as specified in Statewide Permit Number 6, issued by the Division of Water Resources, September 15, 1993, are exempt from the requirements of this section.

(1975 Code, ' 35-130) Penalty, see ' 151.999

' 151.024 OCCUPANCY OF NEW SITES.

No manufactured home shall be placed on a site that has not been licensed by the Department. Upon the completion of the construction of new sites, the Department's regional office shall be contacted (see Section 35, Appendix A) to arrange for an inspection. After approval is granted by the inspector, the fee for the license for the new site(s) shall be submitted before the new site(s) shall be licensed or occupied.

(1975 Code, ' 35-140) Penalty, see ' 151.999

' 151.025 IMMOBILIZATION.

(A) Sites with immobilized manufactured homes are exempt from licensure by the Department.

(B) In order for a home to be considered immobilized, the following conditions must be met:

(1) The homes shall be provided with individual utilities as defined in ' 2.8 of the Act; and

(2) The wheels, tongue and hitch shall be removed and the home shall be supported by a continuous perimeter foundation of material such as concrete, mortared concrete block or mortared brick which extends below the established frost depth. The home shall be secured to the continuous perimeter foundation with one-half inch foundation bolts spaced every six feet and within one foot of

the corners. The bolts shall be imbedded at least seven inches into concrete foundation or 15 inches into block foundations.

(1975 Code, ' 35-150) Penalty, see ' 151.999

' 151.026 DELETION OF SITES.

(A) Section 4.3 of the Act specifies the requirements that must be followed to reduce the number of licensed sites.

(B) In addition, the following conditions shall be met.

(1) The utilities shall be disconnected as follows:

(a) The water service shall be shut off and capped below the frost depth and the riser shall be removed;

(b) The sewer pipe shall be cut below the ground level and sealed to prevent sewer gas from escaping;

(c) The electrical supply to the site shall be disconnected and the service equipment shall be removed;

(d) Any natural gas to the site shall be disconnected below grade and sealed in accordance with the National Fuel Code; and

(e) Any propane tanks and the piping thereto shall be removed.

(2) The home shall be removed and the site shall be cleared of any debris or abandoned equipment.

(3) The deletion shall not commence until an application for a permit to alter has been submitted and written approval has been issued by the Department.

(4) Upon completion of the deletion, the Department's regional office shall be contacted to determine compliance with the requirement of this section.

(5) Upon approval, the next year's license shall reflect the new number of sites. If the reduction results in fewer than five licensed sites, the manufactured home community is no longer subject to licensure and the existing license shall automatically become void upon approval of the reduction.

(1975 Code, ' 35-160) Penalty, see ' 151.999

REQUIREMENTS OF THE MANUFACTURED HOME COMMUNITY

' 151.040 LAYOUT OF THE MANUFACTURED HOME COMMUNITY.

(A) All areas of the manufactured home community shall be drained to prevent ponding of water. If necessary, a storm drainage system shall be installed.

(B) Section 9.3 of the Act specifies the minimum square footage of each site and the location of the home on the site. (See ' 151.003, Illustrations A and B.) There shall be a minimum street frontage of 25 linear feet for each site.

(C) Manufactured homes located on sites constructed prior to July 1, 1998 shall be at least five feet from the property line of the manufactured home community and ten feet from any public street, alley or building. There shall be a minimum separation of ten feet from the side of a manufactured home to another manufactured home and a minimum of five feet from the end of a manufactured home to another manufactured home.

(D) Manufactured homes located on sites constructed after July 1, 1998 shall be located at least five feet from the manufactured home community property line, ten feet from public or private streets, alleys, buildings or other manufactured homes, and shall not extend over a sidewalk.

(E) All portions of sheds, carports, garages, porches and similar structures constructed after July 1, 1998 shall be at least three feet from the manufactured home community property line, five feet from any other structure on adjacent sites, and ten feet from all streets. For corner sites, sheds shall be at least three feet from all streets. Existing portions of sheds, carports, garages, porches and similar structures may be replaced at the same location without complying with the requirements of this division (E).

(F) When questions arise concerning the property lines of the manufactured home community, the licensee shall be responsible for identifying the legal location.
(1975 Code, ' 35-200) Penalty, see ' 151.999

' 151.041 SUPPORT SYSTEMS.

(A) Sites on which homes are installed prior to July 1, 1998 shall have a support system as required by the Mobile Home Park Code in effect at the time of installation.

(B) Homes installed after July 1, 1998 shall be installed on a level support system capable of supporting the design load of the home. The support system shall consist of a minimum three and one-half inches thick concrete pad, runners or pier. The support system shall be placed on undisturbed soil or compacted material. Alternative equivalent systems may be submitted for approval by the Department. Pads shall be the approximate dimensions of the home. Runners shall be either parallel or perpendicular to the length of the home. Runners that are parallel with the length of the home shall be a minimum of 20 inches wide, extend the approximate length of the home and be located so that blocking rests entirely on the runners. Runners that are perpendicular to the length of the home shall be

Wapella - Land Usage

a minimum of 12 inches wide, extend the approximate width of the home and be spaced at a maximum eight-foot intervals center to center along the length of the home. Pier blocks shall bear entirely on the pier support system. The manufactured home community owner is responsible for determining that the support system is adequate for the specific soil conditions. A copy of manufactured home installation guidelines is available from the Department.

(C) The support system can extend below the frost depth to prevent the home from shifting as a result of the freezing and thawing of the soil. The entire support system must be installed at the same approximate depth to prevent damage to the home from frost heave.

(D) The ground and impervious surfaces surrounding the perimeter of the home shall be sloped to direct all surface water away from the home for sites constructed after July 1, 1998.
(1975 Code, ' 35-210) Penalty, see ' 151.999

' 151.042 STREET AND PARKING.

(A) All streets shall be maintained reasonably free of potholes, snow and dust. Streets constructed after July 1, 1998 shall be constructed of rock and oil, asphalt or concrete.

(B) The minimum road width shall comply with ' 151.007.

(C) At least two parking spaces shall be provided for each site constructed after July 1, 1998. At least one space shall be available for all other sites. Parking spaces on streets must be a minimum of 18 feet in length.

(1975 Code, ' 35-220) Penalty, see ' 151.999

' 151.043 WATER.

(A) Potable water shall be provided at each site.

(1) The source of the water shall be either a community public water supply system regulated by the State Environmental Protection Agency (35 Ill. Adm. Code, Subtitle F) or a system regulated by the Department.

(2) Systems regulated by the Department shall comply with one of the following.

(a) The construction and water quality requirements of the Drinking Water Systems Code (77 Ill. Adm. Code 900) shall be met.

(b) Water wells shall be located and constructed in accordance with the Illinois Water Well Construction Code (77 Ill. Adm. Code 925).

(c) Surface water supply systems shall be constructed and operated in accordance with the Surface Source Water Treatment Code (77 Ill. Adm. Code 930).

(B) The water distribution system shall be subject to the following requirements.

(1) If the system is connected to a community public water supply system and has one main water meter, the distribution system beyond the main meter shall be subject to the requirements of the Drinking Water Systems Code and the State Plumbing Code and shall be installed and maintained by a licensed state plumber in accordance with the State Plumbing License Law.

(2) If the system is connected to a community public water supply system and the residents are billed by the manufactured home community owner for the water based on the readings from the meter at each site, the manufactured home community owner is considered a water supplier and is subject to the requirements of the State Environmental Protection Agency. The distribution system up to the individual service line to each home shall be subject to the requirements of the Illinois Environmental Protection Agency.

(3) If the park is served by its own community public water supply, or the manufactured home community is connected to a community public water supply without a main meter for the manufactured home community, the distribution system up to the individual service line to each home shall be subject to the requirements of the State Environmental Protection Agency.

(C) Water distribution systems not subject to the requirements of the State Environmental Protection Agency shall be designed and constructed in compliance with the requirements of the Drinking Water Systems Code and the State Plumbing Code and shall be installed and maintained by a licensed Illinois plumber in accordance with the State License Law.

(1) The following additional requirements shall be met for all distribution systems:

(a) The distribution system shall supply water to each site at a minimum pressure of 20 pounds per square inch during periods of peak usage. A pressure-reducing valve shall be installed if the pressure exceeds 80 pounds per square inch. The distribution pipe shall be looped, whenever possible, and dead end mains shall be equipped with flush hydrants or equivalent.

(b) All water lines under the home shall be protected from freezing. The manufactured home community rules (' 151.071) shall address the resident=s responsibility concerning protection of water lines from freezing. If heat tapes are used, they must be listed for use for manufactured homes and installed according to the manufacturer=s instructions.

(2) The following requirements shall be met for distribution systems constructed after July 1, 1998:

(a) The water main distribution pipe shall be sized in accordance with Table B and be of approved material listed in the *Standard Specifications for Water and Sewer Main Construction in Illinois*, 1996 Edition.

(b) Water mains must include flush hydrants or equivalent at a minimum of every 600 feet and at dead ends of piping. Flushing hydrants shall be sized to provide flows that will give a mean

velocity of at least two and one-half feet per second in the distribution piping being flushed.

(c) Each site shall be served with a separate minimum three-fourths inch inside diameter service connection.

(d) All water risers shall be at least three-fourths inch inside diameter, terminate at least four inches above the finished grade, and be separated at least ten feet horizontally from the sewer riser.

(e) An approved shut-off valve shall be provided near the street or site line for installations after July 1, 1998.

(D) The manufactured home community owner shall be responsible for sampling of the water supply systems as required by the Department. Routine water sampling will not be required by the Department for water supplies regulated by the State Environmental Protection Agency.

(E) If the water distribution system is not regulated by the State Protection Agency, the following requirements shall be met. When a break occurs in the manufactured home community's distribution system or the pressure in the water distribution system is below the minimum 20 pounds per square inch, the Department's regional office (see ' 151.003) shall be notified by telephone within 24 hours or the next business day. The affected residents shall be notified immediately by the manufactured home community management of the need to boil their water for three minutes before drinking it. A sign shall be posted at the entrance(s) of the manufactured home community. The Department shall advise the manufactured home community when the boil order can be lifted.

(F) All water leaks in the water distribution system, including those under the manufactured home, shall be repaired within 72 hours after notification from a resident or a Department representative.

(G) Notification of planned water supply interruptions for periods greater than one hour shall be provided by the manufactured home community management to the residents affected by the interruption.

(1975 Code, ' 35-230) Penalty, see ' 151.999

' 151.044 SEWAGE.

(A) All sewage generated within a manufactured home community shall discharge into an approved sewage disposal system.

(1) A sewage disposal system designed to discharge below ground, or to the ground surface with a flow of less than 1,500 gallons per day, shall be regulated by the Department and must meet the requirements of the Private Sewage Disposal Code.

(2) A sewage disposal system or group of systems installed after July 1, 1998 designed to discharge 1,500 or more gallons per day to the ground surface shall meet the requirements of the

Illinois Pollution Control Board (35 Ill. Adm. Code 309.102(a) and (b)).

(B) A sewage collection system shall meet the following requirements.

(1) A minimum four-inch inside diameter sewer riser extending at least four inches above the finished grade level shall be provided at each site. The material for the building drain and sewer riser must be approved building drainage pipe material as specified in ' 35, Table A of the State Plumbing Code and shall be installed by a state licensed plumber. The connection between the riser and the manufactured home sewer pipe shall be water-tight and odor-tight. A water-tight and odor-tight cap or plug shall be installed on all sewer risers that are not in use. Provisions shall be included to allow for vertical movement due to frost heave if the home is not supported below the frost depth. (See ' 151.003, Illustration D.)

(2) The building sewer piping must be approved building sewer material as specified in ' 890, Table A of the State Plumbing Code and must meet the requirements of ' 151.009.

(3) The construction and installation of the sewer mains and lift station must meet the requirements of the State Environmental Protection Agency (35 Ill. Adm. Code, Illinois Recommended Standards for Sewage Works) for construction after July 1, 1998. Manholes shall be provided at every change in direction or grade of every main sewer line, at the upper end of every main sewer line, at every junction of two or more branch sewers, and at intervals of not more than 400 feet. Cleanouts extending to grade level may be used instead of manholes on sewer lines less than eight inches in diameter and shall be at intervals of not more than 100 feet.

(C) Malfunctioning sewage disposal systems shall be repaired and maintained in compliance with the requirements specified in division (A) above. Within 48 hours after notification from a resident or a Department representative, untreated sewage on the ground as a result of a malfunction shall be removed to the extent possible and the contaminated ground surface shall be covered with lime or similar material.

(1975 Code, ' 35-240) Penalty, see ' 151.999

' 151.045 ELECTRICAL.

(A) *New installations.*

(1) All electrical distribution systems constructed or replaced after July 1, 1998 shall be designed and constructed to conform to the requirements of the National Electrical Code, 1996 Edition. Article 550C of the National Electrical Code contains specific requirements for manufactured home communities. (See ' 151.004.)

(2) For homes installed after July 1, 1998, the manufactured home community licensee shall be responsible for providing electrical service equipment at least equivalent to the amperage capacity of the home which it serves.

(B) *Existing installations.* The following minimum requirements shall apply to electrical systems

installed prior to July 1, 1998.

(1) The electrical distribution system to the manufactured home sites shall be single phase, 120/240 volts nominal.

(2) The type, size, installation and location of all conductors shall comply with their approved use as indicated in the edition of the National Electrical Code in effect at the time of construction.

(3) The service equipment shall not be attached to the home, located under the home or located anywhere that is not readily accessible. Obstructions such as bushes shall not be located within three feet of the front of the service equipment.

(4) All electrical equipment installed outdoors shall be the weatherproof type. Equipment located under the home shall be protected from the weather.

(5) The service equipment and any other electrical devices shall be 12 inches above grade and secured to prevent any movement.

(6) The manufactured home feeder conductor shall be either a cord which meets the requirements of the home or a permanently installed feeder as specified by the National Electrical Code in effect at the time of installation.

(7) All circuits at the service equipment shall be protected by over-current protection as required by the National Electrical Code in effect at the time of installation.

(8) Overhead conductors shall provide an 18-foot vertical clearance over all streets, a 12-foot clearance over driveways, and a ten-foot clearance above grade in all other areas. Electrical conductors emerging from the ground shall be protected by enclosures or raceways for direct buried cable or to the approved buried depth for protected conductors and up to a point eight feet above grade. Acceptable protection shall be rigid metal, intermediate metal or Schedule 80 non-metallic conduit or channel. Manufactured home power supply cords need not be enclosed in conduit or raceways.

(C) *Maintenance of all systems.* All electrical systems shall be maintained in a safe condition. All damaged or defective equipment shall be repaired or replaced, all loose equipment shall be secured, all faceplates and panel fronts shall be in place and all live parts shall be covered to prevent accidental contact. Dead tree branches which overhang distribution wiring shall be removed. All components of the manufactured home community electrical system shall be inspected by the manufactured home community management and it shall be the responsibility of the licensee to have any defects corrected. (1975 Code, ' 35-250) Penalty, see ' 151.999

' 151.046 FUEL SUPPLY.

The distribution, storage and use of natural gas, liquefied petroleum gas, fuel oil or other fuels shall be in accordance with the following:

(A) The National Fire Protection Association=s Installation of Oil Burning Equipment, 1992 Edition;

(B) The National Fire Protection Association=s National Fuel Gas Code, 1992 Edition;

(C) The National Fire Protection Association=s Storage and Handling of Liquefied Petroleum Gases, 1995 Edition; and

(D) The United States Department of Transportation=s Pipeline Safety Regulations. (1975 Code, ' 35-260) Penalty, see ' 151.999

' 151.047 FIRE SAFETY.

(A) Bales of straw or other flammable materials that do not meet the requirements of division (B) below shall not be used for skirting or insulation of the manufactured home.

(B) Garages, carports, porches, awnings, sheds, skirtings and other similar appurtenances shall be constructed of material designed for exterior use that meets the flame spread rating of 200 or less in accordance with the American Society of Testing and Materials, Standard Method of Test for Surface Burning Characteristics of Building Materials (Standard E84).

(C) Manufactured home communities constructed after July 1, 1998 must be located in a fire protection district and provided with fire hydrants within 500 feet of any structure in the manufactured home community. As an alternative to fire hydrants, a holding pond or other source of water of 100,000 gallons or more accessible to the Fire Department may be used, if the Fire Department is capable of pumping from the body of water.

(D) Flammable liquids and gasoline-powered equipment other than motorized vehicles shall not be stored within five feet of a manufactured home, except when stored in a shed or garage.

(E) All intended means of egress shall not be obstructed. (1975 Code, ' 35-270)

' 151.048 LIGHTING.

(A) Communities constructed after July 1, 1998 shall have an average illumination level of at least 0.6 footcandles and a minimum illumination level of 0.3 footcandles maintained for all streets in the manufactured home community.

(B) To achieve this level of illumination, the following are acceptable:

(1) The use of a 175-watt mercury or sodium vapor lamp or a 600-watt tungsten lamp, at an elevation of 25 feet, every 250 feet; and

(2) Yard lights, at each site, having an average equivalent illumination of a 100-watt electric light bulb.

(1975 Code, ' 35-280) Penalty, see ' 151.999

' 151.049 POOLS AND BEACHES.

Swimming pools and bathing beaches, if provided, shall be constructed and operated in accordance with the State Swimming Pool and Bathing Beach Code. Separate construction permits and licenses are required in accordance with the Swimming Pool and Bathing Beach Act.

(1975 Code, ' 35-290) Penalty, see ' 151.999

' 151.050 SOLID AND LANDSCAPE WASTE.

(A) All garbage and refuse shall be stored and disposed of so as not to create a nuisance or a health threat.

(1) Garbage must be stored in rust resistant, water-tight and fly-proof containers with the lids closed.

(2) Garbage containers must be stored at least six inches off the ground surface or on an impervious surface.

(3) Garbage containers must be emptied at least once a week.

(4) A minimum capacity of 40 gallons per occupied site per week shall be provided, according to the manufactured home community rules in ' 151.071. Sealed bags can be utilized to supplement the required containers on the day of garbage collection only. A single 20-gallon container is acceptable if emptied twice a week.

(5) Individual containers shall be available at each site or bulk containers shall be located within 250 feet of any home, provided that the Department receives written assurance that the location of the containers is acceptable to the residents whose homes will be more than 250 feet from the containers. There is no distance limitation for bulk containers used by the manufactured home community management to empty individual containers.

(6) Garbage and refuse shall be disposed of in accordance with the requirements of the State Pollution Control Board (35 Ill. Adm. Code Subtitle G).

(B) Landscape waste (leaves, brush and grass) shall be stored separately from garbage in cans or bags if required by local authorities. Large branches do not need to be placed in a container prior to disposal. If landscape waste burning is permitted by the local jurisdiction, all fires must be located at least 30 feet from any structure.

(1975 Code, ' 35-300) Penalty, see ' 151.999

' 151.051 MANUFACTURED HOME COMMUNITY APPEARANCE.

(A) Household furniture and appliances, auto parts including tires and batteries, building materials, abandoned equipment and similar items shall not be stored within the manufactured home community except in sheds or garages with doors. If above items are to be discarded, they must be removed from the manufactured home community within seven days. Precautions shall be taken to prevent entrapment of children in or under any appliance that is being discarded.

(B) Abandoned home as defined in the Abandoned Mobile Home Act shall be removed within 60 days after the date damaged. The manufactured home community owner shall advise the Department's regional office in writing if removal cannot be accomplished within 60 days, the reason for the delay and the expected date of compliance.

(C) Trees and bushes shall not interfere with normal pedestrian and vehicular traffic. Branches shall not touch the roofs of any structure. Dead trees and branches shall be removed.

(D) Any abandoned or unused automobile or piece of equipment having the appearance of being abandoned shall be removed from the manufactured home community. All automobiles, trailers and similar vehicles subject to licensure by the Secretary of State shall have current licenses, displayed. The State Vehicle Code specifies the penalty for abandoning automobiles and the provisions for their removal by the manufactured home community management. (See ' 151.005)

(E) All open excavations must be barricaded to prevent access.
(1975 Code, ' 35-310) Penalty, see ' 151.999

' 151.052 IDENTIFICATION OF SITES.

