



# **VILLAGE OF BEECHER**

## **ZONING**

### **ORDINANCE**

**JUNE 13, 2006**

**ORDINANCE NO. 1046**

**VILLAGE OF BEECHER, ILLINOIS  
ZONING ORDINANCE**

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**VILLAGE OF BEECHER, WILL COUNTY, ILLINOIS**

**ORDINANCE NO. 1046**

**AN ORDINANCE REPLACING ORDINANCE NO. 648, AND REPEALING ALL VILLAGE CODE SECTIONS AND ORDINANCES, OR PARTS THEREOF, IN CONFLICT THEREWITH.**

**WHEREAS**, the Corporate Authorities of the Village of Beecher, Will County, Illinois, adopted a Comprehensive Plan on April 26, 2005, which Comprehensive Plan includes physical factors, population, housing, land uses, goals and objectives, general development plan (map) including land use plan, thoroughfare (transportation) plan, community facilities, existing subdivision regulations and existing zoning pursuant to Illinois Compiled Statutes.

**WHEREAS**, the Corporate Authorities of the Village of Beecher, Will County, Illinois, have been advised by the Village Planner that Village Zoning Ordinance No. 648, passed and adopted on June 22, 1992, requires extensive amendments.

**WHEREAS**, the Planning and Zoning Commission of the Village of Beecher, did on May 25, 2006, after due notice and publication, conduct a hearing on a proposed Zoning Ordinance to replace Ordinance No. 648 and unanimously recommended approval of same.

**WHEREAS**, the Corporate Authorities of the Village of Beecher, Will County, Illinois, have been advised that Ordinance No. 1046 comprehensively amends Ordinance No. 648, as amended, for the purpose of classifying property within the Village of Beecher in accordance with 65 ILCS 5/11-13-1 *et seq.*, as amended from time to time, so that adequate light, pure air, and safety from fire and other dangers may be secured, that the taxable value of land and buildings throughout the municipality may be conserved, that congestion in the public streets may be lessened or avoided, that the hazards to persons and damage to property resulting from the accumulation or runoff of storm or flood waters may be lessened or avoided, and that the public health, safety, comfort, morals, and welfare may otherwise be promoted and to insure and facilitate the preservation of sites, areas, and structures of historical, architectural and aesthetic importance.

**WHEREAS**, the Corporate Authorities of the Village of Beecher, Will County, Illinois, having reviewed the Village Zoning Ordinance No. 648 provisions, as amended from time to time, and the text of the proposed replacement Zoning Ordinance, now concur that it is advisable, necessary, and in the best interests of the residents of the Village of Beecher that the Village Zoning Ordinance No. 648, passed and adopted on June 22, 1992, as amended from time to time, be replaced in its entirety by this Ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF BEECHER, WILL COUNTY, ILLINOIS, AS FOLLOWS:**

## VILLAGE OF BEECHER – ZONING ORDINANCE

### **SECTION 1.00**

### **TITLE**

This Ordinance, including the Zoning District Map, made a part hereof, shall be known, cited, and referred to as the **BEECHER AMENDATORY ZONING ORDINANCE**.

### **SECTION 2.00**

### **INTENT**

This Ordinance is based on the Comprehensive Plan (General Development Plan) for the Village of Beecher adopted by The Village Board on April 26, 2005, and subsequently recorded in the County of Will. Said Comprehensive Plan includes existing land use, population growth, growth goals and planning policies, thoroughfare plan, community facilities plan, General Development Plan (map), and implementation.

This Ordinance is adopted with the following intent:

1. To promote and protect the public health, safety, morals, convenience, and general welfare of the people;
2. To provide adequate natural light pure air, and safety from fire and other dangers;
3. To divide the Village of Beecher into zones or districts, prescribing and regulating therein the location, erection, reconstruction, alteration, and use of buildings, structures, and land for residential, business, manufacturing and other specified uses;
4. To fix reasonable standards to which buildings and structures shall conform and to provide that alterations or remodeling of existing buildings or structures be conducted in accordance with current standards as set forth herein;
5. To protect the character and maintain the stability of residential, business and industrial areas within the Village of Beecher and to promote the orderly development of such areas;
6. To limit congestion in the public streets and highways;
7. To regulate and limit the intensity of use of land;
8. To establish building setback lines along streets and traffic-ways and to regulate the location of buildings and structures designed for residential, business and industry or other uses within such areas;
9. To prohibit buildings, structures, or uses which are incompatible with the character of other appropriate existing or intended uses within specified zoning districts;
10. To provide for the gradual elimination of those existing uses of land, buildings and structures that do not conform to the standards of the zoning district in which they are located;
11. To conserve and enhance the taxable value of land and buildings throughout the Village of Beecher;
12. To define and limit the powers and duties of the administrative officers and bodies as provided herein;
13. To prescribe the penalties for the violation of the provisions of this Ordinance or any amendments thereto;
14. To protect the air, water and land resources of the Village from the hazards of pollution;
15. To protect land and buildings and the lawful uses of land and buildings from natural hazards including flooding and erosion; and
16. To encourage development so there is compliance with the Comprehensive Plan.

**SECTION 3.00**

**RULES AND DEFINITIONS**

In the construction of this Ordinance, the rules and definitions contained in this Section shall be observed and applied, except when the context clearly indicates otherwise.

**3.01 RULES**

1. Words used in the present tense shall include the future.
2. The words used in the singular number shall include the plural number, and words in the plural number include the singular number.
3. The phrase “used for” shall include the phrases “arranged for”, “designed for”, “intended for”, “maintained for”, and “occupied for”.
4. The term “person” shall mean an individual, partnership, corporation, or other association, or their agents.
5. The word “shall” is mandatory.
6. The word “may” is permissive.
7. The measured distances, expressed in feet, shall be to the nearest integral foot. If a fraction is one-half (1/2) foot or more, the integral foot next above shall be taken.
8. The following words and terms, wherever they occur in this Ordinance, shall be interpreted as here defined.
9. Any words not defined in Section 3.02 shall be construed with its generally accepted meanings as defined in the most recent publication of Webster's Dictionary.

**3.02 DEFINITIONS**

**ACCESSORY BUILDING, STRUCTURE, OR USE:** An accessory building, structure or use is one which:

1. is subordinate to and serves a principal building or principal use;
2. is subordinate in building area, intensity, of use or purpose to the principal building or principal use served;
3. contributes to the comfort, convenience or necessity of occupants of the principal building or principal use served; and
4. is located on the same zoning lot as the principal building or principal use served, with the single exception of such accessory off-street parking facilities as are permitted to be located other than on the same zoning lot with the building or use served.

Accessory buildings or accessory portions of principal buildings shall not be included as required square footage in residential districts.

**ADULT ENTERTAINMENT:** Adult Entertainment means any adult book store, adult motion picture theater, adult mini-motion picture theater, massage parlor or commercial establishment which for a fee or incidentally to another service, presents material or exhibition distinguished or characterized by an emphasis on matter depicting, describing or relating to “specific sexual activities” or “specified anatomical areas” as defined below for observation by patrons therein:

**Specified sexual activities** – shall mean 1) human genitals in a state of sexual stimulation or arousal, 2) acts of human masturbation, sexual intercourse or sodomy, and 3) fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

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Specified anatomical areas – shall mean less than completely opaquely covered, 1) human genitals, 2) pubic region, 3) buttock, 4) female breast below a point immediately above the top of the areola, and 5) human male genitals in a discernible turgid state, even if completely and opaquely covered.

Massage Parlor – shall mean any commercial establishment which for a fee provides for the manipulation, or rubbing of body parts, except manipulation of body parts for remedial purposes performed by state licensed practitioners with the minimal qualifications of a physical therapist.

AGRICULTURAL USE: An Agricultural Use is any land or building used for a purpose of producing grain, fruit, nursery stock, dairy products, vegetables, livestock or fowl, or other crops and animal husbandry.

ALLEY: An Alley is a dedicated public way providing a secondary means of ingress to or egress from land or buildings, land or structures thereon, as designated upon the Zoning Map.

ALTERATION: Alteration shall mean any change in size, shape, character, occupancy, or use of a building or structure

AMUSEMENT MACHINES: Amusement machines are any mechanical, electronic, and/or coin operated games and/or devices for the amusement of patrons. This definition shall not be construed to include coin operated music players, coin operated mechanical kiddy rides, or coin operated television.

ANIMAL ENCLOSURE: An animal enclosure is an area enclosed by fencing material which is intended to impound, on a full-time or part-time basis, any household pet or other animal legally permitted within the zoning district.

ANIMAL HOSPITAL: An animal hospital is any building or portion thereof designed or used for the care, observation or treatment of domestic animals

APARTMENT: See “Dwelling”.

APARTMENT HOTEL: See “Dwelling”.

ARCADE: An arcade is a continuous area at ground level open to a street or plaza, which is open and unobstructed to a height of not less than twelve feet (12’), and which is accessible to the public at all times. Any portion of an arcade occupied by building columns, landscaping, statuary, or pools shall be considered to be a part of an arcade for the purpose of computing a floor area premium credit. The term "arcade" shall not include off-street loading areas, driveways, off-street parking areas or pedestrian ways accessory thereto.

Arcade Enclosed: An enclosed arcade is one with less than twenty five percent (25%) of its perimeter abutting a street or plaza.

Arcade, Entrance To: An entrance to an arcade is an opening in a building wall, or between building walls, side lot lines, or rear lot lines, at ground level, unobstructed by any solid matter, but this shall not be construed to prohibit air curtains.



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Arcade, Unenclosed: An unenclosed arcade is one with twenty five percent (25%) or more of its perimeter abutting a street or plaza.

AREA, GROSS: The gross area of a parcel or development is the total area in acres in fee ownership, which excludes right-of-way already dedicated and includes non-residential land uses and private streets.

AREA, NET: The net area of a parcel or development is the area in acres of the actual tract of land upon which the dwelling units are proposed to be located. This area shall include the site, for all principal and accessory building(s) and associated parking area, but does not include common open space or recreational facilities, or the vehicular circulation system, either private or public.

ATTIC: The space between the ceiling beams of the top habitable story of a building and the roof rafters

ATRIUM: An atrium is a covered space which extends vertically two (2) or more stories through a building.

AUDITORIUM: Auditorium is a room, hall or building made a part of a church, theater, school, recreation building or other building assigned to the gathering of people as an audience to hear lectures, plays, and other presentations.

AUTOMOBILE LAUNDRY: An automobile laundry is a building or portion thereof, containing facilities for washing motor vehicles, using automatic production-line methods with a chain conveyor, blower, steam cleaning device, or other mechanical devices; or providing space, water and equipment for the hand washing of automobiles, whether by the customer or the operation.

AUTOMOBILE MINIMARKET: An automobile service station which offers or includes as an accessory use, the retail sale of merchandise or services not related to the maintenance, service or repair of motor vehicles.

AUTOMOBILE SERVICE STATION: Any building, land area, or other premises, or portion thereof, used or intended to be used for the retail dispensing or sale of vehicular fuel, and may include any operations specified under the definition of Motor Vehicle Body Shop.

AUTOMOBILE WRECKING YARD: An automobile wrecking yard is any place where three (3) or more motor vehicles not in running condition, or the parts thereof, are stored in the open and are not being restored to operation; or any land, building or structure used for the wrecking or storing of such automobiles or the parts thereof.

AWNING: An awning is a roof-like cover temporary in nature, which projects from the wall of a building and may be retractable in operation

## VILLAGE OF BEECHER – ZONING ORDINANCE

**BANQUET HALL:** Banquet hall is a building, or portion thereof, primarily intended to accommodate large groups of diners or patrons.

**BANK:** A bank is an establishment for the custody, loan, exchange, or issue of money, for the extension of credit, and for facilitating the transmission of funds by drafts or bills of exchange. A bank shall be construed to mean an establishment wherein all business is transacted with customers totally within a building, and shall not include drive-in teller windows, booths, and accessory buildings designed to serve customers while in their automobiles.

**BANNER:** A banner is a flag, emblem, insignia, coat of arms, logo of a nation, political unit, corporation, company, school, or religious group made of fabric with no enclosing framework. A banner may include seasonal identity and may be changed every recognized season per a calendar year.

**BASEMENT:** A basement is a portion of a building partly or wholly below the finished grade level and so located that the vertical distance from said grade level to its floor is greater than the vertical distance from said grade level to its ceiling. A basement shall be considered a half story if the vertical distance from the average ground level to the ceiling is greater than the average ground level to the floor. Basements shall not be included when determining Floor Area Ratio or Gross Floor Area unless used as commercial space in a commercial building. See Illustration.

**BLOCK:** A block is a tract of land bounded by street rights-of-way, or by a combination of street rights-of-way and public parks, cemeteries, railroad and utility rights-of-way, bulkhead lines or shore lines of waterways, or corporate boundary lines.

**BOARDING HOUSE:** See “Lodging House”.

**BUILDABLE AREA:** Buildable area is that space remaining on a lot after all yard and/or setback requirements have been complied with.

**BUILDING:** A building is any structure, with a permanent roof, separated on all sides from adjacent open space by exterior or party walls built for the support, shelter, or enclosure of persons, animals, chattels or moveable property of any kind, and which is permanently affixed to the ground.

**Building, Accessory:** See “Accessory Building, Structure, or Use”.

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

**Building, Detached:** A detached building is one surrounded by open space on the same zoning lot.

**BUILDING HEIGHT:** The vertical distance to the highest point of the roof for flat roofs including parapet walls and penthouses or other roof structures when the aggregate area of such roof structures exceeds thirty percent (30%) of the total roof area; to the deck line of

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mansard roofs; and to the average height between eaves and the ridge for gable, hip, and gambrel roofs, measured from the curb level if the building is not more than the required setback from the front line or from the grade in all other cases. See illustrations.

**BUILDING LINE:** The line nearest the front of and across a zoning lot, establishing the minimum open space to be provided between the front line of a building or structure and the street right-of-way line. See also “Setback”.

**BUILDING, STRUCTURE, OR USE, PRINCIPAL:** A principal building, structure or use is the primary structure or building housing the permitted or special use allowed within the zoning district.

**BUILDING TEMPORARY:** A temporary building is a structure designed, built, erected or occupied for short and or intermittent periods of time and shall include tents, lunch wagons, dining cars, trailers and other roofed structures on wheels or other supports used for residential, business, mercantile, storage, commercial, industrial, institutional, assembly, educational or recreational purposes. For the purpose of this definition “roof” shall include an awning or other similar covering whether or not it is permanent in nature.

**BULK:** Bulk is the term used to determine the size and placement of buildings or structures; and the location of same with respect to one another, and includes the following:

- a. size and height of buildings;
- b. location of exterior walls at all levels in relation to lot lines, streets or to other buildings;
- c. gross floor area of buildings in relation to lot area (floor area ratio);
- d. all open spaces allocated to buildings; and
- e. amount of lot area and lot width provided per dwelling unit.

**BUSINESS OR SERVICE:** A business or service is any occupation, employment or enterprise wherein merchandise is exhibited or sold, or which occupies time, attention, labor and materials, or where services are offered for compensation.

**CANOPY:** A canopy shall include any structure, other than an awning; made of cloth or metal with frames attached to a building, projected over a thoroughfare, and carried by a frame supported by the ground or sidewalk.

**CARPORT:** A carport is a roofed automobile shelter with two (2) or more open sides.

**CAR WASH:** See “Automobile Laundry”.

**CELLAR:** See “Basement”.

**CEMETERY:** A cemetery is a parcel of land or structure dedicated to and at least a portion of which is being used for the internment of human remains and may include crematories, mausoleums and columbariums.

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CHILD CARE CENTER: A child care center is a day care center which receives preschool or school-age children, both, for short term or extended hours of care, or out of school hours, and which provide essential personal care, protection, supervision, training and programs to meet the needs of the children served.

CLINIC: See “Health Care Facilities”.

CLUB OR LODGE, PRIVATE: A private club or lodge is a group or association of persons who are bona fide members paying dues, which owns, hires, or leases a building or portion thereof; the use of such premises being restricted to members and their guests. The affairs and management of such private club or lodge are conducted by a Board of Directors, Executive Committee, or similar body chosen by the members or owners. It shall be permissible to serve food and meals on such premises, to members and their guests, provided adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests shall be allowed provided it is secondary and incidental to the promotion of some other common objective of the organization, and further provided that such sale of alcoholic beverages is in compliance with the applicable federal, state and municipal laws.

CLUSTERING (OF RESIDENCES): A clustering is a grouping of residential buildings around courts, cul-de-sacs, or short streets more closely than in conventional residential plans, in order to preserve natural site amenities and open space.

COMMISSION: See “Planning and Zoning Commission”.

COMMON CARRIER: Individual or organization holding itself out to the general public to provide motor vehicle or rail transportation of persons or property over regular routes and without right of refusal if the approved fare or charge is paid.

COMMUNITY CENTER: A community center is a building, together with lawful accessory buildings and uses, used for recreational or cultural activities and not operated for profit. Membership shall be restricted to persons living in a specified geographical area and shall not be based upon any other criteria.

Community Center, Theatrical: A theatrical community center is a building or portion thereof, used for a not-for-profit organization chartered by the State of Illinois, or local political jurisdiction, which has as its purpose(s) the promotion, instruction, study and production of theater art forms.

Community Recreational Facility: Community recreational facilities include swim and/or other racquet sport facilities, not operated for profit. Membership shall be restricted to persons living in a specific geographical area and shall not be based upon any other criteria.

COMPLETELY ENCLOSED STRUCTURE: See “Building, Completely Enclosed”.

COMPREHENSIVE PLAN: Comprehensive Plan is a plan for the Village of Beecher including graphic and written proposals indicating the general locations recommended for the streets, parks, schools, public buildings, land use areas, and all physical developments of the

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Village, including any unit or part of such plan separately adopted, and any amendment to such plan and parts thereof, recommended by the Village Planning and Zoning Commission and adopted by the Village Board.

CONDOMINIUM: A condominium is a form of real estate ownership in which designated units, including volumes of space, are owned by individual owners who, by virtue of their unit ownership, have joint use of, interest in, and ownership of halls, entrance ways, service facilities, lands and such other improvements as may be included in the Condominium Declaration required by the Condominium Property Act of the State of Illinois.

CONTIGUOUS: Contiguous means in contact, adjoining, or touching another building, structure, property or boundary, which is distinguished from being adjacent.

COOPERATIVE: Cooperative is the mutual ownership of property by shareholders in which title to the land and building is held by a corporation.

CURB LEVEL: Curb level is the level of the established curb in front of the building measured at the center of such front. When a building faces on more than one (1) street, the curb level shall be the average of the levels of the curbs at the center of the front of each street. Where no curb level has been established, it shall be deemed to be the established level of the center line of the street surface in front of a building or structure measured at the center line of such front.

DAY CARE CENTER: The provider of supplemental care and supervision for non-related adults or children, on a regular basis, for less than twenty four (24) hours a day, and under license by the appropriate state agency.

DENSITY: The number of families, individuals, dwelling units, or buildings per unit of land.

DENSITY, GROSS: Gross density is the numerical value used as measurement for the general intensity of a residential development. Gross density is obtained by dividing the total number of dwelling units in a development by the gross area in acres within the development, the result being the number of dwelling units per gross acre of land. See also “Floor Area Ratio”.

DENSITY, NET: Net density is the numerical value used as a measurement for the specific intensity of that portion of a development upon which buildings are placed. Net density is obtained by dividing the total number of dwelling units in a development by the net area in acres within the development, the result being the number of dwelling units per net acre of land. See also “Floor Area Ratio”.

DETENTION BASIN: A detention basin is a covered or uncovered reservoir designed to hold an excessive accumulation of storm water so as to reduce peak flow in a storm water drainage system.

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**DEVELOPMENT:** Development means any man-made change to real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

**DEVELOPMENTALLY DISABLED PERSON:** A developmentally disabled person is a person suffering from a developmentally disabling disease, including, but not limited to, mental retardation, epilepsy, autism, cerebral palsy, or dyslexia.

**DISTRIBUTION:** Distribution is the process by which commodities get to the consumer. Distribution shall not be interpreted as warehousing.

**DISTRICT:** A district is an area within which certain uniform regulations and requirements or various combinations thereof, apply under the provisions of this Ordinance.

**DRIVE-IN ESTABLISHMENT:** A drive-in establishment is a place of business being operated for the sale and purchase at retail of food and other goods, services, or entertainment, which is designed and equipped so as to allow its patrons to be served or accommodated while remaining in their automobiles (e.g., restaurants, cleaners, banks, theaters).

**DRIVEWAY:** A driveway is a pathway for motor vehicles from a street to an off-street building, facility, or a parking area.

**DWELLING:** A dwelling is a building, or portion thereof, designed or used exclusively for residential occupancy including single family dwellings, two (2) family dwellings, and multiple-family dwellings, but not including mobile homes, hotels, motels, and rooming, boarding, or lodging houses.

**Dwelling, Apartment:** An apartment is a room or suite of rooms in a multiple-family building which is arranged, designed, used or intended to be used as a single unit with complete bath (water closet, tub and/or shower and sink) and kitchen facilities (sink, stove, refrigerator and storage facilities) permanently installed for each separate apartment.

**Dwelling Apartment, Elderly:** An apartment for the elderly is a room or suite of rooms in a multiple-family building which is arranged, designed, used or intended to be used as a single unit and complete kitchen and bath facilities may or may not be included for each separate apartment.

**Dwelling, Apartment Hotel:** An apartment hotel in which at least ninety percent (90%) of the hotel accommodations are for occupancy by the permanent guests. An apartment hotel having not less than fifty (50) guest rooms may have a dining room open to the public which is accessible only from an inner lobby or corridor.

**DWELLING UNIT:** A dwelling unit consists of one (1) or more rooms which are arranged, designed or used as living quarters for one (1) family only. Individual bathrooms and complete kitchen facilities, permanently installed, shall be included in each dwelling unit.

**Dwelling Unit, Efficiency:** An efficiency dwelling unit consists of one (1) principal room for living, sleeping, and eating plus facilities for cooking and complete bath and toilet facilities.

Dwelling Unit, Modular: A modular dwelling unit is a factory-fabricated, transportable building designed to be used or to be incorporated with similar units at a building site into a modular structure that will be a finished building in a fixed location on a permanent foundation. The term is intended to apply to major assemblies, and does not include prefabricated panels, trusses, plumbing trees, and other prefabricated subelements incorporated into a structure at the site. For the purpose of this Ordinance, a modular unit shall be deemed a Single Family Dwelling and shall not be deemed a Mobile Home.

Dwelling Unit, Multiple-Family: A multiple-family dwelling unit shall be a dwelling unit in a building or portion thereof, consisting of three (3) or more dwelling units with varying arrangements of entrances and party walls. The definition of multiple-family dwelling unit may include, but shall not be limited to the following terms: apartment, condominium, cooperative, quadrominium, three-flat, and triplex.

Dwelling Unit, Single Family: A single family dwelling unit is a building containing a single dwelling unit only, which is separated from all other dwelling units by open space.

Dwelling Unit, Single Family, Attached (Group, Rowhouse, Townhouse): An attached single family dwelling is a building consisting of not more than five (5) dwelling units which are attached by common vertical side walls, with each dwelling unit having two (2) separate entrances at grade level. An attached single family dwelling unit shall include the terms: townhouse and rowhouse.

Dwelling Unit, Two (2) Family: A two (2) family dwelling unit is a building consisting of two (2) dwelling units which may be either attached, side-by-side, or one (1) above the other, with each dwelling unit having a separate or combined entrance or entrances.

EASEMENT: An easement is an authorization or grant by a property owner for the use by another party and for a specific purpose of, any designated part of the property.

EDUCATIONAL INSTITUTION, PRIVATE: A private or parochial educational institution is every private school or educational institution, however designated, which offers a program of college, professional, preparatory, high school, junior high school, elementary, kindergarten or any combination thereof; but such term does not include: (a) any institution which is under the supervisory jurisdiction of an established Illinois Public School District or, (b) any activity offering instruction which is carried on by a single teacher, tutor, or instructor having a total enrollment of not more than eight (8) students or, (c) any day care or foster home care having eight (8) children or less under twelve (12) years of age, including all children of the operator's or owner's family, living on the premises. No private educational institution shall be deemed a home occupation.

ERECTED: The word “erected” includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage, and the like, shall be considered a part of erection.

EXCAVATING-FILLING: Excavating-filling shall mean any substantial changing of the grade or sub-grade of a tract of land by cutting, scraping, grading, trenching, digging, filling-in, or otherwise re-shaping the natural contour of the ground. The following shall not be construed as excavating-filling:

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1. Any cutting, grading, trenching, digging, or backfilling of any foundation of a building approved for construction;
2. Any cutting, grading, trenching, digging, or backfilling of any septic tank site, including septic field which has been approved for construction or reconstruction; or
3. Top dressing in an area of existing homes, which top dressing does not change the drainage patterns.

FAMILY: Family means the following:

1. Two (2) or more individuals related by blood, marriage, or legal adoption (including foster children), together with domestic servants and not more than two (2) gratuitous guests, living as a single, not for profit housekeeping unit occupying a dwelling unit;
2. Three (3) or fewer individuals not related by blood, marriage, or legal adoption (including foster children), living as a single, not for profit housekeeping unit occupying a dwelling unit. Servants or guests residing with said family shall be included in the unrelated person attained by this definition, and shall not be in addition thereto; or
3. No more than two (2) individuals who are not necessarily related to each other by blood, and their dependents, together with domestic servants and not more than two (2) gratuitous guests, living as a single, not for profit housekeeping unit occupying a dwelling unit.

FAMILY-CARE HOME FOR THE DEVELOPMENTALLY DISABLED: Means a dwelling for five (5) or fewer developmentally disabled persons, in which the program's size and content are structured to meet the individual social, habilitative, and respite needs of the persons residing therein, in a residential community setting. Prior to admitting residents, this dwelling shall comply with applicable licensing standards of the appropriate Federal, State, or local agencies, and may, in addition, house such minimum staff persons as may be required to meet the standards of the licensing agencies.

FENCE: Structure or natural growth used as a boundary, screen, separation, means of privacy, protection or confinement with the following types:

Fence, Natural: A natural fence is a fence of natural growth, such as trees, deciduous shrubs, evergreens.

Fence, Open: An open fence is a fence where visibility at right angles to any surface thereof is not reduced by more than sixty-seven (67%) percent opacity.

Fence, Solid: A fence, including gates, which conceals from view of adjoining properties, open storage of materials, and/or operations conducted behind the fenced area, at greater than sixty-seven (67%) percent opacity (less than thirty-three percent (33%) of the face area of the solid fence consists of openings (two solid per one open) at right angles to the fence).

FESTIVAL: A festival is any fair, festival or similar activity where patrons watch or participate in entertainment, including, but not limited to, music, shows, concerts, and revivals. For the purpose of this Ordinance, a Carnival and/or a Circus shall be deemed a Festival.

FLAG LOT: A lot not fronting or abutting a public roadway and where access to the public roadway is limited to a narrow private right of way.



**FLOOR AREA:** For the purpose of determining the floor area ratio, conversions of existing structures, and maximum size of business establishments, floor area shall mean the sum of the horizontal area of floor space contained in all floors, excluding basements unless used for commercial purposes in a commercial building, of a building or buildings on a zoning lot, measured in square feet from the exterior faces of the exterior walls of each building, or from the center line of party walls separating two (2) buildings.

Floor Area shall also include the following:

1. space devoted to elevator shafts and stairwells on each floor;
2. floor space used for mechanical equipment when the structural headroom exceeds seven feet ten inches (7' 10") in height, except equipment such as bulkheads, water tanks and cooling towers when located on the roof, whether or not such equipment is in the open or enclosed;
3. floor space in that part of a one half (½) story where headroom is seven feet ten inches (7' 10") or more in height;
4. floor space devoted to interior balconies, mezzanines and enclosed porches;
5. floor space devoted to accessory uses in the principal building and in the accessory building or buildings; and
6. floor space devoted to enclosed off-street parking and off-street loading.

For the purpose of determining off-street parking; and off-street loading requirements: The sum of the gross horizontal areas of the several floors of the building, or portion thereof, devoted to such use requiring off-street parking and off-street loading. However, such floor area shall not include atriums, elevator shafts; floor area devoted to off-street parking or loading facilities, including aisles, ramps and maneuvering space; or basement/cellar floor area other than area devoted to retailing activities, to the production or processing of goods, or to business or professional offices.

**FLOOR AREA RATIO:** The numerical value obtained through dividing the total floor area of a building or buildings by the gross lot area on which such building or buildings are located.

**FRONTAGE:** Frontage is all the property fronting on one (1) side of a street between the two (2) nearest intersecting streets, measured along the line of the street, or if dead ended, then all of the property abutting on one (1) side between an intersecting street and the dead end of the street.

**GARAGE, PRIVATE:** A private garage is an accessory building or an accessory portion of the principal building or both which is intended and used to store motor vehicles designed to carry not more than ten (10) passengers.

**GARAGE, PUBLIC PARKING:** A public parking garage is any structure intended to be used for the temporary, daily or off-street parking of passenger vehicles and commercial vehicles under one and one-half (1½ ) tons rated capacity and available to the public, whether for compensation, free, or an accommodation to clients or customers. All temporary outdoor storage of motor vehicles waiting to be repaired shall be screened by a solid wall or fence not less than six feet (6') in height.

**GARAGE, STORAGE:** A storage garage is any building used for the storage only of motor vehicles pursuant to previous arrangements and not to transients, and where no equipment, parts, fuel, grease or oil is sold and vehicles are not equipped, serviced, repaired, hired or sold. All temporary outdoor storage of motor vehicles waiting to be repaired shall be screened by a solid wall or fence not less than six feet (6') in height.

**GOLF COURSE:** Public, semi-public, or private golf courses are grounds over which the game of golf is played, including accessory buildings and land uses incidental thereto, and consisting of at least thirty (30) acres for each standard nine-hole course; and ten (10) acres for nine-hole "par-3" course.

**GRADE:** For the determination of Building or Structure Height, Grade is defined as follows:

1. As applied to a building ten feet (10') or less from a street property line, grade shall be the established sidewalk elevations. Where no sidewalk is established, the elevation at the centerline of the traveled way shall be used;
2. As applied to a building more than ten feet (10') from a street property line, grade shall be the average finished ground elevations at the building walls;
3. As applied to a building facing two (2) streets having different elevations, grade shall be determined by the sidewalk elevation of the lower level street; or
4. Buildings in the Business and Industrial Districts, when adjacent to a Residence District, the building height is to be measured from the average of the grade elevation at the property line adjoining the residence district.

**GRADING:** See "Excavating-Filling".

**GUEST, PERMANENT:** A permanent guest is a person who occupies or has the right to occupy a hotel or apartment hotel accommodation as his/her domicile and place of permanent residence.

**HEALTH CARE FACILITIES:** Health Care Facilities means a Clinic or Hospital.

**Clinic:** A clinic is a building containing an association or group of physicians, dentists, clinical psychologists, and similar professional health care practitioners, including allied professional assistants who are assembled for the purpose of carrying on their professions. The health care facility may include apothecary, dental and medical laboratories, and/or X-ray facilities, but shall not include in-patient care of operating rooms for major surgery.

**Hospital:** A hospital is any institution, place, building, or agency, public or private, whether organized for profit, or not, devoted primarily to the maintenance and operation of facilities for the diagnosis and treatment or care of two (2) or more unrelated persons admitted for overnight stay or longer in order to obtain medical, including obstetric, psychiatric and nursing, care of illness, disease, injury, infirmity, or deformity.

The term hospital, without regard to length of stay, shall also include:

1. any facility which is devoted primarily to providing psychiatric and related services and programs for the diagnosis and treatment or care of two (2) or more related persons suffering from emotional or nervous disease; and

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2. all places where pregnant women are received, cared for, or treated during delivery irrespective of the number of patients received.

The term hospital includes general and specialized hospitals, tuberculosis sanitarium, mental or physical hospitals and sanitarium, and includes maternity homes, lying-in-homes, and homes for unwed mothers in which aid is given during delivery.

**HOME OCCUPATION:** A Home Occupation is any use customarily conducted entirely within the dwelling and carried on entirely by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof, provided that no article or service is sold or offered for sale on the premises and that such occupation shall not require internal or external alterations or construction features equipment, machinery, outdoor storage or signs. No signs may be attached to the building or placed on the premises.

**HOTEL:** A hotel is a building which is used as a temporary abiding place, for remuneration with or without meals, containing five (5) or more guest rooms or suites where no provision for cooking is made in any individual guest room or suite, and which provides maid, butler and linen service and which maintains a hotel register.

**JUNK:** Junk shall mean any motor vehicle, machinery, appliances, product, or merchandise with parts missing or scrap metals or other scrap materials that are damaged, deteriorated, or are in a condition which cannot be used for the purpose for which the product was manufactured

**JUNK YARD:** Junk yard includes automobile wrecking yards and salvage areas and includes any area of more than two hundred (200) square feet for the storage, keeping or abandonment of junk, including scrap metals, other scrap materials or reclaimed materials, or for the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof, but does not include uses established entirely within enclosed buildings.

**KENNEL:** A kennel is any premises portion on which three (3) or more dogs, cats, or other household domestic animals over four (4) months of age, or any combination thereof, are kept or which more than two (2) such animals are maintained, boarded, bred, or cared for in return for remuneration, or are kept for the purpose of sale.

**LABORATORY:** A laboratory is a place devoted to experimental, routine study or basic study such as testing and analytical operations and in which manufacturing of product or products, except prototypes, is not performed.

**LAUNDERETTE:** A launderette is a business that provides coin operated self-service type washing, drying, dry-cleaning, and ironing facilities, providing that: (a) not more than four (4) persons, including owners, are employed on the premises; and (b) no pick-up delivery service is maintained.

**LODGING HOUSE:** A lodging house is a residential building, or portion thereof other than a motel or hotel, which accommodates persons who are not members of the owner's family,

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which may include meals, and lodging compensation is paid on a weekly or monthly basis. Also known as Boarding House and Rooming House.

**LODGING ROOM:** A lodging room is a room rented as sleeping and living quarters, but without cooking facilities, and with or without an individual bathroom. In a suite of rooms without cooking facilities, each room which provides sleeping accommodations shall be counted as one (1) lodging room.

**LOT:** Lot is a “Lot of Record” or a “Zoning Lot”:

**Lot of Record:** Lot of record is a lot which is part of a subdivision, the plat of which has been recorded in the office of the Recorder of Deeds of Will County; or a parcel of land, the Deed to which was recorded in the office of said Recorder of Deeds pursuant to the Illinois State Statutes (Revised) Chapter 109 (Plats Act), paragraph 1. (b).

**Lot, Zoning:** A zoning lot is a single tract of land, which (at the time of filing for a building permit) is designated by its owner or developer as a tract to be used, developed or built upon as a unit, under single ownership or control. Therefore, a zoning lot or lots may or may not coincide with a lot of record. A parcel of land may not be declared to be a zoning lot where such zoning lot crosses zoning district boundary lines.

**Lot, Corner:** A corner lot is one situated at the intersection of two (2) or more streets, where the interior angle of such intersection coterminous with the right-of-way lines of such streets does not exceed one hundred thirty five degrees (135°). See Illustrations.

**Lot, Reversed Corner:** A reversed corner lot is a lot where the lot rear abuts upon either side of another lot whether across an alley or not.

**Lot, Interior:** An interior lot is any lot other than a corner lot or reversed corner lot.

**Lot, Through:** Through lot is any interior lot which has a pair of opposite lot (double frontage) lines along two (2) substantially parallel streets. See Illustrations.

**LOT AREA:** Lot area, except as hereinafter provided within specific zoning districts, is the area of a horizontal plane bounded by the lot lines.

**LOT COVERAGE:** Lot coverage is that portion, expressed by a percentage, of a lot permitted to be covered by buildings or structures.

**LOT DEPTH:** Lot depth is the mean horizontal distance between the front lot line and the rear lot line of a lot measured within the lot boundaries.

**LOT LINE:** A property boundary line of any lot held in single or separate 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 right-of-way lines.

**Lot Line, Front:** That boundary line of a lot which is along an existing or dedicated street lot line and which is established by the owner as a front lot line. On corner lots, the owner may select either street lot line as the front lot line, except if expressed on the subdivision plat.

**Lot Line, Rear:** That boundary of a lot which is most distant from, and is, or is approximately parallel to the front lot line. If the rear lot line is less than ten (10) feet in length, or if the lot forms a point at the rear, the rear lot line shall be deemed to be a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front lot line.

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

MANUFACTURED HOME: A manufactured home is a structure, transportable in one (1) or more sections, which is to be used as a dwelling with a permanent foundation and when connected to the required utilities, including the plumbing, heating, air- conditioning, and electrical systems contained therein, shall also be defined as a “building”. Any wheels, axles and hitch shall be removed.

MARQUEE: A marquee shall include any hood or awning of permanent construction projecting from the wall of a building above an entrance and/or extending over a thoroughfare.

MOBILE HOME: A Mobile Home is any trailer designed and constructed for dwelling purposes which contains cooking, sanitary and electrical facilities and has a gross floor area of 220 square feet or more.

MOBILE HOME PARK: A Mobile Home Park is any premise occupied or designed to accommodate two (2) or more mobile homes which are to serve for dwelling or sleeping purposes of families.

MODULAR HOME: Dwelling units of standardized size and design that can be arranged or put together in various ways. See also “Dwelling Unit, Modular”.

MINI-WAREHOUSE: A building containing separate storage areas of varying sizes which are leased or rented on an individual basis.

MOTEL: A motel is a series of attached, semi-attached or detached guest rooms or suites for the accommodation primarily of automobile transient guests which does not include individual cooking or kitchen facilities and which provides the unit with convenient access to off-street parking spaces for the exclusive use of the guests or occupants of the premises.

MOTOR FREIGHT TERMINAL: A building and premise in which freight, brought by motor truck or railroad, is received, sorted, and or stored for routing for local, intrastate and/or interstate shipment by common carrier. Stored freight shall not be interpreted as operating a warehouse.

MOTOR VEHICLE: A Motor Vehicle is every vehicle which is self-propelled and which vehicle is capable of being licensed for operation upon the streets and highways of the State of Illinois. For this Ordinance, motor vehicles are divided into two (2) divisions:

First Division: Those motor vehicles which are designed for the carrying of not more than ten (10) persons.

Second Division: Those motor vehicles which are designed for carrying more than ten (10) persons, those designed or used for living quarters and those motor vehicles which are designed for pulling or carrying freight or cargo, and those motor vehicles of the First Division remodeled for use and used as motor vehicles of the Second Division.

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Vehicle, Abandoned: Abandoned vehicles are all vehicles in a state of disrepair rendering the vehicle incapable of being driven in its condition; or any vehicle that has not been moved or used for seven (7) consecutive days or more and is apparently deserted.

Vehicle, Commercial: A commercial vehicle is any vehicle operated for the transportation of persons or property in the furtherance of any commercial or industrial enterprise, and all vehicles displaying commercial advertising or commercial name.

MOTOR VEHICLE BODY SHOP: Any building or portion thereof, used for the repair or straightening of a motor vehicle body or frame, or painting of motor vehicles. Maintenance, service and engine repair may be performed as an ancillary function of the bodywork.

