

VILLAGE OF ATWOOD ZONING ORDINANCE

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ORDINANCE NO. 07-O-01

**AN ORDINANCE TO ENACT A NEW ZONING CODE FOR THE VILLAGE OF
ATWOOD, DOUGLAS AND PIATT COUNTIES, ILLINOIS**

WHEREAS, the Board of Trustees of the Village of Atwood, Douglas and Piatt Counties, Illinois (the "Board" and "Village" respectively) has previously enacted a zoning code (the "Code") for the Village being Ordinance No. 91-0-2 which was enacted on June 5, 1991, and;

WHEREAS, since the enactment of the Code, as amended from time to time, many changes have occurred within the Village and in the law which necessitate that comprehensive revisions be made to the Code, and;

WHEREAS, the Board has previously appointed a zoning commission pursuant to Section 11-13-2 of the Illinois Municipal Code to make the comprehensive changes in the Code, and;

WHEREAS, the zoning commission was duly appointed on December 19, 1988 by the Board and has served since that date and has prepared this Ordinance, and;

WHEREAS, the zoning commission did prepare its tentative report and this Ordinance for consideration by the public, and;

WHEREAS, public notice of hearing on the tentative report and this Ordinance was given publication in The Atwood Herald on October 4, 2006, and;

WHEREAS, a public hearing was held on the tentative report and this Ordinance on October 19, 2006, whereupon the zoning commission received the comments and questions of the public, and;

WHEREAS, the zoning commission has now proposed its final report and made final revisions to the Ordinance on October 19, 2006, and;

WHEREAS, the zoning commission does hereby submit this ordinance to the Board for its consideration and approval, and;

WHEREAS, the board has duly considered this Ordinance and desires to adopt the same, and;

WHEREAS, the Village has authority to enact this ordinance pursuant to Section 11-13-1 et seq. Of the Illinois Municipal Code;

NOW THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF ATWOOD, DOUGLAS AND PIATT COUNTIES, ILLINOIS, AS FOLLOWS:

Section 1. That the Code previously enacted as Ordinance 91-0-2 on June 5, 1991, as amended, be and the same is hereby repealed.

Section 2. That there be enacted a new Article 1 of the zoning code as follows:

ARTICLE 1 TITLE AND PURPOSE

Section 100: This ordinance shall be known and cited as: **ZONING ORDINANCE OF THE VILLAGE OF ATWOOD, ILLINOIS.**

Section 101: This Ordinance is adopted for the following purposes:

- (a) To secure adequate light, pure air, and safety from fire and other dangers.
- (b) To conserve the value of land, buildings, and structures throughout the Village of Atwood.
- (c) To lessen the congestion on the public streets.
- (d) To lessen and avoid hazards to persons and damage to property resulting from the accumulation of runoff of storm and flood waters.
- (e) To promote the public health, safety, comfort, morals and general welfare of the residents of the Village of Atwood.
- (f) To regulate the height and bulk of structures and buildings thereafter to be erected.
- (g) To establish, regulate and limit the building or setback lines on or along any street, traffic-way, drive, or parkway.
- (h) To regulate and limit the intensity of the use of lot areas, and regulating and determining the area of open spaces within and surrounding buildings and structures.
- (i) To provide for off-street parking and loading and unloading of vehicles to limit congestion on the public streets.
- (j) To classify, regulate, and restrict the location of trades, industries, and the location of buildings, structures and land designated for specific land uses.
- (k) To divide the entire area of the Village of Atwood into districts of such number, shape, area and such different classes according to the use of land, buildings, and structures, intensity of the use of lot area, and other classifications as may be deemed best suited to carry out the intent and purpose of this ordinance.
- (l) To fix regulations and standards to which buildings, structures, or uses therein shall conform.
- (m) To prohibit uses, buildings and structures incompatible with the character of said districts.

(n) To prevent additions to and alteration or remodeling of existing buildings, structures, or uses in such a way as to avoid the restrictions and limitations imposed under the provisions of this ordinance.

(o) To facilitate the preservation of sites, area, and structures of historical, architectural and aesthetic importance.

Section 102: Reparability. If for any reason, and clause, sentence, paragraph, section, or other part of this ordinance should be decided by a court of competent jurisdiction to be invalid, such judgment shall not affect the validity of these regulations as a whole or any part thereof, other than the part so held to be invalid.

Section 3. That there be enacted a new Article 2 of the zoning code as follows:

ARTICLE 2 DEFINITIONS

Section 200: Rules. In the interpretation of the ordinance, the rules and definitions contained in this Article shall be observed and applied, and except when the context clearly indicates otherwise:

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

(b) The word “shall” is mandatory and not discretionary.

(c) The word “may” is permissive.

(d) The masculine gender includes the feminine gender and the neuter.

Section 201: Definitions.

Abuts—To have a common property line or district line.

Accessory Building—An accessory building is one which:

(a) Is subordinate to and serves a principal building or principal use.

(b) Is subordinate in area, extent or purpose to the principal building or principal use served.

(c) Contributes to the comfort, convenience or necessity of occupants or the principal building or principal use served.

(d) Is located on the same zoning lot as the principal building or principal use served with the single exception of such accessory off-street parking facilities as are permitted to locate elsewhere than on the same zoning lot with the building or use served.

Accessory Use—An accessory use is one which is subsidiary to the main use of the premises and is limited to the following:

(a) A children’s playhouse, garden house and private greenhouse.

(b) A garage, carport, shed or building for domestic storage.

(c) Storage of merchandise normally carried in stock on the same lot with any retail service or use, unless such storage is excluded by the district regulations.

(d) Storage of goods used in or produced by manufacturing activities, unless such storage is excluded by the district regulations.

(e) A house or rooms for nonpaying guests within an “accessory building” provided such facilities are used for the occasional housing of guests by the occupant of the principal building and not for permanent occupancy.

(f) Swimming pool, bathhouse, cabana, for use by the occupant and his guests.

(g) Off-street motor car parking areas and loading and unloading facilities.

(h) Signs as permitted and regulated in each district incorporated and regulated in each district incorporated in this ordinance.

(i) Public utility facilities—telephone, electric, gas, water and sewer lines, their supports and incidental equipment.

Adjacent—To lie near or close to, in the neighborhood or vicinity of adjoining, touching, or contiguous.

Alley—A public or private right of way primarily designed to serve as a secondary access to the side or rear of those properties whose principal frontage is one some other street.

Alteration—A change in size, shape, occupancy, or use of a building or structure.

Antennae—An aerial structure for television, radio, or ham radio waves.

Apartment—A room or suite of rooms in a multiple-family dwelling, including where one or more living units is established above nonresidential uses, intended or designed for use as a residence by a single family. Complete kitchen and permanently installed bath facilities must always be included for each apartment.

Authorized Use—A use permitted by right in its appropriate zoning district according to the Schedule of Authorized and Special Uses in this Ordinance.

Block—A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights of way, shorelines of waterways or boundary lines of the Village of Atwood, Douglas County, Piatt County, or Moultrie County.

Boarding House—A building other than a restaurant or hotel where meals are provided for compensation for four or more persons, but not to exceed twelve (12) persons.

Buildable Area—The space remaining on a lot after the minimum open space yards and setback requirements of this Ordinance have been compiled with.

Building—Any structure having a roof supported by columns or walls for the sheltering or enclosure of persons, animals, chattels, or property of any kind; any structures with interior areas not normally accessible for human use, such as gas, oil or water tanks, train elevators, coal bunkers, oil cracking towers and other similar structures are not considered as buildings.

Building Area—The maximum horizontal projected area of a building and its accessory buildings, excluding cornices projecting not more than thirty (30) inches, open steps, and unroofed terraces.

Building Height—The vertical distance from the average elevation of the natural grade of the ground covered by the structure to the highest point of the structure or to the coping of a flat roof, or to the deck line of a mansard roof, or to the mean height between eaves and ridges for gable, hip, and gambrel roofs.

Building Setback Line—A line established by this Ordinance generally parallel with and measured from the lot line, defining the limits of a yard in which no building other than accessory buildings or structures may be located above ground, except as may be provided in the Official Schedule of Districts Regulations.

Business—An occupation, employment, or enterprise which occupies time, attention, labor and materials; or wherein merchandise is exhibited and sold or where services are offered.

Carport—A roofed automobile shelter, with two (2) or more open sides.

Complete Kitchen and Bathroom Facilities—Kitchen facilities shall consist of a sink and electric or gas connections for cooking and refrigeration facilities. Bathroom facilities shall consist of a permanently installed water close, lavatory and either shower or tub fixtures.

Conventional Television Antenna—Any antenna capable of receiving television signals other than a satellite television antenna.

Cul-de-sac—A street with only one (1) outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

District—A section of the Village of Atwood in all parts of which the regulations of this Ordinance governing the height, area and use of buildings and premises are the same.

Dwelling or Dwelling Unit—Space, within a building, comprising living, dining, sleeping room or rooms, storage closes, as well as space and equipment for cooking, bathing, and toilet facilities, all used by only one family and its household employees, but excluding garages and other enclosed but uninhabitable areas.

Dwelling, Single Family—A building consisting of a single dwelling unit only, detached and separated from other dwelling units.

Dwelling, Two (2) Family—A building having accommodations for and occupied exclusively by two (2) families living independently of each other with separate and complete kitchen and bathroom facilities, including condominiums.

Dwelling, Multifamily—A building having accommodations for and occupied exclusively by more than two (2) families living independently of each other and with separate and complete kitchen and bathroom facilities, including condominiums.

Dwelling, Mobile Home—A dwelling designed to be constructed off the site, transported relatively intact to the site, and when arriving at the site requires only minor or incidental assembly and connection operations, but in no case involving substantial reconstruction.

Easement—A nonprofitable interest in land owned by another that entitled its holder to a specific limited use.

Family—One (1) or more persons occupying a single dwelling unit, provided that unless all members are related by blood, adoption, or marriage, no such family shall contain over five (5) persons.

Floor area—The sum of the gross horizontal area of the several floors of a building, excluding basement floor areas and other uninhabitable areas, such as garages, roofed terraces and porches. All dimensions shall be measured from the interior faces of the walls.

Front Lot Line—The boundary of a lot along a street or right-of-way, and for a corner lot the front lot line shall be the shorter lot boundary along a street or right-of-way.

Group Home—Any building designed as a single-family residence building and occupied by related or unrelated individuals living together as a group. The term “group home” shall not include the business of operating a boarding house, rooming house or other similar enterprise. The term “group home” shall include a home for adolescents, a home for physically handicapped persons, and a home for mentally handicapped persons. The term “group home” shall not include any penal institutions or places for persons convicted of a crime, persons found to be juvenile delinquents, or juveniles found to be persons in need of supervision.