All sites shall be identified with a legible reflective or contrasting number or letter a minimum of three inches in height. This identification shall be at the same location for each site and visible from the street. There shall be a logical order for the identification of the sites. Previous addresses on homes relocated to the manufactured home community shall be removed. Street signs shall identify all streets that have names. The licensee shall maintain a plan of the manufactured home community indicating the labeling system, a copy of which shall be available to the Department upon request. All electric and natural gas meters must be identified for the site for which they serve. If there is no identification for a vacant site, a temporary identification shall be provided.

(1975 Code, ' 35-320) Penalty, see ' 151.999

' 151.053 VECTOR CONTROL.

The management of the manufactured home community shall take the following measures to prevent insects and rodents in the manufactured home community in addition to requirements specified in other section of this subchapter.

(A) Areas of ponding water and items which hold water such as trees shall be eliminated.

(B) Grass and weeds shall not exceed six inches in height.

(C) Firewood shall be stacked at least six inches above the ground or on an impervious surface such as concrete.

(D) The manufactured home community shall be cleared of animal excrement.
(1975 Code, ' 35-330) Penalty, see ' 151.999

' 151.054 FENCES.

Fences on individual lots, if permitted by the manufactured home community owner and the local jurisdiction, shall meet the following provisions.

(A) Fences shall not exceed six feet in height.

(B) Fences shall be sturdy and not present a safety hazard.
(1975 Code, ' 35-340) Penalty, see ' 151.999

' 151.055 INSPECTION DOORS.

If the manufactured home skirting is provided, a sliding or hinged inspection door at least 24 inches wide and the approximate height of the skirting shall be provided near the utility connections to the home. Interlocking skirting with panels removable without the use of tools is acceptable. For homes installed prior to July 1,1998 and not provided with an inspection door, the manufactured home community management, upon request from a Department representative, shall remove the skirting to allow for an inspection under the home.

(1975 Code, ' 35-350) Penalty, see ' 151.999

' 151.056 RECREATIONAL VEHICLES.

(A) If approved by the manufactured home community owner, a non-motorized recreational vehicle that meets the following criteria may be located in a manufactured home community as a residence:

(1) The vehicle contains toilet and bathing facilities;

(2) The vehicle is connected to the required utilities in a permanent fashion as prescribed in this subchapter;

(3) The vehicle is intended to be operated by the same person or persons for at least two consecutive months at one location; and

(4) If larger than eight feet by 32 feet, the vehicle shall be secured as specified in the Mobile Home Tie-Down Code (77 Ill. Adm. Code 870).

(B) Motorized recreational vehicles shall not be located in a manufactured home community as a residence.

(1975 Code, ' 35-360) Penalty, see ' 151.999

' 151.057 ANIMAL CONTROL.

All animals must be confined in a fenced area or on a cable or similar restraint at all times the animals are outdoors.

(1975 Code, ' 35-370) Penalty, see ' 151.999

' 151.058 VACANT SITES.

When a home is moved from a site, the sewer riser shall be capped or plugged with a water-tight and odor-tight fitting. The water shall be shut off and the water line plugged or capped. In freezing weather, the water line must be drained or insulated to prevent breakage. All lines for natural gas, propane and other fuels shall be shut off and plugged or capped. Section 151.026 contains the requirements for deletion of sites.

(1975 Code, ' 35-380) Penalty, see ' 151.999

' 151.059 DUPLEX UNITS.

Duplex manufactured homes located in a manufactured home community must have separate water, sewer and electrical services for each resident and a one-hour, fire-rated assembly shall separate the units. Sites with a duplex unit shall be considered as two sites for licensure purposes.

(1975 Code, ' 35-390) Penalty, see ' 151.999

ADDITIONAL RESPONSIBILITIES OF THE LICENSEE

' 151.070 REQUIRED DOCUMENTS.

(A) Upon initial admittance to the manufactured home community, a new resident shall be provided a copy of the manufactured home community rules (' 151.071).

(B) The manufactured home community owner or manager shall provide a resident of each site with a copy of the Department=s publication *ALiving in a Manufactured Home Community@*, which contains information regarding the tie-down of homes, safety tips in the event of a tornado and a copy of the Mobile Home Landlord and Tenants Rights Act.

(C) A copy of the Mobile Home Park Act and the Manufactured Home Community Code shall be available from the manufactured home community owner or manager for inspection by manufactured home community residents. Copies may be obtained from any of the Department=s offices indicated in Section 35, Appendix A.

(D) The name, address and telephone number of the manufactured home community manager whom residents are to notify of a problem within the manufactured home community shall be provided to each resident. An answering machine shall be connected to the manufactured home community manager=s phone if someone is not normally available to answer the calls.

(1975 Code, ' 35-400)

' 151.071 MANUFACTURED HOME COMMUNITY RULES.

The manufactured home community owner shall establish and enforce rules governing the resident=s responsibilities for maintaining the manufactured home community. The rules established by the manufactured home community owner shall include the control of pets, the storage of garbage, the disposal of abandoned equipment and appliances, the construction of auxiliary structures and fences, the necessity of keeping all vehicles currently licensed, the policy for performing vehicle repairs, the control of the growth of weeds and grass, the storage of firewood, the control of insects and rodents, the need to provide access under the home, the protection of water pipes from freezing, the repair of the residents= water and sewage leaks, the maintenance of the electrical equipment, the maintenance of homes and auxiliary structures, the requirement for the resident to provide fire extinguishers in the home as required by ' 9 of the Act, the requirements for compliance with the Smoke Detector Act, and all other rules necessary to maintain the manufactured home community in compliance with the Act and this subchapter. Provisions shall be included in the manufactured home community rules to inform residents that the park management will correct violations that have not been corrected by the resident.

(1975 Code, ' 35-410) Penalty, see ' 151.999

' 151.072 REGISTER.

A manufactured home community register shall be maintained by the manufactured home community manager as specified in ' 13 of the Act. The register shall contain acknowledgment by the resident that the information required in ' 151.070 was provided. (See ' 151.003, Illustration E.)

(1975 Code, ' 35-420)

' 151.073 INSPECTIONS BY MANUFACTURED HOME COMMUNITY MANAGEMENT.

The manufactured home community owner or manager shall inspect the manufactured home community at least weekly to determine the occurrence of any violations of the Department=s requirements in the Act and this subchapter. The residents shall be required to correct any violations that are their responsibility. If the residents fail to make the correction, the management shall be

responsible for correcting the violations or initiating action against the resident to get the violation(s) corrected. If this is not possible, the manufactured home community manager shall advise the Department in writing of the action initiated against the resident and the anticipated date of correction of the violations.

(1975 Code, ' 35-430) Penalty, see ' 151.999

ADMINISTRATIVE ACTION BY THE DEPARTMENT

' 151.085 VARIANCE PROCEDURES.

The Department may grant a variance to a specific provision of this subchapter when the owner of a manufactured home community submits a written request for such variance to the Department, with drawings, specifications, documents, data or calculations showing that the alternative methods or designs proposed will provide protection equivalent to compliance with the requirements of this subchapter. The capability of the proposed deviation to ensure protection equivalent to compliance with the requirements of this subchapter shall be the basis for approval or denial of a variance. The Department shall notify the applicant in writing of its decision to either grant or deny the variance within 60 days after receipt of the request. A variance must be requested and approved before the proposed activity may be implemented.

(1975 Code, ' 35-500)

' 151.086 ENFORCEMENT ACTION.

Prior to the suspension, denial or revocation of a manufactured home community license or the denial of a request for a construction permit, the Department shall offer the person the right to request an administrative hearing. The Department's Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100) shall apply to all proceedings conducted under this subchapter.

(1975 Code, ' 35-510)

' 151.087 COMMON OPERATION.

(A) Section 2.5 of the Act states that separate ownership of contiguous tracts of land shall not preclude the tracts of land from common licensure as a manufactured home community if they are maintained and operated jointly.

(B) Common maintenance and operation shall include any of the following:

- (1) A common name for the properties;
- (2) A continuous numbering system for the sites;

Wapella - Land Usage

(3) Common maintenance of the manufactured home community=s roads, grass and utilities;
or

(4) Property rents paid to one individual or entity.
(1975 Code, ' 35-520)

' 151.088 EXISTING COMMUNITIES.

(A) Any manufactured home community existing in the village shall be maintained in a neat, clean and orderly manner. Equipment used for the park, or parts and materials, i.e., tire axles, appliances and the like, shall be stored inside a closed storage building with doors.

(B) The manufactured home community residents shall keep personal belongs inside the home, stored under the home or stored inside an approved auxiliary structure.

(C) The manufactured home community management shall maintain all rental homes. The lawns will be mowed and the grass around the homes trimmed. Also, no homes shall have broken windows, missing windows, boarded up windows, torn screen, or broken doors. The homes shall have skirting in good condition, i.e., vinyl skirting, installed properly.

(D) Private manufactured home owners located inside the manufactured home community shall maintain their homes in the same manner. All residents are responsible for keeping their lot neat and clean. All rubbish and debris shall be picked up and placed in a proper fly-tight container.

(E) Every door of manufactured homes located inside the manufactured home community shall have a stairway with railing or a deck with railing for safe entrance and egress. Each home shall be limited to two registered vehicles.

(F) If a manufactured home is added to the community, or a home is replaced, a permit is required from the village. Each lot shall be upgraded to include a full-engineered concrete pad and parking for two vehicles. The electrical systems shall be properly upgraded to 100 amps.

(G) No home shall be added to the manufactured home community unless it is a HUD-approved manufactured home. No home shall be added to the manufactured home community without a pitched roof. All manufactured homes will be installed by certified and qualified personnel. A copy of their certificate shall be provided with each permit.

(1975 Code, ' 35-530) Penalty, see ' 151.999

' 151.999 PENALTY.

Any person, firm or organization violating any provision of this chapter, where no other penalty is provided, shall be fined not less than \$50 nor more than \$500 for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(1975 Code, ' 35-600)

CHAPTER 152: FLOODPLAIN AREAS

Section

- 152.01 Purpose
- 152.02 Definitions
- 152.03 Permit requirements
- 152.04 Permit application
- 152.05 Duties of the Village Zoning Officer
- 152.06 Review of proposed development
- 152.07 Review of permit application
- 152.08 Reviews of subdivision proposals
- 152.09 Water supply systems
- 152.10 Sanitary sewage and waste disposal systems
- 152.11 Variances
- 152.12 Abrogation and greater restrictions
- 152.13 Disclaimer of liability

- 152.99 Penalty

' 152.01 PURPOSE.

This chapter is enacted pursuant to the police powers granted to the village by the State Municipal Code (65 ILCS 5/1-2-1, 5/11-12-12, 5/11-30-2, 5/11-30-8 and 5/11-31-2) in order to accomplish the following purposes:

- (A) To prevent unwise developments from increasing flood or drainage hazards to others;
- (B) Protect new buildings and major improvements to buildings from flood damage;
- (C) To lessen the burden on the taxpayer for flood control, repairs to public facilities and utilities, as well as flood rescue and relief operations;
- (D) To lessen the burden on the taxpayer for flood control, repairs to public facilities and utilities, and flood rescue and relief operations;
- (E) Maintain property values and a stable tax base by minimizing the potential for creating blight areas;
- (F) Make federally subsidized flood insurance available; and

(G) To preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

(Ord. 2007-9, passed 9-18-2007)

' 152.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DEVELOPMENT.

(1) Any human-made change to real estate, including, but not necessarily limited to:

(a) Demolition, construction, reconstruction, repair, placement of a building or any structural alteration to a building,

(b) Substantial improvement of an existing building;

(c) Installation of a manufactured home on a site, preparing a site for a manufactured home, or installing a travel trailer on a site for more than 180 days per year;

(d) Installation of utilities, construction of roads, bridges, culverts or similar projects;

(e) Construction or erection of levees, dams, walls or fences;

(f) Drilling, mining, filling, dredging, grading, excavating, paving or other alterations of the ground surface;

(g) Storage of materials including the placement of gas and liquid storage tanks; and

(h) Channel modifications or any other activity that might change the direction, height or velocity of flood or surface waters.

(2) ***DEVELOPMENT*** does not include routine maintenance of existing buildings and facilities; resurfacing roads; or gardening, plowing and similar practices that do not involve filling, grading or construction of levees.

FLOOD. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface water from any source.

FLOODPLAIN. Any land area susceptible to being inundated by water from any source. (See ***FLOOD.***)

FLOODPROOFING. Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

MANUFACTURED HOME. A structure transportable in one or more sections, that is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities.

STRUCTURE. For floodplain management purposes, a walled and roofed building, including gas or liquid storage tanks, that is principally above ground. The term includes RVs and travel trailers on site for more than 180 days.

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50% of the market value of the structure before the damage occurred, regardless of actual repair work performed. Volunteer labor and materials must included in this determination.

SUBSTANTIAL IMPROVEMENT. Any reconstruction, rehabilitation, addition or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the improvement or repair is started. **SUBSTANTIAL IMPROVEMENT** is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either: any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or any alteration of a structure listed on the National Register of Historic Places or the Illinois Register of Historic Places.

(Ord. 2007-9, passed 9-18-2007)

' 152.03 PERMIT REQUIREMENTS.

No person, firm, corporation or governmental body not exempted by state law shall commence any development activity without first obtaining a development permit from the Village Zoning Officer.

(Ord. 2007-9, passed 9-18-2007) Penalty, see ' 152.99

' 152.04 PERMIT APPLICATION.

To obtain a permit, the applicant must first file a permit application on a form furnished for that purpose. The form must be completed and submitted to the Village Zoning Officer.

(Ord. 2007-9, passed 9-18-2007)

' 152.05 DUTIES OF THE VILLAGE ZONING OFFICER.

The Village Zoning Officer shall be responsible for the general administration of this chapter and ensure that all development activities under the jurisdiction of the village meet the requirements of this chapter. The Village Zoning Officer shall be responsible for receiving applications and examining the plans and specifications for the application, the Village Zoning Officer shall require any additional measures which are necessary to meet the minimum requirements of this chapter.
(Ord. 2007-9, passed 9-18-2007)

' 152.06 REVIEW OF PROPOSED DEVELOPMENT.

(A) The Village Zoning Officer shall review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including ' 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. ' 1334.

(B) If the development is proposed for a channel or adjacent area of a stream draining one square mile or more, the applicant must first secure a permit from the Illinois Division of Water Resources, or a letter stating APermit Not Required@.
(Ord. 2007-9, passed 9-18-2007)

' 152.07 REVIEW OF PERMIT APPLICATION.

(A) The Village Zoning Officer shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding.

(B) If a proposed building site is in a floodprone area, all new construction and substantial improvements (including the placement of prefabricated buildings and manufactured homes) shall:

(1) Be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure;

(2) Be constructed with materials resistant to flood damage;

(3) Be constructed by methods and practices that minimize flood damage; and

(4) Be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during flooding.

(Ord. 2007-9, passed 9-18-2007)

' 152.08 REVIEWS OF SUBDIVISION PROPOSALS.

(A) The Village Zoning Officer shall review subdivision proposals and other proposed new development to determine whether such proposals will be reasonably safe from flooding.

(B) If a subdivision proposal or other proposed new development is in a floodprone area, any such proposals shall be reviewed to assure that:

(1) All such proposals are consistent with the need to minimize flood damage within the floodprone area;

(2) All public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and

(3) Adequate drainage is provided to reduce exposure of flood hazards.
(Ord. 2007-9, passed 9-18-2007)

' 152.09 WATER SUPPLY SYSTEMS.

The Village Zoning Officer shall require within floodprone areas new and replacement water supply systems to be designed to minimize or eliminate infiltration of flood waters into the systems.
(Ord. 2007-9, passed 9-18-2007)

' 152.10 SANITARY SEWAGE AND WASTE DISPOSAL SYSTEMS.

The Village Zoning Officer shall require within floodprone areas:

(A) New and replacement sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters; and

(B) On-site waste disposal systems to be located to avoid impairment to them or contamination from them during flooding.
(Ord. 2007-9, passed 9-18-2007)

' 152.11 VARIANCES.

(A) Whenever the standards of this chapter place undue hardship on a specific development proposal, the applicant may apply to the Village Board for a variance. The Village Board shall review the applicant's request for a variance and shall submit its recommendation to the Village Board.

(B) The Village Board may attach such conditions to granting of a variance as it deems necessary to further the intent of this chapter.

(1) No variance shall be granted unless the applicant demonstrates that all of the following conditions are met:

(a) The development activity cannot be located outside the floodplain;

Wapella - Land Usage

- (b) An exceptional hardship would result if the variance were not granted;
- (c) The relief requested is the minimum necessary;
- (d) There will be no additional threat to public health, safety or creation of a nuisance;
- (e) There will be no additional public expense for flood protection, rescue or relief operations, policing or repairs to roads, utilities or other public facilities;
- (f) The applicant=s circumstances are unique and do not establish a pattern inconsistent with the intent of the NFIP; and
- (g) All other state and federal permits have been obtained.

(2) The Village Board shall notify an applicant in writing that a variance from the requirements of the building protections standards that would lessen the degree of protection to a building will:

- (a) Result in increased premium rates for flood insurance up to \$25 per \$100 of insurance coverage;
- (b) Increase the risks to life and property; and
- (c) Require that the applicant proceed with knowledge of these risks and that the applicant acknowledge in writing the assumption of the risk and liability.
(Ord. 2007-9, passed 9-18-2007)

' 152.12 ABROGATION AND GREATER RESTRICTIONS.

(A) This chapter repeals and replaces other ordinances adopted by the Village Board to fulfill the requirements of the National Flood Insurance Program; however, this chapter does not repeal the original resolution or ordinance adopted to achieve eligibility in the program, nor does this chapter repeal, abrogate or impair any existing easements, covenants or deed restrictions.

(B) Where this chapter and other ordinance easements, covenants or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
(Ord. 2007-9, passed 9-18-2007)

' 152.13 DISCLAIMER OF LIABILITY.

The degree of protection required by this chapter is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods may occur or flood heights may be increased by human-made or natural causes. This chapter does not imply that development either inside or outside of the floodplain will be free from flooding or damage. This chapter does not create liability on the part of the village or any officer or employee thereof for any flood damage that results from proper reliance on this chapter or any administrative decision made lawfully thereunder.

(Ord. 2007-9, passed 9-18-2007)

' 152.99 PENALTY.

Any person who violates this chapter shall upon conviction thereof be fined not less than \$25, nor more than \$250. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

(Ord. 2007-9, passed 9-18-2007)

CHAPTER 153: SUBDIVISIONS

Section

- 153.01 Jurisdiction
- 153.02 Approvals, interpretations and exceptions
- 153.03 Definitions and rules
- 153.04 Design standards
- 153.05 Procedures and requirements
- 153.06 Agreements
- 153.07 Required land improvements
- 153.08 Inspection at subdividers expense
- 153.09 Variations and exceptions
- 153.10 Occupancy permit
- 153.11 Enforcement
- 153.12 Record of plats
- 153.13 Validity
- 153.14 Minimum standards for street design

- 153.99 Penalty

' 153.01 JURISDICTION.

(A) Wherever any subdivisions of land shall hereafter be laid out within the incorporated limits of the village or within one and one-half miles beyond the incorporated boundary of the village, the subdivider thereof or his or her agent shall submit both a preliminary and a final subdivision plan to the village. Said plans, proposed improvements and all procedure relating thereto shall in all respects be in full compliance with the regulations hereinafter contained in this chapter.

(B) All lands offered to the village for use as streets, highways, alleys, parks and other public use shall be referred to the Board for review and recommendation before being accepted by the Village Board or by any other governing authority.

(1975 Code, ' 33-101)

' 153.02 APPROVALS, INTERPRETATIONS AND EXCEPTIONS.

