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ARTICLE 1 ESTABLISHMENT OF ZONING DIVISION

Section 1-1 PURPOSE OF CODE

In this Development Code, wide spectrums of land use and development controls commonly imposed in numerous separate ordinances are incorporated into one legal instrument. This format is intended to increase the Code users' convenience and, more importantly, to clarify the interrelationship of the various regulations. The overriding purpose of this Development Code is the protection and promotion of the public health, safety, and welfare. More specifically, the various provisions of this Code are intended to assist in achieving the following objectives:

- (a) To encourage the development of buildings and uses in appropriate locations in order to maximize Village-wide social and economic benefits while accommodating the particular needs of all residents;
- (b) To protect and enhance the character and stability of sound existing residential, commercial, and industrial areas;
- (c) To conserve and increase the value of taxable property throughout the Village;
- (d) To ensure the provision of adequate light, air, and privacy for the occupants of all buildings;
- (e) To protect property from damage caused by fire, flooding, poorly-controlled stormwater runoff, and adverse soil and topographical conditions;
- (f) To provide adequate and well-designed parking and loading space for all buildings and uses, and to reduce vehicular congestion on the public streets and highways;
- (g) To ensure the proper design and improvement of mobile home parks and travel trailer parks;
- (h) To promote the use of signs which are safe, aesthetically pleasing, compatible with their surroundings, and legible in the circumstances in which they are seen;
- (i) To establish reasonable standards for the design and improvements of subdivisions and for the retention of adequate open space therein so as to further the orderly and pleasing development of the Village;
- (j) To guide the provision of water mains, sanitary sewers, stormwater sewers, and other utilities and services and to reduce the initial costs and future maintenance expenses thereof;
- (k) To ensure that all structures are constructed, plumbed, and wired in accordance with recognized national and/or State standards;

- (l) To provide for the efficient administration and fair enforcement of the substantive provisions of this Code; and
- (m) To clearly and concisely explain the procedures for obtaining variances, subdivisions, special use permits, amendments, and the like.

Section 1-2 JURISDICTION

This entire Code shall be applicable within the corporate limits of the Village of Caseyville. Moreover, the provisions of this Code pertaining to subdivisions shall be applicable to all territory located within one and one-half (1.5) miles of the corporate limits of Caseyville that is not under the subdivision jurisdiction of another municipality.

Section 1-3 INTERPRETATION

Every provision of this Code shall be construed liberally in favor of the Village, and every requirement imposed in this Code shall be deemed minimal. Whenever the requirements of this Code differ from the requirements of any other lawfully adopted ordinance, regulation, deed restriction, or covenant, the more stringent requirement shall prevail.

Section 1-4 DISCLAIMER OF LIABILITY

Except as may be provided otherwise by statute or ordinance, no officer, board member, agent, or employee of the Village shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this Code. (See "Local Governmental and Governmental Employees Tort Immunity Act," 745 ICLS 10/1-101.)

Any suit brought against any officer, board member, agent, or employee of the Village, as a result of any act required or permitted in the discharge of his duties under this Code shall be defended by the Village Attorney until the final determination of the legal proceedings.

Section 1-5 SEPARABILITY

If any provision of this Code is declared unconstitutional or invalid by a court of competent jurisdiction, that decision shall not affect the validity of the remainder of this Code.

Section 1-6 REPEALER

All ordinances or parts thereof that conflict with the provisions of this Code are hereby repealed.

Section 1-7 WHEN EFFECTIVE

This Code shall take effect ten (10) days after its final passage, approval, and publication as provided by law. (See 65 ILCS 5/1-2-4.)

Passed by the Board of Trustees this _____ day of _____, _____.

Approved by the President on this _____ day of _____, _____.

President

Attest:

Effective Date:

Village Clerk

ARTICLE 2 TERMS AND DEFINITIONS

Section 2-1 CONSTRUCTION OF TERMS

In construing the intended meaning of terminology used in this Code, the following rules shall be observed:

- (a) Words and phrase shall have the meanings respectively ascribed to them in Section 2-2 unless the context clearly indicates otherwise; terms not defined in Section 2-2 shall have their standard English dictionary meanings;
- (b) Words denoting the masculine gender shall be deemed to include the feminine and neuter genders;
- (c) Words used in the present tense shall include the future tense;
- (d) Words used in the singular number shall include the plural number, and the plural the singular;
- (e) The term "shall" is mandatory; the term "may" is discretionary;
- (f) The words "lot," "plot" "parcel," "tract," and "site" shall be synonymous, (See definition of "lot.");
- (g) The words "extend," "enlarge," "expand" shall be synonymous, (See definition of "enlarge.");
- (h) The words "abutting," "adjacent," and "contiguous" shall be synonymous, (See definition of "abutting.");
- (i) All distances shall be measured to the nearest integral foot; six (6) inches or more shall be deemed one (1) foot;
- (j) References to sections shall be deemed to include all subsections within that section; but a reference to a particular subsection designates only that subsection; and
- (k) A general term that follows or is followed by enumerations of specific terms shall not be limited to the enumerated class unless expressly limited.

Section 2-2 SELECTED DEFINITIONS

Abutting: Having a common lot line or district line.

Access Way: A curb cut, ramp, driveway or other means for providing vehicular access to an off-street parking or loading area.

Accessory Structure or Use: Any structure or use that is:

- (a) subordinate and incidental to a principal structure or use;
- (b) subordinate in size or purpose to the principal structure or use which it serves;
- (c) contributing to the comfort, convenience, and necessity of the occupants or the principal structure or use served; and
- (d) located on the same lot as the principal structure or use served.

Administrator: The official, or his representative, appointed by the Village President with the advice and consent of Village Board of Trustees to administer this Development Code.

Adult Business: Any establishment having as a substantial or significant portion of its stock in trade or business activity in use such as, but not limited to, the following: adults-only bookstores, adults-only motion picture theaters, adult entertainment centers, massage parlors, rap parlors, adults-only cabarets or adults-only saunas, where nudity and/or explicit sexual conduct is depicted and/or sexual activity is explicitly or implicitly encouraged or tolerated.

Adult Entertainment Business: Synonymous with “adult business”, as defined herein.

Adult Entertainment Center: An enclosed building or part of an enclosed building, which contains one or more coin-operated mechanisms which when activated permit a customer to view a live person nude or in such attire, costume or clothing as to expose to view the human male or female genitalia; pubic hair; buttocks; perineum; anal or pubic regions; or female breast, at or below the areola thereof. In addition, the viewing of a live person, in the above described manner, after paying of any admission or fee for the viewing of same activity.

Adults-Only: Any items or activities emphasizing, depicting, describing or relating to nudity, explicitly sexual conduct (whether auto-erotic, heterosexual, homosexual or otherwise), bestiality or sadomasochistic activity.

Adults-Only Bookstore: An adults-only establishment having as a substantial or significant portion of its stock in trade, books, magazines, films for sale or viewing on premises by use of motion picture devices or other coin-operated means, and other periodicals which are distinguished or characterized by their principal emphasis on matters depicting, describing or relating to nudity, explicit sexual conduct (whether auto-erotic, heterosexual, homosexual or otherwise), bestiality or sadomasochistic activity. An establishment, having adults-only items as a substantial or significant portion of its stock, which sells or displays adults-only items for sale to patrons therein.

Adults Only Cabaret: An establishment or place primarily in the business of featuring topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators or similar entertainers, where nudity and/or explicit sexual conduct is depicted and/or sexual activity is explicitly or implicitly encouraged or tolerated.

Adults Only Motion-Picture Theater: An enclosed building used regularly and routinely for presenting adults-only material distinguished or characterized by an emphasis on matter depicting, describing or relating to nudity, explicit sexual conduct whether auto-erotic, heterosexual, homosexual or otherwise), bestiality or sadomasochistic activity, for observation by patrons therein.

Agriculture: Any one or any combination of the following: the growing of farm or truck garden crops, dairying, pasturage, horticulture, floriculture, viticulture, or animal/poultry husbandry. The term "agriculture" encompasses the farmhouse, and accessory uses and structures customarily incidental to agricultural activities.

Aisle: A vehicular traffic way within an off-street parking area, used as a means of ingress/egress from parking spaces.

Alley: A public right-of-way which affords a secondary means of vehicular access to abutting premises that front on a nearby street.

Alter: To change the size, shape, or use of a structure.

Amendment: A change in the provisions of this Code (including those portions incorporated by reference), properly effected in accordance with state law and the procedures set forth herein.

Amortize: To eliminate over time in accordance with an established schedule; applies herein to nonconforming signs.

Anchor: Any approved device used to keep a mobile home firmly attached to the stand on which it is placed.

Animal, Domestic: A domesticated animal is one which has extensively and historically been a part of a family or household for pleasure, companionship and protection. Domesticated animals are household pets, and are inclusive of animals, fowl, reptiles and fish such as dogs, cats, parakeets, goldfish and painted turtles.

Animal, Farm: Farm animals are those which have historically been bred, reared and utilized for the production of meat, wool, leather and similar products. This definition is inclusive of all farm animals, fowl, reptiles and fish, such as horses, cattle, rabbits, sheep, geese, chickens, ducks, snakes, and catfish.

Animal Hospital: Any building or portion thereof designed or used for the care, observation, or treatment of animals and which is operated by a Veterinarian licensed by the State of Illinois. An animal hospital is not a kennel for the purposes of this Code.

Animal/Poultry Husbandry Traditional: An activity that focuses on chickens, geese, ducks, turkeys, sheep, goats, swine, hereford cattle, angus cattle, and chalias cattle.

Animal/Poultry Husbandry Non-Traditional: An activity that focuses on any animal not listed as Animal/Poultry Husbandry Traditional by definition of the Village of Caseyville Zoning Ordinance.

Animal. Wild: Wild animals are those animals, fowl, reptiles and fish of the North American Continent not domesticated, such as bears, raccoons, squirrels, alligators, and Gila monsters; animals, fowl, reptiles and fish from other continents shall automatically be considered wild.

Apartment: A dwelling unit situated in a multiple-family dwelling.

Area, Gross: The entire area within the lot lines of the property proposed for subdivision, development, including the areas to be dedicated for street and alley rights-of-way and for public uses.

Area, Net: The entire area within the lot lines of the property proposed for subdivision development, minus the area to be dedicated for street and alley rights-of-way and for public uses.

Arterial Street: A street designed or utilized primarily for high vehicular speeds or for heavy volumes of traffic on a continuous route with intersections at grade, and on which traffic control devices are used to expedite the safe movement of through traffic.

Asphaltic Concrete: A mixture of petroleum byproducts and gravel used for paving to form a smooth, permanent surface. "Asphaltic concrete" does not mean "oil and chip."

Assisted Living Center: A facility for people needing assistance with Activities of Daily Living (ADL's). Assisted living bridges the gap between independent living and nursing homes. Residents are not able to live by themselves but do not require constant care; persons able to care for themselves except for a few activities. An assisted living center may be an independent, freestanding facility or be part of a continuing care retirement community, consisting of independent living residences and nursing homes.

Attached: As applied to buildings, "attached" means having a common wall and/or a common roof.

Automobile Sales Lot: A lot arranged, designed or used for the storage and display for sale of any motor vehicle or any type of trailer, provided, that the trailer is unoccupied; and where no repair work is done except minor incidental repair of automobile or trailer displayed and sold on the premises.

Basement: A story having one-half (1/2) or more of its height below the average level of the adjoining ground.

Beer Garden: A privately owned outdoor facility that is adjacent to a business licensed for operation within the Village and further licensed to sell alcohol for consumption on the premises pursuant to authority granted by a local liquor license issued by the Village and a state liquor license issued by the State of Illinois.

Billboard: Any single or multi-faceted sign displaying messages or advertising not associated with the premises on which said sign is located or to which it is affixed.

Block: An area of land entirely bounded by streets, highways, barriers, or ways (except alleys, pedestrian ways or exterior boundaries of a subdivision unless exterior boundary is a street, highway, or way), or bounded by a combination of streets, public parks, cemeteries, railroad rights-of-way, waterways, or corporate boundary lines.

Boarding House: A residential building or portion thereof--other than a motel or hotel--containing lodging rooms for accommodation of three (3) to ten (10) 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, but not on an overnight or per-meal basis to the transient public.

Buffer Strip: An area of land--undeveloped except for landscaping, fences, etc.--used to protect a use situated on one lot from the deleterious effects of the use on the adjacent lot.

Buildable Area: That portion of a building site exclusive of the required yard areas on which a structure or building improvements may be erected, and including the actual structure, driveway, parking lot, pool, and other construction as shown on the site plan.

Building: Any structure built, used or intended for the support, shelter, protection or enclosure of persons, animals, chattels or property of any kind and which is permanently affixed to the land.

Building, Completely Enclosed: A building separated on all sides from the adjacent open space, or from other buildings or other structures, by a permanent roof and by exterior walls or party walls, pierced only by windows and normal entrance or exit doors.

Building Height: The vertical distance measured from the average grade at the front wall of a building to the highest point of the coping of a flat roof or to the deck line of mansard roof or to the mean height level between eaves and ridge for gable hip, or gambrel roofs. Chimneys, towers, cooling towers, and similar projections (other than signs) shall not be included in calculating building height.

Building Line: The line nearest the front of and across a lot, delineating the minimum open space required between the front of a structure and the street right-of-way line.

Building Permit: A permit issued by the Village to allow for the construction, erection or alteration of a structure, building or lot, which shall be referred to as an Initial Certificate of Code Compliance in this Code.

Bulk: Any one or any combination of the following structural or site design characteristics:

- (a) size or height of structure;
- (b) location of exterior walls at all levels in relation to lot lines, streets, or other structures;
- (c) lot area; and
- (d) yards or setbacks.

Canopy, Marquee Sign: Any sign affixed to, painted on, or suspended from an awning, canopy, marquee, or similar overhang.

Catch Basin: A receptacle, located where a street gutter opens into a storm sewer, designed to retain matter that would not readily pass through the sewer.

Centerline:

- (a) the original centerline, where a right-of-way has been widened irregularly; or
- (b) the centerline of any right-of-way having a uniform width;
- (c) the new centerline, whenever a road has been relocated.

Centerline Offset: The distance between the centerline of two roughly parallel streets, measured along the third street with which both said "parallel" streets intersect.

Certificate of Code Compliance, Final: A permit or other written notification issued by the Administrator indicating that a newly-completed structure complies with all pertinent code requirements and may, therefore, be occupied or used. For example, an occupancy permit may serve as the Final Certificate of Code Compliance.

Certificate of Code Compliance, Initial: A permit or other written notification issued by the Administrator indicating that proposed construction work is in conformity with the requirements of this Code and may, therefore, proceed. For example, a building permit may serve as the Initial Certificate of Code Compliance.

Clinic/Medical Mall: A patient facility wherein licensed physicians or dentists practice medicine or dentistry, but where overnight lodging for sick or injured persons is not provided.

Club/Lodge: A nonprofit association of persons who are bona fide members organized for some purpose(s) and paying regular dues and whose facilities are restricted to members and their guests; not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

Collector Street: A street which carries or is proposed to carry intermediate volumes of traffic from local streets to arterial streets and which may or may not be continuous.

Commercial Greenhouse: See "Nursery."

Commercial Use/Establishment: Any use or establishment wherein goods are purchased or sold, whether to the consuming public (retail) or to other businesses (wholesale).

Comprehensive Plan: The plan or any portion thereof adopted by the Village to guide and coordinate the physical and economic development of the Village. The Comprehensive Plan includes, but is not limited to, plans and programs regarding the location, character, and extent of highways, bridges, public buildings or uses, utilities, schools, residential, commercial or industrial land uses, parks, drainage facilities, etc.

Condominium: System of separate ownership of individual units in multiple-unit building. A single real property parcel with all the unit owners having a right in common to use the elements with separate ownership confined to the individual units which are serially designated.

Conforming: In compliance with the applicable provisions of this Code.

Convenience Shop: Any small retail commercial or service establishment offering goods/services primarily to the residents of a particular multiple family complex mobile home park, or similar development.

Conventionally-Constructed: A term used to describe any type of dwelling other than a mobile home.

Corrective Action Order: A legally-binding order issued by the Administrator in accordance with the procedures set forth herein, to effect compliance with this Code.

Costs: Any and all amounts incurred by the Village for services that are performed by the Village Engineer, Village Attorney, any other retained consultant or professional, and the respective staffs of said persons.

Cross-Slope: The degree of inclination measured across a right-of-way rather than in the direction traffic moves on said right-of-way.

Curb and Gutter, Integral: The rim forming the edge of a street plus the channel for leading off surface water, constructed of poured concrete as a single facility.

Cul-de-Sac: A short minor local street having only one outlet for vehicular traffic and having the other end permanently terminated by a turn-around for vehicles; the term may also be used to refer solely to said turn-around.

Day Care Center: See "Nursery School."

Dedication: The transfer of ownership and/or maintenance responsibility for a street or other facility to the Village or other public entity by the landowner on whose property said facility is located.

Detached: As applied to buildings, "detached" means surrounded by yards on the same lot as the building.

Develop: To erect any structure or to install any improvements on a tract of land, or to undertake any activity (such as grading) in preparation therefore.

Developer: This term includes the plural as well as the singular and is defined as any person, firm, association, partnership, corporation, organization or other entity that has a legal, equitable or contractual interest in land and is subdividing the land, constructing structures on the land, or causing improvements to the land. The definition of this term is not intended to include any third parties performing work on the land at the direction of the owner, general contractor or other entity that has an interest in the development of the land.

Dimensions: Refers to both lot depth and lot width.

District, Zoning: A portion of the territory of the Village wherein certain uniform requirements or various combinations thereof apply to structures, lots, and uses under the terms of this Code.

Drip Line: A vertical line from the outermost portion of the crown of a tree to the ground.

Driveway: A minor way commonly providing vehicular access to a garage or off-street parking area, delineated by an all-weather surface.

Drive-in Restaurant: An establishment principally used for the sale of fast order food for consumption off the premises or in parked cars on the premises. Fast order food means food that is:

- (a) primarily intended for immediate consumption;
- (b) available after a short waiting time; and
- (c) packaged or presented in such a manner that it can be readily eaten outside the premises where it is sold.

Duplex (House): A dwelling which has accommodations for two families, without regard to whether such accommodations are identical or not. The units may be either adjacent to each other or on separate floors.

Dwelling: A building or portion thereof designed or used primarily as living quarters for one or more families, but not including hotels, motels, or other accommodations for the transient public.

Dwelling, Multiple-Family: A building or portion thereof containing three (3) or more dwelling units.

Dwelling, Single-Family: A detached dwelling containing one dwelling unit and intended for the occupancy of one family.

Dwelling, Two-Family: A dwelling containing two (2) dwelling units.

Dwelling Unit: One or more rooms designed or used as living quarters by one family. A "dwelling unit" always includes a bathroom and a kitchen.

Easement: A right to use another person's real property for certain limited purposes.

Enclosed: As applied to a building, "enclosed" means covered by a permanent roof and separated on all sides from adjacent open space or other buildings by fixed exterior walls or by common walls, with openings only for windows and doors.

Enlarge: To increase the size (floor area, height, etc.) of an existing principal structure or accessory use, or to devote more land to an existing use.

Erect: To build, construct.

Establishment: Either of the following:

- (a) an institutional, business, commercial or industrial activity that is the sole occupant of one or more buildings; or
- (b) an institutional, business, commercial or industrial activity that occupies a portion of a building such that:
 1. the activity is a logical and separate entity from the other activities within the building and not a department of the whole; and
 2. the activity has either a separate entrance from the exterior of the building, or a separate entrance from a common and clearly defined entryway that has direct access to the exterior of the building.

Existing: Actually constructed or in operation on the effective date of this Code.

Escrow Deposit: A deposit in cash or other approved securities to assure the completion of improvements within a subdivision.

Expenses: Any and all amounts incurred by the Village for, but not limited to, items such as postage, copies, publication, amounts paid to the Recorder of Deeds and amounts paid to any Court Reporter.