MOTOR VEHICLE REPAIR SHOP: Any building or portion thereof used for the repair or replacement of engines, transmissions, differentials, drive trains, or any parts thereof, in addition to the replacement of parts, service, and incidental repairs to motor vehicles, including any operations specified under the definition of Motor Vehicle Body Shop. All storage of vehicles shall be within a screened area.

MOVING AND STORAGE BUILDING: A building in which household goods and similar materials brought by motor truck are received and stored for future recall. Stored freight and household goods shall not be interpreted as operating a warehouse

NON-CONFORMING BUILDING OR STRUCTURE: Non-conforming building or structure is any building or structure which is not permitted in the zoning district in which the building or structure is located, but which conformed with all codes, ordinances and other legal requirements applicable at the time such building or structure was established.

NON-CONFORMING USE: Non-conforming use is any use of land, buildings, or structures of which the use is not permitted in the zoning district in which the use is located, but which use conformed with all of the codes, ordinances, and other legal requirements applicable at the time when such use was established.

NOT-FOR-PROFIT OR NOT-FOR-PROFIT CORPORATION: Not-for-profit or not-for-profit corporation is any corporation chartered as such by the State of Illinois; no part of its income of which is distributable to its members, directors or officers; provided, however, that the payment of reasonable compensation for services rendered and the making of distributions upon dissolution or final liquidation as permitted by the Corporation Act of the Illinois Revised Statutes shall not be deemed a distribution of income.

NOTICE, LEGAL PUBLICATION: Notice, legal publication shall be in compliance with 65 ILCS 5/11-13-6, of the Illinois Revised Statutes. In addition to the notice requirements otherwise provided in 65 ILCS 5/11-13-6, an applicant for variation or special use shall, not more than 30 days before filing an application for variation or special use with the board of appeals, serve written notice, either in person or by registered mail, return receipt requested, on the owners, as recorded in the office of the Recorder of Deeds in Will County, and as appears from the authentic tax records of such Will County, of all property within 250 feet in each direction of the location for which the variation or special use is requested; provided,

the number of feet occupied by all public roads, streets, alleys and other public ways shall be excluded in computing the 250 feet requirement.

NURSING HOME: An establishment for the care of children or the aged or infirmed. Such a home does not contain equipment for medical and surgical care or for the treatment of disease or injury nor does it provide care in maternity or mental illness, or physical infirmities.

NURSERY SCHOOLS: Nursery schools mean day care centers which receive children between the ages of two (2) and six (6) years and which are established and professionally operated primarily for educational purposes to meet the development needs of the children served. See also “Day Care Center”.

OFFICE: A room or group of rooms used for conducting the affairs of a business, profession, service, industry, or government.

OFFICE, PROFESSIONAL: Professional office is an office of a recognized profession, such as, but not limited to, architects, attorneys, engineers, doctors, maintained for the conduct of that profession.

OFF-STREET LOADING AND UNLOADING, SPACE OR BERTH: Off-street loading and unloading space or berth is a hard surfaced area of land other than a street, the principal use of which is for the loading and unloading of goods or materials from motor vehicles and trailers to avoid undue interference with streets, alleys and access drives.

OFF-STREET PARKING SPACE: Off-street parking space is a space within a public or private parking area in compliance with the requirements set forth in Section 10.00 herein.

OPEN SALES LOT: Open sales lot is a lot or parcel of land used or occupied for the purpose of buying, selling, rental or trading of all goods and commodities and including the storage of same prior to rental, sale or exchange.

OPEN SPACE: Open Space is defined as follows:

Public Open Space: Public open spaces are areas permanently reserved for open space purposes which are owned, operated and maintained by local political jurisdiction with no limitations on access or use.

Private Space: Private open spaces are areas reserved by owner’s choice, which are under private ownership and management and which have some limitations on access or use and are not controlled by public.

Planned Residential Open Space:

- a. Private Open Space: Private open space is a parcel of land located immediately adjacent to an individual dwelling unit, owned and maintained by its resident(s), and reserved exclusively for their use.
- b. Common Open Space: Common open space is a parcel or parcels of land exclusive of permanent buildings or structures, reserved primarily for the leisure and active recreational use of the planned residential development, residents and owners, operated and maintained

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by such residents/owners as an undivided portion of such land, or where such land is in common ownership, generally through a homeowners association.

**OUTDOOR ENTERTAINMENT:** Entertainment as part of a coffeehouse, restaurant, or tavern which takes place in the outdoor seating area.

**OUTDOOR SEATING:** Dining and/or drinking area of designated size with seats and/or tables located outdoors of a contiguous building which serves food and/or beverages, such as a coffeehouse, restaurant, or tavern. This seating may be in addition to the indoor seating area.

**PARKING AREA, PRIVATE:** Private parking area is an open, hard-surfaced area, other than a street, designed, arranged and made available for the storage of private passenger automobiles only for occupants of the building or buildings for which the parking area is accessory thereto.

**PARKING AREA, PUBLIC:** Public parking area is an open, hard-surfaced area, other than a street, intended to be used for the temporary, daily off-street parking of passenger automobiles and commercial vehicles and available to the public whether for compensation, free, or as an accommodation to clients or customers. Commercial vehicles shall be limited to those displaying Class “B” license plates and shall not include any combination of a trailer or a semi-trailer.

**PARKING AREA, TRUCK:** A truck parking area is any land used or intended to be used for the storage and parking of trucks, trailers, tractors which includes commercial vehicles, while not loading or unloading, which displays Class "B" & "C" license plates.

**PARTY WALL:** A wall starting from the foundation and extending continuously through all stories to or above the roof which separates one (1) building from another and is in joint use by each building.

**PERFORMANCE STANDARD:** A criterion to control noise, odor, smoke, toxic, or noxious matter, vibration, fire and explosive hazards, or glare or heat generated by or inherent in uses of land or buildings.

**PLANNED DEVELOPMENT:** Planned Development means a parcel of land or contiguous parcels of land of a size sufficient to create its own character, controlled by a single landowner or by a group of landowners in common agreement as to control, to be developed as a single entity; the character of which is compatible with adjacent parcels, and the intent of the zoning district or districts in which it is located; the developer or developers may be granted relief from specific land-use regulations and design standards, and may be awarded certain premiums in return for assurances of an overall quality of development, including any specific features which will be of exceptional benefit to the Village as a whole and which would not otherwise be required by the Zoning Ordinance.

The area of a Planned Development shall remain under one (1) ownership or unified control unless safeguards are provided that, in the opinion of the Planning and Zoning Commission



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and Board of Trustees, will provide for the continuation of the original Planned Development concept and as may be modified from time to time. Planned Developments may be residential, commercial, office research or industrial, or a combination of these uses. Residential Planned Development shall be a minimum of ten (10) acres. Commercial, office research and industrial Planned Developments shall be a minimum two (2) acres. Also known as “Planned Unit Development”.

**PLANNING AND ZONING COMMISSION:** The Planning and Zoning Commission of the Village of Beecher and referred to as the “Commission”.

**PLAZA:** A plaza is an open area at ground level accessible to the public at all times, and which is unobstructed from its lowest level to the sky. Any portion of a plaza occupied by landscaping, statuary, pools, and open recreation facilities shall be considered to be a part of the plaza for the purpose of computing a floor area premium credit. The term “plaza” shall not include off-street loading areas, driveways, off-street parking areas, or pedestrian ways accessory thereto.

**Plaza, Enclosed:** An enclosed plaza is one with less than twenty five percent (25%) of its perimeter abutting a street or plaza.

**Plaza, Unenclosed:** An unenclosed plaza is one with twenty five percent (25%) or more of its perimeter abutting a street or plaza.

**RECREATIONAL CENTER:** A recreational center is a building, buildings, or use of land operated on a profit basis, with or without membership requirements for the provision of entertainment, sport or health activities delivered directly to the consumer; including but not limited to skating rink, bowling alley, pool hall, racquet club, swim club, health club, indoor golf center, or indoor archery, pistol, or rifle range. Accessory sales of related sporting goods shall occupy not more than ten percent (10%) of the total floor area.

**RECREATIONAL VEHICLE:** Every camping trailer, motor home, mini motor home, travel trailer, truck camper or van camper used primarily for recreational purposes and not used commercially nor owned by a commercial business.

**REFUSE:** Refuse is all waste products resulting from human habitation, except sewage.

**RESEARCH LABORATORY:** A building or group of buildings in which are located facilities for scientific research investigation testing or experimentation, but not facilities principally for the manufacture or sale of products.

**RESTAURANT:** A restaurant is a retail establishment engaged primarily in the sale of prepared food and/or drinks of any kind for consumption therein; provided, however, that a drive-in restaurant shall not be considered a restaurant within the scope of this definition.

**RESTAURANT, DRIVE-IN:** A drive-in restaurant is a building or portion thereof where food and/or beverages are sold in a form ready for consumption and where all or a portion of the consumption takes place or is designed to take place outside of the confines of the building

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**RETAIL:** Retail refers to the sale of commodities directly to customers when such commodities are used or consumed by the customer and not purchased primarily for the purpose of resale.

**RETENTION:** A wet bottom storm water storage area that is designed to be maintained with a free water surface or pond.

**RIGHT-OF-WAY:** Right-of-way is a strip of land dedicated to the public and occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water line, sanitary or storm sewer line or for another special use. The use of the term “right-of-way” for land platting purposes shall mean every right-of-way hereinafter established and shown on a Final Plat which is to be separate and distinct from the lots or parcels adjoining such right-of-way, and not included within the delineations or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, waterlines, sanitary sewer, storm drains, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the Plat on which such right-of-way is established.

**SATELLITE DISH ANTENNA:** A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia, and is used to transmit and/or receive radio or electromagnetic waves.

**SETBACK:** Setback is the minimum horizontal distance between a street line and the nearest wall of a building, side of a structure facing such street line, or edge of the area of operation of a principal use when no building or structure is involved.

**SIGN:** A Sign is a name, identification, description, illustration, display, or device which is affixed to, painted or represented upon a structure or land and which directs attention to a product, place, activity, person, institution, or business. For the purpose of definition, a sign may be single face or double face. A sign shall not include any display of any court, public or official notice, nor shall it include the flag, emblem, insignia of a nation, political unit, school, religious or charitable institution or organization. A sign shall also include a permanent sign located within a building in such a manner as to be viewed or intended for view primarily from the exterior of the building.

**SIGN, ADVERTISING:** An Advertising Sign is a structure, including billboards, on which is portrayed information which directs attention to a business, commodity, service, or entertainment or other activity not related to use on the lot upon which the sign structure is located.

**SIGN, BANNER:** All signs which are placed over or across any street or public way shall be hung to withstand a horizontal wind pressure of thirty-five (35) pounds per square foot. No such banner sign shall be erected over or across any street or public way without the permission of the Village Board. See also “Banner”.

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**SIGN, BUSINESS:** A Business Sign is a sign which directs attention to a business, commodity, service, entertainment or other activity conducted on the lot upon which such sign is located.

**SIGN, ENTRANCE:** A Sign whose copy is limited to the name, logo, trademark or other identifying symbol and address of a building, business, development or establishment or any combination when located on the premises and may additionally include the words “entrance”, “exit”, “in”, or “out”.

**SIGN, FLASHING:** A Flashing Sign is an illuminated sign on which the artificial light is not maintained constant or stationary in intensity or color at all times when such sign is in use. For the purpose of this Ordinance, a revolving sign, or any advertising device which attracts attention by moving parts, operated by mechanical equipment or movement is caused by natural sources, whether or not illuminated with artificial lighting, shall be considered a flashing sign.

**SIGN, GROSS SURFACE AREA OF:** The Gross Surface Area of a Sign is the entire area within a single continuous perimeter enclosing the extreme limits of a sign with straight lines at right angles.

**SIGN, GROUND:** A Ground Sign is a sign which is supported by one (1) or more uprights or braces in or fixed upon the ground.

**SIGN, IDENTIFICATION:** An Identification Sign is a sign indicating the name and address of a building, or the name of an occupant thereof, and the practice of a permitted occupation therein.

**SIGN, POLE:** A pole sign is a sign mounted on a free standing pole or other support so that the bottom edge of the sign face is not less than six feet (6') above grade.

**SIGN, LANTERN POST:** A lantern post sign is a pole type sign including an electric lantern light on which a nameplate may be attached.

**SIGN, PROJECTING:** A Projecting Sign is a sign which is affixed to any building wall or other structure and extends beyond the building wall or parts thereof or structure more than eighteen inches (18”).

**SIGN, ROOF:** A Roof Sign is a sign erected, constructed, and maintained above the roof of any building.

**SIGN, TEMPORARY:** A Temporary Sign shall include any sign, banner, pennant, valance or advertising display constructed of cloth, canvas, light fabric, cardboard, wall board or other light materials with or without frames, intended to be displayed for a period time not to exceed forty-five (45) days.

SIGN, WALL: A Wall Sign is a sign which is affixed to an exterior wall of any building, when such sign shall project not more than eighteen inches (18”) from any building wall or parts thereof.

STORAGE: Storage is a space or area in the same building as the principal use for the storing of goods or merchandise which are distributed or utilized on premises.

STORM WATER RUNOFF CONTROL: (See also Village Ordinance No.1002)

1. Base Flood Elevation: Base flood elevation means that elevation determined from the elevation of the flood crest profile of the 100 year flood as determined by the Federal Emergency Management Agency (FEMA) where information is available of the highest flood of record, as determined by the Beecher Village Engineer from the best available sources of information.
2. Floodwater (Storm water) Management Regulations: Floodwater management regulations include: the Will County Storm water Management Ordinance, zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as flood plain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.
3. Flood or Flooding: Flood or flooding means a generally and usually temporary condition of partial or complete inundation of normally dry land areas from:
  - a. the overflow of inland waters;
  - b. the unusual and rapid accumulation of runoff of surface waters from any source; and/or
  - c. high groundwater tables resulting in soil saturation.
4. Flood Crest: Flood crest means the maximum state or elevation reached by the waters of a flood at a given location.
5. Flood Fringe: The flood fringe is that portion of the flood plain which is adjacent to the floodway and provides temporary storage of excess flood waters beyond the capacity of the floodway.
6. Flood Insurance Study (FIS): Flood insurance study means the official report and maps provided to communities in which FEMA provides flood profiles, as well as the Flood Boundary-Floodway Map and the water surface elevation of the base flood.
7. Flood Plain: Flood plain means that the land area adjacent to surface water bodies or waterways that is subject to periodic inundation when greater than normal water flows are experienced. The flood plain may be identified according to the frequency of the flood flow that inundates it. For examples, the portion of the flood plain inundated by the flow which is equaled or exceeded once in ten (10) years in the 10 year flood plain. The flood plain inundated by a hundred year flood is the 100-year flood plain.
8. Flood Proofing: Flood proofing means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their content.
9. Floodway: Floodway means the channel of a river or other watercourse and the adjacent land areas that shall be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one-tenth (0.10) ) of one (1) foot.

10. Floodway Encroachment Lines: Flood encroachment lines are the lines marking the limits of floodways on federal, state and local flood plain maps.
11. Freeboard: Freeboard means a factor of safety usually expressed in feet above a flood level for purposes of flood plain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.
12. Habitable Floor: Habitable floor means any floor usable for living purposes, which include: working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a habitable floor.
13. Intermediate Regional Flood: Intermediate regional flood means a flood having an average frequency of occurrence on the order of one (1) in 100 years (i.e. with a one (1) percent chance of being equaled or exceeded in any given year). This flood is based on a statistical analysis of stream flow records available for the watershed and analysis of rainfall and water runoff characteristics in the general region of the watershed.  
Such a flood may, of course, occur in any year at any time, although its statistical frequency is one (1) year in one hundred (100) years. It is also known as the base flood.
14. Mean Sea Level: Mean sea level means the average height of the sea as established at New York City for all stages of the tide.
15. Substantial Improvement: Substantial improvement means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either:
  - a. before the improvement or repair is started, or
  - b. if the structure has been damaged and is being restored before the damage occurred.For the purpose of this definition “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:
  - a. any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
  - b. any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

STORY: A Story is that portion of a building, other than a Basement or mezzanine, included between the surface of any floor and the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it. A "Mezzanine" shall be deemed a full story when it covers more than Fifty percent (50%) of the area of the story underneath said mezzanine, or if the vertical distance from the floor next below it to the floor next above it is twenty four feet (24') or more.

STORY, HALF. A Half Story is the part of a building between a pitched roof and the uppermost full story, said span having a floor area which does not exceed one-half (½) the floor area of said full story. It may also include basement areas when in a basement the vertical distance from the average ground level to the ceiling is greater than the average ground level to the floor.

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**STREET:** A Street is a public thoroughfare which affords traffic circulation and principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and any other thoroughfare, except an alley.

1. **Arterial Street:** An arterial street is a major or minor street of greater continuity which is intended to serve as a large volume traffic-way for both the immediate area and region beyond, and may be designated on the Village's Comprehensive Plan, as a principal or minor arterial, parkway, toll way, freeway, expressway, or equivalent term to identify those streets comprising the basic structure of the street plan.
2. **Collector Street:** A collector street is a secondary street used primarily to carry traffic from minor streets to arterials.
3. **Minor Street:** A minor street is a street of limited continuity used primarily for access to abutting residential properties.
4. **Frontage Road:** A frontage road is a minor street paralleling, adjacent and often within the right-of-way of an arterial which provides access to local street systems and protection from through traffic.
5. **Other Streets:**
  - a. **Cul-de-Sac Street:** is a minor street of short length, having one (1) end open to traffic and being permanently terminated at the other end by a vehicular turn-around.
  - b. **Private Street:** is an undedicated street which is privately owned and maintained, or an easement of access benefiting a dominant tenant.

**STRUCTURE:** A Structure is anything constructed or erected which requires permanent location on the ground or attachment to something having such location.

1. **Structure, Detached:** A detached structure is any structure having no party wall or common wall with another structure. Bridges, tunnels, breezeways, and other similar means of connecting one (1) structure to another shall not, for the purposes of this Ordinance, be considered to constitute a party wall or a common wall.
2. **Structure, Temporary:** Except as hereinafter provided a temporary structure is a structure designed for a limited period of time or tenure on a zoning lot. A sign, billboard or other advertising device detached or projecting shall not be constructed to be a temporary

**SWIMMING POOL:** Any structure intended for recreational bathing that contains water over twenty four inches (24”) deep. This includes in-ground, above-ground, and on-ground swimming pools, hot-tubs and spas.

**SWIMMING POOLS, PERMANENT:** Permanent swimming pools are built above or below grade. These swimming pools shall have a foundation or rigid structure and cannot be disassembled.

**SWIMMING POOLS, PORTABLE:** Portable swimming pools are those maintained above grade and can readily be disassembled and stored. Portable pools are those which have a capacity of one thousand (1,000) gallons of water or greater. For the purpose of this Ordinance, portable swimming pools are presumed to require re-erection each year.

SWIMMING POOL, PRIVATE (SINGLE-USE): A private swimming pool, single-use, is a swimming pool and the apparatus and equipment pertaining to the swimming pool, maintained by an individual for the sole use of a family and guests, without charge for admission, and not for purpose of profit or in connection with any business operated for profit, located on a lot as an accessory use to a single-family detached dwelling unit.

SWIMMING POOL, PUBLIC: A swimming pool and the apparatus and equipment pertaining to the swimming pool, maintained and operated by a municipality or other units of government for the general public whether or not an admission fee is charged.

SWIMMING POOL, QUASI-PUBLIC: A swimming pool and the apparatus and equipment pertaining to the swimming pool, maintained and operated by a hotel, motel or association, or non-profit organizations for the exclusive use by the room occupants or members of the association or non-profit organization.

TAVERN OR LOUNGE: A tavern or lounge is a building, or portion thereof, where liquors are sold to be consumed on the premises but not including restaurants where the principal business is serving food.

TOWER: A tower is a structure or antenna attached to a building or a detached structure or antenna affixed to the ground, used in the generation of electrical power or in the transmission, relaying or receiving of microwaves or radio or television communications or to support a windmill.

USE: Use is any purpose for which a building, structure or a tract of land may be designed, arranged, intended, maintained, or occupied; also, any activity, occupation, business, or operation carried on, or intended to be carried on, in or on a structure on a tract of land, and shall comply with all Performance Standards contained in this Ordinance.

1. Use, Principal: Principal Use is the main use of land or buildings as distinguished from a subordinate or accessory use. The principal use may be either a Permitted or a Special Use.
2. Use, Special: Special Use is 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.
3. Use, Lawful: The use of any building, structure or land that conforms with all of the regulations of this Ordinance or any amendment hereto and which conforms with all of the codes, ordinances, and other legal requirements, as existing at the time of the enactment of this Ordinance or any amendment thereto, for the structure or land that is being considered.
4. Use, Permitted: Any use which is or may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations and when applicable, Performance Standards of this Ordinance for the district in which such use is located.
5. Use, Accessory: See “Accessory Building Structure or Use”.

VARIATION: A variation is a relaxation of the terms of the Zoning Ordinance where such variations will be in harmony with the general purpose and intent and not contrary to the public interest, and where, due to conditions, peculiar to the property and not the direct result of the actions of the owner, a literal enforcement of the Ordinance would result in practical

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difficulties or unnecessary hardship. Variations may be granted in the use, construction, or alteration of a building or structure, from the standards established in the Beecher Subdivision Ordinance or in the use of land.

**VETERINARY CLINIC:** Veterinary clinic is a facility rendering surgical and medical treatment to animals and household pets, and providing for overnight accommodations for animals under treatment or observation. For the purpose of this Ordinance, animals shall be deemed to be ordinary household pets, excluding equines or other such animals not normally housed or cared for entirely within the confines of a residence.

**VETERINARY HOSPITAL:** A veterinary hospital is a facility rendering surgical and medical treatment to animals, and having no limitation on overnight accommodations for such animals. Crematory facilities shall not be allowed in a veterinary hospital unless approved by the Illinois Environmental Protection Agency. For the purpose of this Ordinance, where a veterinary hospital is permitted, a veterinary clinic shall also be permitted.

**VILLAGE BOARD:** Village Board shall mean the President and Village Board of Beecher, Illinois. Also known as “Corporate Authorities” and sometimes referred as the “Village Board”.

**WAREHOUSE:** A warehouse is a building, structure, or part thereof used principally for the storage of any goods or merchandise, and not for retail sale of such goods.

**WETLAND:** Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

**WHOLESALE ESTABLISHMENT:** Wholesale establishment is any building, wherein the primary occupation is the sale of merchandise in gross for resale, and any such building wherein the primary occupation is the sale of merchandise to institutional, commercial and industrial consumers and not for retail sale of such goods and merchandise.

**YARD:** Yard is an open space on the same zoning lot with a use, building or structure unoccupied and unobstructed from its lowest level to the sky. A yard extends along a lot line, and to such a depth or width specified in the yard requirements for the zoning district in which such zoning lot is located. (See illustrations).

- a. **Yard, Front:** A Front Yard is a yard extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the main building.
- b. **Yard, Rear:** A Rear Yard is a yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest line of the main building.
- c. **Yard, Side:** A Side Yard is a yard between a main building and the side lot line) extending from the front yard to be rear yard. The width of the required side yard shall be measured



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horizontally from the nearest point of the side lot line to the nearest point of the main building.

- d. Yard, Corner Side: A corner side yard is a side yard which adjoins any street to a width specified in the yard requirements for the zoning district.

ZERO LOT LINE: Zero lot line is a development approach in which a building is sited on one (1) or more lot lines with no yard.

ZONING ADMINISTRATOR: The Zoning Administrator is that person designated as Zoning Administrator who is appointed by the Village President with the consent of the Village Board. The Zoning Administrator is hereby authorized to administer and enforce the provisions of the Zoning Ordinance, making such determinations, interpretations and orders as are necessary therefore, and requiring such plats, plans, and other descriptive material in connection with applications/permits as are necessary to comply with this Ordinance.

ZONING, CERTIFICATE: A zoning certificate is a certificate issued by the Zoning Administrator, certifying that any proposed use, building or structure to be located on a zoning lot is in accordance with all of the regulations of this Ordinance

ZONING DISTRICT: A zoning district is a section or sections of territory for which the regulations and requirements governing use, lot and bulk of buildings and premises are uniform.

ZONING LOT: See “Lot, Zoning”.

ZONING MAP: Zoning Map is the map incorporated herein, as part hereof designating the zoning district.

### **SECTION 4.00**

### **GENERAL PROVISIONS**

Except as hereinafter specifically provided, the following general regulations shall apply.

#### **4.01 INTERPRETATION**

1. Minimum Requirement  
The provisions herein shall be held to be the minimum requirements for the promotion of public health, morals and welfare.
2. Relationship with Other Laws  
Where the conditions imposed by any provision herein upon the use of land or buildings or upon the bulk of buildings are either more restrictive or less restrictive than comparable conditions imposed by any other provision herein or any other law, ordinance, resolution, rule or regulations of any kind, the regulations which are more restrictive (or which impose higher standards or requirements) shall govern.
3. Effect of Existing Agreement  
The ordinance is not intended to abrogate any easement, covenant or any other private agreement, provided that where the regulations of the Ordinance are more restrictive (or

impose higher standards or requirement) than such easements, covenants or other private agreements, the requirements herein shall govern.

#### **4.02 SEPARABILITY**

It is hereby declared to be the intention of the Village of Beecher that the several provisions of this Ordinance are separable in accordance with the following:

1. If any court of competent jurisdiction shall adjudge any provision of this Ordinance to be invalid, such judgment shall not affect any other provisions not specifically included in said judgment; and
2. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance to a particular property, building or other structure such judgment shall not affect the application of said provision to any property, building or structure, not specifically included in said judgment.

#### **4.03 REPEAL**

Ordinance No. 648 in its entirety, relating to the zoning of land is hereby repealed and all other ordinances or parts of Ordinances of the Village of Beecher unconstitutional or conflicting with this Ordinance, to the extent of the inconsistency only, are hereby repealed.

#### **4.04 SCOPE OF REGULATIONS**

1. Change in Buildings, Structures or Uses  
Except as may otherwise be provided, all buildings erected hereafter, all uses of land or buildings established hereafter, all structural alterations or relocations of existing buildings occurring hereafter, and all enlargements of or additions to existing uses occurring hereafter, shall be subject to all regulations herein which are applicable to the zoning district in which such buildings, uses or land shall be located.
2. Non-Conforming Buildings, Structures and Uses  
Any lawful building, structure, or use existing at the time of the enactment of the Zoning Ordinance may be continued, even though such building, structure or use does not conform to the provisions herein for the district in which it is located, and whenever a district shall be changed hereafter, the then existing lawful use may be continued, subject to the provisions in Section 5.00.
3. Building or Structure  
Where the word “building” is used in this Ordinance, it shall also include structure. See Section 3.02, Definitions.
4. Building Permits  
Where a building permit for construction of a building or structure or part thereof has been issued in accordance with law prior to the effective date of the Ordinance, and provided that construction is begun within ninety (90) days of such effective date and diligently prosecuted to completion, said building or structure may be completed in accordance with the approved plans on the basis of which the building permit was issued, and further may, upon completion be occupied under a Certificate of Occupancy by the use for which originally designated subject thereafter to the provisions of Section 12.04.

5. Lots of Record

A lot of record at the time of the adoption of this Ordinance in a residence district which is unable to meet the requirements of this Ordinance as to area, lot width, and yard requirements may be used for a single-family detached dwelling, provided it shall meet all the other requirements of this Ordinance. However, when two or more parcels of land, each of which lacks adequate area and dimensions to qualify for a permitted use under the requirements of the use district in which they are located, are contiguous and are held in one ownership, at the time of or subsequent to the adoption of this amendment, they shall be used as one zoning lot for such use.

6. Construction in Process

Where construction of a building or structure has begun prior to the effective date of this Ordinance and is being diligently prosecuted to completion, said building or structure may be completed in accordance with the approved plans on the basis of which the building permit was issued, and further may upon completion be occupied under a certificate of occupancy subject to the provisions herein set forth in the section pertaining to non-conforming structures and uses.

7. Consultants

The Planning and Zoning Commission and the Village Board may utilize the services of professional consultants for research, investigation, and professional opinion, for assistance in arriving at recommendations or decisions. The applicant whose request to either the Planning and Zoning Commission, or Village Board, requires the use of such professional services, shall reimburse the Village the reasonable cost it incurred for the services rendered by its consultants, within ten (10) days after the submission of the bill by the Village. The consultants shall bill for their services at the same hourly rate which they normally charge municipal clients. The Village consultants shall include, but not be limited to, the persons who provide the Village with advice in the field of engineering, law, planning, traffic, design, and finance.

#### **4.05 USE AND BULK REGULATIONS**

1. Control Over Use

No building, structure, or land shall hereafter be used or occupied and no building or part thereof, or other structure shall be erected, raised, moved, reconstructed, extended, enlarged or altered except in conformity with the regulations herein specified for the district in which it is located, except as otherwise provided by law, as authorized by a pre-existing section of this Ordinance.

2. Control Over Bulk

All new buildings and structures shall conform to the building regulations established herein for the district in which each building shall be located, except that chimneys, cooling towers, elevator bulkheads, fire towers, stacks and necessary mechanical appurtenances shall be permitted to exceed the maximum height provisions when erected in accordance with all other ordinances of the Village of Beecher.

3. Control Over Residences

All buildings for human occupancy within the Village of Beecher shall have potable water and sanitary sewer service provided by the Village unless otherwise granted by the Village under Section 12.11.

#### **4.06 LOT COVERAGE**

1. Maintenance of Yards, Courts, and Other Open Spaces

The maintenance of yards, courts and other open spaces and minimum lot area legally required for a building shall be a continuing obligation of the owner of such building or of the property on which it is located, as long as the building is in existence. Furthermore, no legally required yards, courts or other open space or minimum lot area allocated to any building, shall by virtue of change of ownership or for any reason be used to satisfy yard, court, or other open space, or minimum lot area requirements for any other building.

2. Division of Zoning Lots

No improved zoning lot shall hereafter be divided into two (2) or more zoning lots unless all improved zoning lots resulting from each subdivision shall conform with all the applicable bulk regulations of the zoning district in which the property is located.

3. Access Across Residential Property

No land which is located in a Residence District shall be used for vehicular access purposes to any lot which is located in a Business or Industrial District, or used for any purpose not permitted in a Residence District except in the case of a Special Use or Planned Development.

4. Location of Required Open Space

All yards, courts and other open spaces allocated to a building or dwelling group shall be located on the same zoning lot as such building or dwelling group.

5. Required Yards for Existing Buildings

No yards now or hereafter provided for a building existing on the effective date of the zoning ordinance shall subsequently be reduced below or further reduced below if already less than the minimum yard requirements of the Ordinance for equivalent new construction.

6. Front Yard Setback and Corner Side Yard

On streets where a front yard and/or corner side yard setback has been maintained for buildings existing on lots or tracts having a frontage of fifty percent (50%) or more of the total frontage on one (1) side of that portion of any street lying between two (2) intersecting streets, there shall be maintained a front yard setback of not less than the average setback of the aforementioned existing buildings or thirty feet (30'), whichever is smaller.

Any changes in the front yard setback and/or corner side yard requirement shall be submitted to the Planning and Zoning Commission for its review and recommendation, and for the consideration for approval by the Village Board.

7. Minimum Space Between Detached Buildings

The minimum space between detached buildings or structures shall be not less than the required width of the combined side yards for any new developments, alterations or additions approved after the effective date of this Ordinance.

8. One Principal Building, Structure and Use

Every building hereafter erected or structurally altered shall be located on a zoning lot as herein defined and in no case shall there be more than one principal building, structure, or use on a zoning lot except in a planned development, as a Special Use where permitted as such, or as otherwise provided in this Ordinance.

9. Lot Area and Lot Width

No zoning lot containing a building, structure, or use shall hereafter be divided in order to secure one (1) or more additional lots for transfer of Ownership and establishment of a principal use thereon, unless each lot, including also the lot containing the building, structure or use, resulting from such division, shall have the minimum lot area and lot width as required in this Ordinance for the district in which the lot is located.

10. Lots in Single Ownership

Any single zoning lot or parcel of land, held in one ownership which was of record at the time of adoption of the Ordinance, that does not meet the requirements for minimum lot width and area, may be utilized for a permitted use, provided that the yards are fifty feet (50') at the building line with a total area of 7,200 square feet, whichever is greater. Lot coverage shall not exceed forty percent (40%) with minimum five feet (5') for side yard setbacks and forty feet (40') for rear yards. Front yards shall be at the established building line.

11. Buildings, Structures Constructed on a Zoning Lot

Every building or structure shall be constructed or erected upon a Zoning lot or parcel of land which abuts upon a public street unless a permanent easement of access to a public street is of record prior to the application for a building permit.

12. Unique Land Planning Designs

Where unique land planning designs are employed in a subdivision or planned development to conserve the natural character of the land or to create a functional or compatible arrangement of buildings, structures or uses, a lot which does not abut upon a public or private street may be permitted provided that:

- a. Adequate provision is made for free access to the lot for the property owner, or in the case of a non-residential lot, for those persons who would normally require access to the lot.
- b. Adequate provision is made for the unobstructed access of fire fighting equipment, police protection, rubbish collection, and other governmental services.
- c. Adequate provision is made for the extension and maintenance of public and private utility services.
- d. The arrangement will not contribute toward congestion in nearby streets as a result of delivery services, lack of guest parking or other reasons.

13. Vision Clearance - Corner Lots (See Illustrations)

All corner lots shall provide for a clear sight distance (traffic view obstruction triangle), not less than two and one-half feet (2 ½') in height above the elevation at the center line of the traveled way, free from all buildings, structures, plant materials, play equipment, or parking, loading, or storage uses in accordance with the following specifications:

- a. All Residence Districts, a sight distance of not less than twenty five feet (25') measured along the intersecting street right-of-way line bordering corner lots.
- b. All Business or Industrial Districts, a sight distance of not less than twenty five feet (25') measured along the intersecting street right-of-way line bordering corner lots except as herein provided.

#### **4.07 HEIGHT LIMITATIONS**

1. No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit hereinafter established for the district in which the building is located, except that penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, and fire

or parapet walls, sky lights, towers, steeples, state lofts and screens, flagpoles, chimneys, smokestacks, individual domestic radio, television aerials and wireless masts, water tanks, or similar structures may be erected above the height limits when recommended by the Planning and Zoning Commission and approved by the Village Board. No such structure may be erected to exceed by more than fifteen feet (15') the height limits of the district in which it is located; nor shall such structure have a total area greater than twenty five percent (25%) of the roof area of the building; nor shall such structure be used for any residential, commercial, or industrial purpose other than a use incidental to the main use of the building.

2. Public, semi-public hospitals, institutions, schools, or public utility and service buildings, when permitted in a district, may be erected to a height not exceeding thirty five feet (35') without a special use permit, provided said specified buildings shall be set back from the front, rear, and side lot lines on the ratio of two feet (2') for every one foot (1') of building height greater than forty feet (40'); provided, however, that said specified requirements shall apply in addition to the other requirements for building line setbacks and for rear and side yards specifically set forth in this Ordinance.

#### **4.08 YARDS**

1. All yards and other open spaces as required by this Ordinance shall be located on the same zoning lot as the principal building or use. No legally required yard, open space, or lot area for any use or building shall be used to satisfy yard, open space, or lot area requirements for any other structure or use.
2. On a corner lot, the front lot line shall be the lot line having the shortest dimension along the street right-of-way line. The required front yard setback on corner lots shall apply to each side of the lot facing a street unless otherwise allowed as part of this Ordinance.
3. No yards allocated to a building or use existing on the effective date of this Ordinance shall be subsequently reduced or further reduced below the yard requirements of this Ordinance, except a yard adjoining a street may be reduced in depth in the event and to the extent the right-of-way width, of such street adjoining such yard is subsequently increased.
4. Where fifty percent (50%) or more of the frontage on one side of a street between two (2) intersecting streets is developed with buildings that have observed, within a variation of five feet (5') or less, a front yard greater in depth than required herein, new buildings shall not be erected closer to the street than the average front yard so established by the existing buildings.

#### **4.09 REQUIRED SETBACKS**

Setback lines shall be maintained on all lots abut streets and thoroughfares. The minimum setback on lots abutting a street or thoroughfare shall be the distance required for a front yard, or side yard, adjoining a street, in the district where such lots are located, measured from the existing right-of-way line of the street or thoroughfare, or from the proposed right-of-way line as designated on the *Comprehensive Land-Use Transportation Plan* (map) and as duly established by other ordinances or as established by County or State highway authorities – whichever has the greatest right-of-way width requirements.

#### **4.10 PERMITTED OBSTRUCTIONS IN REQUIRED YARDS**

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The following accessory buildings, structures, and uses are permitted and shall not be considered to be obstructions when located in the required yards specified:

1. In All Yards
  - a. Arbors, trellises, flag poles, fountains, sculptures, plant boxes and other similar ornamental objects;
  - b. Awnings and canopies, but not projecting more than ten feet (10') and at least seven feet (7') above the average level of the adjoining ground;
  - c. Chimneys projecting not more than twenty four inches (24") into a yard;
  - d. Fire escapes, open or enclosed, or fire towers, providing they project not more than five feet (5') into a required front yard or side yard adjoining a street and into a required interior side yard or court not more than three and one-half feet (3 ½');
  - e. Steps, necessary for access to and from the dwelling or an accessory building, or as access to the lot from a street or alley and in gardens or terraces, provided there are no more than eight (8) steps for access to and from a principal or accessory building;
  - f. Open terraces not over four feet (4') above the average level of the adjoining ground, but not including a permanently roofed-over terrace or porch;
  - g. Sills, belt courses, cornices, and ornamental features of the principal building, projecting not more than eighteen inches (18") into the yard; and
  - h. Fences and walls shall not be permitted in front yards and shall not exceed six feet (6') in height in side and rear yards; and shall be subject to provisions of Section 4.31.f.
2. In Front Yards
  - a. One-story bay windows projecting not more than three feet (3') into the yard; and
  - b. Eaves and gutters on principal buildings or attached accessory buildings projecting not more than four feet (4') into the yard.
  - c. Open, front porches not to exceed six feet (6') into the required yard.
3. In Side Yards
  - a. Open off-street parking spaces which shall be located not less than two and one-half feet (2 ½') from a lot line, or not less than ten feet (10') from a building wall in courts, or greater distance if required therein for a specific use; and
  - b. Eaves and gutters projecting into the yard for a distance not exceeding forty percent (40%) of the required yard width, but in no case exceeding three feet (3').
4. In Rear Yards
  - a. Enclosed, attached or detached off-street parking spaces, open off-street parking spaces, accessory shed, tool rooms and similar building or structure for domestic storage;
  - b. Balconies, breezeways, and open-porches or decks not to exceed fifty percent (50%) of the required rear yard;
  - c. One-story bay windows projecting not more than three feet (3') into the yard;
  - d. Eaves and gutters projecting not more than four feet (4') into the yard;
  - e. Swimming pools when conforming also with other codes or ordinances of the Village; and
  - f. Garages or carports, playhouses and open-sided summer houses, outdoor fireplaces and tennis courts.

### 4.11 BUILDING AND STRUCTURE GRADES

All buildings and structures shall be located at such an elevation that a sloping grade shall be maintained to cause the flow of surface water to run away from the walls of the building or structure. Yards shall be graded in such manner as will prevent the accumulation of surface water on the lot and not increase the natural run-off of surface water onto adjacent properties. All yards shall have a minimum one percent (1%) slope from the foundation to the property line.