(A) No land shall, after the adoption of these regulations, be subdivided or filed for record, nor any street laid out, nor any improvements made to the land, until the plan or plans of the subdivision or street improvements shall have been certified to and approved by action of the Village Board. This approval must be in writing and placed on the original tracing of the final plans, according to the procedure outlined in ' 153.05.

(B) No lot, tract or parcel of land within any such subdivision shall be offered for sale nor shall any sale, contract for sale, or option be made or given until such subdivision plans have been properly reviewed by the Board and officially approved by the Village Board.

(C) No improvements, such as sidewalks, water supply, storm water drainage, sewerage facilities, gas service, electric service or lighting, or grading, paving or surfacing of streets shall hereafter be made within any such subdivision by any owner or owners, or his or her or their agent, or by any public service corporation at the request of such owner or owners or his or her or their agent until the plans for the subdivision and also the plans for improvements thereto have been formally recommended by the Board and approved by the Village Board.

(D) Subdivision of land lying outside of the village and within one and one-half miles of the village limits shall also be required to conform with the requirements of this chapter, in accordance with the provisions of the Revised Cities and Villages Act of the state.

(E) All interpretations of these rules and regulations are reserved to the administrative bodies referred to herein.

(F) The Village Board may vary and make exceptions as set forth herein in instances where there is sufficient evidence, in its opinion, of hardship caused by topographic conditions or where any other reasonable deterrents prevail.

(G) Whenever a parcel is divided into lots containing one to three acres, inclusive, and there are indications that such lots will eventually be resubdivided into smaller building lots, consideration shall be given to the street and lot arrangement of the original subdivision so that additional minor streets can be opened which will permit a logical arrangement of smaller lots.
(1975 Code, ' 33-102) Penalty, see ' 153.99

' 153.03 DEFINITIONS AND RULES.

(A) *Rules.*

(1) Words used in the present tense shall include the future; words used in the singular number shall include the plural number, and the plural, the singular.

(2) The word *shall* is mandatory and not discretionary.

(3) The word *may* is permissive.

(4) The word "building" shall include the word "structure" and the word "lot" shall include the word "plot".

(B) *Definitions.* For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALLEY. A public right-of-way, used primarily for vehicular traffic, along the side of or in the rear of properties which affords only a secondary means of access to these properties.

BLOCK. A tract of land bounded by streets, or a combination of streets and public parks, cemeteries, railroad rights-of-way, bulkhead lines or corporate boundary lines of the village.

BUILDING. Any structure designed, built or intended for the shelter, enclosure or protection of persons, animals, chattel or movable property of any kind.

BUILDING LINE. A line within a lot or other parcel of land, so designated on the plat of the proposed subdivision, between which and the adjacent boundary of the street upon which the lot abuts the erection of an enclosed structure or portion thereof is to be prohibited.

COUNCIL, BOARD. Whenever the words "Board" or "Village Board" are used in this chapter they shall mean the Board of the Village of Wapella.

CROSSWALK. A strip of land dedicated to public use which is reserved across a block to provide pedestrian access to adjacent areas.

CUL-DE-SAC. A street having one open end and being permanently terminated by a vehicle turn-around.

EASEMENT. A grant by a property owner for the use of a strip of land by the general public, a corporation or a certain person or persons for a specific purpose or purposes.

LOT. A portion of a subdivision or other parcel of land intended for transfer of ownership or for building development.

MINOR STREET. A street intended primarily as access to abutting properties.

PLAT. A plan, map, drawing or chart on which the subdivided plan of the subdivision is presented and which he or she submits for approval and intends to record in final form.

PLAT, FINAL. The drawings and documents presented for final approval and as described in ' 153.05(B).

PLAT, PRELIMINARY (GENERAL PLAN). The drawings and documents presented for conditional approval and as described in ' 153.05(A).

PRIMARY OR MAJOR STREET. A street of considerable continuity which serves or is intended to serve as a major traffic artery connecting large areas.

PUBLIC STREET. All primary, secondary and minor streets which are shown on the subdivision plat and are to be dedicated for public use.

ROADWAY. The paved area for vehicular traffic existing on a street right-of-way, and not the street right-of-way width.

SECONDARY OR COLLECTOR STREET. A street which carries traffic from minor streets to the primary street system, including the principal entrance streets of residence development and streets for circulation within such development.

STREET. A street is an area which serves or is intended to serve as a vehicular and pedestrian access to abutting lands or to other streets.

STREET WIDTH. The shortest distance between lines of lots delineating the public street.

STRUCTURE. That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

SUBDIVIDER. The person or persons responsible for preparing and recording the plats of the subdivision and for carrying out all appropriate requirements relating thereto as outlined in this chapter.

SUBDIVISION. The division of land into two or more parts, any of which is less than five acres, for the purpose, whether immediate or future, of transfer of ownership or building development, including all public streets, alleys, ways for public service facilities, parks, playgrounds, school grounds or other public grounds, and all the tracts, parcels, lots or blocks, and numbering of all such lots, blocks or parcels by progressive numbers, giving their precise dimensions; provided, however, that the following shall not be considered a subdivision and shall be exempt from the requirements of this chapter:

(a) The division or subdivision of land into parcels or tracts of five acres or more; in size which does not involve any new streets or easements of access;

(b) The division of lots or blocks of less than one acre in any recorded subdivision which does not involve any new streets or easements of access;

(c) The sale or exchange of parcels of land between owners of adjoining and contiguous land;

(d) The conveyance of parcels of land or interests therein for use as right-of-way for railroads or other public utility facilities which does not involve any new streets or easements of access;

(e) The conveyance of land owned by a railroad or other public utility which does not involve any new streets or easements of access;

(f) The conveyance of land for highway or other public purposes or grants or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use;

(g) Conveyances made to correct descriptions in prior conveyances; and

(h) The sale or exchange of parcels or tracts of land existing on August 1, 1965, into no more than two parts and not involving any new streets or easements of access.

VILLAGE ENGINEER. The person or firm charged with the responsibility of municipal engineering matters.

ZONING ORDINANCE. The zoning laws of Wapella, Illinois.
(1975 Code, ' 33-103)

' 153.04 DESIGN STANDARDS.

The subdivision of land, including the arrangement, character, extent, width, grade and location of all streets, alleys or other land, to be dedicated for public use, shall conform to the standards as approved and adopted by the Village Board and other responsible governmental bodies; and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.

(A) Streets.

(1) All streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.

(2) Where such is not shown in the General Development Plan, the arrangement of streets in a subdivision shall either:

(a) Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or

(b) Conform to a plan for the area or neighborhood approved or adopted by the Council to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable.

(3) Minor streets shall be so laid out that their use by through traffic will be discouraged.

(4) Where a subdivision borders on or contains a railroad or expressway, the Board may

Wapella - Land Usage

require a street approximately parallel to and on each side of such railroad or expressway, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

(5) Reserve strips controlling access to streets or alleys shall be prohibited.

(6) All street intersections and confluences should encourage safe traffic flow.

(7) Street jogs with centerline offsets of less than 125 feet shall be avoided.

(8) When connecting street lines deflect from each other at any one point by more than ten degrees, they shall be connected by a curve with a radius adequate to ensure clear sight distances (see Table of Minimum Standards).

(9) Streets shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other street at less than 60 degrees.

(10) Property lines at street intersections shall be rounded with a radius as specified in the Table of Minimum Standards in ' 153.14. The Board may permit comparable cut-offs or chords in place of rounded corners.

(11) Street right-of-way widths shall be as shown in the Table of Minimum Standards in ' 153.14.

(12) Half-width streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations, and where the Board finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Wherever a half-street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.

(13) Dead-end streets (cul-de-sacs) designed to be so permanently, shall not be longer, than 500 feet from the intersection of the origin through the center of the circle to the end of the right-of-way and shall be provided at the closed end with a turn-around having an outside pavement diameter of at least 100 feet. No cul-de-sac may intersect with another cul-de-sac.

(14) No street names shall be used which will duplicate or be confused with the names of existing streets. Existing street names shall be projected wherever possible. Street names shall be subject to the approval of the Board.

(15) Street gradients and vertical curves shall be as specified in the Table of Minimum Standards in ' 153.14.

(16) Street grades shall provide proper relation between the street and the first floor elevation of the houses or buildings and permit convenient and economical access to and drainage of the lots.

(B) *Alleys.*

(1) Alleys shall be provided in commercial, business and industrial districts, except that the Board may waive this requirement where other definite and assured provision is made for service access, such as off-street loading, unloading and parking consistent with and adequate for the uses proposed.

(2) Alleys in residential areas shall not be permitted, except where deemed necessary and on the recommendation of the Board.

(3) The width of an alley shall be 40 feet in residential areas and 40 feet, in commercial, business and industrial districts.

(4) Alley intersections and sharp changes in alignment shall be avoided, but where necessary corners shall be cut off sufficiently to permit safe vehicular movement.

(5) Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turn-around facilities at the dead-end, as determined by the Board.

(C) *Easements.*

(1) Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary and shall be at least ten feet wide.

(2) Where a subdivision is traversed by a watercourse, drainage way, channel or stream there shall be provided a storm water easement or drainage of right-of-way conforming substantially with the lines of such watercourse, and such further width or construction, or both, as will be adequate for the purpose. Parallel streets or parkways may be required in connection therewith.

(D) *Block standards.*

(1) The maximum lengths of blocks shall be 1,320 feet. Blocks over 800 feet may require cross-walkways. Cross-walk easements not less than ten feet in width shall be provided where deemed necessary by the Board at the approximate centers of the blocks. The use of additional cross-walkways in any instance to provide safe and convenient access to schools, parks or other similar destinations will be specified by the Village Board.

(2) No specific rule concerning the shape of blocks is made, but blocks must fit easily into the overall plan of the subdivision and their design must evidence consideration of lot planning, traffic flow and public areas.

(3) Blocks intended for commercial and industrial use must be designated as such, and the plan must show adequate off-street areas to provide for parking, loading docks and such other facilities that may be required to accommodate motor vehicles.

(E) *Lot standards.*

Wapella - Land Usage

(1) Interior residential lots shall have an area of not less than 7,200 square feet and a width at the established building line of not less than 60 feet.

(2) Corner residential lots shall have an area of not less than 8,400 square feet and a width at the established building line of not less than 70 feet.

(3) Reverse corner residential lots shall be of sufficient size to maintain building lines on both streets.

(4) Building lines in unincorporated areas within the jurisdiction of this chapter shall conform to the requirements of applicable county ordinances, except that in no instance shall the building line be less than 25 feet from the street line.

(5) All lots shall abut upon publicly dedicated streets.

(6) Side lines of lots shall be approximately at right angles or radial to the street line.

(7) Double frontage lots are forbidden except where lots back upon a primary street (major thoroughfare) and in such instances, vehicular access between the lots and the thoroughfare is prohibited or where topography of the land might render subdividing otherwise unreasonable. Such lots shall have an additional depth of at least ten feet in order to allow for a protective screen planting.

(8) Lots abutting a watercourse, drainageway, channel or stream shall have additional minimum width or depth as required to provide an adequate building site and afford the minimum usable lot area in conformance with the requirements of the zoning ordinance, when applicable.

(F) *Parks, schools and public areas.*

(1) Where a proposed park, playground, school or other public use area, and adjacent unincorporated areas, is located in whole or in part in a subdivision, the Village Board may require the dedication or reservation of such area for acquisition by the proper governing bodies within a period not to exceed one year, in whole or in part, within the subdivision in those cases in which the Village Board deems such requirements to be reasonable; however, in no case shall the total amount of required public areas to be dedicated or reserved for acquisition by the proper governing bodies, in addition to public streets, exceed 10% of the total gross acreage owned and controlled by one developer. The acquisition of the additional area needed for parks, playgrounds, schools or other public use other than streets and alleys, shall be secured by the proper governing, body or arrangements made for securing the area from the owner within a period not to exceed 90 days.

(2) In subdividing any land within the village or within one and one-half miles of the corporate limits due regard shall be shown for all natural features such as tree growth, watercourses, historic spots or similar conditions which, if preserved, will add attractiveness and value to the proposed development.

(1975 Code, ' 33-104) Penalty, see ' 153.99

' 153.05 PROCEDURES AND REQUIREMENTS.

(A) *Procedure for filing of preliminary plans.*

(1) Filing:

(a) A preliminary plan for the subdivision of any land within the corporate limits of the village or within one and one-half miles of the corporate limits of the village shall be first submitted in triplicate to the Village Board by a subdivider wishing to divide such land into building lots for sale or assessment, or both, or wishing to dedicate streets, alleys or other land for public use. Said preliminary plan shall include all adjacent land held in ownership or controlled by the subdivider and intended for future development.

(b) The Village Board shall, instruct the Village Engineer to collaborate with the subdivider in assembling plans for the design and construction of streets and such other public improvements as are required by this chapter or any other ordinances.

(2) The preliminary plan shall contain the following:

(a) Identification and description:

1. Proposed name of the subdivision;
2. Location by township, section, range or by other legal description;
3. Names and addresses of developer and designer who made the plan;
4. Scale of plan one inch equals 100 feet, or larger. Tracts of 200 acres or more may be drawn at a scale of one inch equals 200 feet;
5. Date; and
6. Northpoint.

(b) Delineation of existing conditions:

1. Boundary line of proposed subdivision shall be clearly indicated and the total approximate acreage encompassed thereby;
2. Location, widths and names of all existing or prior platted streets or other public ways, railroad and utility rights-of-way, parks and other public open spaces, permanent buildings and structures, houses and permanent easements, and section and corporate lines within or adjacent to the tract;
3. Boundary lines of adjacent tracts of unsubdivided or subdivided land;

Wapella - Land Usage

4. Existing sewers, water mains, culverts or other underground facilities within the tract, indicating pipe sizes, manholes and exact location;
5. Existing zoning of proposed subdivision and adjacent tracts in zoned areas;
6. Contours at two-foot intervals except where topography of the tract demands one-foot contour intervals;
7. Layout of streets, widths of rights-of-way and also the widths of cross-walkways and easements;
8. Layout, number and dimensions of lots;
9. Parcels of land intended to be dedicated or temporarily reserved for public use or set aside for use of property owners in the subdivision;
10. Building setback lines, showing dimensions; and
11. Easements shall be provided for any and all public utilities where alleys are not provided. Proper continuity for the utilities from block to block shall be maintained.

(3) The following qualifications shall govern approval of the preliminary plan.

(a) The approval of a preliminary plan by the Village Board is tentative only, involving merely the general acceptability of the layout as submitted.

(b) The Village Board may require such changes or revisions as are deemed necessary in the interest and the needs of the village.

(c) Subsequent approval will be required of the engineering proposals pertaining to water supply, storm drainage, sewerage and sewage disposal, gas and electric service, street lighting, fire hydrants, grading, gradients and roadway widths, and the surfacing of streets, by the Village Engineer and the county officials where concerned, prior to the approval of the final plat by the village.

(d) No plan will be approved for the subdivision of land which is subject to periodic flooding or which contains extremely poor drainage facilities and which would make adequate drainage of the streets impossible; however, if the subdivider agrees to make improvements which will, in the opinion of the Village Engineer or the County Superintendent of Highways, where concerned, make the area completely safe for residential occupancy and provide adequate street drainage, the preliminary plan of the subdivision may be approved.

(e) Tentative approval shall be effective for a maximum period of 12 months unless, upon application of the developer, the Village Board grants an extension. If the final plat has not been recorded within this time limit, the preliminary plan must again be submitted for approval.

(B) *Approval of final plat.*

(1) Filing.

(a) After approval of the preliminary plan by the Village Board and the fulfillment of the requirements of these regulations, one tracing of the final plat of the subdivision drawn in ink on tracing cloth not to exceed 36 inches by 48 inches in size, shall be submitted to the Village Board for approval.

(b) Action must be taken by the Village Board within 30 days after the final plat has been submitted for approval.

(c) Upon approval by the Village Board the developer shall record the plat with the Recorder of the county within six months. If not recorded within this time the approval shall be null and void.

(d) A print of the final plat, as recorded, will be filed and retained in the offices of the village.

(2) The final plat shall contain the following:

(a) Identification and description:

1. Name of subdivision;
2. Location by township, section, range or by other legal description;
3. Names of owners and certification by a licensed surveyor;
4. Scale one inch to 100 feet or larger (shown graphically);
5. Date; and
6. Northpoint.

(b) Delineation:

1. Boundary of plat based on an accurate traverse, with angular and lineal dimensions;
2. Exact location, width and names of all streets within and adjoining the plat, and the exact location and widths of all cross-walks. Proposed street names shall be checked with the proper village officials;
3. True angles and distances to the nearest established street lines or official monuments (not less than three) which shall be accurately described in the plat;
4. Municipal, township, county or section lines accurately tied to the lines of the

Wapella - Land Usage

subdivision by distances and angles;

5. Radii, internal angles, points and curvatures, tangent bearings and lengths of all arcs;
6. All easements for rights-of-way provided for public services and utilities;
7. All lot numbers and lines, with accurate dimensions in feet and hundredths;
8. Accurate location of at least two monuments, which shall be concrete six inches by six inches by 30 inches with metal pipe or rod cast in center. Permanent stone or concrete monuments shall be set at two corners or angles on the outside boundary. Pipes or other physical markers shall be placed at each intersection of street center lines. All U.S., state, county or other official benchmarks, monuments or triangulation stations in or adjacent to the property shall be preserved in precise position;
9. Accurate outlines and legal descriptions of any areas to be dedicated or reserved for public use, with the purpose indicated thereon, and of any area to be reserved by deed covenant for common use of all property owners;
10. Building setback lines accurately shown by dimensions;
11. Protective covenants which meet with the approval of the Village Board shall be made a part of the final plat and filed of record with the County Recorder;
12. Certification by a registered surveyor to the effect that the plat represents a survey made by him or her and that monuments and markers shown thereon exist as located and that all dimensional and geodetic details are correct;
13. Notarized certification, by owner or owners or by any mortgage holder on record, of the adoption of the plat and the dedication of streets and other public areas;
14. Certifications showing that all taxes and special assessments due on the property to be subdivided have been paid in full;
15. Proper form for the approval of the Village Board with space for signature;
16. Approval by signature of village, county and state officials concerned with the specifications of utility installations; and
17. Approval by signature of the Village Board. Such approval shall be as follows:

I, _____, President of the Village of Wapella, do certify that on this ____ day of _____, 20____, this plat of subdivision was duly approved by the Village Board of the Village of Wapella.

President

This approval of the final plat shall not be deemed to constitute or effect an acceptance by the public of the dedication of any street or other proposed public way or space shown on the plat.

(1975 Code, ' 33-105) Penalty, see ' 153.99

' 153.06 AGREEMENTS.

The final plat to be filed of record shall be accompanied by a statement signed by the owner and subdivider setting forth the following:

(A) Plans and specifications for such improvements previously approved by the Village Engineer clearly describing the same;

(B) Agreement executed by the owner and the subdivider wherein they agree to make and install the improvements provided for in ' 153.07, in accordance with the plans and specifications accompanying the final plat;

(C) Bond in the amount of the estimate of the Village Engineer of the cost of the installation of such improvements with good and sufficient surety thereon to be approved, by the Village Board conditioned upon the installation of the required improvements within two years of the approval of the final plat; and

(D) In lieu of the provisions of divisions (B) and (C) above set forth, in the event that such owner and subdivider shall submit said evidence of the existence of the binding agreement with a responsible contractor agreeing to accept all bonds which may be issued under any local improvement proceedings for the installation of such improvement or a bona fide and subsisting bid by a responsible person for the purchase for cash of such local improvement bonds at par value or more, then the requirements of divisions (B) and (C) above may be waived.

(1975 Code, ' 33-106)

' 153.07 REQUIRED LAND IMPROVEMENTS.