Family: One (1) person, or two (2) or more persons related by blood, marriage, or legal adoption, or not more than three (3) unrelated persons, maintaining a common household in a dwelling unit.

Federal Manufactured Home Construction and Safety Standards: Since June 15, 1976 this has been the national building code for all manufactured homes. This Code, written and administered by the U.S. Department of Housing and Urban Development (HUD), states that "Federal Manufactured Home Construction and Safety Standard means a reasonable standard for

the construction, design, and performance of a manufactured home which meets the needs of the public including the need for quality, durability, and safety," (U.S. Public Law 93-383).

Fees: Any and all amounts that are required to be paid by an applicant to the Village at the time of application for any land use request or Initial Certificate of Code Compliance.

Fence: A structural enclosure or barrier consisting of wood, wire, vinyl, or metal that partly or fully obscures vision, light, or air and that partially or completely surrounds a zoning lot intended to prevent escape or intrusion or to mark boundaries but not including a hedge, plantings, or natural growth.

Fence, Open: A fence including any gates in said fence which permits direct vision through at least ninety (90) percent of the vertical surface area, e.g., chain link or woven wire without slats.

Fence, Privacy: A fence that is greater than thirty-six (36) inches in height or allows less than 80% visibility through the fence.

Fence, Protective: A fence including any gates in said fence that encloses an "attractive" facility posing a potential hazard to unsupervised persons, e.g., swimming pool.

Fence, Safety: A solid and substantially built accessory structure placed between pedestrian or vehicular right-of-way and a site containing any hazardous, noxious, or toxic condition.

Flood Elevation, Regulatory: The elevation of the flood that, on the basis of Corps of Engineers data, may be expected to occur once every one hundred (100) years.

Floodplain Area: The area adjacent to a water course and its tributaries having an elevation equal to or lower than the regulatory flood elevation. Tracts of land less than ten (10) acres in area that, naturally or by landfill, have an elevation higher than the regulatory flood elevation shall be included in the floodplain area if they are surrounded by land in the floodplain area.

Floor Area, Gross: The sum of the gross horizontal areas of the several floors of a building, measured from the exterior faces of the exterior walls or from the center of the common walls of attached buildings. Gross floor area includes basement floors; attic floor space; halls, closets, stairwells; space devoted to mechanical equipment; and enclosed porches.

Flush-Mounted Sign: Any sign attached to or erected against a wall of a structure with the exposed face of the sign in a plane approximately parallel to the plane of the wall and not projecting more than 18 inches. A flush-mounted sign displays only messages associated with the building to which said sign is attached.

Free-Standing Sign: Any sign supported by one or more uprights, poles, or braces placed in or upon the ground, or any sign supported by any structure erected primarily for the display and support of the sign; provided that a free-standing sign displays only messages associated with the premises on which said sign is situated.

Frontage: The lineal extent of the front (street-side) of a lot.

Frontage Road: A minor street fronting on an arterial street or highway (usually a limited access highway), used for access to abutting lots.

Grade: See "Slope."

Grandfather Clause: A lot, structure, or use existing prior to enactment of this Code that does not conform with its applicable provisions. As a nonconforming lot, structure, or use it can remain or continue by allowing it to be "grandfathered" into the Village until such time as there is a cause to alter, enlarge, modify, reconstruct, relocate, or renovate the nonconformity then said lot, structure, or use shall be required to meet all the regulations of the Development Code and all other applicable codes and ordinances.

Graywater: Defined as washing machine water, sewage, hot water tank flushing water and any other water that can be discharged into a sanitary sewer system under the law and regulation of the Illinois Environmental Protection Agency, the Illinois State Plumbing Code and the United States Clean Water Act.

Ground Water Table: The level of the subsurface water.

Guarantee: The security for the completion of required public improvements which shall take the form of one of the following at the option of the Board of Trustees: (1) a performance bond; (2) an escrow arrangement to be deposited with the Village Treasurer; (3) a letter of credit certifying that adequate funds are and will be available at a banking or financial institution authorized to do business in the State of Illinois and approved by the Board of Trustees; or (4) any other form of security approved by the Board of Trustees. All guarantees must be approved by the Village Engineer and the Village Attorney. The Village must be the primary recipient of any guarantee, regardless of any other bond or guarantee already posted on a land use project.

Hardship: As used in the provisions of this Code pertaining to variances, "hardship" means unreasonable difficulty in complying with Code requirements due to the condition or topography of the land, location of the structure, or similar factors. "Hardship" does not mean personal or family problems or similar matters.

Hereafter: Any time after the effective date of this Code.

Home Occupation: Any business, profession, or occupation conducted for gain entirely within a dwelling or on residential premises in conformity with the provisions of this Code.

ILCS - Illinois Compiled Statutes 1992: Pursuant to P.A. 87-1005; effective January 1993, the Illinois Compiled Statutes 1992 represent the systematic codification for the statutory laws of Illinois thereby replacing Illinois Revised Statutes 1991.

Illinois Manufactured Housing and Mobile Home Safety Act: An Act to provide for the establishment of safety standards for construction for modular residences and commercial mobile

structures. P.A. 78-929, certified November 14, 1973, effective July 1, 1974; amended by P.A. 79-731, effective October 1, 1975. The Act is regulated by the Illinois Department of Public Health.

Immobilize: As applied to a mobile home, "immobilize" means to remove the wheels, tongue, and hitch and placed on a permanent foundation.

Improvements: Any street, curb and gutter, sidewalk, drainage ditch, sewer, catch basin, trees, off-street parking area, or other facility necessary for the general use of property owners in a subdivision.

Improvements Plans: The engineering plans showing types of materials and construction details for the structures and facilities to be installed in, or in conjunction with, a development or a subdivision.

Interchange Area: The area of the Village in the vicinity of Illinois Route 157 and Interstate Highway 64.

Intersection: The point at which two or more public rights-of-way (generally streets) meet.

Junk: Deteriorated, dilapidated or, and discarded manufactured goods, appliances, fixtures, furniture, machinery, personal property, vehicles or any other thing or part thereof that is in a condition as to be generally unusable and/or inoperable in its existing state and is stored outdoors. Such articles shall include materials made out of glass, metals, paper, plastics, rags, rubber and wood.

Junkyard: The use of any lot, plot, parcel, tract of land or contiguous groups of the same including any accessory structures thereon, that is used as a salvage yard (sale, storage, display) or for the disassembly or abandonment of junk, including the demolition, dismantling, and abandonment of automobiles or other vehicles and machinery or parts thereof. A junkyard shall include a lot on which three (3) or more inoperable vehicles are stored.

Kennel: Any structure or premises or portion thereof on which more than three (3) dogs, cats, or other household domestic animals are kept. An animal hospital is specifically excluded from this definition for the purposes of this Code.

Land Use: Includes, but is not limited to, any subdivision, planned unit development, rezoning, special use permit, variance, site plan, land disturbance activities and/or the construction, rehabilitation, remodeling or addition to any structure.

Loading Space: An off-street space used for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

Local Street: A street serving limited amounts of residential traffic, and used for access to abutting property.

Lot: A tract of land intended as a unit for the purpose (whether immediate or future) of development or transfer of ownership. A "lot" may or may not coincide with a "lot of record".

Lot, Corner: A lot having at least two (2) adjacent sides that abut for their full length upon streets. Both such side lines shall be deemed front lot lines.

Lot, Through: A lot having a pair of approximately parallel lot lines that abut two (2) approximately parallel streets. Both such lot lines shall be deemed front lot lines.

Lot Area: The area of a horizontal plane bounded by the front, side, and rear lines of a lot.

Lot Depth: The average horizontal distance between the front lot line and the rear lot line of a lot.

Lot Line, Front: The lot boundary abutting the street.

Lot Line, Rear: An interior lot line which is most distant from and most nearly parallel to the front lot line.

Lot Line, Side: Any boundary of a lot which is not a front lot line or a rear lot line.

Lot of Record: An area of land designated as a lot on a plat of subdivision recorded with the Recorder of Deeds of St. Clair County, Illinois, in accordance with State law.

Lot Width: The mean horizontal width of a lot measured at right angles to the side lot lines.

Maintenance: The routine upkeep of a structure, premises, or equipment, including the replacement or modification of structural components to the extent necessary to keep said structure in sound condition.

Maintenance Bond: A surety bond approved by the Village, issued to guarantee the maintenance of improvements within a subdivision until such time when said improvements are dedicated to the appropriate public entity.

Manufactured Home: A factory-built structure, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or when erected on site is three hundred twenty (320) or more square feet 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. Approved manufactured homes will have a red metal label permanently affixed to the rear of each towable unit. (See: Appendix A.)

Manufactured Home Community: The manufactured home community consists of sites with appropriate and adequate community services, recreational facilities, utilities, streets and sidewalks provided by the developer. Usually the community resident pays a monthly site-rental fee.

Manufactured Home Quality Assurance Act: Effective January 1, 2002 the “Act” (HB 0681) charges the Illinois Department of Public Health with adopting requirements for the installation of manufactured homes, with licensing installers of manufactured homes and with licensing the manufacturers of manufactured home. The licensed installer is required to place a manufactured home installation seal on the exterior of the home immediately below the red HUD label. Each seal is numbered so that the Illinois Department of Public Health can determine the installer. The licensed installer will complete a Manufactured Home Installation Certificate, copies of which are to be sent or presented to the Illinois Department of Public Health; dealer; homeowner; and one for the installer to keep.

Manufactured Home Subdivision: In a subdivision, unlike a manufactured home community, individual lots sold to the manufactured home owner instead of the developer. The Village or other provider will provide public services and land owners follow local codes. Because these homes are usually on permanent foundations the homes are taxed as real property.

Manufactured Housing: See Appendix A.

Marginal Access Street: A minor local street providing access to abutting properties.

Massage Parlor: An establishment or place primarily in the business of providing massage services, where explicit sexual conduct is depicted and/or sexual activity is explicitly or implicitly encouraged or tolerated.

Mini-Warehouse: A structure containing separate storage spaces of varying sizes leased or rented on an individual bases. Comment: Spaces are usually thirty (30) to four hundred (400) square feet with direct access to paved driveways. The structures are usually one-story structures and resemble a series of attached garages. The space is often used to store inactive business records, household goods and even antique cars or recreation vehicles. In zones where permitted, the regulations should specify height (one-store usually), distance between structures and width of driveway (15 feet), and whether outdoor storage is permitted (some allow boats and similar large items). The regulations should specify whether the space can be used for other than storage (rock and roll rehearsal halls, for example), and security measures such as lights, resident manager and fences, should be considered. See Warehouse.

Mobile Home: A movable or portable unit, which is eight (8) body feet or more in width and is thirty-two (32) body feet or more in length, and constructed to be towed on its own chassis (comprised of frame and wheels) from the place of construction to the location or subsequent locations and designed to be used without a permanent foundation and connected to utilities for year round occupancy with or without a permanent foundation. A term generally used for "manufactured home" prior to October 1980 as defined by federal standards since the Department of Housing and Urban Development now regulates the construction of “manufactured home” structures.

Mobile Home, Dependent: A term used to describe a "mobile home" which does not have toilet and bath or shower facilities. A "dependent mobile home" is considered a travel trailer under this Code.

Mobile Home Park: A parcel not less than five (5) acres in area in single ownership, control, developed with facilities for accommodating occupied mobile homes in accordance with the requirements of this Code and State of Illinois regulations.

Mobile Home Skirting: The covering affixed to the bottom of the exterior walls of a mobile home to conceal the underside thereof.

Mobile Home Space: A portion of a mobile home park designed and improved for the placement of one mobile home and the private use of the occupants thereof.

Mobile Home Stand: The part of a mobile home space beneath the mobile home that includes the concrete slab or runners on which the home is placed and to which it is anchored.

Mobile Structure: Those units defined in the Illinois Manufactured Housing and Mobile Home Safety Act as "mobile homes." The term shall include units designed for the purpose of housing more than one family, commercial units, industrial units and educational units. Single family units constructed in accordance with the Federal Manufactured Home Construction and Safety Standard (42 U.S.C. 5401) are not considered "mobile structures."

Mobile or Portable Marquee: A term used to describe any sign designed to be including (but not limited to) signs attached to wood or metal frames designed to be self-supporting and movable; or paper, cardboard, or canvas signs wrapped around supporting poles.

Modular Dwelling: A factory-built modular unit designed for dwelling habitation housing, and residential purposes for one or more persons.

Modular Home: A building assembly or system of building sub-assemblies, designed for habitation as a dwelling for one or more persons, including the necessary electrical, plumbing, heating, ventilating and other service systems, which is of closed or open construction and which is made or assembled by a manufacturer, on or off the building site, for installation, or assembly and installation, on the building site, with a permanent foundation. A modular home shall be in compliance with the safety codes as promulgated by the Illinois Department of Public Health. An Illinois approved modular unit will have a yellow seal in the shape of Illinois affixed to the electrical panel box of each unit. See Appendix A.

Nonconforming: As applied to a lot, structure, or use, "nonconforming" means 1) lawfully existing on the effective date of this Code but 2) not in compliance with the applicable provisions thereof.

Nudity: The display of the human male or female genitalia; pubic hair; buttocks; perineum; anal or pubic regions; female breast, at or below the areola thereof, with no covering or with less than fully opaque covering; or, male genitalia, in a discernible turgid state, with or without covering.

Nuisance: Any thing, condition, or conduct that endangers health, or unreasonably offends the senses, or obstructs the free use and comfortable enjoyment of property, or essentially interferes with the comfortable enjoyment of life.

Nursery: A tract of land on which trees, shrubs, and other plants are raised for transplanting and sale, and including any structure in which said activities are conducted.

Nursery School: An establishment for the part-time care and or instruction at any time of day of four (4) or more unrelated children of pre-elementary school age.

Nursing Home: A building used as a medical care facility for persons who need long-term nursing care and medical service, but do not require intensive hospital care. (See DIV II, Art. 5, Sec. 5-7).

Obscene: Any material or performance is obscene if:

- (a) The average person, applying contemporary adult community standards, would find that, taken as a whole, it appeals to the prurient interest; and
- (b) The average person, applying contemporary adult community standards, would find that it depicts or describes, in a patently offensive way, ultimate sexual acts or sadomasochistic sexual acts, whether normal or perverted, actual or simulated, or masturbation, excretory functions or lewd exhibition of the genitals; and
- (c) Taken as a whole, it lacks serious literary, artistic, political or scientific value. (Statutory reference; 720 Illinois Compiled Statutes 5/11-20.)

Occupancy Permit: A permit issued by the Village which is required for the occupancy of a residential building, commercial building or industrial building, which shall also be referred to as a Final Certificate of Code Compliance in this Code.

Office: Any building or portion thereof in which the business (usually clerical and administrative affairs) of a commercial/service enterprise or professional person is transacted.

Official Map: A graphic statement of the capital improvements planned by the Village which require the acquisition of land.

Owner: This term includes the plural as well as the singular and is defined as a person, firm, association, partnership, corporation, organization or combination of any of them which has a legal or equitable interest in real or personal property located within the jurisdiction of the Village. An "owner" includes, but is not limited to, any petitioner, applicant, developer, contractor, builder, property owner, subdivider or party making a land use request.

Parking Area/Lot, Off-Street: Land that is improved in accordance with this Code and used primarily for the storage of passenger motor vehicles, free of charge or for compensation. An

"off-street parking area," depending on the circumstances of its use, may be either a principal use or an accessory use.

Parking Space, Off-Street: An area at least twenty (20) feet long and ten (10) feet wide within an off-street parking area or garage, used for the storage of one passenger motor vehicle.

Patron: Any customer, patron or visitor to an adult business who is not employed by any operator of said establishment.

Pawnbroker: Any person, firm, corporation or entity engaged in the business of receiving property in pledge or as security for money or other thing advanced to the pawner or pledger of said property.

Payday Loan Business: Any person, corporation or business which processes consumer loan transactions, made for a period of one hundred twenty (120) days or less, that are secured by: the holding of a check from the consumer; an interest in the consumer's wages; or an authorization to debit the consumer's bank account.

Performance Bond: A surety bond approved by the Village, issued to guarantee the installation of required improvements within, or in conjunction with, a subdivision.

Permanent Foundation: A closed perimeter formation consisting of materials such as concrete, mortared concrete block, or mortared brick extending into the ground below the frost line, excluding the use of piers.

Permitted Use: Any use which is or may be, lawfully established, in a particular district(s), provided it conforms with all the requirements applicable to such district(s).

Planned Unit Development (PUD): An area with specified minimum contiguous acreage to be developed as a single entity according to a plan, containing one or more residential clusters or planned unit residential developments and one or more public, quasi-public, commercial or industrial areas in such ranges of ratios of nonresidential uses to residential uses as shall be specified in the zoning ordinance.

Area of land controlled by landowner to be developed as a single entity for a number of dwelling units, and commercial and industrial uses, if any, the plan for which does not correspond in lot size, bulk or type of dwelling or commercial or industrial use, density, lot coverage and required open space to the regulations established in any one or more districts, created from time to time, under the provision of a municipal zoning ordinance enacted pursuant to the conventional zoning enabling act of the state.

A tract of land which is developed as a unit under single ownership or control, which includes two (2) or more principal buildings, and which is at least five (5) acres in area, except for planned development operated by a municipal corporation which shall be at least two (2) acres in area, and planned industrial developments, which shall be at least ten (10) acres in area. A planned unit development is a comprehensively planned development containing residential,

commercial, industrial, or other land uses. A planned unit development may contain a single type of land use or combination of land uses provided that such development is reviewed, evaluated and approved by the Village.

Planning Commission: The Planning Commission of the Village of Caseyville, Illinois.

Plat Final: The final engineering and architectural maps, drawings, and supportive material indicating the subdivider's plan of the subdivision which, if approved, may be filed with the St. Clair County Recorder of Deeds.

Plat, Preliminary: Preliminary engineering and architectural maps, drawings, and supportive material indicating the proposed layout of a subdivision.

Premises: A lot and all the structures and uses thereon.

Primary Utility: Any utility facility that generates a product including, but not limited to, a water treatment facility, a waste treatment facility or a power generating facility.

Principal Building/Structure/Use: The main structure erected on or the main use occupying a lot, as distinguished from an accessory (subordinate) structure or use.

Projecting Sign: Any sign which is suspended from or supported by a wall, awning, canopy, marquee, etc., and which is approximately perpendicular thereto. A projecting sign displays only messages associated with the structure to which it is attached.

Property Line: See "Lot Line."

Public: As applied to utilities, "public" means either government-owned or owned by an established firm serving a wide geographical area and/or a substantial number of persons.

Rap Parlor: Any establishment or place primarily in the business of providing nonprofessional conversation or similar services for adults, where explicit sexual conduct is depicted and/or sexual activity is explicitly or implicitly encouraged or tolerated.

Recreational Vehicle: A term encompassing any type of vehicle used primarily for pleasure such as travel trailers, motor homes, boats, snowmobiles, etc.

Renewable Energy: Solar, Wind, Wave Power, Hydroelectricity and biomass; renewable energy sources are primary utilities.

Re-Sell-It-Shop: An entity that has as the majority of its business activity the handling of merchandise meeting the definition of second-hand goods.

Restrictive: Tending to keep within prescribed limits.

Retail: Refers to the sale of goods or services directly to the consumer rather than to another business.

Reverse Curve: A curve in a street heading in approximately the opposite direction from the curve immediately preceding it so as to form an S-shape.

Right-of-Way, Public: A strip of land which the owner/subdivider has dedicated to the Village or other unit of government for streets and alleys.

Roadside Stand: A structure, not permanently fixed to the ground, for the display and sale of products with no space for customers within the structure itself. All roadside stands are deemed to be an accessory use. A roadside stand shall not exceed ground coverage of three hundred (300) square feet, and will be limited to one (1) roadside stand per parcel of property.