#### **4.12 FLOOD PLAIN AREAS**

No building shall be erected in areas subject to flooding, as determined in the flood plain maps (Beecher Quadrangle - East and West) of the Northeastern Illinois Planning and Zoning Commission and FEMA, unless suitable provisions for drainage are approved by the Village Engineer, constructed, inspected, and accepted.

#### **4.13 RECREATION TRAILERS, CAMPERS AND BOATS**

All recreation trailers, campers and boats parked for more than three (3) consecutive days in residence districts shall be screened from view by fences or plantings, or stored in an accessory building observing all yard and accessory building provisions of this Ordinance. Such vehicles shall not be connected to municipal utilities.

A trailer, camper or boat shall not be permitted in a Village easement, right-of-way, or in a front yard for more than three (3) consecutive days. Inoperable vehicles in open view are not permitted in any residence district for a period of more than three (3) consecutive days.

#### **4.14 USES NOT SPECIFICALLY PERMITTED IN DISTRICTS**

When a use is not specifically listed in the sections devoted to Permitted Uses, it shall be assumed that such uses are hereby expressly prohibited, unless recommended by the Planning and Zoning Commission, and approved by the Village Board, that said use is similar to and not more objectionable than uses listed and such uses may then be permitted.

#### **4.15 EXEMPTIONS**

The regulations of this Ordinance do not specify or regulate the type or location of poles, towers, wires, cables, conduits, vaults, laterals, pipes, mains, valves and other similar distributing equipment; regulator and compressor stations, and the underground storage of gas for a public utility or a natural gas company including facilities and exploratory and operating wells; or a public utility or natural gas company for telephone or other communications, electric power, gas, water and sewer lines, provided that installation shall conform with rules and regulations of the applicable administrative authorities; nor the location, use or occupancy of publicly-owned land, structures or installations of any kind whatsoever.

#### **4.16 OPEN STORAGE**



The open storage of junk, refuse, scrap, disabled or damaged motor vehicles, whether awaiting repair or not, shall be prohibited in all residential and commercial zoning districts. Where open storage is permitted by this Ordinance, such storage shall be screened from public view, or an adjoining property, by an enclosed wall or solid fence not less than eight feet (8') in height.

#### **4.17 TEMPORARY USES**

Temporary uses may be permitted in any zoning district, provided such use will not create a nuisance and is approved by the Village Board. Each temporary use permit shall specify the location, time period such permit shall be valid, and any other terms or conditions that the Village Board deems necessary in granting the approval.

#### **4.18 HOME OCCUPATIONS**

In all Residence Districts, a home occupation shall be permitted without requiring a Special Use Public Hearing provided that:

1. It is conducted entirely within the dwelling by a person residing in the dwelling and only when such home occupation is incidental and secondary to the use of the dwelling for dwelling purposes.
2. The entrance to the space devoted to such occupation is from within the dwelling and the portion of the dwelling devoted to such occupation shall not exceed thirty percent (30%) of the gross floor area of the dwelling.
3. There is no display, activity or storage of equipment that will indicate from the exterior of the dwelling that it is being used in whole or in part for any use other than a dwelling.
4. No product assembled or made on the premises shall be offered for sale in any dwelling unit.
5. Teaching of musical instruments, arts and crafts and dancing shall be conducted only in a single family detached dwelling and then, to not more than four (4) pupils at one (1) time.
6. There shall be no employees who are not residents of the home.
7. Deliveries shall only be accepted from general delivery services such as the U.S. Post Office, UPS, or similar service.

Home occupations not meeting the above criteria shall be permitted by Special Use only.

#### **4.19 LOT AREA AND DIMENSION**

1. Contiguous Parcels  
When two (2) or more parcels of land, each of which lacks adequate area and dimension to qualify for a permitted use under the requirements of the use district in which they are located and contiguous and are held in one (1) ownership, they shall be used as one (1) zoning lot for such use.
2. Lots or Parcels of Land of Record  
Any single lot or parcel of land, held in one (1) ownership, which was of record at the time of adoption of the Ordinance that does not meet the requirements for minimum lot width and area may be utilized for a permitted use, provided that the yards are fifty feet (50') at the building line with a total area of 7,200 square feet, whichever is greater. Lot coverage shall

not exceed forty percent (40%) with minimum five feet (5') for side yard setbacks and forty feet (40') for rear yards. Front yards shall be at the established building line.

3. Lot Area Greater than Fifteen Acres

A lot as defined in Section 3.02 when fifteen (15) acres or larger shall be developed as a planned development Special Use, unless said property is zoned A-I Agriculture District. (See Section 12.00).

**4.20 ACCESS TO PUBLIC STREETS**

Except as otherwise provided for herein, every building shall be constructed or erected upon a lot or parcel of land which abuts upon a public street, unless a permanent easement of access to a public street was of record prior to the adoption of the Ordinance. Flag lots shall not be permitted.

**4.21 NUMBER OF BUILDINGS ON A ZONING LOT**

Except in the case of a Planned Development or as a Special Use where permitted as such, not more than one (1) principal detached building shall be located on a zoning lot, nor shall a principal detached building be located on the same zoning lot with any other principal building.

**4.22 TWO USES ON A ZONING LOT**

Where two (2) or more Permitted or Special Uses, each requiring a minimum lot area, are provided on the same zoning lot, the required lot area for such uses shall be the sum of the areas required for each individual use.

**4.23 REZONING OF PUBLIC AND SEMI-PUBLIC AREAS**

An area indicated on the zoning map as a public park, recreation area, public school site, cemetery or other similar open space, shall not be used for any other purposes than that which it is zoned and planned for, and when the use of the area is discontinued, it shall be rezoned to the most restrictive adjoining district until appropriate zoning authorized by the Village Board.

**4.24 ACCESSORY BUILDING, STRUCTURES AND USES**

1. Accessory uses shall be compatible with the principal use and shall not be established prior to the establishment of the principal use, and shall not include the keeping, propagation or culture of pigeons, poultry or livestock, whether or not for profit. Private swimming pools shall be a permitted accessory use in any Residence District, provided it conforms to regulations of this Ordinance and other applicable ordinances of the Village of Beecher.
2. No accessory building, unless it is structurally a part of the principal building, and unless it conforms with requirements of accessory building for Special Uses shall be erected or altered, nor moved to a location within ten feet (10') of the nearest wall of the principal building, nor within the required area for front or side yard of the lot. An accessory building

in a rear yard shall be not less than five feet (5') from any property line, and shall not be constructed upon any recorded easement.

3. No accessory building shall encroach upon the side yard of a corner lot which is adjacent to the street, nor upon that side yard of a reversed corner lot which is adjacent to the street, nor upon the rear yard of a through lot.
4. No accessory building shall have more than one (1) story, nor exceed eighteen feet (18') in height, unless otherwise permitted and approved as accessory to business and manufacturing uses, or to authorized Special Uses, unless otherwise approved by the Village Board.
5. Towers shall be deemed accessory structures if the following criteria are met:
  - a. That no part of any tower shall project through a horizontal plane more than fifteen feet (15') above the maximum building height for the Zoning District in which it is located, except that if the tower is designed to extend and retract, then it may be extended temporarily beyond that maximum horizontal plane but only while receiving or transmitting signals.
  - b. The setback for the base of any tower shall be a minimum of ten feet (10') from all property lines and any public easements for towers up to thirty feet (30') in height. For towers over thirty feet (30') in height, the required setback shall be increased one foot (1') for every two feet (2') of increased tower height. All elements of the tower, including guy-wire posts, shall be setback a minimum of ten feet (10') from any public easements.
  - c. All towers shall be in compliance with all adopted codes and ordinances of the Village as well as any current applicable rules and regulations of the FCC and/or FAA and the Electronic Industries Association Manual on Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, document RS-222C (Revision of RS-222B) dated March 1976, or as amended, and any and all building codes and ordinances of the Village of Beecher.

#### **4.25 TEMPORARY BUILDINGS**

1. A temporary real estate office may be allowed in conjunction with a new housing development, limited to the selling or renting of new units in such development, but in no case to be in operation for more than one (1) year following completion of construction of said housing development, unless approval is obtained from the Village Board.
2. Temporary buildings for construction purposes may be allowed in any zoned district for a period not to exceed two (2) years or until the designated time period, activity, to use for which the temporary structure was erected has ceased or unless approval to extend the time period is obtained from the Village Board.

#### **4.26 PERFORMANCE STANDARDS**

The Performance Standards shall apply to all Districts as provided in Section 9.04.

#### **4.27 EXISTING SPECIAL USES**

Where a use is classified as a Special Use and exists as a permitted use at the date of the adoption of this Ordinance, it shall be considered a legal special use, without further action by the Village Board, the Zoning Administrator, or the Planning and Zoning Commission.

#### **4.28 TEMPORARY MODEL HOME REGULATIONS**

Temporary model homes shall be used primarily to offer for sale or rental dwelling units located within the same subdivision or Planned Development in which the model home is located. The following regulations shall govern the operation of a model home.

1. Upon request by the Village, the owners of the property shall provide information relating to the use of the model home, including, but not limited to, a record of sales or rentals made from the model home.
2. Building materials may be stored within the model home, but not upon the lot on which a model home is situated
3. Sales offices, rental offices and construction offices may be contained in a model home; provided that the appearance of the model home is not substantially different from that of the other dwelling units in the subdivision or planned development.
4. A temporary off-street parking lot may be permitted if recommended by the Zoning Administrator.
5. Exterior floodlights may be used to illuminate the model home; provided that lights are sufficiently screened so that private dwelling units and traffic are not adversely affected by the floodlights. The exterior floodlights shall be turned off not later than 10 p.m.
6. Signs shall be allowed as permitted in Section 11.00.
7. A model home shall be used in conformance with the applicable zoning or removed after the subdivision or planned development is completed or after a period of thirty-six (36) months, whichever comes first. Any parking or signage which existed in construction with the use of the model home shall be removed.

#### **4.29 LANDSCAPING**

1. The Landscape plan shall include:
  - a. Title block including the name of the plan, designer's name, scale of the plan, north point and date of the plan.
  - b. List all types and varieties of plant material to be installed;
  - c. Number (quantity) of each type of plant material to be installed;
  - d. Key numbers on the landscape plan to identify where each type of plant material is to be installed;
  - e. Contouring, shaping and preparation of landscape areas;
  - f. Landscape plans shall be required for all subdivisions in all districts.
  - g. Use and placement of non-plant elements within the area to be landscaped;
  - h. A complete cost estimate for landscape construction and installation from landscape architect and/or contractor;
  - i. The landscape plan shall also incorporate existing significant trees, three inches (3”) in caliper or larger and other existing natural vegetation which is to be preserved on the site.
2. The minimum landscape requirements may include natural fences.
3. Landscape materials shall be selected and sited to produce a hardy and drought- resistant landscape area. Selection shall include: consideration of soil type and depth; spacing for opacity; exposure to sun, wind and water; slope and contours of the site; building walls, overhangs and compatibility with existing native vegetation preserved on site.
4. Screening and Buffering:

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Screening shall be used to reduce or eliminate the visual impacts of the following:

- a. Service areas and facilities, including trash containers and loading areas,.
- b. Storage areas,
- c. Off-street parking,
- d. At and above grade electrical and mechanical equipment such as transformers, heat pumps, and air conditioners, and
- e. Other areas or uses as required by this Ordinance.

Screening may be accomplished by sight obscuring plant materials (generally evergreens), earth berms, walls, fences or other design techniques. Buffering shall be used to mitigate adverse visual impacts, dust, noise, or pollution and provide compatibility between dissimilar adjoining uses. Special consideration will be given to buffering and screening between residence and business and/or industrial uses in visually sensitive areas.

5. Planting and Maintenance:

- a. No sight-obscuring plant material exceeding three feet (3') in height, at maturity above street grade, shall be located within a triangular area measured twenty-five feet (25') from the intersections of any two (2) street right-of-way lines in compliance with Section 4.06.13 of this Ordinance. Existing trees located within the twenty-five foot (25') triangular area of any such intersections shall be maintained to allow eight feet (8') of vision clearance below the lowest hanging branches in areas facilitating vehicular traffic.
- b. Plant material, including deciduous and evergreen trees, shall not cause a hazard. Landscape plant material overhanging walks, pedestrian paths, and seating areas shall be pruned to a minimum height of eight feet (8') and to a minimum height of fifteen feet (15') over streets and vehicular traffic areas.
- c. Landscape plant materials shall be selected which do not generally interfere with utilities above or below ground level at maturity.
- d. Landscape plant materials shall be installed in accordance with current standards of the American Association of Nurserymen.
- e. Landscape plant materials shall be properly guyed and staked in accordance with current industry standards as necessary. Stakes and guy wires shall not interfere with vehicular or pedestrian traffic.
- f. Plant materials shall be hardy and have vigorous root systems, and be free from defects, diseases and infections.
- g. Deciduous trees shall be fully branched, have a minimum caliper of three inches (3") (measured six inches (6") above ground level) and a minimum height of fourteen feet (14') at the time of planting.
- h. Evergreen trees shall be a minimum of five feet (5') in height, fully branched.
- i. Shrubs shall be supplied in minimum eight inch (8") burlap balls or one (1) gallon containers with a minimum height spread of twelve (12") to eighteen (18") inches.
- j. Ground cover plants shall be planted so that an affective covering is obtained within three (3) growing seasons.
- k. Appropriate methods of care and maintenance of landscape plant materials shall be provided by the owner of the property.
- l. Landscape plant materials shall be protected from damage due to heavy foot traffic or vehicular traffic by protective tree grates, pavers, or other suitable methods, where appropriate.

#### 4.30 FENCES

The following requirements shall apply to all Zoning Districts.

1. General Requirements
  - a. Fences, walls or shrubbery shall not be erected, constructed, or maintained in conflict with the corner lot vision clearance specification established in Section 4.06.13 of this Ordinance.
  - b. No fence or shrubbery may be erected, constructed or maintained to impede the natural storm water run off on any portion of that lot or any adjoining lot.
  - c. Where there is a change in grade between adjoining lots, the height of fences shall be measured from the average grade within six feet (6') on either side of the line where the fence is to be erected. If the grade change is greater than one foot (1') within this twelve foot (12') area, it will be necessary to provide a detail showing the cross section of the terrain at the fence line. This detail shall be reviewed by the Building Inspector to determine the average grade height.
  - d. Interior Lots – Fences shall not be allowed or installed in front yards or in side yards of the lot beyond the middle point of the side yard to the front of the lot. The middle point of the side yard is defined as the middle of the main building which is one-half (½) of the distance from the rear of the main building foundation line to the front of the main building foundation line of the residence constructed of the lot. Open porches and stairs are not considered when determining the main building line. See illustrations.  
Corner Lots - Fences shall be permitted on the rear and side yards provided that fences shall not be permitted in the front yards (yards fronting the street) in front of or beyond the main building foundation. Open porches and stairs are not considered when determining the main building line. See illustrations.
  - e. Fences shall not be permitted in the front yard except when a variance is requested and approved by the Planning and Zoning Commission.
  - f. Rear and side yard fences shall have a visibility ratio of one (1) open to two (2) opaque or thirty three percent (33%) or greater at right angles to the fence, with the exception of a rear yard containing a permanent swimming pool by definition. Such rear yards will be permitted to have a solid or opaque fence. The removal of a permanent swimming pool shall also require the removal of the solid or opaque fence, if one exists.
2. Required Fences  
Fences are required and shall be constructed as follows:
  - a. A minimum six foot (6') solid fence is required along the lot line of lots in districts zoned business and industrial where such lot line abuts a lot in the Residence District when the residential use predates the business or manufacturing use.  
Fences up to eight feet (8') in height or landscaping in lieu of fences may be allowed if recommended and/or required by the Planning and Zoning Commission and approved by the Village Board.  
The owner of the business or industrial lot shall be responsible for the erection and maintenance of the required fences or landscaping.
  - b. A minimum six foot (6') high solid fence shall be erected along the lot line of lots in R-3 General Residence District which are being developed with multi-family dwelling units, where such lot lines abut a lot in R-1 or R-1A Single Family Residence District or R-2 Two-Family Residence District. Fences up to eight feet (8') in height or landscaping in lieu of fences may be allowed and/or required if recommended by the Planning and Zoning

Commission and approved by the Village Board. The purpose of the fence is to effectively screen the activities of the multi-family dwelling units in the R-3 General Residence District from the R-1, R-1A and R-2 Districts. Ownership and maintenance of fences in an R-3 district, or R-3 section of a Planned Development, shall be the responsibility of the Home Owners Association.

3. Swimming Pools

The following requirements shall apply to swimming pools:

Permanent swimming pools shall be completely enclosed with a minimum four foot (4') high fence and gate. Fences shall be constructed of chain link or other materials equivalent to the following chain link specifications:

- a. Fence fabric shall have a maximum two inch (2") opening and shall be made of galvanized or plastic coated eleven (11) gauge steel wire or equivalent aluminized steel wire grid. Line posts, terminal posts, swing gate posts and braces shall be of galvanized steel pipe or H column construction. Post heights shall be sufficient to accommodate the fabric and shall extend a minimum of two feet (2') into concrete footings. The bottom of the wire mesh fabric shall not be installed more than three inches (3") above grade. The spacing of posts shall not be greater than ten feet (10') on center. Swing gates shall employ positive self-closing devices with suitable latches and padlocks. The latch shall be located a minimum of thirty-six inches (36") above grade.
- b. An equivalent fence shall be defined as one which provides equal or better protection against the possibility of a person accidentally falling into the swimming pool. The Building Inspector shall determine such equivalency.
- c. If the swimming pool is so located on the lot that a fence, with gate, on the lot or elsewhere meets the above requirements, a separate fence around the swimming pool is not required. If said fence terminates within three inches (3") of a dwelling, garage or any structure on the premises and is otherwise arranged so that the only access to the pool necessitates that a person pass through two (2) or more lockable doorways, or the gate in the fence, the fence need not be continuous, but may be interrupted by said structures.
- d. When the pool is not in use under the supervision of the owner, and/or agent, tenant or other responsible person, all access gates or doors leading directly to the pool area shall be securely locked.
- e. All portable swimming pools shall be completely enclosed as if they were permanent swimming pools; however, solid or opaque fences shall not be permitted. Fences around and attached to raised decks will be permitted as long as they satisfy the above requirements.
- f. The swimming pools shall be kept in full view from inside the dwelling unit. No shrub, bush, tree, structure, equipment or anything else which would impair vision except an open fence and gate shall be placed so as to impair the visibility of the entire area of the pool surface from the dwelling on the premises.
- g. Comply with all Codes and Ordinances of the Village of Beecher governing the installation and use of swimming pools.

4. Prohibited Fences and Gates in All Districts

The following fences are hereby prohibited:

- a. Barbed wire, chicken wire, (unless to enclose a rear or side yard garden) hog wire, rope, cable, and electrically charged wire, and other similar materials except that barbed wire may be used on top of permitted fences in the industrial district and on fences enclosing property

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owned by a government agency unless recommended by the Planning and Zoning Commission and approved by the Village Board.

- b. Snow fences, except those erected for the sole purpose of controlling drifting snow between November 1st and March 31st, installed only on that portion of a lot which faces or abuts a road, street or highway.
- c. Chain link fences with barbed ends up.
- d. No gate or fence is permitted across a driveway in the front yard setback on any Residence District.
- e. Any fence on a corner lot which extends closer to the adjoining street than the front yard or side yard setback lines (see illustration) except for open decorative fences and landscaping under three feet (3') high. Front yard decorative fences and landscaping shall be approved by the Zoning Administrator.
- f. Any fence, that would be closer to any street or roadway than the front setback lines established by the building setbacks as actually located on the lots (see illustration Item "B") except that a required fence or a decorative open fence or landscape fence under three feet (3') high is allowed.

### 5. Development Fence

If a development fence is to be provided, a plan shall be provided showing the location of the fence, type of fence to be used, and an estimate of life of the fence. All of these items shall be reviewed by the Building Department prior to issuing a permit for said fence.

When a replacement of the development fence is required, the Building Department shall approve the replacement fence as to its compatibility with abutting fence located along the public right-of-way prior to the issuance of a fence permit.

### 6. Fence Construction

Fence permits: A fence permit is required for the construction of all fences. Provide the Building Department with a copy of the Plat of Survey showing the proposed location of the fence. Complete a fence permit application answering all necessary questions and pay the appropriate permit fee.

### 7. Location

- a. All fences shall be properly constructed on the fence owner's property.
- b. All fences shall be permanent and not temporary except for garden fences enclosing a garden in a rear yard or side yard not exceeding four feet (4') in height.
- c. Except as follows, all permitted fences shall be constructed within one foot (1') of the fence owner's side or rear lot lines: 1) Except where the permitted fence returns to the existing building or structure to enclose a yard, 2) Except for patio privacy fences not exceeding six feet (6') in height within the buildable area of the lot, 3) Except for dog enclosures or runs not exceeding six feet (6') in height or enclosing greater than twenty percent (20%) of the rear yard, constructed in the rear yard or buildable lot area and set back not less than five feet (5') from all property lines. A corner zoning lot shall be considered as having two (2) front yards.

### 8. Fence Installation

All fences shall be installed so that the finished side faces towards the nearest lot line. All structural supports, if exposed, shall be located in such a manner so as to face the principal building on the lot on which the fence is located.

### 9. Fence Heights and Fence Construction



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Permitted fences as previously allowed may be constructed to the following heights in the following Zoning Districts:

a. Residence Districts

- (1) In a residential district, wooden, plastic or any fence made of a solid material shall be permitted up to a height of five feet (5') along the rear and side lot lines of a residential lot or up to six feet (6') along the rear of the lot adjacent to a public park or alley.  
For any fence made of wood, plastic or other solid material, there shall be a minimum of one inch (1") of open space for each two linear inches (2") of opaque fence material.  
Chain link fences may be up to six feet (6') in height along the rear and side lot lines.  
Fences shall not be painted or made of materials with any color other than white or earth tones except chain link fences which shall be their natural metal color.  
Any fence constructed as above set forth or any chain link fence shall be considered an open fence.
- (2) Solid fences which serve to screen or hide business or manufacturing activities may be up to six feet (6') high except under special conditions an eight foot (8') fence may be recommended by the Planning and Zoning Commission and approved by the Village Board.
- (3) Open fences abutting regulation size tennis courts may be up to ten feet (10') high.
- (4) Open fences - six feet (6') high.
- (5) Open fences at public baseball fields.
- (6) A solid patio fence may be erected to a height measured from grade not to exceed six feet (6') and a distance not to exceed twenty-four lineal feet (24') along the rear lot line or that portion of the interior side lot line, provided that in no case shall any portion of the screen be placed so as to impair the visibility of the entire area of a swimming pool from the principal dwelling on the premises and such screen is no closer than one foot (1') to any interior side or rear lot line.

b. Business District

Any type of fence, maximum eight feet (8') high. See Section 4.31.2.

c. Industrial District

Any type of fence, maximum eight feet (8') high, or up to twelve feet (12') high when approved by the Village Board.

10. Non-Conforming Fences

A fence which does not comply with this Ordinance but which is in place on or before the effective date of this Ordinance and which is destroyed by fire or other casualty or act of God or deteriorates to the extent that the cost of restoration to the condition in which it was before the occurrence will exceed fifty percent (50%) of the cost of restoration of the entire fence now, shall not be restored unless said fence shall conform to all regulations of this Ordinance. In the event that such damage or destruction is less than fifty percent (50%) of the cost of restoration of the fence, no repairs or reconstruction shall be made unless such restoration is started within ninety (90) days from the date of partial destruction and is diligently prosecuted to completion.

### **4.31 ANIMAL ENCLOSURES (Dog Runs)**

An animal enclosure is an area enclosed by fencing material prescribed in this section, which is intended to impound on a full-time or part-time basis, any household pet or other animal legally permitted within the zoning district. Occupancy of the shelter shall be limited by the

terms of the Village Code to no more than two (2) dogs. An animal enclosure may contain a dog house or other similar fully enclosed shelter not to exceed a total of eight square feet (8') in floor area. The shelter shall be constructed or located in such a manner as to prevent the escape of the animal which will occupy the animal enclosure.

Placement of the animal enclosure shall be limited to the rear yard of a zoning lot and shall conform to the side yard setback requirements of the zoning district in which the zoning lot is located. An animal enclosure shall be no larger than ten feet (10') wide and twenty feet (20') in length, measured perpendicular from the width. The maximum height of the fencing material may not exceed six feet (6') and fencing material shall be limited to wire mesh, chain-link fencing material. The surface of the enclosure shall be of concrete, asphalt, concrete paving blocks or other impervious material as approved by the Village.

In any event that the home owner or occupant no longer houses an animal on the property, the owner shall remove the animal enclosure no later than ninety (90) days of the date the animal is no longer housed on the property or upon notice to the Village that a dog license is not renewed for a dog housed on the property where an animal enclosure has been permitted.

All animal enclosures shall only be constructed on a zoning lot upon issuance of a Building Permit by the Village.

#### **4.32 MANUFACTURED HOMES**

It is the intent of this Ordinance to allow Manufactured Homes meeting the definition of Dwelling, Single-Family as defined in the AG-1 Agriculture District, R-E Residential Estate District, R-1 Single-Family Residence District, R-2 Two-Family Residence District, and R-3 General Residence District in which similar dwellings constructed on a site are permitted. There shall be a similarity in exterior appearance between such residentially designed manufactured homes and dwellings which have been constructed under these and other lawful regulations on adjacent lots in the same zoning district.

##### Standards

1. Manufactured single-family detached homes shall not include a Mobile Home.
2. A Manufactured Home shall meet the National Manufactured Housing Construction and Safety Standards of 1974, as amended, 42 U.S.C. 5401, *et seq.*, when used as a place of human habitation.
3. Prior to issuing a Zoning Certificate for a Manufactured Home by the Zoning Administrator, the following conditions shall be in compliance:
  - a. A roof shall be pitched using a ratio of not less than three (3") to twelve (12") inches or greater and covered with durable material that is residential in appearance, including, but not limited to, approved wood, asphalt composition shingles, wood shake shingles, but excluding corrugated aluminum, corrugated fiberglass or metal roof.
  - b. Exterior siding shall be residential in appearance and cannot have a high- gloss finish including, but not limited to, clapboard, simulated clapboard such as conventional vinyl or metal siding, wood shingles, brick or brick veneer or similar material but excluding smooth, ribbed or corrugated metal or plastic panels.
  - c. The towing devices, hitches, axles, and wheels shall be removed.

- d. At each door (entrance or exit) of the Manufactured Home there shall be a permanent stoop that is not less than thirty-six inches (36”) by thirty-six inches (36”).
- e. The Manufactured Home shall be oriented on a zoning lot so that its long axis is parallel with the street. A perpendicular or diagonal placement may be permitted if there is a building addition or substantial landscaping so that the narrow dimension of the dwelling unit is not less than fifty percent (50%) of the dwelling unit's long dimension.
- f. The zoning lot shall be landscaped to insure compatibility with surrounding properties
- g. The home shall not be less than twenty-eight feet (28') in width.
- h. Recent photographs or brochures showing the front, side and rear of the Manufactured Home shall be submitted when filing the application requesting the issuance of a Zoning Certificate.

All Manufactured Homes, in addition to the above, shall also be in compliance with all applicable codes and ordinances of the Village.

#### **4.33 INOPERABLE VEHICLES/VEHICLE REPAIR**

Inoperable vehicles or vehicles in need of repair shall not be parked in the front yard longer than seven (7) days on property zoned for automobile repairs. Such repairs shall be prohibited in all other districts.

#### **4.34 COMMUNICATION AND OTHER TOWERS**

1. Intent To Provide for Communication Services

It is the intent of this ordinance to allow communication and other similar towers to serve the ever changing technology in the field of personal and business communications for wireless communications as defined in the Telecommunications Act of 1996 which includes Federal Communications Commission (FCC) licensed commercial wireless telecommunications services including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging and similar services that currently exist or that may in the future be developed. The term tower shall include all communication towers, other antenna support structures, antennas, buildings/facilities and any similar structures necessary for the provision of wireless communication services.

2. Policy of Collocation of Antenna and Antenna Arrays on Existing Structures

It is the policy of the Village to encourage the collocation of antenna and antenna arrays on existing structures including the existing water tower, the proposed water tower, and Farmers Cooperative Elevator. Location of an antenna/antenna array and related equipment shall be permitted as a special use pursuant to the provisions of this ordinance. A proposal for the location of a new tower or communication structure for the purpose of collocation of wireless communication antenna/antenna arrays to be occupied by two or more service providers (Within a reasonable time period as determined by the Board of Trustees) and which meets the location requirements and construction standards set forth in paragraph 4 below, may be permitted as a special use on any new water tower owned by the Village.

3. Restriction Upon the Location of New Towers Unless Standards Are Met

It is a policy of the Village to prohibit the location of any additional towers or other communications support structures within Village limits unless the applicant can demonstrate to the reasonable satisfaction of Planning and Zoning Commission and the Board of Trustees

that the following conditions exists and the location of the proposed tower or other communication support structure meets the location requirements and construction standards as set forth in paragraph 5 below:

- a. There is no existing tower or other communication support structure located within the Village limits and the one and one-half (1½) mile jurisdictional planning area for which the applicant's proposed antenna or antenna array can be attached which meets the applicant's engineering requirements.
- b. There is no existing tower or other support structure located within the Village limits and the one and one-half (1½) mile jurisdictional planning area having sufficient height to meet the applicant's engineering requirements.
- c. There is no existing tower or other support structure located within the Village limits and the one and one-half (1½) mile jurisdictional planning area having sufficient structural strength to support the applicant's proposed antenna or antenna array.

4. Location Requirements, Construction Standards and Other Conditions

All newly constructed towers, communication support structures and any related equipment shall conform to the following location requirements, constructions standards and other conditions as follows:

- a. Towers, not otherwise permitted in section 2 above, shall be allowed as a special use in the AG-1 Agriculture, B-3 General Business, I-1 Limited Industrial and the O-R Office Research Districts. Towers shall be prohibited from the R-E Residential Estate, R-1 Single Family Residential, R-1A Single Family Residential, R-2 Two-Family Residence, R-3 Two-Family Residence, B-1 Historic Downtown Business, and B-2 Local Business zoning districts.
- b. The minimum lot size shall contain be one (1) acre of land area. All lots shall have a minimum of one hundred twenty five feet (125') of road or street frontage.
- c. The base of the tower or other communication structure shall be of the self-supporting pole type and not be of the construction which requires cable support of any type.
- d. The tower must be setback from all property lines a distance equal to its height, unless engineering plans and specifications have been verified by the Village Engineer that the structural integrity of the tower will withstand the maximum high wind service or Village Building Code specifications, and associated impacts, and the likelihood of a tower failure is minimal.
- e. Accessory structures are limited to uses associated with the operation of the tower and may not be located any closer to any property line than thirty feet (30').
- f. Accessory structures shall not exceed six hundred square feet (600') of gross building area.
- g. All other requirements of the zoning district in which the tower is located shall be complied with.
- h. Security to prevent unauthorized access shall be provided for all fence and building enclosures. A written agreement with the Fire District concerning access for fire safety shall be provided to the Village, prior approval of the special use.
- i. Engineering plans and specification for the tower, prepared by a State of Illinois Registered Engineer specializing in structural engineering, shall be provided with the application for the special use.
- j. Engineering plans and specifications for the tower mounting foundation and the foundation for structure shall be prepared by State of Illinois Registered Engineer. These

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shall be accompanying the application for the special use. Engineering plans shall including soil boring information for the site of the tower mounting foundation and any other foundation in excess of four feet (4') in depth. Soil conditions must be determined suitable for the tower mount foundation by the Village Engineer.

- k. The applicant shall provide inspection and verification that the installation of the tower, mount and foundation have been installed in compliance with the plans and specification and all applicable codes and standards. Inspections and verification procedures shall be subject to approval of the Village.
- l. All towers shall meet the standards of the federal Aviation Administration, Federal Communications Commission and any other applicable regulatory State of Illinois or Federal agency.
- m. Communication towers in excess of one hundred feet (100') in height above grade level shall be prohibited within a two (2) mile radius of a public or private airport runway or helipad.
- n. No part of any tower shall be constructed, located or maintained at any time, permanently or temporarily, on or upon any required setback area for the district in which the tower will be located. In no case shall a tower be located within thirty feet (30') of a property line.
- o. Metal towers shall be constructed of, or treated with, corrosive resistant material acceptable to the Village.
- p. Towers shall be grounded for protection against a direct strike by lightning and shall comply as to electrical wiring and connections with all applicable local statutes, regulations and standards.
- q. All attachments to any tower shall be designed to withstand the maximum uniform wind loading as prescribed in the Village Building Code.
- r. All signals and remote control conductors extending substantially horizontally above the ground between the tower and a structure, or between towers, shall be at least eight feet (8') above the ground at all points, unless buried safety equipment.
- s. Towers shall be located so there is room for vehicles doing maintenance to maneuver on the property owned or leased by the applicant, including fire safety equipment.
- t. The base of the tower shall occupy no more than five hundred square feet (500') of area.
- u. Minimum spacing between tower locations shall be one (1) mile in order to prevent a concentration of towers in one area.
- v. Height of the tower shall not exceed three hundred feet (300') and no tower located within five hundred feet (500') of any residential area shall exceed one hundred seventy five feet (175') in height from grade.
- w. Towers shall not be artificially lighted unless required by the Federal Aviation Administration.
- x. Existing on-site vegetation shall be preserved to the maximum extent possible.
- y. There shall not be displayed advertising or identification of any kind intended to be visible from the ground mounted on the tower or other structures, except for emergency purposes.
- z. Any attachments to the tower shall be painted to match the exterior treatment of the tower. The chosen paint scheme should be designed to minimize off-site visibility of the tower as determined by the Village.

- aa. All structures shall be subject to any state and federal regulations concerning nonionizing electromagnetic radiation. If more restrictive state or federal standards are adopted in the future, the tower shall be made to conform to the extent required by such standards or the special use approval will be subject to revocation by the Village Board. Costs for testing and verification or compliance shall be born by the owner of the tower.
  - bb. There shall be no employees located on the site on a permanent basis to service or maintain the tower or attachments, unless specifically approved as part of the special use approval. Occasional or temporary repair and service activities are excluded from this restriction.
  - cc. All parking and drive areas must be paved with material meeting the standards of the Village.
  - dd. A vegetative buffer shall be required where the property adjoins any residentially zone property or land use. The tower owner shall plant two (2) alternating rows of evergreen trees with a minimum height of five feet (5') on twenty foot (20') centers along the entire perimeter, and twenty feet (20') beyond but no further than the property line, of the tower and structure, to provide a visual sight barrier from the adjoining residential zoned properties and the tower and structures. In no case shall the evergreens be any closer than ten feet (10') to the tower or structure.
- 1.) The tower shall be removed by the property owner or property lessee within six (6) months of being abandoned. Notice of the abandonment of the tower shall be provided to the Village ninety (90) days prior to abandonment.
  - 2.) The applicant shall incur all cost associated with the Village review of the application for the special use.

#### **4.35 ADULT ENTERTAINMENT FACILITIES**

Adult entertainment businesses, meeting the definition of Adult Entertainment Business, or those similar in character, shall be subject to the following special provisions:

- 1. All business shall be the principal use of a building located in the B-3 General Business District.
- 2. No business shall be located within one thousand feet (1,000'), measured from the perimeter of the building to the lot line of a zoning lot containing a residential, commercial or public building.
- 3. All business shall be conducted in an enclosed building having occupancy of less than 25 persons, as determined by the Chief of the Beecher Fire District based on nationally recognized occupancy standards established by the National Fire Insurance Board or equivalent nationally recognized professional building or fire protection standard organization.
- 4. Any building used may have not more than forty percent (40%) of the floor area devoted to storage purposes incidental to such primary use.

**SECTION 5.00      NON-CONFORMING BUILDINGS, STRUCTURES AND USES**

**5.01            STATEMENT OF PURPOSE**

The purpose of this Section is to provide for the regulation of non-conforming buildings) structures, and uses and to specify those circumstances and conditions under which those non-conforming buildings) structures and uses shall be gradually eliminated upon reaching the end of their respective normal useful life, in accordance with the authority granted by Illinois Revised Statutes, Chapter 24, Section 11-13-1.

**5.02            AUTHORITY TO CONTINUE NON-CONFORMING BUILDINGS, STRUCTURES AND USES**

Any non-conforming building, structure or use which existed lawfully at the time of the adoption of this Ordinance and which remains non-conforming, and any such building, structure or use which shall become non-conforming upon the adoption of this Ordinance or any subsequent amendment thereto, may be continued, some indefinitely, others for specified and respective periods of time, subject to the regulations which follow.

**5.03            EXEMPTED BUILDINGS, STRUCTURES AND USES**

No building, structure or use lawfully established on the effective date of this Ordinance shall be subject to the provisions of this Section solely by reason of being non-conforming with respect to the standards prescribed in this Ordinance for any of the following:

1. Floor area ratio;
2. Yards - front, side, rear or transitional;
3. Lot area per dwelling unit;
4. Lot width;
5. Ground floor area per dwelling;
6. Gross floor area;
7. Building height; and
8. Off-street parking or off-street loading spaces.

For the purposes of this section, a building or structure lawfully constructed or established on the effective date of this Ordinance shall be deemed to include any building or structure for which a building permit has been lawfully issued prior to such date, and on which construction is begun within the required period of time as set forth in this Ordinance.

**5.04            RESTRICTIONS OF NON-CONFORMING BUILDINGS, STRUCTURES AND USES THEREOF**

Any lawfully existing building or structure which does not conform to the regulations of the district in which it is located shall be subject to the provisions of this subsection.

1. Repairs and Alterations. Ordinary repairs and alterations may be made to a non- conforming building or structure provided that no structural alterations shall be made in or to such building or structure, all or substantially all of which is designed or intended for a use not

permitted in the district in which it is located, except those required by law, or except to make the building or structure and use thereof conform to the regulations of the district in which it is located. For the purpose of this section, ordinary repairs shall include the replacement of storage tanks where the safety or operation of the installation requires such replacement.

2. Additions and Enlargements. A non-conforming building or structure which is non-conforming as to bulk, or all or substantially all of which is designed or intended for a use not permitted in the district in which it is located, shall not be added to or enlarged in any manner unless such non-conforming building or structure and use thereof, including all additions and enlargements thereto, is made to conform to all the regulations of the district in which it is located.
3. Moving. No building or structure which does not conform to all of the regulations of the district in which it is located shall be moved in whole or in part to any other location unless every portion of such building or structure is moved and the use thereof is made to conform to all regulations of the district into which it is moved.
4. Restoration of Damaged Non-Conforming Building. A building or structure, all or substantially all of which is designed or intended for a use which is not permitted in the district in which it is located, and which is destroyed or damaged by fire or other casualty or act of God to the extent that the cost of restoration to the condition in which it was before the occurrence will exceed fifty percent (50%) of the cost of restoration of the entire building or structure new, shall not be restored unless said building or structure and the use thereof shall conform to all regulations of the district in which it is located. In the event that such damage or destruction is less than fifty percent (50%) of the cost of restoration of the entire building or structure new, no repairs or reconstruction shall be made unless such restoration is started within one (1) year from the date of the partial destruction and is diligently prosecuted to completion.
5. Discontinuance of Use of Non-Conforming Building or Structure. A building, structure, or portion thereof, all or substantially all of which is designed or intended for a use which is not permitted in the district in which it is located, and which is vacant on the effective date of this Ordinance or thereafter becomes vacant and remains unoccupied, or is not used for a continuous period of twelve (12) months, shall not thereafter be occupied or used except by a use which conforms to the use regulations of the district in which it is located and if recommended by the Planning and Zoning Commission and approved by the Village Board.
6. Expansion of Use in Non-Conforming Buildings or Structure. The non-conforming use of a part of a building or structure may be expanded within the building or structure in which said use is presently located, but no changes or structural alterations shall be made unless such changes or structural alterations -and the use thereof conforms to all the regulations of the district in which the building or structure is located.
7. Change of Use in Non-Conforming Building or Structure. The non-conforming use of a building or structure may be changed to a use permitted in the district in which the building or structure is located, or to a use permitted in a more restrictive district; but no change shall extend or otherwise modify any provision made in this Ordinance for elimination of such non-conforming building or structure and the use thereof for the purpose of this subsection only the A-I Agriculture District shall be considered the most restrictive and the Industrial Districts the least restrictive district.