No subdivision of land shall be approved without receiving a statement signed by the Village Engineer, certifying that the improvement described in the subdivided plans and specifications, together with agreements, meet the minimum requirements of all ordinances of the village and that they comply with the following.

(A) *Street improvements.*

(1) All streets within the corporate limits of the village shall be improved with pavements

bounded by integral concrete curbs and gutters.

(2) Roadways shall be surfaced with not less than six inches of packed gravel, one coat of MCO consisting of one-half gallons to the square yard, three coats of MC 5 three-tenths of a gallon to the square yard, covered with buck shot gravel.

(3) Storm water inlets shall be provided within the roadway improvement at points specified by the Village Engineer.

(4) In subdivisions outside the corporate area but within the one and one-half mile area, roadway improvements shall conform to the same standards of improvements as required of subdivisions within the corporate area.

(B) *Public utilities.* All utility lines for telephone and electric service shall be placed in rear line easements when carried on overhead poles.

(C) *Sidewalks.* Concrete sidewalks to a width of not less than four feet shall be installed on both sides of primary and secondary thoroughfares and may be required by the Village Board or governing authorities as a part of the dedicated street improvements on minor street.

(D) *Landscaping.*

(1) All parkways within the dedicated street area or other public use areas shall be graded and seeded in an approved manner.

(2) Street trees having a trunk diameter of not less than two and one-half inches shall be planted along all streets where trees do not exist, and placed in such a manner as to provide an effective appearance for the enhancement of abutting properties. Due care shall be taken so as not to block private or village drainage tile, ditches or waterways.

(E) *Street lighting.* Provisions shall be made for the adequate lighting of public streets within the proposed subdivision in accordance with the standards and requirements established by the governing authorities.

(1975 Code, ' 33-107) Penalty, see ' 153.99

' 153.08 INSPECTION AT SUBDIVIDER=S EXPENSE.

All public improvements proposed to be made under the provisions of this chapter shall be inspected during the course of construction by the Village Engineer or a duly designated deputy. All fees and costs connected with such inspection and in reviewing the plans and specifications for such improvements shall be paid by the subdivider.

(1975 Code, ' 33-108) Penalty, see ' 153.99

' 153.09 VARIATIONS AND EXCEPTIONS.

The Board may recommend variations from these requirements in specific cases which, in its opinion, do not affect the general plan or the spirit of the ordinance. The Village Board or the county authorities may then approve variations from these requirements in specific cases which, in its opinion, do not affect the general plan or the spirit of the ordinance.

(1975 Code, ' 33-109)

' 153.10 OCCUPANCY PERMIT.

Occupancy permits shall be required of every subdivider prior to the sale or lease of any subdivided property. Said permits shall be issued by the Village Board. No occupancy permit shall be granted by any governing official for the use of any structure within a subdivision approved for platting or replatting until required utility facilities have been installed and made ready to service the property, and that roadways providing access to the subject lot or lots have been constructed, or that are in the course of construction.

(1975 Code, ' 33-110) Penalty, see ' 153.99

' 153.11 ENFORCEMENT.

No plat of any subdivision shall be entitled to record in the County Recorder=s office or have any validity until it shall have been approved in the manner prescribed by this chapter.

(1975 Code, ' 33-111) Penalty, see ' 153.99

' 153.12 RECORD OF PLATS.

All of such plats of subdivisions, after the same have been submitted and approved as provided in this chapter, shall be copied upon a book of plats of said village and shall be filed and kept by said village among the records of the village.

(1975 Code, ' 33-112)

' 153.13 VALIDITY.

If any section, division, sentence, clause or phrase of this chapter is adjudged to be void, such decision shall not affect the validity of the remaining portions of this chapter.

(1975 Code, ' 33-113)

' 153.14 MINIMUM STANDARDS FOR STREET DESIGN.

<i>Street</i>	<i>Way Width</i>	<i>Radius of Horizontal Curves</i>	<i>Length of Vertical Curves</i>	<i>Tangents between Reverse Curves</i>	<i>Maximum Gradient</i>	<i>Minimum Gradient</i>	<i>Clear Sight Distance</i>	<i>Tangent Property Lines at Street Intersections</i>
Alley*	40 ft	400 ft	150 ft	150 ft	6%	0.35%	300 ft	20 ft

Wapella - Land Usage

Cul-de-sac*	50 ft	200 ft	100 ft	100 ft	6%	0.35%	200 ft	15 ft
Primary*	70-100 ft	500 ft	200 ft	200 ft	596	0.35%	500 ft	25 ft
Subdivision secondary*	50 ft	400 ft	200 ft	200 ft	596	0.35%	400 ft.	20 ft
Minimum standards for streets marked with an asterisk () shall be as indicated or as determined by the Board and the Village Engineer								

(1975 Code, ' 33-115)

' 153.99 PENALTY.

(A) Any person, firm or corporation who constructs any public improvement or portion thereof in violation of the provisions of this chapter shall be, upon conviction, fined not less than \$25 nor more than \$250 for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(B) Whoever shall sell or offer for sale, lease or offer for lease, while this chapter is in effect, any lot or lots or block or blocks within the incorporated limits of the village or any additions thereto, or any resubdivision of any lot or block therein, or within contiguous territory and not more than one and one-half miles beyond the incorporated boundary of the village, before all of the requirements of this chapter have been complied with, shall be fined not less than \$25 nor more than \$250 for each lot, block or part thereof so disposed of, offered for sale or leased.

(1975 Code, ' 33-114)

CHAPTER 154: ZONING CODE

Section

General Provisions

- 154.001 Authority
- 154.002 Purpose
- 154.003 Intent
- 154.004 Abrogation and greater restrictions
- 154.005 Interpretation
- 154.006 Title
- 154.007 Definitions
- 154.008 Rules of interpretation

General Regulations

- 154.020 Jurisdiction and compliance
- 154.021 Use restrictions
- 154.022 Site restrictions
- 154.023 General development procedure
- 154.024 Vision clearance
- 154.025 District lot regulations

Zoning Districts and Maps

- 154.040 Districts
- 154.041 Zoning map directory
- 154.042 District boundaries
- 154.043 Annexed territories

District Use Regulations

- 154.055 R-1 Low Density Single-Family Residential
- 154.056 R-2 High Density Single-Family Residential
- 154.057 R-3 Multi-Family Residential
- 154.058 R-4 Mobile Home Residential
- 154.059 B-1 General Commercial
- 154.060 B-2 Highway Commercial District
- 154.061 General Industrial District

Special Regulations

Wapella - Land Usage

- 154.075 Application of regulations
- 154.076 Performance standards
- 154.077 Off-street parking requirements
- 154.078 Off-street loading and unloading requirements
- 154.079 Signs
- 154.080 Kennels, veterinary establishments
- 154.081 Hospital, church or other religious or eleemosynary institutions
- 154.082 Amusement center, bowling alley, dance hall and similar places of amusement
- 154.083 Nursery school, daycare center
- 154.084 Special commercial development
- 154.085 Modifications and exceptions

Nonconforming Uses and Structures

- 154.100 Lawful use may be continued
- 154.101 Nonconforming buildings
- 154.102 Nonconforming use of building or land

Administration and Enforcement

- 154.115 Zoning Officer
- 154.116 Permits
- 154.117 Board of Zoning Appeals
- 154.118 Planning Commission duties in zoning administration
- 154.119 Variances
- 154.120 Special use permits
- 154.121 Amendments
- 154.122 Fees

Small Electricity-Generating Wind Devices for Self-Consumption

- 154.135 Authority and applicability
- 154.136 Purpose and intent
- 154.137 Definitions
- 154.138 Indemnification
- 154.139 Requirements

Wind Energy Conversion Systems

- 154.150 Intent
- 154.151 Definitions

- 154.152 Site requirements
- 154.153 Permit application fee

- 154.999 Penalty

GENERAL PROVISIONS

' 154.001 AUTHORITY.

These regulations are adopted under the authority of state statutes. The Village Board, hereinafter referred to as the Village Board, does ordain as follows.
(Ord. passed - -)

' 154.002 PURPOSE.

This chapter is adopted for the following purposes:

- (A) To promote and protect the public health, safety, morals, comforts and general welfare of the people;
- (B) To restrict and regulate therein the location, erection, construction, reconstruction, alteration and use of building, structures and land for residential, business and manufacturing and other specified uses;
- (C) To protect the character and the stability of the residential, business and manufacturing areas within this chapter=s geographic jurisdiction, and to promote the orderly and beneficial development of such areas;
- (D) To provide adequate light, air, privacy and convenience of access to property;
- (E) To regulate the intensity of use of lot areas and to determine the area of open spaces surrounding buildings necessary to provide adequate light and air to protect the public health;
- (F) To establish building lines and the location of buildings designed for residential, business, manufacturing or other uses within such areas;
- (G) To fix reasonable standards to which buildings or structures shall conform;
- (H) To prohibit uses, buildings or structures incompatible with the character of development or intended uses within specified zoning districts;
- (I) To prevent additions or alterations or remodeling of existing buildings or structures in such a

way as to avoid the restrictions and limitations imposed hereunder:

(1) To protect against fire, explosion, noxious fumes and other hazards in the interest of the public health, safety, comfort and general welfare;

(2) To prevent the overcrowding of land and undue concentration of structures, so far as is possible and appropriate in each district, by regulating the use and bulk of buildings in relation to the land surrounding them;

(3) To conserve the taxable value of land and buildings throughout the geographic jurisdiction of this chapter;

(4) To provide for the elimination of nonconforming use of land, buildings and structures which are adversely affecting the character and value of desirable development in each district; and

(5) And to define and limit the powers and duties of the administrative officers and bodies as provided herein.

(Ord. passed - -)

' 154.003 INTENT.

The intent of this chapter is to classify, regulate and restrict the location of trades, industries and commercial enterprises, and the location of buildings arranged, intended and designed for specified uses, or regulating and limiting the height and bulk of buildings hereafter erected, or classifying, regulating and determining the area of front, rear and side yards, courts and other open spaces about buildings and of regulating and limiting the intensity of the use of the land and lot areas within such geographic area of jurisdiction; creating a Board of Zoning Appeals; defining certain terms used in said ordinance; providing penalties for its violation and designating the time when the chapter shall take effect.

(Ord. passed - -)

' 154.004 ABROGATION AND GREATER RESTRICTIONS.

It is not intended by this chapter to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations or permits previously adopted or issued pursuant to law; however, wherever this chapter imposes greater restrictions, the provisions of this chapter shall govern.

(Ord. passed - -)

' 154.005 INTERPRETATION.

The provisions of this chapter shall be interpreted and applied as minimum requirements, shall be liberally construed in favor of the village and shall not be deemed a limitation or repeal of any other power granted by the state statutes.

(Ord. passed - -)

' 154.006 TITLE.

This chapter shall be known as, referred to or cited as the AZoning Ordinance, Village of Wapella, Illinois. @

(Ord. passed - -)

' 154.007 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACCESSORY USE OR STRUCTURE. A use or structure subordinate to the principal use and located on the same premises serving a purpose customarily incidental to the principal use. For example, a retail business is not considered customarily incidental to a residential use. Residential accessory uses may include storage of household goods, parking areas, gardening, servants= quarters, private swimming pools, private emergency shelters and other similar uses.

ALLEY. A specific public right-of-way affording only secondary access to abutting properties.

ARTERIAL STREETS. A public street or highway used or intended to be used primarily for fast or heavy through traffic.

BASEMENT. The portion of any structure located partly below the average adjoining lot grade.

BOARDING HOUSE, ROOMING OR LODGING HOUSE. A residential building, or portion thereof, other than a motel, apartment hotel or hotel, containing lodging rooms for accommodation of three or more persons who are not members of the keeper=s family and where lodging or meals or both are provided by prearrangement and for definite periods at a definite prearranged price.

BUILDING. Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals or personal property.

BUILDING AREA. Total ground coverage in square feet of all buildings and structures including garages, carports and other attached or accessory structures.

BUILDING HEIGHT. The vertical distance measured from the mean elevation of the finished lot grade along the front yard face of the structure to the highest point of flat roofs, to the mean height level between the eaves and ridges of gables, gambrel, hip and pitch roofs, or to the deck line of mansard roofs.

COMPREHENSIVE PLAN. The extensively developed and evolving plan, also called a master plan, adopted by the Village Planning Commission.

CONSERVATION. Preservation of land, water, flora, fauna and cultural artifacts in their original state.

CONSUMER SERVICE. Sale of any service to individual customers for their own personal benefit, enjoyment or convenience. For example, **CONSUMER SERVICES** include the provisions of the personal services such as beautician and barbering service, the provision of lodging, entertainment, specialized instruction, financial service, transportation, laundry and dry cleaning services and all other similar services.

DENSITY. Number of living units per lots allowable under the schedule of regulations.

DWELLING. A building designed or used exclusively as a residence, but not including boarding or lodging houses, motels, hotels, tents, cabins or mobile homes.

FAMILY. A single individual, doing his or her own cooking and living upon the premises as a separate housekeeping unit, or a collective body of persons doing their own cooking and living together upon the premises as a separate housekeeping unit in a domestic relationship based upon birth, marriage or other domestic bond as distinguished from a group occupying a boarding house, lodging house, club, fraternity or hotel.

FLOOR AREA, GROSS. For the purpose of determining the ratio of the floor area of a building to the area of the lot, the **GROSS FLOOR AREA** shall be the sum of the gross horizontal areas of the several floors of the building excluding areas used for accessory garage purposes and such basement and cellar areas as are devoted exclusively to uses accessory to the operation of the building. All horizontal dimensions shall be taken from the exterior faces of walls, including walls or other enclosures of enclosed porches.

GARAGE, PRIVATE. An accessory building, or an accessory portion of a principal building enclosed on at least three sides which is intended for and used to store private vehicles and other personal property.

GARAGE, PUBLIC. Any building or premises, other than a private or storage garage, where motor driven vehicles equipped, repaired, serviced, rented, sold or stored.

GRADE. The highest level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

HOME OCCUPATION. A gainful occupation conducted by members of the family only within

their place of residence; provided, that no additional persons are employed in the performance of such services except one receptionist or assistant.

LOT. A single parcel of land which may be legally described as such, or two or more adjacent numbered lots or parts of such lots in a recorded subdivision plat having principal frontage on a street which comprises a site occupied by, or intended for occupancy by one principal building or principal use together with accessory buildings and uses, yards and other spaces required by this chapter.

LOT, CORNER. A lot abutting on two streets at their juncture, when the interior angle formed is less than 135 degrees.

LOT LINES AND AREA. The peripheral boundaries of a parcel of land and the total area lying within such boundaries.

LOT, INTERIOR. A lot other than a corner lot.

LOT, RECORDED. A lot designed on a subdivision plat or deed duly recorded pursuant to statute in the County Recorder's office. A **RECORDED LOT** may or may not coincide with a zoning lot.

LOT WIDTH. The width of a parcel of land measured at the rear of the specified front yard.

LOT, ZONING. A parcel of land composed of one or more recorded lots, occupied or to be occupied by a principal building or buildings or principal use or uses along with permitted accessory buildings or uses meeting all the requirements for area, buildable area, frontage, widths, yards, setbacks and any other requirements set forth in this chapter.

MOBILE HOME. A structure designed for permanent habitation and so constructed as to permit its transport on wheels, temporarily or permanently attached to its frame, from the place of its construction the locations, or subsequent location, at which it is intended to be a permanent home and designed to permit the occupancy thereof as a dwelling place for one or more persons, provided that any such structure resting on a permanent foundation, with wheels, tongue and hitch permanently removed, shall not be construed as a **MOBILE HOME**.

MOBILE HOME PARK. An area of land or lands upon which five or more independent mobile homes are harbored either free of charge or for revenue purposes, and shall include any building, structure, ten, vehicle or enclosure used or intended for use as a part of the equipment of such mobile home park.

MOTEL. An establishment consisting of a group of lodging rooms each with individual bathrooms and designed for use by transient guests. A **MOTEL** furnishes customary hotel services such as maid service and laundering of linen used in the lodging rooms, telephone and secretarial or desk service, and the use and upkeep of furniture.

NONCONFORMING STRUCTURE. A structure which lawfully occupies a building site or land at the time of adoption of this chapter, and which does not conform with the regulations of the district in which it is located.

NONCONFORMING USE. A use which lawfully occupies a building or land at the time of adoption of this chapter and which does not conform with the use regulations of the district in which it is located.

NON-RETAIL COMMERCIAL. Commercial sales and services to customers who intend resale of the products or merchandise sold or handled. For example, ***NON-RETAIL COMMERCIAL*** includes wholesale activities, warehousing, trucking terminals and similar commercial enterprises.

NURSING HOME or REST HOME. A home for the aged, chronically ill or incurable persons in which three or more persons not of the immediate family are received, kept or provided with food and shelter and care for compensation but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis, treatment or care of the sick or injured.

OPEN SALES LOT. Land used or occupied for the purpose of buying or selling merchandise stored or displayed out-of-doors prior to sale. Such merchandise includes, but is not limited to passenger cars, trucks, motor scooters, motorcycles, boats, monuments, trailers and agricultural equipment

PARKING SPACE. A suitably surfaced and permanently maintained area off public street right-of-way, either within or outside of a building, but in no event less than 250 square feet

PERFORMANCE STANDARDS. A criterion established to control noise, odor, smoke, particulate matter, toxic or noxious matter, vibration, fire and explosion hazards, or glare or heat generated by or inherent in uses of land or buildings.

PLANNED UNIT DEVELOPMENT. A parcel or tract of land, initially under single ownership or control, which contains two or more principal buildings and one or more principal uses planned and constructed as a unified development.

RECREATION SPACE. Total area in square feet which is countable as open space but is not paved in streets, walks or driveways and is suitable for recreational pursuits. The smallest countable recreation area is 1,000 feet. That part of a recreation area having a dimension of less than 20 feet shall not be included as countable ***RECREATION SPACE.***

RELATIVES. Persons standing in the relation of wife and husband, son, daughter, son-in-law, daughter-in-law, aunt, uncle, niece, nephew, father or mother, brother, sister, grandchildren or grandparents.

RETAIL SALES. Sale of any product or merchandise to customers for their own personal consumption or use, not for resale.

SETBACK, BUILDING. The minimum horizontal distance between the front line of a building or structure and the front lot line.

SERVICE STATION, FILLING STATION, GAS STATION. Any building or premises whose principal use is the dispensing, sale or offering for sale at retail of any motor vehicle fuel or oils. Open storage shall be limited to no more than four vehicles stored for minor repair. Such storage shall not exceed 72 hours duration and shall not permit storage of wrecked vehicles for more than five days.

SIGN, ADVERTISING (BILLBOARD). A sign which directs attention to a business, commodity, service or entertainment not necessarily conducted, sold or offered for sale on the premises where such sign is located, or to which it is affixed.

SIGN, BUSINESS. A sign which directs attention to a business or profession conducted, or to a commodity, service or entertainment sold or offered upon the premises where such sign is located, or to which it is affixed.

SIGN, GROSS AREA OF. The entire area within a single continuous perimeter enclosing the extreme limits of the actual surface of a single face sign. It does not include any structural elements lying outside the limits of such sign and not forming an integral part of the display. A double face or V-type sign erected on a single supporting structure where the interior angle does not exceed 135 degrees shall, for the purpose of computing square foot area, be considered and measured as a single face sign; otherwise each display surface of a sign shall be considered a single sign.

SIGNS. Any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or trade marks by which information is made known and which are used to advertise or promote an individual, firm, association, corporation, profession, business, commodity or product and which is visible from any public street, highway or pedestrian way.

STREETS. A public right-of-way not less than 40 feet wide providing primary access to abutting properties.

STRUCTURAL ALTERATIONS. Any change, other than incidental repairs which would prolong the life of the supporting members of a building or structure such as bearing walls or partitions, columns, beams or girder; or any substantial change in the roof or exterior walls.

STRUCTURAL. Anything erected, the use of which requires more or less permanent location on the ground; or attached to something having a permanent location on the ground. A sign, billboard or other advertising device detached or projecting shall be construed to be a structure.