Garage, Private—An accessory building which is designed or used for the storage of not more than three motor-driven vehicles which are the property of and for the private use of the occupants of the lot on which the private garage is located.

Home Occupation—A home occupation is an accessory use by the occupant (s) of a dwelling unit in which goods are produced or traded, or services are rendered as an

economic enterprise. Such shall be clearly incidental or subordinate to the residential use of a dwelling. All Home Occupations should obtain a *Zoning Use Permit for Home Occupations* and shall comply with the regulations in Article 12 Sections 1201 through 1207 of Municipal Code of the Village of Atwood. Obtaining this permit will allow the Village to verify that the Home Occupation is in compliance with the Village ordinances, and will protect the operator from unjust complaints. Those Home Occupations that do not comply with said regulations are required to apply for a *Special Use Permit*. Home Occupations do not include occasional yard, rummage or garage sales for purposes of this ordinance. Those Home Occupations who make their goods or services available to members of the general public causing a steady and recurring flow of customers that stop regularly or visit unannounced, shall also be required to obtain a *Special Use Permit*.

Kennel—Any lot or premises on which two (2) breeding females, or three (3) or more dogs or cats over four (4) months of age, are kept.

Lot—A portion of a subdivision or other parcel of land with frontage on or access to a public street and intended for transfer of ownership or building development.

Lot, Corner—A lot situated at an intersection of two (2) streets, the interior angle of such intersection not exceeding one hundred (100) degrees nor less than eighty (80) degrees.

Lot, Depth of—The mean horizontal distance between the front and rear lot lines.

Lot, Double Frontage—An interior lot which has a pair of opposite lot lines extending between two (2) substantially parallel streets. On a “Double Frontage Lot” both street lines shall be deemed front lot lines.

Lot of Record—An area of land designated as a lot on a plat of subdivision as recorded, pursuant to law.

Lot, Off Street Parking Area—Land which is improved and used or a structure which is designed and used exclusively for the storage of passenger motor vehicles, either for accessory off-street parking spaces or commercial off-street parking spaces when permitted herein.

Mobile Home—A structure constructed for movement on the public highways as its own chassis that has sleeping, cooking, and plumbing facilities, it is intended for human occupancy year round that is being used for residential purposes, which is designed to be set on piers with the tie downs and skirted (as this structure is not designed to be supported on the outside perimeter by a foundation) and was constructed in accordance with Illinois building codes and safety standards regulations in effect at time of construction.

Mobile Home Park—Any site or tract of land under single ownership developed for human occupancy used for residential purposes primarily to provide parking and

related services to twenty (20) or more Mobile Homes, for revenue purposes (not including recreation vehicle).

Modular Unit or Modular Home—A factory-fabricated, transportable building or dwelling, that is designed to be used by itself or to be incorporated with other units into a structure that will be a finished building or used for residential purposes set on a permanent location supported by the outside perimeter on a permanent foundation set below the frost line. The modules are of standard dimensions designed to meet the requirements of single-family living, and transported over existing highways.

Nonconforming Structure—A lawful structure which exists upon the adoption or amendment of this Ordinance that could not be built under the terms of this chapter by reason of restrictions on area lot coverage, height, yards or other characteristics of the structure, or its location on the lot.

Nonconforming Use—A use of a building or land which was lawfully established and maintained, but which does not conform with the use regulations or required conditions for the district in which it is located, by reason of adoption of this Ordinance or amendment of this Ordinance, or by reason of annexation of territory to the Village.

Park Model—Recreation vehicle primarily designed as a temporary living quarters for recreation, camping or seasonal use, built on a single chassis, mounted on wheels and having a gross trailer area not exceeding four hundred (400) square feet in the set-up mode. Two different types are offered:

Type One: A vehicular, portable structure built on a chassis, less than eight feet and six inches (8' 6") designed for frequent travel on the highways

Type Two: A vehicular, portable structure built on a chassis, usually twelve feet (12') in width, being less mobile, designed to be set with tie downs and skirted, and plumbed into sewer or septic typically located in a resort or RV park location for an extended term.

Right-of-Way—A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features (required by topography or treatment) such as grade separation, landscaped areas, or bridges, and viaducts.

Roadway—A surfaced portion or the right-of-way or street available for vehicular traffic.

Satellite Television Antenna—An apparatus capable of receiving signals from geo-stationary orbital satellites.

Sign—Any device designated to inform or attract the attention of persons not on the premises on which the sign is located, as regulated by this Ordinance.

Special Use—A use which has unusual characteristics when compared to the authorized uses in that district and require more careful consideration with respect to the objectives of this Ordinance and with respect to its effect on surrounding properties.

Story—That part of a building between the surfaces of the floor and the ceiling immediately above, excluding basements as herein defined.

Street, Major—A general term denoting a highway primarily for through traffic, carrying heavy loads and large volume of traffic, usually on a continuous route such as Main Street, Magnolia Street, U.S. Route 36, and other County, State, and Federal highways.

Street, Minor—A street primarily designed for providing access to residential, business, industrial, or other abutting property.

Structure—Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground, including but without limiting the generality of the foregoing, advertising signs billboards, backstops for tennis courts, ball diamonds, bleachers, fences and free standing walls.

Travel Trailer or Motor Homes—A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes, this unit is identified as a recreation vehicle by the manufacturer.

Use—The purpose or activity for which the land, or building thereon, is designed, arranged, or intended, or for which it is occupied or maintained and shall include any manner of performance of such activity with respect to the performance standards contained herein.

Variance—A zoning adjustment which permits minor changes of district requirements where individual properties, not persons, are both harshly and uniquely burdened by the strict application of the law. The adjustment to the regulations shall be contrary to the public interest and not a result of the action of the applicant and not due to a mere personal hardship of the applicant.

Yard—A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from three (3) feet above the general ground level of the graded lot upward; provided accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.

(a) Yard, Front—A yard extending between side lot lines across the front of a lot and from the front line to the front of the principal building.

(b) Yard, Rear—A yard extending between side lot lines across the front of a lot and from the rear line to the rear of the principal building.

(c) Yard, Side—A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

Zoning Permit—A document issued by the Building Commissioner authorizing the use of lots, structures, uses of land and structures, uses of land and structures, and the characteristics of the uses.

Section 4. That there be enacted a new Article 3 of the zoning code as follows:

ARTICLE 3 DISTRICTS

Section 300: R-1 Single Family Residential

The R-1 Single Family Residential district is intended to provide areas for single family detached dwellings as specified in the applicable lot regulations and is intended for application in mainly non-urban and developing areas where community facilities can be made readily available.

Section 301: R-2 Multiple Family Residential

The R-2 Two Family Residential district is intended to provide areas for single and double [two (2)] family dwellings, is specified in the applicable lot regulations and is intended for application within areas where community facilities are in existence. For multiple [three (3) or more] family residences, see Appendix B.

Section 302: R-3 Mobile Home Residential

The R-3 Mobile Home Residential district is intended to provide areas for development of mobile home parks where mobile homes can be a viable housing alternative as specified in the applicable regulations.

Section 303: B-1 Central Business District

The B-1 Central Business District is intended to provide opportunities for retail stores, offices, office service establishments, amusements, community facilities, financial institutions in concentrations to allow for the convenience of citizens and the mutual benefits of the individual establishments.

Section 304: B-2 Commercial Business District

The B-2 Commercial Business District is intended to provide adequate areas for businesses and establishments that are incompatible with the Central Business District and to provide protection from the objectionable influences incidental to commercial uses.

Section 305: I-1 Industrial District

The I01 Industrial District is intended to provide adequate areas for industrial development and to provide protection from the objectionable influences incidental to industrial uses.

Section 306: C Conservation

The C Conservation District is intended to preserve the open spaces and undeveloped areas which surround the Village. Development is intended to be less

intensive in this district so that the natural resources of these areas may be protected from urban sprawl and the effects of uncontrolled growth.

Section 5. That there be enacted a new Article 4 of the zoning code as follows:

ARTICLE 4 SPECIFIC REGULATIONS FOR DISTRICTS

Section 400: Official Schedule of District Regulations Adopted

District regulations shall be set forth in the Official Schedule of District Regulations hereby adopted and included in Appendix A.

Section 401: Conversion of Dwellings to More Units

A residence may not be converted to accommodate an increased number of dwelling units unless:

- (a) The yard dimensions still meet the yard dimensions required by this Ordinance for new structures in that district.
- (b) The lot area per family equals the lot area requirements for new structures in that district.
- (c) The floor area per dwelling unit is not reduced to less than that which is required for new construction in that district.
- (d) The conversion is in compliance with all other relevant codes and ordinances.

Section 402: Private Swimming Pools

Private swimming pools, exclusive of portable swimming pools with a diameter of less than twelve (12) feet or with a surface area of less than one-hundred (100) square feet except when such pools are equipped with a water circulating system, shall be allowed as an accessory use and shall comply with the following conditions and requirements.

- (a) The pool shall be intended to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located.
- (b) It may not be located closer than ten feet to any property line.
- (c) The swimming pool or entire property on which it is located shall be walled or fenced in a manner ensuring that only the owner of the pool has access to it, preventing uncontrolled entrance by children or adult from the street or adjacent properties. The wall or fence shall be not less than forty eight (48) inches in height and maintained in good condition with a locking gate. Wall shall be made of a solid material and fence shall be made of wood or vinyl with a gap no larger than three (3) inches, or a sturdy metal such as chain link with permanent post and a locking gate. Metal fence shall have a top rail so that it is sturdy and can not be bent over.

- (d) The swimming pool shall have a maximum depth of not more than twelve (12) feet. Any pool must conform to current filling policy established by Village in response to Illinois Environmental Protection Agency's (IEPA) requirements for filling pools, ponds or hot tubs.
- (e) Electrical Wiring—An eighteen (18) foot electrical wire clearance must be maintained from the nearest point of the pool to the power line. All wiring around pools must conform and be maintained in accordance to meet all present electrical codes—City and National Codes. This requires that all circuits be ground fault protected.
- (f) A swimming pool shall not be located in any front yard including any pool placed on a corner lot shall follow the twenty (20) foot setback in accordance with permitted structure setbacks.
- (g) All pool owners must register with the Village Clerk. Registration is a one (1) time NO FEE requirement for all pools under this ordinance. Pool owners will receive a copy of Ordinance Article 4 Sec. 402 Private Swimming Pools and will be required to comply with all parts of this Ordinance. (Not to take effect until May 1, 2008)

Any violation of this article is hereby declared to be a nuisance. In addition to any other relief provided by this ordinance, the Village Attorney may apply to a court of competent jurisdiction for any injunction to prohibit the continuation of any violation of this article. Such application for relief may include seeking a temporary restraining order, temporary injunction or permanent injunction.