8. Elimination of Non-Conforming Building and Structure. Any expansion of a legal non-conforming building or structure is prohibited. A legal non-conforming building or structure shall be converted to a permitted building or structure if and when the following occurs: The building is more than fifty percent (50%) destroyed; is abandoned; if the building is unfit for occupancy; or if there is a change in use of the property.

#### **5.05 CONDEMNATION OF NON-CONFORMING BUILDINGS AND STRUCTURES**

1. The Village of Beecher, at any time and from time to time, by Ordinance duly enacted and in accordance with authority vested in it by Illinois Revised Statutes, Chapter 24, Section 11-13-1, (a) may acquire by purchase, condemnation or otherwise any buildings or structures which do not conform to the standards fixed by the corporate authorities of the Village of Beecher and all land which is necessary or appropriate for the rehabilitation, or redevelopment of any area blighted by substandard buildings or structures, (b) may remove or demolish all such substandard buildings and structures so acquired, (c) may hold and use any remaining property for public purposes, and (d) may sell, lease or exchange such property as is not required for public purposes, subject to the provision of this Ordinance or any amendment thereto.
2. No such acquisition by condemnation shall be made until such time as the President and the Board of Trustees, or upon its own initiative, shall have made a study of the area within which such non-conforming building or structure is located.

#### **5.06 NON-CONFORMING USE OF BUILDINGS OR STRUCTURES**

The lawfully existing non-conforming use of part or all of a building or structure, all or substantially all of which building or structure is designed or intended for a use permitted in the district in which it is located, may be continued, subject to the following provisions:

1. Expansion of Non-Conforming Use. The non-conforming use of a part of a building or structure, all or substantially all of which building or structure is designed or intended for a use permitted in the district in which it is located, shall not be expanded or extended into any other portion of such building or structure nor changed to any other non-conforming use.
2. Discontinuance. If a non-conforming use of a building or structure, all or substantially all of which building or structure is designed or intended for a use permitted in the district in which it is located, is discontinued for a period of ninety (90) continuous days, it shall not be renewed; and any subsequent use of the building or structure shall conform to the use regulations of the district in which the premises are located unless recommended by the Planning and Zoning Commission and approved by the Village Board.
3. Change of a Non-Conforming Use. No non-conforming use shall be changed to another non-conforming use when such non-conforming use is located in a building or structure, all or substantially all of which building or structure is designed or intended for a permitted use.
4. Elimination of Non-Conforming Uses. In all Residence Districts, any use which lawfully exists at the adoption of this Ordinance, but is permitted only in a Business or Industrial District and which is located in a building, all or substantially all of which is designed and intended for a residential purpose, shall be entirely discontinued, and shall thereafter cease operation within five (5) years unless a special use is granted by the Village Board. The

Zoning Administrator shall notify the property owner of the non-conforming use of its elimination and the elimination timetable.

#### **5.07 NON-CONFORMING USE OF LAND**

The non-conforming use of land not involving a building or structure, or in connection with which any building or structure thereon is incidental or accessory to the principal use of the land, may be continued subject to the following provisions:

1. Expansion. A non-conforming use of land shall not be expanded or extended beyond the area it occupies.
2. Discontinuance. If a non-conforming use of land is discontinued for a period of thirty (30) consecutive days, it shall not thereafter be renewed, and any subsequent use of land shall conform to the regulations of the district in which the land is located.
3. Change of Use. A non-conforming use of land shall not be changed to any other use except to a use permitted in the district in which the land is located.
4. Elimination of Non-Conforming Use of Land. The non-conforming use of land shall be discontinued and cease within one (1) year following documentation of the non-conforming use and notification of such non-conforming use to the property owner by the Zoning Administrator.

**SECTION 6.00**

**ZONING DISTRICTS**

**6.01 DISTRICTS**

For the purposes and provisions of this Ordinance, the Village of Beecher is hereby divided into the following districts:

Residence District

- AG-1 Agriculture District
- R-E Single-Family Residence Estate District
- R-1 Single Family Residence District
- R-1A Single Family Residence District for Subdivisions platted prior to the adoption of this ordinance.
- R-2 Two Family Residence District
- R-3 Multi-Family Residence Distinct

Business Districts

- B-1 Historic Downtown Business District
- B-2 Local Business District
- B-3 General Business District (Business and Service)

Industrial Districts

- I-1 Limited Industrial District
- OR Office Research District

Open Space District

**6.02 MAP**

The location and boundaries of the districts established by this Ordinance are set forth on the “Official Zoning District Map of Beecher” which is incorporated herein and hereby made a part of this Ordinance. The said map, together with everything shown thereon and all amendments thereto, shall be as much a part of this Ordinance as though fully set forth and described herein. The said map shall be filed with the office of the Village Clerk and certified copies thereof at the office of the Zoning Administrator and shall be open to public reference at all times during which these offices are open.

**6.03 DISTRICT BOUNDARIES**

When uncertainty exists with respect to the boundaries of the various districts, as shown on the Beecher Zoning Map, the following rules shall apply:

- 1 District boundary lines are either the center lines of railroads, highways, streets, alleys, easements, or tract or lot lines, or such lines extended unless otherwise indicated.
2. In areas not subdivided into lots and blocks, wherever a district is indicated as a strip adjacent to and paralleling a street, highway or railroad, the depth of such strips shall be in

accordance with the dimensions shown on the maps measured at right angles from the centerline of a street, highway or railroad, and the length of frontage shall be in accordance with dimensions shown on the map from center lines of streets, highways or railroad rights-of-way unless otherwise indicated.

3. Where a lot held in one (1) ownership and of record on the effective date of the Ordinance is divided by a district boundary line, the entire lot may be construed to be within the less restricted district, if it increases the less restricted frontage of the lot by less than twenty five feet (25'), it shall be construed in the more restrictive zoning district.
4. Questions concerning the exact location of district boundary lines shall be determined by the Zoning Administrator.

#### **6.04 ANNEXED TERRITORY**

Whenever any parcel of land is hereafter annexed to the Village, in any manner whatsoever, such territory, upon annexation, shall be classified or zoned under this Ordinance as an AG-1 Agriculture District, except as may be provided for by a pre- annexation agreement or an annexation agreement after public hearing by the Planning and Zoning Commission in accordance with the provisions of Section 12.00 of the Ordinance.

#### **6.05 ZONING OF PUBLIC WAYS**

All streets, alleys, public ways, waterways and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting on such streets, alleys, public ways and railroad rights-of-way or waterways. Where the centerline of a street, alley, public way, waterway or railroad right-of-way serves as a district boundary, the zoning of such areas, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such centerline.

**SECTION 7.00**

**RESIDENCE DISTRICTS**

**7.01 AG-1 AGRICULTURE DISTRICT**

The Agriculture District outlined herein is designed to provide for and allow agricultural uses, to preserve fertile and tillable soils suitable for agricultural uses, to enhance and maintain the sound economic base that agricultural pursuits provide, to guard and protect the sociological relationships that are a necessary part of the lives and well-being of rural people, and to allow for the incorporation of agricultural areas surrounding the Village so as to allow these areas to benefit from the services available within the Village.

1. Permitted Uses

- a. Farming, horticulture, forestry, crop and tree farming, truck farming, gardening, dairy fanning, stock raising, horse breeding, domestic animals, together with the operation of any machinery or vehicles incidental to the use above.
- b. Research and/or experimental farms.
- c. Greenhouses and nurseries.
- d. Sale of agricultural products produced on the premises.
- e. Farm homestead on a parcel which meets the requirements of Section 7.03.5.

2. Special Uses

The following uses may be allowed by Special Use Permit in accordance with the provisions of Section 12.00, of this Ordinance.

a. Agri-business uses as follows:

- (1) Riding stables, not nearer than five hundred feet (500') to any zoned residence district or five hundred feet (500') from an existing dwelling other than the dwelling of the owner or lessee of the site, but not less than one hundred feet (100') from any property line of the owner or lessee of the site.
- (2) Dog kennels and veterinary establishments not nearer than five hundred feet (500') to any zoned residence district or five hundred feet (500') from any existing dwelling other than the dwelling of the owner or lessee of the site.
- (3) Buying and selling of livestock, but not a stock yard or slaughter house.
- (4) The sale of farm supplies by farmers as agents, or grain elevators or similar commercial facilities are not maintained on the farm premises.
- (5) Grain storage, when not accessory to the pursuit of agriculture.
- (6) Fertilizer and seed sales, including bulk storage and mixing.
- (7) Animal feed preparation, grinding, mixing and storage.
- b. Churches.
- c. Flood plain development.
- d. Governmental buildings and facilities.
- e. Hunting, fishing, game preserves and recreational clubs or camps not less than one thousand feet (1,000') from a residence district.
- f. Manufactured homes.
- g. Membership riding clubs, including but not limited to: polo clubs, rodeo clubs and similar uses. Such uses shall be limited to an attendance not to exceed three hundred seventy-five (375) people at any single event on the property.
- h. Modular homes.

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- i. Parks and forest preserves.
- j. Public utility and/or service uses:
  - (1) Essential services including fully automated gas regulating stations, telephone exchanges, and electric sub-stations.
  - (2) Railroad passenger stations when not located on railroad property.
  - (3) Sewage treatment plants.
  - (4) Waterworks, reservoirs, pumping stations, filtration plants and wells.
  - (5) Telephone exchanges, microwave relay towers, and telephone transmission equipment buildings.
  - (6) Water filtration plants, pumping stations, reservoirs, and sewage treatment plants - public.
  - (7) Other public or private utility service uses.

k. Schools, public or private, non-boarding or boarding.

3. Temporary Permit Uses Permitted

Upon application to and issuance by the Planning and Zoning Commission, the following uses may be operated as temporary uses:

- a. Temporary building, trailer, or yard where construction materials and/or equipment, both incidental and necessary to construction in the zoning district. Each permit shall specify the location of both building, or trailer yard, and the area of permitted operation. Each such permit shall be valid for a period of not to exceed six (6) calendar months and shall not be renewed for more than two (2) successive periods at the same location.
- b. Temporary office, both incidental and necessary for the sale or rental of real property. Each permit shall specify the location of the office and the area of permitted operation. Each such permit shall be valid for a period of not more than one (1) year and shall not be renewed for more than three (3) successive periods at the same location.
- c. Real estate subdivision advertising signs which shall conform to Section 11.10.
- d. Bazaar and/or dance, provided however, that each permit shall be valid for a period of not more than seven (7) days; and provided, further, that a period of not less than ninety (90) days shall intervene between the termination of one (1) permit and the issuance of another permit for the same location.
- e. Christmas tree sales, each permit shall be valid for a period of not to exceed sixty (60) days

4. Accessory Uses Permitted

Accessory buildings, structures, or uses and devices customarily incidental to and commonly associated with a permitted or special use may be permitted; provided they are operated and maintained under the same ownership, on the same parcel, and do not include structural features inconsistent with the permitted or special uses.

Accessory uses may include:

- a. Garages, carports, or other parking spaces for the exclusive use of the residents or occupants of the premises.
- b. Swimming pools, exclusively for the use of residents and their guests, and setback from every property line not less than twenty feet (20') and not located in the front yard.
- c. Real estate signs, not exceeding twelve square feet (12') for each face and set back from every property line not less than ten feet (10').
- d. Roadside stands, for the sale of produce and poultry grown and raised on or in the immediate area of the premises, but not including live animals, and provided that such stands shall contain not more than six hundred square feet (600') of floor area. Such stands or produce offered for sale shall be located not less than fifty feet (50') from the center line of any road. Each

roadside stand shall have facilities, approved by the Village Board, for the vehicular ingress and egress, and adequate off-street parking.

5. Site and Building/Structure Requirements

a. Minimum Lot Area:

A separate ground area of not less than ten (10) acres shall be designated, provided, and continuously maintained for each building, structure or land containing a permitted residence or special use.

b. Minimum Lot Width:

A minimum lot width of three hundred feet (300') shall be provided for each lot used for a permitted residence or special use.

c. Front Yard:

Buildings and structures shall be set back not less than one hundred feet (100') from the center line of the road.

d. Side Yard:

All buildings and structures shall be set back not less than fifty feet (50') from the lot line.

e. Rear Yard:

All buildings and structures shall be set back not less than fifty feet (50') from the rear lot line.

f. Maximum Height:

No principal building or structure shall exceed thirty five feet (35') in height, and no accessory building or structure shall exceed twenty feet (20') in height.

g. Floor Area Ratio:

Not to exceed 0.2.

h. Minimum Size of Dwelling:

Each single family dwelling and any other building occupied in whole or in part for residential purposes shall contain not less than one thousand five-hundred square feet (1,500') of livable floor area, exclusive of basement or garage space.

6. Special Provisions

a. Parking Requirements:

In accordance with the applicable regulations set forth in Section 10.00.

b. Sign Requirements:

In accordance with the applicable regulations set forth in Section 11.00

c. Farm Buildings:

Farm buildings and/or structures, except for residences and garages, shall be exempt from the provisions of this ordinance when used for the permitted agricultural purpose. All setback and yard requirements shall apply to farm buildings and structures.

d. Trucks and Recreational Vehicles

One (1) commercial vehicle/equipment or one recreational vehicle may be parked and shall be owned or legally controlled by the residents or occupants of the principal use and located within the buildable area. Small pick-up trucks and/or vans used principally as passenger cars are excluded from this requirement.

**7.02 PURPOSE AND INTENT**

## VILLAGE OF BEECHER – ZONING ORDINANCE

The Residence Districts provide for the development of various types of dwelling units within the framework of the Comprehensive Plan adopted on April 26, 2005, as amended from time to time, designed to:

1. Provide housing of various types and price levels which will serve different age and income groups, and appropriately locate such housing in the Village to accommodate current and future Beecher residents.
2. Provide areas well suited as to location and topography.
3. Maintain existing residential densities in established residential areas.
4. Provide for new residential land uses only in areas where such a land use is compatible, does not disrupt established neighborhoods, and where the necessary community facilities and services exist or can be easily provided.
5. Use higher density housing which has some flexibility in site design as a buffer- transitional use between lower density residential uses and other more intensive land uses.
6. Encourage modern trends in residential planning such as the planned development concept as a means to the conservation of land, the reduction of development and housing costs, the reduction of the cost of providing public services and facilities and as a means of providing higher density usage without serious intrusion or disruption of existing or future single-family dwelling unit or neighborhood character.
7. Provide higher density residential opportunities in or near the principal business area in order to create housing opportunities for the elderly and handicapped as well as provide a walk-in market to further support the principal business area concept.
8. Consider redevelopment, and/or conversion of housing units situated on land areas better suited to other types of land uses.

### **7.03 R-E SINGLE FAMILY RESIDENCE ESTATE DISTRICT**

1. Permitted Uses:

The following uses are permitted:

- a. Single-family detached dwellings.
- b. Agriculture.
- c. Home occupations.
- d. Signs. See Section 11.00.
- e. Accessory uses in accordance with the provisions of Sections 3.02, 4.23 and 10.00.
- f. Temporary buildings (See Section 4.25).

2. Special Uses:

The following uses may be allowed by Special Use Permit in accordance with the provisions of Section 12.00.

- a. Churches, rectories, and other facilities normally incidental thereto, provided that the proposed site for a church is not less than two (2) acres.
- b. Cemeteries, including crematories and mausoleums on a lot not less than ten (10) acres in area, and provided that buildings shall be located not less than three hundred feet (300') from a residential lot line.
- c. Golf courses, including ancillary uses normally provided, such as restaurants (including the sale of alcoholic beverages) and residential uses for guests, manager and other employees, but not including commercially operated driving ranges or miniature golf courses; and



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provided that a clubhouse or accessory building shall be located not less than three hundred feet (300') from a lot line.

- d. Hospitals on a lot not less than ten (10) acres in area.
- e. Manufactured homes.
- f. Nursery schools, public or private.
- g. Parks and recreational areas when publicly owned and operated. Any outdoor lighting must meet the requirements of Section 9.03.5.
- h. Publicly owned and operated buildings, libraries, and recreational facilities.
- i. Schools, public, parochial or private non-boarding.
- j. Public utility and/or service uses as follows:
  - (1) Essential services including fully automated gas regulating stations, telephone exchanges, and electric sub-stations.
  - (2) Railroad passenger stations when not located on railroad property.
  - (3) Sewage treatment plants.
  - (4) Waterworks, reservoirs, pumping stations, filtration plants and wells.
  - (5) Telephone exchanges, microwave relay towers, transmission equipment buildings and telephone.
  - (6) Water filtration plants, pumping stations, reservoirs, and sewage treatment plants - public.
  - (7) Other public or private utility service uses.
- k. Swimming pool, tennis courts, and other similar recreational facilities - public
- l. Accessory uses to the above allowable Special Uses, including, but not limited to, off-street parking and off-street loading.
- 3. Off-Street Parking and Loading  
Off-street parking and loading shall be provided as required or permitted in Section 10.00.
- 4. Minimum Lot Size
  - a. Every single-family detached dwelling hereafter erected shall be served by Village provided public sanitary sewer and water facilities and shall be located on a lot having an area of not less than twenty thousand (20,000) square feet, and a width at the established building line of not less than one hundred feet (100'). The widths of lots fronting on a cul-de-sac shall not be less than one hundred feet (100') in width measured at the established building line.
  - b. Non-residential uses shall not be less than five (5) acres in area and shall not be less than three hundred feet (300') in width, except as may be otherwise required in this ordinance.
- 5. Yard Requirements  
No building shall be erected or enlarged unless the following yards are provided and maintained in connection with such buildings, structures or enlargements.
  - a. Front Yards:  
A front yard of not less than fifty feet (50').
  - b. Side Yards:  
There shall be provided two (2) side yards having a combined width of not less than thirty feet (30') except a side yard adjoining a street shall not be less than fifty feet (50').
  - c. Rear Yard:  
A rear yard of not less than seventy-five feet (75').
- 6. Building Height  
Single-family detached dwellings shall be not more than two and one-half (2½) stories or thirty-five feet (35'), whichever is lower.
- 7. Maximum Lot Coverage

## VILLAGE OF BEECHER – ZONING ORDINANCE

Not more than twenty-five percent (25%) of the lot area shall be covered by the principal and accessory buildings, driveways and/or other impervious surface.

8. Usable Floor Area

- a. Single floor or ranch home shall be a minimum 1,800 square feet.
- b. Any dwelling with more than one floor shall have a minimum 1,250 square feet on the first floor and shall be a minimum 2,400 square feet total.

9. Floor Area Ratio

Single family dwelling – no requirement.

### **7.04 R-1 SINGLE FAMILY RESIDENCE DISTRICT**

The R-1 Single-Family Residence district shall be the primary zoning district for new residential construction in the Village of Beecher.

1. Permitted Uses

The following uses are permitted:

- a. Single-family detached dwellings
- b. Home occupations. See Section 3.02 Definitions
- c. Signs. (See Section 11.00)
- d. Accessory uses in accordance with the provisions of Sections 3.02, 4.23, and 10.00.
- e. Temporary buildings. See Section 4.25.

2. Special Uses

The following uses may be allowed by Special Use Permit in accordance with the provisions of Section 12.00:

- a. Special Uses allowed in an R-E Single Family Residence District
- b. Library, public.
- c. Municipal recreational buildings and community centers.
- d. Planned Developments, under single ownership or control may include incidental, business, or recreational facilities for the convenience of the occupants. For such developments, the Village Board may vary the regulations herein, provided such variations are consistent with the general purpose and intent of the Ordinance and will result in better site planning and thus, be of greater benefit to both the occupants of the development and to the communities. See Section 12.13.

3. Off-Street Parking and Loading

Off-street parking and loading shall be provided as required or permitted in Section 10.00.

4. Minimum Lot Size

- a. Every single-family detached dwelling hereafter erected shall be served by public sanitary sewer and water facilities, and shall be located on a lot having an area of not less than eleven thousand two hundred fifty (11,250) square feet, and a width at the established building line of not less than seventy-five feet (75'). The widths of lots fronting on a cul-de-sac shall not be less than seventy-five feet in width measured at the established building line.
- b. All permitted and special uses shall have a floor area ratio not to exceed zero point four (0.4).

5. Yard Requirements

No building shall be erected or enlarged unless the following yards are provided and maintained in connection with such buildings, structures or enlargements.

- a. Front Yards:

A front yard of not less than thirty feet (30'). Garage door facings and shall not be less than thirty-six feet (36') from the front back line.

b. Side Yards:

There shall be provided two (2) side yards having a combined width of twenty feet (20') and neither side yard shall be less than ten feet (10') in width, except on corner lots, a side yard adjoining a street shall be not less than thirty feet (30') wide.

c. Rear Yard:

A rear yard of not less than forty feet (40') in depth.

6. Building Height

No building shall exceed a height of thirty-five feet (35') or two and one-half (2½) stories, whichever is lower.

7. Maximum Lot Coverage

No more than thirty percent (30%) of the lot area may be occupied by buildings and structures including accessory buildings or covered by walks, driveways or patio. The balance of the remaining portion of the zoning lot shall be suitably landscaped.

8. Ground Floor Area Per Dwelling

One (1) story dwellings shall have a ground floor area of not less than one thousand eight hundred (1,800) square feet, and dwellings having more than one (1) story shall have not less one thousand two hundred fifty (1,250) square feet ground floor area with a total of two thousand two hundred (2,200) square feet. Minimum width of a single family dwelling shall not be less than thirty-five feet (35') measured at the front setback line.

9. Air Conditioners and Other Mechanical Equipment

All air conditioners and other mechanical equipment shall be placed in the rear yard.

## **7.05 R-1A SINGLE-FAMILY RESIDENCE DISTRICT**

The R-1A Single Family Residence District is hereby created to prevent single family lots less than seventy-five feet (75') in width and a lot area of less than eleven thousand two hundred fifty (11,250) square feet from being classified as non-conforming lots. Upon the adoption of this Zoning Ordinance, there shall be no developments or subdivided lots with a lot width of less than seventy feet (75') and a lot area of not less than eleven thousand two hundred fifty (11,250) square feet. Therefore no applications for rezoning under this category shall be accepted by the Village after the adoption of this Zoning Ordinance. The R-1A Single Family Residence District applies to only those residential subdivisions approved prior to the adoption of this Zoning Ordinance. All future subdivisions shall meet the standards set forth in Section 7.04 above.

1. Permitted Uses

The following uses are permitted:

- a. Permitted uses in an R-1 Single Family Residence District.

2. Special Uses

The following uses may be allowed by Special Use Permit in accordance with the provisions of Section 12.00.

- a. Special Uses in an R-1 Single Family Residence District.

3. Off-Street Parking and Loading

Off-street parking and loading shall be provided as required or permitted in Section 10.00.

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### 4. Minimum Lot Size

- a. Every single-family detached dwelling hereafter erected shall be served by public sanitary sewer and water facilities, and shall be located on a lot having an area of not less than six thousand two hundred (6,200) square feet, and a width at the established building line of not less than fifty feet (50'). The widths of lots fronting on a cul-de-sac shall not be less than fifty feet (50') in width measured at the established building line.
- b. All permitted and special uses shall have a floor area ratio not to exceed zero point four (0.4).

### 5. Yard Requirements

No building shall be erected or enlarged unless the following yards are provided and maintained in connection with such buildings, structures or enlargements

#### a. Front Yards:

A front yard of not less than twenty five feet (25').

#### b. Side Yards:

There shall be provided two (2) side yards having a combined width of ten feet (10') and neither side yard shall be less than five feet (5') in width, except on corner lots, a side yard adjoining a street shall be not less than twenty five feet (25') wide.

#### c. Rear Yard:

A rear yard of not less than forty feet (40') in depth.

### 6. Maximum Lot Coverage

No more than forty percent (40%) of the lot area may be occupied by buildings and structures including accessory buildings or covered by walks, driveways, patios and/or other impervious surface. The balance of the remaining portion of the zoning lot shall be suitably landscaped.

### 7. Building Height

No building shall exceed a height of thirty five feet (35') or two and one-half (2½) stories, whichever is lower.

### 8. Ground Floor Area Per Dwelling

One (1) story dwellings: shall be a ground floor area of not less than one thousand five hundred (1,500) square feet, and dwellings having more than one (1) story shall have not less one thousand two hundred fifty (1,250) square feet of ground floor area, with a minimum total of two thousand (2,000) square feet. Minimum width of a single family dwelling shall not be less than twenty-eight feet (28') measured at the front setback.

## **7.06 R-2 TWO-FAMILY RESIDENCE DISTRICT**

### 1. Permitted Uses

The following uses are permitted:

- a. Two family dwellings.
- b. Home Occupations. See Section 3.02 Definitions.
- c. Signs. See Section 11.00.

### 2. Special Uses

The following uses may be allowed by Special Use Permit in accordance with the provisions of Section 12.00.

- a. Any use allowed as a Special Use in the R-1 Single Family Residence District, subject to the provisions of Section 12.00.
3. Off-Street Parking and Loading

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Off-street parking and loading facilities shall be provided as required or permitted in Section 10.00.

4. Minimum Lot Size

- a. Every single-family attached dwelling hereafter erected shall be located on a lot having an area of not less than five thousand (5,000) square feet, and a width at the established building line of not less than thirty seven and one-half feet (37.5').
- b. Every two-family dwelling hereafter erected shall be located on a lot having an area of not less than ten thousand (10,000) square feet, and a width at the established building line of not less than seventy five feet (75').
- c. The area and width of lots fronting on a cul-de-sac shall not be less than established at the established building line in items 4.a. and 4.b. above.
- d. All Permitted and Special Uses shall have a floor area ratio not to exceed zero point five (0.5).

5. Yard Requirements

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

Front yards shall be not less than the following:

- (1) Single-Family Attached - not less than twenty five feet (25').
- (2) Two-Family - not less than twenty five feet (25').

b. Side Yards

There shall be provided two (2) side yards having a combined width as follows:

	<u>Side Yards (In Feet)</u>	
	<u>One</u>	<u>Total of Two</u>
(1) Single-Family Attached	10	20
(2) Two- Family:	10	20

On corner lots, a side yard adjoining a street shall be not less than twenty five feet (25').

c. Rear Yards

A rear yard of not less than forty feet (40').

6. Building Height

No building shall exceed a height of thirty five feet (35') or two and one-half (2½) stories, whichever is lower.

7. Maximum Lot Coverage

Not more than the following percentage of the lot area may be occupied by buildings and structures, including accessory buildings or covered by walks, driveways, or patios. The balance of the remaining portions of the zoning lot shall be suitably landscaped.

	<u>Maximum Lot Coverage (In Percent)</u>
Single-Family Attached:	35%
Two-Family:	30%

8. Dwelling Unit Density

The R-2 Two-Family Residence District shall not exceed five (5) dwelling units (DU's) per gross acre.

9. Ground Floor Area Per Dwelling

One (1) story dwellings shall have a ground floor area of not less than one thousand two hundred (1,200) square feet, except that dwellings having more than one (1) story shall have not less than nine hundred (900) square feet of ground floor area with thousand five hundred

(1,500) square feet total area. Minimum width of each dwelling shall not be less than twenty eight feet (28') measured at the front setback line.

## **7.07 R-3 GENERAL RESIDENCE DISTRICT**

The R-3 General Residence District is established to provide for a wider variety of dwelling accommodations with a higher density of dwelling units; to provide for multiple-family dwellings with open space for family living; and to provide for a transition between non-residential areas and single-family areas of lower density.

### **1. Permitted Uses**

The following uses are permitted:

- a. Any of the uses permitted in the R-2 Two Family Residence District.
- b. Boarding and rooming houses.
- c. Libraries, public.
- d. Multiple-family dwellings, including townhouses and garden apartments.
- e. Signs. See Section 11.00.
- f. Single-family attached or semi-detached dwellings.
- g. Single-family row dwellings (party-wall) with not more than four (4) dwellings in a row or a building.
- h. Two-family detached dwellings.
- i. Accessory uses as permitted and regulated in the R-1 Residence District.  
Single-Family.

### **2. Special Uses**

The following uses may be allowed by Special Use Permit in accordance with the provisions of Section 12.00:

- a. The Special Uses allowed in R-1 Single-Family Residence District and R-2 Two-Family Residence District
- b. Day or Child Care Center.
- c. Hospital and clinics.
- d. Institutions for the aged and for children.
- e. Manufactured homes.
- f. Mobile home parks, on a lot not less than ten (10) acres in area. Each proposed mobile home park shall be processed as a planned development and be in accordance with the municipal code pertaining to mobile home parks.
- g. Modular homes.
- h. Municipally-operated health centers.
- i. Nursing or Convalescent Home.
- j. Off-street parking areas, provided there is a need for this facility in the interest of public necessity and convenience and that no appropriate site is available in nearby business or industrial district.
- k. Parks, playgrounds, and recreational areas; publicly or privately owned and operated, not for profit.
- l. Private clubs or lodges, except those the chief activity of which is a service normally carried on as a business.
- m. Sanitariums and nursing homes, but not for the care of feeble-minded or insane.
- n. Satellite dish antenna exceeding twenty-four inches (24").

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- o. Schools, non-boarding, elementary, junior high and high.
- p. Schools, nursery schools, day nurseries and child care centers.
- q. Schools, public, denominational or private, elementary and high, including playgrounds and athletic fields auxiliary thereto.
- r. Swimming pools, tennis courts, and other similar recreation facilities, public.
- s. Undertaking establishments, funeral parlors
- t. Accessory uses to the above allowable Special Uses, including, but not limited to, off-street parking and off-street loading.

## 3. Off-Street Parking and Loading

Off-street parking and loading facilities shall be provided as required or permitted in Section 10.00.

## 4. Minimum Lot Size

- a. There shall be provided a lot area for each single-family detached dwelling of not less than eleven thousand two hundred fifty (11,250) square feet; for each two-family detached dwelling a lot area of not less than five thousand (5,000) square feet per dwelling unit shall be provided; and for each single-family semi-attached and attached dwelling the following lot areas shall be provided:

Type of dwelling	Minimum square feet per dwelling
<b>4 bedroom</b>	<b>7,500</b>
<b>3 bedroom</b>	<b>6,500</b>
<b>1 &amp; 2 bedroom</b>	<b>5,500</b>

- b. The dwelling unit density in the R-3 General Residence District shall not be greater than ten (10) dwelling units per gross acre. Existing residential buildings in the R-3 District may be altered to provide for not more than four (4) dwelling units, provided that no existing residential building is altered in such a way as to conflict with or further conflict with the foregoing requirements.

## c. Lot Width

There shall be provided a lot width not less than seventy feet (70') at the building line for two-family residence.

## 5. Yard Area Requirements

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 of not less than twenty five feet (25') (each) in depth for Single-Family, Two-Family, and Multiple Family.

### b. Side Yards

There shall be provided two (2) side yards having a combined width as follows:

	Side yard (feet)	
	One	Total of two
<b>Two Family</b>	<b>5'</b>	<b>15'</b>
<b>Multi-Family</b>	<b>10'</b>	<b>25'</b>

On corner lots, a side yard adjoining a street shall be not less than twenty five feet (25').

### c. Rear Yards

A rear yard shall not be less than forty feet (40') in depth.

VILLAGE OF BEECHER – ZONING ORDINANCE

6. Yards, General Requirements- Spacing Between Buildings

When two (2) or more buildings which contain single-family attached dwellings, or two (2) or more multiple-family dwelling buildings, or combinations thereof, are on a lot or on contiguous lots comprising a unified development under the same ownership or control, the distance between the building walls shall be as follows (see illustration):

- a. When the front wall of a building faces the front wall or rear wall of the nearest building, the distance between the two (2) building walls shall be not less than sixty feet (60').
- b. When the rear wall of a building faces the rear wall of the nearest building, the distance between the two (2) building walls shall be not less than fifty feet (50').
- c. When the side wall of a building faces the front or rear wall of the nearest building, the distance between the two (2) building walls shall be not less than forty feet (40'), except when the side wall contains more than two (2) windows on a floor that are not from bathrooms or storage rooms, such distance between buildings shall be not less than fifty feet (50'), or sixty feet (60') if a main entrance doorway is in such side wall.
- d. When the side wall of a building faces the side wall of the nearest building, the distance between the two (2) building walls shall be not less than twenty feet (20'), except when the facing side walls of either of such buildings contain more than two (2) windows on a floor that are not from bathrooms or storage rooms, such distance between the two (2) buildings shall be not less than fifty feet (50'), or sixty feet (60') if a main entrance doorway is in such side wall.
- e. A wall of a building forming the end of a court shall be not less than ten feet (10') from the nearest wall of a detached building forming a side of the court, and a building forming the end of the court may be attached to one or both of the buildings forming the sides of the court, provided the distance between facing walls of the buildings forming the sides of the court is not less than the applicable requirements, as set forth above.
- f. Where buildings are not parallel to each other, the required spacing shall be measured at the midpoint of the distance along which they face each other; however, the spacing between the buildings at the narrowest point shall in no event be less than the required distance.
- g. For buildings over two (2) stories in height, there shall be one-half foot (½') additional spacing between buildings (as required above) for each additional one foot (1') that the related buildings exceed an average of thirty five feet (35') in height.

7. Building Height

Single-Family, Two-Family and Multiple-Family shall not exceed a height of thirty five feet (35') or two and one-half (2 1/2) stories, whichever is lower.

8. Maximum Lot Coverage

Not more than the following percentage of the lot area may be occupied by buildings and structures, including accessory buildings or covered by walks, driveways, or patios. The balance of the remaining portions of the zoning lot shall be suitably landscaped.

		Percent of Maximum Lot Coverage
a.	Single Family	30%
b.	Two Family	35%
c.	Multi-Family	30%

9. Minimum Floor Area Per Dwelling Unit



VILLAGE OF BEECHER – ZONING ORDINANCE

Each dwelling unit shall provide the following minimum floor area. Measurements are exclusive of common halls and stairways or other common areas.

Efficiency or one-bedroom dwelling units	900 square feet	Two-
bedroom dwelling units	1,000 square feet	Three-
bedroom dwelling units	1,200 square feet	Four or
more bedroom dwelling units	1,500 square feet	Rooms
designated as a den, study, or library or similar use shall be counted as a bedroom in computing the minimum floor area.		

**SECTION 8.00**

**BUSINESS DISTRICTS**

**8.01 PURPOSE AND INTENT**

The regulations for the business districts are intended to govern the locations and uses of a full range of business and commercial establishments needed to serve the residents of Beecher and its trade area. The regulations of the various business districts are designed to provide for groupings of business establishments that are compatible in scope of services and method of operations.

**8.02 GENERAL REQUIREMENTS - ALL BUSINESS DISTRICTS**

Unless otherwise provided in the regulations of this Ordinance, the following provisions shall apply to all business and commercial districts:

1. All business, service, storage, merchandise display, and where permitted, repair and processing, shall be conducted wholly within an enclosed building, except for off-street parking or loading for drive-in type operations and open-sales lots in districts where permitted.
2. Unless otherwise permitted herein, all business establishments shall be retail trade or service establishments dealing directly with the customer, and all goods produced on the premises shall be sold on the premises where produced.
3. Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, noise, vibration, or water-carried waste. All activities shall conform to the Performance Standards established for the I-1 Limited Industrial District and applied at the boundaries of the lot on which such activities take place.
4. Open spaces not permitted to be used for buildings, parking, walks, drives and other authorized impervious surfaces shall be open to the sky and landscaped with trees, shrubbery and grass.
5. Parking of trucks, when accessory to the conduct of a permitted use, shall be limited to vehicles having not more than one and one-half (1½) tons capacity, except for pick-up or delivery service during normal business hours.

**8.03 B-1 HISTORIC DOWNTOWN BUSINESS DISTRICT**

The Historic Downtown Business District as delineated on the Zoning District Map includes the older and original business area of the Village. The district will provide for the retail business which is needed to serve the day-to-day and general shopping needs of adjacent residential neighborhoods.

1. Permitted Uses:  
The following uses are permitted:
  - a. Antique shops.
  - b. Art and school supply stores.
  - c. Art galleries, but not including auction rooms.
  - d. Bakeries, where products are sold at retail on the premises.
  - e. Banks and financial institutions which do not include drive-in or drive- through facilities.

## VILLAGE OF BEECHER – ZONING ORDINANCE

- f. Barber shops and beauty parlors.
- g. Bicycle stores, sales, rental, and repair.
- h. Book and stationery stores.
- i. Camera and photographic supply stores.
- j. Candy and ice cream stores.
- k. Carpet and rug stores.
- l. China and glassware stores.
- m. Clubs and lodges, private, fraternal or religious.
- n. Coin and philatelic stores.
- o. Craft shop.
- p. Custom dressmaking.
- q. Florist shops.
- r. Food stores, including grocery stores, supermarkets, meat and fish markets, and delicatessens.
- s. Gift shops.
- t. Hardware, paint and wallpaper stores.
- u. Hobby shops, for retailing of items to be assembled or used away from the premises.
- v. Household appliance stores, including radio and television sales with incidental repair facilities.
- w. Interior decorating shops, including upholstery and making of draperies, slip covers and other similar articles when conducted as part of the retail operation and secondary to the principal use.
- x. Jewelry stores, including watch repair.
- y. Laundries, automatic self-service type or hand, provided that laundry machines shall not exceed the commercial type and not more than two (2) persons are employed in addition to one (1) owner and manager.
- z. Launderette.
- aa. Leather goods and luggage stores.
- bb. Liquor stores for retail sales.
- cc. Medical and dental facility to include all facets of medical care and related activities that include in-patient, out-patient, emergency care, and related dental care
- dd. Offices, business, professional, or other when found to be similar to and compatible with adjoining property.
- ee. Restaurants, but not including drive-in type establishments.
- ff. Retail apparel stores.
- gg. Signs. See Section 11.00.
- hh. Temporary buildings. See Section 4.25.
- ii. Variety stores.
- jj. Accessory uses to the above-listed permitted uses
- kk. Uses similar to the above-listed uses as determined by the Zoning Administrator.

### 2. Special Uses

The following uses may be allowed by Special Use Permit in accordance with provisions of the Section 12.00:

- a. Banks and financial institutions which include drive-up or drive-through facilities.
- b. Child care center.