Roof Line: A horizontal line parallel to the average ground level of a building along the front thereof, which line delineates the highest point of a flat roof; or where the flat surface area of a gable, hip, mansard, or gambrel roof is in view from the ground level, the line of demarcation between the flat surface and the vertically structured facade; or the line along the front of a building delineating the roof line between eaves and ridge for gable, hip, and gambrel roofs.

Rooming House: See "Boarding House."

Sadomasochistic Activity: Flagellation or torture by or upon a nude person; a person clad in undergarments, a mask or bizarre costume. In addition, the condition of being fettered, bound or otherwise physically restrained with the intent to stimulate or arouse sexually the initiator and/or the recipient.

Salvage Yard: Any lot, parcel, or tract of land or contiguous parcels of land used for the purposes of reclaiming, restoring, and reconditioning or parts thereof for resale or sale.

Sanitary Landfill: A tract of open land used for the permanent disposal of refuse in accordance with the requirements of the Illinois Environmental Protection Agency. At a "sanitary landfill" the refuse is periodically covered with topsoil.

Sanitary Station: A facility within a travel trailer park, built in compliance with the standards of this Code, and used for the disposal of sewage from travel trailer storage tanks.

Sauna: An establishment or place primarily in the business of providing a steam bath and/or massage services, where explicit sexual conduct is depicted and/or sexual activity is explicitly or implicitly encouraged or tolerated.

Screening: Trees, shrubs, walls, solid fences, etc. used as a means of visual and noise control.

Second-Hand Goods: Goods acquired new from a manufacturer, wholesaler or retailer and then later resold, leased or acquired by a separate entity than first acquired said goods in a new form from the original manufacturer, wholesaler or retailer.

Secondary Utility: Any utility facility that transfers a product that was previously generated or will be generated at a separate utility facility including, but not limited to, an electrical substation, gas regulator station, telephone exchange facility or cell tower.

Service Building: A structure within a mobile home park or travel trailer park that contains toilet facilities, clothes washers and dryers, and, in some instances, a convenience store.

Service Station: A building and premises or portion thereof designed and used for the retail sale of gasoline or other automotive fuel, oil, and automotive parts, supplies, and accessories. A filling station may include facilities for washing vehicles and for making minor automotive repairs.

Service Use/Establishment: Any use, or establishment wherein services are provided for remuneration either to individuals or to other firms.

Setback: The minimum horizontal distance between a street line and: (a) the nearest wall of a building or side of a structure facing such street line or (b) the edge of the area of operation of a principal use involving no building or structure.

Setback Line: See "Building Line".

Sexual Activity: Physical sexual contact between individuals, animals or objects (animated or inanimate) that involves the genitalia of at least one person; said contact can be heterosexual, homosexual, auto-erotic or otherwise.

Sexual Conduct: Ultimate sex acts (whether auto-erotic, heterosexual, homosexual or otherwise), bestiality or sadomasochistic activity. In addition, physical contact, intended to stimulate or arouse sexually the initiator and/or the recipient with a person's unclothed genitalia, buttocks, perineum, anal or pubic regions, or female breast.

Sign: Any object, device, display, or structure, or part thereof, used to advertise, identify, display, or attract attention to a person, establishment, product, service, or event by any means including words, letters, figures, designs, symbols, fixtures, colors, illumination, etc. The term sign includes but is not limited to every projecting sign; free-standing sign; window sign; awning, canopy, marquee sign; changeable copy sign; illuminated sign; moving sign; temporary sign; portable sign; pennants, banners, streamers or any other attention-getting device, or other display whether affixed to a building or erected elsewhere on the premises.

Sign Area: The entire area within a single continuous perimeter enclosing the extreme limits of the message and the background thereof, calculated in accordance with the provisions of Division III of this Code.

Sign Area Allowance: The maximum total sign area of all signs that an establishment is permitted to display.

Single-Family Dwelling: A permanent structure, placed on a permanent foundation, having one or more rooms with provisions for living, sanitary and sleeping facilities, arranged for the use of one or more individuals. These dwellings shall include site-built, manufactured and modular homes.

Site Development Permit: A permit issued by the Village which is required for the stripping, grading, excavating or filling of any land within jurisdiction of the Village, which shall also be referred to as an Initial Certificate of Code Compliance in this Code.

Slope: The degree of inclination of the site or right-of-way, expressed as a percentage.

Solar Energy: Solar powered electrical generation relying on heat engines and photovoltaic's and using either passive solar or active solar technologies to capture, convert, and distribute solar energy. Since solar energy is not available at night, energy storage is necessary because modern energy systems assume continuous available energy; thermal mass storage systems are required.

Solar Farm: A compilation of solar arrays, thermal mass storage systems and distribution systems, to produce, store and distribute electricity from solar energy.

Solar, Residential: A detached dwelling containing one dwelling unit and intended for the occupancy of one family that is either designed or retrofitted to produce, store and distribute electricity from solar energy.

Special Use: A use that has unusual operational, physical, or other characteristics which distinguish it from the permitted uses of a district, but which can be made compatible with the intended over-all development within a district. Special uses commonly must meet special standards not necessarily applicable to permitted uses in the district, and are allowed only by permit.

Special Use Permit: A permit, issued in accordance with the provisions of this Code to allow development of a special use.

Specimen Tree: A tree which has been determined by the Village to be of high value because of its type, size or other criteria, and which has been so designated as part of the official records of the Village.

Stable: A structure situated on the same lot as a dwelling, and designed or used for housing horses for the private use of occupants of the dwelling, but not for hire.

Stop Order: A type of corrective action order used by the Administrator to halt work-in-progress that is in violation of this Code.

Storm Shelter: A building, structure or portion(s) thereof, constructed in accordance with ICC/NSSA Standard for the Design and Construction of Storm Shelters ICC 500 – 2008, as amended from time to time by ICC/NSSA, designated for use during a severe wind storm event such as a hurricane or tornado.

- Community Storm Shelter. Any storm shelter not defined as a Residential Storm Shelter.
- Residential Storm Shelter. Any storm shelter serving occupants of dwelling units and having an occupant load not exceeding 16 persons.

(See DIV VIII, Art. 10).

Stormwater Management: Managing the quantity and quality of stormwater using both structural or engineered control devices and systems, as well as operational or procedural practices, but also including strategic site design, measures to control the sources of runoff, and landscape planning.

Street: A public or private way for motor vehicle travel. The term "street" includes a highway, thoroughfare, parkway, through way, road, pike, avenue, boulevard, lane, place, drive, court and similar designations, but excludes an alley or way for pedestrian use only.

Street Platted: A street designed, drawn and/or described on a final plat of a subdivision of land or on an instrument of land transfer, that are recorded at the St. Clair County Recorder of Deeds Office.

Street, Private: Any street providing access to abutting property that is not maintained by and dedicated to the Village or other public entity.

Structure: Anything constructed or erected on the ground, or attached to something having a fixed location on the ground. All buildings are structures, but not all structures are buildings.

Structure, Temporary: Any structure that is not attached to a permanent foundation.

Stub Street: A street that is temporarily terminated, but that is planned for future continuation.

Subdivider: Any person, firm, partnership, association, corporation, estate or other group or combination acting as a unit, dividing or proposing to divide land in a manner that constitutes a subdivision as herein defined.

Subdivision: The division of land into two (2) or more lots or parcels for the purpose of either immediate or future sale, rental or building development or use(s) other than agricultural use or production. (2) Establishment or dedication of a public street or alley through a tract of land regardless of size. (3) The division of land, as defined by Illinois Codified Statutes, particularly at 765 ILCS 205 (Plat Act), which required a plat by said statute. The term "subdivision" shall also include all re-subdivisions of land or lots, excepting conveyances between adjoining owners for the purpose of correcting or adjusting common boundaries.

Subdivision, Minor: A division of land into no more than two (2) lots, all of which front upon an existing street, and not involving any new streets, other rights-of-way, easements, public improvements, or other provisions for public areas and facilities and meet minimum lot standards as defined in Division II of Development Code.

Subdivision Variance: A relaxation in the strict application of the subdivision design and improvements standards.

Temporary Housing: On the same lot while the owner is building a permanent dwelling on the lot or tract. Also, may be for the occupancy by a family member to serve as custodian providing continuing care to the lot owner/resident.

Temporary Use: An event, enterprise, and/or structure used in the Village for a limited time.

Temporary Use Permit: A permit issued by the Village in accordance with the provisions of this Code authorizing the occupation and operation of a temporary use.

Thermal Mass Storage Systems: Systems that store solar energy in the form of heat that can deliver heat at temperatures comparable with conventional power systems to provide continuous energy at times when direct solar powered electrical generation is not available. Thermal mass storage systems are considered part of the solar energy system and therefore part of the Primary Utility function of solar farms, the same as heat engines and photovoltaics are part of the Primary Utility function.

Title Loan Business: Any person, corporation or business which process consumer loan transactions, made for a period of one hundred twenty (120) days or less, that are secured by a state-issued certificate of title or certificate of ownership for personal property.

Topography: The relief features or surface configuration of an area.

Town House: Type of dwelling unit normally having two, but sometimes three, stories; usually connected to a similar structure by a common wall, and commonly (particularly in planned unit developments) sharing and owning in common the surrounding grounds.

Travel Trailer: A mobile structure designed for temporary occupancy.

Travel Trailer Park: A lot developed with facilities for accommodating temporarily occupied travel trailers in accordance with the requirements of this Code.

Use: The purpose or activity for which land or a structure thereon is designed, arranged, intended, occupied or maintained.

Utility Substation: A secondary utility facility, includes, but is not limited to, an electrical substation, natural gas regulator station, telephone exchange facility, cell tower, lift station, or water storage facility.

Vacant: As applied to a lot, "vacant" means that no structure is situated thereon.

Vacate: To terminate the legal existence of a right-of-way or subdivision, and to so note on the final plat recorded with the St. Clair County Recorder of Deeds.

Variance: A relaxation of the strict application of the lot size, setbacks, or other bulk requirements applicable to a particular lot or structure.

Vehicle Repair: A service and building used for vehicle repair with its necessary storage and parking for vehicles while awaiting service or pick-up. Excludes the storage of junk vehicles.

Villa: Semi-detached residence with yard

Village: The Village of Caseyville, Illinois.

Wall: An obscuring barrier or enclosure that partly or completely surrounds a zoning lot to prevent escape or intrusion or marks boundaries and whose vertical surface is closed, thus preventing the passage of light, air, or vision in a horizontal plane and which may be constructed of brick, concrete, masonry, metal or similar materials. A wall also serves as a retaining structure or to support a ceiling or foundation and roof.

Warehouse: A building used primarily for the storage of goods and materials. (See definition of Mini-Warehouse.)

Warehousing: Terminal facilities for handling freight with or without maintenance facilities.

Warehousing, Private: Terminal facilities operated for a specific commercial establishment or group of establishments in a particular industrial or economic field.

Warehousing, Public: Terminal facilities available to the general public, at a fee, for the storage of farm products, furniture and other household goods, or commercial or private goods of any nature.

Wholesale: Refers to the sale of goods or services by one business to another business.

Wind Energy: The using of wind turbines to produce electricity.

Wind Farm: The use of individual wind turbines interconnected with a medium voltage collection system and communication network to transmit electricity to a substation where the medium voltage electrical current is increased in voltage with a transformer for connection to the high voltage electric power transmission system (grid).

Window Sign: Any sign visible from the exterior of a building or structure which is painted directly on the surface of a window or affixed to or suspended immediately behind the window for the purpose of informing the passer-by of the identity of the proprietor or business, or of the product or service which can be obtained on the premises.

Yard: Open space that is unobstructed except as specifically permitted in this Code and that is located on the same lot as the principal building.

Yard, Area: The front, side, and rear yard areas as required under this Code and the zoning district requirements applicable thereto.

Yard, Front: A yard which is bounded by the side lot lines, front lot line, and the building line.

Yard, Rear: A yard which is bounded by side lot lines, rear lot line, and the rear yard building line.

Yard, Side: A yard which is bounded by the rear yard line, front yard line, side yard line, and side lot line.

Zoning Board of Appeals: The Zoning Board of Appeals of the Village of Caseyville, Illinois.

Zoning Map: The map(s) and any amendments thereto designating zoning districts, and incorporated into this Code by reference.

ARTICLE 3 GENERAL ZONING REGULATIONS

Section 3-1 ESTABLISHMENT OF DISTRICTS

In order to implement the regulatory scheme of this Code so as to achieve the objectives enumerated in Article 1, the Village is hereby divided into the following zoning districts:

<u>DISTRICT</u>	<u>DESIGNATION</u>	<u>MINIMUM AREA*</u>
Agricultural	“A”	5 acres
Single-Family Residence	“SR-1”	5 acres
Single-Family	“SR-2”	5 acres
Mobile Home	“MH”	5 acres
Multiple-Family Residence	“MR”	2 acres
General Business	“B-1”	2 acres
Highway Business	“B-2”	5 acres
Industrial	“I-1”	5 acres
Industrial	“I-2”	5 acres

*The "minimum area" requirement (which is intended to prevent spot zoning) refers to the smallest total area of contiguous parcels that can properly be given the particular district classification. The minimum area requirement is not satisfied merely because the areas of numerous noncontiguous parcels, when aggregated, happen to equal or exceed the minimum area indicated above.

Section 3-2 ZONING MAP AND DISTRICT BOUNDARIES

The boundaries of the listed zoning districts are hereby established as shown on the official zoning map of the Village. This official map, including all notations and other information thereon, is hereby made part of this Code by reference. The Official Zoning Map shall be kept on file in the Administrator's office.

3-2.1 ANNUAL PUBLICATION:

In accordance with State Law (65 ILCS 5/11-13-19), the Administrator shall publish a legal notice of the zoning map of the Village not later than March 31 of each year. The Zoning Map will be available to be viewed at the Village Hall. However, no map need be published for any calendar year during which there have been no changes in zoning districts or regulations.

3-2.2 DETERMINING TERRITORY OF DISTRICTS WITH PRECISION:

In determining with precision what territory is actually included within any zoning district, the Administrator, with the advice of the Planning Commission, shall apply the following rules:

- (a) Where a district boundary as indicated on the zoning map approximately follows any of the features listed below on the left, the corresponding feature on the right shall be deemed the district boundary:
1. Centerline of any street, alley, or highway Such centerline.
 2. Lot line Such lot line.
 3. Railroad tracks Right-of-way line of such tracks.
 4. Stream Center of such stream.
 5. Section lines, quarter section lines,
quarter-quarter section lines, survey lines Such lines.
- (b) Whenever any street, alley, or other public way is legally vacated, the zoning districts adjoining each side of such vacated public way shall automatically extend to the center of such way, and all territory included in the vacated way shall thereafter be subject to all regulations of the extended districts.
- (c) Any territory (including all bodies of water) within the Village that is not shown on the zoning map as being located within any district shall comply with the zoning regulations of the most restrictive adjoining district.

3-2.3 ANNEXED TERRITORY:

Any territory annexed to the Village after the effective date of this Code shall automatically be given the zoning district designation most similar to its classification prior to annexation; provided, that upon the recommendation of the Planning Commission and after a public hearing, the Board of Trustees may zone newly-annexed territory as they see fit.

Section 3-3 GENERAL PROHIBITION

No structure or part thereof shall be erected, used, occupied, enlarged, altered, relocated or reconstructed except in conformity with the provisions of this Article. Similarly, no lot or part thereof shall be used, occupied, or developed except in conformity with the provisions of this Article.

Section 3-4 UNLISTED USE PROHIBITED

Whenever any use is not specifically listed as permitted or special within a particular zoning district, such use shall be deemed prohibited in that district. However, if the Board of Trustees, following consultation with the Administrator and the Planning Commission, finds that the unlisted use is similar to and compatible with the listed uses they may amend this Article to allow such use. The Board of Trustees decision shall become a permanent public record, and any unlisted use that they approve shall thereafter have the same status as listed uses. (See: Division II Section 10-3.)

Section 3-5 TEMPORARY USES

Temporary uses in the Village shall be authorized by the issuance of a temporary use permit. Application for a temporary use permit shall be treated in substantially the same manner as a special use permit (See: Division II Section 10-2.). The following list of uses are considered temporary uses requiring a temporary use permit. All time limits, hours of operations, and duration for said temporary use shall be established at the time of application.

3-5.1 TYPES OF TEMPORARY USES:

Animal shows or sales

Arts and crafts shows, outdoor

Carnivals and circuses with mechanical rides

Christmas tree sales

Construction structures, e.g., contractor's office, model homes, sales offices

Emergency housing in response to fire or natural disaster

Estate Auctions

Halloween haunted houses

Live entertainment events, e.g., outdoor concerts, cultural events and organized picnics

Parades and marches

Street fairs, festivals, and block parties

Swap meets and rummage sales

Temporary residential use

Trade fairs

Yard and garage sales

3-5.2 GENERAL STANDARDS FOR TEMPORARY USES:

The following standards are general and may not apply to every temporary use situation as determined by recommendation to the Board of Trustees by the Planning Commission:

- (a) All rides shall have been inspected by the State of Illinois and approved for safety and soundness and shall be surrounded with a restraining barrier to limit access to the ride and other mechanical equipment.
- (b) Traffic control and off-street parking shall be provided where necessary in an organized pattern separating public use areas from storage areas, mechanical rides, or hazardous use areas and that assures the safe crossing of streets and highways by pedestrians going to the event.
- (c) Outdoor lighting shall be required after nightfall to illuminate all pedestrian walkways, entrances to buildings and tents, parking areas, and portable toilet areas. All electrical

wiring shall, to the greatest extent possible, be placed in areas generally not open to the public or protected from public contact.

- (d) For events lasting longer than three (3) days, all facilities for the preparation or dispensing of food shall be approved by St. Clair County Public Health Department.
- (e) Litter pick-up from the grounds during the event and trash removal from the site during and after the event shall be provided. All equipment, products, structures, signs, decorations, etc. pertaining to the temporary use shall be removed within three (3) days following closure of the event.
- (f) Operators or organizers of outdoor temporary event shall furnish plans along with their application as to how drinking fountains, portable toilets, first aid stations, and pens or facilities for exhibition of animals will be provided.
- (g) The operators or organizers of the event shall arrange for Village security forces adequate to maintain order at the site.
- (h) The operator or organizer of an event shall provide proof of liability insurance in an amount predetermined by the Village Board of Trustees.
- (i) Emergency and temporary housing, residential uses shall be authorized for a period up to one (1) year and are renewable subject to the following:
 - 1. Except for custodial care situations, owners requesting emergency and temporary emergency and temporary residential uses shall be located in the rear yard and shall meet side and rear yard setbacks or as authorized by the Administrator.
 - 2. Water and sewer facilities to the emergency and temporary residential uses shall be connected to the public systems.
 - 3. Once the permanent structure is complete on said lot, parcel, or tract, the structure for the emergency or temporary residential use shall be removed from the property by the owner within thirty (30) days.
- (j) Operators and organizers of any temporary use in the Village shall be responsible for securing all other required licenses and certificates from Village departments and governmental entities.

(NOTE: In addition, temporary uses will have to be listed as special uses in the districts selected.)

Section 3-6 MEETING MINIMUM REQUIREMENTS

No portion of the minimum required area, dimensions, or yards of any lot shall be counted to satisfy the minimum required area, dimensions, or yards of another lot.

Section 3-7 ACCESS REQUIRED

No building shall be erected on any lot unless such lot abuts, or has permanent easement or access to, a public street, or a private street that conforms to the standards set forth in Division VI Section 1-5.

Section 3-8 FRONT SETBACKS - CORNER/THROUGH LOTS

Every lot with multiple frontages (such as corner or through lots) shall meet the front setback requirements of the district in which it is located on every side having frontage.

Section 3-9 FRONT SETBACKS IN CERTAIN BUILT-UP AREAS

Except as specifically provided otherwise, in all residential and commercial zoning districts, where lots having fifty percent (50%) or more of the total frontage on one side of a street between intersections (that is, in one "block") are developed with buildings, and the front setbacks of those lots do not differ by more than ten (10) feet, the minimum required front setback on that "block" shall be the average of the existing front setbacks; provided however, that in any built-up area, no front setback less than fifteen (15) feet shall be permitted, nor shall any front setback greater than fifty (50) feet be required.

