

**VILLAGE OF TIMBERLANE, ILLINOIS**

# **ZONING ORDINANCE**

Adopted

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# CHAPTER 1

## GENERAL ZONING PROVISIONS

### SECTION 1.1

**OBJECTIVES OF ZONING REGULATIONS:** The Zoning Title is adopted for the purposes of protection and promotion of the public health, safety, comfort, convenience and general welfare of the citizens within the Village; and

- A. To divide the Village into districts regulating therein the construction, location, erection, reconstruction, alteration and use of structures, buildings and land for industrial, residential, commercial, recreational and other specified uses, thereby providing a framework for orderly growth and development of the Village.
- B. To implement said Zoning Title in such a way as to stabilize existing commercial, residential and industrial areas, thereby preventing future development of incompatible uses and encouraging reconstruction and rehabilitation of those areas by property owners with those uses allowed within the district.
- C. To prohibit the overcrowding of land within each district through the use of regulations dealing with the use and bulk of structures in relation to land surrounding them.
- D. To prohibit buildings, structures or uses, which are considered incompatible with the character of development within a specific district.
- E. To provide adequate light and air and protection of the public health by regulating the area of open spaces surrounding buildings.
- F. To provide for the eventual elimination and control of prior uses, structures, and buildings, which are considered, incompatible within the district in which they are located.

- G. To prevent bodily harm to persons or property by fire, toxic fumes, explosion or other hazards.
- H. To protect the public health, safety and general welfare by regulation of land uses within the Village as deemed necessary to limit traffic and pedestrian conflicts and traffic congestion on all public streets.
- I. To prevent the construction of buildings, structures or the conversion of land to a use in areas deemed unsuitable because of surface or subsurface hydrology, detrimental characteristics of the soil or geologic feature.

**SECTION 1.2**

**NATURE OF ZONING REGULATIONS:** The Zoning Title shall consist of an Original Official Zoning Map, designating various districts and this written text, which will control the uses of land; the height and bulk of structures; and dimensions of sites; the location, size and illumination of signs, and off-street parking and loading facilities.

**SECTION 1.3**

**ESTABLISHMENT OF DISTRICTS.** In order to carry out the purposes of this ordinance the following districts are established.

- U-T Urban Transition
- R-E Single-Family Rural Estate  
Residential District
- R-1 One-family Residential District
- R-2 Two-family Residential District
- RM Multiple-family Residential District
- CR Retail and Service Commercial District
- CH Highway Commercial District
- CG General Commercial District
- CO Commercial Office
- IL Light Industrial District
- IG General Industrial District
- IH Heavy Industrial District
- C Conservancy and Park District
- F Floodway District
- PUD Planned Unit Development District
- A-1 Agricultural Conservation District

A-2 Agricultural Residence District

## SECTION 1.4

### SCOPE OF REGULATIONS:

- A. The regulations provided by this Title within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.
- B. No building, structure or land shall hereafter be used or occupied, and no building or structure or any part thereof shall hereafter be erected, converted, enlarged, constructed, reconstructed, moved, or structurally altered unless in conformity with all the regulations herein specified for the district in which located.
- C. No buildings or other structures shall hereafter be erected or altered:
  - 1. In excess of the height;
  - 2. With lot area, ground floor area, or total floor area less than the minimum;
  - 3. To accommodate or house a number of facilities in excess of that;
  - 4. To occupy a percentage of lot area in excess of the maximum;
  - 5. To provide for rear, side or front yards, or other open spaces with less than the minimum dimensions.
- D. Herein required, or in any other manner contrary to the provisions of this Title.
- E. No yard or lot existing at the time of the effective date hereof shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Title shall meet at least the minimum requirements established by this Title.

- F. Whenever the requirements of this Title are at variance with the requirements of any other lawfully adopted rule, regulation, ordinance or resolution, the most restrictive, or that imposing higher standards, shall govern.

**SECTION 1.5**

**EXEMPTED USES:**

- A. The following uses are exempted by this Title and permitted in any district; poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves, or any other similar distributing equipment for telephone, electrical power, gas, water, and sewer lines, provided that all installations shall conform to Village of Timberlane Zoning Ordinance and Federal Communications Commission and Federal Aeronautics Administration rules and regulations or other authorities having jurisdiction.
- B. All plats of subdivisions which have received preliminary approval and lots of record on the effective date of this Title must be developed in accordance with the use district in which they are located under this Title, but may be developed in accordance to the lot area, lot width, and yard setback requirements of the Village Zoning Ordinance adopted on \_\_\_\_\_.
- C. Where a building line has been established by existing buildings, new buildings may conform to their average setback.
- D. Public, semi-public or public service buildings, hospitals, institutions or schools, where permitted may be erected to a height not exceeding sixty feet (60') and churches and temples may be erected to a height not exceeding seventy five feet (75') when the required side and rear yards are increased by one foot (1') for each foot of additional building height above the height regulations for the district in which the building is located.

**SECTION 1.6**

**OFFICIAL ZONING MAPS:**

- A. Maps Adopted By Reference: The Village is hereby divided into zones, or districts as shown on the Official Zoning Maps which,

together with all explanatory matter thereon, are hereby adopted by reference and declared to be part of this Title.

- B. Original Official Zoning Maps: The initial Zoning Map adopted with this Title shall be entitled the Original Official Zoning Map, and shall be identified by the signature of the Village President, attested by the Village Clerk, and bear the official seal of the Village under the following words: "This is to certify that this is an Original Official Zoning Map referred to in CHAPTER 1, Section 1.5 of the Village of Timberlane Zoning Ordinance", together with the date of adopted of this Title. The Original Official Zoning Map shall be filed in the Village Hall, shall remain without change as originally adopted by the Village Trustees, and shall be used only for reference purposes when there is a need to determine the original zoning.
- C. Amendments to Zoning Maps: If, through action of Village Trustees, changes are made in district boundaries or other matters portrayed on the Official Zoning Maps, such changes shall be made on the Official Zoning Maps promptly after the amendment has been approved by the Village Trustees.
- D. Replacement of Official Zoning Map: In the event that the Original Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the number of changes or age, the Village Trustees may, by ordinance, adopt a new Official Zoning Map, which shall supersede the prior map, but no such correction shall have the effect of amending thereof. The new Official Zoning Map shall be identified by the signature of the Village President, attested by the Village Clerk, and bearing the Seal of the Village under the following words: "This is to certify that this is the Original Official Zoning Map adopted \_\_\_\_\_ as part of the Village of Timberlane Zoning Ordinance".
- E. Rules for Interpretation of District Boundaries: 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, highways or alleys shall be construed to follow such centerlines.
  2. Boundaries indicated as approximately following platted lot lines shall be construed to follow such lot lines.
  3. Boundaries indicated approximately following Village limits shall be construed as following Village limits.
  4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
  5. Boundaries indicated as following shorelines, and in the event of change in the shoreline, shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerlines of bodies of water shall be construed to follow such centerlines.
  6. Boundaries indicated as parallel to or extensions of features indicated in Subsections E1 through E5 shall be so construed. Distances not specifically indicated on the Official Zoning Maps shall be determined by the scale of the map.
  7. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Maps, and in situations not covered by Subsections E1 and E6 above, the Building Inspector shall interpret the district boundaries.
- F. All territory which may be or is annexed to the Village shall be considered as being in the Urban Transition District (UT) until otherwise properly changed by ordinance.

Unless otherwise prohibited or restricted, a permitted use also allows uses, buildings and structures customarily incidental thereto, if located on the same site or building plat. However, such incidental uses shall not be established prior to the establishment of the principal use, and shall be compatible with the principal use.

## SECTION 1.7

### BASIC REQUIREMENTS FOR ALL DISTRICTS:

**Zoning Schedule.** The Zoning Schedule on the following page describes the basic site, yard, bulk, usable open space, and screening and landscaping regulations that shall apply in the districts as indicated in the schedule. These basic requirements are defined and supplemented by the additional requirements and exceptions prescribed in subsequent sections of this Chapter.

<b>SECTION 1.7 ZONING: MINIMUM SITE</b>				
		<b>MINIMUM SITE</b>		
<b>DISTRICTS</b>		<b>AREA</b>	<b>WIDTH INTERIOR LOT+++</b>	<b>DEPTH</b>
A-1	AGRICULTURAL DISTRICT	5 Acres	300 ft	---
R-E	1-FAMILY RURAL ESTATE RESIDENTIAL	5 Acres	300 ft	---
R-1	1-FAMILY RESIDENTIAL DISTRICT	*34,848 sf	88 ft	125 ft
R-2	2-FAMILY RESIDENTIAL DISTRICT	15,000 sf	100 ft	125 ft
CR	RETAIL SERVICE COMMERCIAL DISTRICT +	7,000 sf	70 ft	---
CG	GENERAL COMMERCIAL DISTRICT +	10,000 sf	75 ft	120 ft
CH	HIGHWAY COMMERCIAL DISTRICT +	20,000 sf	120 ft	150 ft
IL	LIGHT INDUSTRIAL DISTRICT	40,000 sf	120 ft	150 ft
IG	GENERAL INDUSTRIAL DISTRICT	40,000 sf	120 ft	150 ft
IH	HEAVY INDUSTRIAL DISTRICT	40,000 sf	120 ft	200 ft
F	FLOODWAY DISTRICT	SAME AS ADJACENT DISTRICT		

\*ALL R-1 SUBDIVISIONS WILL CONTINUE TO BE SUBJECT TO THE ONE SINGLE FAMILY RESIDENCE PER TWO GROSS DEVELOPABLE ACRES.

<b>SECTION 1.7 ZONING: MINIMUM YARDS (Continued)</b>				
		<b>MINIMUM YARDS</b>		
<b>DISTRICTS</b>		<b>FRONT</b>	<b>INTERIOR OR SIDE</b>	<b>REAR</b>
A-1	AGRICULTURAL DISTRICT	½ ROW	25 ft	75 ft
R-E	1-FAMILY RURAL ESTATE RESIDENTIAL	½ ROW	25 ft	75 ft
R-1	1-FAMILY RESIDENTIAL DISTRICT	½ ROW	10 ft	20 ft
R-2	2-FAMILY RESIDENTIAL DISTRICT	½ ROW	15 ft	30 ft
CR	RETAIL SERVICE COMMERCIAL DISTRICT +	30 ft	10 ft	25 ft
CG	GENERAL COMMERCIAL DISTRICT +	30 ft	10 ft	25 ft
CH	HIGHWAY COMMERCIAL DISTRICT +	30 ft	10 ft	25 ft
IL	LIGHT INDUSTRIAL DISTRICT	* A	* B	30 ft
IG	GENERAL INDUSTRIAL DISTRICT	* A	* B	30 ft
IL	HEAVY INDUSTRIAL DISTRICT	* A	* B	30 ft
F	FLOODWAY DISTRICT	SAME AS ADJACENT DISTRICT		

<b>SECTION 1.7 ZONING: MAXIMUM LOT COVERAGE AND HEIGHT: MINIMUM SITE AREA (Continued)</b>				
		<b>MAXIMUM</b>	<b>MAXIMUM</b>	<b>MINIMUM</b>
<b>DISTRICTS</b>		<b>LOT COVERAGE</b>	<b>HEIGHT MAIN STRUCTURE</b> (structures only)	<b>SITE AREA PER DWELLING UNIT</b>
A-1	AGRICULTURAL DISTRICT	---	35 ft	5 Acres
R-E	1-FAMILY RURAL ESTATE RESIDENTIAL	---	35 ft	5 Acres
R-1	1-FAMILY RESIDENTIAL DISTRICT	30%	35 ft	34,848 sf
R-2	2-FAMILY RESIDENTIAL DISTRICT	30%	35 ft	7,500 sf
CR	RETAIL SERVICE COMMERCIAL DISTRICT +	100%	35 ft	Dwellings Not Permitted
CG	GENERAL COMMERCIAL DISTRICT +	60%	35 ft	Dwellings Not Permitted
CH	HIGHWAY COMMERCIAL DISTRICT +	60%	35 ft	Dwellings Not Permitted
IL	LIGHT INDUSTRIAL DISTRICT	60%	45 ft	Dwellings Not Permitted
IG	GENERAL INDUSTRIAL DISTRICT	60%	45 ft	Dwellings Not Permitted
IH	HEAVY INDUSTRIAL DISTRICT	75%	45 ft	Dwellings Not Permitted

F	FLOODWAY DISTRICT	SAME AS ADJACENT DISTRICT
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<b>SECTION 1.7 ZONING: ACCESSORY STRUCTURE (Continued)</b>				
		<b>ACCESSORY STRUCTURES ++</b>		
<b>DISTRICTS</b>		<b>MAXIMUM HEIGHT</b>	<b>DISTANCE TO SIDE LOT LINE</b>	<b>DISTANCE TO REAR LOT LINE</b>
A-1	AGRICULTURAL DISTRICT	35 ft	25 ft	30 ft
R-E	1-FAMILY RURAL ESTATE RESIDENTIAL	35 ft**	25 ft**	30 ft**
R-1	1-FAMILY RESIDENTIAL DISTRICT	20 ft	15 ft	10 ft
R-2	2-FAMILY RESIDENTIAL DISTRICT	20 ft	15 ft	10 ft
CR	RETAIL SERVICE COMMERCIAL DISTRICT +	35 ft	---	---
CG	GENERAL COMMERCIAL DISTRICT	35 ft	10 ft	10 ft
CH	HIGHWAY COMMERCIAL DISTRICT +	35 ft	10 ft	10 ft
IL	LIGHT INDUSTRIAL DISTRICT	35 ft	30 ft	30 ft
IG	GENERAL INDUSTRIAL DISTRICT	100 ft	30 ft	30 ft
IH	HEAVY INDUSTRIAL DISTRICT	100 ft	50 ft	50 ft
F	FLOODWAY DISTRICT	SAME AS ADJACENT DISTRICT		
ft=FEET    sf = SQUARE FEET *A, SEE SECTION 10.5 A 8B, SEE SECTION 10.5 B ** FOR PRIVATE STABLES, SEE SECTION 7.3.3				

+SEE ALSO SECTION 9.2  
++SEE ALSO SECTION 7.6  
+++AS MEASURED AT THE BUILDING SETBACK LINE  
# SEE ALSO SECTION 7.5  
## SEE ALSO SECTION 504

## CHAPTER 2

### RULES AND DEFINITIONS

#### SECTION 2.1

**RULES:** The rules and definitions contained in this CHAPTER shall be observed and applied in the interpretation of the text of this Title. For clarity of interpretation of the text, the following finite definitions of word use shall apply:

- A. Words used in the present tense shall include the future; and words used in the singular number shall include the plural number, and the plural shall include the singular.
- B. The word "shall" is always mandatory and the word "may" is permissive.
- C. The word "lot" shall include the words "piece", "parcel", and "plots"; the word "building" shall include all other structures of every kind regardless of similarity to buildings; and the phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", "maintained for", and "occupied for".

#### SECTION 2.2

#### DEFINITIONS:

##### 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 of the principal building or principal use served.
- D. Is located on the same zoning lot as the principal building or principal use served.

ADVERTISING SIGN	A structure upon which a sign is located which directs attention to a business, commodity, service, or entertainment, which is located or provided elsewhere than upon the premises where such structure is located.
AGRICULTURE	The use of land, including the necessary structures, for the principal use of raising or keeping livestock and/or the growing of crops in the open.
ALLEY	A public way used as a secondary means of vehicular access to the side or rear of property.
APARTMENT	A room or rooms in a multiple-family or multiple use building which is intended to be used as a single housekeeping unit.
AUTO LAUNDRY	Any building or portion thereof containing facilities for washing more than two (2) automobiles; using production line methods with a chain conveyor blower, steam cleaning device, or other mechanical devices; or partial hand washing of such automobiles, whether by operator or customer.
AUTOMOBILE SERVICE STATION	A place where gasoline, stored only in underground tanks, lubricating oil, grease or kerosene, for operation of automobiles, are offered for sale directly to the public, on the premises, and including minor accessories and the servicing of automobiles. Automobile service stations shall not include sale or storage of automobiles.
BASEMENT	A portion of a building with the floor located below grade level. A basement shall be counted as a story for the purpose of height regulations if one-half (1/2) or more of its height is above grade level.
BED AND BREAKFAST	An operator occupied residence providing accommodations for a charge to the public with no more than five (5) guest rooms for rent. Only breakfast may be provided to guests. A guest room is intended to serve no more than two (2) adults per night, for a period not to exceed

fifteen (15) days. Bed and breakfast establishments shall not include motels, hotels, boarding houses or food service establishments.

**BOARDING  
HOUSE**

A building containing a single dwelling unit and lodging rooms accommodating, for compensation, three (3) or more persons, but not exceeding twelve (12), who are not of the keeper's family. Lodging may be provided with or without meals.