## VILLAGE OF BEECHER – ZONING ORDINANCE

- c. Churches, chapels, temples, and synagogues including other accessory uses required for operation.
- d. Coffeehouse, restaurant, or tavern with outdoor seating.
- e. Coffeehouse, restaurant, or tavern with outdoor entertainment. Noise levels from outdoor entertainment shall not exceed sixty (60) decibels into any residential district as measured at the lot line.
- f. Dwelling units above the first floor.
- g. Health centers.
- h. Hotel.
- i. Meeting hall.
- j. Parking lots and storage garages for motor vehicles under one and one-half (1½) ton load capacity.
- k. Planned Unit Development. See Section 12.13.
- l. Public buildings.
- m. Public Utility and/or Service Uses:
  - (1) Essential services including fully automated gas regulating stations, telephone exchanges, and electric sub-stations.
  - (2) Railroad passenger stations when not located on railroad property.
  - (3) Sewage treatment plants.
  - (4) Waterworks, reservoirs, pumping stations, filtration plants and walls.
  - (5) Telephone exchanges, microwave relay towers, and telephone transmission equipment buildings.
  - (6) Water filtration plants, pumping stations, reservoirs, and sewage treatment plants - public.
  - (7) Other public or private utility service uses.
- n. Radio and television towers.
- o. Satellite dish antenna greater than twenty-four inches (24”) diameter.
- p. Taverns and packaged liquor stores.
- q. Undertaking establishment/funeral parlor
- 3. Floor Area Ratio:  
The floor area ratio shall not exceed one point zero (1.0)
- 4. Minimum Lot Size:  
Every business establishment hereafter erected shall be located on a lot having an area of not less than five thousand (5,000) square feet and a width at the established building line of not less than forty feet (40’).
- 5. Yard Requirements:  
Yards shall be provided in accordance with the following regulations:
  - a. Front Yard. There shall be no front yard required.
  - b. Side Yards. There shall be no side yard required.
  - c. Rear Yard. Not less than thirty feet (30’) in depth shall be provided.
- 6. Building Height.  
The height of any building or structure shall not exceed two (2½ ) stories or shall it exceed thirty-five feet(35’), whichever is lower.

### 8.04 B-2 LOCAL BUSINESS DISTRICT

## VILLAGE OF BEECHER – ZONING ORDINANCE

The B-2 Local Business District is intended to accommodate a wide range of business type establishments that would be incompatible with the uses permitted in the B-1 Historic Downtown Business District and the B-3 District.

1. Permitted Uses.

The following uses are permitted:

- a. Any use permitted in the B-1 Historic Downtown Business District.
- b. Blueprinting and photocopying establishments.
- c. Building material sales, not including outside storage.
- d. Catering establishments.
- e. Clothing and costume rental shops.
- f. Community building.
- g. Convenience store/ Minimarket (not including gasoline sales).
- h. Contractor's offices and shops (no open storage).
- i. Drug stores.
- j. Dry-cleaning establishments, retail-where not more than two thousand five hundred (2,500) square feet of floor area is devoted to processing exclusive of office and storage space.
- k. Employment agencies.
- l. Exterminating shops.
- m. Feed stores.
- n. Fraternal, philanthropic and eleemosynary institutions.
- o. Job printing shops using presses having beds of not more than fourteen inches (14") by twenty inches (20").
- p. Laboratories, small-medical, dental or optical.
- q. Laundries, retail where not more than two thousand five hundred (2,500) square feet of floor space is devoted to processing, exclusive of office and storage spaces.
- r. Libraries.
- s. Meeting halls.
- t. Nursing homes, day care and day care nursery and out-reach care facilities
- u. Orthopedic and medical appliance stores, not including the assembly or manufacture of such articles.
- v. Parking lots for passenger motor vehicles, only as part of a retail development.
- w. Pet shops, but not including animal hospitals.
- x. Plumbing showrooms and shops.
- y. Radio and television service and repair shops.
- z. Sales and service of computers and other electronic equipment.
- aa. Schools, commercial or trade, provided that operations do not involve danger of fire, explosion, nor objectionable standards of noise, vibration, dust, odor, glare, heat or other nuisances.
- bb. Signs. See Section 11.00.
- cc. Taxidermists.
- dd. Telephone exchanges, micro-wave relay towered, and telephone transmission equipment buildings, and electric distribution centers.
- ee. Video store.
- ff. Other business uses similar to the above permitted uses as determined by the Zoning Administrator.

gg. Accessory uses.

2. Special Uses.

The following uses may be allowed by Special Use Permit in accordance with provisions of Section 12.00:

- a. Special Uses in a B-1 Historic Downtown Business District
- b. Amusement establishments, indoor: including bowling alleys, billiard parlors, gymnasiums, swimming pools, dance halls, skating rinks and other similar places of recreation.
- c. Amusement establishments, outdoor: including golf driving ranges, miniature golf, carnivals, circuses, kiddy parks and other similar amusement centers.
- d. Animal hospitals.
- e. Automobile Minimarket.
- f. Building material sales when conducted wholly within a building. except that outdoor storage may be permitted provided the storage area is completely surrounded by a uniformly painted fence or wall not over eight feet (8') in height.
- g. Drive-up and drive-through establishments.
- h. Farm implement stores, including feed, fertilizer and seed sales
- i. Grain elevators and grain storage facilities.
- j. Hotel, Motel.
- k. Meat markets, including the sale of meat and meat products to restaurants, hotels, clubs and other similar establishments when conducted as part of the retail business on the premises.
- l. More than one building on a zoning lot.
- m. Open sales lots.
- n. Planned development.
- o. Restaurants with drive-up facilities.
- p. Other business uses when found to be similar and compatible with adjoining property.
- q. Accessory uses.

3. Floor Area Ratio:

The floor area ratio shall not exceed one point zero (1.0).

4. Minimum Lot Size:

Every business establishment hereafter erected shall be located on a lot having an area of not less than five thousand (5,000) square feet and a width at the established building line of not less than forty feet (40').

5. Yard Requirements:

Yards shall be provided in accordance with the following regulations:

- a. Front Yard. There shall be a front yard of not less than thirty five feet (35').
- b. Side Yard. There shall be provided two (2) side yards having a combined width of thirty feet (30') and neither side yard shall be less than ten feet (10').
- c. Rear Yard. There shall be provided a rear yard of not less than forty feet (40').

6. Off-Street Parking and Loading:

Off-street parking and loading facilities shall be provided as required in Section 10.00.

7. Buildings Height.

The height of any building or structure shall not exceed two and one-half (2½ ) stories or thirty five feet (35'), whichever is lower.

**8.05 B-3 GENERAL BUSINESS AND SERVICE DISTRICT**

## VILLAGE OF BEECHER – ZONING ORDINANCE

The B-3 General Business and Service District is intended to accommodate a wide variety of related shopper-type businesses along with personal services and other complementary uses.

### 1. Permitted Uses

The following uses are permitted:

- a. Uses permitted in the B-1 Historic Downtown Business District and the B-2 Local Business District.
- b. Department stores.
- c. Dry goods stores.
- d. Taverns.
- e. Furniture and home furnishing stores, retail.
- f. Greenhouses, garden centers, and landscape nurseries.
- g. Retail stores, uses which are compatible and customarily located within a planned development shopping center.
- h. Service establishments, business and personal, which services are performed on the premises.
- i. Office supply stores.
- k. Theaters, indoor.
- l. Accessory uses.
- m. Other business uses similar to the above permitted uses as determined by the Zoning Administrator.

### 2. Special Uses.

The following uses may be allowed by Special Use Permit in accordance with provisions of Section 12.00:

- a. Special uses permitted in the B-2 Local Business District.
- b. Adult entertainment facilities in accordance with the provisions of Sections 3.02 and 4.36.
- d. Automobile accessory stores.
- e. Automobile laundries.
- f. Automobile (car) rental agency.
- g. Automobile sales services and show rooms, including painting, repairing, washing and automobile accessories. See Section 4.34.
- h. Currency exchange.
- i. Dog kennels, not including any outdoor runways.
- j. Meeting halls.
- k. Motor vehicle body shop.
- l. Motor vehicle repair shop.
- m. Planned Developments.
- n. Residences, provided that
  - (1) No building shall contain more than fifty percent (50%) of its gross floor area for multiple-family dwellings.
  - (2) No dwelling units shall be permitted below the second floor.
  - (3) No dwelling units shall be located on the same floor with any other uses permitted in the B-3 District.
- o. Temporary use in compliance with Section 4.17 as approved by the Village Board.
- p. Other business uses when found to be similar and compatible with adjoining property.

### 3. Floor Area Ratio:

The floor area ratio shall not exceed one point zero (1.0).

4. Minimum Lot Size:  
The minimum lot area shall be not less than fifteen thousand (15,000) square feet of lot area.
5. Minimum Lot Coverage.  
Buildings erected within this District shall not occupy more than twenty five percent (25%) of the gross lot area.
6. Yard Requirements.  
Yards shall be provided in accordance with the following regulations:
  - a. Front Yard. There shall be a front yard of not less than thirty five feet (35'), including a twenty foot (20') green/landscape space between the right-of-way and parking area.
  - b. Side Yards. There shall be provided two (2) side yards having a combined width of twenty feet (20') and neither side yard shall be less than ten feet (10').
  - c. Rear Yard. There shall be provided a rear yard of not less than forty feet (40').
7. Off-Street Parking: and Loading  
Off-street parking and loading facilities shall be provided as required or permitted in Section 10.00.
8. Building Height.  
The height of any building or structure shall not exceed two (2½ ) stories or thirty five feet (35'), whichever is lower.

#### **8.06 G/I GOVERNMENT AND INSTITUTIONAL DISTRICT**

The Government and Institutional District exists to acknowledge municipal and other public oriented uses and separate them from residential, commercial and industrial districts.

1. Permitted Uses  
The following uses are permitted:
  - a. Municipal office buildings.
  - b. Public safety buildings.
  - c. Churches.
  - d. Schools.
  - e. Public works facilities.
  - f. Water tower, well house, and sanitary pump station.
  - g. Sanitary treatment plant.
  - h. Detention facilities where water is held exceeding 24 hours.
  - i. Public utility facilities.
3. Floor Area Ratio:  
The floor area ratio shall not exceed one point zero (1.0).
4. Minimum Lot Size:  
The minimum lot area shall be not less than the minimum lot area of the least restrictive adjacent district. Lot sizes for Special Uses shall be determined during the Special Use permitting process.
5. Minimum Lot Coverage.  
Buildings erected within this District shall be the same as the least restrictive adjacent district.
6. Yard Requirements.



## VILLAGE OF BEECHER – ZONING ORDINANCE

Yards shall be provided in accordance with yard requirements of the least restrictive adjacent district.

7. Off-Street Parking: and Loading

Off-street parking and loading facilities shall be provided as required or permitted in Section 10.00.

8. Building Height.

The height of any building or structure shall not exceed two (2½) stories or thirty five feet (35'), whichever is lower. Architecturally significant features of a building, such as carillons, steeples or bell towers, not considered as occupied space, shall not exceed a height of sixty feet (60') unless a variance is granted.

## **SECTION 9.00**

## **INDUSTRIAL DISTRICTS**

### **9.01 PURPOSE AND INTENT**

The regulations for the industrial districts are intended to provide for the establishment of a full range of industrial and related activities and to govern their operations in a manner that will not have a deleterious effect on agricultural, residential and business areas. The regulations are designed to provide for the grouping together of industries that are compatible to one another and that are not objectionable to the community as a whole. It is further intended that the lands designated for industrial purposes will be preserved for industry and related uses and shall prohibit the intrusion of residential and other non-compatible uses into the district.

### **9.02 GENERAL REQUIREMENTS**

Unless otherwise provided in the regulations of this Ordinance, the following provisions shall apply to all Industrial Districts:

1. All activities and operations shall be within completely enclosed buildings, or may be out doors if completely screened by a solid wall or uniformly painted solid fence not less than eight feet (8') in height, and if there is no open storage at a greater height than that of the enclosing fence, except that off-street parking and off-street loading and unloading spaces may be located in accordance with requirements set forth in Section 10.00.
2. Any use established in a Industrial District hereafter shall be operated in such a manner as to comply with applicable Performance Standards as hereinafter set forth governing noise, smoke, particulate matter, toxic or noxious matter, odors, fire and explosive hazards, or vibration, glare or heat; and no use already established on the effective date of this Ordinance shall be so altered or modified as to conflict with such applicable Performance Standards.

### **9.03 DEFINITIONS FOR PERFORMANCE STANDARDS IN ADDITION TO THE GENERAL DEFINITIONS IN SECTION 3.02**

**ACTIVE TO INTENSE BURNING:** A rate of combustion exhibited by material that burns with a high degree of activity and is consumed rapidly. Examples: sawdust, powdered magnesium, pyroxylin, etc.

**AMPLITUDE:** The maximum displacement of the earth from the normal rest position. Amplitude is usually reported as inches or mils.

**CANDLE:** The luminous intensity of one standard candle.

**dBA:** A limit for describing sound levels measured using an A-weighting network. This network modifies the measured sound pressure level at the various frequencies to account for differences in the sensitivity of the human ear to sounds of different frequency.

DECIBEL: (abbreviated dB): A unit which describes the sound pressure level or intensity of sound. The sound pressure level in decibels is twenty (20) times the logarithm to the base ten, of the ratio of the pressure of the sound to a reference pressure of 0.0002 micro bar.

DETONATION: A violent and sudden explosion resulting from the instantaneous reaction of a mixture, compound or substance.

DISCRETE IMPULSES: A ground transmitted vibration stemming from a source where specific pulses do not exceed sixty (60) per minute (or one per second).

EQUIVALENT OPACITY: The optical density of a smoke plume corresponding to the shade of the Ringlemann chart.

FLASH POINT: The lowest temperature at which the vapor above a flammable liquid will momentarily burn under prescribed conditions. The closed cup flash point tester shall be authoritative and the test shall be run in accordance with the appropriate ASTM (American Society for Testing & Materials) method.

FOOT CANDLE: The unit of illumination. The illumination on a surface one (1) square foot in area on which there is a uniform distribution of light having a candle power or one candela.

FOOT LAMBERT: A unit of brightness equal to the brightness of a uniform diffusing surface which emits or reflects one lumen per square foot.

FREQUENCY: The number of times that a displacement completely repeats itself in one second of time. Frequency may be designated in cycles per second (cps) or Hertz (Hz).

GLARE: A sensation of brightness within the visual field which causes annoyance, discomfort, or loss in visual performance and visibility.

ILLUMINATION: The density of luminous energy falling upon a surface, usually measured in foot-candles.

IMPACT: An earth borne vibration generally produced by two (2) or more objects striking each other so as to cause separate and distinct pulses.

IMPACT NOISE: Relatively short duration noises generally produced by the striking of two (2) or more objects so as to be heard as separate distinct noises.

IMPACT NOISE ANALYZER: An instrument which measures the peak sound pressure of an impact noise and meets the applicable standards of the American National Standards Institute or the International Electro Technical Commission.

INCOMBUSTIBLE: Incapable of burning and propagating a flame when exposed to a temperature of 1200°F for five (5) minutes.

**INTRINSICALLY BRIGHT SOURCES:** A source of light of extremely high intensity.

**MODERATE BURNING:** A degree of combustion where the material is difficult to ignite and burns in a controlled fashion. Examples: lumber, hardboard, low fire spread plastics, rubbers, etc.

**NOISE:** A subjective description of an undesirable or unwanted Sound. See definition of “Sound”.

**ODOR INTENSITY:** A measurement which describes the strength of an odorous compound in air. Odor intensities are given in odor units per cubic foot and are measured in accordance with ASTM Test Method D 1391-57 or in an equivalent manner.

**ODOROUS MATTER:** Material suspended in the atmosphere that produce an olfactory response in normal human beings.

**PARTICLE VELOCITY:** A characteristic of vibration that depends on both displacement and frequency. If not directly measured, it can be computed by multiplying the frequency by the amplitude times the factor 6.28. The particle velocity will be in inches per second when the frequency is expressed in cycles per second and the amplitude in inches.

**PARTICULATE MATTER:** Airborne material except uncombined water which exists in a finely divided form as a liquid or solid at standard conditions.

**PHOTOMETER:** An instrument for measuring the intensity of light.

**RINGLEMANN CHART:** The chart published and described in the U.S. Bureau of Mines information Circular 7718 and upon which are illustrated graduated shades of gray for use in estimating the light obscuring power of smoke.

**RINGLEMANN NUMBER:** The shade identified on the Ringlemann chart which varies from 0 (clear) to 5 (opaque).

**SEISMOGRAPH:** An instrument which measures vibration characteristics simultaneously in three (3) mutually perpendicular planes. The seismograph may measure displacement and frequency, particle velocity, or acceleration.

**SMOKE:** The visible effluent from any activity, operation, or source containing air contaminants but not including water vapor or mist.

**SOUND:** Rapid fluctuations of atmospheric pressure which are audible to persons.

**SOUND LEVEL METER:** An instrument to measure the overall sound pressure level. It shall comply with the applicable specifications of the American National Standards Institute (ANSI S1.4-1971).

STANDARD TEMPERATURE AND PRESSURE: 60°F and 14.7 pounds per square inch, absolute.

STEADY STATE: A vibration which is continuous, as from a fan, compressor, or motor.

THRESHOLD LIMIT VALUE: The maximum allowable concentration permitted for an industrial worker for eight (8) hours exposure per day, five (5) days per week, as adopted by the American Conference of Governmental Industrial Hygienists.

TOXIC MATTER: Material which is capable of causing injury to living organisms by chemical means when present in relatively small amounts.

VIBRATION: A reciprocating movement transmitted through the earth, both in horizontal and vertical planes.

WATT: A unit of electrical power.

#### **9.04 PERFORMANCE STANDARDS**

Any use established in the I-1 Limited Industrial District after the effective date of this Ordinance shall be so operated as to comply with these Performance Standards governing (1) noise; (2) vibration; (3) air pollution; (4) fire and explosion hazards; and (5) glare, as set forth hereinafter.

Uses already established on the effective date of this Ordinance shall be permitted to be altered, enlarged, expanded or modified, provided that the additions or changes comply with the Performance Standards.

##### **1. Noise**

For the purpose of measuring the intensity and frequency of sound, noise shall be measured with a sound level meter and impact noise analyzer, meeting the applicable standards of the American National Standards Institute (ANSI S1.4-1971 and ANSI S1.11-1966). The instrument shall be set to the A-weighted response and the meter to the slow response.

##### **Maximum Permitted Sound Levels**

Noises shall not exceed the maximum permitted sound level of 60dBA, measured at the adjacent lot line, except that in any residential zone, the weighted sound level shall not exceed 55dBA during the hours of 7:00 a.m. to 9:00 p.m. and shall not exceed 45dBA during the hours of 9:00 p.m. to 7:00 a.m.; however, these levels may be exceeded by 10dBA for a single period no longer than fifteen (15) minutes in anyone day. Measurements may be made at points of maximum noise intensity. See Section 9.04 Definitions.

For impact noise levels, the maximum sound levels described above increased by 20dB shall apply. For purposes of this Ordinance, impact noise shall be considered to be those noises whose peak values, as measured on the impact noise analyzer are more than 6dB higher than the values indicated on the sound level meter.

Noises not under the direct control of an industrial operation (such as motor vehicles, excavation equipment or other independent transportation facilities) are excluded from the above limitations.

2. Vibration

In the 1-1 Limited Industrial District, no activity or operation shall cause or create earth borne vibrations in excess of the displacement values given below. Ground-transmitted vibrations shall be measured with a seismograph or complement of instruments capable of recording vibration displacement, particle velocity, or acceleration and frequency simultaneously in three (3) mutually perpendicular directions. Measurements may be made at points of maximum vibration intensity.

Vibration Level Restrictions

The maximum peak permitted particle velocities, measured at the adjacent lot line or any point along a residential district boundary line, shall not exceed 0.05 inches per second. In any residential zone the peak particle velocity shall not exceed 0.02 inches per second during the hours of 7:00 a.m. to 9:00 p.m. and shall not exceed 0.01 inches per second during the hours of 9:00 p.m. to 7:00 a.m.

The maximum particle velocity shall be the maximum vector sum of three (3) mutually perpendicular components recorded simultaneously. Particle velocity may also be expressed as 6.28 times the displacement in inches multiplied by frequency in cycles per second.

For the purpose of this Ordinance, steady state vibrations are vibrations which are continuous, or vibrations in discrete impulses more frequent than sixty (60) per minute. Discrete impulses which do not exceed sixty (60) per minute shall be considered impact vibrations. Impact vibrations shall be limited to values no more than twice as high as those specified for the maximum peak particle velocities permitted above.

3. Air Pollution

In all zoning districts, any activity, operation, or device which causes or tends to cause air pollution shall comply with the Illinois Air Pollution Control Regulations and the Performance Standards governing smoke, steam, particulate matter, toxic matter, and odor as herein set forth.

- a. Smoke. No visible smoke from any source of air pollution (including all stacks, chimneys, processes and devices) shall be permitted except once during an eight (8) hour period when smoke up to Ringlemann No.2 may be permitted for an aggregate of three (3) minutes.
- b. Steam. No emission of visible steam (except as the direct result of a combustion process) shall be permitted from any stacks, chimneys, processes, and devices. For the purpose of this regulation, visible steam is defined as a plume of condensed water vapor droplets having an equivalent opacity of sixty (60) percent or greater.
- c. Particulate Matter. The total emission of particulate matter from all stacks, vents, chimneys, flues and openings of all sources of air pollution on a lot shall not exceed one (1.0) pound per hour per acre of lot.

The emission of suspended particulate matter (windblown emissions) from all stacks, vents, chimneys, flues, openings, storage piles, fugitive sources, and open sources on a lot shall not exceed fifty (50) micrograms per cubic meter, measured across lot lines over a twenty- four (24) hour period. Suspended particulate matter shall be measured at ground level or habitable elevation, whichever is more restrictive. The limitations shall apply to the contribution by the sources on a lot, over and above background levels.

- d. Toxic Matter. The emission of toxic matter from all stacks, vents, chimneys, flues, openings, storage piles, fugitive sources and open sources on a lot shall not exceed two and one-half (2.5) percent of TLV, measured across lot lines or district boundary lines. Measurement shall be taken at ground level or habitable elevation and shall be a twenty-four (24) hour sample. Threshold Limit Values (TLV) of toxic materials adopted by the American Conference of Governmental Industrial Hygienists shall be employed except when air quality standards for such toxic materials have been adopted by the State of Illinois, in which case the latter shall apply. If a toxic material is not listed, the applicant shall satisfy the Zoning Administrator that the proposed levels will be safe to the general population.
- 
4. Fire and Explosion Hazards  
Any activity involving the manufacture, utilization, or storage of flammable, combustible and/or explosive materials shall be conducted in accordance with the regulations herein set forth.
    - a. Detonable Materials. Activities involving the storage, utilization, or manufacture of materials or products which decompose by detonation are permitted up to five (5) pounds inventory of such materials and an excess of five (5) points is prohibited.  
Such materials may include, but are not limited to, all primary explosives such as lead azide, lead styphnate, fulminates and tetracene; all high explosives such as TNT, RDX, HMX, PETN and picric acid, propellants and components thereof such as nitrocellulose, black powder, boron hydrides, hydrazine and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate and potassium nitrate, blasting explosives such as dynamite and nitroglycerine, unstable organic compounds such as acetylides, tetrazoles and ozonides; strong unstable oxidizing agents such as perchloric acid, perchlorates, chlorates, and hydrogen peroxide in concentrations greater than 35 percent (35%), and nuclear fuels, fissionable materials and products and reactor elements such as Uranium 235 and Plutonium 239.
    - b. Flammable Solids. In the 1-1 Limited Industrial District, the storage, utilization, or manufacture of solid materials or products ranging from incombustible to moderate burning is permitted.  
The storage, utilization, or manufacture of solid materials or products ranging from active burning to intense burning is permitted, provided either of the following conditions is met:
      - (1) said materials or products shall be stored, utilized, or manufactured within completely enclosed buildings having no less than two (2) hour fire resistant exterior walls and protected with an automatic fire extinguishing system; or
      - (2) said material, if stored outdoors, will be no less than fifty feet (50') to the nearest lot line.
    - c. Flammable Liquids and Gases. The storage, utilization, or manufacture of flammable liquids shall be permitted in accordance with the following table, except that the storage of finished products in original sealed containers of fifty-five (55) gallons or less shall be unrestricted.

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Spacing and location of storage tanks shall conform to the current Flammable and Combustible Liquids Code of the National Fire Protection Association, Code NFPA-30 or successor code.

A dike or drainage area shall be provided for all above-ground tanks in conformance with Code NFPA-30. The dike area or drainage area shall be no less than two (2) times the largest dimension of the dike area or drainage area from the nearest property line. For below-ground tanks, the specified distance shall be two (2) times the largest lateral tank dimension. (For example for a rectangular dike or tank, the largest dimension is measured along the diagonal).

Flash Point. Closed CUD Tester	<b><u>Total Capacity of Flammable Materials Permitted in Gallons*</u></b>	
	Above Ground	Below Ground
<b>140°F or higher</b>	<b>50,000</b>	<b>100,000</b>
<b>Above 73°F but below 140°F</b>	<b>25,000</b>	<b>100,000</b>
<b>Below 73°F</b>	<b>5,000</b>	<b>100,000</b>

\*When flammable gases are stored, utilized, or manufactured and measured in cubic feet, the quantity in cubic feet at standard temperature and pressure permitted shall not exceed thirty times the quantities listed above. Tank spacing and diking shall conform to the applicable NFPA Code except as noted above.

## 5. Glare

Any operation or activity permitted within the Business and Industrial districts which produces glare at night shall be conducted so that direct and indirect illumination from the source of light on the lot shall not cause illumination in excess of one-half foot (½') candle when measured in a residence district at the lot line. Flickering or intense sources of light shall be controlled or shielded so as not to cause a nuisance across lot lines.

Illumination levels shall be measured with a photoelectric photometer, having a spectral response similar to that of the human eye, following the standard spectral luminous efficiency curve adopted by the International Commission on Illumination.

Uses in the I-I Limited Industrial District shall be governed by the Category A standards, and uses in all business districts shall be governed by the Category B standards. Uses subject to Category A and B Performance Standards shall limit the use of light sources and illuminated surfaces within five hundred feet (500') of, and visible in, a residential district to comply with the light intensities indicated below.

<b><u>Source</u></b>	<b><u>Maximum Intensity of Light Sources</u></b>	
	<b><u>Category A</u></b>	<b><u>Category B</u></b>
Bare incandescent bulbs	15 watts	40 watts
Illuminated buildings	15 foot candles	30 foot candles



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Back lighted or luminous background signs	150 foot lamberts	250
foot lamberts		
Outdoor illuminated signs and poster panels	25 foot candles	50 foot
candles		
Any other unshielded sources		
intrinsic brightness	50 candles / sq.cm.	50 candles / sq.cm.

### 9.05 I-1 LIMITED INDUSTRIAL DISTRICT

The I-1 Limited Industrial District is intended to provide lands for development by industrial firms that have high standards of performance and that can locate in close proximity to residential and business districts without adversely affecting such areas. The district regulations are designed to permit the operations of most manufacturing, wholesaling and warehousing activities with adequate protection to adjacent uses and sufficient control of external effects to be compatible with neighboring uses.

#### 1. Permitted Uses

The following uses are permitted:

- a. Any establishment the principal use of which is manufacturing, fabricating, processing, assembling, disassembling, repairing, cleaning, servicing, testing and storing of materials, products, and goods, provided operations conforming with the Performance Standards and other requirements applicable to an I-1 District.
- b. Agriculture.
- c. Bakeries.
- d. Building material sales, storage and millwork, but not including ready-mix concrete plants.
- e. Cameras and other photographic equipment and supplies.
- f. Carpet and rug cleaning.
- g. Contractors' offices and shops.
- h. Greenhouses, wholesale, without restriction as to gross floor area, provided heating plant operations conform with applicable Performance Standards set forth in this Section under General Requirements.
- i. Laundries.
- j. Machinery sales.
- k. Monument establishments, including accessory open sales lots.
- l. Offices.
- m. Orthopedic and medical appliances, such as artificial limbs, braces, supports and stretchers.
- n. Parking lots and storage garages.
- o. Pharmaceutical products, compounding only.
- p. Printing and publishing establishments.
- q. Public open space.
- r. Public utility and/or service uses:
  - (1) Essential services including fully automated gas regulating stations, telephone exchanges, and electric sub-stations.
  - (2) Railroad passenger stations when not located on railroad property.
  - (3) Sewage treatment plants.
  - (4) Waterworks, reservoirs, pumping stations, filtration plants, and wells. /'

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(5) Telephone exchanges, microwave relay towers, and telephone transmission equipment buildings.

(6) Water filtration plants, pumping stations, reservoirs, and sewage treatment plants - public.

(7) Other public or private utility service uses.

s. Repair of household or office machinery or equipment.

t. Research laboratories.

u. Schools, commercial or trade.

v. Service businesses, for the convenience of persons and firms in the industrial district, such as, but not limited to, automobile service stations, motels, meeting halls, office buildings and restaurants.

w. Signs. See Section 11.00.

x. Temporary buildings. See Section 4.25.

y. Training centers, engineering or sales.

z. Warehouses.

aa. Wholesale business, excluding a building, the principal use of which is for a storage warehouse.

bb. Accessory uses.

2. Special Uses. The following uses may be allowed by Special Use Permit in accordance with the provisions of Section 12.00:

a. Automobile service stations, where the retail sale of gasoline and oil for motor vehicles, including minor services customarily incidental thereto may be conducted out-of-doors. Lubricating and working facilities including auto laundries are permitted only if in a completely enclosed building.

b. Creamery and bottling plants.

c. Frozen food lockers.

d. Fuel and ice retail sales and storage.

e. Drug stores.

f. Dwelling units for watchmen and operating personnel and their families when the nature of operations require such personnel to reside on the premises where they are employed.

g. Garage, Public.

h. Heliports and Helipads.

i. Any other manufacturing establishment that can be operated in compliance with the Performance Standards listed below without creating objectionable noise, odor, dust, smoke, gas fumes and vapor; and any use compatible with the use and occupancy of adjoining properties.

j. Motor Freight Terminals if the following conditions are complied with:

(1) Shall be under unified ownership and control;

(2) The zoning lot on which the Motor Freight Terminal is located shall be located not closer than two hundred feet (200') to any Residential or Business zoned district;

(3) No dormitories, lodging or sleeping quarter facilities, no sleeping on premises, or in vehicles on the premises;

(4) Scales, if provided, for weighing trucks shall be located on the same zoning lot;

(5) Parking of vehicles and trucks shall be in compliance with Section 10.00, Off-Street Loading and Off-Street Parking of this Ordinance. Concrete shall be provided in accordance with

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Village Ordinances and engineering specifications designed for the parking or storage of trailers;

- (6) The number of vehicles with engines operating at one (1) time shall be restricted reasonably, so as not to emit a concentration of noxious fumes to endanger public health and welfare. Reference to Section 9.04.3(5) and the American Society for Testing and Materials (ASTM) Method DI 391-57 standard;
- (7) Exterior lighting shall be controlled, so as to shine away from adjacent properties;
- (8) Landscaping including but not limited to fencing and berming shall be provided to create a buffer to adjacent properties of not less than eighty percent (80%) opacity;
- (9) The number of vehicles including trucks and trailers shall be in compliance with Section 10.00;
- (10) No parking or standing of trucks shall be permitted on public streets; the weight of trucks using public streets shall be within the weight limits of all public streets on which the trucks would traverse;
- (11) Semi-trailers shall be limited to the Design Vehicle Dimensions established by the Illinois Department of Transportation (IDOT) and no tanker trailers shall be permitted other than for delivery of fuel to the premises only;
- (12) The number of truck loading berths located on the zoning lot shall be in compliance with Section 10.00; and
- (13) The number of locations and width of entrances to, and exits from, the zoning lot shall be determined by Village codes and ordinances and/or Village engineering standards.

k. Mini-Warehouse.

Mini-warehouse if the following conditions are complied with:

- (1) The zoning lot on which the warehouse is located shall be located not closer than one hundred fifty feet (150') to any Residence or Business Zoned district;
  - (2) The number of truck loading berths located on the zoning lot shall be in compliance with Section 10.00;
  - (3) The number of locations and width of entrances to, and exits from, the zoning lot shall be determined by Village codes and ordinances and/or Village engineering standards;
  - (4) Scales, if provided, for weighing trucks shall be located on the same zoning lot.
  - (5) Parking of vehicles and trucks shall be in compliance with Section 10.00, Off-Street Loading and Off-Street Parking;
  - (6) Exterior lighting shall be controlled, so as to shine away from adjacent properties;
  - (7) There shall be no major motor vehicles maintenance or major engine overhauling on the zoning lot; and
  - (8) No parking or standing of trucks shall be permitted on public streets, the weight of trucks using public streets shall be within the weight limits of all public streets on which the trucks would traverse.
- l. Planned developments, industrial, provided a planned development is on a tract of land not less than five (5) acres in area and under unified ownership or control. See Section 12.13.
  - m. Radio and television towers.
  - n. Warehouse and storage not including motor freight terminals.
  - o. Child Care Center. When included as a secondary use in the principal building and to be licensed by the State of Illinois under the Illinois Child Care Act of 1969 (Ill. Rev. State. Ch. 23, Sec. 2211 et seq.) or other applicable statute. The premises on which such center is to be located shall include an outdoor play area of seventy (70) square feet for each child in the

play area at anyone time and such play area shall be fenced and screened from view from adjoining properties.

3. Conditions of Use.

All Permitted Uses are subject to the following conditions:

- a. Any production, processing, cleaning, servicing, testing and repair or storage of goods, materials or products shall conform with the Performance Standards set forth herein.
- b. All business, production, servicing, and processing shall take place within completely enclosed buildings unless otherwise specified. Within one hundred fifty feet (150') of a Residence District, all storage shall be in completely enclosed buildings or structures, and storage located elsewhere in this district may be open to the sky but shall be enclosed by solid walls or fences (including solid doors or gates thereto) not less than six feet (6') high, but in no case lower in height than the enclosed storage and shall be suitably landscaped. However, open off-street loading facilities and open off-street parking of motor vehicles displaying Class "B" or less license plates may be unenclosed throughout the district, except for such screening of parking and loading facilities as may be required under the provisions of Section 10.00.
- c. Uses established on the effective date of this Ordinance and by its provisions rendered non-conforming shall be permitted to continue, subject to the regulations of Section 5.00.
- d. Uses established after the effective date of this Ordinance shall conform fully to the Performance Standards hereinbefore set forth for the district.

4. Floor Area Ratio:

The floor area ratio shall not exceed zero point five (0.5)

5. Minimum Lot Size:

Every industry established hereafter erected shall be located on a lot having an area of not less than twenty thousand (20,000) square feet, and a width at the established building line of not less than one hundred feet (100').

6. Yard Requirements:

Yards shall be provided in accordance with the following regulations:

- a. Front Yard. There shall be a front yard of not less than forty feet (40'), including a minimum twenty feet (20') green/landscape space between the right-of-way and parking areas.
- b. Side Yard. There shall be provided two (2) side yards having a combined width of forty five feet (45') and neither side yard shall be less than twenty feet (20').
- c. Rear Yard. There shall be provided a rear yard of not less than fifty feet (50'). That portion of a rear yard abutting a residence district shall not be less than one hundred fifty feet (150').

7. Off-Street Parking and Loading

Off-street parking and loading facilities shall be provided as required or permitted in Section 10.00

8. Building Height

The height of any building or structure shall not exceed two and one-half (2½ ) stories or forty feet (40'), whichever is lower.

## **SECTION 9.06 O-R OFFICE RESEARCH DISTRICT**

The O-R Office Research District is intended to provide and maintain a park-like setting for uses on large lots. The Office Research District shall be restricted to offices, accessory uses, limited business services, and industrial non-manufacturing type uses.

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### 1. Permitted Uses.

The following uses are permitted:

#### a. Offices.

Business, professional, governmental and medical.

#### b. Service Business.

- (1) Art work, commercial graphics and drafting services.
- (2) Automobile rental service. Any major automobile repair service shall not be permitted.
- (3) Banks and financial institutions.
- (4) Medical, dental research laboratories, and facilities.
- (5) Restaurants.

#### c. Industrial Type Uses.

- (1) Laboratories, offices, and other facilities for research testing, data analysis, and development.
- (2) Low-nuisance industrial activities including, but not limited to, electronic and scientific precision instrument assembly and repair, experimental product development, and plastic products and design and assembly.
- (3) Printing and publishing.
- (4) Light distribution not including bulk commodities or motor freight terminals.
- (5) Storage as an accessory use when conducted wholly within a completely enclosed building and in conjunction with the principal use. Such storage shall not exceed forty percent (40%) of the gross floor area of any building.

#### d. Temporary Uses.

The temporary use of land for the installation, maintenance and operation of facilities used by contractors in the ordinary course of construction related to a parcel of land of which the temporary construction yard is an integral part, provided such facilities shall be located not less than five hundred feet (500') from any building used for residential purposes (that building not being a part of the development site Subdivision-Planned Development), and provided that the period of such temporary use shall not exceed the duration of the construction for the development site.

#### e. Accessory Uses.

Retail and Service Use. Upon application for issuance of a zoning certificate and incidental or secondary only to a principal building containing forty thousand (40,000) or more square feet of gross floor area, one (1) or more uses hereinafter set forth may be operated as accessory uses if each such use meets the following conditions: 1) it is provided for the convenience of the owner and/or tenants; 2) does not have exterior signs of any type; 3) it does not have a separate outside entrance facing any street; and 4) is not evident from any street.

- (1) Banks and financial institutions which do not include drive-in or drive-through facilities.
- (2) Barber shops.
- (3) Beauty shops.
- (4) Blueprint and photostat services.
- (5) Data processing and computer center, including service and maintenance.
- (6) Duplication, letter and secretarial service firms.
- (7) Newspapers, tobacco and/or confectionery stands.
- (8) Office supply stores.
- (9) Restaurants.

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- (10) Travel bureau and transportation office.
- 2. Special Uses. The following uses may be allowed by special permit in accordance with the provisions of Section 12.00:
  - a. Service Business.
    - (1) Banks and financial institutions which include drive-in or drive-through facilities.
    - (2) Building trades, show rooms, and distribution.
  - b. Industrial type uses.
    - (1) Warehouse or storage of any goods or materials within a building when such use exceeds forty percent (40%) of the gross floor area of the building.
    - (2) Other processing, finishing and assembly facilities but not including manufacturing.
  - c. Day care center and/or night care facility.
  - d. Planned Development. See Section 12.13.
  - e. Public utility and/or service uses.
    - (1) Essential services including fully automated gas regulating stations and telephone exchanges.
    - (2) Railroad passenger stations when not located on railroad property.
    - (3) Sewage treatment plants.
    - (4) Waterworks, reservoirs, pumping stations, filtration plants and wells.
    - (5) Telephone exchanges, microwave relay towers, and telephone transmission equipment buildings.
    - (6) Water filtration plants, pumping stations, reservoirs, and sewage treatment plants - public.
    - (7) Other public or private utility service uses.
  - f. Other Uses. Other non-retail office, financial institutional and industrial uses, not specifically listed above when found to have economic and performance compatibility with established uses on adjoining properties.
  - g. Accessory uses other than those listed in Section 9.06.2.e.
- 3. Required Conditions.
  - a. Not more than one (1) principal building or structure shall be located on a zoning lot within this district except as a Planned Development.
  - b. Every use, unless expressly exempted by this Ordinance, shall be operated in its entirety within a completely enclosed building; the exemption of a use from the requirement of enclosure will be indicated by phrase “need not be enclosed” appearing after each use exempted.
  - c. Outdoor storage of goods, products, materials, supplies, machinery, or equipment shall not be permitted. Commercial vehicles shall be enclosed with a fence or a solid landscape screen or any combination thereof at a height of not less than six (6) feet above grade.
  - d. Except as otherwise provided by special use herein, establishments of drive-in or drive-through type are prohibited.
  - e. Every use, unless expressly exempted by this ordinance, shall comply with Section 9.04 “Performance Standards”.
  - f. All requests for uses or building permits in the O-R Office Research District, noted by an asterisk (\*) shall not be required to be accompanied by a certificate from a scientific research laboratory or consultant approved by the Village Board certifying compliance with the “Performance Standards” as required in this Ordinance.
  - g. Not less than fifteen percent (15%) of the lot area shall be provided for landscaping and open space purposes.