SUPERETTE. Establishment selling grocery and related items with a building floor area of 3,200 square feet or less.

TRAILER SPACE. A parcel of land in a travel trailer parking area for the placement of a single trailer and the exclusive use of its occupants.

TRAVEL TRAILER. A vehicle, portable structure built on a chassis and designed as a temporary

dwelling for travel, recreation and vacation.

USE. The purpose or activity for which the land or building thereon is designed, arranged or intended, or for which it is occupied or main tamed.

USE, ACCESSORY. A use subordinate to the principal use and located on the same premises serving a purpose customarily incidental to the principal use. Residential accessory uses may include storage of household goods, parking areas, gardening, servants quarters, private swimming pools and private emergency shelters.

USE, BY SPECIAL PERMIT. Uses of such variable nature as to make control by rigid pre-regulation impractical. After due consideration in each case, by the Village Board after receiving the report and recommendations of the Planning Commission relative to the impact of such use upon neighboring land and of the public need for the particular use at the particular location and after a public hearing before the Zoning Board of Appeals, such special use may or may not be granted by the Village Board.

USE, PERMITTED. A use which may be lawfully established in a particular area or areas provided it conforms with all requirements, regulations and performance standards, if any, of such area. The main use of land or buildings as distinguished from a subordinate or accessory use. It may be either a permitted or special use.

UTILITIES. Public and private facilities including, but not limited to, water wells, water and sewage pumping stations, water storage tanks, power and communication transmission lines, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays and gas regulation stations, but not including sewage disposal plants, municipal incinerators, warehouses, shops and storage yards.

VISION CLEARANCE. An unoccupied triangular space at the corner of a corner lot which is bounded by the street lines and a setback line connecting points determined by measurement from the corner of each street line.

YARD. An open space on a lot which is unoccupied and unobstructed from its lowest level to the sky, except as otherwise provided in this chapter.

YARD, CORNER SIDE. A side yard which adjoins a street or thoroughfare.

YARD, FRONT (STREET YARD). An open unoccupied space of the same lot with a main building, extending the full width of the lot and situated between the street line and the front line of the building projected to the side lines of the lot.

YARD, INTERIOR SIDE. A side yard which is located immediately adjacent to another lot or to an alley separating such side yard from another lot.

YARD, REAR. An open unoccupied space on the same lot with the building between the rear line of the building and the rear line of the lot and extending the full width of the lot.

YARD, SIDE. An open unoccupied space on the same lot with the building situated between the building and the side line of the lot and extending from the front yard to the rear yard Any lot line not a rear line or a front line shall be deemed a lot line.

(Ord. passed - -)

' 154.008 RULES OF INTERPRETATION.

For the purpose of interpreting and administering the chapter, the following rules shall be used.

(A) Words used in the present tense shall include the future; and words used in the singular number shall include the plural number and the plural the singular, where the context requires.

(B) The word *shall* is mandatory and not discretionary.

(C) The word *may* is permissive.

(D) The word *lot* shall include the words *apiece*; *aparcels* and *tract*; and the phrase *used* shall include the phrases *arranged for*, *intended for*, *maintained for* and *occupied for*.

(E) All measured distance shall be to the nearest integral foot if a fraction is one-half foot or less, the integral foot next below shall be taken.

(F) Any words not defined as follows shall be construed in their general accepted meanings in the most recent publication of Webster=s Dictionary.

(G) The words and terms set forth herein under *definitions* wherever they occur in this chapter shall be interpreted as herein defined.

(Ord. passed - -)

GENERAL REGULATIONS

' 154.020 JURISDICTION AND COMPLIANCE.

The jurisdiction of this chapter shall include all lands and waters within the village. All buildings erected hereafter, all uses of land or buildings established hereafter, all structural alterations or relocation of existing buildings occurring hereafter and all enlargements of or additions to existing uses occurring hereafter shall be subject to all regulations of this chapter which are applicable to the zoning districts in which such buildings, uses or land shall be located.

(Ord. passed - -)

' 154.021 USE RESTRICTIONS.

The following use restrictions and regulations shall apply.

(A) *Principal uses.* Only those principal uses specified for a district or on a planned development plat, their essential services and the following uses shall be permitted in that district.

(B) *Accessory uses and structures.* Accessory uses and structures are permitted in any district but not until their principal structure is present or under construction.

(C) *Uses by special permit.* Uses by special permit (conditional uses) and their accessory uses are permitted in areas as specified, but only according to the procedure set forth in ' ' 154.115 through 154.122. Also, any development within 500 feet of the existing or proposed rights-of-way of freeways, expressways, interstate and controlled access traffic ways and within 1,500 feet of their existing or proposed interchange or turning lane rights-of-way shall be deemed to be a use by special permit. Such development shall be specifically reviewed by the Planning Commission as provided in ' ' 154.115 through 154.122.

(D) *Unclassified or unspecified uses.* In case of uncertainty where the Zoning Officer is unable to determine liberally whether a use is permitted as a principal or accessory use, he or she shall consult the Board of Zoning Appeals for an interpretation.

(E) *Temporary uses.* Temporary uses such as real estate field offices or shelters for materials and equipment being used in the construction of a permanent structure may be permitted by the Zoning Officer through the issuance of a certificate of zoning compliance for a period not to exceed six months. This temporary certificate may be renewed semi-annually but in no case shall the effective span of the certificate exceed two years.

(F) *Performance standards.* Performance standards listed in ' ' 154.075 through 154.085 shall apply to all uses in all districts.

(Ord. passed - -)

' 154.022 SITE RESTRICTIONS.

The following site restrictions and regulations shall apply.

(A) Soil conditions:

(1) No land shall be used or structure erected where the land is held unsuitable for such use or structure by the Village Board by reason of flooding, concentrated runoff inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility or any other feature likely to be harmful to the health, safety, prosperity, aesthetic and general welfare of the village; and

(2) The Village Board in applying the provisions of this section, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability, if he or she so desires. Thereafter the Village Board may affirm, modify or withdraw its determination of unsuitability.

(B) All lots shall abut upon a public thoroughfare.

(C) No zoning permit (building permit) shall be issued for a lot that abuts a public street dedicated to only a portion of its proposed width and located on that side thereof from which the required dedication has not been secured.

(D) Dimensions of building sites.

(1) Lots not served by public sewer: in all districts, lot sizes shall be based on soil capabilities. The Village Board shall request an opinion of the County Sanitarian before making judgement on required lot sizes. In no case shall the lot size be less than those specified as minimum requirements in ' 154.025; however, the Village Board may require lots larger than said minimums. All developments not served by public sewers shall also conform to division (A) above and the separate regulation entitled ARegulation of Sewage Disposal and Erection, Construction or Repair of any Septic Tank, Privy Vault, Sink Drain or Sewage Disposal System within the Limits of Village of Wapella, Illinois@.

(2) Lots served by public sewer shall be as specified in ' 154.025.

(E) Reduction or joint use:

(1) No lot, yard, parking area, building area or other space shall be reduced in area or dimension so as not to meet the provisions of this chapter. No part of any lot, yard, parking area or other space required for a structure or use shall be used for any other structure or use; and

(2) A lot which does not contain sufficient area to conform to the dimensional requirements of this chapter for yards, courts, width, depth or open space may be used for single-family residence purposes, provided the dimension and area provided for yards, width, depth and open space is within 75% of those required by the terms of this chapter upon issuance of a zoning permit subject to the following conditions:

(a) Such use is permitted in the zoning district;

(b) Pre-existing sub-standard lots which have been properly plotted and recorded with the County Recorder shall be allowed to develop without further variance;

(c) The lot is in separate ownership from abutting lands. If abutting lands and the substandard lot are owned by the same owner, the substandard lot shall not be sold or used without full compliance with the terms of this chapter; and

Wapella - Land Usage

(d) Any lot utilizing septic tank filter fields must conform to the County and State Board of Health standards regulating said development.

(Ord. passed - -)

' 154.023 GENERAL DEVELOPMENT PROCEDURE.

The Planning Commission and the Village Board shall continuously develop their comprehensive plan, including their planning policies to guide future decisions. All comprehensive plan elements, in whatever degree of detail they may embody, shall provide the basis for approval of all development under this chapter, and no development shall be approved under this chapter which is in conflict with any comprehensive plan elements.

(Ord. passed - -)

' 154.024 VISION CLEARANCE.

In each quadrant of every street intersection, there shall be designed a vision clearance triangle, bounded by the inner street lines and a line connecting them 35 feet from their intersection. Within this triangle, no object shall be allowed above the height of two and one-half feet above the street if it obstructs the view across the triangle.

(Ord. passed - -)

' 154.025 DISTRICT LOT REGULATIONS.

It shall be unlawful to erect or alter any building within the village unless the following minimum lot and yard areas and bulk controls are provided and maintained in connection with such building.

<i>Minimum Lot Requirements by District</i>							
<i>Dist.</i>	<i>(Min) Area (sq ft)</i>	<i>(Max) Bldg. Ht. (ft)</i>	<i>(Min) Wid. (ft)</i>	<i>(Min) Front (a)</i>	<i>(Min) Rear</i>	<i>Min Yard Setback Side-Int</i>	<i>Side-Corner (ft)</i>
R-1	19,200	35	120	30	30(c)	10	10
R-2	12,800	35	80	20	25(c)	6	10
R-3	12,800	60	80	20	20(c)	6	10
B-1	None(g)	60	None	None	None	None	None
B-2	21,780(f)	35	66	50(e)	20	20	30
I	8,500(f)	None	66	10	30	10	20

Note: See accompanying footnotes:

- (a) Where adjacent structures have front yard setbacks different from those required, the minimum front yard setback shall be the average setback of such structures.
- (b) Buildings over one and one-half stories in height shall require five feet for each additional story in addition to the

<i>Minimum Lot Requirements by District</i>							
<i>Dist.</i>	<i>(Min) Area (sq ft)</i>	<i>(Max) Bldg. Ht. (ft)</i>	<i>(Min) Wid. (ft)</i>	<i>(Min) Front (a)</i>	<i>(Min) Rear</i>	<i>Min Yard Setback Side-Int</i>	<i>Side- Corner (ft)</i>
required minimum side yard.							
(c) Detached residential garages shall have a minimum rear yard of five feet.							
(d) Multi-family dwellings must also comply with the land use intensity standards given in ' 154.061.							

(Ord. passed - -)

ZONING DISTRICTS AND MAPS

' 154.040 DISTRICTS.

In order to carry out the purposes of this chapter, the geographic area within the jurisdiction of this chapter is hereby divided into the following use districts:

- (A) R-1 Low Density Single-Family Residential;
- (B) R-2 High Density Single-Family Residential;
- (C) R-3 Multi-Family District;
- (D) I General Industrial District;
- (E) B-1 General Commercial District; and
- (F) B-2 Highway Commercial District.

(Ord. passed - -)

' 154.041 ZONING MAP DIRECTORY.

The certified copy of the zoning map directory will bear on its face the attestation of the Chairperson of the Village Board and the Village Clerk. It shall be on file and may be viewed in the office of the Village Clerk. It shall contain the zoning map for the unincorporated areas of the village and for any incorporated municipalities which have not adopted their own zoning ordinance.

(Ord. passed - -)

' 154.042 DISTRICT BOUNDARIES.

(A) Boundaries of these districts are hereby established as shown on the series of maps entitled AZoning Map Directory, Village of Wapella, Illinois@ dated and which accompanies and is hereby declared to be part of this chapter. District boundaries shall be construed to follow: corporate limits; village limits; public highways, alleys, easements and railroad rights-of-way, or such lines extended; soil mapping unit lines; unless otherwise noted in the zoning map directory.

(B) Vacation of public streets and alleys shall cause the land vacated to be automatically placed in the same district as the adjoining district. If vacated street or alley adjoins two different zones, the centerline of the vacated street or alley shall constitute the zoning district.

(Ord. passed - -)

' 154.043 ANNEXED TERRITORIES.

Any land which may be annexed to an incorporated community affected by this chapter shall be placed in the Rural Development - 2 District until special action of the Village Board shall definitely assign such land to another district.

(Ord. passed - -)

DISTRICTS USE REGULATIONS**' 154.055 R-1 LOW DENSITY SINGLE-FAMILY RESIDENTIAL.**

(A) *Intent.* The intent of this section in establishing a low density residential district is to provide areas for families wishing to live on large lots in residential neighborhoods within communities.

(B) *Uses permitted.* Uses permitted in the low density single-family residential district are agricultural uses, single-family dwellings and their accessory structures or uses.

(C) *Uses by special permit.* Uses by special permit in the low density single-family residential district are cemeteries, churches, golf courses, governmental and community service buildings and functions, greenways and open spaces, home occupations, hospitals, libraries, mobile home parks

provided they comply with the mobile home community ordinance of the village (Chapter 151), playgrounds, public and private schools, pumping stations, roadside stands for the sale of farm products, single-family planned residential developments, utility lines and offices and other uses similar to or customarily incident to any of the above uses.

(Ord. passed - -)

' **154.056 R-2 HIGH DENSITY SINGLE-FAMILY RESIDENTIAL.**

(A) *Intent.* The intent of this section in establishing a high density single-family residential district is to protect those residential areas of the community that were developed in most part prior to World War II from encroachment from potential conflicting uses and to provide for future residential and related development and redevelopment.

(B) *Uses permitted.* Uses permitted in the high density single-family residential district are agricultural uses and single-family dwellings and their accessory structures or uses.

(C) *Uses by special permit.* Uses by special permit in the high density single-family residential district are the same as permitted by special permit in the low density single-family residential district.

(Ord. passed - -)

' **154.057 R-3 MULTI-FAMILY RESIDENTIAL.**

(A) *Intent.* The intent of this section in establishing a multi-family residential district is to provide for the conversion of single-family structures to multi-family structures in the established portions of the community where larger two-story homes predominate and to provide new areas for modern multi-family development.

(B) *Uses permitted.* Uses permitted in the multi-family residential district are: single-family residential uses and two-family detached residential structures conforming at least to the minimum and maximum requirements of the high density single-family residential district; multi-family uses provided they comply with the regulations set forth in this chapter or lodging room and boarding houses; and agricultural uses.

(C) *Uses by special permit.* Uses by special permit in the multi-family residential district are cemeteries, churches, golf courses, governmental and community service buildings functions, greenways, home occupations, hospitals, libraries, medical and dental clinics, multi-family planned unit developments, parks, public and private schools, pumping stations, playgrounds, open spaces, single-family planned residential developments and utility lines.

(D) *Other requirements.*

(1) The recreation space ratio, defined as the minimum square footage of recreation space required for each square foot of floor area, is not less than 0.16.

(2) The floor area ratio, defined as the maximum square footage or total floor area permitted for each foot of land, is not more than 0.32.

(3) The open space ratio, defined as the minimum square footage of open space required for each square foot of floor area, is not less than 2.0.

(4) The living space ratio defined as the minimum square footage of non-vehicular outdoor space required for each square foot of floor area, is not less than 1.2.

(5) The occupant car ratio, defined as the minimum number of off-street parking spaces without parking time limits required for each living unit, is not less than 1.2, except that in housing development projects for the elderly, this ratio shall not be less than 0.5.

(Ord. passed - -)

' **154.058 R-4 MOBILE HOME RESIDENTIAL.**

(A) *Intent.* The intent of this section in establishing a second high-density single-family residential district is to provide for people who wish to own a mobile home which is permanently placed on a foundation on a privately owned lot.

(B) *Uses permitted.* Uses permitted in this high density single-family residential district are agricultural uses, single-family residences and their accessory structures or uses, and mobile homes on private lots provided they are permanently attached to a permanent foundation as specified in the standards provided by the Planning Commission.

(C) *Uses by special permit.* Uses by special permit in the mobile home residential district are the same as permitted by special permit in the low-density single-family residential district.

(Ord. passed - -)

' **154.059 B-1 GENERAL COMMERCIAL.**

(A) *Intent.* The intent of this section in establishing a general commercial district is to promote development of the existing principal commercial development in municipalities.

(B) *Uses permitted.* Uses permitted in the general commercial district are agricultural uses, auto sales and service, bakeries, barbershops, bars, beauty shops, bowling alleys, cafés, catalogue order stores, churches, clothing stores, cocktail lounges, department stores, drug stores, dry goods stores, fruit stores, funeral parlors, furniture stores, gift stores, grocery stores, hardware and feed stores, hotels, insurance and real estate offices, jewelry stores, motels, music shops, newspapers and magazine

publishers, open spaces, organization headquarters, packaged beverage stores, parking areas, parks, personal and business service establishments, pet shops, professional offices, public and private schools, public passenger transportation terminals, radio station (without antenna), radio and television sales and service, religious goods stores, restaurants, rooming houses, savings and loan and finance companies, service garages, shoe stores, sporting goods, taxi stands, theaters, tobacco and magazine stores, and variety stores.

(C) *Uses by special permit.* Uses by special permit in the general commercial district are commercial storage, contractor=s offices, garages and offices, gas stations, governmental service functions, implement sales, professional laundry and dry cleaning establishments, second-hand stores, wholesale outlets and other uses similar to or customarily incident to the above uses.

(Ord. passed - -)

' 154.060 B-2 HIGHWAY COMMERCIAL DISTRICT.

(A) *Intent.* The intent of this section in establishing a highway commercial district is to provide appropriate areas for commercial establishments which are oriented to the motoring public or which require large sites for off-street parking or display of merchandise. Additionally, the establishment of such district is in recognition of existing uses of this nature in decentralized locations, due in part to the past and present shortage of potential commercial sites within the urban centers.

(B) *Uses permitted.* Uses permitted in the highway commercial district are gas stations, automobile sales and service, public garages, drive-in establishments serving food and beverages for consumption on premises, motels, drive-in theaters, amusement parks, parking, parks and open spaces, and those uses permitted in the agricultural district.

(C) *Uses by special permit.* Uses by special permit in the highway commercial district are other uses similar to or customarily incident to any of the above uses.

(Ord. passed - -)

' 154.061 GENERAL INDUSTRIAL DISTRICT.

(A) *Intent.* The intent of this section in establishing a general industrial district is to recognize existing industrial development within the village and the desirability of reserving additional land for possible new, expanded or relocated industries. It is intended that land zoned for industry be located such that conflict with incompatible uses would be minimized.

(B) *Uses permitted.* Uses permitted in the general industrial district are body shops, automotive upholstery; cleaning, pressing and dyeing establishments; commercial bakeries; commercial greenhouses, distributors, farm machinery sales and service, feed mills, dairy plants, equipment repairs and storage, railroad depots, cooperative laboratories, machine shops, manufacturing and bottling of non-alcoholic beverages, painting, printing, publishing, storage and sale of lumber, machinery and equipment; trade and contractor=s offices, warehousing and wholesaling; manufacturing, fabrication, packing, packaging and assembly of products from furs, glass, leather, metals, paper, plaster, plastics,

Wapella - Land Usage

textiles and wood; manufacturing, fabrication, processing, packaging and packing of confections, cosmetics, electrical appliances, electronic devices and toiletries; freight yards, storage, breweries, open space and those uses permitted in the agricultural district. All of the above uses must conform to the regulations set forth in ' 154.076.