**BUILDING**

Any structure, including a roof supported by walls, designed or built for the support, enclosure, shelter or protection of persons, animals, chattels, or property of any kind.

**BUILDING  
HEIGHT**

The vertical distance measured from the mean grade level to the highest point of a flat surface roof, to the deck line of a mansard roof, or to the mean height level between eaves and ridge of gable, hip and gambrel roofs.

**BUILDING  
PRINCIPAL**

A building which is constructed and maintained as the primary use of the zoning lot on which it is situated.

**BUSINESS SIGN**

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

**CLINIC**

An establishment of physicians or dentists, or both, who have their offices in a common building.

**DAY CARE  
CENTER**

Any facility designed for the care of preschool children or school age children which meets the requirements and criteria for licensing set forth in the various standards for such facilities issued by the Illinois Department of Children and Family Services.

**DAY CARE**

HOME	A family home which receives not more than eight (8) children for care during one day. The maximum of eight (8) children includes the family's natural or adopted children under the age of sixteen (16) and those children who are in the home under full time care.
DISTRICT	A section of the Village in which the regulations governing the use of buildings and premises, the size of yards and the intensity of use are uniform.
DINE-IN RESTAURANT	A food service establishment where food is consumed on the premises outside of fully enclosed buildings or structures.
DWELLING	A building or portion thereof, but not including a mobile home or camping trailer, designed or used exclusively for residential occupancy, including one-family dwelling units, two-family dwelling units and motels, hotels, or boarding houses.
DWELLING, MULTI-FAMILY	A building having accommodations for and occupied exclusively by more than two (2) families living independently of each other with separate and complete kitchen and bathroom facilities.
DWELLING, SINGLE	A building having accommodations for not more than one family.
DWELLING, TWO-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.
FAMILY	An individual or two (2) or more persons related by blood, marriage or adoption living together as a single housekeeping unit, or a group of not more than five (5) persons who need not be related by blood, marriage or adoption, living as a single housekeeping unit in a dwelling unit; in either case exclusive of usual servants.
FAST FOOD RESTAURANT	A food service establishment where fast food such as sandwiches, pizza or fried chicken is prepared in such a quantity by such a

standardized method as can be dispensed quickly and eaten on the premises or elsewhere.

FLOOD PLAIN	Those areas along rivers and streams subject to periodic flooding.
FLOOR AREA	The total usable floor area in a building, measured from the outside walls or from the centerline of party walls, and including interior balconies and mezzanines, elevator shafts, stairwells and utility rooms, but excluding basements, garages, breezeways, and unenclosed porches.
GARAGE, PRIVATE	An accessory building or an accessory portion of the principal building which is intended for and used to store the private passenger vehicles of the family or families resident upon the premises, and in which no business, service or industry connected directly or indirectly with automotive vehicles is carried on, provided that no than one-half (1/2) of the space may be retained for the private vehicles or persons not resident on the premises, except that all the space in a garage or one or two car capacity may be so rented.
GARAGE, PUBLIC	Any building where automotive vehicles are painted, repaired, rebuilt, reconstructed and/or stored for compensation.
GROUP HOMES FOR DEVELOPMENTALLY DISABLED ADULTS	A non-medical group home for eight (8) or fewer developmentally disabled adults capable of community living with live-in supervision, licensed by the State of Illinois.
HOME OCCUPATION	Any gainful occupation customarily conducted within a dwelling by the residents thereof that is clearly secondary to the residential use and that does not change the character of the structure as a residence.

HOSPITAL	An institution devoted primarily to the operation of facilities for the treatment, diagnosis or cure of disease, illness, injury or other abnormal physical condition.
INDUSTRIAL PARK	A tract of land planned and developed as a distinctive unit featuring landscaped open spaces of generous dimensions and equipped to accommodate a community of industrial uses including industrial research, light industry offices and similar operations. May be sponsored and maintained by private developers, community organizations, or government organizations.
JUNK YARD	An open area where waste or scrap materials are brought, sold, exchanged, stored, baled, packed, disassembled or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles. A junk yard includes any place where one or more motor vehicles not in running condition, or the parts thereof, are stored in the open and are not being actively restored to operation; or any land, building or structure used for the wrecking, sales of old parts, or storing of such automobiles or the parts thereof. A junk yard does not include uses established entirely within enclosed buildings.
KENNEL	Any place for keeping five (5) or more dogs over one year old which are boarded, bred and/or offered for sale.
LOADING BERTH	A space within the main building on the same lot, providing for the standing, loading or unloading of trucks, having a minimum dimension of twelve feet by thirty five feet (12' x 35') and a vertical clearance of at least fourteen feet (14').
LOT	A tract of land, whether legally described or subdivided as one or more lots or parts of lots, located within a single block, which is to be used developed, or built upon as a unit under single ownership or control, and having it's principal frontage upon a street.
LOT, CORNER	A lot situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding one hundred thirty five degrees (135°).

LOT, INTERIOR A lot other than a corner lot with only one frontage on a street other than an alley.

LOT LINE A property boundary line of any lot held in single ownership, except that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the street or alley line.

LOT MEASUREMENTS

- A. Lot Area: The area of a horizontal plane bounded by the front, side, and rear lot line, but not including an area occupied by the waters of a duly recorded lake or river.
- B. Lot Depth: The mean horizontal distance between the front lot line and the rear lot line of a lot, measured within the lot boundaries.
- C. Lot Width: The horizontal distance between the side lot lines of a lot measured at the narrowest width within the first thirty feet (30') of lot depth immediately in back of the front yard setback line.

LOT OF RECORD A lot which is part of a subdivision, the plat of which has been duly recorded; or a parcel of land, the deed of which was recorded prior to the adoption of this Title.

LOT THROUGH A lot other than a corner lot with frontage on more than one street other than an alley. Through lots with frontage on two (2) streets may be referred to as double frontage lots.

MANUFACTURING

The making of anything by agency or process.

MINERAL EXTRACTIONS

The mining, quarrying or removal of earth materials.

MOBILE HOME

A single family living unit designed for transportation after fabrication on streets and highways on its own wheels, or on flatbed or other

trailers, and arriving at the site where it is to be occupied as a living unit complete and ready for occupancy except for incidental assembly operations.

MOBILE HOME  
PARK

An area of land used or intended to be used for the placement of mobile homes and which is improved and designed in accordance with this Title.

MOTEL OR  
HOTEL

An establishment containing lodging accommodations designed for use by transients, travelers or temporary guests. Facilities provided may include maid service, laundering of linen used on the premises, telephone and desk service.

NONCONFORMING  
LOT

A lot of record existing at the date of the passage of this Title which does not have the minimum width or contain the minimum area for the zone in which it is located.

NONCONFORMING  
STRUCTURE

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

NONCONFORMING.  
USE

A lawful use of land which exists upon the adoption of this Title that would not be lawful under the terms of this Title by reason of lot coverage, yards or other characteristics of the use, or its location on the lot.

NURSERY  
SCHOOL

A building or structure, together with its lot and accessory uses, buildings or structures, used as an organized instructional facility or

other care for five (5) or more enrolled children under six (6) years of age.

**OPEN SALES**

**LOT** Any lot used or occupied for the purpose of buying and selling passenger automobiles, trucks, motor scooters, motorcycles, boats, trailers, mobile homes, aircraft or any other products.

**PARKING AREA** A suitably surfaced and maintained area exclusive of any street, alley or other access way, designed or used for the parking of motor vehicles.

**PARKING SPACE,  
OFF-STREET** A space containing one hundred eighty square feet (180 S.F.), within a parking area or enclosed building permanently reserved and available for the storage of one automobile and has satisfactory ingress and egress to a public street or alley.

**PERFORMANCE  
STANDARDS**

Criteria established to regulate industrial uses according to the effect of their existence. Such criteria are noise, odors, smoke/toxic or noxious matter, vibration, fire and explosive hazards, and glare or heat.

**PLAT** A map or document that shows a division of land and is intended to be filed for record and which conforms to the Plat Act of the State of Illinois.

**RECREATIONAL  
VEHICLE**

A vehicular, portable structure, built on a chassis, with or without complete kitchen, toilet, bath and shower facilities designed to be used for temporary human habitation for travel or recreation.

**RESTAURANT** A food service establishment where food is consumed on the premises within the confines of an enclosed building or structure.

**SCHOOL** A building or group of buildings maintained by the public or by a private organization for the purpose of education and which is accredited by the State of Illinois. Schools include kindergarten through twelve (12)

but not trade schools that do not teach the State required courses for high school graduation in addition to the vocational instruction..

**SETBACK** The minimum horizontal distance between the building or structure or use and a property line.

**SELF-SERVICE GAS STATION AND CONVENIENCE STORE**

An establishment where gasoline is stored only in underground tanks. Lubricating oil, grease or kerosene for the operation of automobiles is offered for sale, either full-service or self-service, directly to the public on the premises in conjunction with the sale of basic items such as limited groceries, packaged foods and drugstore items, and is open extended hours for the convenience stores shall not include the sale or storage of automobiles.

**STORY** That part of a building between any floor and the floor next above, and if there be no floor above, then the ceiling above. A basement is a story if more than one-half ( $\frac{1}{2}$ ) of its height is above the average grade level.

**STREET** A right-of-way established by a recorded plat to provide the primary means of access to abutting property.

**STRUCTURAL CHANGE**

Any change or repair, other than incidental repairs, in the supporting members of a building or structure, or the roof or exterior walls, which would expand the building or structure in height, width or bulk, or would prolong the life of the building or structure.

**STRUCTURE** Anything constructed or erected that requires location on the ground or attachment to something having location on the ground, including but not limited to buildings, mobile homes, walls, fences, signs, television or radio towers.

**STRUCTURE ACCESSORY**

A subordinate structure which is clearly and customarily incidental to the principal use of a building or premises and which is located in the same lot as the principal building or use.

- TRADE SCHOOL A school conducted as a commercial enterprise for teaching industrial or technical skills.
- USE The purpose or activity for which the land or buildings thereon, is designed, arranged, or intended or for which it is occupied or maintained.
- USE, ACCESSORY A subordinate use which is clearly and customarily incidental to the principal use of a building or premises and which is located in the same lot as the principal building or use.
- PERMITTED A use of structures or land allowed in a particular district or districts as a matter of right, provided it conforms with all other requirements, regulations and standards of such district.
- PRINCIPAL The main use of land or buildings as distinguished from a subordinate or accessory use.
- SPECIAL A use, either public or private, which because of its unique characteristics, cannot be properly classified as a permitted use in a particular district or districts. After due consideration, in each case, of the impact of such use upon neighboring land and of the public need for particular use at the particular location, such special use may or may not be granted, subject to the terms of this Title.
- VARIANCE A relaxation of the terms of this Title where such variance will have no adverse effect on the public, no adverse effect on neighbors, and the property has characteristics due to the property itself and not the result of actions by the applicant which make it eligible for a variance. A variance may be only granted for height and area of structures or dimensions of yards where literal enforcement of this Title would result in unnecessary and undue hardship on the property owner. Establishment or expansion of a use otherwise prohibited in the zoning district shall not be allowed by variance.
- OPEN SPACE An open space on the same zoning lot with a building or structure, unoccupied and unobstructed from its lowest level to the sky, except as otherwise authorized by this Title.

FRONT A yard extending across the front of a lot between the side property lines, and being the minimum horizontal distance between the property line and the front setback line.

REAR A yard extending across the rear of a lot between the side lot lines, and being the minimum horizontal distance between the rear lot line and rear setback line.

SIDE A yard between the side lot line and the side setback line, between the front setback line and the rear setback line.

## CHAPTER 3

### PLANNED UNIT DEVELOPMENT DISTRICT

- 3.1 INTENT.** Planned Unit Development District (PUD) provisions are intended to encourage more efficient use of land and provision of more amenities by allowing, under certain circumstances, a more flexible means of land development and redevelopment than is otherwise permissible under the lot-by-lot restrictions of the other standard zoning districts.

Planned Unit Development District provisions are intended for application to large and/or unique sites where a flexible approach to zoning regulations would facilitate more efficient use of the site and protection of natural resources achieved through clustering development and other innovative site planning and design techniques.

Typically PUD's enable development of portions of a site at either higher densities or with less restrictive lot provisions in exchange for preserving other portions of the site in open space or providing above normal site amenities. Condominium projects with jointly owned common spaces are frequently developed as PUDs.

- 3.2 GENERAL APPLICATION PROCEDURE.** The Planned Unit Development application and development procedure is a two-phase process.

- A. General Development Plan (PUD-GDP). The initial phase is the submittal and approval of a General Development Plan.

The PUD-GDP establishes the land uses, the permissible densities, the general land plan, the layout of public and private roads, the general landscape treatment, and a description of the planned phasing. The PUD-GDP should include an outline of the intended structure of the property owners' association, deed restrictions, and restrictive covenants, if applicable.

Once a PUD-GDP is approved, the approval resolution and the attached plans submitted by the application become the interim zoning regulations for the PUD site. Subsequent development must follow the PUD-GDP provisions.

- B. Specific Implementation Plan (PUD-SIP). The second phase of PUD approval is the submittal and approval of the PUD-SIP. The intent of the Specific Implementation Plan is to provide the Zoning Administrator and the Zoning Committee with a precise plan for the development of each sequential phase of the PUD.

PUD-SIPs must be substantial conformance with the interim development requirements and guidelines established in the PUD-GDP.

A developer may either submit the PUD-SIP for the initial phase of development at the same time as the PUD-GDP or submit the PUD-SIP at a later date. A final development permit or building permit may not be issued until the PUD-SIP has been approved.

### 3.3 APPLICABILITY.

- A. Ownership. A tract of land proposed to be developed as a PUD shall be under the control of a single owner, partnership, or a corporation where each owner agrees in advance to be bound by the conditions and regulations which will be effective within the district and to record such covenants, easements and other provisions with the Village.
- B. Size. PUDs must be at least 6 acres in size if the parcel is vacant land and 3 acres in size if the parcel is a redevelopment site in a predominantly built-up area.

### 3.4 GENERAL DEVELOPMENT PLANS

- A. PUD-GDP Applicant Submittal Requirements. The submittal requirements and review procedure for the PUD-GDP shall be as required for other zoning districts, except that in addition to the information required for other development permits, the following information must be filed with the Zoning Administrator:
  - (1) A map of the project area including its relationship to the surrounding properties, topography, or other prominent site features;

- (2) A statement as to why PUD zoning is proposed. The statement shall identify reasons why PUD zoning is preferable to development under standard zoning districts;
- (3) A scales plan of the site at a scale of not less than 1" equals 100' Showing:
  - (a) Land uses and development densities;
  - (b) The size, arrangement and location of lots;
  - (c) Proposed general location of buildings or groups of buildings;
  - (d) Public and private roads;
  - (e) The location of recreational open space;
  - (f) General landscaping plan;
  - (g) General grading plan;
  - (h) Statistical data on the size of the development, density/intensity of various sub-areas, and expected phasing or staging;
  - (i) A description of the intended organizational structure for a property owners' association, if any;
  - (j) A description of deed restrictions or restrictive covenants, if any.

B. PUD-GDP Initial Zoning Committee Review. Upon receipt of the application and plan, the Zoning Administrator shall refer it to the Village Zoning Committee for review as to compliance with pertinent Village standards and regulations. Within 30 days, the Zoning Committee shall recommend to the Village Board approval of the proposal in the form submitted, approval with modifications or disapproval of the proposal. The

recommendation of the Zoning Committee shall include findings of fact and shall set forth the reasons for the recommendation specifying with particularity in what respects the plan would or would not be in the public interest, including but not limited to:

- (1) The extent to which the plan departs from zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to density, bulk and use, and the reasons why such departures are or are not deemed to be in the public interest;
- (2) The manner in which the plan does or does not make adequate provision for public services, provide adequate control over vehicular traffic, and further the amenities of light and air, recreation and visual enjoyment;
- (3) The nature and extent of open space, the reliability of the proposals for maintenance and conservation of the common open space, and the adequacy or inadequacy of the amount and function of the open space in terms of the densities proposed in the plan;
- (4) The relationship, beneficial or adverse, of the planned development project upon the neighborhood in which it is proposed to be established;
- (5) In the case of a plan which proposes development over a period of years, the sufficiency of the terms and conditions proposed to protect and maintain the integrity of the plan;
- (6) In built-up areas, the suitability of the proposed structures in relation to existing structures to remain and anticipated future development of the area;
- (7) Conformity with the Village of Timberlane Comprehensive Plan.