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- h. A complete landscape plan prepared by a landscape architect or qualified landscape contractor shall be presented to the Planning and Zoning Commission for review and recommendation to the Village Board for their action before the issuance of a building permit.
- i. Outside lighting shall be designed and placed so as not to be disturbing to adjacent residential areas or traffic or public roadways.
- j. Special uses granted to provide for yard variations in the Office Research District shall comply with the following:
  - (1) Site Plan Review. Each property owner or developer who requests a special use for yard variations in any Office Research District shall submit a complete site plan, including traffic controls, signage and landscaping for the proposed development. The site plan shall be reviewed by the Planning and Zoning Commission and approved by the Village Board.
  - (2) Bonding Requirements. Before any zoning certificate, excavation/fill permit, or building permit is issued in any Office Research District, the property owner or developer shall post a cash bond or irrevocable standby letter of credit with the Village of Beecher to guarantee appropriate installation of planting and screening materials required on the approved site plan. Fifty percent (50%) of the cash bond or letter of credit shall be maintained by the Village for a period of one (1) year (growing season) after installation to assure continued growth of the landscape materials.
- 4. Floor Area Ratio. The floor area ratio shall not exceed zero point forty-five (0.45).
- 5. Minimum Lot Size. There shall be provided a lot area of not less than one (1) acre.
- 6. Yard Requirements. Yards shall be provided in accordance with the following regulations:
  - a. Front Yard: A front yard of not less than forty feet (40') in depth, including a minimum twenty feet (20') green/landscape space between the right-of-way and parking areas.
  - b. Side Yards. There shall be provided two (2) side yards having a combined width of forty feet (40') and neither side yard shall be less than fifteen feet (15').
  - c. Rear Yard. There shall be a rear yard of not less than fifty feet (50') in depth
  - d. Yard Setbacks. When additional building height is allowed, the setback or the required yard shall be increased by two (2) feet of depth for each additional foot of building height in excess of forty five feet (45'). Parking shall be permitted in the additional yard.
- 7. Maximum Lot Coverage. Lot coverage of principal building or structure and accessory building or uses shall not exceed forty five percent (45%) of the lot area.
- 8. Building Height. The height of any building or structure shall not exceed three (3) stories, or forty five feet (45'), whichever is lower.

Where additional building height is allowed, the setback or the required yard shall be increased by two (2) feet of depth for each additional foot of building height in excess of forty five feet (45'). Parking shall be permitted in the additional yard.
- 9. Signs. See Section 11.00.
- 10. Off-Street Parking and Loading. Off-street parking and loading facilities shall be provided as required or permitted in Section 10.00.

**SECTION 10.00**

**OFF-STREET PARKING AND LOADING**

**10.01 PURPOSE AND INTENT**

The purpose and intent of this Section is to alleviate or prevent the congestion of the public streets and so promote the safety and welfare of the public by establishing minimum requirements for the off-street parking and loading and unloading of motor vehicles in accordance with the use to which property is put.

**10.02 GENERAL PROVISIONS - PARKING AND LOADING**

1. Scope of Regulations.

The off-street parking and loading provisions of this Ordinance shall apply as follows:

a. Off-Street Parking and Loading Facilities.

For all buildings and structures erected and all uses of buildings and land established after the effective date of this Ordinance, accessory parking and loading facilities shall be provided in accordance with the provisions of this Section. However, where a building permit has been issued prior to the effective date of this Ordinance, and provided that construction is begun within one (1) year of such effective date, and diligently prosecuted to completion, parking and loading facilities as required hereinafter need not be provided except as recommended by the Planning and Zoning Commission and approved by the Village Board.

b. Increased Parking and Loading Facilities.

When the intensity of use of any buildings, structures or premises shall be increased through addition of dwelling units, gross floor area, seating capacity, or other unit of measurement specified herein for required parking or loading facilities, parking and loading facilities as required herein shall be provided for such increase in intensity of use. However, no building or structure lawfully erected or use lawfully established prior to the effective date of this Ordinance shall be required to provide such additional parking or loading facilities unless and until the aggregate increase in units of measurement existing upon the effective date of this Ordinance, in which event parking or loading facilities as required herein shall be provided for the total increase.

c. New Off-Site Parking and Loading Facilities.

Whenever the existing use of a building or structure shall hereafter be changed to a new use, parking or loading facilities shall be provided as required for such new use.

However, if said building or structure was erected prior to the effective date of this Ordinance, additional parking or loading facilities are mandatory only in the amount by which the requirements for the new use would exceed those for the existing use if the latter were subject to the parking and loading provisions of this Ordinance.

2. Existing Parking and Loading Facilities.

Accessory off-street parking and loading facilities which are located on the same zoning lot as the building or use served which were in existence on the effective date of this Ordinance or were provided voluntarily after such effective date shall not hereafter be reduced below, or if already less than, shall not further be reduced below the requirements of this Ordinance for a similar new building or use.

3. Permissive Parking and Loading Facilities.



Nothing in this Ordinance shall be deemed to prevent the voluntary establishment of off-street parking or loading facilities to serve any existing use of land or buildings provided that all regulations herein governing the location, design, improvement, and operation of such facilities are adhered to.

4. Handicapped Parking.

All uses except single family detached dwellings shall be required to provide off-street parking spaces for handicapped persons in accordance with the standards established by the State of Illinois and/or Federal Government.

5. Damage or Destruction.

For any conforming or legally non-conforming building or use which is in existence on the effective date of this Ordinance, which subsequent thereto is damaged or destroyed by fire, collapse, explosion or other cause, not to exceed fifty percent (50%) of the cost of the existing building or structure, and which is reconstructed, re-established or repaired, off-street parking or loading facilities equivalent to any maintained at the time of such damage or destruction shall be restored or continued in operation. However, in no case shall it be necessary to increase or maintain parking or loading facilities in excess of those required by this Ordinance for equivalent new uses or construction.

6. Control of Off-Site Parking Facilities.

When required parking facilities are provided on land other than the zoning lot on which the building or use served by such facilities is located, they shall be and remain in the same possession or ownership as the zoning lot occupied by the building or use to which the parking facilities are necessary.

No such off-site parking facilities shall be authorized and no occupancy permit shall be issued where the plans call for parking facilities other than on the same zoning lot until and unless the Planning and Zoning Commission has reviewed the plans and heard the applicant and made findings that the common ownership or possession of the zoning lot and the site of the parking facilities are reasonably certain to continue and that the off-site parking facilities will be maintained at all times during the life of the proposed use or building.

7. Submission of Plot Plan.

Any application for a building permit, or for a certificate of occupancy where no building permit is required 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 Ordinance.

### **10.03      ADDITIONAL REGULATIONS - PARKING**

1. Use of Parking Facilities.

Off-street parking facilities accessory to residential use and developed in any residential district in accordance with the requirements of this Section shall be used for the parking of passenger automobiles owned by occupants of the dwelling structures to which such facilities are accessory or by guests of said occupants. Under no circumstances shall required parking facilities accessory to residential structures be used for the parking of automobiles belonging to the employees, owners, tenants, visitors or customers of any business or manufacturing establishment.

2. Collective Provisions.

Off-street parking facilities for different buildings, structures or uses, or for mixed uses, may be provided collectively in any zoning district in which separate parking facilities for each use would be permitted, provided that the total number of spaces so located together shall not be less than the sum of the separate requirements for each use.

3. Computation.

When determination of the number of off-street parking spaces, required by this Ordinance, results in a requirement of a fractional space, any fraction of one-half ( $\frac{1}{2}$ ) or less may be disregarded while a fraction in excess of one-half ( $\frac{1}{2}$ ) shall be counted as one (1) parking space.

In instances where the proposed use may not require the number of parking spaces anticipated in Section 10.05 of this Ordinance, the parking area may be diminished in size provided an area equal to the anticipated size is set aside for future use, following recommendation from the Planning and Zoning Commission and approval by the Village Board.

4. Repair and Service.

No motor vehicle repair work or service, or selling of gasoline or motor oil of any kind shall be permitted in conjunction with off-street parking facilities located in any District, unless approved by the Board of Trustees.

5. Size.

A required off-street parking space shall be not less than nine feet (9') in width and not less than eighteen feet (18') in length, exclusive of access drives or aisles, ramps, columns or office or work areas. Such space shall have a vertical clearance of not less than seven (7) feet. For parallel parking spaces, the length of the space shall be increased to twenty-two (22) feet.

A required off-street handicap parking space shall meet all applicable requirements of the current State of Illinois Accessibility Code and Federal Regulations.

6. Off-Street Parking Chart. See Section 10.06.

All other requirements as to parking stall and aisle width shall be as set forth or interpolated from the "Off-Street Parking Chart."

7. Access.

Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movements.

Residential lots shall have a minimum driveway width of nine feet (9') for one car garages and a minimum width of eighteen feet (18') for two car garages. All driveways shall extend to the curb or edge of street. The maximum width of driveways when measured at the property line in residential areas shall not exceed twenty four feet (24') except in cases of houses with three (3) car garages facing the street, the driveway width at the property line may be increased to thirty two feet (32'). A recommendation from the Planning and Zoning Commission and approved by the Village Board is required for more than one (1) driveway per street frontage.

8. In Yards.

Off-street parking spaces may be located in any yard except required front yards, and required corner side yards, but shall not be closer than five feet (5') to the lot line except that for a dwelling unit if two (2) of the required parking spaces are provided within a garage, the

other required parking space may be located in the garage access driveway and may intrude into a required front yard, provided further, that if none of the required spaces are provided within a garage, the required spaces shall not be located in a required front yard or corner side yard.

9. In Parkways.

No person, firm or corporation shall park, deposit, leave or store any motor vehicle, or tangible personal property of any type or description at any time between the property line, curb, and/or edge of pavement line.

10. Design and Maintenance.

- a. Open and Enclosed Parking Spaces. Accessory parking spaces located on the same lot as occupied by the use served may be open to the sky or enclosed in a building. Accessory parking spaces located in a Residence District elsewhere than on the same lot occupied by the use served shall be open to the sky except when otherwise allowed as a Special Use.
- b. Surfacing. All open off-street vehicular parking areas and driveways, excluding truck loading and access aisles, shall be improved with an all weather dustless material consisting of the following as approved by the Village of Beecher and the Village Engineer.
  - (1) For apartments and other residential uses surfacing shall consist of one (1) of the following:
    - (a) Eight inch (8") compacted aggregate base with a two inch (2") bituminous wearing surface; or
    - (b) Four inch (4") compacted aggregate base with five inch (5") air entrained six (6) bag portland cement concrete and 6x6 #10 welded wire reinforcing.
  - (2) For non-residential, light vehicle (under 8,500 gross vehicle weight) uses, surfacing shall consist of one (1) of the following:
    - (a) Eight inch (8") compacted aggregate base with a one and one-half inch (1 1/2") bituminous binder course and a one inch (1") bituminous surface course; or
    - (b) Six inch (6") compacted aggregate base with five inch (5") air entrained six (6) bag portland cement concrete and 6x6 #10 welded wire reinforcing.
  - (3) For heavy vehicular and other uses including business, commercial, industrial, or when in the opinion of the Village Engineer, the driveway will be required to carry heavy loads, it shall then consist of one (1) of the following:
    - (a) Ten inch (10") compacted aggregate base with a one and one-half inch (1 1/2") bituminous binder course and a one and one-half (1 1/2) inch bituminous surface course; or
    - (b) Eight inch (8") compacted aggregate base with a Six inch (6") air entrained six (6) bag portland cement concrete and 6x6 #6 welded wire reinforcing.
  - (c) Loading berths and dolly pads. See Section 10.00.
- c. Screening and Landscaping. All open automobile parking areas containing more than four (4) parking spaces shall be effectively screened on each side adjoining or fronting on any property situated in a Residence District or any institutional premises by a wall, fence or densely planted compact hedge. Such required screening shall conform to the front and side yard setback requirements of the district in which the parking is located. Landscape areas including plant material shall not be planted so that there is any interference with the overhang of parked vehicles. In all B-3, office and industrial districts, the first twenty feet (20') of the front and corner side yards abutting a street right-of-way shall be landscaped. See Section 4.30.
- d. Lighting and Other Equipment. All lighting used to illuminate off-street parking areas shall be directed away from residential properties in such a way as not to create a nuisance. All

lighting shall be extinguished no later than thirty (30) minutes after the close of business of the use being served, except as may be otherwise authorized by the Village Board. All lighting shall comply with the Performance Standards relative to glare.

- e. Signs. See Section 11.00
- f. Curbs. In all cases where off-street parking areas are used for storm water management purposes, such areas shall be improved with permanent portland cement concrete curb(s) and shall be so located that no part of any parked vehicle shall extend beyond the minimum setback See Section 10.00.
- g. Wheel Guards. All off-street parking spaces within parking lots shall be provided with concrete wheel guards, bumper guards, or continuous curbs permanently secured to the finished surface along the perimeter line and abut the building. Wheel guards, bumper guards or continuous curbs shall be so located that no part of any parked vehicle will extend beyond the property line or encroach upon any adjacent sidewalk and/or landscape areas.
- h. Striping. All off-street parking spaces, within parking lots, shall be properly marked by a Four inch (4”) wide painted stripe. All such striping shall be maintained and kept clearly visible at all times.

#### **10.04 LOCATION OF ACCESSORY OFF-STREET PARKING**

The location of off-street parking spaces in relation to the use served shall be as prescribed hereinafter. All distances specified shall be walking distances between such parking spaces and a main entrance to the use served.

- 1. For Uses in a Residence District.  
Parking spaces accessory to dwellings shall be located on the same zoning lot as the use served. Spaces accessory to uses other than dwellings may be located on a lot adjacent to, or directly across a street or alley from the lot occupied by the use served, but in no case at a distance in excess of three hundred feet (300’) from such use.
- 2. For Uses in Business and Industrial Districts.  
All required parking spaces shall be within one thousand feet (1,000’) of the use served, except for spaces accessory to dwelling units, which shall be within three hundred feet (300’) of the use served. However, no parking spaces accessory to a use in a Business or Industrial District shall be located in a Residence District, except that private, free, off-street parking accessory to such uses and municipal parking lots may be allowed by Special Use permit in accordance with the administrative section within two hundred feet (200’) of, and adjacent to, any Business or Industrial District.

#### **10.05 SCHEDULE OF PARKING REQUIREMENTS**

For the following uses accessory off-street parking spaces shall be provided as required hereinafter. Parking spaces required on an employee basis on the maximum number of employees on duty or residing or both on the premises at any one (1) time.

- 1. Residential Uses. As follows:
  - a. One-Family Dwelling. Two (2) parking spaces shall be provided per each dwelling unit
  - b. Two-Family Dwelling. Two (2) parking spaces shall be provided for each dwelling unit.

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- c. Multiple-Family Dwelling (including: Apartment-Hotels). Two (2) parking spaces shall be provided for every dwelling unit plus one (1) parking space for each employee. For lodging rooms located in an apartment hotel, one and one-half (1½) parking spaces shall be provided for each room.
- d. Motels Inns and Auto Courts. One (1) parking space shall be provided for each guest or sleeping room or suite, plus one (1) additional space for each employee.
- e. Hotels. One (1) parking space for each dwelling unit and one (1) parking space for each lodging room shall be provided plus one (1) additional space per employee at peak shift.
- f. Lodging, Rooming, and Boarding Houses. One (1) parking space shall be provided for each lodging room, plus one (1) space for the owner or manager.
- g. Housing for the Elderly. One (1) parking space for four (4) dwelling units, plus one (1) space for each employee or staff member on the shift, or such greater number as recommended by the Planning and Zoning Commission.
- h. Private Clubs and Lodges (with Sleeping Facilities for Guests). One (1) parking space shall be provided for each lodging room plus parking spaces equal in number to ten percent (10%) of the capacity in persons (exclusive of lodging room capacity) of such club or lodge.
- 2. Retail and Service Uses. As follows
  - a. Retail Stores and Banks. One (1) parking space shall be provided for each two hundred (200) square feet of gross floor area. Drive-in banks or other similar drive-in establishments shall provide five (5) stacking spaces per teller or customer service window
  - b. Automobile Service Stations. Two (2) parking spaces per service bay plus one (1) space per employee.
  - c. Automobile Laundry. Four (4) parking spaces per bay/stall plus one (1) space for each four (4) employees for a self-service establishment, or one (1) space for each four (4) employees plus sufficient area for twenty (20) stacking spaces per bay/stall for an automated establishment.
  - d. Bowling Alleys. Three (3) parking spaces per alley, plus one (1) space per employee, plus such additional spaces as may be required herein for affiliated uses, bars, restaurants and the like.
  - e. Eating Establishments.
    - (1) Standard Eating Establishment. Ten (10) parking spaces per each one thousand (1,000) square feet of gross floor area.
    - (2) Drive-In Or Drive-Through Eating Establishment. Ten (10) parking spaces per each one thousand (1,000) square feet of gross floor area plus ten (10) reservoir/stacking parking spaces.
    - (3) Stand-Up Eating: Establishment. Five and one-half (5½) parking spaces per each one thousand (1,000) square feet of gross floor area.
  - f. Furniture and Appliance Stores Household Equipment or Furniture Repair Shops. One (1) parking space shall be provided for each six hundred (600) square feet of gross floor area.
  - g. Motor Vehicle Sale, Rental and Service Establishment. One (1) space per five hundred (500) square feet of enclosed sales/rental floor area, plus one (1) space per one thousand (1,000) square feet of gross open sales/rental display lot area, plus two (2) spaces per service bay, plus one (1) space for each employee.
  - h. Theaters (Indoor). One (1) parking space shall be provided for each three (3) seats, plus one (1) space per employee.

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- i. Undertaking Establishments, Funeral Homes, Parlors and Chapels. Four (4) parking spaces per one thousand (1,000) square feet of chapel area, or four (4) parking spaces per each seventy-two (72) lineal inches of seating space. In addition, there shall not be less than one (1) parking space per each vehicle used in conducting business and one (1) parking space per each employee.  
There shall also be off-street reservoir spaces equal to thirty percent (30%) of the number of parking spaces required which may include the use of parking lot access aisles.
- j. Office, Business, Professional, and Government, excluding Medical and Dental Three and three tenths (3.3) parking spaces per each one thousand (1,000) square feet of gross floor area.
- k. Medical or Dental Clinics. Six (6) parking spaces per each one thousand (1,000) square feet of gross floor area.
- l. Recreational Facility Other than Theater, Bowling Alley, or Swimming Pool. One (1) parking space per one hundred (100) square feet of gross floor area plus one (1) space per two (2) employees.
- m. Swimming Pools. One (1) parking space per each seventy-five (75) square feet of water area, plus one (1) parking space per each employee.
- n. Open Sales/Display Area Other than Vehicle Sales, Rental and Service Establishment. One (1) parking space per five hundred (500) square feet of open sales/display area plus one (1) space per employee.
- o. Wholesale Establishments (but not including Warehouse and Storage Buildings Other than Accessory). One (1) parking space shall be provided for each six hundred (600) square feet of gross floor area.
- p. Mixed Retail Shopping Center. One (1) space shall be provided for each two hundred fifty (250) square feet of gross floor area. (Subject to the requirement of this Section).
- 3. Industrial and Related Uses.
  - a. Manufacturing Uses or Any Establishments Engaged in Production Processing Cleaning, Servicing, Testing, or Repair of Materials, Goods, or Products. One (1) parking space shall be provided for each employee, plus one (1) parking space for each vehicle used in the enterprise or one (1) parking space per two thousand (2,000) square feet of gross area, whichever is greater.
  - b. Warehouse and Storage Building. One (1) parking space shall be provided for the peak shift having the maximum number of employees on main shift plus one (1) space for each vehicle used in the conduct of the enterprise or one (1) parking space for two thousand (2,000) square feet of gross area, whichever is greater.
- 4. Community Service Uses: As follows:
  - a. Church, Temple, Synagogue, or Other Place of Worship. One (1) parking space per four (4) seats in the principal place of worship; provided that the number of spaces thus required may be reduced by not more than fifty percent (50%) if the place of worship is located within five hundred feet (500') of any public parking lot or any commercial parking lot where sufficient parking spaces are available by permission of the owner, without charge, during the time of services to make up the additional parking spaces required.
  - b. Colleges, Universities, and Business, Professional, and Trade Schools. One (1) parking space shall be provided for each two (2) employees and one (1) parking space shall be provided for each two (2) students based on the maximum number of students attending classes on the premises at any one (1) time during any twenty-four (24) hour period.

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- c. Hospital. A parking study shall be required which analyzes parking demand and supply on the basis of number of beds, employees, ratio of in-patient usage, and other pertinent factors.
- d. Child Care Centers, Day Nurseries, and Nursery Schools. One (1) parking space shall be provided for each teacher and employee, plus one (1) parking space for each ten (10) students for guest parking. Stacking spaces shall be provided off the public right-of-way for not less than ten (10) vehicles for pick-up and/or drop-off of students. Additional off-street parking and vehicle stacking spaces may be recommended by the Planning and Zoning Commission based on the design of the facility.
- e. Libraries, Art Galleries, and Museums – Public. Four (4) parking spaces shall be provided for each one thousand (1,000) square feet of gross floor area.
- f. Municipal or Privately Owned Recreation Buildings or Community Centers. One (1) parking space shall be provided for each two (2) employees, plus spaces adequate in number, as determined by the Zoning Administrator, to serve the visiting public.
- g. Public Utility and Public Service Uses. One (1) parking space shall be provided for each two (2) employees, plus spaces adequate in number, as determined by the Zoning Administrator, to service the public.
- h. School, Elementary or Intermediate. One (1) parking space per each faculty staff member, or other full-time employee, plus one (1) parking space per classroom for visitor parking.
- i. School, Secondary. One (1) parking space per each faculty staff member, or full time employee, plus one (1), parking space per six (6) students based on rated design capacity.
- 5. Places of Assembly. As follows:
  - Stadiums, Arenas, Auditoriums other than Churches, Colleges of Institutional Schools, Convention Halls, Dance Halls, Exhibition Halls, Skating Rinks, and other Similar places of Assembly. Parking spaces equal in number to twenty five percent (25%) of the designated building maximum capacity in persons shall be provided or the parking spaces needed shall be recommended by the Planning and Zoning Commission.
- 6. Miscellaneous Uses. As follows:
  - a. Fraternalities. Sororities and Dormitories: Five (5) parking spaces per each one thousand (1,000) square feet of gross floor area.
  - b. Institutions for the Care of the Mentally Ill and/or Mentally Incompetent. One (1) parking space shall be provided for each staff doctor, plus spaces adequate in number, as determined by the Zoning Administrator, to serve the visiting public.
  - c. Private Clubs and Lodges (without sleeping facilities for guests). Five (5) parking spaces per each one thousand (1,000) square feet of gross floor area.
  - d. Rest Homes and Nursing Homes. One (1) parking space shall be provided for each four (4) beds, plus one (1) parking space for each two (2) employees, (other than staff doctors), plus one (1) parking space for each doctor assigned to the staff.
  - e. Sanitariums Convalescent Homes or Institutions for the Aged or for Children. One (1) parking space shall be provided for each four (4) beds, plus one (1) parking space for each two (2) employees (other than staff doctors), plus one (1) parking space for each doctor assigned to the staff.
  - f. Miscellaneous. For the following uses, parking spaces shall be provided in adequate number as determined by the Zoning Administrator to serve persons employed or residing on the premises as well as the visiting public:
    - Heliports or Helipads;
    - Convents or monasteries;

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Crematories or mausoleums;  
Fraternal or religious institutions; and  
parish houses.

Rectories and

7. Mixed Uses. When two (2) or more uses are located on the same zoning lot within the same building, parking spaces equal in number to the sum of the separate requirements for each such use shall be provided. No parking spaces or portion thereof shall serve as a required space for more than one (1) use unless otherwise recommended by the Planning and Zoning Commission and approved by the Village Board.
8. Other Uses. For uses not listed heretofore in this schedule of parking requirements, parking spaces shall be provided on the same basis as required for the most similar listed uses, or as determined by the Zoning Administrator.

**SECTION 10.06 OFF-STREET PARKING CHART**

**Table 10-1**

Parking Angle	Aisle width*	Stall width	Stall length	Total, 1 tier plus maneuvering	Total 2 tiers plus maneuvering
90°	22'	9'	19'	40'	60'
75°	20'	9'	19'	39.5'	59'
60°	18'	9'	19'	37'	55.4'

\* Two way traffic in 90° aisles only

**10.07 ADDITIONAL REGULATIONS - OFF-STREET LOADING**

1. Location. All required off-street loading berths shall be located on the same lot as the use to be served, and no portion of the vehicle shall project into a street or alley. No permitted or required off-street loading berth in any district shall be located within twenty-five (25) feet of the nearest point of intersection of any two (2) streets, nor shall it be located in a required front yard. In Industrial Districts off-street loading berths for vehicles of more than two (2) ton capacity shall not be located (a) within a side yard abutting a Residence District or abutting a street which at the place of abutment fronts on a Residence District; (b) within forty feet (40') of the lot line of any side yard abutting a street which at the place of abutment does not front a Residence District; nor (c) within that part of a rear yard abutting a Residence District which part would be a side yard if the main building on the premises was extended in direct line to the rear lot line of the premises.
2. Size. Unless otherwise specified in the Schedule of Loading Requirements, a required loading berth shall be not less than twelve feet (12') in width by at least sixty feet (60') in length exclusive of aisles and maneuvering space, and shall have a vertical clearance of at least fourteen feet (14').
3. Access. Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic



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movements and shall meet the applicable surfacing requirements of 10.07.4 and shall be subject to approval of the Building Inspector.

4. Surfacing. Any open off-street loading berths, loading area or areas intended to be used for dumpsters over two (2) cubic yards capacity, the parking of semi-trailers without tractor attached or other heavy concentrated loads, shall be improved with a minimum 10" thick compacted stone base and shall be surfaced with not less than 8" of unreinforced six (6) bag air entrained concrete or 6" thick six (6) bag mix air entrained concrete with 6x6 #6 welded wire reinforcing, or an equivalent improvement as approved by the Village Board.
5. Repair and Service. No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities provided in any District.
6. Screening and Landscaping. All open trailer and truck parking areas shall be effectively screened on each side adjoining or fronting on any property located in or adjacent to a Residence District by a wall fence (not to exceed eight feet (8') in height with metal or plastic inserts in chain link) or densely planted compact hedge. Such required screening shall conform to the front and side yard setback requirements of the District in which the parking is located.
7. Space allocated to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.
8. For Special Uses other than prescribed for hereinafter loading berths adequate in number and size to serve such uses, as determined by the Zoning Administrator shall be provided.
9. Uses for which off-street loading facilities are required herein but which are located in buildings of less floor area than the minimum prescribed for such required facilities shall be provided with adequate receiving facilities off any adjacent alley service drive, or open space on the same lot which is accessible by motor vehicle.

### 10.08 SCHEDULE OF LOADING REQUIREMENTS

For the uses listed in the following Table, off-street loading berths shall be provided on the basis of gross floor area of buildings or portions thereof devoted to such uses in the amounts shown herein.

**Table 10-2  
SCHEDULE OF LOADING REQUIREMENTS**

Uses	Gross floor area in square feet	Required number and minimum horizontal dimensions of berths
a. Hospitals, sanitariums and other institutional uses	10,000 to 200,000 For each additional 200,000 or fraction thereof	1 – 12' x 30' 1 additional 12' x 30'
b. Hotels, clubs, lodges except as set forth in c, below	10,000 to 20,000 20,001 to 150,000 For each additional 150,000 or fraction thereof	1 – 12' x 30' 2 – 12' x 30' 1 additional 12' x 30'
c. Retail stores, furniture, household equipment and appliance stores, repair shops, wholesale stores, and establishments handling the sale and consumption of food on the premises. Compliance will be individually according	5,000 to 10,000 10,001 to 25,000 25,001 to 40,000 40,001 to 100,000	1 – 12' x 30' 2 – 12' x 30' 3 – 12' x 60' 4 – 12' x 60'

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to gross floor area,	For each additional 100,000 or fraction thereof	1 additional 12' x 60'
d. Motor vehicle and machinery sales	40,000 to 100,000	3 – 12' x 60'
e. Auditorium, convention halls, exhibition halls, sport arenas, stadiums, bowling alleys	10,000 to 20,000 20,001 to 100,000 For each additional 100,000 or fraction thereof	1 – 12' x 30' 2 – 12' x 30' 1 additional 12' x 60'
f. Banks and offices – business, professional & government	10,000 to 100,000 For each additional 100,000 or fraction thereof For each additional 500,000 or fraction thereof	1 – 12' x 30' 1 additional 12' x 30' 1 additional 12' x 60'
g. Manufacturing or establishment engaged in production, processing, cleaning, servicing, testing or warehousing and storage of goods, materials or product.	5,000 to 20,000 20,001 to 50,000 For each additional 50,000 or fraction thereof	1 – 12' x 60' 2 – 12' x 60' 1 additional 12' x 60'
h. Theaters	8,000 to 50,000 For each additional 50,000 or fraction thereof	1 – 12' x 30' 1 additional 12' x 30'
i. Undertaking and funeral parlors	8,000 to 100,000 For each additional 100,000 or fraction thereof	1 – 12' x 30' 1 additional 12' x 30'

**SECTION 11.00**

**SIGNS**

**11.01 PURPOSE AND INTENT**

The provisions of this Section are intended to provide for the necessary means of identification while protecting the value of adjoining properties and maintaining a safe and pleasing environment for the residents of Beecher.

**11.02 DEFINITIONS**

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

1. Canopy and awning, fixed means any hood, canopy or awning made of cloth, other flexible material or metal with metal frames attached to a building, and carried by a frame, either supported or not supported from the ground or sidewalk.
2. Integrated Center means a building, series of attached buildings or separate buildings under the single ownership or management or having contractual agreements between the separate building owners.
3. Canopy and awning, retractable means any hood, canopy or awning made of cloth, other flexible material or metal with metal frames attached to a building, and so erected as to permit its being retracted when not in use.
4. Marquee means any fixed hood, constructed of metal or other incombustible material, supported solely by and extending from the building to which it is attached.
5. Sign means a name, identification, description, display, or illustration which is affixed to, or painted on or represented directly or indirectly, upon a building, structure, billboard or parcel of land; and which directs attention to an object, product, place, activity, person, institution, organization, of business. Each display surface of a sign shall be considered to be a separate sign. The word “sign” does not include the following:
  - a. Any sign of the United States, state or municipal corporation;
  - b. The flag, emblem of insignia of a nation, governmental unit, school or religious group;
  - c. Signs located completely within an enclosed building unless affixed to a window of the building; provided, however, that the provisions of this chapter regulating flashing and moving signs shall apply to all such signs located completely within an enclosed building, if such signs are visible from public property;
  - d. Paper signs affixed to the interior of the window of a building for a period of less than thirty (30) days;
  - e. Identification and addressed of establishments on awnings or marquees;
  - f. Street or house number signs not exceeding one and one-half (1 ½) square feet in area;

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- g. Directional signs or instructional signs conveying directions or instructions for the safety or convenience of the public (vehicular or pedestrian) or necessary for the operation of the premises and not exceeding three square feet in area; and
  - h. A barber pole or similar symbol or device used to identify and display in connection with a barber shop.
6. Sign, advertising means a sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered upon premises other than where such sign is located or to which it is affixed.
7. Sign, animated means any sign that uses movement or change of lighting, either natural or artificial, to depict action or create a special effect or scene.
8. Sign, architect-contractor means a sign representing a business or firm hired to make capital improvements to or financing of a structure or property on a parcel of land upon which the sign is being displayed.
9. Sign, business means a sign which directs attention to a business or profession conducted, or to a commodity, service or entertainment conducted, sold or offered upon the premises where such sign is located or to which it is affixed.
10. Sign, changeable copy/reader board means a sign, or portion thereof, with characters, letters or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign of which the message changes more than eight (8) times per day will be considered an animated sign and not a changeable copy sign for purposes of this Ordinance. A scrolling light message portion of a sign must comply with the message change limit. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a “time and temperature” portion of a sign and not a changeable copy sign for purposes of this ordinance. All messages for changeable copy/reader board signs shall be limited to the business to which the sign is attached and/or public service announcements.
11. Sign, flashing means any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use. For the purpose of this chapter, any moving illuminated sign except scrolling light messages on a changeable copy/reader board sign shall be considered a flashing sign.
12. Sign, gross surface area of means the entire area covered by the sign consisting of the areas comprised within a single continuous perimeter enclosing the extreme limits of its display area, and in no case passing through or between any adjacent elements of it; but such perimeter shall not include any structural elements lying outside the display area of the sign.
13. Sign, ground base or monument means a sign supported by uprights, columns or braces placed in the ground and not attached to any building. The base of all ground base or monument signs shall be no more than two feet above grade and not exceed six feet (6') above grade in height.

14. Sign, historical plaque means a commemorative plaque placed by recognized federal, state or local historical agency depicting and identifying a building's contribution to the field of architecture, or a building or site's contribution to the life of an individual, or as being representative of a historical event or an era of development in the Village. Such plaque shall not exceed four (4) square feet in area and shall be affixed flat against a building, or if a vacant site, shall be permanently mounted on a pole or other suitable support.
15. Sign, pole means a sign, mounted or otherwise attached, to a steel column(s) or other suitable material placed in the ground, the bottom of which is no less than eight feet (8') above grade. Pole signs shall conform to the restrictions in Table 11-1. Also known as a pylon sign.
16. Sign, political means a sign representing an individual or party running for an elected office for which the individual or party has duly filed for elected office or is pursuing a write-in campaign. Signs concerning a referendum or an issue of retention shall also be considered political signs.
17. Sign, real estate means a sign which advertises property of buildings for sale, rent or lease by the owner of the property or a property licensed agent in the sale of such property.
18. Sign, temporary means a sign, banner, bunting, pennant, valance or advertising display to be displayed for a period not to exceed forty five (45) days.
19. Sign, wall means a sign attached, applied to, painted or placed flat against the exterior front, rear or side wall of any building, with an exception in Section 11.05.2.
20. Sign, window means signs, regardless of material, which are on the inside of the window.

### **11.03 ADMINISTRATION**

It shall be the responsibility of the Zoning Administrator, or designee, to administer this chapter.

### **11.04 VIOLATIONS AND ENFORCEMENT**

It shall be unlawful to display any sign in violation of the provision of this chapter. Each day of any such violation shall constitute a separate offense under this chapter. Any person who owns or manages a building or premises and any occupant thereof who displays a sign shall comply with the provisions of this chapter. The Zoning Administrator is hereby designated and authorized to enforce this chapter.

### **11.05 PERMITTED AND NON-PERMITTED SIGNS**

1. The following types of signs only are permitted signs within the standards set out in this chapter:

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- a. Ground base or monument signs;
  - b. Wall signs;
  - c. Pole signs, in business zoning districts only, subject to the restrictions in Table 11-1;
  - d. Temporary signs;
  - e. Marquees;
  - f. Fixed canopies and awnings;
  - g. Retractable canopies and awnings;
  - h. Window signs;
  - i. Historical plaques; and
  - j. Changeable copy and reader board signs.
2. Non-permitted signs are as follows:
- a. Signs on fences or on walls which are not a part of a building or structure;
  - b. Flashing signs, which are illuminated signs (whether stationary, revolving, or rotating) which contain any flashing lights or lights creating an illusion of movement, except those signs which display time and temperature information only, or a scrolling light message subject to the limitations contained in section 11.02, Definitions;
  - c. Moving signs, which are signs which flutter, undulate, swing, rotate, oscillate, or otherwise move by natural or artificial means. Pennants and banners are specifically included within the definition of moving signs, with an exception cited in section 11.11;
  - d. Advertising signs except for temporary subdivision advertising signs as provided in section 11.10;
  - e. Signs painted on building walls which face or are visible from a public street;
  - f. Signs in direct line of vision of any traffic control signal shall not have illumination of red, green or amber color;
  - g. Roof signs;
  - h. Billboards and poster boards;
  - i. Signs which contain statements, words, or pictures of obscene, indecent, or immoral character and which offend public morals and decency; and
  - j. Any other sign not included as a permitted sign.

### **11.06 SIGNS ON RESIDENTIAL PROPERTIES.**

No sign shall be displayed on buildings or premises, or that portion thereof used for residential purposes, regardless of the zoning district in which it is located, or on any vehicles parked on such property for more than 24 hours where such vehicle is readily visible to the general public, except for the following permitted signs:

1. One nameplate sign not exceeding 144 square inches in area, which may be combined with a street or house sign.
2. Noncommercial signs behind or affixed to windows or doors.
3. In the case of apartment houses for more than two families, there shall be permitted, in addition to the foregoing and in addition to any other signs permitted by reason of any commercial use of the first floor, one identification sign not exceeding five (5) square feet in area indicating the name of the building and/or the ownership of management of such building.

4. Temporary signs permitted under Section 11.09.

#### **11.07 SIGNS OF CERTAIN CHARITABLE, EDUCATIONAL AND SIMILAR ORGANIZATIONS**

1. No sign shall be displayed on the building or premises of a private educational, philanthropic, civic or charitable institution or organization or any private club, except for temporary signs permitted under Section 11.09 and except for the following permitted signs:
  - a. Identification signs, identifying the name and/or nature of the institution or organization; and
  - b. Bulletin board signs, being structures of a permanent nature but having changeable words or figures.
2. The total area of all signs on the premises of each such institution or organization shall not exceed fifty (50) square feet in area, and no one sign shall exceed thirty (30) square feet in area.

#### **11.08 BUSINESS SIGNS**

Business signs of any type not prohibited by Section 11.05 may be displayed on any property used for business or manufacturing purposes, subject to the following limitations and regulations:

1. Where a sign is illuminated by light reflected upon it, direct rays of light shall not beam upon any part of an existing residential building, nor into a residential district, or into a street. A sign located in direct line of vision of a traffic signal shall not have red, green or amber illumination.
2. The total permitted gross surface area of all signs for a single building shall not exceed 2.5 times in square feet the total building frontage expressed in linear feet, up to a maximum of 500 square feet for a building with one frontage, 800 square feet for a building with two frontages, and 1000 square feet for a building with three or more frontages. If a single building is designed for occupancy by more than one business use and is so used, the formula to be applied in ascertaining the permitted gross surface area for each individual establishment shall be based on the formula set out in this subsection. The owner of the building shall then be responsible for negotiating with all tenants in the building, the amount of signage allowable for each business.
3. No wall sign shall project more than 24 inches into a public right-of-way, and any such sign shall be limited in height to the height of the building or 20 feet above grade at the base of the building, whichever is lower.
4. Any permanently installed sign entirely separate from any structure, located entirely upon private property and not projecting into a public right-of-way and otherwise in conformance with all requirements of this chapter shall conform to Table 11-1.
5. Signs which are not embodied as part of the soft or pliable material of an awning or canopy and which project from a building in excess of six inches or over a public right-of-way shall have the lowest portion no less than nine feet above grade, immediately below the sign.