(C) *Uses by special permit.* Uses by special permit in the General Industrial District are manufacturing, processing and storage of abrasives, acetylene, acid alkalis, ammonia, asbestos, asphalt, batteries, bedding, bleach, bone, foods, candles, carpeting, celluloid, cement, charcoal, chemicals, chlorine, coal tar, cordage, creosote, dextrine, disinfectant, dye, excelsior, felt, fuel, furs, glucose, gypsum, hair products, ink, insecticide, lime products, linoleum, matches, oil cloth, paint, paper, perfume, plaster of Paris, plastics, poison, potash, pulp, pyroxylin, radium, rope, rubber, seeds, starch, stove polish, textiles, varnish, building materials, explosives, dry ice, fat, fertilizer, flammables, gasoline, glue, grains, grease, lard, radioactive material, shellac, soap, turpentine, vinegar, and yeast; bag cleaning, bleacheries, canneries, cold storage warehouses, electroplating, enameling, forges, foundries, lacquering, lithographing, bulk gas storage and sales, offal, rubbish or animal reduction, oil, coal and bone distillation, refineries, road test facilities, slaughter houses, smelting, stockyards, tanneries and weaving. Outside storage and manufacturing areas, wrecking, junk demolition and scrap yards shall be surrounded by a solid fence or evergreen planting completely preventing a view from any other property or public right-of-way and shall be at least 600 feet from residential or commercial structures. Commercial service facilities, such as restaurants and fueling stations, are permitted provided all such services are physically and sales-oriented toward industrial, district uses and employees and other users are only incidental customers.

(Ord. passed - -)

SPECIAL REGULATIONS

' 154.075 APPLICATION OF REGULATIONS.

The following regulations shall apply to all zoning districts unless specifically stated otherwise. Determination of potential or actual noncompliance with such special regulations shall be made by the Village Board or its duly appointed agent.

(Ord. passed - -)

' 154.076 PERFORMANCE STANDARDS.

(A) *Residual features.* No activity or operation shall be established or maintained which by reason of its nature or manner of operation will cause the emission of noise, odor, toxic or noxious fumes, smoke, dust and particulate matter in such concentrations as to be detrimental to or endanger the public health, welfare, comfort and safety or cause injury to property or business.

(B) *Glare.* Any lighting used to illuminate an off-street parking area or sign shall be arranged so as to deflect light away from any adjoining residential property or from the public streets. Direct or sky-reflected glare, whether from flood lights or from high temperature processes such as combustion

or welding, shall not be directed into any adjoining property.

(C) *Explosives.* No activities involving the storage, utilization or manufacture of materials, goods or products which could decompose by detonation shall be permitted except such as are specifically licensed by the Village Board

(D) *Vibration.* No activity or operation shall cause earth vibrations perceptible beyond the limits of the lot upon which the operation is located except such as are specifically permitted by the Village Board.

(E) *Activity within enclosed buildings.*

(F) *Screening.* Where outdoor storage of materials, goods and products exists within the General Industrial District, such storage shall be effectively screened from adjacent residential districts and public streets by a solid fence, compact hedge or similar opaque landscaped element. Such screening shall be placed along property lines or, in the case of screening along a street, 15 feet from the street right-of-way or adjacent property line with landscaping between the screening and the pavement. A louvered fence shall be considered a solid if it blocks direct vision.

(G) *Refuse.* All waste material, debris, refuse or garbage not disposed of through the public sanitary sewerage system shall be kept in an enclosed building or property contained in a closed container designed for such purposes. The owner of vacant land shall be responsible for keeping such land free of refuse.

(H) *Landscaping.* In all but the General Commercial and General Industrial Districts all developed uses shall provide a landscaped yard along all streets. Such yard shall be kept clear of all structures and storage except off-street parking. Such yard shall be at least eight feet in depth along all streets, measured from the street right-of-way. Except for driveways, the yard shall extend the entire frontage of the lot and along both streets in the case of a corner lot.

(I) *Drainage.* No land shall be developed and no use shall be permitted that results in water run-off; flooding, or erosion on adjacent properties. Such run-off shall be properly channeled into a storm drain, watercourse, ponding area or other public facilities.

(Ord. passed - -)

' 154.077 OFF-STREET PARKING REQUIREMENTS.

(A) *Minimum number of parking spaces required.*

(1) None required in General Commercial District (to be provided in common area.)

(2) Single-family dwellings: two per dwelling unit. Multi-family units: 1.2 per dwelling unit, except for elderly housing projects which shall have 0.5 spaces per dwelling unit.

(3) Churches, auditoriums, mortuaries and other similar places of assembly: one for every

four seats.

(4) Sanitariums, convalescent homes, rest homes, nursing homes: one for four beds.

(5) Retail commerce other than in General Commercial District: restaurant, one for every three seats; other retail, one for every 100 square feet of retail floor space but in no case less than 1.5 square feet (gross parking area) to one square foot (gross building floor area).

(6) Service commerce other than General Commercial District: motels, one per unit; personal and professional offices, one for every 150 square feet of office floor space; other service commerce, one for 200 square feet of gross floor space.

(7) Industrial including wholesale: one for every 1.3 persons of maximum employment during any work period; and

(8) Mobile home parks: two spaces per lot.

(B) *Minimum size of parking space:* 250 square feet of standing and maneuvering space.

(C) *Location of parking spaces.*

(1) Spaces for dwellings: on the same lot as the dwelling unit.

(2) Spaces for commercial uses not in the General Commercial District or for public or semi-public uses: within 300 feet of the main entrance of the building served.

(3) No off-street parking spaces to be located within five feet of any street right-of-way.

(D) *Surfacing and drainage.* Off-street parking areas and access ways other than those for one and two-family dwellings shall be surfaced with a durable material to control dust and shall be graded so as to dispose of all surface water.

(Ord. passed - -)

' 154.078 OFF-STREET LOADING AND UNLOADING REQUIREMENTS.

(A) *Minimum number of off-street loading spaces required.* An adequate number of off-street loading spaces shall be provided for all structures which require the receipt and distribution of materials or merchandise by trucks or similar vehicles so as to assure unrestricted movement of both pedestrians and motor vehicles throughout the active areas of the village.

(B) *Minimum size of off-street loading berths.*

(1) Width, ten feet;

(2) Length, 50 feet; and

(3) Vertical clearance, 14 feet.

(C) *Location of off-street loading berths.* No closer than 25 feet from the intersection of two street rights-of-way.

(D) *Surfacing and drainage.* Off-street loading berths and accessways shall be hard surfaced to control dust and shall be graded to dispose of all surface water.

(Ord. passed - -)

' 154.079 SIGNS.

(A) *Permit required.* Except those specified in division (B) below, no signs shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a zoning permit and without being in conformity with the provisions of this chapter. The sign shall also meet all the structural requirements of other applicable codes and ordinances of the village and state statutes.

(B) *Signs excepted.* All signs must have a building permit except the following:

(1) Signs over show windows or doors of a nonconforming business establishment announcing without display or elaboration only the name and occupation of the proprietor and not to exceed two feet in height and ten feet in length;

(2) Real estate signs not to exceed eight square feet in area which advertise the sale, rental or lease of the premises upon which said signs are temporarily located;

(3) Name, occupation and warning signs not to exceed two square feet located on the premises;

(4) Bulletin boards for public, charitable or religious institutions not to exceed eight square feet in area located on the premises;

(5) Memorial signs, tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against the structure;

(6) Official signs such as traffic control, parking restrictions, information and notices; and

(7) Temporary signs when authorized by the Zoning Officer for a period not to exceed 30 days.

(C) *Sign permitted.* Signs are permitted for all commercial and industrial uses subject to the following restrictions.

(1) Wall signs placed against the exterior walls of buildings shall not extend more than six

Wapella - Land Usage

inches outside of a building's wall surface, shall not exceed 300 square feet in area for any one premises, and shall not exceed 20 feet in height above the mean centerline street grade.

(2) Projecting signs fastened to, suspended from or supported by structures shall not exceed 100 square feet in area for any one premises; shall not extend more than six feet into any required yard; shall not extend more than three feet into any public right-of-way; shall not be less than ten feet above the sidewalk nor 15 feet above a driveway or an alley.

(3) Ground signs shall not exceed 20 feet in height above the main centerline street grade, shall meet all yard requirements for the district in which they are located and shall not exceed 100 square feet on all sides for any one premises.

(4) Roof signs shall not exceed ten feet in height above the roof shall meet all the yard and height requirements for the district in which they are located and shall not exceed 300 square feet on all sides for any one premises.

(5) Combinations of any of the above signs shall meet all the requirements for the individual sign.

(D) *Signs specifically prohibited.*

(1) Signs that display the words *Stop* or *Danger*; and

(2) Signs utilizing flashing lights.

(E) *Facing.* No sign except those permitted in division (B) above shall be permitted to face a residential use within 100 feet of the lot line.

(F) *Traffic.*

(1) Signs shall not resemble, imitate or approximate the shape, size, form or color of railroad or traffic signs or devices.

(2) Signs shall not obstruct or interfere with the effect of railroad or traffic signs, signals or devices.

(3) No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape; and no sign shall be attached to a standpipe or fire escape.

(4) No sign shall be placed so as to obstruct or interfere with traffic visibility.

(G) *Existing signs.* Signs lawfully existing at the time of the adoption or amendment of this chapter may be continued although the use, size or location does not conform with the provisions of this chapter; however, it shall be deemed a nonconforming use or structure and the provisions of ' ' 154.100 through 154.102 shall apply.

(H) *Miscellaneous requirements.*

(1) The owner, lessee or manager of any ground sign or the owner of the land on which the same is located, shall keep grass or weeds and other growth cut, and debris and rubbish cleaned up and removed from the lot on which the sign is located.

(2) Any sign or sign structure which may be or may hereafter become rotted, unsafe or unsightly shall be repaired or removed by the licensee, owner or manager of the property upon which the sign stands upon written notice of the Zoning Officer or police officer.

(Ord. passed - -) Penalty, see ' 154.999

' 154.080 KENNELS, VETERINARY ESTABLISHMENTS.

(A) They shall be located no closer than 100 feet to any residential district, restaurant, hotel or motel in any district and shall show that adequate measures and controls shall be taken to prevent offensive noise and odor.

(B) No incineration of refuse shall be permitted on the premises.

(Ord. passed - -) Penalty, see ' 154.999

' 154.081 HOSPITAL, CHURCH OR OTHER RELIGIOUS OR ELEEMOSYNARY INSTITUTIONS.

Shall be located on a major street on a minimum parcel of one-half acre; or, shall maintain a ten foot wide minimum landscaped strip on all property lines abutting residential districts and on all residential streets.

(Ord. passed - -) Penalty, see ' 154.999

' 154.082 AMUSEMENT CENTER, BOWLING ALLEY, DANCE HALL AND SIMILAR PLACES OF AMUSEMENT.

Shall provide parking, with ingress and egress designed so as to minimize traffic congestion, shall not be less than 20 feet from any property lines, provide a minimum six-foot solid board fence or masonry wall separating parking area from abutting residential property and shall show that adequate controls or measures will be taken to prevent offensive noise and vibration.

(Ord. passed - -)

' 154.083 NURSERY SCHOOL, DAYCARE CENTER.

For more than five children shall maintain a minimum six-foot high solid board fence combined with a minimum three-foot wide shrub planting area or a minimum six-foot high masonry wall on any property line abutting a residential district. A nursery school shall be located only on a minimum 12,800 square foot lot and shall not develop excessive traffic on local residential streets.

(Ord. passed - -)

' **154.084 SPECIAL COMMERCIAL DEVELOPMENT.**

Any commercial development such as boat liveries, supper clubs, taverns, bait and tackle sales, resorts, hotels, motels and any other commercial development permitted as a special use in the rural development district shall not be granted a zoning permit by the Village Board until the following determinations are made in writing.

(A) The development will be appropriately screened from any adjoining road or property; and

(B) Traffic generated lights, noise or hours of operation will not be a nuisance to opposite or abutting property owners.

(Ord. passed - -)

' **154.085 MODIFICATIONS AND EXCEPTIONS.**

(A) *Height.* The district height limitations stipulated elsewhere in this chapter may be exceeded, but such modification shall be in accord with the following.

(1) Architectural projections, such as spires, belfries, parapet walls, cupolas, domes, flues and chimneys, are exempt from the height limitations of this chapter.

(2) Special structures, such as elevator penthouses, gas tanks, grain elevators, scenery lofts, radio and television receiving antennas, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations, smoke stacks and flag poles are exempt from the height limitations of this chapter.

(3) Essential services, utilities, water towers, electric power and communication transmission lines are exempt from the height limitations of this chapter.

(4) Communication structures, such as radio and television transmission and relay towers, aerials and observation towers, shall not exceed in height three times their distance from the nearest lot line.

(5) Public or semi-public facilities, such as schools, churches, hospitals, monuments, sanitariums, libraries, governmental offices and stations, may be erected to a height of 60 feet, provided all required yards are increased not less than one foot for each foot the structure exceeds the district's maximum height requirements.

(B) *Yards.* The yard requirements stipulated elsewhere in this chapter may be modified as follows.

(1) Uncovered stairs, landings and fire escapes may project into any yard but not to exceed six feet and not closer than three feet to any lot line.

(2) Architectural projections, such as chimneys, flues, sills, eaves, belt courses and ornaments, may project into any required yard; but such projection shall not exceed two feet.

(3) Residential fences are permitted on property lines but shall not exceed a height of four feet in the street yard and shall not be closer than two feet to any public right-of-way.

(4) Security fences are permitted on the property lines but shall not exceed ten feet in height and shall be of an open type similar to chain link or wrought iron fencing.

(5) Accessory uses and detached accessory structures are permitted in the rear yard only; they shall not be closer than ten feet to principal structure, they shall not exceed 15 feet in height, shall not occupy more than 20% of the rear yard area and shall not be closer than five feet to any lot line nor five feet to an alley line.

(6) Essential services, utilities, electric power and communication transmission lines are exempt from the yard and distance requirements of this chapter.

(7) Landscaping and vegetation are exempt from the yard requirements of this chapter when not in violation of any state or federal law, statute or local law.

(C) *Additions.* Additions in the front yards of existing structures shall not project beyond the average of the existing front yards on the abutting lot or parcels.

(D) *Average front yards.* The required front yards may be decreased to the average of the existing front yards of the abutting structures on each side.

(E) *Noise.* Sirens, whistles and bells which are maintained and utilized solely to serve a public purpose are not to be enjoined under the performance standards section of this chapter.

(Ord. passed - -)

NONCONFORMING USES AND STRUCTURES**' 154.100 LAWFUL USE MAY BE CONTINUED.**

The lawful use of any land or building existing at the time of the adoption of this chapter may be continued, even if such does not conform to the regulations of this chapter, except as provided below.
(Ord. passed - -)

' 154.101 NONCONFORMING BUILDINGS.

(A) *Alterations.* A nonconforming building or structure shall not be reconstructed or altered to an extent exceeding its assessed valuation for real estate tax purposes, unless said building or structure is changed to conform with the regulations of this chapter.

(B) *Enlargement.* A nonconforming building or structure shall not be added to or enlarged in any manner unless such additions or enlargements are made so as to bring said building or structure into conformity with the regulations of this chapter.

(C) *Restoration.* A nonconforming building or structure which is damaged by fire or other cause to the extent of more than 50% of its assessed value shall not be restored except in conformity with the regulations of this chapter.

(D) *Abandonment.* A nonconforming use of a building which has been discontinued for a period of six months shall not be re-established and any future use shall be in conformity with the regulations of this chapter.
(Ord. passed - -)

' 154.102 NONCONFORMING USE OF BUILDING OR LAND.

(A) *Extension.*

(1) A nonconforming use of a building may be extended throughout said building provided no structural alterations are made therein except as required by other codes or ordinances.

(2) A nonconforming use of land shall not be expanded or enlarged except by expressed authority of the Village Board or its designated authority.

(B) *Relocation.* A nonconforming use shall not be moved to any other part of the parcel of land upon which the same was conducted at the time of passage of this chapter except by expressed authority of the Village Board or its designated authority.
(Ord. passed - -)

ADMINISTRATION AND ENFORCEMENT

' 154.115 ZONING OFFICER.

(A) The Chairperson of the Village Board may appoint a Zoning Officer(s), but such appointment shall require the approval of the majority of the members of the Village Board.

(B) The specific duties of the Zoning Officers) shall include:

(1) Providing zoning information upon request;

(2) Receiving applications for building and occupancy permits, reviewing such applications to determine if they comply with ordinance provisions, and issuing or denying permits;

(3) Receiving applications for special use permits, variances, amendments and appeals, referring such applications to the appropriate public body, notifying affected property owners and the required public hearings and publishing notice of such hearings;

(4) Conducting inspections;

(5) Investigating violations; and

(6) Keeping the zoning map and text up to date.

(Ord. passed - -)

' 154.116 PERMITS.

(A) *Building permit (zoning permit)*. Hereinafter no person shall erect, alter, remodel, wreck or move any kind of a structure of building or part thereof without first securing a building permit therefore, provided no such permit shall be required for the following:

(1) Interior remodeling;

(2) Exterior construction, reconstruction or alteration of a building which does not alter the size, shape or height of said building;

(3) Public utility structures; and

Wapella - Land Usage

(4) Any type of structure which is consistent in design or function with satellite dishes, TV towers, clothesline, basketball goals or other items which are secured on one=s property permanently or non-permanently, as long as the use of said structure is consistent with the list stated above. All such items listed in this division (A)(4); however, must comply with all other pertinent zoning regulations concerning set back and other requirements, as determined by the Zoning Officer.

(B) *Occupancy permit.* Hereafter, no new building or addition and no land whose use has been changed shall be occupied other than for a public utility use until an occupancy permit has been issued by the Zoning Officer(s). Every such permit shall state that the new occupancy complies with all provisions of this chapter.

(C) *Permit fees.*

(1) (a) The following building permit fees shall be paid to the village before any building permit may be issued:

<i>Building Permit</i>	<i>Fee</i>
Accessory buildings	\$25
Alterations or additions to existing structures	\$25
Each nonresidential structure	\$25
Residences	\$25

(b) Fees for occupancy permits for the use of land other than for agricultural, residential or public utility purposes shall be \$5. No fee shall be charged for occupancy permits for buildings. Fees are non-refundable.

(c) In the event building is begun before a building permit is issued, fees shall be assessed pursuant to ' 154.122.

(D) *Exhibits.* Each application for a building permit and for an occupancy permit for the use of land shall be accompanied by the following exhibits unless waived by the Zoning Officer(s):

(1) Boundary survey of an area including the property in question and 100 feet beyond its outer boundaries showing existing utilities, lot boundaries and dimensions, buildings and easements. Foliage, topography, waterways and soil borings to be included if pertinent; and

(2) Plot plan indicating location, size and placement of proposed structure and yards, parking and loading facilities, vehicular access and egress and utility plan including surface drainage.

(E) *Permit application procedure.* The procedure for applying for a building permit and an occupancy permit shall be a follows.

(1) The property owner or his or her agent shall meet with the Zoning Officer(s) to explain his or her situation, learn the procedures and obtain an application form.

(2) The applicant shall file the completed application form together with the required exhibits with the Zoning Officer(s).

(3) The Zoning Officer(s) shall issue a building permit and collect the required permit fee if the proposed project complies with the provisions of this chapter, and other relevant village ordinances. (Ord. passed - -; Ord. passed 6-17-1986; Ord. 2014-11-18, passed 11-18-2014)

' 154.117 BOARD OF ZONING APPEALS.

(A) *Establishment; concurrent membership.*

(1) A Board of Zoning Appeals, herein before and hereafter sometimes referred to by the term aZoning Board@, is hereby authorized to be established. Such Zoning Board shall consist of seven members appointed by the President, and confirmed by the members of the Village Board. The seven members of the first Zoning Board appointed following the effective date of this chapter, shall serve terms as follows: one for one year, one for two years, one for three years, one for four years and three for five years, the successor to each member so appointed to serve for a term of five years. Vacancies shall be filled by the President of the Village Board for the unexpired terms only, subject to confirmation by the Village Board. The Village Board shall have the power to remove any member of the Zoning Board for cause, after a public hearing upon giving ten days' notice thereof. The President of the Village Board shall name one of the members of the Zoning Board as Chairperson upon his or her appointment, and in case of vacancy, shall name the Chairperson.

(2) Following the effective date of this chapter, the members of the Zoning Board shall also serve as members of the Planning Commission, and the Chairperson of the Zoning Board shall also serve as the Chairperson of the Planning Commission. The resignation, removal or replacement of any member from the Zoning Board shall be deemed to be a resignation, removal or replacement from the Planning Commission.