C. Village Board Review. The Village Board shall either grant approval of the PUD-GDP application, with or without modification, or deny

such application. If approved by the Village Board, the area of land involved shall be re-designated as a PUD-GDP by ordinance and such ordinance shall incorporate the plan, including any conditions or restrictions that may be imposed by the Village Board. The PUD-GDP is an interim zoning classification, which does not enable actual development until the PUD-SIP is approved.

### **N 3.5 SPECIFIC IMPLEMENTATION PLANS.**

A. PUD-SIP Applicant Submittal Requirements.

Within 12 months of approval of the PUD-GDP, the applicant shall submit a PUD-SIP with exact sizes and locations of structures and required modifications and, if required, a final plat or a final plat of that segment to be developed. If the GDP-SIP and plat are not submitted within the allowed time, the approval of the PUD-GDP shall automatically become void and the zoning will revert to the zoning district existing prior to the GDP approval.

B. PUD-SIP Zoning Committee Review. If the Administrator finds the final plan and plat to be in substantial agreement with the approved PUD-GDP, the Administrator shall submit the documents to the Zoning Committee for recommendation on final action. If the SIP is not in substantial conformance with the PUD-GDP, the Administrator shall identify such discrepancies in a letter of transmittal to the Zoning Committee. If the Zoning Committee finds the final plan and plat to be in agreement with the approved PUD-GDP, the board shall submit the documents to the Village Board for final action.

C. PUD-SIP Village Board Review and Approval. The Village Board shall consider the SIP at a regularly held meeting. A public hearing is not required at the SIP stage. If approved by the Village Board, the area of land involved shall be re-designated as a PUD-SIP by ordinance and such ordinance shall incorporate the plan, including any conditions or restrictions that may be imposed by the Village Board.

**3.6 EFFECT OF PUD-SIP APPROVAL.** The final plan as approved together with the conditions and restrictions imposed, shall constitute the final zoning and subdivision controls for the district. Provided that general zoning regulations which were applicable to the land involved prior to approval of the plan and which are not inconsistent with the plan shall continue to be applicable.

**3.7 BUILDING PERMIT RESTRICTED.** Development and building permits for PUDs may not be issued until the PUD-SIP is approved by the Village Board. No building permit shall be issued for any structure within the PUD-SIP district unless and until the Administrator certifies that it conforms to the provisions of the PUD-SIP plan and other applicable zoning requirements.

**3.8 CHANGES OR ALTERATIONS.** Any change of the PUD plans subsequent to approval of the PUD-SIP shall be submitted to the Administrator. If the Administrator determines that the change constitutes a substantial modification, the developer will be required to amend the PUD-SIP, and if necessary the PUD-GDP, following the procedures set forth in this section for review and approvals.

If, in the opinion of the Administrator, such changes do not constitute a substantial alteration of either the GDP or SIP, the change may be accomplished by approval of the Administrator. Such approved changes or modifications shall be documented and recorded in the official file of the Village on the PUD.

**3.9 EXPIRATION.** If substantial development progress has not occurred within one year of a PUD-SIP approval, the Village Board, following a Zoning Committee recommendation, may revoke the PUD-GDP and PUD-SIP approval and revert the site zoning to its previous zoning district classification.

## CHAPTER 4

### OFF-STREET PARKING

**4.1 PURPOSE:** The purpose of requiring off-street parking and of this CHAPTER is to alleviate or prevent congestion of the public streets, and to promote the safety and convenience of the public, by establishing minimum requirements for off-street parking in accordance with the use the property is put.

**4.2 SCOPE:** The off-street parking provisions of this CHAPTER shall apply as follows:

- A. All parking space needs generated by development shall be accommodated off-street. Such parking spaces shall not be less in number than the parking space requirements of in the table in Section 4.3 herein on pages 24 through 27. All required parking spaces shall be maintained for the life of the use.

However, where a building permit has been issued prior to the effective date of this Ordinance, and provided that construction is begun within 90 days of the date of the building permit, and diligently pursued to completion, parking facilities as required by this CHAPTER need not be provided.

- B. Required parking spaces shall be located so as to be convenience to the use of the building intended to be served.
- C. Buildings existing at the time of adoption of this Ordinance which do not meet the off-street parking requirements of this subCHAPTER may be enlarged to the extent of 50% addition of floor area and must provide additional off-street parking for the enlargement only and not for the original building. When an existing building is enlarged to an extent greater than a 50% addition in floor area, off-street parking spaces shall be provided for both the original building and enlargement.
- D. Accessory off-street parking spaces in existence at the time of adoption of this CHAPTER may not be reduced in number

below the number required herein for equivalent new construction, or where below the required number, may not be further reduced below the number required for equivalent new construction.

4.3

#### **IMPROVEMENTS REQUIRED FOR PARKING SPACES IN ALL ZONING DISTRICTS:**

- A. **Definition.** A parking space is defined as 180 square feet, or 9'x20', exclusive of driveways, permanently reserved and available for the storage of one automobile, which is enclosed in a building or unenclosed, and is not a public right-of-way, and has satisfactory ingress and egress to a public street or alley.
  
- B. **Surfacing and Drainage.** All open off-street parking areas, except those parking spaces accessory to an A-I zone district, shall be improved with a minimum of 1" B-5 Bituminous hot mix/plant mix on an 8" crushed aggregate base course, or with concrete. Alternate surfacing is allowable provided it is of a higher standard than those required by this CHAPTER. Such parking areas shall be so graded and drained as to dispose of all surface water, and in no case shall drainage be allowed across sidewalks. The method of discharge of such water to public facilities shall be subject to approval of the Village Engineer.
  
- C. **Screening and Landscaping.** All open automobile parking areas containing five (5) or more parking spaces in commercial, industrial or multi-family (5 dwelling units or more) districts shall be screened from the abutting residential properties or those properties which are located across an alley from residential districts. Screening shall be a sight obscuring fence, wall, or compact hedge, not less than five (5) feet nor more than eight (8) feet in height.

All open automobile parking areas containing more than four (4) parking spaces shall be effectively screened and landscaped with plant materials as follows:

- 1. Screening of parking lots from public right-of-way (in 8' setback) consisting of one (1) deciduous shade tree, two (2) deciduous ornamental trees, and ten (10) shrubs (50%

evergreen) per one hundred (100) L.F. of parking lot adjacent to right-of-way. Shrubs shall have mature size of 3' height minimum and 5' height maximum.

2. In addition, one (1) shade tree per ten (10) parking spaces shall be provided located within 20 feet (20') of parking.
  3. Interior landscaped islands equal to 3% of the total paving area with one (1) deciduous shade tree per one hundred seventy (170) square feet of island (Minimum island size is one hundred forty (140) square feet and seven feet (7') wide.
  4. No landscaping (other than lawn) is required for the three foot (3') wide paving setback.
- D. **Lighting.** Any lighting used to illuminate off-street parking areas shall be directed away from residential properties. All parking lot lighting shall comply with the Building Code of the Village. Light poles in a parking lot shall be protected from vehicles. Curbed islands for protection are recommended.
- E. **Location.** All parking spaces required herein shall be located on the same lot or parcel with the building or use to be served.
- F. **Plot Plan.** Any application for a building permit shall include therewith a plot plan, drawn to scale and fully dimensioned, showing any parking or loading facilities to be provided in compliance with this CHAPTER, excluding parking of 4 spaces or less. The plot plan shall be approved by the Administrator.
- G. **Standard Parking Space.**
1. Inside and outside stalls shall be nine feet (9') wide by twenty feet (20') long with a vertical clearance of no less than eight feet (8').

2. Parallel parking stalls shall be eight feet (8') wide by twenty-two feet (22') long with a vertical clearance of no less than eight feet (8').

**H. Accessible Parking Spaces.**

Accessible parking spaces required by the Americans With Disabilities Act (ADA): An "Accessible Space" shall measure 16 feet (16') wide by eighteen feet (18') deep and shall have eighty inches (80") of vertical clearance. Accessible parking spaces shall have an accessible path in the building in accordance with the ADA. As part of fulfilling the requirements listed in Table 1000A the following minimum number of accessible parking spaces are required:

<u>Required Handicapped Parking Spaces</u>	
<u>Total Spaces Required</u>	<u>Handicapped Spaces</u>

1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	26% of the total number
Over 1000	20, plus 1 for each 100 over 1000

Medical Facilities for Persons with Mobility Impairments	20% of total parking
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Out-patient Medical Facilities	10% of total parking
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- I. **Width of Aisles.** Aisle widths shall be that specified below for the angle of the stalls.

Required Aisle Widths

Degree of Angle	One-Way <u>Aisle</u>	Two-Way <u>Aisle</u>
30	12 Ft.	22 Ft.
45	12 Ft.	22 Ft.
60	16 Ft.	22 Ft.
75	22 Ft.	22 Ft.
90	24 Ft.	24 Ft.

- J. **Curbs and Gutters.** Combination concrete curb and gutter or concrete barrier curb is required around the perimeter of all parking lots and around all islands, provided that with the approval of the Zoning Administrator, this requirement may be deferred for the area adjacent to any further expansion as part of a staged development. Where alternatives to concrete curb and gutter are demonstrated to be more appropriate and recommended by the Village Engineer, said alternatives may be approved by the Zoning Administrator.
- K. **Wheel Guards.** Parking spaces shall be provided with wheel guards or bumper guards where concrete curbs are not required so that no part of parking vehicles will encroach on an adjacent sidewalk or landscaped area. Bumper guards are not required for interior stalls.
- L. **Striping.** Striping of the pavement surface to define each parking space is required and shall be a minimum of four inches (4") in width from the length of each space. Striping for each parking space shall be painted in yellow or white. Thermoplastic pavement markings are an acceptable alternative. All areas designated as fire lanes shall be marked by posting of signs and/or yellow markings, provided that signs shall be used wherever feasible.

- M. **Maintenance.** Upon completion, all parking areas shall be properly maintained at all times, without potholes, broken curbing or other irregularities.
- N. **Parking and Paving Setbacks.** From public right-of-way shall be eight foot (8') minimum. For all other boundaries, the parking and paving setbacks shall be three foot (3') minimum.
- O. **Schedule of Off-Street Parking Requirements.**

**USE**

**REQUIRED PARKING**

**Residential:**

Single-Family

2 spaces per dwelling unit under 1200 S.F. with 1 parking space to be in a fully enclosed building (garage).

3 spaces per 1200 S.F. or over dwelling unit with 2 parking spaces to be in a fully enclosed building (garage).

Two-Family

2 spaces per dwelling unit with 1 parking space to be in a fully enclosed building (garage)

Multi-Family Unit (except Elderly)

2 ½ spaces per dwelling unit with 1 parking space to be in a fully enclosed building (garage).

Multi-Family Units which are specifically designed for and occupied by persons 60 years of age or older.

1 space per elderly housing unit.

Bed and Breakfast Inn

2 spaces for residents plus 1 space for each guest room.

Community-based housing, nursing homes, boarding houses, group homes, single-family occupancy units.

½ space for each resident.

Hotels, Motels

1 space per sleeping unit.

**Retail and Service Uses:**

(Based on gross floor area)  
Retail and service uses, including  
financial institutions, except as  
listed.

1 space per 200 square feet.

**USE**

**REQUIRED PARKING**

Car Washes:

Self-Service Manual

3 stacking spaces plus 1 ½ spaces  
for each bay and 1 for each  
employee

Self-Service Automatic

5 stacking spaces plus 1 ½ spaces  
for each bay.

With Internal Drying Operation

8 stacking spaces plus 1 space for  
each employee.

Auto Maintenance Facilities -  
fast Service/Gas Stations

2 stacking spaces per gas  
pump island, plus 3 parking spaces  
per service bay. 1 space per  
employee on maximum shift, plus  
service vehicles.

Auto repair Facilities

6 spaces per repair/service bay.

**Offices and Clinics:**

Bowling alley

4 spaces per alley.

Drive-up Banking Facilities

5 stacking spaces per window.

Drive-Up ATMs

3 stacking spaces per window.

Fast Food/Drive-in Restaurants

8 stacking spaces each pick-up  
window and 1 space per 100 square  
feet.

Restaurants and Other Establishments  
Dispensing Food or Beverages for  
Consumption on the premises

1 space per 75 square feet.

Furniture, Carpet and Appliance Sales

1 space per 600 square feet.

Passenger Vehicle Sales and Other  
Motor Vehicles Sales

1 space per 800 square feet of  
display area plus the required

number of spaces for any associated uses.

Mortuaries, Funeral Home 1 space for each 4 seats, 1 space for each employee, and 1 space for each hearse.

Shopping Centers Over 45, 000 S.F. 5 spaces per 1000 S.F. floor area.

Medical, Dental and Optical Offices and Medical Clinics 1 space per 150 square feet.

Other Business and Professional Offices 1 space for 300 square feet.

**Industrial Uses:**

Manufacturing, Auto and Body Repair, Furniture Repair, Upholstery Shops 1 space per 500 square feet.

Warehouses, Wholesale Establishments 1 space per 2000 square feet.

**USE**

**REQUIRED PARKING**

Storage and Distribution Centers 1 space per employee.

**Community Service Uses:**

Churches, High Schools, Colleges, Business and Trade Schools The greater of 1 space per 200 feet or 1 space per 4 seats.

Hospitals The greater of 1 space per 600 square feet or 1.5 spaces per bed.

Libraries, Art Galleries, Museums 1 space per 250 square feet.

Recreational Buildings or Community Centers 1 space per 250 square feet.

Schools: Nursery, Elementary or Middle School 1 space per each 20 pupils.

**Places of Assembly:**

Stadiums, Arenas, Auditoriums, Skating Rinks, Theaters, Convention Halls The greater of 1 space for each 4 seats or 1 space per 75 square feet.

**Miscellaneous Uses:**

Fraternities, Sororities, Dormitories

1 space for each 2 beds.

Planned Mixed-Use Developments

Spaces shall be the sum of the individual uses.

**Other Uses Not Listed:**

Spaces shall be based on the most similar use listed or as determined by the Zoning Officer.

**SECTION 4.4**

**RULES FOR COMPUTING THE NUMBER OF REQUIRED SPACES:**

- A. In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.
- B. Where fractional spaces result, the parking spaces required shall be construed to be the nearest whole number.
- C. The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of a similar nature.

## CHAPTER 5

### OFF-STREET LOADING BERTH REQUIREMENTS

#### SECTION 5.1

**DEFINITION:** For the purpose of this CHAPTER, "Loading Berth" shall mean space within the main building or on the same lot, providing for the standing, loading, or unloading of trucks, having a minimum dimension of 12 by 35 feet and a vertical clearance of at least 14 feet.

#### SECTION 5.2

**SCHEDULE:** All non-residential buildings, including retail, wholesale, office, and industrial buildings, hereafter built, relocated, or structurally altered to the extent of more than a 50% addition in floor area, shall provide an off-street loading berth in accordance with the following schedule:

- A. A building whose dominant use is the selling of goods at retail shall provide loading berths in relation to the floor area used for retail purposes, as follows:

Retail Floor Area (SF)	Berths Required
5,000 - 10,000	1
10,000 - 20,000	2
20,000 - 30,000	3
Over 30,000 S.F.	4

- B. Manufacturing, repair, wholesale, trucking terminal, or warehouse uses shall provide loading berths in relation to total floor area, as follows:

Total Floor Area (SF)	Berths Required
5,000 - 40,000	1

40,000 - 100,000 2

Over 100,000 SF 3

- C. Other non-residential buildings, including offices, hotels, mortuaries, and institutions having more than 10,000 square feet of floor area shall provide one off-street loading berth.

**SECTION 5.3**

**CONDITIONS:** The following conditions shall apply to the provision of off-street loading berths:

- A. Each loading berth shall be easily accessible from a street or alley without substantial interference with traffic.
- B. Each loading berth shall be hard surfaced, or shall be surfaced with gravel, crushed stone, or similar material, with adequate dust treatment.
- C. Space allocated to required off-street loading berths may not be included in required off-street parking areas, nor shall an off-street loading berth be used for normal vehicle repair or service work.
- D. All required loading berths shall be on the same lot as the use served.
- E. Off-street loading berths abutting the side or rear yard of a residential district shall be suitably screened or fenced from view.
- F. No loading berth shall be located in a required front or side yard. If located in a required rear yard, the berth shall be open to the sky.

## **CHAPTER 6**

### **AGRICULTURAL DISTRICT**

#### **SECTION 6.1**

##### **PURPOSE:**

The purpose of the A-1 district is to provide a means of obtaining the agricultural goals and objectives of the Village of Timberlane Land Use Plan. This district exclusively provides for agricultural uses and uses compatible with agriculture. The intent in having this district is to conserve prime agricultural soils, historically farmed soils, and prevent uncontrolled, uneconomical spread of residential development which results in excessive costs to the community for the provision of essential public services. Agricultural soils are predominant in this district and are to be very sparsely developed to protect the community's economic base and tax base.