6. A unified shopping center or integrated center in single ownership or control may erect only one pole sign or monument sign to serve the shops therein in addition to the individual signs allowed by this chapter. Such sign shall conform to the standards in Table 11-1.

#### **11.09 TEMPORARY SIGNS**

In addition to signs otherwise permitted by this chapter, the following temporary signs shall be permitted, so long as such temporary signs are otherwise in conformity with this chapter:

1. Real estate signs (nonilluminated), advertising the sale or lease of the premises on which they are maintained, not exceeding ten (10) square feet in area and not in excess of one sign per lot or premises, except that on corner lots one such sign may face each street, such signs shall be removed immediately upon sale or lease of the premises. Said signs must be located on private property.
2. Architect-contractor signs. One sign of an architect and/or contractor not exceeding ten (10) square feet in area may be displayed on a premises located in any residence district established by the Village Zoning Ordinance, as amended, and one such sign not exceeding twenty (20) square feet on a premises located in any business or manufacturing district established by the Village Zoning Ordinance where new construction or remodeling work is in progress, to be removed immediately upon completion of such work. In an area zoned for commercial or industrial use where the property on which construction or remodeling is in progress, one contractor/architect's sign may be erected on each street frontage said property abuts. Such signs may not be located closer than eight feet (8') from the property line or one-half the distance between the property and the building lines, whichever is less.
3. Decorations displayed in connection with civic, patriotic or religious holidays.
4. Flags, emblems and signs of political, civic, philanthropic or education organizations temporarily displayed for noncommercial purposes. Said signs must be located on private property unless placed by federal, state or municipal government.
5. Political signs shall be permitted in any zoned district as long as such signs do not obstruct traffic or create a hazardous condition. The total surface area of the total of all political signs on a zoning lot shall not exceed one hundred (100) square feet. Within seven (7) days following an election, political signs shall be removed. In the event signs are still displayed seven (7) days following an election the Village shall remove said signs. Political signs shall not be permitted in any right-of-way.
6. Signs are permitted which advertise for sale agricultural produce grown on the same premises whereon such signs are placed on personal property owned by a resident of said premises, provided such signs shall not be larger than ten (10) square feet in area, that no such sign shall advertise produce grown elsewhere or personal property purchased for the purpose of resale on said premises, and that no more than two (2) such signs shall be allowed on any premises nor allowed to remain in place longer than sixty (60) days, except as anything herein prohibited shall be permitted by another section of this Ordinance.

#### **11.10 TEMPORARY SUBDIVISION ADVERTISING SIGNS**

The Zoning Administrator, when requested in writing, may mitigate the provisions of this chapter regarding advertising signs on a temporary basis only in accordance with the



following provisions for the purpose of encouraging rapid and competitive sale of new subdivision development within the Village:

1. Temporary means an indefinite length of time which shall terminate upon sale of eighty percent (80%) of all available parcels included in the platted subdivision.
2. Arterial route means all routes indicated as arterial routes in the Village of Beecher Comprehensive Land Use Plan adopted April 26, 2005, and all subsequent amendments.
3. Onsite allowance. One sign for each direct arterial route frontage which may be advertising as well as directional. The surface area cannot exceed one hundred (100) square feet and twelve feet (12') in height above grade. Such signs are subject to fees as set forth in section 11.20.3.
4. Off-site allowance. Available to subdivisions which lack direct arterial route frontage. One sign shall be used for any one subdivision for any one arterial route in the immediate vicinity of logical traffic service to the subdivision. Only private property fronting such arterial route may be so used, must be directional only, and the surface area cannot exceed one hundred (100) square feet and twelve feet (12') above the ground . Such signs are subject to fees as set forth in section 11.20.3.
5. Public right-of-way. One sign shall be used for any one subdivision for any one arterial route. Only arterial routes in the immediate vicinity and of logical traffic service to the subdivision may be so used. Such signs must be directional only, and the surface area cannot exceed two feet in length and two feet in height. The placement of such signs on rights-of-way not controlled exclusively by the Village shall be at the risk of the subdivision. The total number of such signs shall be limited to three per subdivision.
6. Authorization. All temporary subdivision sign location requests shall be reviewed by the Zoning Administrator.
7. Removal. All permitted subdivision signs shall be removed when required by this section.

#### **11.11 PENNANTS OR BANNERS**

The Zoning Administrator, when requested in writing, may mitigate the provisions of this chapter prohibiting pennants and banners, but on a temporary basis only in accordance with the following provisions:

1. Definition. Temporary means a period of time not in excess of 45 days.
2. Grand openings; special sales. The use of pennants and banners may be allowed by the Zoning Administrator in connection with grand openings of commercial establishments and in support of special sales or events or other matters of similar importance.
3. Authorization. Authorization for the use of temporary pennants or banners shall be authorized by the Zoning Administrator, and shall state the number of days such use is to be permitted. No such authorization shall be given more than twice in a calendar year for a specific location.
4. Removal. All such pennants and banners shall be removed at the expiration of such authorization.

#### **11.12 CONSTRUCTION REQUIREMENTS**

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1. Date of erection, name of permittee and voltage to be on sign. Every sign hereafter erected shall have painted in a conspicuous place thereon, in legible letters, the date of erection, the name of the permittee, and the voltage of any electrical apparatus used in connection therewith.
2. Wind pressure and dead load requirements. Any sign shall be designed and constructed to withstand a wind pressure of not less than 30 pounds per square foot of net surface area; and shall be constructed to receive dead loads as required in the building code and other ordinances of the Village.
3. Fireproof construction. No sign, the majority of the display area of which is within four feet of any building, or which is greater than 18 square feet in area, shall be constructed at any location within the Village fire limits unless the face is constructed of noncombustible material.
4. Obstruction to doors, windows or fire escapes. No sign, retractable canopy or awning shall be erected, relocated or maintained so as to prevent free ingress to, or egress from, any door, window or fire escape. No sign, retractable canopy or awning of any kind shall be attached to a standpipe or fire escape.
5. Signs not to constitute traffic hazards. In order to obtain and secure reasonable traffic safety, it shall be unlawful for any person to erect or maintain any sign, retractable canopy or awning in such a manner as to obstruct free and clear vision, or as to distract the attention of the driver of any vehicle by reason of the position, shape, color or intensity thereof. Pursuant to the foregoing, no sign, retractable canopy or awning shall be erected or maintained in such manner as to likely to interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device. Accordingly, no sign, retractable canopy or awning shall make use of the words “stop,” “go,” “look,” “slow,” “danger,” or any other similar word, phrase, symbol, or character, or employ any red, yellow, orange, green or other colored lamp or light, in such a manner as to interfere with, mislead, or confuse traffic.

### **11.13 INSPECTIONS**

The Building Inspector shall make inspections of signs as necessary, and for this purpose, has the right during business hours to enter upon the premises where a sign is maintained. If it is found that a sign is out of repair, unsafe, or nonconforming to this chapter, the owner shall be notified in writing of the condition, and if the owner does not remedy the sign within 30 days from the time of the service of the notice, the Building Inspector shall act in accordance with section 11.17.

### **11.14 NUISANCES**

Any sign displayed in violation of this chapter is hereby deemed a public nuisance. Any sign, retractable canopy or awning which is immediately dangerous to persons or property in its existing condition, or which is declared to be a hazard by the Village is hereby declared to be a nuisance and may be abated as such.

### **11.15 MAINTENANCE**

All signs, retractable canopies and awnings shall be kept and maintained in a safe, neat and orderly condition and appearance, and shall be repainted or otherwise maintained periodically by the permittee to prevent corrosion or deterioration caused by weather or age, and to keep the same in safe, neat and orderly condition and appearance.

#### **11.16 REMOVAL OF CERTAIN SIGNS**

Any sign, retractable canopy or awning now or hereafter existing, which advertises a business no longer being conducted, or a product no longer being sold, shall be taken down and removed by the owner, agent or person having the beneficial use of the building, structure or premises upon which such sign may be found, within 30 days after receipt of written notice by the Village to so act. Upon failure to comply with such notice within the time specified in such order, the Building Inspector is hereby authorized to cause removal of such sign. Any expense incident thereto shall be paid by the owner, agent or person having beneficial use of the building, structure or premises to which such sign is attached.

#### **11.17 UNSAFE AND UNLAWFUL**

If the Building Inspector shall find that any sign, retractable canopy or awning is unsafe or insecure or is a menace to the public, has been constructed or erected, or is being maintained in violation of the provisions of this chapter, the Building Inspector shall give written notice of such finding to the permittee of the same. If the permittee fails to remove or alter the sign, retractable canopy or awning so as to bring it into compliance with the standards established by this chapter within 30 days after receipt of such notice, such sign, retractable canopy or awning may be removed by the Village at the expense of the permittee. If upon reasonable and diligent search, the permittee cannot be found so that the notice described in this section cannot be given, then the Village may remove the sign, retractable canopy or awning or, in the alternative, may send written notice of the Building Inspector's finding to the owner of the building, structure of premises. If the owner then fails to remove or alter the sign, retractable canopy or awning so as to bring it into compliance with the standards established by this chapter within 30 days after receipt of such notice, such sign, retractable canopy or awning may be removed by the Village at the expense of the owner. The Village may cause any sign, retractable canopy or awning which the Building Inspector finds to be an immediate peril to persons or property to be removed summarily and without notice.

#### **11.18 EXEMPTIONS AND ZONING RESTRICTIONS**

The provisions of this section regulating the location, placement, gross surface area, projection, height limitation and number of signs or other advertising structures shall be subject to and may be further restricted by any applicable provision of the present or hereafter adopted zoning ordinance of the Village including provisions therein relating to nonconforming structures and uses.

#### **11.19 BUILDING AND ELECTRICAL CODES**

All signs erected or constructed shall conform to all technical and structural requirement of the Village building and electrical codes.

## **11.20 PERMITS AND FEES**

1. A permit shall be obtained from the Building Inspector on written application therefore, by any person seeking to construct, erect or maintain any sign over three square feet in area, except for temporary nonstructural signs. Such application shall be accompanied by plans and specifications which show the size, character, material, location, bracing, anchorage, support, means of attachment and other structural characteristics thereof, and of its frame and mounting. Prior to the issuance of a permit, the application plans and specifications shall be approved by the Building Inspector.
2. No permit shall be issued if the Building Inspector shall determine that the sign will constitute a hazard to traffic or the public by reason of obstruction of view, distraction, or endangering the safety of persons using public property. Any permit required elsewhere in this Code for electrical work in connection with any sign must be obtained in addition to the sign permit provided for in this section.
3. The fee to be charged for each permit issued pursuant to this chapter shall be \$25.00, plus \$0.20 per square foot of the gross surface area of each sign. The fee for any reinspection of the sign shall be \$30.00.
4. Upon certification that a requested sign is in conformance with all the requirements and restrictions of this chapter, the sign is located within a business or manufacturing/industrial zoning district, and all fees have been paid, the Building Inspector shall issue a permit for the erection or placement of the requested sign.

## **11.21 VARIATIONS**

Upon an application or permit to construct or alter or maintain any sign which does not conform to the regulations of this chapter, upon a finding by the Village Board that a particular hardship does exist, the Village Board may grant a variation in the application of the regulations of this chapter but in harmony with the general purposes on intent of this chapter.

In no instance shall a variation greater than 10% above the allowance permitted in section 11.08.2. or Table 11-1 be granted by the Village Board unless such sign is determined to have artistic, historic or architectural significance.

## **11.22 LEGAL NONCONFORMING SIGNS**

Signs which were erected on or before the enactment of this Ordinance and no longer conform shall be subject to the following provisions:

1. The size, shape, context, wording and appearance of such sign shall not be changed or altered unless necessary to comply with this chapter, as amended.
2. A nonconforming sign which is destroyed or damaged by fire or other casualty to the extent that the cost of restoration will exceed 50 percent of the construction cost of a

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comparable new sign shall not be restored unless the sign conforms to all requirements of this chapter.

3. If such damage or construction is less than 50 percent of the construction cost of a comparable new sign, all repairs shall be completed within 180 days from the date of the partial destruction.
4. If such damage or destruction is less than 50 percent of the construction cost of a comparable new sign and repair construction is not completed within 180 days for the date of partial destruction, then the damaged nonconforming sign shall not be restored unless the sign is made to conform to all regulations of this chapter.
5. Such signs shall be properly maintained as required by this chapter, but authorized maintenance shall not include the right to change or alter the size, shape, context, wording or appearance of such sign.
6. No sign which projects more than 24 inches into a public right-of-way shall be approved or erected.

**Table 11-1**

### **POLE SIGNS**

<b>Size of building or integrated center (sq.ft.)</b>	<b>Maximum height (ft.)</b>	<b>Maximum gross surface area (sq.ft.)</b>
0 to 35,000	Not allowed	Not allowed
35,001 to 100,000	18	150
100,001 to 500,000	23	200
500,001 +	28	250

**SECTION 12.00**

**ADMINISTRATION**

**12.01 GENERAL PROVISIONS**

Administration.: The administration of this Ordinance is hereby vested in the following

1. The Village Board;
2. The Zoning Administrator; and
3. The Planning and Zoning Commission.

**12.02 ZONING ADMINISTRATOR**

1. Designation of Position. The Zoning Administrator shall be appointed by the President with the consent of the Board of Trustees and charged with the responsibility of administering and enforcing this Ordinance.
2. Duties. The Zoning Administrator shall:
  - a. Receive application requests, issue permits and furnish certificates;
  - b. Examine or approve an application pertaining to the use of land or buildings when the application conforms to the provisions of this Ordinance;
  - c. When requested by the President or Village Board, or when the interest of the Village so requires, make investigations and render written reports;
  - d. Issue Zoning Certificates, Occupancy Permits and such other notices or orders as may be necessary , and make and maintain comprehensive records thereof;
  - e. Make inspections of buildings, structures and uses of land to determine compliance with the terms of this Ordinance, and where there are violations, initiate action to secure compliance;
  - f. Receive from the Village Clerk all notices for appeals variations, amendments and special use permits which have been referred by the Village Clerk to the Planning and Zoning Commission or other appropriate reviewing body;
  - g. Maintain all zoning records which are a part of the administration of this Ordinance and keep all such records open to public inspection, however, said records shall not be removed from the Zoning Administrator's office;
  - h. Inform the Village Attorney of all violations and all other matters requiring prosecution or legal action;
  - i. Initiate, direct and review, from time to time, a study of the provisions of this Ordinance, and make reports of his recommendations to the Planning and Zoning Commission and the Village Board;
  - j. Discharge such other duties as may be assigned to him by the Village Board or as may be placed upon him by this Ordinance; and
  - k. Keep an up-to-date Zoning District Map in accordance with Chapter 24, Division 13, of the Illinois Revised Statutes as amended.

**12.03 ZONING CERTIFICATES**

1. Applications for zoning certificates shall be accompanied by building layout plans in triplicate; drawn to scale, and fully dimensioned, adequate to show the shape, area and dimensions of the lot to be built upon, the location, the ground area, height, and bulk of existing and proposed building, and, if residential, the number of dwelling units each

building is designed to accommodate, location and number of off-street parking and off-street loading spaces, site plan and landscape screening plan, and such other information as may be required by the Zoning Administrator for the proper enforcement of this Ordinance. Wherever a building or use is of a type for which this Ordinance requires off-street parking on a ratio to the number of employees, the number of employees on which the parking requirement is based shall be shown on the application. One (1) copy of such plans shall be returned to the owner when such plans shall have been approved by the Zoning Administrator. The lot and location of the building thereon shall be staked out on the ground before construction is started.

2. No permit pertaining to the use of land or buildings shall be issued by any officer, department, or employee of the Village of Beecher unless the application for such permit has been examined by the Zoning Administrator, indicating that the proposed building or use complies with the provisions of this Ordinance. Where no other permit is required for the use of land, this zoning authorization shall be construed as the permit to so use the land.
3. An application for a permit pertaining to the use of land or building, which requires compliance with the provisions of this Ordinance respecting Performance Standards shall be signed by the land owner or a corporate officer, or authorized representative of the owner or corporation, certifying that the building and the proposed use thereof complies with the applicable Performance Standards of the district in which it is located. Such certificate shall contain sufficient information and detail to enable the Zoning Administrator to determine that the proposed structure and use can and will be in compliance with the applicable Performance Standards. The Zoning Administrator shall, within fifteen (15) work days following receipt of such application and certificate, approve and authorize or deny the issuance of a zoning certificate. Approval also indicates that the application complies with other relevant provisions of this Ordinance. Such authorization shall thereafter be valid for all purposes for a period of one (1) year, and if incomplete at that time, may be extended for successive one (1) year periods by requests in writing to, and written authorizations for such extensions from the Zoning Administrator.

If the application is denied, the Zoning Administrator shall notify the person signing the application, in writing, of his findings. Upon receipt of such findings, the applicant may, within twenty (20) working days, show that such application is in compliance, or submit a revised application which is in compliance, or appeal the determination of the Zoning Administrator to the Planning and Zoning Commission.

#### **12.04 OCCUPANCY PERMITS**

1. Subsequent to the effective date of this Ordinance, no change in the use or occupancy of land, nor any change of use or occupancy in an existing building, except solely for single-family dwelling purposes, shall be made, nor shall any new building be occupied for any purpose until a certificate has been issued by the Zoning Administrator. Every certificate of occupancy shall state that the new occupancy complies with all revisions of this Ordinance.
2. No permit for excavation, erection, or alteration of any building shall be issued before the application has been made and approved for a certificate of occupancy and compliance, and no building or premises shall be occupied until that certificate and permit is issued.
3. No permanent certificate of occupancy for a building or addition thereto, constructed after the effective date of this Ordinance, shall be issued until construction has been completed

and the premises have been inspected and certified by the Zoning Administrator to be in full and complete compliance with the plans and specifications upon which the zoning certificate was issued.

4. In all zoned districts, landscaping, including street trees, shrubs, grass, driveways and sidewalks shall be completed prior to issuance of a certificate of occupancy unless cash escrow for same is deposited with the Village, at which time a six (6) month temporary occupancy may be issued.
5. A record of all certificates of occupancy shall be kept on file in the office of the Zoning Administrator and copies shall be furnished on request to any person having a proprietary or tenancy interest in land or in a building affected by such certificate of occupancy.

#### **12.05 PROCEDURE IN CASE OF VIOLATIONS**

Whenever there is found a violation of the terms of this Ordinance, the Zoning Administrator shall at once issue written notice to the owner and any other party responsible, specifying the nature of the violation and citing the provisions of the Ordinance which are violated, and said owner and any other party shall at once take appropriate steps to correct said violation. In case of failure by the owner or other responsible party to correct the violation within a reasonable time, the Zoning Administrator shall initiate action or proceeding as shall secure compliance with the applicable provision of this Ordinance. When compliance is so secured, the Zoning Administrator shall issue an occupancy certificate certifying such compliance.

#### **12.06 CERTIFICATE FOR CONTINUED OCCUPANCY OF NONCONFORMING USES**

Certificates for the continued occupancy of non-conforming uses existing at the time of passage of this Ordinance or made non-conforming by this Ordinance shall state that the use is non-conforming and does not conform with the provisions of this Ordinance. The Zoning Administrator shall notify the owners of the property being used as a non-conforming use and shall furnish said owner with a certificate of occupancy for such non-conforming use.

#### **12.07 PLANNING AND ZONING COMMISSION**

1. Creation and Membership.
  - a. A Planning and Zoning Commission is hereby created. The Planning and Zoning Commission shall consist of seven (7) members appointed by the Village President and confirmed by the Board of Trustees. The members of the Planning and Zoning Commission shall serve respectively for the following terms: One for one (1) year, one for two (2) years, one for three (3) years, one for four (4) years, one for five (5) years, one for six (6) years, and one for seven (7) years. The successor to each member so appointed shall serve for a term of five (5) years. One of the members of the Planning and Zoning Commission so appointed shall be named as Chairperson at the time of appointment. All members of the Planning and Zoning Commission shall be residents of the Village.  
The President of the Village shall have the power to remove any member of said Commission for cause and after approval by the Village Board. Vacancies upon said Commission shall be filled for the unexpired term of the member whose place has become



vacant in the manner herein provided for appointment of such member. If a member of the Commission misses three (3) consecutive meetings or a total of four (4) meetings in a calendar year, said member may be removed from the Commission by the Village President without further cause.

- b. All meetings of the Planning and Zoning Commission shall be held at the call of the Chairperson and at such time as the Planning and Zoning Commission may determine. All hearings conducted by the Commission under this Ordinance shall be in accordance with applicable Illinois statutes. In all proceedings of the Planning and Zoning Commission provided for in this Ordinance, the Chairperson, and in his/her absence, the Vice Chairperson, shall have the power to administer oaths. All testimony by witnesses at any hearing provided for in this Ordinance shall be given under oath. The Planning and Zoning Commission shall keep minutes of its proceedings, and shall also keep records of its hearings and other official actions. A copy of every rule or order, requirement, decision or determination of the Planning and Zoning Commission under this Ordinance shall be filed in the office of the Village Clerk and shall be a public record. The Planning and Zoning Commission shall adopt its own rules and procedures, not in conflict with this Ordinance or with applicable Illinois statutes.
2. Jurisdiction. The Planning and Zoning Commission shall have the following duties under this Ordinance:
  - a. to receive from the Village Clerk copies of all applications for Amendments or Special Uses which have been introduced to the Village Board;
  - b. to hold public hearings on matters pertaining to application for Special Uses and Amendments and submit reports to the Village Board setting forth its findings of fact and recommendations in the manner prescribed in this Section for Special Uses and Amendments;
  - c. to initiate, direct and review, from time to time, studies of the provisions of this Ordinance and to make reports of its recommendations to the Village Board not less frequently than once each year;
  - d. to hear appeals from any order, requirement, decision, or determination made by the Zoning Administrator under this Ordinance;
  - e. to hear variations from the term provided in this Ordinance in the manner and subject to the standards set forth in this Section;
  - f. to hear all matters referred to it or upon which it is required to pass under this Ordinance; and
  - g. affirmative recommendations applicable to d., e., and f. above shall require affirmative votes of a majority of the membership of the Commission.
3. Decisions. The Village Board, upon report of the Planning and Zoning Commission and without further public hearing, may grant or deny a proposed amendment in accordance with applicable statutes of the State of Illinois, or may refer it back to the Planning and Zoning Commission for further consideration.

## **12.08 APPEALS**

An appeal to the Planning and Zoning Commission may be made by any person, firm or corporation, or by any office, department, board, or bureau aggrieved by a decision of the Zoning Administrator under this Ordinance in accordance with Illinois Statutes and the following:

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1. An application for an appeal and appropriate application fee shall be filed with the Village Clerk within twenty (20) days of the date of the action from which the appeal is being filed and thereafter the Village Clerk shall forward such application to the Planning and Zoning Commission for processing. The Village Clerk shall forward to the Zoning Administrator a notice of appeal specifying the grounds thereof and the Zoning Administrator shall forthwith transmit to the Planning and Zoning Commission all the papers constituting the record upon which the action appealed from was taken.
2. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Planning and Zoning Commission, after the notice of appeal has been filed, that by reason of facts stated in the certificate, a stay would cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Planning and Zoning Commission or by a court of record on application and on notice to the officer from whom the appeal is taken, and on due causes shown.
3. The Planning and Zoning Commission shall fix a reasonable time, not to exceed ninety (90) days, for the hearing of the appeal, and give due notice thereof to the parties, and may give notice to surrounding property owners, and to the public in accordance with state law, and decide the same within a reasonable time. The Planning and Zoning Commission may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination that in its opinion ought to be made on the premises and to that end shall have all the powers of the officer from whom the appeal was taken.

### 12.09 AMENDMENTS

1. Authority. For the purpose of promoting the public health, safety, and general welfare, conserving the value of property throughout the community, and lessening or avoiding congestion in the public streets and highways, the Village Board, may from time to time, in the manner hereinafter set forth, amend the regulations imposed in the districts created by this Ordinance or amend district boundary lines provided that, in all amendatory Ordinances adopted under the authority of this Section, due allowance shall be made for existing conditions; the conservation or property values; the Official Comprehensive Plan, adopted on April 26, 2005; the direction of building development to the best advantage of the entire community; and the uses of which property is devoted at the same time of the adoption of such amendatory ordinance.

An amendment shall be granted or denied by the Village Board only after public hearing before the Planning and Zoning Commission and a report of its findings and recommendations has been submitted to the Village Board.

2. Initiation of Amendment. Amendments may be proposed by the Village Board by the Planning and Zoning Commission other governmental bodies or by any owner of the property to be redistricted within the jurisdictional limits of this Ordinance.
3. Application and Processing. An application for an amendment in quadruplicate with the required fee, shall be filed with the Village Clerk and thereafter introduced to the Village Board by the Village Clerk and to the Planning and Zoning Commission with a request for a Public Hearing.

Within sixty (60) days after final adjournment of the hearing, the Planning and Zoning Commission shall submit a report and recommendations of its findings to the President and

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Board of Trustees. The Village Clerk shall transmit the recommendations of the Planning and Zoning Commission to the Village Board and the Zoning Administrator. The application shall include at a minimum:

- a. legal description and common address of subject property;
  - b. current plat of survey locating lot lines and all existing structures;
  - c. existing zoning of subject property and within one hundred feet (100');
  - d. proposed zoning and land use;
  - e. ownership or disclosure of beneficial interest; and
  - f. other information as may be required by the Planning and Zoning Commission to make a recommendation on the request.
4. Hearing. Within ninety (90) days of receipt by the Zoning Administrator of all required application information and payment of any required fees, the Planning and Zoning Commission shall hold a public hearing on such application at a time and place as shall be established by legal notice of hearing by the Chairperson. The hearing shall be conducted and a transcript of the proceedings shall be preserved in accordance with rules prescribed by the Planning and Zoning Commission.
5. Notice of Hearing. Notice of the time and place of the hearing shall be published not less than once in a local newspaper not more than thirty (30) nor less than fifteen (15) days before such hearing. The applicant shall mail notice to all owners of property within two hundred fifty (250) feet, exclusive of public right-of-way, from the boundaries of subject property by certified mail, return receipt requested; evidence of mailing such notices shall be by the petitioner submitting a certificate listing the names and addresses of all owners of property within said two hundred fifty (250) feet and affidavit that the notice was mailed in compliance with the provisions hereof to said owners. Such notices shall be mailed not less than fifteen (15) days prior to the public hearing date. Proof of mailing shall be submitted to the Zoning Administrator not less than seven (7) days prior to the scheduled hearing date. If the foregoing requirements providing for mailed notice of hearing and publication are not complied with in the time frame set forth, the public hearing shall be cancelled and the applicant shall be required to pay an additional filing fee if the hearing is to be rescheduled.
6. Findings of Fact and Recommendation. The Planning and Zoning Commission shall make written findings of fact and shall submit same together with its recommendation to the Village Board within sixty (60) days following the date of public hearing on each application, unless said application is withdrawn or tabled by the petitioner. Where the purpose and effect of the proposed amendment is to change the zoning classification of a particular property, the Planning and Zoning Commission shall make findings based upon the evidence presented to it in each specific case with respect to the following:
- a. compatibility with surrounding land uses and the general area;
  - b. the zoning classification of property within the general area of the property in question;
  - c. the suitability of the subject property to the uses permitted under the existing zoning classification;
  - d. the trend of development, if any, in the general area of the subject property including recent changes, if any, which have taken place in its zoning classification;
  - e. the relationship of the existing zoning classification to the Official Comprehensive Plan of Beecher, adopted April 26, 2005; and

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- f. the Planning and Zoning Commission shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such amendment is in the public interest and is not solely for the interest of the applicant; and that either the proposed amendment will correct an existing error or that changing conditions make the proposed amendment necessary.
7. Action by the Village Board.
  - a. The Village Board shall not act upon a proposed amendment to this Ordinance until it shall have received a written report and recommendation from the Planning and Zoning Commission on the proposed amendment.
  - b. The Village Board may grant or deny any application for an amendment, provided, amendment of the regulations or districts, signed and acknowledged by the owners of twenty percent (20%) of the frontage proposed to be altered, or by the owners of twenty percent (20%) of the frontage immediately adjoining or across an alley therefrom; or by the owners of twenty percent (20%) of the frontage directly opposite the frontage proposed to be altered, is filed with the Clerk of the Village or if the Planning and Zoning Commission has recommended against such amendment, the amendment shall not be passed, except by a favorable vote of two-thirds (2/3) of the Corporate Authorities then holding office. In such cases, a copy of the written protest shall be served by the protestor or protestors on the applicant for the proposed amendment and a copy upon the applicant's attorney, if any, by certified mail at the address of such applicant and attorney shown in the application for the proposed amendment.
  - c. If an application for a proposed amendment is not acted upon finally by the Village Board within ninety (90) days of the date the Board receives the Planning and Zoning Commission's recommendations, and such time is not extended by mutual consent of the Village Board and petitioner, it shall be deemed to have been denied.
8. Conditions of Amendments. The Planning and Zoning Commission may recommend and the President and Board of Trustees may approve amendments as may be deemed necessary to promote the general objectives of this Ordinance and to minimize any potential injury to the value or use of property in the neighborhood.
9. Effect of Denial of Amendment. No application for a map amendment which has been denied by the Village Board shall be resubmitted for a period of one (1) year from the date of the order of denial, except on the grounds of new evidence or proof of change of condition(s) found to be valid by the Planning and Zoning Commission and the Village Board.
10. Repeal of Amendment. In any case where a change of boundary lines of the zoning district map has been granted, and where no development has taken place within two (2) years, the Planning and Zoning Commission may recommend to the Village Board that such zoning be affirmed or repealed and rezoned to its most appropriate district classification in accordance with the procedures under this Ordinance for amendments.

### **12.10 VARIATIONS**

1. Purpose. The President and Board of Trustees, by Ordinance, upon the report of the Planning and Zoning Commission, and only after a public hearing before the Planning and Zoning Commission, shall decide variations of the provisions of this Ordinance in harmony with its general purpose and intent, and shall vary them only in the specific instances hereinafter set forth where the Planning and Zoning Commission shall have made a finding of fact based

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upon the standards hereinafter prescribed that there are practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of this Ordinance.

2. Notice of Hearing. Notice of time and place of the hearing shall be published not less than once in a local newspaper not more than thirty (30) nor less than fifteen (15) days before such hearing. The applicant shall mail notice to all owners of property located within two hundred fifty (250) feet not including public right-of-way from the boundaries of subject property by certified mail, return receipt requested; evidence of mailing of such notices shall be by the petitioner submitting a certificate listing the names and addresses of all owners of property within said two hundred fifty (250) feet and affidavit that the notice was mailed in compliance with the provisions hereof to said owners.  
Such notices shall be mailed not less than fifteen (15) days prior to the public hearing date. Proof of mailing shall be submitted to the Zoning Administrator not less than seven (7) days prior to the scheduled hearing date. If the foregoing requirements providing for mailed notice of hearing and publication are not complied with in the time frame set forth, the public hearing shall be cancelled and the applicant shall be required to pay an additional filing fee if the hearing is to be rescheduled.
3. Standards.
  - a. The President and Board of Trustees shall not vary the provisions of this Ordinance as authorized in this Section unless the Planning and Zoning Commission shall have made findings based upon the evidence presented to it in the following specific cases:
    - (1) that the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the District in which it is located;
    - (2) that the plight of the owner is due to unique circumstances; and
    - (3) that the variance, if granted, will not alter the essential character of the community, and more specifically, the surrounding area.
  - b. For the purpose of supplementing the above standards, the Planning and Zoning Commission shall also, in making this determination whether there are particular difficulties or particular hardships, take into consideration the extent to which the following facts favorable to the applicant, have been established by this evidence:
    - (1) That the particular physical surroundings, shape or topographical conditions of the specific property involved would bring a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out;
    - (2) That the conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoning classification;
    - (3) The purpose of the variation is not based exclusively upon a desire to make more money out of the property, or merely for the convenience of the owner;
    - (4) That the alleged difficulty or hardship has not been created by any person presently having an interest in the property;
    - (5) That the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; or
    - (6) That the proposed variation will not impair an adequate supply of light and on adjacent property or substantially increase the danger of fire or otherwise endanger the public safety or substantially diminish or impair property values within the neighborhood.
  - c. The Planning and Zoning Commission may recommend such conditions and restrictions upon the premises benefited by a variation or may be necessary to comply with the standards set forth in this Section to reduce or minimize the injurious effect of such variation upon

other property in the neighborhood and to implement the general purpose and intent of this Ordinance.

4. Authorized Variations.

- a. Variations from the regulations of this Ordinance may be decided by the President and the Board of Trustees following public hearing and recommendation by the Planning and Zoning Commission, and only in accordance with the standards set forth in this Section, and only in the following instances and no others:

- (1) to permit front, side or rear yards less than the yard required by the applicable regulations;
- (2) to permit the use of a lot for a use otherwise prohibited solely because of the insufficient area of the lot, but in no event shall the area of a lot, not of record on the effective date of this Ordinance, be less than ninety percent (90%) of the required lot area;
- (3) to permit parking lots to be illuminated not to exceed thirty (30) minutes after the close of business;
- (4) to permit the same off-street parking spaces to qualify as required spaces for two (2) or more uses, provided that the maximum use of such facility by each user does not take place during the same hours or on the same days of the week;
- (5) to reduce the applicable off-street parking or loading required to the extent of not more than one (1) parking space or loading berth, or twenty percent (20%) of the spaces required by applicable regulations, whichever number is greater;
- (6) to increase by not more than twenty five percent (25%) the maximum distance that required parking spaces are permitted to be located from the use served;
- (7) to consider any changes to the sign requirements for all districts; and
- (8) to consider any changes to the fence requirements for all districts.

5. Unauthorized Variations.

The requests for variations not specifically required for in Section 12.11.4 under authorized variations shall in no case be used to accomplish a result which could otherwise be achieved by a rezoning of the property involved, such as, but not limited to, establishment or expansion of a use not permitted in a residence district; authorizing the construction of residences in other than residence districts; nor authorizing other than single family detached residences in the R-1, R-1A and R-2 Districts.

6. Reapplications.

Any person, firm or corporation having been denied a variation to the Zoning Ordinance respecting a specific parcel of property may not reapply for a like variation on said real property until the period of one (1) year has elapsed since the denial of the application for variation by the President and Board of Trustees.

7. Decisions.

The President and the Board of Trustees, by separate Ordinance and without further public hearing, may adopt any proposed variation or may refer it back to the Planning and Zoning Commission for further consideration, and any proposed variation which fails to receive the approval of the Planning and Zoning Commission shall not be passed except by the favorable vote of two-thirds (2/3) of the Corporate Authorities.

## **12.11 SPECIAL USES**

1. Purpose. The development and execution of the Zoning Ordinance is based upon the division of the Village into districts, within any one (1) of which the use of land and

buildings and structures, as related to the land, are essentially uniform. It is recognized, however, that there are Special Uses which, because of their unique character, cannot be properly classified in any particular district or districts without consideration, in each case, of the impact of those uses upon neighboring lands and upon the public need for the particular use at the particular locations. Such Special Uses fall into two (2) categories:

- a. Uses operated by a public agency or publicly regulated utilities or uses traditionally affected with a public interest.
- b. Uses entirely private in character, but of such a nature that the operation may give rise to unique problems with respect of their impact upon neighboring property or public facilities.
2. Authority. Special uses shall be authorized or denied by the President and Board of Trustees in accordance with the Illinois Revised Statutes as amended, and the regulations and conditions set forth in this Ordinance for Special Uses.

No application for a Special Use shall be acted upon by the President and Board of Trustees until after a public hearing before the Planning and Zoning Commission and a written report of its findings of fact and recommendations have been submitted to the Village Board.

3. Initiation of Special Use. Special Uses may be proposed in the manner prescribed for applications for amendments by any person, firm, or corporation with a proprietary interest in the subject property requesting, or intending to request, a zoning certificate.
4. Standards. No Special Use shall be granted by the President and the Board of Trustees unless the Special Use:
  - a. is deemed necessary for the public convenience at the location;
  - b. is so designated, located and proposed to be operated that the public health safety and welfare will be protected;
  - c. will not cause substantial injury to the value of other property in the neighborhood in which it is located; and has been recommended by the Planning and Zoning Commission and approved by the President and the Board of Trustees, and conforms, except in the case of a planned development, to the applicable regulations of the district in which it is located.
5. Hearing. Within sixty (60) days of receipt by the Village Clerk of all required application information and payment of any required fees, the Planning and Zoning Commission shall hold a public hearing on such application at a time and place as shall be established by legal notice of hearing by the Chairperson. The hearing shall be conducted and a transcript of the proceedings shall be preserved in accordance with rules prescribed by the Planning and Zoning Commission.
6. Notice of Hearing. Notice of time and place of the hearing shall be published not less than once in a local newspaper not more than thirty (30) nor less than fifteen (15) days before such hearing. The applicant shall mail notice to all owners of property located within two hundred fifty (250) feet exclusive of public right-of-way from the boundaries of subject property by certified mail, return receipt requested; evidence of mailing of such notices shall be by the petitioner submitting a certificate listing the names and addresses of all owners of property within said two hundred fifty (250) feet and affidavit that the notice was mailed in compliance with the provisions hereof to said owners. Such notices shall be mailed not more than thirty (30) nor less than fifteen (15) days prior to the public hearing date. Proof of mailing shall be submitted to the Zoning Administrator not less than seven (7) days prior to the scheduled hearing date. If the foregoing requirements providing for mailed notice of hearing and publication are not complied within the time frame set forth, the public hearing

shall be cancelled and the applicant shall be required to pay an additional filing fee if the hearing is to be rescheduled.