Section 403: Screening and Landscaping

- (a) Where a site in a Business or Industrial District adjoins a Residential District, a solid decorative fence or hedge not less than six (6) feet in height (with solid gates where necessary) shall be constructed or located on the boundary or lot line adjoining the Residential District.
- (b) The following uses shall be screened by a solid decorative fence or hedge not less than six (6) feet in height (with solid gates where necessary) and not located in a required front yard:
 - 1. In a Business or Industrial District a use not conducted entirely within a completely enclosed structure if on a site directly across a street or alley from a Residential District.
 - 2. In the B-2 Business or Industrial Districts a use not conducted entirely within a completely enclosed structure if on site directly across a street or alley from the B-1 Business District, and if found to be unsightly by the Board of Zoning Appeals.

3. In a Business or Industrial District, a use not conducted entirely within a completely enclosed structure and found to be unsightly by the Board of Zoning Appeals.

(c) Where a parking or loading area is located within a Residential District, or where a parking or loading area is located directly across a street or alley from a Residential District a solid decorative fence or hedge not less than four (4) feet in height shall be located on the property line or boundary.

(d) The owner of the lot causing a fence or hedge to be required shall maintain the fence or hedge in good condition.

Section 404: Easements

No building or structure shall be constructed, located, or erected on an easement granted by the owner to a public body or a public or private utility. This section shall pertain to such easements as drainage, storm sewers and ditches, sanitary sewers, gas lines, water lines, telephone lines, electric lines, television cable lines, and communication lines.

Section 405: Public Water and Sanitary Sewer Facilities

The use or installation of private water systems or wells and/or private sanitary facilities or septic systems shall be prohibited within the Village of Atwood. Any building, use, or structure necessitating water or sanitary facilities shall be required to connect to the existing public water and/or sanitary facilities.

Section 406: Height of Buildings

- (a) No building or structure shall be constructed so as to exceed a height of thirty-five (35) feet in Residential Districts and fifty (50) feet in the B-1 Business District and seventy-five (75) in all other Districts.
- (b) The height of a structure shall be measured vertically from the average elevation of the natural grade of the ground covered by the structure to the highest point of the structure or to the coping of a flat roof, to the deck line of a mansard roof, or to the mean height between eaves and ridges for a hip, gable, or gambrel roof.
- (c) The height limitations shall not apply to spires, belfries, cupolas, ventilators, chimneys, or other normal structural appurtenances usually required to be placed above the roof level and not intended for human occupancy, provided in no event shall such appurtenant structures exceed one and one-half (1 ½) times the normal height limitation allowed in such District.

Section 407: Conventional and Satellite Television Antennas.

The following regulations shall apply to the antennas:

(a) Application.

- (1) This section shall govern the erection or construction of all conventional television and radio antennas and satellite television antennas.
- (2) Whenever the height or other restrictions of this section conflict with other restrictions of the zoning code as applied to a particular antenna, the restrictions set out in this section shall control as to that particular antenna.

(b) Purpose and Intent—The purpose of this law is to further health, safety and welfare of the citizens of the Village. Among other things, reasonable controls contribute to the good appearance of the Village, stabilize and even increase property values, assure the safety of the owner and others and, in general, contribute to the preservation of a pleasant community in which to work and live. This ordinance is intended to comply fully with the Report and Order of the Federal Communications Commission released January 14, 1986 (FCC-86-28) to the extent that Report and Order validly pre-empts local zoning regulations deemed unduly restrictive with respect to satellite television receiving antennas. The Village hereby determines that the bulk and visual impact of such antennas create aesthetic problems making it appropriate to have some special limitations as to size and placement thereof. However, this ordinance shall be construed and administered so as not unduly to hamper reasonable satisfactory reception of satellite television signals.

(c) Location.

- (1) No conventional or satellite television or radio antenna may be placed in the front yard of any lot in the Village.
- (2) A ground-mounted conventional television or radio antenna may be placed on a lot only in the side or rear yard.
- (3) A satellite television antenna may be placed on a lot only in the rear yard, provided however, that on a convincing showing that a reasonably satisfactory television signal cannot be obtained from a rear yard location, the Board of Zoning Appeals shall permit the antenna to be located in the side yard, and if such a signal cannot be obtained in either yard, the Board of Zoning Appeals shall permit the antenna to be located on the roof of any main or accessory building on the lot.

- (4) All ground-mounted television and radio receiving antennas and satellite television antennas shall be located no less than five feet from any lot line.
- (5) No ground-mounted receiving antenna or satellite television antenna may be erected on a public utility easement.

(d) Antenna size and number.

- (1) No ground-mounted satellite television antenna may exceed twelve (12) feet in height, as measured from the ground to the highest point of the antenna.
- (2) No roof-mounted satellite television antenna may extend above the roofline more than three (3) feet, unless it is to be installed on multistory buildings of four (4) or more stories, in which case the antenna may not exceed ten (10) feet in height above the level of the roof upon which it is placed.
- (3) The diameter of satellite television antennas shall not exceed twelve (12) feet.
- (4) No lot in any R district shall have, at any one time, more than one (1) satellite television antenna. No lot in any other district shall have more than three (3) satellite television antennas.

(e) Special use permit required. No satellite television antenna or ground-mounted conventional television or radio antenna may be erected on any lot without obtaining a special use permit.

(f) Miscellaneous.

- (1) The color of any ground-mounted satellite television antenna shall be dark brown, black, or forest green. Any other satellite television antenna shall be of a color that blends into its surroundings.
- (2) All ground-mounted conventional television and radio antennas and satellite television antennas shall be screened by landscaping from ground-level view of persons on streets and surrounding lots. Said screening is not required to be so complete that it interferes with the reception of the antenna.

The screening materials shall be of the evergreen type. The screen shall be planted as required by the special use permit not later than thirty (30) days after the placement of the antenna.

- (3) All roof-mounted satellite television antennas extending more than three (3) feet above either by a parapet wall or by exterior architectural material.
- (4) All television and radio antennas shall be grounded against direct lightning strike.
- (5) All television and radio antennas shall be erected in a secure, wind-resistant manner.
- (6) All wiring necessary for the use of the antenna between any ground-mounted antenna and a building or between the building on which the antenna is located and any other building on the lot shall be buried underground.

Section 408: Principal and Accessory Uses

- (a) The uses listed in Appendix B are principal uses.
- (b) Except as otherwise provided, an accessory use, building, or structure is permitted to accompany the principal use to which it is subordinate where such principal use is either permitted or authorized by a special use permit.
- (c) A structure or use may be erected or established as an accessory structure or use to a permitted principal building, structure, or use, provided that:
 1. It is located on the lot occupied by or intended for the principal use or building established or existing or on an adjoining lot and complies with the provisions of Appendix A, or, in the case of parking, on another lot;
 2. It is compatible in character and extent with the principal use and the zoning district where it is located;
 3. It conforms with other such regulations as apply;
 4. It is not prohibited;
 5. It shall not be erected and established prior to the establishment or construction of the principal use or building, except as authorized by the Building Inspector; and
 6. It is customarily incidental to the principal structure or use.

Section 6. That there be enacted a new Article 5 of the zoning code as follows:

ARTICLE 5 ADMINISTRATION AND ENFORCEMENT

Section 500: Enforcing Officer

The Building Commissioner shall be charged with the duty of ensuring the enforcement of this ordinance (assistance with enforcement from Village Police Department may be used as needed). The Building Commissioner shall have the power and shall exercise the function to ensure the enforcement of the provision of this ordinance relating to building either existing or being built. The Building Commissioner shall make all inspections necessary to ensure compliance with the provisions of this ordinance. The Building Commissioner shall enforce all violations through letters, fines, etc. Upon time legal action is to be taken, the matter should be taken up with the Board of Trustees for their recommendation and approval. In order for any action to be taken by the Building Commissioner in enforcement of this ordinance, an Enforcement Notification form must be filled out and submitted to the Village Clerk to be filed and forwarded to the Village Board of Trustees and Village Zoning Board of Appeals.

The Village Police Department shall be charged with the duty of ensuring the enforcement of this Ordinance. The Village Police Officers shall have the power and shall exercise the function to ensure the enforcement of all other provisions of this Ordinance not relating to buildings either existing or being built (may assist Building Commissioner if needed). The Village Police Department shall enforce all violations through letter, fines, etc. Upon time legal action is to be taken, the matter should be taken up with the Board of Trustees for their recommendation and approval. In order for any action to be taken by the Village Police Department in enforcement of this Ordinance, an Enforcement Notification form must be filled out and submitted to the Village Clerk to be filed and forwarded to the Village Board of Trustees and Village Zoning Board of Appeals.

Section 501: Creation of a Board of Zoning Appeals

A Board of Zoning Appeals is hereby created.

Section 502: Membership and Terms of Office

A Board of Zoning Appeals shall consist of seven (7) members to serve respectively for the following terms:

- One (1) member for a term of one (1) year;
- One (1) member for a term of two (2) years;
- One (1) member for a term of three (3) years;
- One (1) member for a term of four (4) years;
- One (1) member for a term of five (5) years;
- One (1) member for a term of six (6) years;
- One (1) member for a term of seven (7) years.

Each successor shall be appointed by the Village Board of Trustees for a period of five (5) years.

Section 503: Meeting and Rules

(a) Once each year the Board of Zoning Appeals shall select one of its members as Chairman. They shall also select one member as Vice-Chairman and one member as Secretary.

(b) The members of the Board of Zoning Appeals shall receive such compensation for their services as may be fixed from time to time by the Board of Trustees.

(c) All meetings of the Board of Zoning Appeals shall be held at the call of the Chairman and at such time as the Board of Zoning Appeals may designate.

(d) All meetings of the Board of Zoning Appeals shall be open to the public. Minutes shall be kept of the proceedings showing the vote of each member on every question, or if absent or failing to vote, indicating that fact.

(e) No hearing may be conducted unless a quorum of the members of the Board of Zoning Appeals is present.

(f) Every rule, regulation, amendment or repeal thereof and every order, requirement, decision, or determination of the Board of Zoning Appeals shall be immediately filed in the Office of the Village Clerk and shall be a public record.

Section 504: Jurisdiction of the Board of Zoning Appeals

The Board of Zoning Appeals shall hear and decide appeals from and review any order, requirement, decision, or determination made by the administrative officer charged with the enforcement of this Ordinance. The concurring vote of four (4) members of the Board of Zoning Appeals is required to reverse any order, requirement, decision or determination made by the administrative official charged with the enforcement of this Ordinance.