(3) Whenever, in the village=s zoning ordinance, action is required of both the Zoning Board and the Planning Commission (i.e., both bodies must make a recommendation to the Village Board upon the same matter) duplicative action need not be taken, provided that legal requirements are met. For example, if it were required that the Planning Commission consider a matter and forward recommendations to the Zoning Board for consideration at a public hearing, following which the Zoning Board makes a recommendation to the Village Board, the bodies (comprising of the same membership) need only make one recommendation to the Village Board following a public hearing.

(B) *Meetings.*

(1) Regular meetings of the Zoning Board shall be held at such time and place within the village as the Zoning Board may determine. Special meetings may be held at the call of the Chairperson, or as determined by the Board. Such Chairperson, or, in his or her absence, the acting Chairperson may administer oaths and compel attendance of witnesses. All meetings of the Zoning

Board shall be open to the public.

(2) The Zoning Board shall keep minutes of its proceedings showing the vote of each member upon every question or, it absent or failing to vote, indicating such facts and shall also keep records of its examinations and other official actions. Every rate, regulation, every amendment or appeal thereof and every order, requirement, decision or determination of the Zoning Board shall immediately be filed in the office of the Board and shall be a public record. Four members of the Zoning Board shall constitute a quorum, and the concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Officer in any matter upon which it is required to pass under this chapter, or to effect any variation or modification in such chapter to the Village Board. In the performance of its duties, the Zoning Board may incur such expenditures as shall be authorized by the Village Board. The Zoning Board shall adopt its own rules of procedure not in conflict with the state or this chapter.

(C) *Jurisdiction.*

(1) The Zoning Board shall hear and decide appeals from any order, requirement, decision or determination made by the Zoning Officer. It shall also hear and decide all matters referred to it or upon which it is required to pass under this chapter.

(2) The Zoning Board may reverse or affirm wholly or partly or may modify or amend the order, requirement, decision or determination appealed from to the extent and in the manner that the Zoning Board may decide to be fitting and proper in the premises and, to that end, the Zoning Board shall also have all the powers of the officer from whom the appeal is taken.

(3) When a property owner shows that a strict application of the terms of this chapter relating to the use, construction or alteration of buildings or structures, or to the use of land, imposes upon him or her practical difficulties or particular hardship, then the Zoning Board may in the following instances only make such variations of the strict application of the terms of this chapter, as are in harmony with its general purpose and intent when the Zoning 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 so great as to warrant a variation.

(a) To permit the reconstruction of a nonconforming building (but excluding residences and farm buildings) which has been destroyed or damaged to an extent of more than 50% of its assessed value by fire or act of God, or the public enemy, where the Zoning Board shall find some compelling public necessity requiring a continuance of the nonconforming use, but in no case shall such a permit be issued if its primary function is for financial gain.

(b) To permit the remodeling or expansion of a nonconforming use where the Board finds public necessity and convenience in the continuance or expansion of the nonconforming use and that such remodeling or expansion does not materially affect the other uses in the neighborhood.

(4) Nothing herein contained shall be construed to give or grant to the Zoning Board the power or authority to alter or change the zoning ordinance, such power and authority being reserved to the Village Board.

(5) The Zoning Board may impose such conditions and restrictions upon the use of the premises benefitted by a variance, as it may deem necessary.

(D) *Appeals; how taken.*

(1) Any person aggrieved or any officer, department, board or bureau of the village may appeal to the Zoning Board to review any order, requirement, decision or determination made by the Zoning Officer, such appeal to be accompanied by a filing fee of \$35 (non-refundable).

(2) Such appeal shall be made within 45 days after the date of written notice of the decision or order to the Zoning Officer and a notice of appeal specifying the grounds thereof. The Zoning Officer shall forthwith transmit to the Zoning Board all papers constituting the record upon which the action appealed from was taken and a public hearing scheduled.

(3) An appeal stays all proceedings in furtherance of the action appealed from, unless Zoning Officer certifies to the Zoning Board, after the notice of appeal has been filed with him or her, that by reason of facts stated in the permit, a stay would in his or her opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than a restraining order which may be granted by the Zoning Board, or by a court of record on application, on notice to the Zoning Officer, and on due cause shown.

(4) The Zoning Board shall fix a reasonable time for hearing of the appeal and give due notice thereof to the parties and decide the same within a reasonable time. Upon hearing, any party may appear in person, by agent, or by attorney.
(Ord. passed - -; Ord. 2012-216, passed 2-16-2012)

**' 154.118 PLANNING COMMISSION DUTIES IN ZONING ADMINISTRATION;
CONCURRENT MEMBERSHIP.**

(A) The duties of the Village Planning Commission in zoning administration shall be:

(1) To review applications for amendments to this chapter, the Commission shall not have the authority to make changes or amendments to this chapter; it shall act in a purely advisory manner to the Village Board; and

(2) To review applications for special use permits as provided herein.

(B) Following the effective date of this chapter, the members of the Zoning Board shall also serve as members of the Planning Commission. and the Chairperson of the Zoning Board shall also serve as the Chairperson of the Planning Commission. The resignation, removal or replacement of any member from the Zoning Board shall be deemed to be a resignation, removal or replacement from the Planning Commission. The term of each member of the Planning Commission serving concurrently on the Zoning Board shall be that term for which the member is appointed to the Zoning Board pursuant to ' 154.117.

(C) Whenever, in the village=s zoning ordinance, action is required of both the Zoning Board and the Planning Commission (i.e., both bodies must make a recommendation to the Village Board upon the same matter) duplicative action need not be taken, provided that legal requirements are met. For example, if it were required that the Planning Commission consider a matter and forward recommendations to the Zoning Board for consideration at a public hearing following which the Zoning Board makes a recommendation to the Village Board, the bodies (comprising of the same membership) need only make one recommendation to the Village Board following a public hearing. (Ord. passed - -; Ord. 2012-216, passed 2-16-2012)

' 154.119 VARIANCES.

(A) Variations from the provisions of this chapter may be granted by the Zoning Board where practical difficulties or unusual hardships in complying with such provisions are determined to exist, but only after a public hearing has been duly advertised and held by such Board. The Zoning Board may impose such restrictions and conditions upon the premises benefitted by a variance as it considers necessary so that the public health, safety and general welfare may be secured and substantial justice done.

(B) Applications for variance shall be accompanied by the boundary survey and plot plan as required for building permit applications, unless waived by the Zoning Board.

(C) The procedure for applying for a variance from the regulations of this chapter is as follows.

(1) The property owner or his or her agent shall meet with the Zoning Officer to explain his or her situation, learn the procedures and obtain an application form.

(2) The applicant shall file the completed application form together with the required exhibits with the Zoning Officer and shall pay a filing fee of \$300 (non-refundable).

(3) The Zoning Officer shall transmit the application to the Chairperson of the Zoning Board and shall determine with such Chairperson the time and place of the required public hearing.

(4) The Zoning Officer shall give notice of the scheduled public hearing to all property owners within 250 feet of the outer boundaries of the property in question; however, failure of any property owner to receive such notification shall not invalidate the proceedings.

(5) The Zoning Officer shall have notice of the scheduled public hearings published in a newspaper of general circulation in the county at least 15 days before said hearing in conformity with the statutes of the state.

(6) The Zoning Board shall hold the public hearing within 45 days of filing and shall take one of three actions: approval; denial; or conditional approval.

(D) *Standards for granting variances.* The Zoning Board may vary the regulations of this chapter when supporting evidence in each specific case indicates that:

(1) Because of the particular physical surroundings, shape or topographic conditions of the specific parcel of land involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out;

(2) The conditions upon which the petition for a variance is based are unique to the parcel of land for which the variance is sought and not applicable, generally to other property with the same zoning classification;

(3) The purpose of the variance is not based exclusively upon a desire to increase the value or income potential of the parcel of land;

(4) The alleged difficulty or hardship is caused by the provisions of this chapter and has not been created by any person presently or formerly having an interest in the parcel of land;

(5) The granting of the variance will not be detrimental to the public welfare or injurious to other land or improvements in the vicinity in which the parcel of land is located; and/or

(6) The proposed variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the vicinity.
(Ord. passed - -; Ord. 2014-11-18, passed 11-18-2014)

' 154.120 SPECIAL USE PERMITS.

(A) Before a building or premises is devoted to any use classified under Auses by special permit@ in this chapter, a special permit must be granted by the Village Board following recommendation by the Planning Commission and a public hearing before the Zoning Board.

(B) The following exhibits shall be required unless waived by the Planning Commission:

(1) The boundary survey and plot plan as required for building permit application; and

(2) Petition of property owners within 250 feet of property in question showing 50% of such owners favoring the proposal.

(C) The procedure for obtaining a special use permit is as follows.

(1) In applying for a special use permit, the applicant shall follow all applicable procedures set forth in ' ' 154.115 through 154.122.

Wapella - Land Usage

(2) A filing fee of \$300 (non-refundable) shall be paid by the applicant to the Zoning Officer upon making an application.

(3) The Zoning Officer shall refer the application to the Planning Commission.

(4) The Planning Commission shall, after careful review of the application, make a recommendation on each application to the Zoning Board.

(5) The Zoning Officer shall give notice of a public hearing according to state statutes.

(6) The Zoning Board and the Planning Commission (comprising of the same membership), after holding a public hearing in accordance with state statutes, shall make one recommendation to the Village Board.

(7) The Village Board may approve, deny or give conditional approval to the application. In cases of approval or conditional approval, the Village Board shall issue written authorization to the Zoning Officer to issue a zoning permit in full conformance with ' ' 154.115 through 154.122. This authorization shall remain on permanent file with the application

(8) The Village Board may attach special conditions to ensure conformance with the intent of all comprehensive plan elements and to preserve the integrity of the zoning district in question.

(D) Standards for granting special use permits: a special use permit may be granted by the Village Board after demonstration by evidence that:

(1) The establishment, maintenance or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare;

(2) The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;

(3) The establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;

(4) Adequate utilities, access roads, drainage and necessary facilities have been or will be provided;

(5) Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets or roads; and

(6) The special use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

(E) Revocation of special use permits: where a special use permit has been issued pursuant to the provisions of this chapter, such permit shall become null and void without further action by the Planning Commission or the Village Board unless work thereon commences within one year of the date of granting such special use. A special use permit shall be deemed to authorize only one particular use and shall expire if that use shall cease for more than 12 consecutive months.
(Ord. passed - -; Ord. 2014-11-18, passed 11-18-2014)

' 154.121 AMENDMENTS.

(A) *Authority.* The Village Board may from time to time amend, supplement or change by ordinance the boundaries of districts, or regulations herein established.

(B) *Kinds of amendments.* An amendment to this chapter may be one of the following:

- (1) A change in a district=s boundary (rezoning);
- (2) A change in a district=s regulations; or
- (3) A change in any other provision of this chapter.

(C) *Initiation of proceedings.* Proceedings for amending this chapter shall be initiated by at least one of the following three methods:

- (1) By petition of an owner or owners of property which is proposed to be rezoned or for, which district regulation changes are proposed, such petitions to be accompanied by a filing fee of \$300 (non-refundable);
- (2) By recommendations of the Planning Commission; or
- (3) By action of the Village Board.

(D) *Required exhibits for rezoning or district regulation changes initiated by property owners.*

- (1) The boundary survey and plot plan as required for building permit applications; and
- (2) Petition of property owners within 250 feet of property in question showing 50% of such owners favoring rezoning.

(E) *Procedures.*

(1) Upon any application for a proposed amendment, supplement or change being properly filed with the Zoning Officer, said Officer shall immediately cause a copy of same to be forwarded to the members of the Planning Commission and the members of the Zoning Board.

- (2) The Planning Commission shall make such investigation as provided by then-rules of

procedure. The Planning Commission shall consider such proposed amendments at its next regularly scheduled monthly meeting provided that, if 14 days have not elapsed since the above said mailing of such proposed amendment, it may defer action on it until its next regular monthly meeting. In determining the 14-day period, the day the letter is mailed shall be excluded, and the day of the meeting shall be included.

(3) The recommendation and report stating reasons for the decision of the Planning Commission shall be forwarded to the Chairperson of the Zoning Board and to the Chairperson of the Village Board without delay.

(4) Said report of the Planning Commission may be considered by the Zoning Board in arriving at its decision, whether or not a member of the Planning Commission appears at the public hearing.

(5) The Zoning Board shall forward its report and decision, setting forth the reasons therefore, to the Chairperson of the Village Board within a reasonable time after the public hearing.

(F) *Notice of public hearings for amendments.*

(1) The Zoning Board shall cause notice of a public hearing to be duly published, as prescribed by state statute.

(2) A hearing shall be held in each township directly affected, except that in the case of general amendments to the text of the village zoning ordinance, the hearing shall be held in the Village Hall (or such other place as may be designated by the Zoning Board).

(3) The published notice of a hearing shall be published in a newspaper qualified to accept legal notices, in general circulation in the area affected.

(4) In addition, where a proposed amendment affects a particular area of the village, notice shall be mailed to all adjacent property owners 15 days in advance of the hearing.

(5) Property owners shall be considered adjacent although they are separated by a street or road, or if a corner of their land touches, or if their property is next to a tract of land a portion of which is to be rezoned. If property is held by a life tenant with contingent remainders or rights in reversion, in trust, or by more than one person, it shall be sufficient notice, if notice is sent to the person receiving the tax bills as shown by the records in the County Treasurer's office.

(6) No proposed amendment shall be defeated because of improperly mailed notices, if the Zoning Board is satisfied that the applicant has made a diligent effort to list all property owners in his or her application for the zoning change.

(G) *Passage of amendment.*

(1) The favorable vote of at least two-thirds of all of the members of the Village Board shall be necessary to pass an amendment in the following instances:

(a) When a written protest against the proposed amendment is filed with the Village Clerk, signed and acknowledged by the owner(s) of 20% of the frontage immediately adjoining or across the alley therefrom, or by the owner(s) of 20% of the frontage directly opposite the frontage proposed to be altered; and

(b) When a land affected by a proposed amendment lies within one and one-half miles of the limits of a zoned municipality and a written protest against the proposed amendment is passed by the Village Council or President and Board of Trustees of the zoned municipality with the limits nearest adjacent, and filed with the Village Clerk.

(2) In all other instances except those just above listed, a majority vote of the members of the Village Board present at the meeting at which the amendment is considered shall be necessary to pass an amendment.

(Ord. passed - -; Ord. 2014-11-18, passed 11-18-2014)

' **154.122 FEES.**

All fees are subject to revisions by action of the Village Board.

(Ord. passed - -)

SMALL ELECTRICITY-GENERATING WIND DEVICES FOR SELF-CONSUMPTION

' **154.135 AUTHORITY AND APPLICABILITY.**

This subchapter is adopted pursuant to the powers granted and limitations imposed by the Constitution and laws of the state, including the statutory authority granted in 65 ILCS 5/11-13-26. Unless otherwise expressly stated herein, the provisions of this subchapter apply to all property within the village=s zoning jurisdiction, and within the one and one-half-mile radius surrounding the village=s zoning jurisdiction. Should any provision contained in this subchapter conflict with any provision contained elsewhere in the village=s zoning ordinance or village code, the provisions in this subchapter shall control as to the regulation of wind energy systems.

(Ord. 2012-216, passed 2-16-2012)

' **154.136 PURPOSE AND INTENT.**

(A) To establish reasonable and uniform regulations for the location, installation, operation, maintenance and decommissioning of small electricity-generating wind devices for self-consumption;

(B) To assure that any development and production of wind-generated electricity in and around the village is safe and to minimize any potentially adverse effects on the community;

(C) To promote the supply of sustainable and renewable energy resources, in support of national, state and local goals; and

(D) To facilitate energy cost savings and economic opportunities for village residents and businesses.

(Ord. 2012-216, passed 2-16-2012)

' **154.137 DEFINITIONS.**

To the extent any definition contained in this subchapter conflicts with any definition or term contained elsewhere in the village's zoning ordinance or village code, the definition in this subchapter shall control as to the regulation of wind energy systems. For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABANDONMENT or **ABANDONED.** Any small wind energy system (SWES) that has not been repaired to operational condition within 90 days after falling out of operational condition.

AMBIENT SOUND. The all-encompassing sound at a given location, usually a composite of sounds from many sources near and far. For the purpose of this chapter, the **AMBIENT SOUND LEVEL** shall mean the quiescent background level, that is, the quietest of ten 10-second average sound levels measured when there are no nearby or distinctly audible sound sources (e.g., dogs, cars in line-of-sight or jets). Daytime ambient measurements should be made during mid-morning, weekday hours while nighttime measurements should be made after midnight.

APPLICANT. The owner, who is in the process of submitting or has submitted an application to install a SWES project in the village.

DAYTIME HOURS. The hours of the day from 7:00 a.m. to 10:00 p.m., local time.

NAMEPLATE WATTAGE or **NAMEPLATE CAPACITY.** The amount of energy produced from a wind energy system at maximum or optimum wind speeds within one hour, as indicated by the manufacturer.

NIGHTTIME HOURS. The time of the day after 10:00 p.m. until 7:00 a.m., local time.

NONPARTICIPATING PROPERTY. A property that is not owned by the owner of the property on which the SWES is proposed or installed.

OPERATIONAL CONDITION. SWES facilities being capable of operating at full capacity while meeting all sound, shadow flicker and other ordinance provisions, regulations and permit conditions.

OWNER. The person(s), who hold(s) title of the property on which a SWES or facility is installed.

SHADOW FLICKER. The on-and-off strobe light effect caused by the shadow of moving blades cast by the sun passing above the turbine. **SHADOW FLICKER** intensity is defined as the difference or variation in brightness at a given location in the presence and absence of a shadow.

SILHOUETTE. The area covered by moving blades of a WES turbine, as viewed from the front elevation, described in square feet.

SMALL WIND ENERGY SYSTEMS (SWES). Wind energy systems that are free-standing, or structurally attached either onto the roof or to the side of a building, not exceeding 45 feet in height above the ground.

SOUND LEVEL. The A-weighted sound pressure level in decibels (dB) (or the C-weighted level if specified) as measured using a sound level meter that meets the requirements of a Type 2 or better precision instrument according to ANSI S1.4. The $\bar{\text{Average}}$ **SOUND LEVEL** is time-averaged over a suitable period (e.g. one-minute) using an integrating sound level meter that meets the requirements of ANSI S12.43.

SUN GLINT. The reflection of sunlight off of a surface of the blades, tower or other component of the wind energy system.

TOWER. The structure on which the wind system is mounted.

TURBINE. The parts of a WES including the blades, nacelle and tail.

WIND ENERGY SYSTEM (WES). A wind energy production, conversion and distribution system consisting of a wind turbine, tower and associated electronics equipment.
(Ord. 2012-216, passed 2-16-2012)

' 154.138 INDEMNIFICATION.

The owner of the SWES project shall defend, indemnify and hold harmless the village and its officials from and against any and all claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses and liabilities whatsoever including attorney fees arising out of the acts or omissions of the owner concerning the operation of the SWES project without limitation, whether said liability is premised on contract or on tort.
(Ord. 2012-216, passed 2-16-2012)

' 154.139 REQUIREMENTS.*(A) Permit application requirements.*

(1) *Zoning districts.* One SWES shall be allowed on a lot as a permitted use in any zoning district within the village, except for residentially-zoned lots, and within the one and one-half-mile radius of the village, provided that all building permit requirements and general regulations are met, as provided in the village code of ordinances, including in this subchapter of the village's zoning ordinance. A special use permit shall be required for any additional SWES on a lot. SWES facilities shall not be a permitted use on residentially-zoned property.

(2) Project proposal.

(a) A permit application shall include the name, address and phone number of owner and applicant; photographs of the proposed location of the SWES; a project summary including the manufacturer information and number of proposed turbines; and a front elevation depiction showing the location and proposed height of the top of the turbine, including distances related to setback provisions contained herein.