#### **SECTION 6.2**

##### **PERMITTED USES:**

The following uses are permitted:

- A. Agriculture, as defined herein.
- B. Farm machinery storage, however, not closer than 75 feet to any public right-of-way nor closer than 40 feet to any side or rear lot line.
- C. Artificial lakes of less than three acres and plant nurseries.
- D. Single-family farm dwellings and home occupation.
- E. Private stables, provided no structure shall be located less than 100 feet from a lot line.
- F. Public parks or recreational facilities, public water wells or stations, filtration plants, reservoirs, and storage tanks, provided no structure shall be located less than 75 feet from any lot line.
- G. Signs, as regulated by Village ordinance.

### **SECTION 6.3**

**SPECIAL USES:** The following uses may be allowed by Special Use Permit in accordance with the provisions of CHAPTER 14.

- A. One-FAMILY detached dwellings.
- B. Wholesale nursery operations.
- C. The sale of products produced on the premise only from temporary stands or existing operational structures.
- D. Cemeteries.
- E. Churches, rectories, parish houses and convents.
- F. Golf courses, provided that no clubhouse or accessory building shall be located nearer than five hundred (500) feet to any dwelling.
- G. Institution for the aged.
- H. Educational institution.
- I. Public service uses:
  - 1. Filtration plant, pumping station and water reservoir;
  - 2. Sewage treatment plant;
  - 3. Police and fire stations;
  - 4. Telephone exchange;
  - 5. Electric substations and booster stations;
  - 6. Other governmental uses found by the Village Board of Trustees to be necessary for the public health, safety or welfare.
- J. Private clubs, or lodges, except those the chief activity of which is a service customarily carried on as a business.
- K. Private recreational areas or camps, when not operated for profit.

- L. Rest homes, nursing homes, hospitals and sanitariums, for human beings only.
- M. Accessory structures and uses located on the same site with a permitted use include barns, stables, coops, tank houses, storage tanks, windmills, silos, other farm outbuildings, private garages and carports, storehouses, garden structures, greenhouses, recreation rooms and hobby shops, and storage of petroleum products for the use of persons residing on the site.
- N. Horse Stables with the privilege to conduct exhibitions.
- O. Day Care Centers.

**SECTION 6.4**

**ACCESSORY USES:**

- A. Those uses customarily accessory to the pursuit of agriculture.
- B. Temporary roadside stands for the sale of produce and poultry grown and raised on or in the immediate area of the premises; provided that such stands shall not be located closer than 25 feet to any public road right-of-way nor within 50 feet of any side lot line.
- C. Private greenhouses
- D. Private swimming pools, provided they are totally enclosed by a fence or wall of not less than four feet in height.

**SECTION 6.5**

**LOT SIZE:**

- A. Every principal permitted use in this section shall be located on a tract of land having an area of not less than five (5) acres and a width at the established building line of not less than three hundred (300) feet.
- B. Every special use permitted in the UT District shall be located on a tract of land the minimum size of which shall be specified at the time a Special Use Permit is authorized.

## SECTION 6.6

**YARD AREAS:** No building shall be erected or enlarged unless the following yards are provided and maintained in connection with such building, structure or enlargement.

- A. Front Yard. A front yard equal to at least one-half ( $\frac{1}{2}$ ) the right-of-way of the street on which the lot fronts. However, in no case shall the front yard be less than 30 feet nor more than 60 feet.
- B. Side Yard. A side yard on each side of the zoning lot of not less than 25 feet, except where a side yard adjoins a street, the minimum width shall be increased to one-half ( $\frac{1}{2}$ ) the right-of-way of the adjoining street with a maximum of 60 feet.
- C. Rear Yard. A rear yard of not less than seventy-five (75) feet.

## CHAPTER 7

### RESIDENTIAL DISTRICTS

#### SECTION 7.1

#### PURPOSES:

In addition to the objectives prescribed in CHAPTER 1 of this Ordinance, Single Family (R-1), Two Family (R-2), and Rural Estate (RE) Districts are included in the zoning Ordinance to achieve the following purposes:

- A. To reserve appropriately located areas for family living in a variety of types of dwellings at a reasonable range of densities consistent with sound standards of public health and safety;
- B. To preserve as many as possible of the desirable characteristics of one-family and two-family residential districts while permitting higher population densities;
- C. To ensure adequate light, air, privacy, and open space for each dwelling unit;
- D. To provide space for semi-public facilities needed to complement urban residential areas and space for institutions that require a residential environment;
- E. To minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to the land around them;
- F. To provide necessary space for off-street parking of automobiles and, where appropriate, for off-street loading of trucks;
- G. To protect residential properties from noise, illumination, unsightliness, odors, dust, dirt, smoke, vibration, heat, glare, and other objectionable influences;

- H. To protect residential properties from fire, explosion, noxious fumes, and other hazards;

## **SECTION 7.2**

### **REQUIRED CONDITIONS:**

- A. All uses shall comply with the regulations prescribed in CHAPTER 1 of this Ordinance.
- B. No use shall be permitted and no process, equipment, or material shall be employed which is found by the Village Board of Trustees to be objectionable to persons residing or working in the vicinity by reason of odor, insect nuisance, fumes, dust, smoke, cinders, dirt, refuse, water-carried wastes, noise, vibration, illumination, glare, unsightliness, or traffic, or to involve any hazard of fire or explosion.

## **SECTION 7.3**

### **PERMITTED USES:** The following uses shall be permitted:

#### **Section 7.3.1 One-Family Residential (R-1) Districts.**

- A. One-family dwellings in which not more than 3 paying guests may be lodged or boarded. Not more than one dwelling unit shall be located on each site.
- B. Home occupations conducted in accord with the regulations prescribed in CHAPTER 12.
- C. Accessory structures located on the same site with a permitted use including private garages and carports, one guest house or accessory living quarters without a kitchen, storehouses, garden structures, greenhouses, recreation rooms, and hobby areas within an enclosed structure.
- D. Swimming pools used solely by persons resident on the site and their guests, provided that no swimming pool or accessory mechanical equipment shall be located in a required front yard or less than 10 feet from a property line.

- E. All swimming pools must have fences completely surrounding four feet (4') plus. Unused or neglected pools must be filled in or removed.

**Section 7.3.2 Two -Family Residential (R-2) Districts.**

- A. Two-family dwellings or 2 one-family dwellings in which not more than 3 paying guests may be lodged or boarded in anyone dwelling unit. Not more than 2 dwelling units shall be located on each site.
- B. Home occupations conducted in accord with the regulations prescribed in CHAPTER 12.
- C. Accessory structures located on the same site with a permitted use including private garages and carports, one guest house or accessory living quarters without a kitchen, storehouses, garden structures, greenhouses, recreation rooms, and hobby areas within an enclosed structure.
- D. Swimming pools used solely by persons resident on the site and their guests, provided that no swimming pool or accessory mechanical equipment shall be located in a required front yard or less than 10 feet from a property line.

**Section 7.3.3 Rural Estates (RE) District.**

- A. Any use permitted under R-I One-Family Residential District.
- B. Private stables for the keeping of up to three horses on a site of not less than five (5) acres in area, provided that no stable shall be located closer than 50 feet to any property line, closer than 50 feet to any dwelling on the same site, or closer than 100 feet to any other dwelling on an adjacent site.

**SECTION 7.4**

**SPECIAL USES:** The following special uses shall be permitted in the RE, R-1, and R-2 Districts upon the granting of a Special Use Permit, in accordance with the provisions of CHAPTER 14:

- A. Churches, convents, monasteries, parish houses, parsonages, and other religious institutions;
- B. Golf courses, public parks, and playgrounds;

- C. Hospitals, sanitariums and nursing homes, not including hospitals, sanitariums, or nursing homes for mental, drug addict, or liquor addict cases;
- D. Daycare facilities and nursery schools;
- E. Private recreation parks and swim clubs;
- F. Public and parochial schools and colleges;
- G. Public utility, public facility, and public services, pumping stations, power stations, equipment buildings and installations, water storage tanks found by the Village Board of Trustees to be necessary for the public health, safety or welfare;
- H. Accessory structures and uses located on the same site as a special use;
- I. Bed-and-Breakfast;
- J. Community Based Housing (R2 Only).

## **SECTION 7.5**

**SETBACK AND YARD REQUIREMENTS:** In the R2 District, two buildings each designed as a one family dwelling may be permitted on a zoning lot. In addition to the yards and setbacks established for the District, the following additional setbacks between buildings shall be required where there is more than one building containing a dwelling unit on a zoning lot.

- A. Side to Side: A minimum of twenty feet (20') is required.
- B. Side to Back: A minimum of thirty feet (30') is required.
- C. Front to Front: A minimum of sixty- four feet (64') is required.
- D. Front to Side: A minimum of thirty feet (30') is required.

- E. Front to Back: A minimum of sixty-four feet (64') is required.
- F. Back to Back: A minimum of forty feet (40') is required.

**SECTION 7.6**

**ACCESSORY BUILDINGS:**

- A. Accessory buildings are permitted including, but not limited to, the following and meeting the specified restrictions:

- 1. Detached private garages, provided that garages accessory to single family dwellings be limited in width to three (3) parking stalls, and garages accessory to two-family dwellings shall be limited in width to four (4) parking stalls.

Garage dimensions shall not exceed thirty feet by thirty feet (30' x 30') or nine hundred square feet (900 S.F.).

- 2. Private playhouses and greenhouses.

- B. Location of Accessory Buildings: No accessory building may be located in a required front or side yard. Accessory buildings may be located in a required rear yard, provided:

- 1. No accessory building may exceed twenty feet (20') in height.
- 2. No accessory building may exceed thirty percent (30%) of the buildable portion of the rear yard area.
- 3. No accessory building line is located closer than six feet (6') to a side or rear lot line, nor shall the eaves of any accessory building be located closer than four feet (4') to a lot line.
- 4. No detached accessory building is closer than fifteen feet (15') to the principal building.

## **SECTION 7.7**

**FENCES:** The following shall apply in all residential districts excluding agricultural fences:

- A. Decorative fences may not exceed a total height of four feet (4') including post tops and finials in the required front yard.
- B. Fences may not exceed seven feet (7') in height in the required side and rear yard.
- C. In any residential district, no fence, structure, or planting shall be maintained in such a manner that visibility is obstructed from the intersecting streets within eighty feet (80') in each direction from the intersection of the street center lines.

## **SECTION 7.8**

**MOBILE HOMES, TRAILERS AND RECREATIONAL VEHICLES:**

- A. Recreational vehicles not designed for permanent residency, such as boats, snowmobiles, campers and trailers, may be parked on lots in the R-1, R-2 and RE Districts, provided that they are within the building setback lines or in a permitted accessory structure. On corner lots, such vehicles must be parked within the building setback line on both intersecting roads or in a permitted accessory structure. Such vehicles may be parked in front yards for a period of time not to exceed forty eight (48) hours only for the purpose of maintenance, packing, and unpacking of the vehicles.
- B. Recreational vehicles and mobile homes designed for permanent occupancy are permitted in mobile home parks only.
- C. A trailer may be used as a temporary office or shelter incidental to construction or development of the premises on which the trailer is located, only during the time of said construction or development.

## CHAPTER 8

### R-M MULTI-FAMILY RESIDENTIAL DISTRICTS

#### SECTION 8.1

#### PURPOSES:

In addition to the objectives prescribed in Chapter 1, the R-M Multi-family Residential District is included in the zoning Ordinance to achieve the following purposes:

- A. To reserve appropriately located areas for family living in a variety of types of dwellings at a reasonable range of densities consistent with sound standards of public health and safety;
- B. To preserve as many as possible of the desirable characteristics of one- family and two-family residential districts while permitting higher population densities;
- C. To ensure adequate light, air, privacy, and open space for each dwelling unit;
- D. To provide space for semi-public facilities needed to complement urban residential areas and space for institutions that require a residential environment;
- E. To minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to the land around them;
- F. To provide necessary space for off-street parking of automobiles and, where appropriate, for off-street loading of trucks;
- G. To protect residential properties from noise, illumination, unsightliness, odors, dust, dirt, smoke, vibration, heat, glare, and other objectionable influences;
- H. To protect residential properties from fire, explosion, noxious fumes, and other hazards;

## **SECTION 8.2**

### **REQUIRED CONDITIONS:**

- A. All uses shall comply with the regulations prescribed in Chapter I, General Provisions.
- B. No use shall be permitted and no process, equipment, or material shall be employed which is found by the Village Board of Trustees to be objectionable to persons residing or working in the vicinity by reason of odor, insect nuisance, fumes, dust, smoke, cinders, dirt, refuse, water-carried wastes, noise, vibration, illumination, glare, unsightliness, or traffic, or to involve any hazard of fire or explosion.

## **SECTION 8.3**

### **PERMITTED USES:** The following uses shall be permitted:

- A. Multi-family dwellings;
- B. Home occupations conducted in accord with the regulations prescribed in Chapter 12;
- C. Accessory structures located on the same site with a permitted use including private garages and carports, one guest house or accessory living quarters without a kitchen, storehouses, garden structures, greenhouses, recreation rooms, and hobby areas within an enclosed structure;

A single-car garage is required on the same lot with a 1,199 square feet or less size one-family dwelling.

A two car garage or greater is required on the same lot with a 1,200 square feet or greater one-family house.

- D. Swimming pools used solely by persons resident on the site and their guests, provided that no swimming pool or accessory mechanical equipment shall be located in a required front yard or less than 10 feet from a property line.

## **SECTION 8.4**

**SPECIAL USES:** The following special uses shall be permitted upon the granting of a use permit, in accordance with provisions of Chapter 14.

- A. Lodging houses in which not more than 15 paying guests may be lodged or boarded;
- B. Churches, convents, monasteries, parish houses, parsonages, and other religious institutions;
- C. Golf courses, public parks and playgrounds;
- D. Hospitals, sanitariums, and nursing homes, not including hospitals, sanitariums, or nursing homes for mental, drug addict, or liquor addict cases;
- E. Day care facilities and nursery schools;
- F. Private recreation parks and swim clubs;
- G. Public and parochial schools and colleges;
- H. Public utility, public facility, and public services; pumping stations, power stations, equipment buildings and installations drainage ways and structures, storage tanks, found by the Village Board of Trustees to be necessary for the public health, safety, or welfare;
- I. Accessory structures and uses located on the same site as a special use;
- J. Bed and Breakfast; boarding houses; and hotel, motel and lodging houses;
- K. Senior housing projects;
- L. Community based housing.

## **SECTION 8.5**

### **SETBACK AND YARD REQUIREMENTS:**

In the RM district, more than one building containing dwelling units may be permitted on a zoning lot. In addition to the yards and setbacks established for this District, the following additional setbacks between buildings shall be required where there is more than one building containing dwelling units on a zoning lot:

- A. Side to Side: A minimum of twenty feet (20') is required.
- B. Side to Back: A minimum of thirty feet (30') is required.
- C. Front to Front: A minimum of sixty-four feet (64') is required.
- D. Front to Side: A minimum of thirty feet (30') is required.
- E. Front to Back: A minimum of sixty- four feet (64') is required.
- F. Back to Back: A minimum of forty feet (40') is required.
- G. All setbacks shall be increased by one foot (1') for every increase of four feet (4') in height of either if the adjacent buildings are greater than twenty-five feet (25') in height.

## CHAPTER 9

### COMMERCIAL DISTRICTS

#### SECTION 9.1

**PURPOSES:** In addition to the objectives prescribed in CHAPTER 1, the C-Commercial Districts are included in the zoning Ordinance to achieve the following purposes:

- A. To provide appropriately located areas for retail stores, offices, service establishments, amusement establishments, and wholesale businesses, offering commodities and services required by residents of the Village and its surrounding market area;
- B. To provide opportunities for retail stores, offices, service establishments, amusement establishments, and wholesale businesses to concentrate for the convenience of the public and in mutually beneficial relationships to each other;
- C. To provide space for community facilities and institutions that may be located in commercial areas;
- D. To provide adequate space to meet the needs of modern commercial development, including off-street parking and truck loading areas;
- E. To minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to the amount of land around them;
- F. To protect commercial properties from noise, odor, dust, dirt, smoke, vibration, heat, glare, heavy truck traffic, and other objectionable influences incidental to industrial uses;
- G. To protect commercial properties from fire, explosion, noxious fumes, and other hazards.

**Section 9.1.1      Special Purposes of CR Retail and Service  
Commercial      District.**

- A. To encourage consolidation and maximize the efficiency of the Village's most intensively developed retail district by limiting or prohibiting uses that break the continuity of commercial frontage or are incompatible with an attractive pedestrian shopping area.
- B. To facilitate the future establishment of assessment districts for provision of off-street parking facilities by limiting or prohibiting drive-in type uses that would not benefit substantially from public off-street parking facilities.
- C. To foster use of vacant buildings by permitting certain light industries as special uses.