Section 3-10 INTRUSIONS INTO YARDS

To the extent indicated below, the following features of principal buildings may intrude into required yards without thereby violating the minimum setback requirements:

<u>FEATURE</u>	<u>MAXIMUM INTRUSION</u>
(a) Cornices, chimneys, planters, or similar architectural features	Two (2) feet.
(b) Fire escapes	Four (4) feet.
(c) Patios	None.
(d) Porches, if unenclosed and at ground level	Six (6) feet.
(e) Balconies	Four (4) feet.
(f) Canopies, roof overhangs	Four (4) feet.

Section 3-11 EXCEPTIONS TO HEIGHT LIMITS

- (a) Chimneys, church spires, parapet walls, cooling towers, communication towers elevator bulkheads, fire towers, antennas, or other necessary appurtenances commonly constructed above the roof line shall be permitted to exceed the maximum height limitations for the district in which they are located if they comply with all other pertinent ordinances of the Village.
- (b) On corner lots, in the triangular portion of land bounded by the street lines of such corner lots and a line joining the two points along those street lines that are thirty (30) feet from the point of intersection, no obstruction, whether natural or man-made, shall

intrude into the air space that is between two (2) and ten (10) feet above the level of the adjacent street.

Section 3-12 SEWERS, SEPTIC TANKS, SUMP PUMPS

In all districts, property owners of all buildings and places where people live, work, or assemble shall provide for the sanitary disposal of all sewage in accordance with the following requirements;

- (a) Because of the special soil and topographical conditions prevalent in Caseyville and the urgent need to control water pollution in the Village, whenever the public sewerage system is available, all sewage shall be discharged into such system, whether or not a private sewerage system already exists or is more convenient.
- (b) Whenever the public sewerage system is not available, a private sewerage system shall be installed and used. All private sewerage systems shall be designed constructed, operated, and maintained in conformity with the following requirements:
 - 1. Illinois Private Sewage Disposal Licensing Act, 225 ILCS 225/1 - 225/24, as now or hereafter amended.
 - 2. Illinois Private Sewage Disposal Code No. 4.005, promulgated by the Director of the Illinois Department of Public Health, as now or hereafter amended.
 - 3. Pertinent, current regulations issued by the Illinois Environmental Protection Agency.
 - 4. The St. Clair County Ordinance governing installation of private sanitary systems and septic tanks, as now or hereafter amended.

The Administrator shall not issue any initial Certificate of Code Compliance unless, following consultation with the Village Engineer, he is satisfied that these requirements will be met.

(c) Sump Pump Discharge

In all zoning districts, property owners of all buildings and places where people live, work, or assemble shall provide for the appropriate disposal of all sump pump discharge (ground water) in accordance with the following requirements;

- (1) Because of the special soil and topographical conditions prevalent in Caseyville and the urgent need to control sump pump discharge (ground water) in the Village, whenever the public drainage system is available, all sump pump discharge (ground water) shall be discharged directly into such system, including being tapped into any existing or proposed storm sewer.

- (2) Whenever the public drainage system is not available, a private drainage system shall be installed and used. All private drainage systems shall be designed constructed, operated, and maintained in conformity with the following requirements:
 - a. Sump pump discharge (ground water) is prohibited from being discharged into a public sanitary sewer system.
 - b. Sump pump discharge (ground water) is prohibited from discharge into a private sewage disposal system.
 - c. Pertinent, current regulations issued by the Illinois Environmental Protection Agency , Illinois State Plumbing Code and the United States Clean Water Act must be followed.
 - d. Only ground water from a sump pump may be discharged into a public or private drainage system. Gray water may not be discharged into a public or private drainage system.

Gray water is defined as washing machine water, sewage, hot water tank flushing water and any other water that can be discharged into a sanitary sewer system under the law and regulation of the Illinois Environmental Protection Agency, the Illinois State Plumbing Code and the United States Clean Water Act.

Sump pump discharge service shall be provided in accordance with the following provisions:

- (a) Sump pump discharge lines shall be installed in trenches at least twenty-four (24) inches deep. Following installation, the trenches shall be filled in.
- (b) Owners shall be responsible for extending their discharge lines to within eighteen (18) inches of their property line unless the Village agrees that this is not feasible.
- (c) The Village shall not hook onto anything other than 2" PVC.
- (d) The PVC pipe shall be schedule 40 or Class 200.
- (e) An in-line check valve
- (f) must be installed on the owner's side of his service line.
- (g) Every owner's installation will be inspected before service is rendered to ensure that the above requirements are met.

The Administrator shall not issue any initial Certificate of Code Compliance unless, following consultation with the Village Engineer, he is satisfied that these requirements will be met.

Section 3-13 WATER SERVICE REQUIREMENTS

Water service shall be provided in accordance with the following provisions:

- (h) Water service lines shall be installed in trenches at least thirty-six (36) inches deep. Following installation, the trenches shall be filled in.
- (i) Customers shall be responsible for extending their service lines to within eighteen (18) inches of their property line unless the Water Company agrees that this is not feasible.
- (j) The Water Company shall not hook onto anything other than 3/4" copper tubing or 3/4" galvanized pipe or 3/4" high pressure plastic.
- (k) Plastic tubing may be used for the customers service line provided said plastic tubing has a minimum PSI (pounds per square inch) rating of 160 lbs., and provided further that there is at least six (6) feet of 3/4" copper or six (6) feet of 3/4" galvanized at the end.
- (l) An easily accessible shut-off valve must be installed on the customer's side of his service line.
- (m) Every customer's installation will be inspected before service is rendered to ensure that the above requirements are met.

Section 3-14 ACCESSORY STRUCTURES AND USES

Accessory structures and uses are permitted in any zoning district in connection with any lawfully existing principal structure and use provided they are subordinate and incidental to, and do not substantially alter the character of the permitted principal structure or use. If an accessory structure or use is attached to the principal structure on the zoning lot, it shall be considered part of such principal structure.

3-14.1 PERMITTED ACCESSORY STRUCTURES AND USES:

- (a) Accessory structures and uses include, but are not limited to, the following; provided, however, that each structure or use shall comply with the standards and requirements of Division II Subsections 3-14.1 (b).
 1. Accessory structures such as private garages, carports, greenhouses, storage sheds, recreation rooms, and similar structures which are customarily used in conjunction with and are incidental to a principal use or structure.
 2. A private swimming pool and bathhouse accessory to a residential building and limited to use by the occupants thereof and their guests; provided that such swimming pool, or the entire property on which it is located, shall be walled or fenced to prevent uncontrolled access to such swimming pool from the street or adjacent properties. Such swimming pool shall not be located in any required front or side yard. (See: Division II Section 15-13.)

3. Tennis courts, lighted or unlighted, accessory to a residential building and limited to use by the occupants thereof and their guests.
 4. Fences, walls and hedges. (See: Division II Section 5-2.)
 5. Outdoor storage of no more than one boat and boat trailer and no more than one camping trailer or recreational vehicle per dwelling unit; provided no part of such storage area shall be located in a front yard and provided such boat and camping trailer or recreational vehicle shall not be used for living, sleeping or housekeeping purposes.
 6. Non-commercial radio, TV, and satellite receiving devices, subject to the height restrictions of the district in which they are located.
 7. Storage of materials used for the construction of a building including a temporary contractor's office and/or tool shed, provided that such uses are on the building site or immediately adjacent thereto, and provided further that such structure is used in conjunction and meet the conditions for a temporary use (Division II Section 3-5).
 8. Structures for the shelter of household pets provided there shall be no more than three (3) pets per zoning lot. Structures for the sheltering of more than three animals for agricultural use and animal hospitals shall be accessory to these principal structures and uses. Nothing herein shall be construed as authorizing the keeping of any animals capable of inflicting harm or discomfort or endangering the health and safety of any persons or property.
 9. Farm Buildings and structures: Windmills, silos, tank houses, buildings or shelters for farm equipment and machinery, water wells, water reservoirs and storage tanks.
 10. Buildings or structures required for the housing, nurture, confinement or storage of animals, products, or other uses lawfully produced or permitted on the property. (Agriculture District only).
 11. Gazebos, enclosed patios, and similar structures for outdoor recreational use.
 12. Structures for the shelter of horses and ponies except commercial stables which shall be permitted only in the Agriculture District. (See: Division II Section 5-12).
 13. Children's playhouse and playground equipment.
- (b) The following accessory structures and uses are permitted in the Agricultural and Residential ("SR-1", "SR-2", "MH", and "MR") Districts only after a Special Use Permit has been approved and subject to the terms and conditions thereof.

1. Home occupations subject to the regulations of Division II Section 5-4 of this Code.
2. Guest house, provided it is located on the rear one-half of the lot or parcel of land, and only on lots which are one and one-half times the minimum area of the zone. A guest house shall not have a kitchen or kitchen facilities, and may not be used as permanent living quarters.

3-14.2 ACCESSORY STRUCTURES AND USE RESTRICTIONS:

- (a) Height. No accessory structure/use shall be higher than:
 1. fifteen (15) feet in any residential district; or
 2. twenty-five (25) feet in any other zoning district except in the Agricultural District where, due to the special needs of farmers, there shall be no height limit on accessory structures with the Administrator's approval.
- (b) Setbacks: In the Agricultural District and all Residential Districts, detached accessory structures and uses, except fences, walls, hedges and roadside stands, shall be located in the rear yard, shall not be less than sixty (60) feet from the front lot line, nor less than ten (10) feet from the principal structure on the zoning lot and not less than five (5) feet from the side lot lines and eight (8) feet from the rear lot line.

In commercial and industrial districts, accessory structures and uses, except fences, walls, and hedges shall not be located in any front; accessory structure and uses, except fences, walls and hedges shall maintain the same front, side and rear yard as is required for a principle structure.

Fences, walls, and hedges may be erected on the side or rear lot lines.

- (c) Yard Coverage: In any residential district, accessory structures and uses shall not cover more than thirty percent (30%) of a required rear yard area. In any commercial district, accessory structures and uses shall not cover more than ten percent (10%) of a required rear yard area.
- (d) Building Coverage: Maximum percentage of lot area that may be covered by principal structures and uses including accessory structures and uses is thirty percent (30%).
- (e) Use as Dwelling: Use of an accessory structure as a permanent dwelling is strictly prohibited in the Village of Caseyville.
- (f) Unapproved Storage Structures: Converted mobile homes, trailers, box trailers, cargo containers and any like structures are not approved storage structures in any zone district.

ARTICLE 4 ZONE DISTRICT REGULATIONS

Section 4-1 "A" AGRICULTURAL DISTRICT

The "A" Agricultural District encompasses sparsely developed fertile areas within the Village that are well suited for agricultural pursuits. The regulations below are intended to preserve such areas by restricting the intrusion of intensive urban land uses into this district.

4-1.1 LOT AND BUILDING REQUIREMENTS:

Every principal building erected in the A District shall conform to the following requirements;

- | | |
|---|--|
| (a) <u>Minimum Lot Area:</u> | Three (3) acres. |
| (b) <u>Minimum Lot Width:</u> | Two hundred fifty (250) feet at the established building line. |
| (c) <u>Minimum Lot Depth:</u> | Two hundred fifty (250) feet. |
| (d) <u>Minimum Setbacks:</u> | |
| 1. From front lot line | Fifty (50) feet. |
| 2. Side yards: | |
| Minimum total setback from both side lot lines: | Twenty-five (25) feet. |
| Minimum setback from either side lot line: | Ten (10) feet. |
| 3. From rear lot line | Fifty (50) feet. |

4-1.2 ONE DWELLING ON ONE LOT:

In the "A" District, only one dwelling shall be erected on any lot.

4-1.3 PERMITTED USES:

Agriculture, as defined in Section 2-2 Selected Definitions: Agriculture and Animal/Poultry Husbandry Traditional.

Animal, domestic and animal farm.

Cemeteries.

Detached single-family dwellings.

Government uses of Caseyville.

Nurseries, commercial greenhouses, agri-businesses, temporary produce stands. (See: Division II Section 5-3.)

NOTE: Landscaping Businesses are Commercial Businesses, not Agri-Businesses and must be located in a Business Zone District or an Industrial Zone District.

Parks, playgrounds.

Roadside stand that is used for the purpose of displaying and selling agricultural or farming products which are grown or produced on the premises on which said roadside stand is located.

Commercial radio beacon or television transmission towers.

Accessory uses in accordance with Division II Section 3-14.

4-1.4 SPECIAL USES:

Agricultural implements sales

Animal hospitals.

Animal/Poultry Husbandry Non-Traditional, as defined in Section 2-2, Selected Definitions.

Churches and other places of formal worship.

Clubs or lodges, private; but not those which have as their chief activity a service customarily carried on as a business.

Government uses other than those of Caseyville.

Home occupation. (See: Division II Section 5-4.)

Kennels. (See: Division II Section 5-6.)

Nursing homes. (See: Division II Section 5-7.)

Stables, commercial. (See: Division II Section 5-12.)

Travel trailer parks in conformity with the requirements of Division II Article 9.

Utility substations. (See: Division II Section 5-14.)

Primary Utility.

Secondary Utility.

Section 4-2 “SR-1” “SR-2”, SINGLE-FAMILY RESIDENCE DISTRICTS

In the “SR-1” and “SR-2” Single-Family Residence Districts, land is principally used for, or is best suited for, detached single-family dwellings and related educational, religious, recreational facilities. The regulations applicable to each single-family residence district are intended to stabilize and preserve sound existing neighborhoods developed at varying densities. The differing regulations are also intended to promote the development of a range of new single-family housing that is appropriate for persons having different social needs and income levels.

4-2.1 ONE PRINCIPAL BUILDING ON ONE LOT:

In the “SR-1” and “SR-2” Districts, only one principal building shall be erected on any lot.

4-2.2 LOT AND BUILDING REQUIREMENTS:

Every principal building erected in the “SR-1” or “SR-2” District shall conform to the applicable requirements indicated in tabular form below:

<u>REQUIREMENTS</u>	<u>“SR-1” DISTRICT</u>	<u>“SR-2”DISTRICT</u>
(a) <u>Minimum Lot Area:</u>	7,500 sq. feet.	5,000 sq. feet.
(b) <u>Minimum Lot Width:</u> (at established building line)	50 feet.	50 feet.
(c) <u>Minimum Lot Depth:</u>	75 feet.	75 feet.
(d) <u>Minimum Setbacks:</u>		
1. From front lot line:	25 feet.	25 feet.
2. Side yards.		
Minimum total setback from both side lot lines:	15 feet.	15 feet.
Minimum setback from either side lot line:	5 feet.	5 feet.
3. From rear lot line:	25 feet.	20 feet.
(e) <u>Maximum Building Height:</u>	35 feet.	35 feet.
(f) <u>Maximum Lot Coverage:</u> (See: Division II; 3-14.2 (c) & (d))	30%	30%
(g) <u>Driveways:</u> All new residential structures shall have a paved driveway (See Division II, Section 7-2.4 Surfacing).		

4-2.3 PERMITTED USES:

Churches and other places of formal worship, and rectories.

Detached single-family dwellings.

Government uses of Caseyville.

Libraries.

Parks, playgrounds.

Schools, public or private, elementary or secondary. (See: Division II Section 5-10.)

Accessory uses in accordance with Division II Section 3-14.

Parking in accordance with Division II, Article 7, Section 7-3, Subsection (a)

4-2.4 SPECIAL USES:

Cemeteries.

Clubs or lodges, private; but not those which have as their chief activity a service customarily carried on as a business.

Day care centers, nursery schools. (See: Division II Section 5-10.)

Government uses other than those of Caseyville.

Home occupations; day care centers, nursery schools. (See: Division II Section 5-4; Division II Section 5-10.)

Medical and dental offices and clinics.

Nursing homes. (See: Division II Section 5-7.)

Two-family dwellings.

Utility substations. (See Division II Section 5-14.)

Secondary Utility.

Section 4-3 “MH” MOBILE HOME DISTRICT

The “MH” Mobile Home District is primarily intended to provide areas suitable for the placement of mobile homes on individual lots and for the establishment of mobile home parks. This district is also intended to preserve all other residential districts (“SR-1” “SR-2”, “MR”) for conventionally constructed and modular dwellings.

4-3.1 RESTRICTIONS ON LOCATION OF MOBILE HOMES:

Except for mobile homes that are displayed for sale on mobile home dealers' lots, all mobile homes shall be located only as indicated below:

- (a) In Parks: Mobile Homes may be placed in a mobile home park that meets the requirements of Division II Section 8, providing it has met the requirements of Division II Subsections 4-3.2.1, 4-3.2.2 and 4-3.2.3. Mobile home parks may be allowed in the “MH” District by special use permit, but are strictly prohibited in every other district.
- (b) On Individual Lots: Mobile homes may be placed on individual lots in the “MH” District, provided all the requirements of this section, including all subsections hereof, are observed, providing it. has met the requirements of Division II Subsections 4-3.2.1, 4-3.2.2 and 4-3.2.3.

4-3.2 IMMOBILIZATION PROHIBITED:

Upon the effective date of this Code, it shall be unlawful to immobilize any mobile home in the Mobile Home District; that is, no person shall permanently remove the wheels, tongue, or hitch from any mobile home or place any such structure on a permanent foundation.

4-3.2.1 MOBILE HOMES INSPECTION:

Except for mobile homes that are new (having not been previously occupied) every other mobile home that is to be placed within the Village of Caseyville shall be inspected and approved, before being placed on any site within the Village. The inspection shall be conducted according to the following requirements and standards:

- (a) All mobile homes to be inspected MUST have accompanying documentation that indicates the following:
 1. Year mobile home was constructed (Official Documentation).
 2. Ownership of the mobile home (Official Documentation).
 3. Location where the mobile home would be placed if inspection is passed and site is approved.
 4. Site plan in sufficient detail, indicating dimensions of lot, set-backs remaining after placement of mobile home on lot.
 5. Dimensions, make and model of mobile home, including serial number of the unit.
 6. Value of mobile home (Official Documentation).
- (b) An inspection fee shall be paid prior to inspection (See Fee Schedule for actual fee).
- (c) Mileage reimbursement at the prevailing state rate per mile to and from the inspection site shall be paid prior to inspection
- (d) The International Property Maintenance Code shall be used as the standard for the inspection of the mobile home.

4-3.2.2 ZONING CERTIFICATE:

Prior to locating any mobile home within the Village of Caseyville, a Zoning Certificate Application is to be completed and submitted to the Administrator. After review the Administrator shall approve or disapprove the Zoning Certificate Application. Should the Zoning Certificate Application be approved a Zoning Certificate shall be issued after the associated fee has been paid to the Village of Caseyville.

4-3.2.3 MANUFACTURED HOME QUALITY ASSURANCES ACT:

A law establishing the authority of the Illinois Department of Public Health to adopt requirements for the installation of manufactured homes, the licensing of installers of manufactured homes and the licensing of manufacturer's of manufactured homes.

All manufactured homes (mobile homes) installed after December 31, 2001 must be installed by a licensed manufactured home installer, with a valid Illinois Department of Health license. The licensed installer will place a manufactured home installation seal on the exterior of the home immediately below the red HUD label. The seal will have a number that will enable the Illinois Department of Public Health to determine the installer. In addition the licensed installer will complete a Manufactured Home Installation Compliance Certificate for each installation. Copies

of the Compliance Certificate are required to be provided to: Illinois Department of Public Health, dealer, homeowner and one for the installer to keep.

The Village of Caseyville requires compliance with the Manufactured Home Quality Assurance Act. Failure to comply with the Act is a violation of the Village Zoning Ordinance. Any manufactured home (mobile home) found not to be in compliance with the Act is subject to a fine of five hundred dollars (\$500.00) for the violation; each day is considered a separate violation. Failure to bring the manufactured home (mobile home) into compliance will cause the Village to seek not only the fine but the removal of the manufactured home (mobile home) by appropriate legal means.