(b) The permit application shall also provide proof of the following, through documentation such as a guarantee from the manufacturer or an engineer, or other documentation that reasonably satisfies the Zoning Officer:

1. The SWES is designed to withstand a minimum wind velocity of 100 mph, with an impact pressure of 40 pounds per square foot;
2. The SWES conforms to applicable industry standards, including those of the American National Standards Institute (ANSI). Applicants shall submit certificates of design compliance that equipment manufacturers have obtained from Underwriters Laboratories (UL), National Renewable Energy Laboratories (NREL), Det Norske Veritas (DNV), Germanischer Lloyd Wind Energie (GL), or an equivalent third party;
3. SWES facilities are equipped with automatic and manual braking systems;
4. Proof of homeowner or business liability insurance, covering the SWES, as appropriate; and
5. Approval letter from the local electric utility company, if the system is to be tied to the energy grid.

(B) *Additional installation and use regulations.*

(1) *Installation.*

(a) SWES facilities must be installed according to manufacturer specifications.

(b) SWES devices may be free-standing or structurally attached either on the roof or side of a building.

(c) Electrical connections must be made by a licensed electrician.

(d) SWES facilities may be located on accessory buildings or structures, provided that all setback and other regulations are satisfied.

(2) *Height.* SWES facilities may extend up to a height of 45 feet above the ground (at their highest point, including the top of the blade), whether or not they are mounted on a building. The blade tip, at its lowest point, shall have a ground clearance of at least ten feet.

(3) *Sound levels.*

(a) The average sound level from a SWES shall not exceed 55 dB(A) during daytime hours or 45 dB(A) during nighttime hours at any point within neighboring, residentially zoned or used property. For neighboring industrial properties the sound level limit is 65 dB(A) and for other neighboring nonresidential properties, the sound level limit is 60 dB(A) at any time of the day.

(b) Sound level meters used for sound measurement must be a Type 2 or better grade per ANSI S1.4 and must have an integrating feature that meets ANSI S1.43. Procedures must meet the applicable portions of ANSI S12.9. Measurements must be made when ground level winds do not exceed five mph.

(c) The village may require, at the owner's expense, field tests or sound propagation modeling, conducted by or supervised by an acoustics specialist certified by the Institute of Noise Control Engineering as may be necessary, to determine whether a violation of said sound regulations is occurring or has occurred. The owner shall promptly remedy any such violations or discontinue operation. The village shall have discretion as to whether to require such a test, and shall not be required to do so simply because a resident or neighbor requests that it be done.

(4) *Shadow flicker.* The SWES shall be positioned such that shadow flicker will not fall on any window of an existing residential dwelling of a nonparticipating property for more than one hour a day. The owner may commit to a schedule for turning SWES turbines off during periods when shadow flicker would so affect any nonparticipating property. Subsequently constructed or modified residences shall not compromise the existing approval and operation of the SWES, as a legal nonconforming use, subject to the applicable regulations.

Wapella - Land Usage

(5) *Silhouette.* The diameter of the SWES shall not exceed 20% of the width of the building=s front elevation for property abutting residentially used properties.

(6) *Color and sun glint.* SWES facilities shall be finished in a neutral color, as approved by the Zoning Officer. The finish shall be flat or matte, so as to reduce incidence of sun glint. The required coloration and finish shall be maintained throughout the life of the system.

(7) *Electronic interference.* SWES facilities shall not operate so as to cause electromagnetic degradation in performance of microwave, television, radio, internet or other wireless transmissions, including public emergency communications systems, contrary to Federal Communication Commission (FCC) or other state or local laws.

(8) *Signage.* No SWES may have any advertising material, writing, picture, flags, decorations or signage, other than warning information or manufacturer identification.

(9) *Energy production.* The primary purpose of the SWES shall be the production of energy for local distribution and consumption. SWES facilities shall not be constructed for the sole purpose of energy production for wholesale or retail sale purposes. It is permissible to sell excess energy that is produced by a SWES to the local electric utility company.

(10) *Setbacks.* All parts of the structure of the SWES shall be set back a distance equal to or exceeding 1.1 times the height of the SWES, as measured from its base (where mounted) and extending to the furthest point of the SWES, whether such extension is vertical, horizontal or diagonal, from all adjacent property lines, road rights-of-way, transmission lines and communication towers.

(C) *Maintenance and decommissioning.*

(1) *Maintenance.* SWES facilities shall be maintained in operational condition at all times, except for reasonable maintenance and repair outages. Should a SWES fall from operational condition, or should any part of the SWES become damaged, or should a SWES violate a permit condition or this subchapter, the owner shall cease operations immediately and remedy the condition promptly.

(2) *Decommissioning.*

(a) If a SWES has not been in operable condition and has been abandoned as defined by this chapter, the village=s Zoning Officer shall notify the owner of the finding of abandonment. The owner shall remove all SWES structures within 90 days of receipt of the finding of abandonment.

(b) If such abandoned facility is not removed within 90 days, the village may remove all structures at the owner=s expense. In the case of such removal, the village has the right to file a lien against the property for reimbursement, following reasonable notice to the owner, to pay for the removal of the facility(ies). Any and all expenses incurred by the village as part of this effort, which include without limitation, facility removal costs, attorney=s fees, accrued interest and recording costs may be sought after by the village.

(c) Upon removal, the site shall be restored to its original pre-construction condition. See

photos presented with project proposal.

(D) *Historic districts and landmarks.* SWES facilities within a local historic district or landmark, a state historic district or landmark or a national historic district or landmark must receive a recommendation from the Planning Commission and approval by the Village Board prior to any permit being issued for said facility(ies). Approval letters from state or nationally recognized historic preservation agencies may be required.
(Ord. 2012-216, passed 2-16-2012)

WIND ENERGY CONVERSION SYSTEMS

' 154.150 INTENT.

The intent of this section regarding wind energy conversion systems is to:

(A) Provide regulations for the construction and operation of wind energy conversion systems in the village and within the one and one-half mile radius surrounding the zoning jurisdiction of the village;

(B) Provide regulations to facilitate the development of wind energy conversion systems, while protecting adjacent land uses from adverse noise, visual, and other negative impacts that may be associated with a wind energy conversion system;

(C) Facilitate the development of low impact, sustainable energy sources within the village and its jurisdiction; and

(D) Exercise regulatory authority pursuant to the authority grant by the Illinois Municipal Code (65 ILCS 5/11-13-26).
(Ord. 3-20-18, passed 3-20-2018)

' 154.151 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DIAMETER, ROTOR. The length of any rotor, or blade, as measured from the tip of the rotor to the center or the turbine multiplied by two.

EXTRATERRITORIAL JURISDICTION. Any area which is:

- (1) Located outside, but within one and one-half miles of the corporate limits of the village;
and
- (2) Is not located within the subdivision jurisdiction of another municipality.

EXTRATERRITORIAL WIND ENERGY CONVERSION SYSTEM or **EXTRATERRITORIAL WECS.** Any WECS which is or may be located within the extraterritorial jurisdiction.

FACILITY OWNER. Any person or entity having an equity interest in a WECS.

INSTITUTIONAL USE. An educational facility, golf course, sports arena, religious institution, athletic field or publicly-owned property, provided that, said term shall exclude parks and cemeteries whether publicly- or privately-owned.

OPERATOR. Any person or entity responsible for the day-to-day operation and maintenance of a WECS.

PUBLICLY-OWNED PROPERTY. Land, buildings or structures owned by any governmental body or public agency including village, county, state or federally-owned properties, other than public rights-of-way.

SHADOW FLICKER. The moving shadows or shaded areas which are cast by rotating turbine blades.

SMALL WIND ENERGY CONVERSION SYSTEM or **SMALL WECS.** Any wind energy conversion system consisting of a single wind turbine having a maximum generating capacity of 100 kw, which is intended to generate energy for any contiguous property primarily for the use or consumption on that property, and not to exceed 45 feet in height. Small wind energy conversion systems are regulated pursuant to ' ' 154.135 through 154.139 of this chapter.

TOWER, MONOPOLE. A wind energy conversion system tower consisting of a single pole, constructed without guy wires and anchors.

WIND ENERGY CONVERSION STRUCTURE or **WIND TURBINE.** A device that converts wind energy into electricity through the use of either a horizontal or vertical axis wind turbine generator, and includes the nacelle, rotor, tower and pad transformer, if any.

WIND ENERGY CONVERSION SYSTEM or **WECS.** An electric general facility, whose main purpose is to supply wind-generated electricity, consisting of one or more wind turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenance structures and facilities. (Excluded are small wind energy conversion systems regulated under ' ' 154.135 through 154.139 of this chapter).

WIND ENERGY CONVERSION SYSTEM, BUILDING MOUNTED. A wind energy

conversion system located on a building.

WIND ENERGY CONVERSION SYSTEM HEIGHT. The height of a freestanding wind energy conversion system must be measured at a distance from the ground level to the highest point on the tower, including the vertical length of any extension such as the rotor blade. The height of a building mounted wind energy conversion system shall be measured as the distance from the point where the base of the system is attached to the building or to the lowest point in the wind energy conversion system, whichever is closer to the ground, to the highest point on the wind energy conversion system, including the vertical length of any extensions such as the rotor blade.

WIND FARM. Any wind energy conversion system other than a small wind energy conversion system as defined in this subchapter.
(Ord. 3-20-18, passed 3-20-2018)

' 154.152 SITE REQUIREMENTS.

In addition to meeting any other applicable requirements in this chapter, wind energy conversion systems shall be constructed in accordance with the restrictions set forth in this section.

(A) *Wind energy conversion structure height and rotor blade diameter restrictions.* The height of a wind energy conversion structure and the diameter of the motor blade shall not exceed the following restrictions for various uses and zoning districts. The height of a wind energy conversion structure shall be measured from ground level to the top of the highest point extended.

(1) For residential zoning districts, the maximum height of a wind energy conversion structure shall not exceed 100 feet. The maximum diameter, as measured from the tip of the rotor or blade to the center of the turbine, multiplied by two, shall not exceed 50 feet.

(2) For any use that is located in a non-residential district and located within 1,000 feet of the boundary of a lot zoned or planned for residential land use, the maximum height of a wind energy conversion structure shall be 100 feet and the maximum diameter of the rotors or the blades shall be 50 feet. For any use that is located in a non-residential district and more than 1,000 feet away from any boundary of a lot zoned or planned for residential use, the maximum height of a wind energy conversion structure shall be 175 feet. The maximum diameter of the rotors or the blades for wind energy conversion systems shall not exceed 100 feet.

(3) Building-mounted wind energy conversion systems in residential zoning districts shall not exceed ten feet higher than the highest point on the roof of the structure it is mounted to.

(B) *Setback requirements for wind energy conversion structures.* The minimum setback from the property line for any wind energy conversion structure shall be the total height of said structure measured from ground level.

(C) *Noise.* No wind energy conversion system or combination of wind energy conversion systems on a single parcel shall create noise that exceeds the regulatory standards set by the Illinois EPA

Pollution Control Board at any property line where the property on which the wind energy conversion system is located. Measurement of sound levels shall not be adjusted for, or averaged with, non-operating periods. Any wind energy conversion system exceeding this level shall immediately cease operation upon notification by the Mayor or Mayor=s designee and may not resume operation until the noise levels have been reduced in compliance with the required standards and verified by an independent third party inspector.

(D) *Multiple wind systems.*

(1) Multiple wind systems may be allowed if they meet all regulations as required in this section.

(2) The number of wind turbines on any given parcel of land shall be limited to:

(a) Three wind conversion structures for parcels of land having an area of five acres or less;

(b) Five wind energy conversion structures for parcels of land having an area greater than five acres and not exceeding ten acres; and

(c) There shall be no limit to the number of wind energy conversion structures for parcels of land having an area greater than ten acres.

(3) There shall be no limit to the number of wind energy conversion structures for parcels of land having an area greater than ten acres.

(E) *Force wind standards.* Wind energy conversion systems must be engineered to withstand wind forces of up to 110 miles per hour.

(F) *Removal of nuisance wind systems or turbines.*

(1) The wind energy conversion system or individual turbine is hereby declared to be a public nuisance if it has been inoperable to generate any electricity for 180 or more consecutive days.

(2) Upon receipt of written notice from the Mayor or Mayor=s designee that a wind energy conversion system or individual wind turbine has become a public nuisance as defined in subsection (1) above, the owner of a wind energy conversion system and associated facilities shall have 180 days to restore the wind energy conversion system or individual turbine to operating condition and operation for the generation of electricity or remove it from the property, provided that in the event the Mayor or Mayor=s designee determines that, because of its condition, the WECS or individual turbine poses a great and immediate threat to the public health, safety, or welfare, then the village may remove the structure(s) that specifically pose such a great and immediate threat without any prior notice to said owner, assess the owner for all costs incurred for said removal and file a lien for said costs in the manner provided herein.

(3) A written notice of public nuisance described herein may be personally delivered to the owner or authorized agent of the WECS in question, or delivered by first class U.S. mail. A written notice delivered by first class U.S. mail shall be deemed received by said owner three business days after its deposit in the U.S. mail system.

(4) The failure of any owner to comply with the requirements to either restore to operation or remove a public nuisance WECS or individual turbine as provided herein shall be deemed a violation of this Zoning Code and shall be deemed implied consent by said owner to the village to all the village to remove, or hire someone else to remove said wind system or individual turbine, as the case may be, and to charge said owner for the entire cost of said removal. Said cost of removal incurred by the village shall be deemed a lien against the property and the village shall be authorized to file a notice of said line in the Office of the Recorder of Deeds for the cost of removing the wind energy conversion system. Removal of a wind energy conversion system that constitutes a public nuisance shall include removal of the turbines, and any above ground improvements, including fencing.

(5) The village may foreclose upon any lien for removal costs as provided herein in accordance with the procedures for foreclosure of a mortgage in the Illinois Mortgage Foreclosure Law, 735 ILCS 5/15-1101 et seq.

(G) *Signage.* Commercial marking, messages, banners, or signs of any kind on the wind energy conversion system or tower shall be prohibited.

(H) *Tower access.* The tower shall not be accessible for climbing. No rungs shall be provided for the first 12 feet of the tower, the climbing apparatus shall be covered, and any other approved preventative measures, which may be applicable.

(I) *Color.* The exterior color of the wind energy conversion system shall be limited to black, white, off-white and gray and the surface shall be non-reflective.

(J) *Lighting.* No lights shall be installed on the tower, unless required to meet FAA regulations.

(K) *Permit for extra-territorial wind energy conversion systems.* An application to site and construct an extraterritorial WECS shall be considered by the village in the same manner as if the applicant had submitted an application for the placement of a WECS within the corporate limits of the village. The applicant, facility owner, operator and any participating landowner with respect to any approved application for an extraterritorial WECS shall be subject to the terms and conditions of this code and any approving ordinance or resolution in the same fashion and to the same extent as if the WECS were located within the corporate limits of the village.

(L) *Shadow flicker.*

(1) Wind conversion energy systems shall be designed and located to minimize shadow flicker. Shadow flicker expected to fall on a roadway or a residential structure shall be acceptable under the following circumstances:

(a) The flicker, assuming sunlight will not be obscured by cloud cover during the entire

course of the year, will not fall on the location of concern for more than 30 hours per year; and

(b) With regards to flicker falling on roadways, the traffic volumes are less than 500 vehicles per day on the roadway.

(2) The applicant shall provide a show flicker model for any wind energy conversion system over 150 feet tall. The shadow flicker model shall demonstrate that the wind energy conversion system meets the stated provisions.

(M) *Vibrations.* The wind energy conversion structure shall not cause any vibrations detectible by persons without the aid of scientific instruments on any adjacent property.

(N) *Tower type.* In residential districts, the type of tower a wind turbine may be mounted on shall be restricted to a monopole tower.

(O) *Minimum ground clearance.* The blade tip of a wind energy conversion system, at its lowest point, shall have a ground clearance of no less than 20 feet.

(P) *Electromagnetic interference.*

(1) The wind energy conversion system shall not cause any electromagnetic interference with any radio, television, microwave communication or satellite navigation on other properties.

(2) If the wind energy conversion system is found to cause electromagnetic interferences on other properties, the owner shall make any necessary and reasonable changes to the wind energy conversion system within 90 days of notice from the Zoning Administrator, including removal or relocation of the wind energy conversion system to eliminate any electromagnetic interference.

(Q) *Proposed wind energy conversion systems.*

(1) All proposed wind energy conversion systems which exceed 45 feet in height shall be required to submit a special use permit application in compliance with this chapter.

(2) The proposed special use permit shall meet the following findings of fact:

(a) The proposed wind energy conversion system is designed, located, and proposed to be operated so that it will not be unreasonably injurious or unreasonably detrimental to the district in which it may be located or otherwise injurious to the public welfare. It shall be the applicant=s burden to submit evidence to demonstrate the anticipated impacts of the proposed wind energy conversion system.

(b) Other than height regulations in this subchapter, the proposed use conforms to all the applicable regulations and standards of the district in which it shall be located.

(c) The proposed use is consistent with the Comprehensive Plan.

(3) The issuance of a special use permit for a wind energy conversion system shall only be allowed in the I-1 General Industrial Zoning District or extraterritorial jurisdiction. A special use permit for a wind energy conversion system may be permitted in the extraterritorial jurisdiction only in areas that are 1,500 feet away from any residential land use or areas planned for residential land uses by the village future land use map in the Comprehensive Plan and its subsequent amendments and updates.

(4) The applicant shall submit the following documentation as part of the special use permit application:

(a) A noise study, prepared by a qualified professional, demonstrates that except for intermittent episodes, the wind energy conversion system shall not emit noise in excess of the limits established by the State Pollution Control Board.

(b) A description and map of the project=s noise producing features, including the range of noise levels expects and the basis of the expectation.

(c) A description and map of the noise sensitive environment, including any sensitive noise receptors, such as, residences, hospitals, libraries, schools, places of worship, parks, area with outdoor workers and other facilities, where quiet is important or where noise could be a nuisance within 1,000 feet.

(d) A description and map of the cumulative noise impacts of any problem area identified.

(e) A description of the project=s proposed noise control features and specific measures proposed to mitigate noise impacts for sensitive receptors as identified above to a level of insignificance.

(f) A shadow flicker model that demonstrates that shadow flicker shall not fall on, or in, any existing residential structure and that establishes that shadow flicker expected to fall on a roadway or a portion of a residentially-zoned parcel may be acceptable if the flicker does not exceed 30 hours per year at the location of concern; and the flicker will fall more than 100 feet from an existing residence; or the traffic volumes are less than 500 vehicles on the roadway that is impacted by the flicker. The shadow flicker model shall:

1. Map and describe within a 1,000-foot radius of the proposed dispersed wind energy system the topography, existing residences and location of their windows, locations of other structures, wind speeds and directions, existing vegetation and roadways. The model shall represent the most probable scenarios of wind constancy, sunshine constancy and wind directions and speed;

2. Calculate the locations of shadow flicker caused by the proposed project and the expected durations of the flicker at these locations, calculate the total number of houses per year of flicker at all locations; and

3. Identify problem areas where shadow flicker will interfere with existing of future residences and roadways and describe proposed mitigation measures, including, but not limited to, a change in citing of the wind energy conversion system, a change in the operation of the wind energy conversion system, or grading or landscaping mitigation measures.

(Ord. 3-20-18, passed 3-20-2018)

' 154.153 PERMIT APPLICATION FEE.

The permit application fee of \$100 is hereby established and payable to the village for each wind turbine to be erected within the zoning jurisdiction of the village.

(Ord. 3-20-18, passed 3-20-2018)

' 154.999 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to ' 10.99.

(B) Any person who shall violate or refuse to comply with any of the provisions of this chapter shall be subject, upon conviction thereof to a fine of not more than \$200, or imprisonment of not more than six months for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

(Ord. passed - -)