**Section 9.1.2 Special Purposes of CG General Commercial District.**

- A. To provide appropriately located areas for commercial uses having features that are incompatible with the purposes of the other commercial districts.
- B. To permit additional development in mixed commercial areas containing both retail sales and commercial services.
- C. To foster use of vacant buildings by permitting certain light industries as special uses.

**Section 9.1.3 Special Purposes of CH Highway Commercial Thoroughfare District.**

- A. To provide appropriately located areas for establishments catering to tourists and highway travelers.
- B. To enhance the appearance of certain entrances to the Village, and to protect motel and restaurant patrons from nuisances by limiting or prohibiting certain commercial service uses that often are unsightly or have nuisance features.

- C. To provide appropriately located areas for establishments that generally require large sites and do not require close proximity to other retail uses.

**Section 9.1.4 Special Purposes of CO Limited Office District.**

- A. To permit well-designed low-intensity office developments in proximity to residential uses, and to serve as a buffer between established commercial uses and residential neighborhoods. The intent is also to allow the conversion of structures built for residential purposes which are suitable for office use or select service oriented uses and thereby preserve their character. The CO Limited Office District can be relatively small in size, is generally located adjacent to a CR or CG District, and requires on-site protective measures to preserve adjacent residential property values.
- B. To allow service oriented uses that are low traffic generators. No outside storage, sales or displays are permitted in the CO District.

**SECTION 9.2**

**REQUIRED CONDITIONS:**

- A. All uses shall comply with the regulations prescribed in CHAPTER 1, General Provisions.
- B. In a CR District, all businesses, services, and processes shall be conducted entirely within a completely enclosed structure, except for off-street parking and loading areas; the sale of automobiles, implements, recreation vehicles; gasoline service stations; outdoor dining areas; nurseries; garden shops; Christmas tree sale lots; bus depots; and utility substations and equipment installations. Exhibits of goods sold or manufactured on the premises can be displayed outside only during normal business hours.

- C. No use shall be permitted, and no process, equipment, or material shall be employed which is found by the Village Board to be objectionable to persons residing or working in the vicinity or injurious to property located in the vicinity by reason of odor, insect nuisance, fumes, dust, smoke, cinders, dirt, refuse, water-carried wastes, noise, vibration, illumination, glare, unsightliness, or heavy truck traffic, or to involve any hazard of fire or explosion.
- D. All uses in a CO District shall comply with the specific regulations and basic requirements pertaining to the CR District unless otherwise specified.
- E. Whenever commercial property abuts property used or zoned for residential purposes, such commercial property shall, in addition to all other applicable standards of this Ordinance and the other ordinances and regulations of the Village, comply with the following standards:
  - 1. No parking spaces and trash and/or garbage collection areas shall be closer to the residential property than 15 feet;
  - 2. Every structure shall be set back at least 25 feet from the residential property;
  - 3. The gross floor area of structure on the property shall not exceed .40 of the lot area; and
  - 4. The gross area of impervious surfaces on the property shall not exceed .70 of the lot area.

In the event of a conflict between the foregoing and any other regulations of the Village, the stricter standard shall be satisfied.

- F. No structure in commercially zoned property may be used for residential purposes, except as provided herein. An owner may occupy as his or her residence a structure originally built for residential purposes situated on property zoned CO District

used for any permitted use as defined in Section 9.3.4 or used for any special use as defined in Section 9.4.4.

## **SECTION 9.3**

**PERMITTED USES:** The following uses shall be permitted:

### **Section 9.3.1 CR Retail and Service Commercial.**

- A. Business services.
- B. Convenience stores.
- C. Daycare centers.
- D. Parking.
- E. Personal services.
- F. Professional services.
- G. Retail trade.
- H. Essential services
- I. Accessory structures and uses, not including warehouses, on the same site as a permitted use.
- J. Civic uses.

### **Section 9.3.2 CG General Commercial District.**

- A. Amusement and recreation services.
- B. Any use which is permitted in the CR District.
- C. Automobile repair.
- D. Automotive sales.
- E. Garden supplies.

- F. Mini warehouses.
- G. Repair shops.
- H. Service stations.
- I. Churches.
- J. Civic uses.
- K. Clubs & Associations.
- L. Parks.
- M. Schools.
- N. A dwelling unit incidental to and on the same site with a permitted use, subject to the regulations for the R-M District.
- O. Public utility, public facility and public services, pumping stations, power stations, equipment building and installations, drainage ways and structures, water storage tanks.
- P. Accessory structures and uses located on the same site as a permitted use.
- Q. Hotel, Motel, and Lodging Houses.

**Section 9.3.3 CH Highway Commercial District.**

- A. Any use which is permitted in the CR District and CG Districts.

**Section 9.3.4 CO Limited Office District.**

- A. Business and professional offices.
- B. Medical, dental and counseling office (excluding clinics) not exceeding 3,000 sq. ft. in size.
- C. Tea rooms.

- D. Gift and/or antique shops.
- E. Photography studio.
- F. Bed-and-Breakfast.
- G. Financial institutions: banks, savings and loans, credit unions, mortgage brokerages, and consumer loan operations.

## **SECTION 9.4**

**SPECIAL USES:** The following special uses shall be permitted upon the granting of a use permit, in accordance with the provisions of CHAPTER 13.

### **Section 9.4.1 CR Retail and Service Commercial District.**

- A. Light industrial uses permitted in Sec. 9.3 IL District, provided that all of the conditions prescribed by Sec. 10.2 are met and provided that no motor power other than electrically operated motors shall be used.
- B. Charitable institutions.
- C. Churches, parsonages, parish houses, monasteries, convents, and other religious institutions.
- D. Hospitals, sanitariums and nursing homes.
- E. Private museums.
- F. Public utility, public facility and public services, pumping stations, power stations, equipment buildings and installations, drainage ways and structures, water storage tanks found by the Village Board of Trustees to be necessary for the public health, safety, or welfare.

- G. Required off-street parking facilities located on a site separated from the use which the facilities serve, as prescribed by CHAPTER 4.
- H. Service stations, including light automotive repair service provided that all operations except the sale of gasoline and oil and the washing of cars shall be conducted within a building enclosed on at least 3 sides.
- I. Accessory structures and uses located on the same site as a special use.
- J. Boarding houses; and hotel, motel, and lodging houses
- K. Bed-and-Breakfast.

**Section 9.4.2 CG Service Commercial District.**

- A. Any use which may be allowed as a special use in the CR Districts.
- B. Auction sales rooms.
- C. Blacksmith shops.
- D. Building material yards other than gravel, rock or cement yards.
- E. Contractors' equipment rental yards.
- F. Contractors' storage yards.
- G. Lumber yards not including planing or saw mills.
- H. Stone and monument yards.
- I. Second hand sales conducted entirely inside a building.
- J. Welding shops.

- K. Light industrial uses permitted in CHAPTER 10.3 IL Light Industrial District, provided that all of the conditions prescribed by Sec. 9.2 are met.
- L. Storage of fuel or flammable liquids.
- M. Bed-and-Breakfast; and boarding houses.

**Section 9.4.3 CH Highway Commercial District.**

- A. Any use which may be allowed as a special use in the CR and CG Districts.
- B. Commercial amusement establishments including:
  - 1. Amusement parks;
  - 2. Boat launching ramps;
  - 3. Carnival, circuses, and other transient amusement enterprises;
  - 4. Drive-in theaters;
  - 5. Pony riding rings;
  - 6. Sports stadiums.
- C. Bed-and-Breakfast; and boarding houses.

**Section 9.4.4 CO Limited Office District.**

- A. Medical, dental and counseling offices over 3,000 sq. ft.
- B. Funeral homes.
- C. Community service organization-multiple use.
- D. Interior decorating shop or upholstery shop, excluding furniture sales, and retail sales on premises.
- E. Public utility, public facility, and public services, pumping stations, power stations, equipment buildings and installations, drainage ways and structures, storage tanks, found by the

Village Board of Trustees to be necessary for the public health, safety, or welfare.

- F. Accessory structures and uses located on the same site as a special use.
- G. Beauty shop and barber shop limited to three stations and nail and tanning salons.
- H. Travel agency.
- I. Tailor or dressmaker.
- J. Library.
- K. Any drive-up or drive-through facilities and services incidental to a permitted or special use in a CO District.
- L. Boarding houses.

## CHAPTER 10

### I-INDUSTRIAL DISTRICTS

**SECTION 10.1**     **PURPOSES:** In addition to the objectives prescribed in CHAPTER 1, the "1" Industrial Districts are included in the Zoning Ordinance to achieve the following purposes:

- A.     To reserve appropriately located areas for industrial plants and related activities.
- B.     To protect areas appropriate for industrial use from intrusion by dwellings and other inharmonious uses.
- C.     To protect residential and commercial properties and to protect nuisance-free, non-hazardous industrial uses from noise, odor, insect nuisance, dust, dirt, smoke, vibration, heat and cold, glare, truck and rail traffic, and other objectionable influences, and from fire, explosion, noxious fumes, radiation, and other hazards incidental to certain industrial uses.
- D.     To provide opportunities for certain types of industrial plants to concentrate in mutually beneficial relationship to each other.
- E.     To provide adequate space to meet the needs of modern industrial development, including off-street parking and truck loading areas and landscaping.
- F.     To provide sufficient open space around industrial structures to protect them from the hazard of fire and to minimize the impact of industrial plants on nearby residential and on other near by districts.
- G.     To minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to the amount of land around them.

**Section 10.1.1** Special Purposes of IL District. The IL Light Industrial District is intended to accommodate light

manufacturing, wholesale and research establishments. The IL District may be located in various areas throughout the community and may be in close proximity to residential neighborhoods and not be detrimental to residential uses because of its limited nature. While most often applied to areas where the location of particular industries has no direct relationship to other nearby business or industrial districts, it may also be formed as an adjunct to these established districts.

**Section 10.1.2 Special Purposes of the IG District.** The IG General Industrial District is intended to accommodate those manufacturing and industrial uses which may not or cannot meet the performance standards of the IL District yet do not have the objectionable influences of those uses found in the "IH" District. The IG District should not, where possible, be located in close proximity to an "R" District.

**Section 10.1.3 Special Purpose of the IH District.** The purpose of the IH District is to accommodate those heavier manufacturing and other industrial uses which have objectionable influences, but which, nevertheless, should be provided for somewhere in the community. The IH District is, insofar as possible, applied to locations removed from the "R" Districts on the basis of linear distance or natural or manmade features.

**SECTION 10.2      REQUIRED CONDITIONS:**

- A. All uses shall comply with the regulations prescribed in CHAPTER 1.
- B. All uses shall be conducted in conformance with the performance standards as set forth in CHAPTER 18.
- C. No use shall be permitted which emits dangerous radioactivity.
- D. No use shall be permitted which creates insect nuisances beyond the boundaries of the site.

**SECTION 10.3 PERMITTED USES:** The following uses shall be permitted.

**Section 10.3.1 IL Light Industrial District.** Unless otherwise provided in the Ordinance, no building or land may be used, and no building may be erected, converted, or enlarged or structurally altered, in the IL District except for one or more of the following uses:

- A. Any production, processing, cleaning, servicing, testing, repair or storage of materials, goods, or products which conforms to the performance standards established for this section, but not including any of the uses listed as permitted in the IH Heavy Industrial District;
- B. Manufacturing-Light;
- C. Wholesaling and warehousing; local cartage and express facilities, but not including motor freight terminals;
- D. Public and community service uses - as follows:
  - 1. Electric substations;
  - 2. Fire stations;
  - 3. Municipal or privately owned recreation buildings or community centers;
  - 4. Parks and recreation areas;
  - 5. Police stations;
  - 6. Radio and television towers;
  - 7. Sewage treatment plants;
  - 8. Telephone exchanges;
  - 9. Water filtration plants;
  - 10. Water pumping stations;
  - 11. Water reservoirs.
- E. Temporary buildings for construction purposes--for a period not to exceed the duration of such constructions;
- F. Accessory structures and uses.

**Section 10.3.2 IG General Industrial Districts.** Unless otherwise provided in this Ordinance, no building or land use may be used, and no building may be erected, converted, enlarged or structurally altered, in the IG District except for one or more of the following uses:

- A. Any use permitted in the IL District;
- B. Any production, processing, cleaning, servicing, testing, repair or storage of materials, goods, or products which conforms to the performance standards established for this section, but not including any of the uses listed as permitted in the IH Heavy Industrial District;
- C. Bus terminals, bus garages, bus lots, street railway terminals, but not including motor freight terminals;
- D. Machinery sales and rentals.

**Section 10.3.3 IH Heavy Industrial District.** Unless otherwise provided in this Ordinance, no building or land may be used and no building may be erected, converted, enlarged or structurally altered, in the IH District except for one or more of the following uses:

- A. Any use permitted in the IL and IG Districts;
- B. Agricultural services;
- C. Contractors - Building Construction;
- D. Contractors - Heavy Construction;
- E. Freight terminals;
- F. Manufacturing - Heavy;
- G. Public works yards;
- H. Utility facilities;
- I. Warehouses;

- J. Wholesale trade;
- K. Miscellaneous uses, as follows: railroad freight terminals, motor freight terminals, railroad switching and classification yards, repair shops and roundhouses.

**SECTION 10.4 SPECIAL USES:** The following special uses shall be permitted upon granting of a use permit in accord with the provisions of CHAPTER 14.

**Section 10.4.1 IL Light Industrial District.**

- A. Any use which may be allowed as a permitted use in the CR, CG, and CH business districts, but not including house trailer parks or mobile home parks.
- B. Airport or aircraft landing fields.
- C. Stadiums, auditoriums and arenas.
- D. Theaters, outdoor drive-in.
- E. Any use permitted in the IG General Industrial District, provided the performance standards of the IL District can be met in their entirety.

**Section 10.4.2 IG General Industrial District.**

- A. Any use which may be allowed as a special use in the IL Districts.
- B. Sewage treatment plants.
- C. A trailer and/or modular unit may be used temporarily in conjunction with a use already allowed and in existence for a period not to exceed one (1) year following the date on which the Special Use Permit became effective when it shall lapse and become void.

**Section 10.4.3 IH Heavy Industrial Districts.**

- A. Any use which may be allowed as a special use in the IL and IG Districts.
- B. Production, processing, testing and manufacturing of the following products unless specifically prohibited by the Village of Timberlane:
  - 1. Chemicals - including acetylene, aniline dyes, ammonia, carbine, caustic soda, cellulose, chlorine, carbon black and bone black, cleaning and polishing preparation creosote, exterminating agents, hydrogen and oxygen industrial alcohol, nitrating of cotton or other materials, nitrates (manufactured and natural) of an explosive nature, potash, plastic materials and synthetic resins, protein, rayon yam, hydrochloric, nitric, and sulfuric acids, and derivatives;
  - 2. Live storage, killing or dressing of poultry or rabbits.

**SECTION 10.5**

**SETBACK AND YARD REQUIREMENTS:** No building or structure shall hereafter be erected or structurally altered in the IL, IG, or IH Districts unless the following setbacks are provided and maintained in connection with such buildings:

- A. Front. A front setback of at least ½ adjacent right-of-way or 50', whichever is greater for buildings under twenty-five (25) feet in height. For buildings exceeding twenty-five (25) feet in height, the minimum front setback shall be increased by one (1) foot for each two (2) feet or fraction thereof by which the building height exceeds twenty-five (25) feet, but in no case shall a front setback of more than sixty (60) feet be required.
- B. Side. Side setbacks equal to at least ten (10) percent of the lot width to a maximum of twenty (20) feet, except on corner lots, where the side setback adjoins a street, the side setback shall be the same as the front setback.

# CHAPTER 11

## SPECIAL DISTRICTS

**SECTION 11.1 SPECIAL DISTRICT PURPOSES:** The special districts are established to provide protection to unique resources and features in the community which are not included within the other standard zoning classifications.

**SECTION 11.2 THE "F" FLOODWAY DISTRICT:**

**Section 11.2.1 Purpose.** The "F" Floodway District is established to prevent encroachments into stream beds and water courses which will unduly increase flood height and damage and to prevent the loss of life and excessive damage to property and crops.

**Section 11.2.2 Permitted Uses.** The following uses and none other shall be permitted in any F - District as shown on the Official Floodway Map of the Village of Timberlane provided that no building or structure, other than fences for agricultural purposes, shall be erected in such district, and further provided that the natural drainage grade shall not be substantially altered.