4-3.3 ONE PRINCIPAL BUILDING ON ONE LOT:

In the "MH" District only one principal building (which term includes a mobile home) shall be placed on any individual lot. No mobile home, whether newly sited or as replacement for an existing mobile home, shall be permitted unless the requirements of Division II Subsections 4-3.2.1, 4-3.2.2 and 4-3.2.3 have been met.

4-3.4 MOBILE HOMES ON INDIVIDUAL LOTS:

Mobile homes on individual lots shall comply with all of the following regulations:

- (a) Stands: Every mobile home shall be placed on a stand to provide adequate support therefore. The stand shall extend the length of the supports of the mobile home, and shall consist of either six (6) inch thick reinforced concrete runners or a four (4) inch thick reinforced concrete slab.
- (b) Anchors: Anchors for every mobile home shall be installed at the corners of the stand or as otherwise necessary for protection against high winds. Each anchor shall be capable of withstanding a vertical tension force of four thousand eight hundred (4,800) pounds. Every mobile home shall be securely tied down to its stand.
- (c) Mobile Home Skirting: Installation shall be required and shall be in accordance with the manufacturer's installation instructions. It shall be secured, as necessary, to assure stability, to minimize vibrations, to minimize susceptibility to wind damage, and to compensate for possible frost heave. Acceptable materials may include masonry, stone, metal, vinyl, or other materials that are fire-resistant and manufactured for the purpose of skirting. A sliding or hinged type of inspection door must be provided with a minimum of 24 inches in width and be located near the sewer riser. All mobile home skirting shall be installed within thirty (30) days after placement.
- (d) Conditions: All mobile homes in the Village, regardless of age, shall be in good condition, serviceable, and habitable in all respects.
- (e) Replacement: No replacement with different manufactured home (mobile home) shall be permitted unless the requirements of Division II Subsections 4-3.2.1, 4-3.2.2 and 4-3.2.3 have been met.

- (f) Driveways: All mobile homes that are placed upon a lot that has not previously had a mobile home upon said lot shall have a paved driveway (See Division II, Article 7, Section 7-2.4 Surfacing).

4-3.5 ACCESSORY STRUCTURES:

- (a) Permits Required: No structure accessory to a mobile home shall be constructed/installed until a Certificate of Code Compliance is issued.
- (b) Fire-Resistant Materials: Every structure accessory to a mobile home shall be built of fire-resistant materials.
- (c) Cabanas, Patios: Cabanas, patios, porches, etc. accessory to mobile homes must be open (except for insect screening) on at least one side.
- (d) Storage Structures: An accessory structure having an area not exceeding ten percent (10%) of the square footage of the mobile home may be entirely enclosed if it is used only for storage.

4-3.6 DEPENDENT MOBILE HOMES:

Under this Code, dependent mobile homes are considered travel trailers. Except for travel trailers that are displayed for sale on permitted recreational vehicle sales lots or parked in accordance with Division II Section 5-8, travel trailers shall be parked only in travel trailer parks that conform to the requirements of Division II Section 8. Travel trailer parks are a special use in the "A" and "B-2" districts, but are strictly prohibited in every other district including the "MH" district.

4-3.7 LOT AND BUILDING REQUIREMENTS:

All principal buildings shall conform to the following requirements:

NOTE: Mobile home park requirements are set forth in Division II Article 8.

- | | |
|---|---|
| (a) <u>Minimum Lot Area</u> : | Five thousand (5,000) square feet. |
| (b) <u>Minimum Lot Width</u> : | Fifty (50) feet at the established building line. |
| (c) <u>Minimum Lot Depth</u> : | One hundred (100) feet. |
| (d) <u>Minimum Setbacks</u> : | |
| 1. From front lot line: | Twenty (20) feet. |
| 2. Side yards: | |
| Minimum total setback from both side lot lines: | Fifteen (15) feet. |

- | | |
|--|---|
| Minimum setback from either side lot lines: | Five (5) feet. |
| 3. From rear lot line: | Ten (10) feet. |
| (e) <u>Maximum Building Height:</u> | Thirty-five (35) feet. |
| (f) <u>Maximum Lot Coverage:</u>
(See: Div. II, 3-14.2 (c) & (d)) | 30% |
| (g) <u>Driveways:</u> | All new mobile home parks shall have paved driveways (See Division II, Article 7, Section 7-2.4 Surfacing). |

4-3.8 PERMITTED USES:

Any use permitted in the single-family residence districts. (See: Division II Subsection 4-2.3.)

Mobile homes on individual lots provided said mobile homes conform to the requirements of Division II Subsection 4-3.4.

Parking in accordance with Division II, Article 7, Section 7-3, Subsection (a).

4-3.9 SPECIAL USES:

Any use that is a special use in the single-family residence districts. (See: Division II Subsection 4-2.4.)

Mobile home parks in conformity with the requirements of Division II Article 8.

Section 4-4 "MR" MULTIPLE-FAMILY RESIDENCE DISTRICTS

The "MR" Multiple-Family Residence District is established to stabilize and conserve existing neighborhoods that predominantly consist of multiple-family dwellings. This district is also intended to promote the development of comparable new areas in order to accommodate all persons desiring this type of residential environment.

4-4.1 LOT AND BUILDING REQUIREMENTS:

NOTE: Detached single-family and two-family dwellings erected in the "MR" District shall comply with the "one principal building on one lot" regulation and with the lot and building requirements of the "SR-2" District. (See: Division II Subsections 4-2.1 and 4-2.2.)

All other principal buildings shall conform to the requirements indicated below:

- | | |
|-------------------------------|--|
| (a) <u>Minimum Lot Area:</u> | Two thousand five hundred (2,500) square feet. |
| (b) <u>Minimum Lot Width:</u> | Fifty (50) feet or ten (10) feet per unit, whichever is greater, but not more than two hundred fifty (250) feet. |

- (c) Minimum Lot Depth: One hundred (100) feet.
- (d) Minimum Setbacks:
1. From front lot line: Twenty-five feet.
 2. From any side lot line: Ten (10) feet or one-half (0.5) foot per one (1) foot of building height, whichever is greater.
 3. From rear lot line: Twenty (20) feet.
- (e) Maximum Building Height: Thirty-five feet.
- (f) Maximum Lot Coverage: 30%
(See Div; II, 3-14.2 (c) & (d))
- (g) Driveways: All new multiple-family structures shall have a paved driveway (See Division II, Section 7-2.4 Surfacing).

4-4.2 PERMITTED USES:

Churches and other places of formal worship, and rectories.

Day care centers, nursery schools. (See: Division II Sections 5-7 and 5-10.)

Government uses of Caseyville.

Libraries.

Multiple-family dwellings.

Parks, playgrounds.

Single-family dwellings detached or attached.

Schools, public or private, elementary or secondary. (See: Division II Section 5-11.)

Two-family dwellings.

Accessory uses in accordance with Division II Section 3-14.

Parking in accordance with Division II, Article 7, Section 7-3, Subsection (a).

4-4.3 SPECIAL USES:

Boarding houses, rooming houses.

Clubs or lodges, private, but not those which have as their chief activity a service customarily carried on as a business.

Convenience shops (e.g., small drugstore, food store, laundromat); but only if located on the ground floor of a multiple-family dwelling.

Home occupations. (See: Division II Section 5-4.)

Medical and dental offices and clinics.

Nursing homes. (See: Division II Section 5-7)

Utility substations. (See: Division II Section 5-14.)

Secondary Utility.

Section 4-5 "B-1" GENERAL BUSINESS DISTRICT

The "B-1" General Business District encompasses the long-established commercial areas that provide a wide range of goods and services to the general public at retail or wholesale.

4-5.1 USE RESTRICTIONS:

- (a) Unenclosed Activities: Special Use Permit. In this district, a special use permit is required to conduct any commercial, service, or storage activity outside a completely enclosed building.

- (b) Drive-ins-Special Use Permit: In this district, a special use permit is required to establish any business that will offer goods or services directly to customers waiting in parked motor vehicles, or sell food or beverages for consumption on the premises in parked motor vehicles.
- (c) Refuse Containers: All refuse generated by any establishment located within this district shall be stored in tightly covered containers enclosed on at least three (3) sides by a wall or solid fence at least six (6) feet high.
- (d) Screening: Along the side and rear lot lines of any lot abutting any residential district, screening (a wall, solid fence, or closely planted shrubbery) at least six (6) feet high and of sufficient density to completely block the view from the adjacent residential property shall be installed.
- (e) Parking: See Division II Article 7
- (f) Signs: See Division III
- (g) Vehicle Sales: No individual vehicle sales are permitted; vehicles are determined as automobiles, vans, buses, trucks, motor homes, motor cycles and other motorized conveyances; including boats, barges and accompanying trailers.
- (h) Outside Storage of Vehicles: In this District, the storage of vehicles outside of a completely enclosed building is prohibited. Vehicles are automobiles, vans, buses, trucks, motor homes, motorcycles and other motorized conveyances; including trailers and semi-trailers.

4-5.2 LOT AND BUILDING REQUIREMENTS:

Every principal building erected in the “B-1” District shall conform to the following requirements:

- (a) Minimum Lot Area: Seven thousand five hundred (7,500) square feet.
- (b) Minimum Lot Width: Seventy-five (75) feet at the established building line.
- (c) Minimum Lot Depth: One hundred (100) feet.
- (d) Minimum Setbacks: Generally none required except as necessary to comply with applicable off-street parking and loading requirements (See: Division II Article 7). However, any lot that abuts any residential district shall meet the front setback and side setback (on the side abutting the residential use) requirements of such residential district.
- (e) Maximum Building Height: Thirty-five (35) feet.

4-5.3 PERMITTED USES:

Provided all the use restrictions of this district (See: Division II Subsection 4-5.1) are observed, the following uses are permitted:

Beer Gardens.

Churches and other places of formal worship.

Clubs and lodges.

Commercial establishments, except those listed in Division II Subsection 4-5.4.

Government uses of Caseyville.

Libraries, museums.

Offices.

Service establishments, except those listed in Division II Subsection 4-5.4.

Accessory uses in accordance with Division II Section 3-14.

4-5.4 SPECIAL USES:

Provided all the use restrictions of this district (See: Division II Subsection 4-5.1) are observed, the following uses may be allowed by special use permit:

Accessory uses in accordance with Division II Section 3-14.1.

Any use that involves commercial, service, or storage activities conducted outside completely enclosed buildings.

Any use, such as drive-in restaurants, drive-in banks, service stations, that offers goods or services directly to customers waiting in parked vehicles, or sells food or beverages for consumption on the premises in parked motor vehicles.

Dwelling units, if located above the first story.

Governmental uses other than those of Caseyville.

Medical/dental clinics.

Roadside Stand.

Taverns.

Utility substations. (See: Division II Section 5-14)

Secondary Utility.

Section 4-6 "B-2" HIGHWAY BUSINESS DISTRICT

The "B-2" Highway Business District, located in the area near the intersection of Illinois Route 157 and Interstate 64, is intended to accommodate and regulate strip commercial developments and compatible uses. Since such business--both retail and wholesale--draw their patrons primarily from the motoring public, they typically require direct access to major streets and large lots for off-street parking and loading.

4-6.1 USE RESTRICTIONS:

- (a) Repairs Indoors: All repair and maintenance services shall be conducted within completely enclosed structures. Storage areas may be open to the sky, but shall be enclosed by a wall or solid fence at least eight (8) feet high.
- (b) Refuse Containers: All refuse generated by facilities located within this district shall be stored in tightly covered containers enclosed on at least three (3) sides by a wall or solid fence at least six (6) feet high.
- (c) Screening: Along the side and rear lot lines of any lot abutting any residential district, screening (wall, solid fence, or closely planted shrubbery) at least six (6) feet high and of sufficient density to completely block the view from the adjacent residential property shall be installed.
- (d) Parking: See: Division II Article 7.
- (e) Signs: See: Division III.

4-6.2 LOT AND BUILDING REQUIREMENTS:

Every principal building erected in the "B-2" District shall conform to the following requirements:

- (a) Minimum Lot Area: Twenty thousand (20,000) square feet.
- (b) Minimum Lot Width: One hundred twenty-five (125) feet.
at the established building line.
- (c) Minimum Lot Depth: One hundred fifty (150) feet.
- (d) Minimum Setbacks:
 - 1. From front lot line: Fifty (50) feet.
 - 2. Side yards: Ten (10) feet or one-half (0.5) foot per one (1) foot of building height, whichever is greater.
Minimum total setback from both side lot lines. Fifty (50) feet.

3. From rear lot line: Twenty-five (25) feet.
 (e) Maximum Building Height: Fifty (50) feet.

4-6.3 PERMITTED USES:

Provided all the use restrictions of this district (See: Division II Subsection 4-6.1) are observed the following uses are permitted:

Beer Gardens.

Churches and other places of formal worship,

Clubs and lodges.

Commercial establishments, including drive-in facilities, such as, but not limited to:

- bowling alleys
- furniture and appliance sales
- golf courses
- greenhouses (See: Division II Section 5-3.)
- lumber and building supplies sales
- miniature golf courses
- mobile home and recreational vehicles sales
- motor vehicles sales.

Government uses of Caseyville.

Offices.

Service establishments, including drive-in facilities, such as, but not limited to:

- animal hospitals
- banks and other financial institutions
- motels
- motor vehicles services
- restaurants
- service stations. (See: Division II Section 5-11.)

Accessory uses in accordance with Division II Section 3-14.

4-6.4 SPECIAL USES:

Provided all the use restrictions of this district (See: Division II Subsection 4-6.1) are observed, the following uses may be allowed by special use permit:

Assembly, manufacturing, or processing of any commodity from semi-finished materials provided explosives, flammable gases or liquids, or live animals are not involved.

Freight and bus terminals, and related transportation facilities.

Government uses other than those of Caseyville.

Research and development facilities not involving explosives, flammable gases or liquids, or live animals.

Roadside Stand.

Travel trailer parks in conformity with the requirements of Division II Article 9.

Utility substations. (See: Division II Section 5-14.)

Secondary Utility.

Warehousing and wholesaling of any goods except explosives, flammable gases or liquids, or live animals.

Section 4-7 "I-1" INDUSTRIAL DISTRICT

The "I-1" Industrial District is intended to provide for areas where light industry, research facilities warehouses, and wholesale businesses may locate without detriment to the remainder of the community. In these areas a satisfactory correlation of factors require by such uses exists or can be readily achieved.

4-7.1 USE RESTRICTIONS:

- (a) No Nuisances: No production, processing, cleaning, servicing, testing, repair, sale, or storage of goods, materials, or equipment shall unreasonably interfere with the use, occupancy, or enjoyment of neighboring properties or the community as a whole. Unreasonable interference include, but are not limited to, excessive traffic congestion, loud or shrill noises, excessive emission of smoke, emission of toxic gases, excessive glare, and noxious odors.
- (b) Activities Enclosed: All production, processing, cleaning, servicing, testing, or repair activities shall be conducted within completely enclosed buildings. Storage and sale activities may be open to the sky, but shall be enclosed by a wall or fence (whether solid or chain link), including gates, at least eight (8) feet high.
- (c) Buffer Strips: Wherever any industrial use located in this district abuts any other district, a twenty (20) foot wide view and noise control buffer strip shall be installed. Such buffer strip shall consist of densely planted shrubbery that is at least five (5) feet high when planted and that can be expected to reach a height of ten (10) feet when full-grown.

4-7.2 LOT AND BUILDING REQUIREMENTS:

Every principal building erected in the I District shall conform to the following requirements:

- (a) Minimum Lot Area: Twenty thousand (20,000) square feet.
- (b) Minimum Lot Width: One hundred twenty-five (125) feet.
at the established building line.
- (c) Minimum Lot Depth: One hundred fifty (150) feet.
- (d) Minimum Setbacks:
 - 1. From front lot line: Twenty-five (25) feet.
 - 2. From any side lot line: Twenty-five (25) feet.
 - 3. From rear lot line: Twenty-five (25) feet.
- (e) Maximum Building Height: Fifty (50) feet.

4-7.3 PERMITTED USES:

Provided all the use restrictions of this district (See: Division II Subsection 4-7.1) are observed, the following uses are permitted:

Assembly, manufacturing, or processing of any commodity from semi-finished materials provided explosives, flammable gases or liquids, or live animals are not involved.

Freight and bus terminals, and related transportation facilities.

Government uses of Caseyville.

Research and development facilities not involving explosives, or flammable gases or liquids, or live animals.

Accessory uses in accordance with Division II Section 3-14.

4-7.4 SPECIAL USES:

Provided all the use restrictions of this district (See: Division II Subsection 4-7.1) are observed, the following uses may be allowed by Special Use Permit:

Assembly, manufacturing, processing, warehousing, or wholesaling involving explosives, flammable gases or liquids, or live animals.

Government uses other than those of Caseyville.

Junkyards. (See: Division II Section 5-5.)

Research and development facilities involving explosives, or flammable liquids or gases.

Utility substations. (See: Division II Section 5-14.)

Primary Utility.

Secondary Utility.

Section 4-8 "I-2" INDUSTRIAL DISTRICT

The "I-2" Industrial District is intended to provide for areas where light industry, research facilities warehouses, and wholesale businesses, may locate without detriment to the remainder of the community. In these areas Billboards and Adult Businesses may locate if a Special Use Permit has been issued.

4-8.1 USE RESTRICTIONS:

- (a) No Nuisances. No production, processing, cleaning, servicing, testing, repair, sale, or storage of goods, materials, or equipment shall unreasonably interfere with the use, occupancy, or enjoyment of neighboring properties or the community as a whole. Unreasonable interferences include, but are not limited to, excessive traffic congestion,

loud or shrill noises, excessive emission of smoke, emission of toxic gases, excessive glare, and noxious odors.

- (b) Activities Enclosed. All production, processing, cleaning, servicing, testing, or repair activities shall be conducted within completely enclosed buildings. Storage and sale activities may be open to the sky, but shall be enclosed by a wall or fence (whether solid or chain-link), including gates, at least eight (8) feet high. All adult business activities shall be conducted within a completely enclosed building and then only if a Special Use Permit has been issued.
- (c) Buffer Strips. Wherever any industrial use or Adult Business use located in this district abuts any other district, a twenty (20) foot wide view and noise control buffer strip shall be installed. Such buffer strip shall consist of densely planted shrubbery that is at least five (5) feet high when planted and can be expected to reach a height of ten (10) feet when fully-grown.

4-8.2 LOT AND BUILDING REQUIREMENTS:

Every principal building erected in the “I-2” District shall conform to the following requirements:

- | | |
|---|---------------------------------------|
| a. <u>Minimum Lot Area:</u> | Twenty thousand (20,000) square feet. |
| b. <u>Minimum Lot Width:</u>
at the established building line. | One hundred twenty-five (125) feet. |
| c. <u>Minimum Lot Depth:</u> | One hundred fifty (150) feet. |
| d. <u>Minimum Setbacks:</u> | |
| 1. From front lot line: | Twenty-five (25) feet. |
| 2. From any side lot line: | Twenty-five (25) feet. |
| 3. From rear lot line: | Twenty-five (25) feet. |
| e. <u>Maximum Building Height:</u> | Fifty (50) feet. |

4-8.3 PERMITTED USES:

Provided all the use restrictions of this district (See: Division II Subsection 4-8.1) are observed, the following uses are permitted:

Adult Businesses (See: Division II Section 5-15).

Assembly, manufacturing, or processing of any commodity from semi-finished materials provided explosives, flammable gases or liquids, or live animals are not involved.

Freight and bus terminals, and related transportation facilities.

Government uses of Caseyville.

Payday Loan Business.

Research and development facilities not involving explosives, or flammable gases or liquids, or live animals.

Title Loan Business.

Accessory uses in accordance with Division II Section 3-14.