Section 505: Amendments of the Zoning Ordinance

The regulations imposed and the districts created under this Ordinance may be amended from time to time by ordinance after the ordinance establishing them has gone into effect.

(a) No such amendment shall be made unless the Board of Zoning Appeals has conducted a public hearing on the proposed amendment. At the public hearing a written protest, signed by the following property owners, may be filed:

1. Owners of twenty percent (20%) or more of the land with frontage on the same block as, or frontage on the alley in the same block across from, or frontage on the block across from the proposed amendment.

2. Owners of twenty percent (20%) or more of the frontage proposed to be altered, or by the owners of twenty percent (20%) of the frontage immediately adjoining

or across the valley therefrom, or by the owners of twenty percent (20%) of the frontage directly opposite of the frontage proposed to be amended.

(b) Notice of the public hearing shall be made not less than fifteen (15) days or more than thirty (30) days prior to the date of the public hearing. Such notice shall include the date, time, place, and purpose of the hearing and shall be placed at least once in a newspaper of general circulation within the Village.

(c) The Board of Zoning Appeals shall submit to the Board of Trustees an accurate and complete written report stating the arguments and discussions presented by all present at the public hearing. This report shall be adopted by a majority vote of those members of the Board of Zoning Appeals in attendance at the public hearing.

(d) The Board of Trustees may adopt the amendment to the Ordinance by a two-thirds ($2/3$) majority vote of all Trustees.

(e) Notice of a change to the Zoning Book shall be made to the public not more than thirty (30) days after being adopted by the Village Board of Trustees. Such notice shall be placed at least once in a newspaper of general circulation within the Village.

Section 7. That there be enacted a new Article 6 of the zoning code as follows:

ARTICLE 6 PERMITS AND OFFICIAL ZONING MAP REGULATIONS

Section 600: Zoning Use Permits

A Zoning Use Permit shall be obtained by the owner, lessee, or agent of either, the architect, engineer, or builder employed in connection with the proposed work from the Building Commissioner before starting:

- (a) To establish, occupy, or change the use of a structure, accessory structure, or land either by itself or in addition to another use.
- (b) To construct or erect a new structure or accessory structure or part thereof.
- (c) To extend or move any structure or accessory structure or part thereof.
- (d) To change one (1) nonconforming use to another use or to a special use.

Section 601: Application for a Zoning Use Permit

Applications for Zoning Use Permits shall be filed with the Building Commissioner and shall be comprised of:

- (a) The location, including all required information which comprises the legal description of the property.
- (b) The name and addresses of the owner, applicant, and the contractor.
- (c) The estimated cost of the project.
- (d) The uses to be established or expanded to the project.
- (e) A plan, in duplicate, drawn approximately to scale and including:
 - 1. The actual dimensions of the lot to be built upon.
 - 2. The size, shape, and location of the use to be established or the structure or accessory structure to be constructed.
 - 3. The size, shape, and location of all existing structures, accessory uses and uses on the lot.
 - 4. The minimum flood elevations and the highest known flood levels.
 - 5. The provisions for ingress and egress.

6. All other information as may be deemed necessary to provide for the proper enforcement of this ordinance.

Section 602: Issuance of a Zoning Use Permit

(a) The Building Commissioner shall retain the original copy of the Zoning Use Permit and shall mark the permit as approved or disapproved.

(b) Another copy of the Zoning Use Permit shall be returned to the applicant and shall be posted in a prominent position on the premises for which it was issued. It will remain posted until the reason for its issuance has been completed.

(c) The Zoning Use Permit shall expire if work has not commenced within ninety (90) days from issuance or has not been completed within three hundred and sixty-five (365) days from issuance. In either case, the Building Commissioner shall notify, in writing, the applicant of the revocation of the Zoning Use Permit. The applicant may request the extension of the Zoning Use Permit by filing a written statement with the Building Commissioner explaining the reasons for the requested extension.

(d) No Zoning Use Permit shall be issued for the purpose of altering or constructing a nonconforming use except to make such use conform to the provision of the Zoning Ordinance of the Village of Atwood.

Section 603: Fees for a Zoning Use Permit

The following fees are established for the issuance of a Zoning Use Permit.

Special Use Permit Application	\$100
Zoning Variance Application	\$100
Zoning Use—Mobile Home Permit	\$.10 per square foot
Zoning Use—Construction Permit	\$.10 per square foot with minimum of \$25.00
Zoning Use—Home Occupation Permit	\$10

Section 604: Official Zoning Map

(a) The districts that are established as part of this ordinance are to be shown on the Official Zoning Map of the Village of Atwood.

(b) The Official Zoning Map of the Village of Atwood shall be identified by the signature of the President and the Village Board of Trustees and the signature of the Village Clerk shall be dated.

(c) Regardless of the existence of purported copies of the Official Zoning Map which may exist, the Official Zoning Map of the Village of Atwood located in the Office of the Village Clerk shall be the final authority as to the current zoning status of lots and water areas within the jurisdiction of the village of Atwood.

(d) In the event that the Official Zoning Map becomes difficult to interpret or becomes lost or destroyed, the Village Board of Trustees shall adopt a new Official Zoning Map. This map shall be designated as superceding the prior Official Zoning Map.

(e) Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the centerlines of streets and alleys shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following recorded lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following the Corporate limits of the Village of Atwood shall be construed as following such limits.
4. Boundaries indicated as approximately following railroad lines shall be construed to be midway between the main tracks.
5. Boundaries indicated as following shorelines shall be construed as following such shorelines and in the event of a change in shoreline shall be construed as moving with the actual shoreline.
6. Any further complications as to the determination of the boundaries of the districts shall be interpreted by the Village Board of Trustees.

Section 8. That there be enacted a new Article 7 of the zoning code as follows:

ARTICLE 7 ANNEXATION

Section 700: Effect of Zoning Ordinance

In order to preserve the purpose and objectives of this Ordinance any annexation of land to the Village of Atwood shall be to retain that land in the appropriate district that it was in previous to annexation.

Section 701: Annexation of Districts R-1, R-2, R-3, B-1, B-2, or I

The annexation of land in the R-1, R-2, R-3, B-1, B-2, or I districts shall be to retain such land in the same district that it was in prior to annexation.

Section 702: Annexation of "C" District

If land which is classified in the "C" District is annexed to the Village, it shall be automatically reclassified within the R-1 district.

Section 703: Annexation of Land Covered by Piatt County Zoning Ordinance

When any land which was previously covered by the Piatt County Zoning Ordinance is annexed to the Village, it shall be reclassified into the appropriate district in the Village according to the following conversions schedule.

- (a) A-1 (Piatt Co.) shall be R-1 (Village of Atwood)
- (b) RS (Piatt Co.) shall be R-1 (Village of Atwood)
- (c) I-1 (Piatt Co.) shall be I (Village of Atwood)
- (d) B-1 (Piatt Co.) shall be B-2 (Village of Atwood)
- (e) AC (Piatt Co.) shall be R-1 (Village of Atwood)
- (f) RD (Piatt Co.) shall be R-1 (Village of Atwood)

Section 704: Effect on Variances and Special Use Permits

Annexation of any land into the Village of Atwood shall not affect Variances or Special Use Permits which were granted prior to the annexation. However, if a Special Use is placed in a district in which the Special Use Permit is not allowed, then the Special Use Permit shall become void and the use shall continue as a nonconforming use under the regulations of this Ordinance.

Section 9. That there be enacted a new Article 8 of the zoning code as follows:

ARTICLE 8 AUTHORIZED AND SPECIAL USES

Section 800: Intent

In order to give the district use regulations of this Ordinance clarity and flexibility, the Schedule of Authorized and Special Uses is established and include as Appendix B.

(a) Those uses which are authorized for their respective districts are permitted by right because the nature of the use makes it compatible with other uses within the district and a zoning use permit shall be granted unconditionally to an authorized use provided that it meets the other regulations set forth in this Ordinance.

(b) Those uses which have unusual characteristics compared to authorized uses within the district require more careful consideration with respect to the objectives of the Ordinance and with respect to their effects on surrounding properties are classified as special uses. In order to achieve these purposes, the Village Board of Zoning Appeals, with final decision by the Village Board of Trustees, is empowered to grant and deny applications for such special uses in such districts as are prescribed in the Schedule of Authorized and Special Uses and to impose conditions upon the granting of special use permits.

Section 801: Application for a Special Use Permit

An application for a special use permit may be obtained from the Village Clerk. The completed form shall be given to the Building Commissioner who shall then refer it to the Board of Zoning Appeals. The application shall contain information as prescribed by the Building Commissioner including the following information and material:

(a) Name and address of the applicant.

(b) Name(s) and address(es) of the owner(s).

(c) An accurate sketch drawn approximately to scale of the site and the surrounding area at least three hundred (300) feet measured from the boundaries of the property.

(d) A statement of the specific conditions and circumstances which exist and are peculiar to the particular parcel of land in that district.

Section 802: Special Permit Public Hearing

No special use permit shall be granted by the Board of Trustees unless a public hearing has been conducted by the Board of Zoning Appeals.

(a) There shall be notice of the time, place and purpose of the hearing published at least one (1), not more than thirty (30) days or less than fifteen (15) days prior to the hearing. This notice shall be published in one or more newspapers published by the Village or of general circulation within the Village.

(b) In addition to published notice, all owners of property located adjacent to or within three hundred (300) feet, excluding streets and alleys, in every direction from the property for which the special use is requested, shall be given notice by first class mail at least ten (10) days prior to the public hearing. The applicant for the special use permit shall furnish the names and addresses of those persons entitled to notice and shall pay the cost of preparation and mailing of such notice.

(c) The public hearing shall be held within sixty (60) days of the receipt of the application for a special use permit by the Building Commissioner.

Section 803: Findings of Fact

Within thirty (30) days after the close of the public hearing on a proposed special use, the Board of Zoning Appeals shall make written findings of fact and shall submit them together with its recommendations to the Board of Trustees. The findings of fact and recommendation of the Board of Zoning Appeals are to be based on the following:

(a) Whether the proposed location of the special use is in accord with the objectives of the Zoning Ordinance and the purposes of the district in which the site is located.

(b) Whether the proposed location of the special use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

(c) That the proposed special use will comply with each of the applicable provisions of this Ordinance.

Section 804: Conditions

The Board of Zoning Appeals may recommend to the Board of Trustees who then may require such conditions or restrictions upon the construction, location and operation of a special use as deemed necessary to secure the general objectives of this Ordinance. Such conditions or restrictions may include provisions for the protection of adjacent property and the expiration of the Special Use Permit after a period of time.