- A. Uses permitted in an adjoining district, provided that, where a floodway district separates or adjoins two different districts, permitted uses shall be those of the most restrictive of such districts, further provided that parking lots in floodway districts shall not be used for parking, stopping or standing of motor vehicles for more than 24-hour periods, and further provided that all storage of goods shall be in movable containers designed for the storage of goods, and that no acids, caustics, explosives, or highly flammable liquids, trash, rags, bottles, junk, or any other thing resembling junk may be stored or deposited in any floodway district.
- B. Parks, recreation and open space, streets, bridges, and creek and storm drainage facilities.

**Section 11.2.3 Special Uses.** The following uses, when in harmony with uses in contiguous areas, may be allowed as special uses, following specific action by the Board of Trustees in accordance with the provisions of CHAPTER 14:

- A. Circuses, carnivals, and similar amusement enterprises, provided that they are not in operation for more than ninety (90) days in any calendar year;
- B. Any building or special use permitted in an adjoining district, provided that:
  - 1. Where a floodway district separates or adjoins two different districts, permitted uses shall be those of the more restrictive of such districts;
  - 2. An analysis has been made establishing that such building or uses will not be subject to future inundation and that the remaining channel will be adequate to accommodate future run-off;
  - 3. The use permitted is compatible with the standards of the neighborhood;
  - 4. No acids, caustics, explosives, or highly flammable liquids, trash, rags, bottles, junk, or any other thing resembling junk may be stored or deposited in any floodway district.
- C. Summer homes or cabins, for seasonal and not permanent or year-round occupancy provided the first floor elevation is above the high water line;
- D. Boat docks, private and commercial, including the selling or leasing of fishing equipment and bait;
- E. Any other uses customarily accessory or incidental to the above uses.

**Section 11.2.4 Conditions of Use.** In the "F" Floodway District, the following additional conditions shall pertain:

- A. No filling of land shall be permitted, except when approved by the Village Board in compliance with the provisions of CHAPTER 14, and to such conditions as may be stipulated to protect the public interest;

- B. The natural drainage grade shall not be substantially altered except as executed or authorized by the governing authorities;
- C. Any structures permitted shall be placed so as to offer the minimum obstruction to the flow of water and shall be firmly anchored to prevent the structure from floating away and thus threatening to further restrict bridge openings and other restricted sections of the stream;
- D. Where engineering and other studies are needed to determine the effect of the structure on the flow of water, the Village Engineer may require the applicant to submit such data or other studies prepared by competent engineers or other technicians;
- E. All special uses permitted shall be subject to approval of the Board of Trustees in compliance with the provisions of CHAPTER 14 and to such conditions as may be stipulated to protect the public interest;
- F. No habitable floor shall be constructed below the minimum flood elevation to be determined by floods of history;
- G. The granting of approval of any structure or use shall not constitute a representation, guarantee, or warranty of any kind or nature by the Village of Timberlane or by any officer or employee of the Village of the practicality or safety of any structure or use proposed, and shall create no liability upon or cause action against such public body, officer or employee for any damage that may result pursuant thereto.

**SECTION 11.3 THE "C" PUBLIC PARK AND CONSERVANCY DISTRICT:**

**Section 11.3.1 Purpose.** The "C" Conservancy District is intended to preserve public parks and those natural features and environments which are unique community assets so they will be protected from adverse urban development activities.

**Section 11.3.2 Permitted Uses.**

- A. Public parks;

- B. Community recreation facilities;
- C. Conservancy.

**Section 11.3.3 Special Uses.**

- A. Single- family dwelling - ancillary to a permitted park or conservancy use;
- B. Amusement and recreation services.

## CHAPTER 12

### HOME OCCUPATIONS

**SECTION 12.1 HOME OCCUPATIONS DEFINED:** A home occupation is any gainful occupation customarily conducted within a dwelling by the residents thereof that is clearly secondary to the residential use and that does not change the character of the structure as a residence.

**SECTION 12.2 LIMITATIONS:** Home occupations shall be subject to the following

- A. No person shall be employed other than residents of said dwelling.
- B.. No commodity shall be sold on the premises other than that produced on the premises.
- C. The occupation shall be conducted wholly within the dwelling.
- D. No more than fifteen percent (15%) of the floor area may be devoted to the occupational use.
- E. There shall be no sign indicating that the dwelling is used for anything other than residential purposes.
- F. Not more than three (3) clients or customers shall be provided with services at one time.

## CHAPTER 13

### NONCONFORMING USES

**SECTION 13.1**     **INTENT:** Within the districts established herein or amendments that may later be adopted, there exists structures, and uses of land and structures, which were lawful before this Title was passed or amended, but which would be prohibited, regulated or restricted under the terms of this Title. These structures and uses of land and structures are declared legal non-conformities.

It is the intent of this Title to permit these non-conformities until they are removed, but not to encourage their existence. Such uses are declared by this Title to be incompatible with permitted uses in the districts involved.

**SECTION 13.2**     **CONTINUANCE OF USE:** Non-conformities may continue to operate at the level of operation on the effective date hereof, subject to the following:

- A.     A nonconforming use, building or structure shall not be added to or enlarged.
- B.     No nonconforming use, building, or structure shall be changed except to a use permitted in the district in which it is located.
- C.     Repairs shall be made in order to keep the building or structure in safe condition. However, no alterations shall be made which increase the bulk of the building or structure unless otherwise required by State or Federal laws.
- D.     Requirements such as use, area, and fixtures must be specified, in writing, to the Village Board of Trustees by the governmental agency requiring the addition.
- E.     No building or structure shall be moved in whole or in part to any other location unless the building or structure and its use conforms to all of the regulations of the district in which it is located.

**SECTION 13.3**

**DISCONTINUANCE OF USE:** The following occurrences shall cause a loss of legal nonconforming status. All subsequent uses must conform to the regulations of the district.

- A. If a nonconforming structure or use is voluntarily abandoned for a continuous period of twelve (12) months, it shall not be used for anything but a conforming use in the future and any structure must conform to all regulations.
- B. No nonconforming use shall be changed to another nonconforming use.
- C. Any building which is nonconforming only because of lot area or lot width may be rebuilt, remodeled, expanded upon or enlarged, provided that it meets the lot area, lot width, and yard setback requirements of the this Zoning Ordinance, adopted July 21, 2005.

## CHAPTER 14

### SPECIAL USES

**SECTION 14.1**     **PURPOSE:** The formulation and enactment of this Ordinance is based on the division of the entire Village into districts in each of which are permitted specified uses that are compatible. In addition to such permitted, compatible uses, however, it is recognized that there are other uses for which it may be necessary or desirable to allow in a given district but, because of their potential influence upon neighboring uses, need to be carefully regulated with respect to location or operation for the protection of the community. Such uses are classified in this CHAPTER as "special uses."

**SECTION 14.2**     **APPLICATION AND FEE:**

**Section 14.2.1 Data to be Furnished.** Application for a Special Use Permit shall be made to the Zoning Administrator on a form prescribed by the Zoning Committee with the following data:

- A.     Name and address of the applicant.
- B.     Statement that the applicant is the owner or the authorized agent of the owner of the property on which the use is proposed to be located.
- C.     Address or description of the property.
- D.     Statement indicating the precise manner of compliance with each of the applicable provisions of this Ordinance, together with any other data pertinent to the findings prerequisite to the granting of a use permit, prescribed in Sec. 14.5.

**Section 14.2.2 Maps.** The application shall be accompanied by the following plans and drawings.

- A. An accurate scale drawing of the site and the surrounding area for a distance of at least 300 feet from each boundary of the site showing the existing locations of streets and property lines.
- B. An accurate scale drawing of the site showing the contours at intervals of not more than 5 feet and existing and proposed locations of streets, property lines, uses, structures, driveways, pedestrian walks, off-street parking and off-street loading facilities, and landscaped areas.
- C. The Zoning Administrator may authorize omission of any or all of the plans and drawings required by this section if they are not necessary to enable the Zoning Committee to determine whether the proposed use will comply with each of the applicable provisions of this Ordinance.

**Section 14.2.3 Fee.** The application shall be accompanied by a fee as established, and amended from time to time, by the Village of Timberlane.

**SECTION 14.3 PUBLIC HEARING - NOTICE:** The Zoning Committee shall hold at least one public hearing on each application for a Special Use Permit within 45 days of the date when the application was filed and found to be complete by the Zoning Administrator. Notice of the hearing shall be given not less than 15 days nor more than 30 days prior to the date of the hearing by publication in a newspaper of general circulation in the Village and by posting on or adjacent to the property which is the subject of the application. Failure to post notice shall not invalidate the proceedings.

**SECTION 14.4 PUBLIC HEARING - PROCEDURE:** At the public hearing the Zoning Committee shall review the application and the drawings submitted therewith and shall receive pertinent evidence concerning the proposed use and the proposed conditions under which it would be operated or maintained, particularly with respect to the findings prescribed in Sec. 14.5.

**SECTION 14.5 FINDINGS OF FACT:** The Zoning Committee shall make written findings of fact and shall submit same together with its

recommendation to the Village Board. For the Zoning Committee to make an affirmative recommendation, on any specialized permit, it must consider the following items:

- A. That the proposed location of the special use and 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;
- B. The establishment of the special use will not impede the normal or orderly development of the surrounding property for uses permitted in the district;
- C. Adequate utilities, access roads, drainage and/or necessary facilities have been, are being, or will be provided;
- D. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion;
- E. That the proposed special use will, in all other respects, comply with each of the applicable provisions and regulations of the district in which it is located.

## **SECTION 14.6 ACTION OF ZONING COMMITTEE:**

**Section 14.6.1** The Zoning Committee may recommend and the Village Board may require such conditions or restrictions upon the construction, location and operation of a special use as deemed necessary for the protection of the adjacent properties. These conditions may include the expiration of the Special Use Permit after a specified period of time and off-street parking and loading requirements in accordance with the provisions of the Ordinance.

**Section 14.6.2** The concurring vote of three (3) members of the Zoning Committee shall be necessary to recommend the application for a Special Use Permit to the Village Board.

**Section 14.6.3** If the Zoning Committee fails to act within forty-five (45) days of the public hearing, the special use shall be deemed approved by the Zoning Committee. The Zoning Administrator shall forward the Zoning Committee decision and records to the Village Board within ten (10) days after action or within fifty-five (55) days from the date of public hearing if no action has been taken by the Zoning Committee.

**SECTION 14.7 ACTION OF VILLAGE BOARD OF TRUSTEES:**

**Section 14.7.1** The Village Board may affirm, reverse, or modify a decision of the Zoning Committee, provided that if a decision denying a Special Use Permit is reversed or a decision granting a use permit is modified, the Village Board, on the basis of the record transmitted by the Zoning Administrator and such additional evidence as may be submitted, shall make the findings prerequisite to the granting of a Special Use Permit prescribed in Sec. 14.4. A Special Use Permit shall become effective immediately after it is granted by resolution of the Village Board.

**Section 14.7.2** An application for a Special Use Permit shall be passed by the concurrence of a majority of all members then holding office on the Village Board, including the President.

**SECTION 14.8 LAPSE OF SPECIAL USE PERMIT:**

- A. A Special Use Permit shall lapse and shall become void one year following the date on which the Special Use Permit became effective, unless prior to the expiration of one year a building permit is issued and construction is commenced and diligently pursued toward completion on the site which was the subject of the Special Use Permit application, or a certificate of occupancy is issued for the structure which was the subject of the Special Use Permit application, or the site is occupied if no building permit or certificate of occupancy is required.
- B. A Special Use Permit may be renewed for an additional period of one year, provided that prior to the expiration of one year from the date when the Special Use Permit originally became

effective, an application for renewal of the Special Use Permit is filed with the Zoning Committee.

- C. The Zoning Committee may grant or deny an application for renewal of a Special Use Permit.
- D. Sec. 14.1 - 14.7 shall apply to an application for renewal of Special Use Permit.

**SECTION 14.9**      **EXISTING SPECIAL USES:** A use established by a Special Use Permit issued by the County of Boone prior to the enactment of this Ordinance shall be deemed nonconforming; however, it shall be permitted to continue provided that the use is operated and conducted in accord with the conditions prescribed in the Special Use Permit as granted, if any. Any alterations, expansion or restoration shall be thereafter governed by the provisions of this Ordinance.

**SECTION 14.10**      **REVOCACTION:** Upon violation of any applicable provisions of this Ordinance, or, if granted subject to a condition or conditions, upon failure to comply with the condition or conditions, a Special Use Permit shall be suspended automatically. The Zoning Committee shall hold a public hearing with 45 days, in accord with the procedure prescribed in Sec. 14.4, "Public Hearing: Notice," and if not satisfied that the regulation, general provision or condition is being complied with, may revoke the Special Use Permit or to take such action as may be necessary to ensure compliance with the regulation, general provision, or condition. Within 5 days following the date of a decision of the Zoning Committee revoking a Special Use Permit, the Zoning Administrator shall transmit to the Village Board of Trustees written notice of the decision. The decision shall become final 10 days following the date on which the Special Use Permit was revoked or on the day following the next meeting of the Village Board of Trustees, whichever is later, unless an appeal has been taken to the Village Board of Trustees or unless the Village Board of Trustees shall elect to review the decision of the Zoning Committee, in which cases Sec. 14.7 shall apply.

**SECTION 14.11**      **NEW APPLICATION:** Following the denial of a Special Use Permit application or the revocation of a Special Use Permit, no application for

a Special Use Permit for the same or substantially the same Special Use on the same or substantially same site shall be filed within one year from the date of denial or revocation of the Special Use Permit.

**SECTION 14.12 SPECIAL USE PERMIT TO RUN WITH THE LAND:** A Special Use Permit granted pursuant to the provisions of this CHAPTER shall run with the land and shall continue to be valid upon a change of ownership of the site or structure which was the subject of the Special Use Permit application.

**SECTION 14.13 SPECIAL USE ALLOWING LIQUOR ESTABLISHMENTS:** A Special Use Permit granted pursuant to the provisions of this CHAPTER allowing liquor establishments including, but not limited to, packaged liquor stores and taverns, is restricted to the Special Use Permit for the particular class of license granted. In the event that the owner(s) of said premises, or licensee seeks to change the classification of a license granted pursuant to a Special Use Permit to a different class license than that granted pursuant to the Special Use Permit, a new Special Use Permit must be applied for as provided herein.

## CHAPTER 15

### ZONING VARIATIONS

#### SECTION 15.1 PURPOSES AND AUTHORIZATION:

- A. The Zoning Committee is empowered to recommend variances in order to prevent or to lessen such practical difficulties and unnecessary physical hardships inconsistent with the objectives of the zoning Ordinance as would result from a strict or literal interpretation and enforcement of certain of the regulations prescribed by this Ordinance. A practical difficulty or unnecessary physical hardship 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 from population densities, street locations, or traffic conditions in the immediate vicinity.
- B. Recommending the variance will not merely serve as a convenience to the applicant, but is necessary to alleviate some demonstrable difficulty. Cost to the applicant of strict or literal compliance with a regulation shall not be the sole reason for recommending a variance.
- C. The power to recommend variances does not extend to use regulations because the flexibility necessary to avoid results inconsistent with the objectives of the zoning Ordinance is provided by the special use provisions of this Ordinance.
- D. The Zoning Committee may recommend variances to the regulations prescribed by this Ordinance, in accord with the procedure prescribed in this CHAPTER, with respect to fences, walls, hedges, screening, and landscaping, site area, width, frontage, depth, and coverage, front, rear, and side yards, basic floor area, usable open space, height of structures, distances between structures, courts, signs, and off-street parking facilities and off-street loading facilities.

## **SECTION 15.2 APPLICATION AND FEE:**

**Section 15.2.1 Data to be Furnished.** Application for a variance shall be made to the Zoning Administrator on a form prescribed by the Zoning Committee, which shall include the following data:

- A. Name and address of the applicant;
- B. Statement that the applicant is the owner or the authorized agent of the owner of the property on which the variance is being requested;
- C. Address or description of the property;
- D. Statement of the precise nature of the variance requested and the practical difficulty or unnecessary physical hardship inconsistent with the objectives of the zoning Ordinance that would result from a strict or literal interpretation and enforcement of a specified regulation of this Ordinance, together with any other data pertinent to the findings prerequisite to the granting of a variance, prescribed in Sec. 15.5.

### **Section 15.2.2 Map.**

- A. The application shall be accompanied by an accurate scale drawing of the site and any adjacent property affected, showing, when pertinent, the contours at intervals of not more than 5 feet, and all existing and proposed locations of streets, property lines, uses structures, driveways, pedestrian walks, off-street loading and off-street parking facilities, and landscaped areas.
- B. If required for a public hearing as prescribed in Sec. 15.4, the application shall be accompanied by an accurate scale drawing of the site and the surrounding area for a distance of at least

300 feet from each boundary of the site showing the existing locations of streets and property lines.