4-8.4 SPECIAL USES:

Provided all the use restrictions of this district (See: Division II subsection 4-8.1) are observed, the following uses may be allowed by Special Use Permit:

Assembly, manufacturing, processing, warehousing, or wholesaling involving explosives, flammable gases or liquids, or live animals.

Government uses other than those of Caseyville.

Junkyards. (See: Division II Section 5-5.)

Pawnbrokers.

Research and development facilities involving explosives, flammable liquids or gases.

Utility substations. (See: Division II Section 5-14.)

Primary Utility.

Secondary Utility.

Billboards. (See: Division III Subsection 2-4.6.)

Second-Hand/Re-Sell-It-Shop (See Division II, Section 5-16).

ARTICLE 5 SUPPLEMENTARY REGULATIONS FOR SPECIFIC USES

Section 5-1 APPLICABILITY OF ARTICLE

This Article establishes lot and structure requirements, design standards, and use limitations for specific, potentially troublesome, structures and uses. These regulations apply in every zoning district where the specific structure or use is allowed; but if more stringent regulations are applicable in any particular district, such regulations shall prevail.

Section 5-2 FENCES, WALLS

- (a) Barbed wire or electrically charged fences shall be erected or maintained only to enclose bona fide pastures where cattle or other livestock are kept in the Agricultural District; or when placed over an eight (8) foot fence to enclose commercial or industrial facilities that require adequate security to safeguard or prevent hazardous conditions.
- (b) Protective walls or fences (including any gates in said fence) shall not be less than six (6) feet in height above ground which may be required as an enclosure for potential hazards, e.g., swimming pool. Fences may be solid or consist of vertical structural members with clear openings between each, not exceeding four (4) inches. Chain link or woven wire fencing materials with or without slats may also be utilized. In no case shall a fence or wall of this classification include design features that would facilitate its ascent, or permit the passage of a child's body.
- (c) Open fences for recreational uses such as basketball, tennis, and volleyball courts shall not exceed ten (10) feet high and shall conform to all setback requirements for structures in the proposed district.
- (d) Open fences for golf driving ranges and backstops shall be of sufficient height to reasonably prevent stray, errant, or foul balls from leaving the playing area or field.
- (e) No fence, wall, or other barrier shall be erected within the public right-of-way.
- (f) No fence, wall, or other barrier shall be erected in violation of the Illinois Drainage Code (70 ILCS 605/2-1 - 605/2-1-12).
- (g) Fences used to create privacy for real property shall be finished so the post and framing of said fence are inside the enclosed area.
- (h) No privacy fences shall be allowed beyond the front façade of the primary structure in any district other than an agricultural district.

Section 5-3 COMMERCIAL GREENHOUSES, NURSERIES

- (a) No fertilizer, compost, manure, or other odor or dust-producing substance shall be stored closer than one hundred (100) feet to any lot line.

- (b) Greenhouse heating plants shall be situated in an enclosed structure, and shall not be closer than fifty (50) feet to any lot line.

Section 5-4 HOME OCCUPATIONS

A "home occupation" means any business, profession, or occupation conducted for gain or support entirely within residential building or on residential premises. Within this Village every home occupation shall be considered a special use. No home occupation shall be established except in conformity with the following regulations:

- (a) Home occupations shall be allowed by a special use permit issued by the Village.
- (b) A home occupation shall employ no more than one (1) individual who is unrelated to the family residing on the premises.
- (c) The total area used for a home occupation shall not exceed twenty-five percent (25%) of the gross floor area of the dwelling, or three hundred (300) square feet, whichever is less.
- (d) In any residential district, a principal residential building shall not be altered--to accommodate a home occupation--in such way as to materially change the residential character of the building.
- (e) An accessory structure to be used for a home occupation shall be clearly subordinate and incidental to the principal use or structure on the lot.
- (f) Outdoor (unenclosed) storage on the premises of equipment or materials used in connection with a home occupation is prohibited.
- (g) A home occupation shall not generate any offensive noise, vibration, smoke, dust, odors, heat, glare or electrical interference noticeable at or beyond the lot lines.
- (h) House calls shall only be scheduled before 9:00 p.m. or after 8:00 a.m.
- (i) Parking. See Division II Article 7, especially Division II Section 7-6.
- (j) Signs. Any exterior display, signs, except as otherwise permitted (See: Division III Section 2-2(k)) or other indication from the exterior that the dwelling unit or accessory structure is being used in part or any use other than that of a dwelling or accessory structure for residential purposes shall be prohibited.

Section 5-5 JUNKYARDS

- (a) No part of any junkyard--which, by definition, includes any lot on which three (3) or more inoperable vehicles are stored--shall be located closer than five hundred (500) feet to the boundary of any residential district.

- (b) All vehicles, parts, and equipment shall be stored within a completely enclosed structure or within an area screened by a wall, solid fence, or closely planted shrubbery at least ten (10) feet high and of sufficient density to block the view from adjacent property.

Section 5-6 KENNELS

- (a) The lot on which any kennel is situated shall have a minimum area of three (3) acres.
- (b) Every kennel shall be located at least two hundred (200) feet from the nearest dwelling, and at least one hundred (100) feet from any lot line.

Section 5-7 NURSING HOMES

- (a) The lot on which any nursing home is situated shall have a minimum width and depth of two hundred (200) feet, and a minimum area of two (2) acres.
- (b) The principal building of any nursing home shall be located at least twenty-five (25) feet from all lot lines.

Section 5-8 RECREATIONAL VEHICLES

The regulations of this section do not apply to travel trailers or other recreational vehicles parked in a permitted travel trailer park that conforms to the pertinent requirements of Division II Article 9. The requirements of paragraphs (a), (c), and (d) do not apply to travel trailers or other recreational vehicles parked on a permitted recreational vehicles sales lot.

- (a) Not more than one travel trailer or other recreational vehicle shall be parked on any lot.
- (b) No travel trailer or other recreational vehicle shall be used as living quarters.
- (c) No travel trailer or other recreational vehicle shall be used as an office or for any other commercial purpose.
- (d) No travel trailer or other recreational vehicle shall be parked on any front yard, except on a driveway.

Section 5-9 SANITARY LANDFILLS

Any person who intends to establish or conduct any sanitary landfill operation within this Village, shall obtain a permit from the Illinois Environmental Protection Agency indicating that the sanitary landfill fully complies with the "Solid Waste Rules and Regulations" promulgated by the IEPA pursuant to the authority granted under State law. (415 ILCS, 5/1 - 5/56.6.)

Section 5-10 SCHOOLS

- (a) The lot on which any school is situated shall have the minimum area indicated below:

<u>Type of School</u>	<u>Minimum Lot Area</u>
Nursery	20,000 sq. ft., plus at least 100 sq. ft. of fenced outdoor play area per child.
Other (elementary, junior high, senior high)	As required by State Law (105 <u>ILCS</u>)-normally 4 acres, plus 1 additional acre for every 150 students in excess of 200.

- (b) The principal building of any school shall be located at least twenty-five (25) feet from all lot lines.

Section 5-11 SERVICE STATIONS

- (a) All gasoline pumps and other service facilities shall be located at least twenty-five (25) feet from any street right-of-way line, side lot line, or rear lot line.
- (b) Every access way (curb cut) shall be located at least two hundred (200) feet from the principal building of any fire station, school, public library, church, park, or playground, and at least thirty (30) feet from any intersection of public streets.
- (c) Every device for dispensing or selling milk, ice, soft drinks, snacks, and similar products shall be located within or adjacent to the principal building.
- (d) All trash receptacles, except minor receptacles adjacent to the gasoline pumps, shall be screened from view.
- (e) Whenever the use of a filling station has been discontinued for twelve (12) consecutive months, or for eighteen (18) months during any three-year period, the Administrator shall order that all underground storage tanks be removed or filled with material approved by the Fire Chief.

Section 5-12 STABLES

- (a) In any zoning district where the keeping of horses is permitted (either as a principal or accessory use), at least five (5) acres shall be allocated for the first horse kept, and two (2) more acres shall be allocated for each additional horse kept.
- (b) Any stable or other structure housing horses shall be located at least two hundred (200) feet from the nearest existing dwelling, and at least one hundred (100) feet from any lot line.

Section 5-13 SWIMMING POOLS

- (a) No swimming pool, whether public or private, shall be located in any front yard, side yard or closer than ten (10) feet to any side or rear lot line.
- (b) Every swimming pool, including above-ground pools, that is more than two (2) feet deep shall be enclosed by a protective fence at least six (6) feet in height. The gates of the protective fence shall be self-closing and self-latching and be equipped with a gate latch and lock.
- (c) All swimming pools shall not be located under any electric service line.

Section 5-14 UTILITY SUBSTATIONS

Every electrical substation, natural gas regulator station, telephone exchange facility, water storage facility, or similar facility shall be deemed a special use and shall conform to the following regulations:

- (a) Every lot on which any such facility is situated shall meet the minimum area and dimensions requirements of the district in which it is located. Every part of any such facility shall be located at least twenty-five (25) feet from all lot lines or shall meet the district setback requirements, whichever is greater.
- (b) In any residential district, every such facility shall be designed, constructed, and operated so that it is compatible with the residential character of the area.
- (c) Screening at least ten (10) feet in height and of sufficient density to block the view from adjacent property shall be installed around every such facility. Furthermore, if the Administrator determines that the facility poses a safety hazard (for example, if there are exposed transformers) he shall require that a secure fence at least eight (8) feet in height be installed behind the planting screen.

Section 5-15 ADULT BUSINESSES

An “Adult Business” means any establishment having as a substantial or significant portion of its stock in trade or business activity in use such as, but not limited to, the following: adults-only bookstores, adults-only motion picture theaters, adult entertainment centers, massage parlors, rap parlors, nudity and/or adults-only cabarets or adults-only saunas, where explicit sexual conduct is depicted and/or sexual activity is explicitly or implicitly encouraged or tolerated.

- (a) No “Adult Business” shall be located within one thousand (1000) feet of any property which is zoned residential or which is used for a residence, public housing, church or other place of religious worship, school, public park, playground, cemetery, day care facility, government building, or establishment that has a liquor license. For the purposes of this paragraph, any measurement shall be made in a straight line, without

regard to intervening structures or objects, from the property line of the premises upon which the “Adult Business” is located to the nearest property line for any of the uses stated herein.

- (b) No “Adult Business” shall occupy any structure, open for business or operate in any manner, way, shape or form without a valid Occupancy Permit. (See: Division IX.)
- (c) All signage for an “Adult Business” shall comply with all applicable sign regulations of the Village of Caseyville. (See: Division III Section 2-4.)
- (d) All parking for an “Adult Business” shall comply with all applicable parking regulation of the Village of Caseyville. (See: Division II Section 7-1.)
- (e) No “Adult Business” shall occupy any structure, open for business or operate in any manner, way, shape or form without a valid business license issued by the Village of Caseyville.
- (f) No “Adult Business” shall sell, offer for sale, possess, display or allow the consumption of any alcoholic liquor upon any portion of its property.

NOTE: See: Division II Section 4-8.1(a), (b) and (c) for use restrictions.

Section 5-16 SECOND-HAND GOODS/RE-SELL-IT-SHOPS

A Second-Hand Goods/Re-Sell-It-Shop must meet the definition for Second-Hand Goods and/or Re-Sell-It-Shops located in Division II, Article 2, Section 2-2 SELECTED DEFINITIONS of the Village of Caseyville Development Code. All Second-Hand Goods/Re-Sell-It-Shops shall be deemed Special Uses in an “I-2” Industrial District and must be granted a Special Use Permit before they can apply for an Occupancy Permit and/or a Business License from the Village of Caseyville. All Second-Hand Goods/Re-Sell-It-Shops shall conform to the following regulations:

- (a) Shall only be located in a “I-2” Industrial District after approval of a Special Use Permit.
- (b) Outside Storage shall not be permitted.
- (c) Outside sales, including yard sales and/or sidewalk sales shall not be permitted.
- (d) Applicants for a Special Use Permit for a Second-Hand/Re-Sell-It-Shop Must submit a business plan and/or Statement of Activity to be conducted, at site, in detail; such document(s) must accompany the Special Use Permit Application.

Section 5-17 SOLAR ENERGY FACILITIES

Every solar energy facility shall be deemed a Special Use and shall conform to the following regulations:

- (a) Every solar farm must be located completely within an agricultural or industrial zone district and have received a Special Use Permit and Building Permits prior to such location. Every part of any such facility shall be located at least 350 feet from all lot lines and be completely surrounded by a fence at least eight (8) feet in height with suitable gate and locking device. Screening at least ten (10) feet in height and of sufficient density to block the view from adjacent property shall be installed around every such facility.
- (b) In any residential district, individual solar energy arrays may be placed upon the roof of a residential unit provided a Special Use Permit and a Building Permit have been granted prior to the installation of the solar array and said residential unit has been designed by the appropriate Illinois License Design Professional, said plans and specifications being signed and sealed by said Design Professional, all of which show that said residential unit is capable of withstanding the inclusion of said array, energy storage facility and transmission system.

Should the residential unit have been constructed, in whole or in part, prior to the desire to install solar energy, the owner of said residential unit shall seek and be granted both a Special Use Permit and a Building Permit prior to retrofitting said residential unit for solar energy; both the existing residential unit and the means and method of retrofitting said residential unit shall be studied to determine if the existing residential unit is capable of withstanding the inclusion of a solar array, energy storage facility and transmission system. The plans and specifications based upon said study for said retrofitting, prepared, signed and sealed by an Illinois Licensed Design Professional.

Section 5-18 WIND ENERGY FACILITIES

Every wind energy facility shall be deemed a Special Use and shall conform to the following regulations:

- (a) Every wind energy device, either individual units, or wind farms, must be located completely within an agricultural or industrial zone district and have received a Special Use Permit and Building Permit(s) prior to such location.
- (b) Every part of any wind energy device, either individual units or wind farms, shall be located at least 350 feet from all lot lines.
- (c) Every wind energy device shall be located at a minimum of 1.1 times the height of the structure from each other.
- (d) For the purpose of this Section (5-18), the term “structure” shall also be defined as any

pole, tower or other structure that holds up the wind energy conversion device.

- (e) All support structures related to wind energy collection, conversion, production and/or distribution shall be located on the site of the wind energy device(s) and shall be subject to the same location and setbacks as the wind energy device(s).
- (f) All wind energy structures shall be kept in good working order and physical condition.
- (g) All wind energy structures shall be kept secured at all times, especially those times when staff, employees, owners or their representatives, including consultants are not immediately present at each structure.
- (h) All wind energy devices shall be designed by an Illinois Licensed Design Professional. All plans and specifications shall be signed and sealed by the design professional that did the design.
- (i) All wind energy support structures shall be designed by an Illinois Licensed Design Professional. All plans and specifications shall be signed and sealed by the design professional that did the design.
- (j) All owners of the wind energy device(s) and/or wind energy structure(s) and wind energy support structure(s) whether said owners are an individual, sole proprietor, partnership, firm, corporation, limited liability company, association or other business enterprise are fully responsible for the total and complete dismantling, demolition and removal of each such device(s) and structure(s) within 60 days after the individual unit or wind farm(s) is no longer in operation.
- (k) For the purpose of this Section (5-18), the term “in operation” shall include the following meaning: collection, conversion, production and/or distribution of wind energy.

ARTICLE 6 NONCONFORMITIES

Section 6-1 PURPOSE OF ARTICLE

The requirements of this Code are designed to guide the use of land and to control development upon it to assure that structures and uses are compatible with the predominant character of the various zoning districts. However, certain lots, structures, and uses because they were created prior to the adoption or amendment of this Code may not conform to all the requirements of the district in which they are located.

While the requirements of this Article are intended to encourage the gradual elimination of nonconformities through attrition or at such time when said lots, structures, or uses are subject to being altered, modified, reconstructed, renovated, restored or removed; any lawful but nonconforming lot, structure, or use may continue to remain as "grandfathered" in the Village.

"Grandfathering" said nonconforming lots, structures, or uses in the Village is the recognition that while potential problems may arise from nonconformities impeding appropriate development, enforcing compliance until said nonconforming lot, structure, or use is altered, modified, reconstructed, renovated, or restored or removed may impose an undue hardship upon the property owner. When nonconforming lots, structures, and uses are either altered, modified, reconstructed, renovated, restored, or removed, they will then meet all applicable regulations of the district in which they are located subject to the requirements of this Article.

Section 6-2 NONCONFORMING LOTS

Any vacant lot that does not conform to one or more of the lot size (area, dimensions) requirements of the district in which it is located may be used in the manner indicated in Division II Subsections 6-2.1 and 6-2.2 if such vacant lot:

- (a) is of record on the date of the adoption or amendment of this Code;
- (b) has continuously remained in separate ownership from abutting tracts of land throughout the entire period during which the creation of such lot was prohibited by the former zoning ordinance; and
- (c) is at least thirty (30) feet wide.

6-2.1 AGRICULTURAL AND RESIDENTIAL DISTRICTS:

In the Agricultural District and in any residential district, one single-family dwelling and related accessory structures, but no other use, may be erected on any vacant nonconforming lot of the type described above provided all the bulk regulations of the particular district are observed.

6-2.2 COMMERCIAL AND INDUSTRIAL DISTRICTS:

In the Industrial District and in any commercial district, any structure that is permitted in the particular district may be erected on any vacant nonconforming lot of the type described above provided all the bulk requirements of the particular district are met.

6-2.3 TWO OR MORE LOTS IN COMMON OWNERSHIP:

If two or more lots or combinations of lots and portions of lots with continuous frontage were of record and in common ownership on the effective date of this Code, and if one or more of those lots does not meet the minimum lot width, depth, and area requirements of the district in which it is located, the land involved shall be considered an undivided parcel. No portion of any such parcel shall be developed except in compliance with this Code, nor shall any such parcel be divided so as to create a lot that does not meet the requirements of this Code.

Section 6-3 NONCONFORMING STRUCTURES

Any lawful structure which exists on the effective date of this Code but which could not be erected under the terms of this Code because of restrictions on lot size, height, setbacks, lot coverage, or other characteristics of the structure or its location on the lot may lawfully remain, subject to the following provisions:

- (a) Enlargement, Alterations: No such structure shall be enlarged or altered in any way which increases its nonconformity; provided that replacement of an existing mobile home with one of superior quality as determined by the appropriate inspection shall not be deemed a violation of this section.
- (b) Relocation: No such structure shall be relocated unless, after relocation, it will conform to all the regulations of the district in which it is located.
- (c) Reconstruction: No such structure which is destroyed or damaged by any means shall be reconstructed if the Administrator determines that the cost of such reconstruction exceeds fifty percent (50%) of the structure's market value at the time of loss, unless after construction the structure will conform to all applicable regulations of the district in which it is located. In the event the Administrator determines the estimated cost of reconstruction is less than fifty percent (50%) of the structure's market value at the time of loss, repairs or reconstruction shall be permitted, provided such work starts within six (6) months from the date the damage occurred and is diligently carried out to completion.

The Administrator may require that the reconstruction cost estimate be made by a bona fide construction contractor, and that the structure's market value at the time of loss be determined by a licensed real estate appraiser. The owner of the damaged structure shall be responsible for obtaining these estimates for the Administrator.

- (d) Existing nonconforming mobile homes may be replaced provided the replacement unit is of superior quality as determined by appropriate inspection.

Section 6-4 NONCONFORMING USES OCCUPYING A STRUCTURE

If any lawful use occupying a structure exists on the effective date of this Code but would not be allowed under the terms of this Code, such use may lawfully continue, subject to the following provisions:

- (a) Maintenance: Any structure housing a nonconforming use may be maintained through ordinary repairs.
- (b) Enlargement, Alteration, Reconstruction, Relocation: No structure housing a nonconforming use shall be enlarged, structurally altered, reconstructed, or relocated unless the use of the structure is changed to a permitted use.
- (c) Extension of Use: No nonconforming use may be extended to any part(s) of the structure not intended or designed to be devoted to such use, nor shall the use be extended to occupy any land outside such structure.
- (d) Change of Use: A nonconforming use occupying a structure shall not be changed except to a use permitted under the applicable district regulations.
- (e) Discontinuance of Use: When a nonconforming use of a structure, or of a structure and premises in combination, is discontinued for twelve (12) consecutive months or for eighteen (18) months during any three-year period, the nonconforming use shall not thereafter be resumed. Any discontinuance caused by government action and without any fault by the user shall not be counted in calculating the length of discontinuance.