Section 805: Village Board of Trustees

(a) A Special Use Permit shall be acted upon by the Board of Trustees within thirty (30) days upon receipt of the Board of Zoning Appeals decision. The Board of Trustees may affirm, reverse, or modify a decision of the Board of Zoning Appeals, provided that if a Board of Zoning Appeals decision recommending denial of a Special Use Permit is reversed, or a decision recommending granting of a Special Use Permit is modified, the Board of Trustees on the basis of the record transmitted by the Building Commissioner and such additional evidence as may be submitted, shall make findings of fact that establish that the circumstances prerequisite to the granting of a Special Use Permit prescribed in Section 803 apply.

(b) A Special Use Permit shall be passed by a majority of the Board of Trustees. A Special Use Permit which fails to receive the approval of the Board of Zoning Appeals shall not be granted by the Board of Trustees except by a two-thirds (2/3) of all the Board of Trustees.

(c) If a written protest against a proposed Special Use Permit is filed with the Village Clerk, the Special Use Permit shall be passed only by a favorable two-thirds (2/3) vote by the Board of Trustees. The protest may be filed by the following parties:

1. The owners of twenty percent (20%) or more of the land with frontage on the same block as, or frontage on the alley in the same block across from, or frontage on the block across from the proposed Special Use.
2. The owners of twenty percent (20%) or more of the frontage proposed to be altered, or by the owners of twenty percent (20%) of the frontage immediately adjoining or across the alley therefrom, or by the owners of twenty percent (20%) of the frontage directly opposite the frontage proposed to be altered.

Section 806: Revocation

A Special Use Permit granted subject to a condition or conditions shall be revoked by the Board of Trustees if the condition or conditions are not complied with. The Board of Zoning Appeals shall hold a public hearing within thirty (30) days in

accordance with the applicable procedure prescribed in Section 802-803 and if not satisfied that the condition or conditions are being complied with may recommend revocation of the Special Use Permit or the taking of such action as may be necessary to ensure compliance with the condition or conditions. The Building Commissioner shall notify the applicant and the property owner of any action taken by the Board of Zoning Appeals in regard to the revocation of a Special Use Permit. This notification shall include the reasons why the Board of Zoning Appeals has decided the condition or conditions have not been met.

Section 807: New Application or Reapplication

No application for a Special Use Permit which has been denied wholly or partly by the Board of Trustees shall be resubmitted for a period of one (1) year from the date of the denial, except on the ground of new evidence or proof of changed conditions found to be valid by the Board of Zoning Appeals.

Section 808: Special Use Permit to be Personal Privilege

A Special Use Permit granted pursuant to the provisions of this Article shall be a personal privilege only granted to the person applying therefor. If the special use permitted is discontinued for a period of time in excess of one (1) year then the special use shall cease. In the event that property subject to a special use shall be voluntarily or involuntarily transferred by the applicant then the special use shall be discontinued. No special use permit shall be subject to sale or transfer.

Section 10. That there be enacted a new Article 9 of the zoning code as follows:

ARTICLE 9 MOBILE HOMES AND MOBILE HOME PARKS

Section 900: Mobile homes and mobile home parks may be permitted in the C District by a Special Use Permit for Mobile Homes and Mobile Home Parks (see Schedule of Authorized and Special Uses).

(a) Special Use Permits for mobile home parks; additional requirements for Special Use Permit applications. It shall be unlawful to construct, alter, or expand any mobile home park, unless a valid Special Use Permit is issued by the Board of Trustees for the specific construction, alteration, or expansion proposed. All applications for Special Use Permits for mobile home parks shall, in addition to the information required by Section 801, contain the following minimum plans and specifications.

- (1) A map indicating the area and dimensions of the tract of land;
 - (2) The number, location, and size of all mobile home sites;
 - (3) The location of all width of all public and private streets, roadways, and walks;
 - (4) The location of all water, storm sewer, and sanitary sewer lines, and refusal disposal facilities;
 - (5) All buildings existing or to be constructed within the mobile home park;
 - (6) The location of internal lighting and electrical systems.
- (b) Development standards. General Provisions.
- (1) No mobile home park shall be located such that it is exposed to objectionable smoke, dust, noise, odors, vibrations, or other adverse influences.

(2) Ingress and egress to a mobile home park shall be provided in such a manner to facilitate access by emergency vehicles, and shall be designed to provide efficient and safe traffic circulation in the vicinity.

(3) No part of any mobile home park shall be used for nonresidential purposes except for accessory uses that are required to directly serve mobile home park residents and for management and maintenance of the mobile home park.

(4) No mobile home park shall be located in an area where the conditions of soil, groundwater level, drainage, or topography may cause hazard to the property, health, or safety of the occupants.

(c) Size and density of mobile home parks. No mobile home park shall contain an area of less than five acres nor less than twenty (20) mobile home sites provided, however, that mobile home parks in existence on the effective date of this chapter having a total area or number of mobile home sites less than herein above prescribed may continue to operate. Existing mobile home parks prescribed may continue to operate. Existing mobile home parks may be altered to bring such parks into conformity with this chapter. However, no additions or alterations may be made to any existing mobile home park unless such additions or alterations in any conformity of this chapter and unless such additions or alterations contain not more than eight mobile home sites for each gross acre of land.

(d) Required setbacks and screening for mobile home park exterior boundary.

(1) All mobile home stands shall maintain the following setbacks from mobile home park boundaries facing public streets:

State, U.S., or interstate highways:	45 feet
County highways:	35 feet
Township roads or city streets:	25 feet

(2) All mobile home parks shall have minimum side and rear yards of fifteen (15) feet.

(3) All mobile home parks shall be provided with visual screening such as fences or screen planting along any boundary lines abutting non-mobile home residential areas, such boundary not being a thoroughfare.

(e) Required recreation space. Not less than eight percent (8%) of the gross area of the mobile home park shall be devoted to recreational facilities. Such facilities shall be centrally located on the mobile home park site and shall be readily accessible to all mobile home occupants. Recreation facilities may include park space, play lots, swimming pools and community buildings (exclusive of laundry rooms and

administrative offices.) Recreation facilities may be decentralized provided that no parcel of outdoor recreation space contains less than six-thousand (6,000) square feet nor has a minimum average width of less than thirty (30) feet.

(f) Mobile home site requirements

1. The boundaries of each mobile home site shall be designated in accordance with the approved plan required by division (a) above.
2. Each mobile home shall maintain the minimum setbacks from the boundaries of its mobile home site:
 - a. The minimum distance between a mobile home and its site boundary adjacent to private streets or roads shall be fifteen (15) feet.
 - b. The minimum distance between the entrance side of a mobile home park and its site boundary shall be twenty (20) feet.
 - c. All other setbacks shall be a minimum of ten (10) feet.
3. In no case, however, shall a mobile home site consist of an area less than thirty-two hundred (3,200) square feet.
4. A mobile home stand or pad shall be provided on each mobile home site of sufficient size to accommodate the mobile home to be located thereon. Mobile home stands shall be concrete slabs or runways, constructed so as not to shift or settle unevenly under the weight of a mobile home or other forces due to frost, the use of ground anchors designed to withstand a minimum of four-thousand and eight hundred (4,800) pounds each. Four (4) ground anchor connections shall be provided for each mobile home of less than fifty (50) feet in length and six (6) ground anchor connections shall be provided for each mobile home equal to or exceeding fifty (50) feet in length.
5. Each mobile home site shall be provided with an outdoor living space to supplement the interior living space of the mobile home. This outdoor living space must be paved, or constructed of masonry or concrete slabs or blocks placed sufficiently close together to create a single usable surface, the area of the outdoor living space shall be a minimum of one hundred and sixty (160) square feet with one dimension being a minimum of eight (8) feet.
6. The space between the mobile home stand and the floor of the mobile home shall be enclosed with noncombustible skirting.
7. A minimum of two (2) off-street parking spaces shall be provided for each mobile home site. One of these parking spaces may be provided

off the site provided such parking space is not located more than two hundred (200) feet from the mobile home site served.

(g) Street requirements.

1. All mobile home parks shall be provided with adequate, safe, and convenient vehicular access from abutting public streets.
2. Public street dedications within or abutting mobile home parks shall be made in accordance with the subdivision regulations. No mobile home shall have direct access on to a dedicated public street.
3. Entrance drives into mobile home parks shall have direct access to a public street and shall be designed to have free traffic flow on to such public streets. No parking or mobile home lot access driveway shall be permitted off an entrance for a distance of fifty (50) feet from a public right-of-way.
4. The internal private street system serving mobile home sites shall provide convenient circulation by means of minor streets and properly located collector minor streets. Cul-de-sac private streets shall be limited to a length of three hundred (300) feet.
5. Minimum pavement widths for private streets shall be as follows:

<u>Private Streets</u>	<u>Minimum Widths</u>
Collector streets	30 feet
Minor streets	24 feet
Cul-de-sac streets	24 feet
Cul-de-sac turnarounds	80 feet

All dimensions are exclusive of parking areas.

6. With respect to paving materials, curbs and gutters, grading, intersections, off sets, and radii of curvature, the provisions of the Village Ordinance concerning subdivisions shall apply.
7. Parking spaces perpendicular to private streets shall not be located within the required pavement width. Parallel parking on one side of a minor street is permitted provided the required twenty-four (24) feet of pavement remains unobstructed for travel.

(h) Street lighting.

1. Street lighting shall be designed to produce a minimum of one-tenth (.01) foot-candle throughout the street system. Potentially hazardous

locations such as intersections, major pedestrian crossings, and portions of streets abutting service buildings and recreation areas shall be illuminated with a minimum of three-tenths (0.3) foot-candle.

2. All gas or electric service to the street lighting system shall be located underground.

(i) Pedestrian walkways.

1. Common walks are required at locations where heavy pedestrian traffic is likely to occur such as entrances, service facilities, and recreation areas. Common walks should be located through interior areas removed from streets wherever possible.

2. Individual and common walks shall be paved or constructed of masonry or concrete blocks or slabs placed sufficiently close together to create a uniform surface for accessibility by the handicapped. Individual walks shall not be less than two (2) feet in width. Common walks shall not be less than three and one-half (3 ½) feet in width.

3. No walk shall be used as a drainage way. Sudden changes in alignment and gradient shall be avoided.

(j) Utilities and required services.

1. Water supply and distribution system

a. Connection shall be made to public water supply and its supply used exclusively.

b. All applicable minimum requirements of the State Department of Public Health shall be met.

2. Sewage systems.

a. Connection shall be made to the public sewage collection and treatment system. All sewage and water-carried waste shall be carried into such public system.

b. All applicable minimum requirements of the State Department of Public Health shall be met.

3. Solid waste disposal.

a. All refuse shall be stored in watertight containers located on each mobile home site or within one hundred and fifty (150) feet thereof.

b. Refuse shall be collected regularly and transported to a disposal site in compliance with state law. Incineration of any refuse or vegetation within a mobile home park is prohibited.

c. Call applicable minimum requirements of the State Department of Public Health shall be met.