- C. The Zoning Administrator may authorize omission of any or all of the plans and drawings required by this section if they are not necessary to enable the Zoning Committee to determine whether the circumstances required for the granting of a variance exist.

**Section 15.2.3 Fee.** The application shall be accompanied by a fee as established, and amended from time to time, by the Village of Timberlane.

**SECTION 15.3 PUBLIC HEARING - NOTICE:** The Zoning Committee shall hold a public hearing on an application for a variance. Notice of a public hearing shall be given not less than 15 days nor more than 30 days prior to the date of the hearing by publication in a newspaper of general circulation within the Village of Timberlane, and by posting on or adjacent to the property which is the subject of the application. Failure to post notice shall not invalidate the proceedings.

**SECTION 15.4 PUBLIC HEARING - PROCEDURE:** At a public hearing the Zoning Committee shall review the application, statements, and drawings submitted therewith and shall receive pertinent evidence concerning the variance, particularly with respect to the findings prescribed in Sec. 15.5.

**SECTION 15.5 FINDINGS OF FACT:** The Zoning Committee shall make a written findings of fact. For the Zoning Committee to make an affirmative decision on any proposed variation, it must consider the following items:

- A. Because of the particular physical surroundings, shape or topographical conditions of a specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out;

- B. The conditions upon which a petition for a variation is based are unique to the property for which the variation is sought and are not applicable, generally to other property within the same zoning district;
- C. The purpose of the variation is not based exclusively upon a desire to increase the value or income potential of the property;
- D. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the vicinity in which the property is located;
- E. The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets or increase the danger of fire, endanger the public safety or substantially diminish or impair property values within the vicinity.

**SECTION 15.6 ACTION OF THE ZONING COMMITTEE:**

**Section 15.6.1** The Zoning Committee may recommend an application for a variation as the variation was applied for, or in modified form, or the application may be denied. The recommendation of the Zoning Committee shall then be forwarded to the Village Board.

**Section 15.6.2** The concurring vote of three (3) members of the Zoning Committee shall be necessary to authorize any variation in this Ordinance and to recommend same to the Village Board.

**Section 15.6.3** Within five (5) days following the date of a decision of the Zoning Committee on a variation application, the Zoning Administrator shall transmit to the Village Board written notice of the decision.

**SECTION 15.7 ACTION OF BOARD OF TRUSTEES:**

**Section 15.7.1** The Board of Trustees may affirm, reverse, or modify a decision of the Zoning Committee on a variance application, provided that if a decision granting a variance is modified, the Board of

Trustees, on the basis of the record transmitted by the Zoning Administrator and such additional evidence as may be submitted, shall make findings of fact that establish that the circumstances prerequisite to the granting of a variance prescribed in Sec. 15.5. A variance shall become effective immediately after it is granted by resolution of the Village Board.

**Section 15.7.2** Any proposed variation shall be passed by the concurrence of a majority of all members then holding office on the Village Board, including the President. Any proposed variation which fails to receive the approval of the Zoning Committee shall not be passed except by the affirmative vote of two-thirds (2/3) of all Trustees of the Village.

**SECTION 15.8 LAPSE OF VARIANCE:**

- A. A variance shall lapse and shall become void one year following the date on which the variance became effective unless prior to the expiration of one year a building permit is issued and construction is commenced and diligently pursued toward completion on the site which was the subject of the variance application or a permit is issued authorizing occupancy of the site or structure which was the subject of the variance application, or the site is occupied if no building permit or certificate of occupancy is required.
- B. A variance may be renewed for an additional period of one year provided that prior to the expiration of one year from the date when the variance originally became effective, an application for renewal of the variance is made to the Zoning Committee.
- C. The Zoning Committee may grant or deny an application for renewal of a variance.
- D. Sections 15.2 - 15.6 shall apply to an application for renewal of a variance.

**SECTION 15.9 REVOCATION:** A variance granted subject to a condition or conditions shall be revoked by the Zoning Committee if the condition or conditions

are not complied with. The Zoning Committee shall hold a public hearing within 45 days, in accord with the procedure prescribed in Sec. 15.3, Public Hearing: Notice, and if not satisfied that the regulation, general provision, or condition is being complied with, may revoke the variance or to take such action as may be necessary to ensure compliance with the regulation, general provision, or condition.

Within 5 days following the date of a decision of the Zoning Committee revoking a variance, the Zoning Administrator shall transmit to the Board of Trustees written notice of the decision. The decision shall become final 10 days following the date on which the variance was revoked or on the day following the next meeting of the Board of Trustees, whichever is later, unless an appeal has been taken to the Board of Trustees, or unless the Board of Trustees shall elect to review the decision of the Zoning Committee, in which cases Sec. 15.8 shall apply.

**SECTION 15.10**    **NEW APPLICATION:** Following the denial or revocation of a variance application, no application for the same or substantially the same variance on the same or substantially the same site shall be filed within one year of the date of denial or revocation of the variance.

## CHAPTER 16

### AMENDMENTS

**SECTION 16.1**     **PURPOSE:** This Ordinance may be amended by changing the boundaries of any district, by changing any district regulation sign requirements, off-street parking or loading facilities requirement, general provision, exception or other provision thereof in accord with the procedure prescribed in this Article.

**SECTION 16.2**     **INITIATION:**

- A.     A change in the boundaries of any district may be initiated by the owner or the authorized agent of the owner of the property filing an application for a change in district boundaries as prescribed in Sec. 16.3. If the property for which a change of district is proposed is in more than one ownership, all the owners or their authorized agents shall join in filing the application.
  
- B.     A change in boundaries of any district, or a change in a district regulation, off-street parking or loading facilities requirement, general provision, sign requirements, exception, or other provision may be initiated by action of a property owner, property owners, the Zoning Committee or Village Board, provided that the procedures prescribed in Sec. 16.3 through 16.7 shall be followed.
  
- C.     A proposal for a change in district boundaries initiated by the Village Board and one initiated by a property owner for all or part of the same area may be considered simultaneously.

**SECTION 16.3**     **APPLICATION AND FEE:**

**Section 16.3.1 Data to be furnished.** A property owner desiring to propose a change in the boundaries of the district in which his property is located or his authorized agent may file with the Zoning Administrator an application for a change in district boundaries on a

form prescribed by the Zoning Committee which shall include the following data:

- A. Name and address of the applicant;
- B. Statement that the applicant is the owner or the authorized agent of the owner of the property for which the change in district boundaries is proposed;
- C. Address or description of the property.

**Section 16.3.2 Map.** The application shall be accompanied by an accurate scale drawing of the site and the surrounding area for a distance of at least 300 feet from each boundary of the site showing the location of streets and property lines.

**Section 16.3.3 Fee.** The application shall be accompanied by a fee as established, and amended from time to time, by the Village of Timberlane.

**SECTION 16.4 PUBLIC HEARING - NOTICE:** The Zoning Committee shall hold at least one public hearing on each application for a change in district boundaries or for a change of a district regulation, off-street parking or loading facilities requirement, sign requirements, general provision, exception or other provision of this Ordinance within 45 days of the date when the application was filed. Notice of the public hearing shall be given not less than 15 days nor more than 30 days prior to the date of the hearing by publication in a newspaper of general circulation in the Village, and by posting on or adjacent to the property which is the subject of the application. Failure to post notice shall not invalidate the proceedings.

**SECTION 16.5 PUBLIC HEARING - PROCEDURE:** At the public hearing the Zoning Committee shall review the application and may review pertinent evidence as to why or how the proposed change is consistent with the purpose and intent of the zoning Ordinance prescribed in CHAPTER 1.

**SECTION 16.6 ACTION OF ZONING BOARD:**

**Section 16.6.1 All applications.** Within 45 days following the public hearing, the Zoning Committee shall make a specific finding as to whether the change is consistent with the purpose and intent of the zoning Ordinance prescribed in CHAPTER 1. The Zoning Administrator shall transmit a report to the Village Board recommending that the application be granted, granted in modified form, or denied or that the proposal be adopted, adopted in modified form, or rejected, together with a copy of the application, resolution of the Zoning Committee, or upon request of the Board of Trustees, the scale drawing of the site and the surrounding area and all other data filed therewith, the minutes of the public hearing, and the findings of the Zoning Committee.

**Section 16.6.2** The concurring vote of three (3) members of the Zoning Committee shall be necessary to recommend the application for an amendment to this CHAPTER to the Village Board

## **SECTION 16.7 ACTION OF THE VILLAGE BOARD.**

**Section 16.7.1** If the Village Board finds that the change is consistent with the purpose and intent of the zoning Ordinance prescribed in CHAPTER 1, it shall enact an Ordinance amending the map or regulation of this Ordinance, whichever is appropriate. If the Village Board finds that the change is not consistent, it shall deny the application.

**Section 16.7.2** An amendment shall be passed by a concurrence of a majority of all members then holding office on the Village Board, including the President.

**SECTION 16.8 NEW APPLICATION:** Following the denial of an application for a change in district boundaries, no application for the same or substantially the same change shall be filed within one year of the date of denial of the application.

# CHAPTER 17

## SCREENING AND BUFFERING

**SECTION 17.1 INTENT:** The intent of this CHAPTER is to provide minimum screening and buffering between potentially incompatible uses and between specific operations which may create a nuisance for the occupants of adjoining properties.

**SECTION 17.2 SCREENING:** Whenever development cannot be placed in harmony with its surroundings, adequate screening and distance buffering shall be provided to make it so. Screening shall be an obscuring wall or fence or other method approved by the Administrator. The height of the obscuring fence shall be six feet (6'). The table below indicates those conditions which are considered inherently disharmonious. Adequate screening shall be provided at the side of the parcel between conflicting uses by the owner of the property who created the disharmonious use condition.

### SCREENING REQUIREMENTS

<u>USE OR DISTRICT</u>	<u>POTENTIAL DISHARMONIOUS USE</u>
a. Residential	Commercial Uses
b. Residential	Industrial Uses
c. Residential	Loading Areas
d. Residential	Utility Station

**SECTION 17.3 WALL AND FENCE MATERIALS:**

A. Durable Materials. All walls and fences hereafter erected shall be durable, weather resistant, mst proof, and easily maintained. All fences shall be kept in good condition, plumb and true, and without damage.

- B. Masonry Walls. Masonry walls shall be erected on foundations which are a minimum of 42" below grade.
- C. Limitation on Open Grid Metal Fences (Chain Link). Metallic cyclone-type or other open grid fences may not be used as required screening between residential uses and nonresidential uses. Such metallic fences may not be used in front yards except in industrial districts.

**SECTION 17.4 LANDSCAPE BERMS AND PLANTING STRIPS:** Landscaped berms or planting strips may be substituted for obscuring walls or fences when approved by the Administrator. The general plant requirements shall be in accordance with Section 17.9 of this Ordinance. The landscape berms or planting strips which are required to be placed along the boundaries of the zoning lot abutting properties in a disharmonious zoning district or uses.

Required Plants Per 100 L.F. of Screening

Yard	Berm or Strip Width	Number Deciduous Trees	Number Ornamental Trees	Number Evergreen Shrubs	No. Deed Shrubs	Number Evergreen Shrubs
Side	10'	2	3	3	20	15
Rear	15'	2	3	3	20	15

**SECTION 17.5 DISTANCE BUFFERING:** Certain uses and activities are inherently incompatible with other uses and activities and are hereby required to be separated as indicated below so as to reduce conflict and to maintain amenity.

**MINIMUM DISTANCE BUFFERING**

<u>USE</u>	<u>MINIMUM PERMITTED DISTANCE IN FEET</u>
Quarrying operation or stockpile exceeding 15' in height	Minimum of 200' to any property line except a minimum of 100' to street right-of-way

Junkyards and salvaging operations	200' to residential uses and districts and 100' to other uses
Swimming pools	All swimming pools, measured from the edge of the water, shall be a minimum of 10' from the property line and surrounded by a security fence which is a minimum of 4' in height. All gates shall be secured when pool is unattended. Above-ground pools with wall 4' in height or higher shall not require a fence; however, ladders for these pools shall be removed when not in use and steps to decks abutting these pools shall be secured with gates when unattended.
Swimming pool pump or filter	15' to property line if unenclosed; 10' to property line if enclosed
Air conditioners, independent mounted	15' to property line
Loading docks	100' to an adjoining lot line of a residence or residential district.

**SECTION 17.6 REQUIRED SCREENING FOR TRASH AREAS:** All uses that provide trash and/or garbage collection areas shall be enclosed on all four sides by screening at least four feet (4') in height or twelve inches (12") higher than the tallest receptacle, whichever is greater.

**SECTION 17.7 VISION CLEARANCE ON CORNER AND ALLEY LOTS:** A vision triangle extending thirty feet from all public street intersections shall be maintained. No wall, fence, or earth mound shall be permitted within such vision triangle which materially impedes vision above the height of two and one-half feet (2 ½ ') and below eight feet (8').

**SECTION 17.8 EXCEPTIONS AND INTERPRETATION:**

- A. Temporary Waivers. The Administrator may temporarily waive screening requirements for a period not to exceed 12 months.
- B. Permanent Waivers. In the event that terrain or other natural features are such that the erection of obscuring berms or planting strips, walls, or fences will not serve the intended purpose, as determined by the Zoning Committee, then no such screening, fences, or wall shall be required.

**SECTION 17.9 GENERAL PLANT REQUIREMENTS:**

- A. Standards. All plants materials required by Chapter 4, "Off-Street Parking," and Section 17.4, "Landscape Berms and Planting Strips" shall conform to American Nurseryman's Association Standards.
- B. Minimum Size for Plants.

Deciduous Shade Tree	2" Caliper
Deciduous Ornamental Tree	6' Height
Evergreen Tree	6' Height
Deciduous Shrub	24" Height/Sp.
Evergreen Shrub	24" Height/Sp.
- C. The following plants **will not be counted** to meet the requirements either for Screening and Landscaping (Chapter 16), Parking (Chapter 4) and Loading (Chapter 5) or for (Section 16.4) Landscaping Berms and Planting Strips, and Screening and Buffering (Chapter 16):

<u>Botanical Name</u>	<u>Common Name</u>
Acer negundo	Boxelder
Acer saccharinum	Silver Maple
Ailantnus altissima	Tree of Heaven
Alnus species	Alders
Amorpha species	Indigo Bush
Amnia species.	Chokeberry
Betula papyrifera	Paper Birch

Betula pendula	European White Birch
Betula populifolia	Gray Birch
Compsis species	Trumpet Creeper
Catalpa species	Catalpa
Celtis species	Hackberry
Comus altemifolia	Pagoda Dogwood
Comus racemosa	Gray Dogwood
Elagnus species	Russian Olive
Ginkgo biloba	(Female Maidenhair Tree only)
Gleditisa triacanthos (fruit & thorny varieties only)	Honey Locust
Lonicera Maackii	Amur Honeysuckle
Maclura pomifera	Osage-Orange
Malus species, except those disease resistant	Crabapples
Morus species	Mulberry
Paulonia species	Empress Tree
Populus species	Poplars, Cottonwood
Prunus species	Cherries, Plums Apricots
Quercus palustris	Pin Oak
Rhamnus species	Buckthorn
Rhus species	Sumac
Rosa species	Rose
Salix species	Willows
Sambucus species	Elderberry
Sorbus species	Mountain Ash
Syringa vulgaris	Common Lilac
Ulmus species	Elms

- D. Maintenance. It is the responsibility of the Owner to maintain all plant materials used for screening and buffering purposes.
- E. Tree Preservation. All existing trees, excluding those types listed in Section 17.9 C, 6" diameter or greater, located within twenty feet (20') of proposed parking areas or access roads, preserved and protected during construction shall be countered,

in kind, toward the landscape requirements of this Section or Chapter 4 "Off-Street Parking" (i.e. (1) 6" caliper tree = (3) 2" caliper tree).

- F. Landscaping material must be installed within the next planting season after construction of the parking, loading or disharmonious use.

## CHAPTER 18

### PERFORMANCE STANDARDS

**SECTION 18.1**     **COMPLIANCE REQUIRED:** No land or building in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable fire, explosive, or other hazard, noise or vibration, smoke, dust, odor, or other form of air pollution, heat, cold, dampness, electrical or other substance, condition or element in such a manner, or in such amount, as to adversely affect the surrounding area or adjoining premise.