Section 6-5 NONCONFORMING USES OF LAND

Any lawful use of land existing on the effective date of this Code that would not be permitted under the terms of this Code may lawfully continue, subject to the following provisions:

- (a) Intensification or Extension of Use: A nonconforming use of land shall not be intensified or extended to occupy a greater area of land than was occupied by such use on the effective date of this Code.
- (b) Relocation: No nonconforming use of land shall be moved, in whole or in part, unless, upon relocation, such use will conform to all pertinent regulations of the district in which it is proposed to be located.
- (c) Change of Use: A nonconforming use of land shall not be changed except to a use that is permitted under the applicable district regulations.
- (d) Discontinuance: When a use of land is discontinued for a period of twelve (12) consecutive months, it shall not thereafter be resumed, and any subsequent use of such land shall conform to the applicable district regulations. Any discontinuance caused by government action and without any contributing fault by the owner or operator shall not be counted in calculating the length of discontinuance.

Section 6-6 NONCONFORMITIES UNDER PERMIT AUTHORITY

The regulations of this Article shall not apply to any change in an existing structure or to any change in the use of a structure or of land for which a permit was issued prior to the effective date of this Code or any pertinent amendment thereto provided that the work authorized by such permit is completed within a reasonable time.

ARTICLE 7 PARKING AND LOADING

Section 7-1 APPLICABILITY OF ARTICLE

Except as specifically provided otherwise elsewhere in this Code, off-street parking and loading shall be provided in accordance with this Article for all structures and uses erected or established on or after the effective date of this Code.

7-1.1 EXISTING PARKING/LOADING FACILITIES:

- (a) Existing off-street parking or loading facilities located on the same lot as the use served shall not be reduced--or if already less than, shall not be further reduced below the requirements and standards for similar new structures or uses.
- (b) When an existing structure or use is damaged or destroyed and subsequently repaired or, parking loading facilities equivalent to any maintained at the time of such damage or destruction shall be restored, additional off-street parking/loading facilities need not be provided.
- (c) Whenever the use of any structure or premises is intensified through attrition of dwelling units or increased floor area, seating capacity, etc., additional parking/loading facilities commensurate with such increases in use-intensity shall be provided.
- (d) Whenever the existing use of a structure is changed to a different use, parking/loading facilities shall be provided as required herein for such new use.

Section 7-2 OFF-STREET PARKING DESIGN STANDARDS

All off-street parking areas shall conform to the standards indicated in the subsections below:

7-2.1 SPACES:

Each required parking space shall be at least ten (10) feet wide and twenty (20) feet long. Every space shall be situated so that no part of any parked vehicle overhangs the public right-of-way. Each required accessible parking space shall be twenty (20) feet wide and twenty (20) feet long, including a ten (10) foot wide diagonally striped access aisle. The access aisle can be located on either side of the vehicle portion of the accessible space. Adjacent accessible parking spaces cannot share a common access aisle.

7-2.2 INTERIOR AISLES:

Aisles within parking lots shall be sufficiently wide to permit safe and efficient vehicular movement in the aisles, and into and out of parking spaces. Aisles designed for two-way traffic shall be at least twenty-two (22) feet wide. One-way aisles designed for sixty degree (60°) parking shall be at least eighteen (18) feet wide.

7-2.3 ACCESS WAYS:

- (a) Parking areas shall be designed so that ingress to or egress from a parking space is from an aisle or driveway, not directly from the public right-of-way.
- (b) No access way to any parking area shall be located closer than thirty (30) feet to any corner formed by the intersection of the rights-of-way of two (2) or more streets. At intersections where traffic is especially heavy, the Administrator may increase this requirement as necessary to prevent hazards.
- (c) Parking area access ways (including residential driveways) and public streets shall be aligned to form--as closely as feasible--right angles.
- (d) The access way to every parking lot located in any commercial district or in the Industrial District shall be at least twenty-four (24) feet wide unless two (2) one-way drives, each twelve (12) feet wide, are provided.
- (e) The access way to every parking area located in any residential district shall be at least ten (10) feet wide; but if such parking area contains more than eight (8) parking spaces or if the access way is longer than one hundred (100) feet, access shall be provided either by one two-way drive at least twenty (20) feet wide or by two (2) one-way drives, each at least twelve (12) feet wide.
- (f) No access way in any district shall exceed thirty-five (35) feet in width.
- (g) All driveways in any zone district shall be paved (See Section 7-2.4).

7-2.4 SURFACING:

All open off-street parking and loading areas, and driveways, and all access ways leading to off-street parking and loading areas shall be graded and improved with an all-weather pavement consisting of a minimum of a compacted crushed stone base at least 6-inches thick, surfaced with at least 2-inches of asphaltic concrete or approved comparable material. Any fill material placed under the pavement shall be placed in lifts not greater than 8-inches thick, and be compacted to a minimum of 95% standard Proctor density.

7-2.5 LIGHTING:

Any light(s) used to illuminate any parking area shall be arranged or shielded so as to confine direct light rays within the lot lines of the parking area to the greatest extent practicable.

7-2.6 LANDSCAPING:

In order to reduce heat and glare, to minimize blowing of dust and trash, and to reduce the oppressive visual effects of large open parking areas, landscaping shall be provided and maintained on the perimeter of, and/or within, every parking lot that contains eight (8) or more parking spaces.

Section 7-3 LOCATION OF PARKING

All off-street parking shall be located in conformity with the following requirements:

AGRICULTURAL AND RESIDENTIAL DISTRICTS:

- (a) Parking spaces accessory to dwellings located in the Agricultural District or in any residential district shall be located on the same lot as the dwelling. Such parking spaces shall not be located in any front yard except in the driveway, but may be located in the side or rear yards. Each parking space accessory to a multi-family dwelling shall be unobstructed so that no vehicle need be moved in order to allow another vehicle to enter/exit the parking area.
- (b) All parking spaces accessory to permitted non-dwelling uses located in the Agricultural District or in any residential district generally shall be located on the same lot as the use served. However, the Administrator may allow such parking facilities to be located on another parcel within two hundred (200) feet of the use served if the "same lot" requirement is not feasible.
- (c) No commercial vehicle exceeding one (1) ton cargo capacity shall be parked anywhere in the Agricultural District or in any residential district, except for normal loading, unloading, and service calls nor shall any vehicle repair work be conducted on any non-residential parking lot located in said districts.

7-3.2 COMMERCIAL AND INDUSTRIAL DISTRICTS:

- (a) Parking lots accessory to any use located in any commercial district or in the Industrial District shall be located within five hundred (500) feet of the use served.
- (b) No parking lot accessory to any use located in any commercial district or in the Industrial District shall be located in any residential district or in the Agricultural District except by special use permit; and in no case shall any such parking area extend more than five hundred (500) feet into the Agricultural or any residential district.
- (c) In any commercial district or in the Industrial District, off-street parking facilities for different buildings or uses may be provided collectively; but only if the total number of spaces so located together is not less than the sum of the separate requirements for each use, and if all regulations governing location of parking spaces in relation to the uses served are observed.

Section 7-4 DESIGN AND LOCATION OF OFF-STREET LOADING FACILITIES

All off-street loading facilities shall conform to the minimum standards indicated below:

7-4.1 SIZE OF SPACE:

Every required off-street loading space shall be at least ten (10) feet wide and forty-five (45) feet long exclusive of aisle space, and shall have vertical clearance of at least fourteen (14) feet. In no case shall a vehicle being loaded or unloaded overhang into the public right-of-way.

7-4.2 ACCESS WAYS:

Every off-street loading space shall have a safe means of vehicular access to a street or alley. Such access way shall be at least twelve (12) feet wide.

7-4.3 SURFACING:

Every off-street loading area and all access ways leading to off-street loading areas shall be graded and improved with an all-weather pavement consisting of a minimum of a compacted crushed stone base at least 7-inches thick, surfaced with at least 3-inches of asphaltic concrete or approved comparable material. Any fill material placed under the pavement shall be placed in lifts not greater than 8-inches thick, and be compacted to a minimum of 95% standard Proctor density.

7-4.4 BUFFER STRIPS:

No loading area for vehicles over two (2) ton cargo capacity shall be developed closer than fifty (50) feet to any lot located in any residential district unless such area is completely enclosed by walls, a solid fence, or shrubbery at least ten (10) feet in height and of sufficient density to block the view from the residential property.

7-4.5 LOCATION:

Every off-street loading space that is required or provided shall be located on the same parcel of land as the use served, and not closer than fifty (50) feet to the intersection of the rights-of-way of two or more streets, and not on required front yards.

Section 7-5 COMPUTATION OF REQUIRED PARKING/LOADING SPACES

In computing the number of parking spaces required under this Article, the Administrator shall apply the following rules:

- (a) In computing parking space requirements based on the number of employees, the maximum number of employees on the premises at any period of the day shall be used. "Employee parking" means "one parking space shall be required for one and one-half (1.5) employees," unless otherwise stated.
- (b) In computing parking or loading space requirements on the basis of floor area, the gross floor area shall be used.
- (c) For the purpose of translating gross parking lot area into number of parking spaces, three hundred fifty (350) square feet of gross area shall be deemed one parking space.
- (d) If computation of the number of parking or loading spaces required in this Article results in a fractional space, any fraction of one-half (0.5) or more shall be counted as one space.
- (e) No space or portion thereof needed to satisfy the minimum applicable requirement for number of off-street parking or loading spaces shall be counted as part of the off-street parking or loading spaces required for another structure or use.

Section 7-6 NUMBER OF PARKING AND LOADING SPACES REQUIRED

Off-street parking and loading spaces shall be provided as indicated in tabular form below. For any use that is not listed in the table, the same amount of parking and loading space shall be provided as is required for the most similar listed use. The Administrator shall make the determination of similarity.

ARTICLE 8 MINIMUM STANDARDS FOR MOBILE HOME PARKS

Section 8-1 COMPLIANCE WITH STATUTE APPLICABILITY OF ARTICLE

Every mobile home park hereafter established in the Village of Caseyville shall, at a minimum, conform to the requirements of:

- (a) "An Act to provide for, license, and regulate mobile homes and mobile home parks" (210 ILCS 115/1), as now or hereafter amended; and
- (b) "Rules and Regulations for Mobile Home Parks," Illinois Department of Public Health, Consumer Protection Division, as now or hereafter amended; and
- (c) this Article.

In case of conflict between any provisions of the above, the more stringent requirement shall prevail.

Mobile home parks may be allowed by special use permit in the "MH" District, but are strictly prohibited in every other district.

Section 8-2 ENVIRONMENTAL REQUIREMENTS

Every mobile home park shall meet the environmental requirements of the subsections below.

8-2.1 DRAINAGE, EROSION CONTROL:

No mobile home park shall be located on a lot where conditions of soil, groundwater level, drainage, or topography would pose a danger to the health, safety, or property of the park occupants. All unpaved areas of the park shall be protected with vegetation adequate to prevent erosion.

8-2.2 INSECT AND RODENT CONTROL:

Mobile home parks shall be located away from marshes, landfills, and other potential breeding places for insects and rodents, and shall be maintained free from accumulations of debris. Storage areas shall be so maintained as to prevent rodent harborage. Weeds and brush shall be cut regularly, and extermination measures shall be taken as necessary to prevent infestation.

8-2.3 NUISANCES, BUFFERING:

No mobile home park shall be exposed to objectionable smoke, noise, odors, lights, and other adverse conditions. A buffer strip at least ten (10) feet wide consisting of densely planted shrubbery that can be expected to reach a height of ten (10) feet when full-grown shall be planted and maintained along the entire periphery of the park.

Section 8-3 PARK LOT REQUIREMENTS

- (a) Minimum Lot Area: Five (5) acres.
- (b) Minimum Width and Depth: Two hundred fifty (250) feet.
- (c) Minimum Setback: Twenty-five (25) feet from all lot lines.
- (d) Maximum Structure Height: Thirty-five (35) feet.

Section 8-4 RECREATIONAL AREAS

At least eight percent (8%) of the gross area of every mobile home park shall be devoted to recreational uses. Recreational areas shall be in plots of not less than eight thousand (8,000) square feet.

Section 8-5 SPACING OF MOBILE HOMES

Mobile homes within the park shall be placed so that no part of any mobile home is closer than:

- (a) ten (10) feet to the abutting park street;
- (b) twenty-five (25) feet to any lot line of the park; or
- (c) twenty (20) feet to any part of any other mobile home or structure.

Section 8-6 MOBILE HOME SPACE IMPROVEMENTS

Each mobile home space shall be improved in accordance with the following requirements:

8-6.1 MOBILE HOME STAND:

Each space shall have a stand to provide adequate support for the placement and tie-down of the mobile home. The stand shall extend the length of the supports of the mobile home, and shall consist of either eight- (8) inch thick reinforced concrete runners or a four- (4) inch thick reinforced concrete slab. Piers may be utilized provided they are two (2) feet by two (2) by forty (40) inches in depth below ground level.

8-6.2 ANCHORS:

Anchors for mobile homes shall be installed at the corners of each stand or as otherwise necessary for protection against high winds. Each anchor shall be capable of withstanding a vertical tension force of four thousand eight hundred (4,800) pounds. Every mobile home shall be securely attached to said anchors.

8-6.3 OFF-STREET PARKING:

Each mobile home space shall have two paved off-street parking spaces meeting the standards imposed in Division II Article 7.

8-6.4 SKIRTING:

Mobile homes skirting installation shall be required. Installation shall be in accordance with the manufacturer's installation instructions. It shall be secured, as necessary, to assure stability, to minimize vibrations, to minimize susceptibility to wind damage, and to compensate for possible frost heave. Acceptable materials may include masonry, stone, metal, vinyl, or other materials manufactured for the purpose of skirting. A sliding or hinged type of inspection door must be provided. The inspection door must be a minimum of 24 inches in width and be located near the sewer riser. All mobile home skirting shall be installed within thirty (30) days after placements.

Section 8-7 PARK STREETS

The street system of every mobile home park shall meet the following requirements:

8-7.1 ACCESS:

Every mobile home park shall have safe and convenient vehicular access to public streets. The access way(s) to the park shall be designed to prevent hazards and to minimize traffic tie-ups on adjacent public streets.

8-7.2 LAY-OUT:

Streets within the park shall be designed so that:

- (a) not more than two streets intersect at any one point; and
- (b) no angle of intersection is less than eighty (80) degrees.

8-7.3 CONSTRUCTION STANDARDS:

Park streets shall be:

- (a) at least twenty-eight (28) feet wide;
- (b) surfaced with asphalt or concrete in accordance with the requirements of Division II Subsection 7-2.4; and
- (c) improved with concrete integral curb and gutter.

Section 8-8 UTILITIES

Utilities shall be provided to and within mobile home parks in accordance with the following requirements:

8-8.1 WATER:

An adequate supply of potable water shall be provided in every mobile home park. If the public water system is accessible, connection shall be made thereto, and its supply shall be used exclusively. If the public water system is not available, a private water system shall be developed and used as approved by the Administrator and the Illinois Department of Public Health. Individual water service shall be provided to each mobile home space in accordance with Department of Public Health regulations.

8-8.2 SEWERS:

Every mobile home park shall be served by a central sewage collection system, and every mobile home in the park shall be properly connected thereto. If the public sewage collection system is close to the park, connection shall be made thereto, and the public system shall be used exclusively. If the public sewer system is not accessible, a private central sewage collection system shall be developed to serve the park. Such private system must be approved by the Administrator, the Illinois Department of Public Health, and the Illinois Environmental Protection Agency.

8-8.3 SOLID WASTE:

The operator of every mobile home park shall provide a sufficient number of watertight, insect/rodent-proof containers to store all refuse generated by the park's residents in one week. The park operator shall also arrange to have all park refuse collected and transported to an approved disposal site at least once per week.

8-8.4 ELECTRICITY:

Electrical service (minimum 200 volts A.C. 100 amperes) shall be provided to each mobile home space. Transmission and distribution lines shall be installed underground in accordance with Illinois Department of Public Health regulations and the provisions of the National Electrical Code. (See: Division VIII Article 3.) Electrical circuits supplying any accessory structure shall be independent of the circuit supplying the mobile home.

8-8.5 TELEPHONE, CATV:

Telephone and cable television lines (if any) shall be installed underground.

Section 8-9 FIRE PROTECTION

- (a) Hydrants. Fire hydrants shall be installed in every mobile home park by the park developer in accordance with the instructions of the appropriate Fire Chief.

Section 8-10 SERVICE BUILDINGS

Any service building erected in mobile home park shall meet the requirements of the BOCA Basic National Building Code and Illinois State Plumbing Code adopted as the applicable codes serving the Village. (See: Division VIII Articles 1 and 2.)

Section 8-11 MISCELLANEOUS RESTRICTIONS

- (a) No mobile home shall be immobilized.
- (b) Not more than one mobile home shall be parked in one space.
- (c) No travel trailer shall be permitted in any mobile home park except as an accessory use.
- (d) No permanent structure within a mobile home park shall be used as a residence except by park management personnel.

- (e) No mobile home shall be replaced except with a mobile home of superior quality as determined by appropriate inspection as set forth in Division IV Subsections 4-3.2.1, 4-3.2.2 and 4-3.2.3.

ARTICLE 9 MINIMUM STANDARDS FOR TRAVEL TRAILER PARK

Section 9-1 APPLICABILITY OF ARTICLE

Every travel trailer park hereafter established in the Village of Caseyville shall, at a minimum, conform to the standards of this Article. Travel trailer parks are a special use in the “A” and “B-2” Districts, but are prohibited in every other district.

Section 9-2 ENVIRONMENTAL REQUIREMENTS

Every travel trailer park shall meet the environmental requirements of the subsections below.

9-2.1 DRAINAGE, EROSION CONTROL:

Conditions of soil, groundwater level, drainage, or topography shall not be hazardous to the health, safety, or property of the park occupants. Exposed ground surfaces in all parts of the park except streets and parking areas shall be protected with vegetation adequate to prevent erosion.

9-2.2 INSECT AND RODENT CONTROL:

Trailer parks shall be located away from marshes, landfills, and other potential breeding places for insects and rodents, and shall be maintained free from accumulations of debris. Storage areas shall be so maintained as to prevent rodent harborage. Weeds and brush shall be cut regularly, and extermination methods shall be employed as necessary to prevent infestation.

9-2.3 NUISANCES, BUFFERING:

No travel trailer park shall be exposed to objectionable smoke, noise, odors, lights, or other adverse conditions. A buffer strip at least ten (10) wide and consisting of densely planted shrubbery that can be expected to reach a height of ten (10) feet when full-grown shall be planted and maintained along the entire periphery of the park except at entrances/exits.

Section 9-3 PARK LOT REQUIREMENTS

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| (a) <u>Minimum Lot Area:</u> | Three (3) acres. |
| (b) <u>Minimum Width and Depth:</u> | Two hundred fifty (250) feet. |
| (c) <u>Minimum Setback:</u> | Twenty-five (25) feet from all lot lines. |
| (d) <u>Maximum Structure Height:</u> | Thirty-five (35) feet. |
| (e) <u>Maximum Density:</u> | Twenty (20) trailer spaces per gross acre. |

Section 9-4 INDIVIDUAL TRAILER SPACES

Each travel trailer space shall be at least fifty-five (55) feet long. Each space shall be sufficiently wide and so designed in relation to other spaces as to maintain:

- (a) a twenty (20) foot clearance between the long sides of adjacent trailers and between trailers and park buildings; and
- (b) a ten (10) foot clearance between the front/rear ends of trailers parked end to end.