4. Electrical distribution system

a. Electrical installations in mobile home parks including site feeder circuits and additional secondary receptacles shall conform to the National Electrical Code, latest edition.

b. The electrical distribution system in all mobile home parks shall be underground.

c. The total load for a mobile home park shall be calculated on the basis of sixteen thousand (16,000) watts per mobile home site. The minimum allowable demand factors which may be used in calculating load on feeders and service are as follows:

<u>Number of Mobile Home Sites Served</u>	<u>Demand Factor (Percent)</u>
1	100
2	55
5	33
10	27
20	25
50	23
100 or more	22

5. Telephone service and television systems.

a. All telephone service to mobile homes in mobile home parks shall be underground.

b. Distribution of master television antenna service to mobile home sites in mobile home parks shall be underground.

6. Fire protection.

a. Mobile home parks shall be kept free of all litter, rubbish, or other accumulated flammable materials.

b. Fire hydrants shall be located throughout the mobile home park and shall be located not more than five hundred (500) feet from any mobile home. The hydrants shall deliver a minimum of seventy-five (75) gallons of water per minute at a pressure of twenty (20) pounds per square inch at the highest elevation point of the mobile home park.

c. Fire extinguishers shall be provided in accordance with the State Department of Public Health requirements.

d. Service buildings and other community facilities. All mobile home parks shall provide the following community facilities:

1. A Management office;
2. Management and maintenance storage facilities;
3. Other facilities as may be required by S.H.A. Ch. 11-1/2 Section 158 et seq.

Section 901: Mobile homes on individual lots.

The following regulations shall apply to mobile homes on individual lots in the R-3, Mobile Home Dwelling District. Regulations for mobile homes in mobile home parks are provided in Section 900 and regulations for all other uses in the R-3 District are provided in Section 302.

(a) Areas. No mobile home shall be situated and maintained on an individual lot in the R-3, Mobile Home Dwelling District unless the following yards and lot areas are provided and maintained in connection with such mobile home. Mobile homes may not be stored on any lot except in the Mobile Home District.

1. Front yard (setback). There shall be a front yard (setback) not less than twenty-five (25) feet from the boundary of the lot along the public right-of-way.
2. Side yards shall be not less than eight (8) feet from any lot lines abutting vacant lots or lots occupied by other mobile homes, and shall be not less than ten (10) feet from lot lines abutting lots occupied by any other use.
3. Rear yard. There shall be a rear yard of not less than twenty (20) feet.

4. Lot area. Every lot in the R-3 District on which a mobile home is situated and maintained shall have a minimum area of five thousand (5,000) square feet.

5. Lot coverage. Not more than thirty percent (30%) of the area of any lot in the R-3 District shall be occupied by a mobile home and any accessory building or structure.

(b) Number of mobile homes per lot. No lot in the R-3 District shall be occupied, at any one time, by more than one (1) mobile home.

Section 902: Adoption of State Law.

In addition to the foregoing requirements regarding mobile homes, standards for mobile homes provided by the statutes of the State of Illinois which are not in conflict with the foregoing, are adopted by reference.

Section 11. That there be enacted a new Article 10 of the Zoning Code as follows:

ARTICLE 10 VARIATIONS

Section 1000: Intent

The Board of Zoning Appeals with final decision by the Village Board of Trustees shall determine and may vary the regulations of this Ordinance in harmony with its general purpose and intent only in specific instances where the Board of Zoning Appeals makes a finding of fact, based upon the standards hereinafter prescribed, that there are practical difficulties in carrying out the strict letter of the regulations of this Ordinance and that the granting of a variance will not merely serve as a convenience to the applicant, but is necessary to alleviate some demonstrable difficulty.

A practical difficulty may result from the size, shape, or dimensions of a site or the location of existing structures thereon; from geographic, topographic, or other physical conditions on the site or in the immediate vicinity; or street locations, or traffic conditions in the immediate vicinity. Cost to the applicant of strict or literal compliance with a regulation shall not be the sole reason for granting a variation.

The power to grant variations does not extend to use regulations because the flexibility necessary to avoid results inconsistent with the objectives of this Zoning Ordinance is provided by the special use permit provisions of this Ordinance.

Section 1001: No change in the Zoning Ordinance of the Village of Atwood or zoning variance shall be granted within ninety (90) days after the date upon which the zoning ordinance is adopted.

Section 1002: Power to Grant a Variance.

The Board of Trustees may vary the provisions of this in cases where there are practical difficulties or particular hardship in the way of carrying out the strict letter of the regulations relating to the construction, or alteration of buildings or structures. These variances shall only be granted after a finding of fact by the Board of Zoning Appeals.

Section 1003: Application for a Variance.

An application for a variance shall be filed with the Board of Zoning Appeals and shall consist of:

- (a) Name(s) and address(es) of the applicant(s);
- (b) Name(s) and address(es) of the owner(s);
- (c) An accurate sketch drawn approximately to scale of the site and the surrounding area of at least three hundred (300) feet measured from the boundaries of the property.
- (d) A statement of the specific conditions and circumstances which exist and are peculiar to the particular parcel of land which are not present or are not applicable to any other parcel of land in that district.

Section 1004: Variance Hearing.

No variance shall be made by the Board of Trustees unless a public hearing has been conducted by the Board of Zoning Appeals.

- (a) There shall be a notice of the time, place and purpose of the hearing published at least once, not more than thirty (30) days or less than fifteen (15) days prior to the hearing. This notice shall be published in one (1) or more newspapers published in the Village or of general circulation within the Village.
- (b) In addition to published notice, all owners of property located adjacent to or within three-hundred (300) feet, excluding streets and alleys, in every direction from the property for which the variance is requested, shall be given notice by first class mail at least ten (10) days prior to the public hearing. The applicant for the variance shall furnish the names and addresses of those persons entitled to notice.
- (c) This public hearing shall be held within sixty (60) days of the receipt of the application for a zoning variance.
- (d) The variance shall be in effect immediately upon approval of such application by the Village Board of Trustees.

Section 1005: Finding of Fact.

The Board of Zoning Appeals shall conduct a public hearing and submit a written finding of fact to the Village Board of Trustees. This finding of fact shall consist of and provide accurate and clear answers to the following conditions:

- (a) The strict and literal interpretation of the Ordinance.

(b) Demonstrate that the strict or literal interpretation of this Ordinance would result in practical difficulty or physical hardship inconsistent with the purposes and objectives of this Ordinance.

(c) Demonstrate that there are exceptional or extraordinary circumstances or conditions which exist and are peculiar to that particular parcel of land which are not present or are not applicable to any other parcel of land in that district.

(d) Demonstrate that the exceptional or extraordinary circumstances or conditions are not or do not result from any action by the applicant or owners.

(e) Demonstrate that the granting of the zoning variance will not constitute a grant of special privilege inconsistent with the limitations on other properties within the same zoning district.

(f) Demonstrate that the reason for the variance is not the economic cost of developing that parcel of land.

(g) Demonstrate that the granting of the variance will not be detrimental to the public health, safety, and morals or materially injurious to properties or improvements in the vicinity.

Section 1006: Adoption of a Zoning Variance.

The Village Board of Trustees by a concurring vote of four (4) members of the Board of Trustees may approve a zoning variance by amending the zoning ordinance.

(a) No variance shall be granted based on the economics of developing that parcel of land.

(b) No variance shall be granted by the Board of Trustees which will violate the objectives or purpose of this Ordinance.

(c) The decision to grant or deny the variance shall be based upon the written finding of fact submitted by the Board of Zoning Appeals.

(d) The Board of Trustees may require additional information to be included in the written finding of fact as it deems necessary to evaluate the particular case which is being decided.

(e) Any variance which is granted by the Board of Trustees that is contrary to the recommendation of the Board of Zoning Appeals' written finding of fact must be adopted by a two-thirds (2/3) vote of the members of the Board of Trustees.

Section 1007: Rights of Applicants and Property Owners.

One (1) continuance may, upon request, be granted for the purpose of presenting evidence to rebut testimony given by the applicant. The date of the continued hearing shall be in the discretion of the Board of Zoning Appeals. The written application for a continuance shall be filed with the Village Clerk signed by the following property owners:

(a) The owners of twenty percent (20%) or more of the land with frontage on the same block as, or frontage on the alley in the same block across from, or frontage on the block across from the proposed variance.

(b) The owners of twenty percent (20%) or more of the frontage proposed to be altered, or by the owners of twenty percent (20%) of the frontage immediately adjoining or across from the alley therefrom, or by the owners of twenty percent (20%) of the frontage directly opposite the frontage proposed to be altered.

Section 12. That there be enacted a new Article 11 of the zoning code as follows:

ARTICLE 11 NONCONFORMING STRUCTURES AND USES

Section 1100: Continuance of Uses

(a) Any lawfully established use of a building or land, on the effective date of this Ordinance, or of amendments hereto, that does not conform to the use regulations for the district in which it is located, shall be deemed to be a legal nonconforming use and may be continued, except as otherwise provided herein.

(b) Any legal nonconforming building or structure may be continued in use provided there is no physical change other than necessary maintenance and repair, except as provided herein.

(c) Any building for which a permit has been lawfully granted prior to the effective date of this ordinance, or of any amendments hereto, may be completed within accordance with the approved plans. Any such building shall comply with all regulations under which the original permit was issued. Any such building shall thereafter be deemed a lawfully established building.

Section 1101: Discontinuance of Use

(a) Whenever any part of a building, structure or land occupied by a nonconforming use is changed to or replaced by a use conforming to the provisions of this Ordinance, such premises shall not thereafter be used or occupied by a nonconforming use, even though the building may have been originally designed and constructed for the prior nonconforming use.

(b) Whenever a nonconforming use of a building, structure or part thereof has been discontinued, or whenever there is evident a clear intent on the part of the owner to abandon a nonconforming use for a period of six (6) consecutive months, such use shall not, after being discontinued or abandoned, be re-established, and the use of the premises thereafter shall be in conformity with the regulations of the district.

(c) Where no enclosed building is involved, discontinuance of a nonconforming use for a period of six (6) months shall constitute abandonment, and shall not hereafter, may be completed within accordance with the approved plans. Any such building shall comply with all regulations under which the original permit was issued. Any such building shall thereafter be deemed a lawfully established building.

(d) A use not legally authorized by the provisions of the Zoning Ordinance of the Village of Atwood in existence prior to the time this Ordinance becomes effective shall be deemed a violation and discontinued unless such use or structures is in conformance with the provisions of this Ordinance.