**SECTION 18.2**     **PERFORMANCE STANDARDS:** The following provisions, standards and specifications shall apply to all districts:

- A.     Fire and Explosion Hazards. All activities involving, and all storage of, inflammable and explosive materials shall be provided at any point with adequate safety devices against the hazard of fire and explosion and adequate firefighting and fire suppression equipment and devices standard in the industry. Burning of waste materials in open fires shall be prohibited at any point. Fire and explosion hazards shall be further subject to applicable Federal, State and local laws and regulations.
- B.     Radioactivity or Electric Disturbances. No activities shall be permitted which emit dangerous radiation. Radioactive emissions shall be further subject to applicable Federal, State and local law and regulations.
- C.     Vibration.
  - (1)    In non-industrial districts, no vibration shall be permitted which is discernible without instruments beyond the property line of the source.
  - (2)    In industrial districts there shall be no operation or activity which would cause ground transmitted vibrations in excess of the limits set forth below at the boundary of this district under any conditions, nor beyond the property line

if it would adversely affect any other use within the district.

### MAXIMUM VIBRATION LEVELS

Frequency Cycles per second	Maximum Permitted Displacement at Industrial District Boundaries (in inches)
0 to 10	.0008
10 to 20	.0005
20 to 30	.0002
30 to 40	.0002
40 and over	.0001

Vibrations shall be further subject to applicable Federal, State and local law and regulations.

- D. Odors. No emission of odorous gases or other odorous matter in such quantities as to be readily detectable shall be permitted beyond the property lot lines of the source. Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system, so that control will be maintained if the primary safeguard system should fail.

Odors shall be further subject to applicable Federal, State and local law and regulations.

- E. Smoke. No emission shall be permitted of visible grey smoke of a shade equal to or darker than No.2 on the Ringlemann chart, except that visible grey smoke of a shade to No.3 of such chart may be emitted 4 minutes in any 30 minutes. These provisions applicable to visible grey smoke shall subsequent waivers for periods of no more than one year shall be permitted.

- F. Fly Ash, Dust, Fumes, Vapors, Gases and Other Forms of Air Pollution. No emission shall be permitted which can cause any damage to health, to animals, vegetation or other forms of

property, or which can cause any excessive soiling, at any point. No sulfur compound shall be emitted which would result in a ground level concentration of sulfur dioxide at the property line or beyond in excess of 1.0 part per million in a 20-minute period of any hour or average exposure in excess of 0.1 part per million in any hour period, nor shall any gas be emitted which contains sulfur dioxide in excess of 2,000 parts per million. Fly ash, dust, fumes, vapors, gases and other forms of air pollution shall be further subject to applicable Federal, State and local laws and regulations.

- G. Glare or Heat. All lighting shall be arranged so as to deflect light away from any adjoining residences. No direct or sky-reflected glare, whether from floodlights or from high temperature processes such as combustion or welding or otherwise, so as to be visible at the property lot line of the source shall be permitted. Glare and heat shall be further subject to applicable Federal, State and local laws and regulations
  
- H. Liquid and Solid Waste. No wastes shall be discharged in the public sewer system which are dangerous to the public health and safety. No waste shall be discharged into a storm sewer or roadside ditch or drainage area except clear and unpolluted water. Liquid and solid waste shall be further subject to applicable Federal, State and local laws and regulations
  
- I. Noise. The maximum permissible sound pressure levels at specified points of measurement for noise radiated continuously from a facility is shown below.

**MAXIMUM SOUND LEVELS**

Frequency Band Cydes / Second	Maximum Sound Pressure Level
	Decibels: 0.002 dyne/cm <sup>2</sup>
<u>7 am-10 pm</u>	<u>10 pm-7 am</u>

0-75	72	67
75-150	67	62
150-300	59	54
300-600	52	47
600-1200	46	41
1200-1400	40	35
2400-4800	34	29
Over 4800	32	27

Frequencies and sound levels shall be measured with an Octave Band Analyzer and Sound Level Meter which comply with the USA Standards prescribed by the United States of America Standards Institute. All noise shall be muffled or otherwise controlled as not to become objectionable due to intermittence, duration, beat frequency, impulse character, periodic character, or shrillness.

Noise shall be further subject to applicable Federal, State and local laws and regulations.

**SECTION 18.3 ADMINISTRATION AND ENFORCEMENT OF PERFORMANCE STANDARDS:**

- A. Measurement. The determination of the existence of any objectionable elements shall be made at the location of the use creating the same and at any points where the existence of such elements may be more apparent, provided, however, that the measurements necessary for enforcement of performance standards set forth in this CHAPTER shall be taken at property line boundaries.
- B. Notification. The Administrator shall give written notice, by registered mail or other means ensuring a signed receipt for such notice, to the person or persons responsible for the alleged violation. The notice shall describe the particulars of the alleged violation and the reasons why the Administrator believes there is a violation in fact, and shall require an answer or correction of the alleged violation to the satisfaction of the

Administrator within a time limit set by the Administrator. The notice shall state, and it is hereby declared, that failure to reply or to correct the alleged violation to the satisfaction of the Administrator within the time limit set constitutes admission of violation of the terms of this CHAPTER.

- C. Costs of Determination. The notice shall further state that upon request of those to whom it is directed, technical determinations as described in this CHAPTER will be made, and that if violations as alleged are found, costs of such determinations shall be charged against those responsible for the violation, in addition to such other penalties as may be appropriate, but that if it is determined that no violation exists, the costs of the determination will be paid by the Village.
  
- D. Violation Corrections. If there is no reply within the time limit set, but the alleged violation is corrected to the satisfaction of the Administrator, he shall note "violation corrected" on his copy of the notice, and shall retain it among his official records, taking such other action as may be warranted.
  
- E. Enforcement. If there is no reply within the time limit set (thus establishing admission of violations) and the alleged violation is not corrected to the satisfaction of the Administrator within the time limit set, he shall proceed to take or cause to be taken such actions as is warranted by continuation of a violation after notice to cease.
  
- F. Extensions. If a reply is received within the time limit set indicating that the alleged violation will be corrected to the satisfaction of the Administrator, but requesting additional time, the Administrator may grant an extension if he deems it warranted in the circumstances of the case and if the extension will not, in his opinion, cause imminent peril to life, health, or property.
  
- G. Expert Findings. If a reply is received within the time limit set requesting technical determination as provided in this

CHAPTER, and if the alleged violations continue, the Administrator may call in properly qualified experts to make the determinations. If the expert findings indicate violation of the performance standards, the costs of the determinations shall be assessed against the properties or persons responsible for the violation, in addition to such other penalties as may be appropriate under the provisions of this code. If no violation is found, the costs of the determinations shall be paid by the Village without assessment against the properties or persons involved.

- H. Additional Enforcement Provisions. Even though compliance with performance standards procedure in obtaining a development permit is not required for a particular use, initial and continued compliance with performance standards is required of every use, and provisions for enforcement of continue compliance with performance standards shall be invoked by the Administrator against any use, if there are reasonable grounds to believe that performance standards are being violated by such use.

## CHAPTER 19

### DESIGN REVIEW

**SECTION 19.1**     **PURPOSE:** Design review is implemented under municipal authority to promote the public health, safety, and welfare. More specifically, design review is intended to enhance the aesthetic environment and assure that larger development projects are compatible with neighboring properties and existing development elsewhere in the Village of Timberlane.

**SECTION 19.2**     **PLANS TO BE APPROVED:**

- A.     No zoning permit or building permit for either: 1) a new structure or 2) an exterior alteration, enlargement, or major remodeling of an existing structure, in a C or I District, shall be issued until the elevations, site plan, and landscape plan have been approved by the Zoning Committee.
  
- B.     In addition to the requirements of this CHAPTER, plans subject to this Ordinance shall, as applicable:
  - 1.     Provide for the basic requirements for all districts.
  
  - 2.     Provide off-street parking and loading as prescribed in CHAPTER 4.
  
  - 3.     Erect or place no sign or outdoor advertising structure of any character except as prescribed in the Village of Timberlane's sign ordinance.
  
  - 4.     Comply with the screening and buffering provisions as prescribed in CHAPTER 17.
  
  - 5.     Comply with the performance standards described in CHAPTER 18.

6. Comply any and all Storm Water Detention Ordinances of the Village of Timberlane and/or storm water detention requirements required by the Village engineers.
7. Comply with any and all Village ordinances regarding Right-of-Way Construction and Repair, and Driveway Construction and Repair.

**SECTION 19.3 DRAWINGS TO BE SUBMITTED:** The owner of the site or his authorized agent shall submit the following drawings to the Zoning Administrator accompanied by twenty (20) copies or other acceptable reproductions.

- A. A site plan, drawn to scale, showing the proposed layout of structures, grading, and other improvements including, where appropriate, driveways, pedestrian walks, off-street parking and off-street loading areas, landscaped areas, fences, excess storm water passageways, storm water detention facilities, and walls. The site plan shall indicate the locations of entrances and exists and the direction of traffic flow into and out of off-street parking and off-street loading areas, the location of each parking space and each loading berth, and areas for turning and maneuvering vehicles.
- B. A landscape plan, drawn to scale, showing the locations of existing trees proposed to be retained on the site, the location and design of landscaped areas, and the varieties of plant materials to be planted therein, and other landscape features.
- C. Architectural drawings or sketches drawn to scale showing all elevations of the proposed structure as they will appear upon completion. All exterior surfacing materials shall be specified.
- D. Scale drawings showing size, location, material, colors and illumination of all signs that are subject to design review prescribed in the Village of Timberlane sign ordinance.

**Section 19.4 ZONING COMMITTEE REVIEW:**

- A. The Zoning Committee shall approve or disapprove the site plan, the landscape plan, the architectural elevations, and the sign drawings, or shall request the owner to revise them. The Committee may obtain the advice of persons trained in the fields of architecture, landscape architecture, planning, or other disciplines, to aid in reaching its decision.
- B. Revised drawings shall be reviewed as prescribed in this Section and shall be approved or disapproved by the Zoning Committee, or additional revision may be requested.

**SECTION 19.5 APPEAL TO VILLAGE BOARD OF TRUSTEES:**

- A. Within ten (10) days following a decision by the Zoning Committee, the decision may be appealed to the Village Board of Trustees by the applicant. The appeal shall be made on a form prescribed by the Zoning Committee and shall be filed with the Village Clerk. The appeal shall state specifically wherein the decision of the Zoning Committee is not in accord with the purpose prescribed in Section 19.1.
- B. Within five (5) days of the filing of an appeal, the Zoning Administrator shall transmit to the Village Board of Trustees the site plan, the architectural elevations, the landscape plan, the sign drawings, and the minutes of the Zoning Committee or a report of the Zoning Committee on the design reviewed.
- C. The Village Clerk shall notify the applicant of the time when the appeal will be considered by the Village Board of Trustees.

**SECTION 19.6 ACTION OF VILLAGE BOARD OF TRUSTEES:**

- A. Within 30 days following an appeal of a decision of the Zoning Committee, the Village Board of Trustees shall affirm, reverse, or modify the decision, provided that if a decision is reversed or modified the Village Board of Trustees shall make a finding that the decision is not in accord with the purpose prescribed in Section 19.1.

- B. Failure of the Village Board of Trustees to act within 30 days of the date of filing an appeal shall be deemed approval of the drawings as submitted by the applicant unless a time extension is requested by the applicant and granted by the Village Board of Trustees.

## CHAPTER 20

### ZONING COMMITTEE

**SECTION 20.1 CREATION AND MEMBERSHIP:** A Zoning Committee is hereby established. The word "Committee" when used in this CHAPTER shall be construed to mean the Zoning Committee. The Committee shall consist of three (3) members appointed from the Village Board by the Village President with the approval of the Village Board. The term of office of the members shall be one (1) year.

The Village Trustees shall have the power to remove any member of the Zoning Committee for cause and for public hearing.

**SECTION 20.2 MEETINGS:** All meetings of the Zoning Committee shall be held at the call of the chairman, and at such other times as the Committee may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Committee shall be open to the public. A quorum of the Committee shall consist of two (2) members.

**SECTION 20.3 MINUTES AND RECORDS:** The Committee shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact, and shall also keep records of its examinations and other official actions. Every rule, regulation, every amendment or repeal thereof and every order, requirement, decision or determination of the Committee shall immediately be filed in the office of the Village Clerk and shall be a public record.

**SECTION 20.4 JURISDICTION:** The Zoning Committee shall hear and decide appeals from, and review any order, requirement, decision or determination made by the Building Inspector or any other Village official with respect to this Title. The Committee shall also hear and decide all matters referred to it or upon which it is required to pass under this Title. The concurring vote of two (2) members of the Committee is necessary to reverse any order, requirement, decision, or determination of the Building Inspector or other Village official, to

decide in favor of the applicant any matters upon which it is required to pass under this Title, to recommend any variation or amendment in this Title to the Board of Trustees.

**SECTION 20.5**

**POWERS OF THE COMMITTEE:** Except as otherwise provided in this Title, the Committee shall not have the power to change the classification of property as shown on the Official Zoning Map, nor to make any changes in the regulations of this Title, but shall have the following powers only:

- A. To adopt from time to time such rules and regulations as may be deemed necessary to carry into effect the provisions of this Title.
- B. To interpret the provisions of this Title and to hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Building Inspector or other village official, in the enforcement of this Title.
- C. To permit public utilities and public service uses and structures in any district when found to be necessary for the public health, convenience or welfare.
- D. To permit a temporary building for commerce or industry in the Family Residence District which is incidental to the residential development, such permit to be issued for a period of not more than one (1) year.
- E. To make recommendations to the Village Board of Trustees for amendments to or variations of the present zoning regulations.
- F. To make recommendations to the Village Board of Trustees for the issuance of special use permits.

**SECTION 20.6**

**APPEALS TO THE COMMITTEE:** An appeal to the Committee may be taken by any person aggrieved, or by any officer, department, board or bureau of the Village. Such appeal shall be taken within such time as shall be prescribed by the Committee by general rule by filing with the Village Clerk a notice of appeal, specifying the grounds thereof. The Village Clerk shall forthwith transmit to the Committee the papers

constituting the record upon which the action appealed from was taken.

An appeal stays all proceedings in furtherance of the action appealed from, unless a Village official or Building Inspector involved in the controversy certifies to the Committee after the notice of appeal has been filed with him that by reason of facts stated in the certificate a stay out, in his opinion, cause imminent peril to life or property. In this event, such stay may be lifted by the Committee on good cause shown.

The Committee shall fix a reasonable time for the hearing of the appeal and the proceedings shall not be stayed otherwise than by a restraining order and shall give due notice thereof to the parties and decide the appeal within a reasonable time. Upon the hearing, any party may appear in person or by agent or attorney. The Zoning Committee may reverse or affirm, wholly or in part, or may modify the order, requirement, decision or determination as in its opinion ought to be made in the premises and to that end has all the powers of the Building Inspector.

A fee of fifty dollars (\$50.00) is required to cover the costs of the hearing and shall be paid to the Village Clerk at the time the notice or appeal or petition is filed, which official shall forthwith pay over to the Village Treasurer to the credit of the General Revenue Fund of the Village. The applicant for petition for zoning amendments or for zoning variations shall also be required to pay all fees for publications and shall be responsible for preparation of notices which are required by this Title.

## CHAPTER 21

### ENFORCEMENT AND ADMINISTRATION

- SECTION 21.1 ENFORCING OFFICER:** It shall be the duty of the Zoning Administrator to enforce this Zoning Ordinance.
- SECTION 21.2 CERTIFICATE OF OCCUPANCY:** No land shall be occupied or used except for agricultural or free recreational purposes and no building hereafter erected or structure shall be occupied or used until a certificate of occupancy has been issued by the Building Inspector.
- SECTION 21.3 COMPLAINTS REGARDING VIOLATIONS:** Whenever a violation of this Zoning Ordinance occurs, or is alleged to have occurred, any person may submit a complaint. Such complaint stating fully the causes and basis therefore shall be filed with the Building Inspector. He shall record properly such complaint, immediately investigate, and take action thereon as provided by this Zoning Ordinance.
- SECTION 21.4 VIOLATIONS MAY BE ENJOINED:** No person shall erect, construct, alter or maintain any building or structure or use any land in violation of this Zoning Ordinance. In the event of any such violation, or imminent threat thereof, the Municipal corporation or the owner of any contiguous or neighboring property who would be especially damaged by such violation, in addition to any other remedies provided by law, may institute a suit for injunction to prevent or terminate such violations.
- SECTION 21.5 PENALTIES FOR VIOLATION:**
- A. Violation of the provisions of this Zoning Ordinance or failure to comply with any of its requirements shall constitute a petty offense, one hundred dollars (\$100.00) to five hundred dollars (\$500.00). Any person who violates this Zoning Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than five hundred dollars (\$500.00), or imprisoned for not more than thirty (30) days, or both, and in addition shall pay all costs and expenses involved

in the case. Each day such violation continues shall be considered a separate offence.

- B. The owner or tenant of any building, structure, premises or part thereof, and any builder, contractor, agent or other person who commits, participates in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.
- C. Nothing contained herein shall prevent the Village from taking such other lawful actions as necessary to prevent or remedy any violation.