Section 9-5 RECREATIONAL AREA

In every travel trailer park there shall be at least one recreational area that is easily accessible from all trailer spaces. Such recreational area shall constitute at least eight percent (8%) of the gross park area.

Section 9-6 ACCESS AND STREETS

Every travel trailer park shall have safe and convenient vehicular access to a major non-residential public street. This access way shall be so designed as to prevent hazards and minimize traffic tie-ups on adjacent streets.

Every travel trailer park shall be provided with one or more easily accessible water supply outlets for filling trailer water storage tanks. Such water supply outlets shall consist of at least a water hydrant and the necessary appurtenances, and shall be protected against backflow and back siphonage. (Note: A sanitary station cleaning hose shall not be considered a water supply outlet.)

Internal park streets shall at a minimum be treated with a dust palliative. Such streets shall be at least twelve (12) feet wide if designed for one way traffic, and at least twenty (20) feet wide if designed for two-way traffic.

Section 9-7 UTILITIES

Utilities within travel trailer parks shall be provided in accordance with the following requirements:

9-7.1 WATER:

Travel trailer parks shall meet the water requirements applicable to mobile home parks (See: Division II Subsection 8-8.1), except that service to individual trailer spaces is not mandatory.

9-7.2 SEWAGE:

Travel trailer parks shall meet the sewage requirements applicable to mobile home parks (See: Division II Subsection 8-8.2), except that service to individual trailer spaces is not mandatory.

- (a) Sanitary Stations: If individual trailer space sewer connections are not provided, then at least one sanitary station per one hundred (100) trailer spaces or fractional part thereof shall be provided. A sanitary station minimally consists of:
 1. a trapped four (4) inch sewer riser pipe that is connected to the park sewage system, surrounded at the inlet end by a concrete apron sloped to the drain, and provided with a suitable hinged cover; and

2. a water outlet, with the necessary appurtenances, connected to the park water supply system to permit periodic washdown of the immediately adjacent areas.

Sanitary stations shall be screened by visual barriers (e.g., fences, walls, natural vegetative growth) and shall be located at least fifty (50) feet from the nearest trailer space.

- (b) Sink Wastes: No liquid wastes from sinks or tubs shall be discharged onto the ground.

9-7.3 SOLID WASTE:

Travel trailer parks shall comply with the solid waste collection, storage, and disposal requirements applicable to mobile home parks. (See: Division II Subsection 8-8.3.)

9-7.4 ELECTRICAL SERVICE:

Travel trailer parks shall comply with the electrical requirements applicable to mobile home parks (including underground power lines), except that service to individual trailer spaces is not mandatory.

9-7.5 FIRE HYDRANTS:

Fire hydrants of the type specified by the Caseyville Fire Chief shall be installed in every trailer park by the park developer.

Section 9-8 SERVICE BUILDINGS

In every trailer park a service building shall be erected in conformity with the adopted Caseyville Building, Plumbing, and Electrical Code. (See: Division VIII.) The service building shall contain:

- (a) one clothes washer and one clothes dryer per thirty (30) trailer spaces or fractional part thereof;
- (b) one janitorial-type sink; and
- (c) toilet and bathing facilities as indicated below, plumbed in accordance with the adopted Caseyville Plumbing Code. (See: Division VIII Article 2.)

Toilets

<u>Number of Trailer Spaces</u>	<u>Men</u>	<u>Women</u>	<u>Urinals (Men)</u>	<u>Lavatories Men/Women</u>	<u>Showers Men/Women</u>
1-15	1	1	1	1	1
16-30	1	2	1	2	1
31-45	2	2	1	3	1
46-60	2	3	2	3	2
61-80	3	4	2	4	2
81-100	3	4	2	4	3

9-8.1 CONVENIENCE STORES:

A commercial facility selling groceries and personal use items may be located in a travel trailer park, either within the service building or in a separate facility, provided such facility is primarily intended to serve the occupants of the park.

Section 9-9 MISCELLANEOUS RESTRICTIONS

- (a) No permanent structure within a trailer park shall be used as a residence except by park management personnel.
- (b) No mobile home shall be permitted in any trailer park except as a residence for park management personnel.
- (c) Not more than one trailer shall be parked in one trailer space.

ARTICLE 10 SPECIAL PERMITS AND PROCEDURES

Section 10-1 SPECIAL USE PERMITS

Division II Article 3 of this Code divides the Village into various districts, and permits in each district as a matter of right only those uses which are clearly compatible with one another. Certain other uses, because of their special operational or physical characteristics, may or may not have a detrimental impact on nearby permitted uses, depending upon their precise location, size, manner of operation, and other factors. Such "special uses" require careful case-by-case review, and may be allowed only by permission of the Board of Trustees. Because of their special characteristics Special Use Permits are valid for only twelve (12) months. The Board of Trustees may renew a Special Use Permit for up to an additional twelve (12) month period, unless or until a reason occurs to revoke or not renew a Special Use Permit. A Special Use Permit is automatically revoked when the reason for the Special Use Permit no longer exists. Special Use Permits are not transferable.

10-1.1 APPLICATION, INFORMATION REQUIRED:

Every applicant for a special use permit shall submit to the Administrator, in narrative and/or graphic form, the items of information enumerated below. The Administrator shall prepare an advisory report on every request for a Special Use Permit. He shall promptly transmit the completed application and his advisory report to the Planning Commission.

Items of Information:

- (a) name and address of the applicant;
- (b) name and address of the owner or operator of the proposed structure or use, if different from (a);
- (c) nature of the proposed use, including type of activity, manner of operation, number of occupants or employees, and similar matters;
- (d) location of the proposed use or structure, and its relationship to existing adjacent uses or structures;
- (e) area and dimensions of the site for the proposed structure or uses;
- (f) existing topography of the site (USGS ten-foot contour data is acceptable), and proposed finished grade;
- (g) existing proposed screening, landscaping, and erosion control features on the site, including the parking area;
- (h) height and setbacks of the proposed structure;

- (i) number and size of proposed dwelling units, if any;
- (j) location and number of proposed parking/loading spaces and access ways;
- (k) identification and location of all existing or proposed utilities, whether public or private; and/or
- (l) any other pertinent information that the Administrator may require.

10-1.2 PUBLIC HEARING, NOTICE:

The Planning Commission shall hold a public hearing on every special use permit application within reasonable time after said application is submitted to them. At the hearing any interested party may appear and testify, either in person or by duly authorized agent or attorney. Notice indicating the time, date, and place of the hearing, and the nature of the proposed special use shall be given not more than thirty (30) nor less than fifteen (15) days before the hearing;

- (a) by first class mail to the applicant and to all parties whose property would be directly affected by the proposed special use; and
- (b) by publication in a newspaper of general circulation within the Village.

10-1.3 ADVISORY REPORT, FACTORS CONSIDERED:

Within a reasonable time after the public hearing, the Planning Commission shall submit an advisory report to the Board of Trustees. In deciding what their advice should be, the Planning Commission shall consider the following factors:

- (a) whether the proposed design, location, and manner of operation of the proposed special use will adequately protect the public health, safety, and welfare, and the physical environment;
- (b) whether the proposed special use is consistent with the Village's Comprehensive Plan;
- (c) the effect the proposed special use would have on the value of neighboring property and on the Village's overall tax base;
- (d) the effect the proposed special use would have on public utilities and on traffic circulation on nearby streets; and
- (e) whether there are any facilities near the proposed special use (such as schools or hospitals) that require special protection.

10-1.4 ACTION BY BOARD OF TRUSTEES:

The Board of Trustees shall act on every request for a Special Use Permit at their next regularly scheduled meeting following submission of the Planning Commission's advisory report. Without further public hearing, the Board of Trustees may grant a Special Use Permit by a resolution passed by simple majority vote of all the members then holding office. In a separate statement

accompanying any such resolution, the Board of Trustees shall state findings of facts, and indicate their reasons for approving (with or without conditions) or denying the request for a Special Use Permit.

10-1.5 SPECIAL USE PERMIT RENEWAL PROCEDURES:

The Village Clerk shall notify in writing those holding Special Use Permits, sixty (60) days prior to expiration, that their Special Use Permit is terminating. The notification shall require the Special Use Permit holder to officially notify the Village Clerk within thirty (30) days of notification of his/her desire to renew or not renew the Special Use Permit.

A copy of the Special Use Permit renewal notification will be forwarded to the Administrator, Police Chief, Appropriate Fire Chief, Street Superintendent and Water and Sewer Superintendent for their administrative review and comment. Within thirty (30) days after receipt of said Special Use Permit renewal notice, said individuals will forward their comments and recommendation to the Village Clerk.

The Village Clerk shall within thirty (30) days to the expiration of a Special Use Permit send to the Board of Trustees for their consideration, deliberation and action all information relative to the renewal of the Special Use Permit. The information shall include be not be limited to: Special Use Permit holder's response to notification; administrative comments and recommendations, and other pertinent information as may be available to the Village Clerk.

The Board of Trustees shall act on every renewal for a Special Use Permit at their next regularly scheduled meeting following submission by the Village Clerks renewal documentation. Without further public hearing, the Board of Trustees may grant a Special Use Permit renewal for an additional twelve (12) month period or portion thereof, as deemed appropriate by the documentation presented. The Board of Trustees renewal of a Special Use Permit shall be by resolution passed by a simple majority vote of all members then holding office. In a separate statement accompanying any such resolution, the Board of Trustees shall state findings of facts, and indicate their reasons for approval (with or without conditions) or denial of a renewal for a Special Use Permit.

Section 10-2 TEMPORARY USE PERMITS

As set forth at Division II Section 3-5 every application for a temporary use permit shall be treated in substantially the same manner as an application for a special use permit. The Board of Trustees shall not initially issue any temporary use permit for a period longer than one year, but may renew any such permit as they see fit.

Section 10-3 AMENDMENTS

The Board of Trustees may amend this Code in accordance with State law (65 ILCS 5/11-13-14) and the provisions of this Section. Proposed alterations of district boundaries or proposed changes in the status of uses (permitted, special, prohibited) shall be deemed proposed amendments. Amendments may be proposed by the Board of Trustees, the Administrator, the Zoning Board of Appeals, the Planning Commission, or any party in interest.

10-3.1 FILING:

Every proposal to amend this Code shall be filed with the Administrator on a prescribed form. (Every amendment proposal shall also be filed with the Soil and Water Conservation District refer to 70 ILCS 405/22.02a) The Administrator shall promptly transmit said proposal, together with any comments or recommendation he may wish to make, to the Planning Commission for a public hearing.

10-3.2 PUBLIC HEARING, NOTICE:

The Planning Commission shall hold a public hearing on every amendment proposal within a reasonable time after said proposal has been submitted to them. At the hearing any interested party may appear and testify, either in person or by duly authorized agent or attorney. Notice indicating the time, date, and place of the hearing, and the nature of the proposed amendment shall be given not more than thirty (30) nor less than fifteen (15) days before the hearing:

- (a) by first class mail to all parties whose property would be directly affected by the proposed amendment; and
- (b) by publication in a newspaper of general circulation within the Village.

10-3.3 ADVISORY REPORT, FINDINGS OF FACT:

Within a reasonable time after the public hearing, the Planning Commission shall submit an advisory report to the Board of Trustees. The report shall state the Planning Commission's recommendations regarding adoption of the proposed amendment, and their reasons therefore. If the effect of the proposed amendment would be to alter district boundaries or to change the status of any use, the Planning Commission shall include in their advisory report findings of fact concerning each of the following matters:

- (a) existing use(s) and zoning of the property in question;
- (b) existing use(s) and zoning of other lots in the vicinity of the property in question;
- (c) suitability of the property in question for uses already permitted under existing regulations;
- (d) suitability of the property in question for the proposed use;
- (e) the trend of development in the vicinity of the property in question, including changes (if any) which may have required since the property was initially zoned or last rezoned; and
- (f) the effect the proposed rezoning would have on implementation of the Village's Comprehensive Plan.

10-3.4 ACTION BY BOARD OF TRUSTEES:

The Board of Trustees shall act on every proposed amendment at their next regularly scheduled meeting following submission of the Planning Commission's advisory report. Without further

public hearing, the Board of Trustees may pass any proposed amendments or may refer it back to the Planning Commission for further consideration, by simple majority vote of all the members then holding office.

EXCEPTION: The favorable vote of at least two-thirds of all the members of the Board of Trustees is required to pass an amendment to this Code when the proposed amendment is opposed, in writing, by the owners of twenty percent (20%) of the frontage proposed to be altered, or by the owners of twenty percent (20%) of the frontage immediately adjoining or across an alley therefrom, or by the owners of twenty percent (20%) of the frontage directly opposite the frontage proposed to be altered.

Section 10-4 VARIANCES

A variance is a relaxation of the Code requirements applicable to a particular lot, structure, or use. A so-called "use variance" (which would allow a use that is neither permitted nor special in the district in question) is not a variance; it is an amendment and may be granted only as provided for in Section 10-3.

10-4.1 APPLICATION:

Every application for a variance shall be filed with the Administrator on a prescribed form, every variance application shall also be filed with the Soil and Water Conservation District as per State law (70 ILCS 405/22.02a.) The Administrator shall promptly transmit said application to the Zoning Board of Appeals. The application shall contain sufficient information to allow the Board to make an informed decision, and shall include, at a minimum, the following:

- (a) name and address of the applicant;
- (b) location of the structure/use for which the variance is sought;
- (c) relationship of said structure/use to existing structures/uses on adjacent lots;
- (d) specific section(s) of this Code containing the regulations which, if strictly applied, would cause a serious problem; and
- (e) any other pertinent information that the Administrator may require.

10-4.2 PUBLIC HEARING, NOTICE:

The Zoning Board of Appeals shall hold a public hearing on each variance request within a reasonable time after the variance application is submitted to them. At the hearing any interested party may appear and testify, either in person or by duly authorized agent or attorney. Notice indicating the time, date, and place of the hearing, and the nature of the proposed variance shall be given not more than thirty (30) nor less than fifteen (15) days before the hearing:

- (a) by first class mail to the applicant and to all parties whose property would be directly affected by the proposed variance; and
- (b) by publication in a newspaper of general circulation within the Village.

10-4.3 STANDARDS FOR VARIANCES:

A variance shall not be granted unless, based upon the evidence presented it is determined that:

- (a) the proposed variance is consistent with the general purposes of this Code (See: Division II Section 1-1); and generally consistent with surrounding properties within two hundred fifty feet (250'); and
- (b) strict application of the district requirements would result in great practical difficulties or hardship to the applicant, and prevent a reasonable return on the property; and
- (c) the proposed variance is the minimum deviation from Code regulations that will alleviate the difficulties/hardship, and allow a reasonable return on the property; and
- (d) the plight of the applicant is due to peculiar circumstances not of his own making; and
- (e) the peculiar circumstances engendering the variance request are not applicable to other property within the district, and therefore, that a variance would be a more appropriate remedy than an amendment (rezoning); and
- (f) the variance, if granted, will not alter the essential character, of the area where the premises in question are located nor materially frustrate implementation of the Village's Comprehensive Plan.

10-4.4 TERMS OF RELIEF, FINDINGS OF FACT:

Within a reasonable time after the public hearing the Zoning Board of Appeals shall submit an advisory report to the Board of Trustees. The Board of Trustees shall render a decision on every variance request at their next regularly scheduled meeting following the report from the Zoning Board of Appeals. The Board of Trustees shall specify the terms of relief granted (if any) in one statement and their findings of fact in another statement. The findings of fact shall clearly indicate the Board of Trustees reasons for granting or denying any variance.

APPENDIX A MANUFACTURED HOUSING

There are many terms used to describe housing units that are constructed at a factory. These terms include trailers, mobile homes, manufactured homes, sectionalized homes, panelized homes, modular homes, HUD homes, industrialized housing and factory built homes. Because of the similarity of these terms, there often is much confusion to potential or actual owners of these units, dealers, building and zoning officials, and lending and taxing agencies.

Since one-third of all homes built in the country today are manufactured at a factory away from the final site of the home, it is important that there be a correct understanding of the terminology and regulations of the product.

DEFINITIONS

In general, the construction of all manufactured housing located in Illinois must be approved by either the Federal Department of Housing and Urban Development (HUD) or the State Department of Public Health.

All mobile type homes constructed after June 15, 1976 must comply with the National Manufactured Home Construction and Safety Standards. These standards apply uniformly across the country and it is illegal for a local unit of government to require additional construction requirements. A red metal label must be permanently affixed to the rear of each towable unit.

The federal standard refers to such a unit as a "manufactured home" which is defined as "a structure, transportable in one or more sections, which, in the traveling mode, is 8 body feet or more in width or 40 body feet or more in length, or when erected on site, is 320 or more square feet, 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."

This type of unit is an evolution from the "trailers" or "trailer coaches" that were popular from 1920-1950. During the 50's the standard unit increased in length and contained bathrooms. They soon became known as "mobile homes." In October of 1980, the term "mobile home" was changed to "manufactured home" in the Federal standards. These units often are also called "HUD homes" since the Department of Housing and Urban Development (HUD) establishes the construction standards.

The second type of manufactured housing is regulated by the Illinois Department of Public Health. This type of unit is called a "manufactured housing unit" and is defined as "a building assembly or system of building sub-assemblies, designed for habitation as a dwelling for one or more persons, including the necessary electrical, plumbing, heating, ventilating and other service systems, which is of closed or open construction and which is made or assembled by a manufacturer, on or off the building site, for installation or assembly and installation on the building site, with a permanent foundation.

A permanent foundation means a closed perimeter formation consisting of materials such as concrete or concrete block which extends into the ground below the frost line.

These types of units may be either panelized (floor, wall and roof panels are assembled at the final site) or sectional (the home is shipped as a box-like configuration). These units are often called modular homes.

The State-approved manufactured housing unit must comply with the One and Two-Family Dwelling Code, the Illinois State Plumbing Code, the National Electrical Code, and the ASHRAE Energy Standard.

An approved manufactured housing unit will have a yellow seal on the electrical panel box of the home.

Contrary to provisions for HUD-approved homes, the local building official may require additional items other than the minimum state requirements to be incorporated into the construction. These requirements must be filed with the Illinois Department of Public Health.

It should be noted that units that are manufactured at a factory without the installation of the utilities such as the plumbing, electrical and heating systems are subject only to local regulations like a site-built home.

It also should be noted that neither the State nor the Federal government regulates the construction of recreational vehicles. A "recreational vehicle" can be defined as "a vehicular-type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are: travel trailer, camping trailer, truck camper, and motor home."

DIFFERENCES IN CONSTRUCTION CODES

Some of the major differences between the HUD construction code and the Illinois code for manufactured housing units are as follows:

1. A permanent perimeter foundation extending below the frost line is required by the Illinois code. The HUD code allows the home to be supported by concrete blocks located underneath the I-beams. State law does require that HUD homes be tied down to prevent possible personal and property damage.
2. The HUD code requires a minimum 6-foot 2-inch by 2-foot 8-inch entrance door, whereas the State code requires the door to be at least 6-foot 8-inch by 3-foot.
3. The HUD code requires hallways to be a minimum width of 28 inches whereas the State code requires a minimum width of 36 inches.
4. Regarding the plumbing system, there are several differences between the HUD code and the Illinois State Plumbing Code for the State-approved manufactured housing units.

Some of the pipe material approved by the HUD code does not meet the Illinois Plumbing Code requirements. The Illinois code requires that the drainage system be vented to the outside atmosphere whereas the HUD code allows the use of "quick vents" which obtain their air from within the home. A backflow protection device for all hose faucets is required by the Illinois Plumbing Code.

5. The State code requires the egress windows in the bedroom to be 5.7 square feet as opposed to the 5.0 square foot requirement in the HUD code.
6. The HUD code allows framing members to deflect vertically 1/240th of the span as opposed to the State code requirements of only 1/360th of the span. This represents 50% more deflection.
7. The roofs of State approved units must be designed for a minimum load of 30 pounds per square foot. The HUD code requires that homes located in Illinois be designed for a 20 pound per square foot load.