Section 1102: Termination and Removal of Nonconforming Uses, Buildings, and Structures in Residential Districts

The period of time during which the following nonconforming uses of buildings, structures, or land may continue or remain in Residential Districts shall be limited to two (2) years from the effective date of this Ordinance, or of any amendment hereto which causes the use to be conforming. Every such nonconforming use shall be completely removed from the premises at the expiration of the two-year (2) period.

(a) Any nonconforming use of a building or structure having an assessed valuation not in excess of two hundred and fifty dollars (\$250) on the effective date of this Ordinance.

(b) All nonconforming signs, billboards, and outdoor advertising structures.

(c) Any nonconforming uses of land where no enclosed building is involved, or where the only buildings employed are accessory or incidental to such use, or where such use is maintained in connection with a conforming building.

Section 1103: Repairs and Alterations Allowed

(a) Normal maintenance of a building or other structure containing a nonconforming use is permitted, including necessary nonstructural repairs and incidental alterations which do not extend or intensify the nonconforming use.

(b) No structural alteration shall be made in a building or other structure containing a nonconforming use, except in the following situations:

1. When the alteration is required by law.
2. When the alteration will actually result in eliminating the nonconforming use.
3. When a building in a Residential District containing residential nonconforming uses may be altered in any way to improve livability, provided no structural alteration shall be made which would increase the number of dwelling units or the bulk of the building.

Section 1104: Damage and Destruction

In the event that a building or other structure containing a nonconforming use is damaged or destroyed by fire or act of God, to an extent of:

(a) Not more than fifty percent (50%) of its replacement value, the building or structure may be restored only to its original condition and floor area and the occupancy of use of such building may be continued which existed at the time of such partial destruction.

(b) More than fifty percent (50%) but less than seventy-five percent (75%) of its replacement value, the buildings or structures may be restored only to its original condition and floor area and the occupancy or use of such building may be continued which existed at the time of such partial destruction only if an approved Special Use Permit is applied for and secured from the Village in accordance with the provisions of Article 8.

(c) More than seventy-five percent (75%) of its replacement value, the building or structure may be rebuilt and used thereafter only for a conforming use and in compliance with the provisions of the district in which it is located.

When the provisions of Section 1104(a) or (b) are applicable, the restoration or repair of the building or other structures must be started within a period of six (6) months from the date of damage or destruction and diligently pursued to completion. Failure to exercise the options herein provided within the time specified shall be considered a voluntary abandonment and buildings and structures may be rebuilt and used thereafter only for a conforming use and in compliance with provisions of the district in which it is located.

Section 1105: Additions and Enlargements

(a) A nonconforming building may be enlarged or extended only if the entire building is thereafter devoted to a conforming use, and is made to conform to all of the regulations of the district in which it is located.

(b) No building partially occupied by a nonconforming use shall be altered in such a way as to permit the enlargement or expansion of the space occupied by such nonconforming uses.

(c) No nonconforming use may be enlarged or extended in such a way as to occupy any required usable open space or any land beyond the boundaries of the zoning lot as it existed on the effective date of this Ordinance, or to displace any conforming uses in the same building or on the same parcel.

(d) A building or structure which is nonconforming with respect to yards, floor area ration, or any other element or expanded in any manner which would increase the degree or extent of its conformity with respect to the bulk regulations for the district in which it is located.

Section 13. That there be enacted a new Article 12 of the zoning code as follows:

ARTICLE 12 HOME OCCUPATIONS

Section 1201: Home Occupations where permitted

Home occupations are permitted in any residence lawfully being occupied (including the accessory buildings that comply with the definition in Article 2 and any other applications of the municipal code), whether as a single family home, apartment, duplex, condominium, town house or any other kind of residence subject to the restrictions set out in the Article.

Section 1202: When permitted without a special use permit.

A home occupation is permitted without a special use permit if the place and circumstances of the occupation carried on meets each of the following requirements:

(a) Not more than a total of eight (8) vehicles per day will stop in connection with the home business, at the place of business in any one twenty-four (24) hour period. This includes parking, stopping to load or unload anything, or stopping to drop off passengers. Not more than three (3) vehicles pertaining to the business shall be parked at the premises at any one time.

(b) There shall be no outside storage of anything connected with the business except one vehicle used in connection with the business. Such vehicle is to be no larger than a passenger van or pickup truck.

(c) The business generates no noise, odors, solid or liquid waste, or pollution in excess of that regularly generated by the occupants of a residential home. There shall be no external alterations to the dwelling or accessory building to draw attention to the business except one (1) small [two (2) square feet maximum] sign allowed in a residential district.

(d) The business is conducted in a space no larger than five hundred (500) square feet, is out of view of the other residences, is inside a building or is in a back or side yard that has privacy fence or hedge, other obstruction to vision of occupation activities by neighbors or passersby.

(e) The occupation is carried on by the resident of the property and will invoke employment of only the members of the family residing on the premises. Persons hired to do yard work or housekeeping are not counted as employees of the business.

(f) The hours of said business are to be reasonable daytime or early evening hours not generating traffic into the neighborhood during sleeping hours.

Section 1203: Intent

The intent of this provision permitting home occupations in residential areas of Atwood is to allow residents to work from their homes in occupations that generate no disruptions to a neighborhood. Further the second intent is to authorize residents to have an opportunity to birth a small business and bring it to the point of being able to supply an income to allow it to move to another district. The home occupations are to be set up as to be not apparent beyond the boundaries of the site except for the sign (c) allowed in residential districts [see Article 1601 (g).]

Section 1204: Special Use Permit Standards When Required for noncomplying Home Occupations:

No person shall operate a home occupation that is not in compliance with the above requirements in Section 1202 without first obtaining a special use permit. Application will be made by completing a zoning use application with the Building Commissioner. The noncomplying issues will be marked as reason for denial. Such application will then be given to the Zoning Board of Appeals for review. A public hearing as described in Article 8 will be held after published legal notices and all residents have been properly notified. A special use permit will be considered if the following standards exist:

(a) The proposed home occupation will not interfere with permitted uses (see Appendix B) in the neighborhood or make the premises unsuitable for such permitted uses.

(b) The proposed use will not disturb the peace or safety of the neighborhood.

(c) The proposed occupation will not reduce property values in the area.

(d) The proposed occupation will not cause any substantial traffic problems.

(e) The person applying for such permit will agree to comply with special conditions or restrictions as may be deemed necessary to secure the general objectives of this Ordinance (see Article 8 Section 804).

(f) The Permit of Special Use will be issued to the present resident and will need to be reapplied for if the business is transferred or ended as described in Article 8 Section 808.

- (g) All home occupation permits will come up periodically for review.

Section 1205: Exemptions.

Nothing in this Article shall be interpreted as regulating or prohibiting any of the following:

- (a) Holding a meeting in a home for religious purposes.
- (b) Holding a meeting in a home for political purposes.
- (c) Having a meeting for social purposes.

Section 1206: Nuisance, Injunction

Any violation of this Article is hereby declared to be a nuisance. In addition to any other relief provided by this Ordinance, the Village Attorney may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this Article. Such application for relief may include seeking a temporary restraining order, temporary injunction or permanent injunction.

Section 14. That there be enacted a new Article 13 of the zoning code as follows:

ARTICLE 13 GROUP HOMES

Section 1301: Group Homes, Hospitals and Hotels.

In any district in which hospitals are permitted, and in any district in which hotels are permitted, group homes shall be permitted.

Section 15. That there be enacted a new Article 14 of the zoning code as follows:

ARTICLE 14 PARKING

Section 1400: Intent

In order to alleviate or prevent traffic congestion and shortage of curb spaces, off-street parking facilities shall be provided incidental to new uses and major alterations and enlargements of new uses. Off-street parking areas are to be laid out in a manner that will ensure their usefulness, protect the public safety, and where appropriate insulate surrounding land uses from their impact.

Section 1401: General Requirements

(a) **Parking Space Dimensions**—A parking space shall have a minimum rectangular dimension of not less than nine (9) feet by nineteen (19) feet for ninety (90) degree parking and not less than nine (9) feet by twenty-three (23) feet for parallel parking. Each parking space shall have adequate provisions for easy ingress and egress.

(b) **Disabled Vehicles**—The parking of a disabled vehicle within the Village Corporate Limits shall be prohibited except where the disabled vehicle is parked in an enclosed building and shielded from public view.

(c) **Location of Required Parking Spaces**—The parking spaces required in this Ordinance shall be located on the same lot for residential uses and within three hundred (300) feet of the lot for all other uses. No parking spaces may be located in any front yard of a lot in a Residential District.

(d) **Signs**—The entrances, exits, and direction of travel of the parking areas shall be clearly marked. Each parking space in districts other than Residential Districts shall be clearly marked.

Section 1402: Method of Computing Parking Requirements

(a) **Floor area** shall mean the gross floor area of the specific use, excluding any floor or portion thereof used for parking as herein defined.

(b) Where fractional spaces result the requirement shall be increased to the next whole number.

(c) In the case of mixed uses the number of spaces shall be the sum of the requirements for each use.

(d) In the event that a structure is changed or altered which results in a change in parking requirements the larger parking requirement shall be the new requirement.

Section 1403: Maintenance Requirements

(a) All open off-street parking spaces shall be surfaced with a durable surface consisting of concrete, bituminous concrete, or compacted gravel.

(b) All open off-street parking spaces shall be maintained in a usable condition, graded and drained to dispose of surface water.

Section 1404: Parking Requirements

One (1) and two (2) and multiple family dwellings: One (1) parking space for each dwelling unit.

Hotels, rooming houses, clubs, and fraternal homes: One (1) parking space for each two (2) guest sleeping rooms.

Tourist Homes: One (1) parking space for each transient sleeping room offered for tourist accommodation in addition to parking spaces required for permanent residents of the building.

Tourist court and motels: One (1) parking space for each lodging unit.

Churches, auditoriums, gymnasiums, stadiums, and other places of public or private assembly with fixed seats: One (1) parking space for each five (5) seats based on the official seating capacity.

Dance halls, bowling alleys, and private clubs: One (1) parking space for each two hundred (200) square feet of floor area.

Funeral homes: Fifteen (15) parking spaces plus five (5) additional spaces for each area which could be used as a parlor.

Retail and service establishments: One (1) parking space for each three hundred (300) square feet of floor area.

Restaurants and establishments whose primary use is to serve food or refreshments to patrons: One (1) parking space for each one hundred (100) square feet of floor area.

Wholesale and distributing establishments including telephone exchanges: One (1) parking space for each three (3) employees.

Manufacturing establishments: One (1) parking space for each five (5) employees based on the greatest number of employees on the premises at one time.

Section 16. That there be enacted a new Article 15 of the zoning code as follows:

ARTICLE 15 OFF STREET LOADING

Section 1500: Intent

The intent of this Article is to alleviate or prevent congestion on the public streets, and to promote the public safety and welfare by establishing minimum loading requirements for the use of property.

Section 1501: General Requirements

- (a) The size of a loading berth shall be at least ten (10 feet in width and twenty-five (25) feet in length. Each loading berth shall have a minimum vertical elevation of at least fifteen (15) feet.
- (b) No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities provided in order to comply with this Ordinance.
- (c) All loading berths shall be designed with appropriate means of access to a street or alley in a manner which will least interfere with traffic movement.
- (d) Space allocated to loading berths in accordance with this Ordinance shall not be used to satisfy the off-street parking requirements of the particular use.
- (e) All off-street loading shall be subject to the same maintenance requirements as off-street parking spaces. All off-street loading berths shall be subject to the same computational procedures as off-street parking spaces.

Section 1502: Off-street Loading Berth Requirements

All uses other than exclusive dwelling uses shall provide off-street loading facilities on the basis of floor area. One (1) space shall be required for each twenty thousand (20,000) square feet of floor area for each use on that lot.

Section 17. That there be enacted a new Article 16 of the zoning code as follows.

ARTICLE 16 SIGNS

Section 1600: Intent

The intent of this Article is to maintain the attractiveness, visual continuity and orderliness of the Village of Atwood and to protect the public safety and welfare by reducing the number of signs, reducing the confusion resulting from a proliferation of signs, and allowing the business community to more adequately communicate with the public.

Section 1601: General Requirements.

(a) All overhanging signs shall be not less than eight (8) feet from the level of the ground beneath the lower edge of the sign.

(b) Any illuminated sign or lighting device shall employ only light emitting a light of constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light or lights. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination therefrom to be directed or beamed upon a public street, highway, sidewalk, or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance.

(c) No sign erected or maintained in the window of a building shall occupy more than twenty (20) percent of the window surface.

(d) Temporary signs, including political signs, announcing a campaign, civic event, or other occurrence not occurring in a continuous manner shall be permitted subject to the provision of their removal within two (2) weeks of the last day of the campaign, civic event, or other temporary occurrence.

(e) All signs that are posted for the fulfillment of a legal obligation to the public notice, or are erected at the direction of the Village Board of Trustees are not subject to the provisions of this Ordinance.

(f) All signs shall conform to the setback requirements of the district in which they are placed.

(g) Nameplates or warning signs not to exceed two (2) square feet may be located on residential property. A home occupation sign [also not to exceed two (2) square feet] would be allowed [and limited to one (1)] to name the occupation carried on by the resident of the premises if all the conditions allowing such occupation as specified in Article 12.

(h) Signs erected for the purpose of selling, renting, or leasing any lot or group of lots may be placed on the lot or group of lots for a period of six (6) months and may be allowed to remain an additional six (6) months upon application to and approval by the Village of Atwood Board of Trustees.

Section 18. That there be enacted a new Article 17 of the zoning code as follows.

ARTICLE 17 PENALTIES

Section 1701: Penalty

(a) Any person, firm, corporation, or organization violating any provision of this Ordinance upon conviction thereof shall be punished by a fine of at least seventy-five (\$75.00) dollars and not more than one thousand (\$1,000.00) dollars. Each person, firm, corporation or organization shall be deemed guilty of a separate offense for each day or portion thereof in which they are in violation of any provision of this Ordinance.

(b) Any structure or sign erected, moved, altered, or enlarged and any use of a site contrary to the provisions of this Ordinance shall be and is hereby declared to be unlawful and a public nuisance and the Village Attorney shall immediately institute necessary and proper legal proceedings to cause relief to the violation of this Ordinance.

APPENDIX A

SCHEDULE OF DISTRICT REGULATIONS

APPENDIX B

SCHEDULE OF AUTHORIZED AND SPECIAL USES

APPENDIX C

FORMS

- 1. Special Use Permit**
- 2. Zoning Use Permits**
 - i. Mobile Homes
 - ii. Construction
 - iii. Construction Extension
 - iv. Home Occupation
 - v. In-Ground Pool Construction
 - vi. Zoning Variance
 - vii. Pool Registration
- 3. Enforcement Notification**

APPENDIX D

DIAGRAMS AND EXPLANATORY DRAWINGS

APPENDIX E

FLOW CHARTS OF ADMINISTRATIVE PROCESSES

1. Zoning Use Permit
2. Special Use Permit
3. Home Occupation Permits
 - a. No Special Use Permit Required
 - b. Special Use Permit Required
4. Variance
5. Amendments

FLOW CHART FOR A ZONING USE PERMIT

Application:

1. Obtain Zoning Use Permit Application from Village clerk.
2. Complete application subject to the provisions of sections 600-602 of the Zoning Ordinance
3. Submit application to the Village Clerk for forwarding to the Building Commissioner for review.

Building Commissioner:

1. Review application for compliance with the provisions of the Zoning Ordinance.
2. Approve or disapprove the application.
3. Return application to the Village Clerk for completion of permit.

Applicant:

1. Post approved Zoning Use Permit on the premises for which it was issued.
2. If the application is disapproved, it may be resubmitted at any time.

FLOW CHART FOR A SPECIAL USE PERMIT

Application:

4. Obtain application from Village Clerk.
5. Complete application subject to the provisions of section 801 of the Zoning Ordinance
6. Submit application to the Building Commissioner for review and forwarding to the Board of Zoning Appeals

Board of Zoning Appeals:

4. The Board of Zoning Appeals shall schedule a public hearing to review the application.
5. The Board of Zoning Appeals shall make a "Finding of Fact" in accordance with the provisions of Section 803.
6. The Board of Zoning Appeals shall forward the "Finding of Fact" to the Board of Trustees.

Board of Trustees:

3. The Board of Trustees' action on the Special Use Permit may take two forms:
 - a. The Special use Permit may be approved or disapproved by the Board of Trustees by a majority vote of all members of the Board of Trustees.
 - b. If the Special Use Permit is approved or disapproved contrary to the Board of Appeals' recommendation, then this must be done by a two-thirds (2/3rds) majority vote of the members of the Board of Trustees.
4. If the Special Use Permit is approved, it becomes effective immediately.

5. If the Special Use Permit is disapproved, the applicant can reapply after a period of one year has elapsed.

FLOW CHART FOR HOME OCCUPATION PERMIT
NO SPECIAL USE PERMIT REQUIRED

Application:

7. Obtain Home Occupation Permit application from Village clerk.
8. Complete application subject to the provisions of section 1201-1207 of Zoning Ordinance No. 03-0-1
9. Submit application to village clerk for forwarding to the Zoning Board of Appeals for review.

Zoning Board of Appeals:

7. Review application for compliance with the provisions of the Zoning Ordinance.
8. Approve or disapprove the application.
9. Return application to the village clerk for completion of permit.

Applicant:

6. Post approved Home Occupation Permit on the premises for which it was issued.
7. If the application is disapproved, it may be resubmitted at any time.

FLOW CHART FOR HOME OCCUPATION PERMIT
WHEN SPECIAL USE PERMIT IS REQUIRED

Application:

10. Obtain Home Occupation Permit application from Village clerk.
11. Complete application subject to the provisions of section 1201-1207 of Zoning Ordinance No. 03-0-1
12. Submit application to village clerk for forwarding to the Zoning Board of Appeals for review.

Zoning Board of Appeals:

10. The Zoning Board of Appeals shall schedule a public hearing to review the application.
11. The Zoning Board of Appeals shall make a “Finding of Fact” in accordance with provisions of Section 803.
12. The Zoning Board of Appeals shall forward the “Finding of Fact” to the Board of Trustees.

Board of Trustees:

1. The Board of Trustees action on the Home Occupation Permit may take two forms:
 - a. The Home Occupation Permit may be approved or disapproved by the Board of Trustees by a majority vote of all members of the Board of Trustees.
 - b. If the Home Occupation Permit is approved or disapproved contrary to the Board of Appeals recommendation, then this must be done by a two-thirds (2/3rds) majority vote of the members of the Board of Trustees.

2. If the Home Occupation Permit is approved, it becomes effective immediately.

Applicant:

8. Post approved Home Occupation Permit on the premises for which it was issued.
9. If the application is disapproved, it may be resubmitted at any time.

FLOW CHART FOR A ZONING VARIANCE

Application:

13. Obtain application from Village Clerk.
14. Complete application subject to the provisions of section 1003 of the Zoning Ordinance
15. Submit application to the Village Clerk to be forwarded to the Board of Zoning Appeals.

Board of Zoning Appeals:

13. The Board of Zoning Appeals shall schedule a public hearing to review the application.
14. The Board of Zoning Appeals shall make a "Finding of Fact" in accordance with the provisions of Section 1005.
15. The Board of Zoning Appeals shall adopt the "Finding of Fact" by a majority vote.
16. The Board of Zoning Appeals shall then forward the adopted "Finding of Fact" to the Board of Trustees.

Board of Trustees:

10. The Board of Trustees' action on the Variance may take two forms:
 - a. The Variance may be approved or disapproved by the Board of Trustees following a Board of Appeals' recommendation. An approval of a Variance must be by four (4) members of the Board of Trustees.

b. If the Variance is approved or disapproved contrary to the Board of Appeals' recommendation, then this must be done by a two-thirds (2/3rds) majority vote of the members of the Board of Trustees.

11. If the Variance is approved, it becomes effective immediately.

12. If the Variance is disapproved, the applicant can reapply at any time.

FLOW CHART FOR AMENDMENTS

Board of Zoning Appeals:

16. Submit a proposed amendment to the Board of Zoning Appeals.

17. The Board of Zoning Appeals shall schedule a public hearing to review the proposed amendment.

18. The Board of Zoning Appeals shall make a recommendation concerning the proposed amendment.

19. The Board of Zoning Appeals shall adopt the written report by a majority vote.

20. The Board of Zoning Appeals shall then forward the adopted written report as a recommendation to the Board of Trustees. (The written report can be negative or positive.)

Board of Trustees:

13. The Board of Trustees' action may take two forms on the proposed amendment:

a. The proposed amendment may be approved or disapproved by the Board of Trustees, if the Board of Zoning Appeals' recommendation is followed. An approval of a proposed amendment must be by four (4) members of the Board of Trustees.

b. If the proposed amendment is approved or disapproved contrary to the Board of Zoning Appeals' recommendation, then this must be done by a two-thirds (2/3rds) vote of the members of the Board of Trustees.

14. If the amendment is approved, it becomes effective immediately.

15. If the amendment is disapproved, it can be resubmitted at any time.

VILLAGE OF ATWOOD ZONING ORDINANCE

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