7. Findings of Fact and Recommendations. The Planning and Zoning Commission shall make written findings of fact and shall submit same together with its recommendation to the Village Board within sixty (60) days following the date of public hearing on each application unless said application is withdrawn or tabled by the petitioner.
  - a. The Planning and Zoning Commission shall make findings based upon the evidence presented to it in each specific case with respect to the following:
    - (1) compatibility with surrounding land uses and the general area;
    - (2) the zoning classification of property with the general area of the property in question;
    - (3) the suitability of the subject property to the uses permitted under the existing zoning classification;
    - (4) the trend of development, if any, in the general area of the subject property, including recent changes, if any, which have taken place in its zoning classification; and
    - (5) the relationship of the existing zoning classification to the Official Comprehensive Plan of Beecher.
  - b. The Planning and Zoning Commission shall not recommend the approval of a proposed Special Use unless it finds that:
    - (1) the approval of such Special Use is in the public interest and not solely for the interest of the applicant;
    - (2) that the proposed use at the particular location requested is necessary or desirable to provide a service or a facility which is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community;
    - (3) that such use will not under the circumstances of the particular case be detrimental to the health, safety, morals or general welfare of persons residing or working in the vicinity or injurious to property values or improvements in the vicinity; and
    - (4) that the proposed use will comply with the regulations and conditions specified in this Ordinance for such use, and with the stipulations and conditions made a part of the authorization granted by the Village Board.
8. Conditions of Special Uses. The Planning and Zoning Commission may recommend and the President and Board of Trustees may approve Special Uses and/or such conditions and restrictions upon the construction, location, and operation of a Special Use, including, but not limited to, provisions for off-street parking and loading, landscaping, screening and yard requirements, as may be deemed necessary to promote the general objectives of this Ordinance and to minimize any potential injury to the value or use of property in the neighborhood.
9. Action by the Village Board.
  - a. The Village Board shall not act upon proposed Special Use until it shall have received a written report and recommendations from the Planning and Zoning Commission on the proposed Special Use.
  - b. The Village Board may grant or deny any application for Special Use, provided, however, that in case of a written protest against any proposed Special Use signed and acknowledged by the owners of twenty percent (20%) of the frontage proposed to be altered, or by the owners of twenty percent (20%) of the frontage immediately adjoining or across an alley therefrom; or by the owners of twenty percent (20%) of the frontage directly opposite the



frontage proposed to be altered, is filed with the Clerk of the Village or if the Planning and Zoning Commission has recommended against such Special Use, the Special Use shall not be passed, except by a favorable vote of two-thirds (2/3) of the Corporate Authorities.

- c. If an application for a proposed Special Use is not acted upon finally by the corporate authorities within ninety (90) days of the date the Board receives the Planning and Zoning Commission's recommendations, and such time is not extended by mutual consent of the Village Board and petitioner, it shall be deemed to have been denied.
10. Effect of Denial of Special Use. No application for Special Use which has been denied by the Village Board shall be resubmitted for a period of one (1) year from the date of the order of denial except on the grounds of new evidence or proof of change of conditions found to be valid by the Planning and Zoning Commission and the Village Board.
11. Repeal of Special Use. In any case where a Special Use has been granted, and where no development has taken place within two (2) years, the Planning and Zoning Commission may recommend to the Village Board that such zoning be affirmed or repealed to its most appropriate zoned district classification in accordance with the procedures under this Ordinance.

## **12.12 PLANNED DEVELOPMENT - (PD)**

1. Purpose and Intent.

Planned developments (PD's), also known as Planned Unit Developments, are intended to allow greater design flexibility than is permitted by the standard district regulations. They are also substantially different from other special uses so that specific and additional standards and exceptions are necessary to regulate these developments. Therefore, the regulations contained in this Section are established to facilitate and encourage the construction of imaginative and coordinated small-to-large scale developments and to provide relief from the subdivision and zoning requirements which are designed for conventional developments. These regulations are further established to provide for developments incorporating a single type or variety of related uses, which are planned and developed as a unit; to assure adequate open space for recreation and other community purposes; to protect residential areas from undue traffic congestion; to encourage the most efficient use of land, which will result in more economic networks of utilities, streets, and other facilities; and thus to promote the general welfare of the community.

The objective of a Planned Development is therefore not simply to allow exceptions to otherwise applicable regulations; it is instead to encourage a higher level of design and amenity than is available under the usual land development requirements. It is the intent of the Village to suspend the application of detailed zoning and subdivision standards as provided herein only when such amenity is achieved. In this way the Village may grant the developer a desirable flexibility and at the same time not only protect but enhance the welfare of the residents and other users of a development as well as the rest of the community.
2. Standards and General Requirements.

No Planned Development shall be authorized by the Village Board unless the following standards and general requirements are met or improved amenities and/or design standards are demonstrated and accepted:

  - a. General Provisions.

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- (1) The site of the proposed Planned Development is not less than twenty (20) acres in area and is under single ownership and/or unified control. Where the applicant can demonstrate that the characteristics of the land are suitable to be planned and developed as a unit and in a manner consistent with the purpose and intent of this Ordinance and with the Comprehensive Plan of the Village, the Planning and Zoning Commission may consider projects with less acreage.
- (2) Conservation Design, as provided in the Village Subdivision Ordinance, or elements of Conservation Design, is strongly encouraged for all Planned Developments. Applicants shall present the Village with Planned Developments incorporating Conservation Design principles and components or give evidence of reasons not to address these principles and components.
- (3) The Planned Development will not substantially injure or damage the use value and enjoyment of the surrounding property nor hinder or prevent the development of surrounding property in accordance with the land use plan of the Village.
- (4) The uses permitted in the development are necessary or desirable and that the need for such uses has been clearly demonstrated by the developer.
- (5) The proposed development will not impose an undue burden on public facilities and services, such as sewer and water systems, and police and fire protection.
- (6) The proposed development can be substantially completed within the period of time specified in the schedule of development submitted by the developer.
- (7) The street system serving the Planned Development is adequate to carry the traffic that will be imposed upon the streets by the proposed development, and that the streets and driveways on the site of the Planned Development will be adequate to serve the residents or occupants of the proposed development.
- (8) When a Planned Development proposes the use of private streets, common driveways, private recreation facilities or common open space, the developer shall provide and submit as part of the application the method and arrangement whereby these private facilities shall be operated and maintained.
- (9) The General Development Plan shall contain such proposed covenants, easements and other provisions relating to the bulk, location and density of residential buildings, non-residential uses and structures and public facilities as are necessary for the welfare of the Planned Development and the Village. Enforcement of covenants, conditions and restrictions shall be the responsibility of the Home Owners Association.
- (10) The developer shall provide and record easements and covenants, and shall make such other arrangements as furnishing a performance bond, escrow deposit, or other financial guarantees as may be reasonably required to assure performance in accordance with the General Development Plan and to protect the public interest in the event of abandonment of said plan before completion.
- (11) Any exceptions or modifications of the zoning, subdivision, or other regulations that would otherwise be applicable to the site are warranted by the design of the proposed development plan, and the amenities incorporated in it are consistent with the general interest of the public.
  - b. Permitted Uses.
    - (1) Dwelling units in detached, semi-detached, attached, clustered, or multi- storied structures, or combination thereof.

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- (2) Commercial uses, where such uses are scaled primarily to serve the residents of the PD, such as retail sales, personal service stores, professional offices, and banking facilities.
- (3) Schools, public and private recreational facilities, and institutional uses.
- (4) Offices.
- (5) Day care centers.
- (6) Industrial Planned Development in areas so indicated on the Zoning Map and/or Comprehensive Land-Use Plan

c. Residential Density and Standards.

- (1) The density of residential Planned Development shall not exceed the density allowed in the district in which the PD is located. In such instances, however, where the land is not annexed to the Village and no zoning classification has been assigned, the Planning and Zoning Commission shall determine what the appropriate zoning and density should be and forward its recommendations to the Village Board.

The Planning and Zoning Commission, in making this determination, shall take into consideration (1) the physical characteristics of the site; (2) the location, design and type of dwelling units proposed; (3) the amount, location and proposed use of common open space; and (4) the provision of unique design features, such as golf courses, lakes, swimming pools, underground parking and other similar features which require unusually high development cost and which achieve an especially attractive and stable development.

- (2) Non-residential or business type uses may be included as part of a Planned Residential Development when the Planning and Zoning Commission finds that (1) such business uses are beneficial to the overall planned development and will not be injurious to adjacent or neighboring properties, (2) such uses are not available within reasonable proximity of the subject area, (3) are gauged primarily for the service and convenience of the residents of the subject area, and (4) are designed as a unit of limited size and made an integral part of the proposed Planned Development.
- (3) Combination of business and multiple family residential uses in one building may be permitted in a building provided that (1) the business uses are limited to personal services and convenience type uses intended solely for the purpose of serving those residing in the multiple family complex, and (2) no businesses are permitted on the same floor or above a floor used for residential purposes.
- (4) Ten percent (10%) of the gross land area of a Residential Planned Development, or a minimum of seven hundred fifty (750) square feet per dwelling unit, whichever is greater, shall be developed for recreational open space; except that in multiple family areas the minimum square feet per dwelling unit shall be computed on the basis of two hundred (200) square feet for each one (1) bedroom unit, three hundred fifty (350) square feet for each two (2) bedroom unit, and five hundred fifty (550) square feet for each three (3) or more bedroom unit. This requirement shall be exclusive of other park and open space requirements required by this Ordinance and other Village Ordinances.

When private common open space is provided within a Planned Development, such open space shall not be computed as part of the required minimum lot area, or any required yard, of any other structure. Open spaces proposed for either dedication to the public or common ownership by the residents of the Planned Residential Development shall be retained as open space for park and recreational use for the life of the Planned Development. A variety of open space and recreational areas is encouraged, including children's informal play in close

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proximity to individual dwelling units according to the concentration of dwellings, formal parks, picnic area, playgrounds, areas of formal recreational activities such as tennis, swimming, golf, and other related activities.

- (5) All Planned Developments shall conform to the requirements and specifications of the Village of Beecher Subdivision Ordinance.

- d. Site and Structure Requirements.

- (1) Where feasible, natural features such as streams, rock outcrops, marshlands, topsoil, trees and shrubs shall be preserved and incorporated in the landscaping of the development. See Section 4.30.
- (2) The developer shall provide all necessary water and sewer facilities, storm drainage, and all other on-site improvements as may be required, making reasonable provisions for utility service connections with adjoining properties in other ownership. Such proposed improvements shall comply with Village standards and shall be subject to review and approval by the appropriate authorities.
- (3) Non-residential uses within a Planned Development shall be located so as to be amenable to nearby residential uses. Such uses, including parking and loading areas, shall be adequately screened and buffered where adjacent to existing residential development.
- (4) Parking requirements shall conform to Section 10.00.
- (5) The pedestrian circulation system and its related walkways shall be insulated as completely as possible from the street system in order to provide separation of pedestrian and vehicular movements. This shall include, when deemed necessary by the Planning and Zoning Commission, pedestrian underpasses or overpasses in the vicinity of schools, playgrounds, local shopping areas and other neighborhood uses which generate a considerable amount of pedestrian traffic.
- (6) Each Residential Planned Development shall provide for the visual and acoustical privacy of each dwelling unit. Fences, walks and landscaping shall be provided for the protection and aesthetic enhancement of property and the privacy of its occupants, screening of objectionable views or uses, and reduction of noise.
- (7) All streets within a Planned Development shall be dedicated public streets except as otherwise recommended by the Planning and Zoning Commission and approved by the Village Board.
- (8) Along the exterior boundaries not adjoining a street, there shall be a minimum setback of forty feet (40') plus one (1) foot for each additional foot that the building increases in height over thirty-five (35) feet.
- (9) Not more than five (5) dwelling units shall be permitted in a single family attached building. "Single family attached building" is defined as a building containing two (2) or more single family dwelling units joined at one (1) or more points by one (1) or more party walls or common facilities, not including the walls of an enclosed court yard or similar area.
- (10) No dwelling unit shall be situated so as to face the rear of another dwelling unit unless adequate landscaping provided to effectively create a visual separation.
- (11) When two (2) or more buildings which contain single family attached dwellings, or two (2) or more multiple family dwelling buildings, or combinations thereof, the distance between the building walls shall be as required in Section 7.07.7 of this Ordinance, unless otherwise recommended by the Planning and Zoning Commission and approved by the Village Board.

- (12) A twenty (20) foot wide buffer approved by the Planning and Zoning Commission shall be provided so as to constitute the visual screening of all parking areas and outdoor activity areas from adjacent property and of rights-of-way at ground level. Where a buffer already exists on the adjacent property line, or where parking areas or similar activity areas adjoin each other on adjacent properties, the buffer requirements may be waived by the Planning and Zoning Commission
- (13) All developments shall be reviewed by the Village Engineer for compliance with this and all other Village Ordinances prior to recommendation from the Planning and Zoning Commission and approval by the Village Board. The cost of said review shall be paid by the applicant upon receipt of invoice.
- e. Visual Environment Provisions.  
In all Planned Developments, the following visual environmental provisions shall apply:
- (1) Reflecting the impacts the development will have on the Village, the petitioner shall also provide for community enhancement through donations to on-site and off-site community improvements, landscaping, park facilities, and other community projects. The Planning and Zoning Commission shall record these community improvements.
- (2) All yard areas shall be landscaped, screened and fenced with mature sized planting and shrubbery and approved fencing material in accordance with the plans approved by the Planning and Zoning Commission. See Section 4.30.
- f. Common Property.  
Common property in a PD is a parcel or parcels of land together with improvements thereon, the use and enjoyment of which are shared by the owner occupants of the individual building sites. Where such property exists, the landowner shall provide for and establish an organization for the ownership and maintenance of any common property. Such organization shall not be dissolved nor shall it dispose of any common property by sale or otherwise. Individual landowners in the PD may not use any portion of common property to increase their lot size in order to qualify for uses under this Ordinance. In reviewing the organization for the ownership and maintenance of any common property, the Planning and Zoning Commission shall consider the following:
- (1) Time when organization is to be created;
- (2) Mandatory or automatic nature of membership in the organization by residents;
- (3) The permanence of common property safeguards;
- (4) The liability of the organization for insurance, taxes, and maintenance of all facilities;
- (5) Provision for pro rata sharing of costs and assessments;
- (6) The capacity of a Home Owners Association (HOA) to administer common facilities; and
- (7) All Planned Developments which include common maintenance areas shall establish a Special Service Area which will permit the Village to maintain common property under control of the HOA in the event of the default of the HOA. The SSA shall be recorded with the Final Plat.
2. Application Procedure and Approval Process.  
A Planned Development shall be granted as a special use in accord with the following procedures and may depart from the normal procedure, standards, and other requirements of the other sections of this Ordinance. Applications shall be made on forms provided by the Village and shall be accompanied by the required plats and documents. An appropriate filing

fee, established by the Village Board, in the form of a certified check payable to the Village shall be presented to the Village Administrator prior to beginning the following process:

- a. Pre-application Conference. Prior to official submittal of an application for consideration of a planned development, the developer shall meet informally with the Village staff, including appropriate consultants, for a preliminary discussion as to the scope and nature of the proposed development, the types of uses proposed, and the approximate land allocations contemplated for each of the uses to determine the Village's capacity to serve the proposed development.
- b. Initiation of Exploratory Application. Following the preliminary consultation with the Village staff, the developer shall submit in writing a request for a special use permit for a planned development. The letter shall be addressed to the Village President requesting that the proposed development be placed on the agenda of the Village Board for preliminary discussion. The Village Board shall consider the proposed development at its next regular meeting, or at a special meeting which may be set for the specific purpose of allowing the developer to make a presentation of the plans. The Village Board may refer the proposed development to the Planning and Zoning Commission, with or without recommendations. Referral to the Planning and Zoning Commission does not indicate endorsement of the proposal.
- c. Exploratory Proposal. Formal application for approval of a Planned Development shall first be presented in the form of an exploratory proposal, and shall be filed with the Village Clerk, who shall transmit same, including all documents relating thereto, to the Planning and Zoning Commission.

The purpose of the exploratory proposal is to establish a frame of reference for the Village to consider the merits of a proposed Planned Development as it relates to the Comprehensive Plan and to afford a basis for determining whether or not the Village would look favorably toward a zoning of the property to accommodate a Planned Development of the general nature being proposed.

- (1) Submission Requirements. Sixteen (16) copies of the exploratory proposal shall accompany the application. The Village Clerk shall forward eight (8) copies of the application and eight (8) copies of the Preliminary Plan to the Planning and Zoning Commission not less than seven (7) days prior to the meeting at which it is to consider the matter; one (1) copy to be retained by the Village Clerk for filing, and one (1) copy each to the Village Administrator, Village Engineer and Village Planner. Copies shall also be distributed to the Police Department, Fire Protection District, School District and other appropriate jurisdictional authorities.

The exploratory proposal for a Planned Development shall be submitted and shall comprise, but not necessarily be limited to, the following:

- (a) A written explanation of the general character of the project and the manner in which it is planned to take advantage of the flexibility of these regulations.
- (b) A legal description of the property proposed to be developed.
- (c) A plan of the proposed Planned Development sufficient in detail and scope to afford the Planning and Zoning Commission and Village Board an opportunity to make a determination as to whether the Village is favorably or unfavorably disposed as to the granting of the necessary zoning certificate for a special use for a Planned Development. The Village Board, when approving the exploratory proposal, shall not be bound by the location of anything

shown on such a plan if, when placed on a plat of survey there is any conflict or difference.  
The plan shall indicate:

- 1) The approximate residential density proposed for the entire project and, if the project is to be comprised of well defined areas of varying types of residential development, the approximate density for each such area.
  - 2) The proposed height and bulk of buildings. However, the approval of the exploratory proposal by the Village Board shall not preclude their right to pass judgment on the specific location of buildings when the Preliminary Plan is approved.
  - 3) The approximate percentage of the project land area to be covered by buildings, streets and other impervious surfaces.
  - 4) The approximate number of dwelling units proposed for the project.
  - 5) Traffic circulation features within and adjacent to the project.
  - 6) Areas designated for permanent open space, whether to be dedicated to the public or to be privately maintained.
  - 7) Amenities to be provided within the proposed project.
  - 8) Existing zoning of the project site and adjacent properties.
  - 9) Generalized plan for utilities which will serve the project.
  - 10) Land uses and structures within two hundred feet (200') of the project.
- (d) Petitioner shall provide the Village Administrator proof of ownership or proof of other financial interest in the affected property. This information shall remain confidential.
- (2) Review Procedure for an Exploratory Proposal.

Within forty-five (45) days of receipt of written application, including necessary materials and information in 2.c.(1)(c) of this section, by the Planning and Zoning Commission of an Exploratory Proposal, the Planning and Zoning Commission shall conduct a public hearing on the proposition of whether or not a special use for a Planned Development may be granted for the subject property.

No later than at the next regular meeting of the Planning and Zoning Commission following the public hearing, the Planning and Zoning Commission shall act to recommend to the Village Board that it (a) take action indicating a favorable disposition toward zoning the subject property for a Planned Development of the nature being proposed, subject to approval of the Preliminary Plan for the project, or (b) reject the proposal. In either case, the Planning and Zoning Commission shall set forth the reasons for its recommendation, and may, in the event of a favorable recommendation, specify particular items and conditions which should be incorporated in subsequent plan submittal.

Upon receipt of the Planning and Zoning Commission's recommendation, the Village Board shall act by resolution to either (a) reject the proposal, or (b) accept the proposal. The acceptance may be contingent and if so shall specifically state what additions or deletions from the proposed development as submitted shall be made in the Preliminary Plan. Any such conditions may include but are not limited to allowable density, bulk of buildings, provisions for permanent open space, and ratios of dwelling unit types to be included in the project.

The Village Board approval shall lapse unless within one (1) year from approval of the Preliminary Proposal, a Preliminary Plan for the Planned Development is filed as required in this Section; provided, however, that in the absence of a Preliminary Plan submittal, such one (1) year period may be extended for a specified period upon written request from the owner or developer and approval by the Village Board.

- d. Preliminary Plan. Following a favorable resolution relative to the Exploratory Proposal, a Preliminary Plan of the proposed Planned Development shall be submitted to the Planning and Zoning Commission for review and approval. The owner or developer shall provide the Planning and Zoning Commission with sixteen (16) copies for review purposes. In its review, the Planning and Zoning Commission shall submit copies of the plan to the Village's planner, engineer, and to the appropriate school, park and fire districts providing required public facilities and services for review and comment. Comments and recommendations shall be returned to the Planning and Zoning Commission within thirty (30) days unless said period is extended by the Commission. If said comments and recommendations are not received within the designated time period, it will be construed to mean approval by the non-Village agencies.
- (1) Submission Requirements.

The submission of Preliminary Plan approval shall include, but not necessarily be limited to, the following information prepared by a professional land planner, architect, or engineer:

  - (a) An accurate boundary line survey showing bearings and distances, a legal description of the property, satisfactory evidence of ownership and a location map showing the relationship of the proposed planned development to adjacent properties and to the Village of Beecher.
  - (b) A site plan of the proposed development showing the location and arrangement of all proposed land uses, residential lots, and buildings, including the height and number of floors of all buildings, both above and below finished grade; the building setbacks from the development boundaries and adjacent buildings, streets, roads, alleys and other public ways; the proposed traffic circulation pattern including the location and width of all streets, driveways and entrances to parking areas; all proposed off-street parking and loading areas; all proposed open space areas including common open space, dedicated open space and developed recreational open space. The Preliminary Plan may be drawn in a freehand sketch form, provided it accurately depicts the detail and character of the proposed development.
  - (c) A plan or statement detailing the exact manner of improving developed recreational open space, and all covenants, restrictions and conditions pertaining to the use, maintenance and operation of common open spaces.
  - (d) A statement in tabular form of the anticipated residential density and the total number of dwelling units, the bedroom breakdown, the percentage of the tract which is to be occupied by structures and other impervious surfaces, and in the case of commercial uses, the total gross leasable floor area of all commercial uses and the off-street parking and loading.
  - (e) Topographic data including existing contours at vertical intervals of not more than two (2) feet; and locations of water courses, flood plains, marshes, wooded areas and isolated trees having a diameter of one (1) foot or more. These contours shall extend to a minimum one hundred feet (100') beyond the boundaries of the proposed development.
  - (f) Subsurface soil conditions.
  - (g) Existing streets, including street names, adjoining subject property.
  - (h) Utilities on and adjacent to subject property, including location and size of existing water mains, sanitary and storm sewers, culverts, drain pipes, and public utility easements.
  - (i) The names of adjoining subdivisions or the names of record owners of adjoining parcels of unsubdivided land.
  - (j) Name of the proposed development (if available), of the owner(s) and developer, and the designer of the preliminary site plan



- (k) A preliminary outline of proposed protective covenants, including provision for the organization and financing of a property owner's association, where appropriate.
- (l) Preliminary engineering information regarding water and sanitary sewer services, storm drainage – including preliminary calculations for ponds, and grading.

(2) Approval of Preliminary Plans.

Within ninety (90) days of receipt of the Preliminary Plan and the accompanying documentation, the Planning and Zoning Commission shall take action on the Preliminary Plan. The action shall be in the form of a written recommendation to the Village Board approving, approving with modification, or disapproving the plan and indicating the reasons therefore.

The Village Board shall thereafter approve, approve with modifications, or disapprove the Development Plan upon determination that said plan complies with the standards herein set forth. In the case of approval, or approval with modification, the Village Board shall pass an ordinance granting the special use and indicate their approval upon the plan. The Village Board may require such special conditions as they may deem necessary to insure conformance with the intent of all Comprehensive Plan elements and the stated purposes of the Planned Development Ordinance. If the Preliminary Plan is disapproved, the Village Board shall indicate the reasons for such findings. The Village Board may refer it back to the Planning and Zoning Commission for further study and recommendation to the Village Board.

- e. Final Plat. Upon the approval of the Preliminary Plan by the Village Board, a final development plat may be submitted for all the land included in the proposed Planned Development, or for a phase or unit thereof. Such plat shall be submitted to the Planning and Zoning Commission within one (1) year after approval of the Preliminary Plan, and shall be in substantial compliance with the Preliminary Plan as approved.

(1) Submission Requirements.

The owner or developer shall submit twenty (20) copies of the Final Plat, which shall incorporate any revisions or other features that may have been recommended by the Planning and Zoning Commission and/or the Village Board at the time Preliminary Plan approval was granted. The submission for Final Plat approval shall substantially conform to the approved Preliminary Plan and include:

- (a) A detailed engineering site plan prepared at a scale of not less than 1" = 100' showing the physical layout and design of all streets, easements, rights-of-way, lots, blocks, common open space, all off-street parking and loading areas, and the exact location of structures and uses.
- (b) The plat shall show all radii, internal angles, points of curvatures, tangent bearings, and length of acres; location, dimensions and purpose for all dedicated rights-of way and easements; all block and lot numbers and lines, with accurate dimensions in feet and hundredths; names of all streets; and the location of all buildings (except for single-family detached residences) and setback lines accurately dimensioned.
- (c) The description and location of all survey monuments erected in the Planned Development; the scale shown graphically; and the date and north point.
- (d) All parcels of land to be dedicated for public use or reserved for the use of all property owners with the purpose indicated.
- (e) Preliminary building plans, including floor plans and exterior elevations.

VILLAGE OF BEECHER – ZONING ORDINANCE

- (f) Storm drainage and engineering plans for sanitary sewer and water lines, including easements for underground utilities.
- (g) Proposed lighting system for streets, public areas and common open space.
- (h) A general landscape planting plan and grading plan. (See Section 4.30).
- (i) Estimates of cost of installation of all proposed improvements, confirmed by a registered Illinois engineer.
- (j) Final drafts of legal agreements and documents including copies of any easements, deeds of dedication and other legal documents necessary for the transfer of land and improvements to public and common ownership, restrictive covenants, and a copy of the Articles of Incorporation of the property owner's association, if any.
- (k) An accurate legal description and boundary line survey of the area proposed for development in the application for final plan, approval, plus satisfactory evidence of ownership.
- (l) Final construction schedule, indicating the estimated date scheduled by the applicant for final completion of construction work on required public facilities, land improvements, and on all buildings and private facilities within the proposed Planned Development, other than single family dwellings to be erected on separate lots.
- (m) A completion bond in sum sufficient to cover the full cost of required public facilities and land improvements; or in lieu of a bond, a deposit of cash; or other negotiable securities or guarantee acceptable to the Village Board, all as required by ordinance. If a surety bond, or other guarantee is posted, it shall comply with ordinance, and be in such form as approved by the Village Attorney; the amount of such deposit or bond shall be based upon the confirmed estimate of cost herein above provided for and in an amount as required by ordinance.
- (n) Record of all necessary approvals and/or certificates from the Illinois Department of Transportation, Illinois Environmental Protection Agency, Illinois State Historical Preservation Office and all other federal, state and local agencies with jurisdictions.
- (o) Letter of approval from the Village engineer.

(2) Approval of Final Plat.

Upon receipt of all the plans and documents required for final approval, the Planning and Zoning Commission shall review the Final Plat and transmit its findings and recommendations to the Village Board within sixty (60) days after the meeting or meetings at which such final plan is considered. The Final Plat shall conform substantially to the Preliminary Plan as approved, and, if desired by the developer, it may be submitted in stages with each stage reflecting the approved Preliminary Plan which is proposed to be recorded and developed.

After receipt of the Final Plat from the Planning and Zoning Commission, the Village Board shall, within thirty (30) days, approve, approve with modification, or disapprove the Final Plat and shall pass an ordinance authorizing the Planned Development as a special use. If the Final Plat is disapproved, the Village Board shall indicate the reasons and refer it back to the Planning and Zoning Commission.

No building permit shall be issued until the final Planned Development plat and supporting documents have been recorded with the Will County Recorder of Deeds, and proof of filing is provided to the Village.

- f. Changes or Deviations. No changes or deviations may be made to the approved final development plat during the construction of the Planned Development without the approval of the Village Board. Any deviation without the necessary approval shall serve automatically

to revoke the original approval and to void future action pursuant to the Planned Development.

However, at any time following approval of development plans, including the issuance of permits for any part thereof, the applicant may petition for review in detail of the previously approved plan, stating reasons therefore. Such reasons may be based on such considerations as, but not limited to, changing social or economic conditions, suggested improvements to layout or design features, or unforeseen difficulties or advantages, such as site conditions, market conditions or statutory changes, which may mutually affect the interests of the applicant and the Village. The Planning and Zoning Commission, upon finding that such petition and reasons are reasonable and valid, may reconsider the design of the Planned Development. A self-imposed hardship shall not be a valid reason for change.

If the proposed change or deviation is considered minor and will not change the concept or intent of the development, the Village Board may approve the change without referring it back to the Planning and Zoning Commission or going through the Preliminary Plan process again. However, if the proposed change is a substantial deviation from plans so approved, the applicant shall be referred back to the Planning and Zoning Commission and the procedure and conditions herein required for original submittal shall be followed in full.

A substantial deviation shall be defined as any change which includes increases in density, height of buildings, reductions in the amount of proposed open space, changes in the development schedule, or changes in the final governing agreements, provisions, or covenants, or other changes which change the concept or intent of the development. Any other changes which do not change the concept or intent of the development shall be deemed minor changes.

3. Performance Guarantees for Planned Development.

As a condition of final approval, the Village Board shall require the posting of such performance guarantees as it deems necessary to insure the installation of the improvements. Said performance guarantee shall be for a period of time to be determined by the Village Board. The amount of the performance guarantee may be reduced by the Village as portions of the required improvements have been completed.

The Planned Development project shall be developed only according to the approved and recorded Final Plat and all supporting data. The recorded Final Plat and all conditions imposed as a part of any Planned Development shall run with the land and shall not lapse or be waived as a result of a subsequent change in tenancy or ownership of any or all of said area; however, nothing herein shall be construed to limit the right of the developer, successors or assigns, to sell property in said Planned Development, except for such conditions imposed upon said common areas.

If construction on the proposed Planned Development, or stage or unit of said development last approved, has not begun within one (1) year from the date the Final Plat was approved by the Village Board, the Board may initiate proceedings to rezone the Planned Development parcel to its original zone or zones, and the authorization of final approval shall become null and void and all rights there under shall lapse. Upon written application, filed prior to the termination of the one (1) year time limit, the Village Board may authorize a single extension of the time limit for a further period of not more than twelve (12) months without a public notice.

4. Recording Procedure.

Within thirty (30) days following the approval of the Final Plat for all or any portion of a Planned Development or prior to the issuance of any building permit, the applicant shall record or cause the recordation of said approved plat with the Will County Recorder of Deeds and shall provide proof of said filing to the Village.

Upon approval of the final plan, the approved Planned Development shall be delineated and designated by number on the zoning district map. A file, available for inspection by the public, shall be maintained by the Village Clerk for each Planned Development so designated. The file shall contain a record of the approved development plan and all conditions and use exceptions authorized therein.

**12.13 FEES**

The Village Board shall establish by Ordinance a schedule of fees, charges, escrows and expenses required for development review, building permits, zoning certificates, certificates of occupancy, variations, special use permits, temporary use permits, amendments, planned development approvals and other matters pertaining to this Ordinance.

Until all such required fees have been paid, no application for any of the above shall be deemed to have been filed and no action shall be taken on such application. All fees shall be paid to the Village Clerk and none shall in any event be refunded.

## 12.14 VIOLATION, PENALTY, ENFORCEMENT

1. Violation Penalty. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined not less than Twenty-Five (\$25.00) Dollars nor more than Five Hundred (\$750.00) Dollars for each offense. Each day that a violation is permitted to exist shall constitute a separate offense
2. Enforcement. It shall be the duty of the Zoning Administrator, or designee, to enforce this Ordinance. It shall also be the duty of all officers and employees of the Village and especially of all members of the Police Department to assist the enforcing officer by reporting to him upon new construction, reconstruction, or land uses, or upon seemingly violations. The Zoning Administrator shall send a description of any violations of the zoning regulations to the Village Board within fifteen (15) days after discovery of such violation. Appeal from the decision of the Zoning Administrator may be made to the Planning and Zoning Commission, as provided in Section 12.09.

**12.15 SIGNATURES** That this Ordinance shall be in effect immediately after its passage by the Village Board, its approval by the President and its publication as required by law.

**PASSED and APPROVED** this 13<sup>th</sup> day of June, 2006.

Yeas: \_\_\_\_\_ Kuhlman, Wehling, Peterson, Ahrendt and Heldt

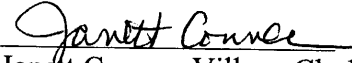
Nays: \_\_\_\_\_ None

Abstain: \_\_\_\_\_ None

Present: \_\_\_\_\_ None

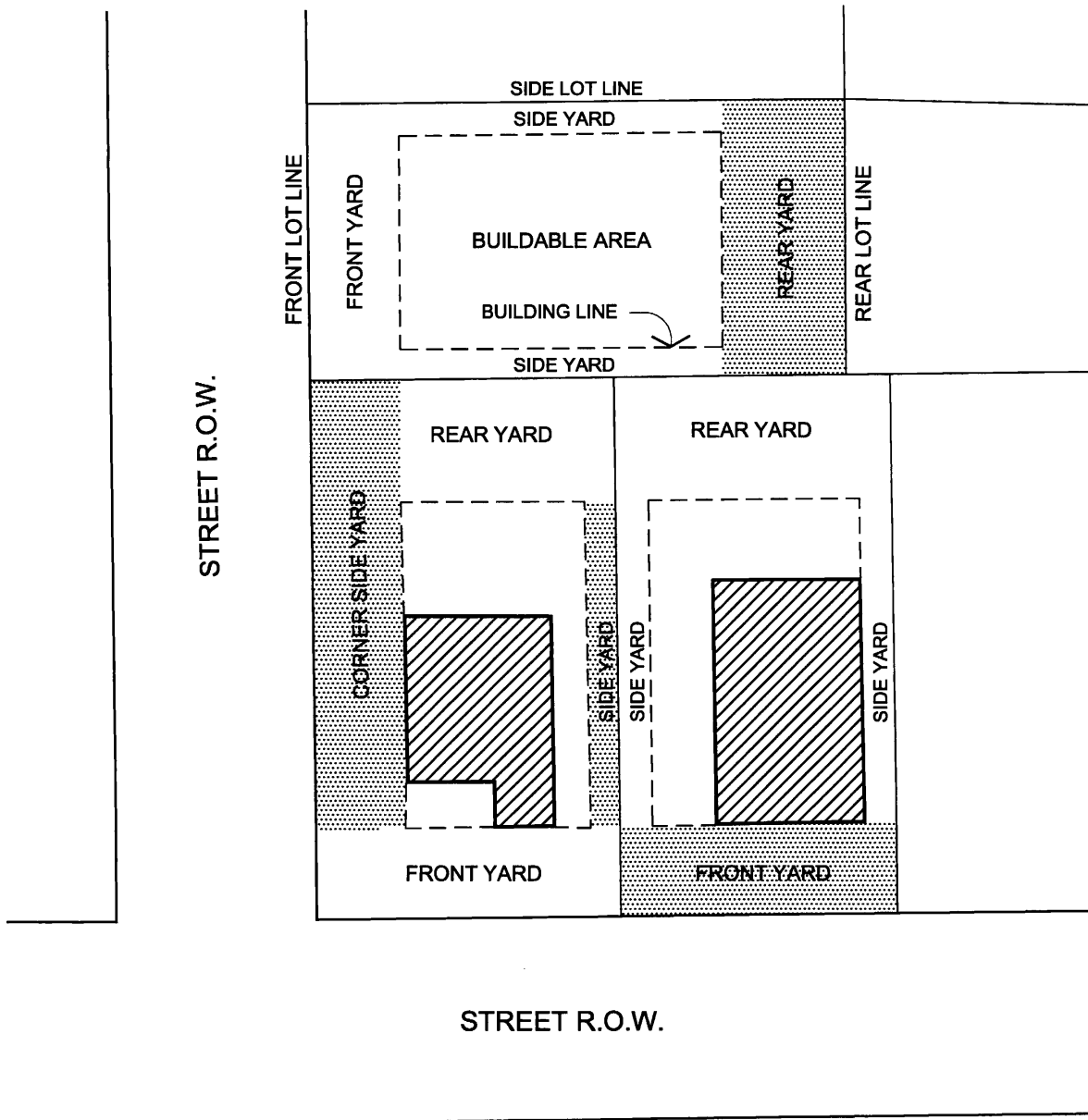
  
Paul Lohmann, Village President

**ATTEST:**

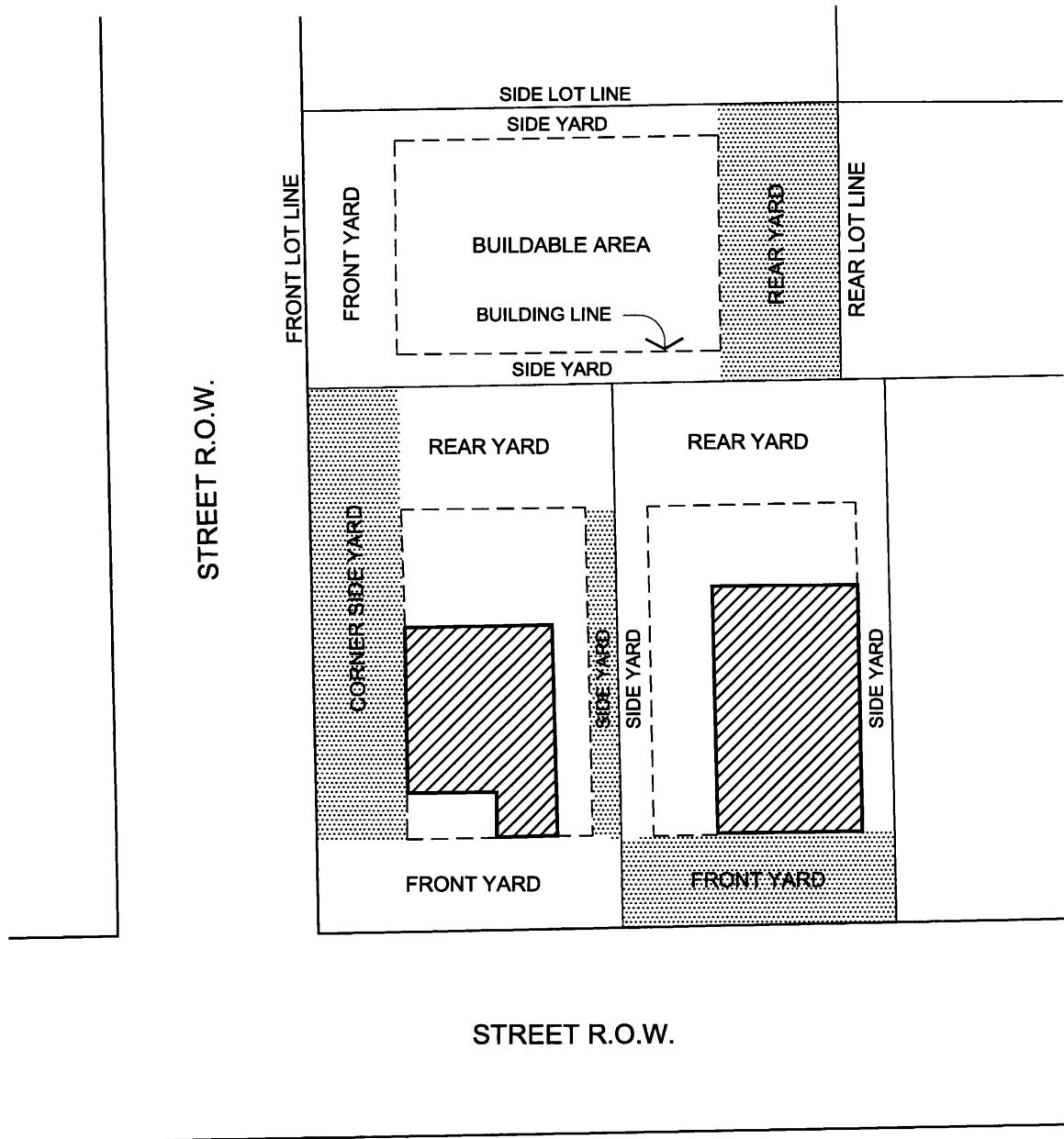
  
Janett Conner, Village Clerk



# APPENDIX



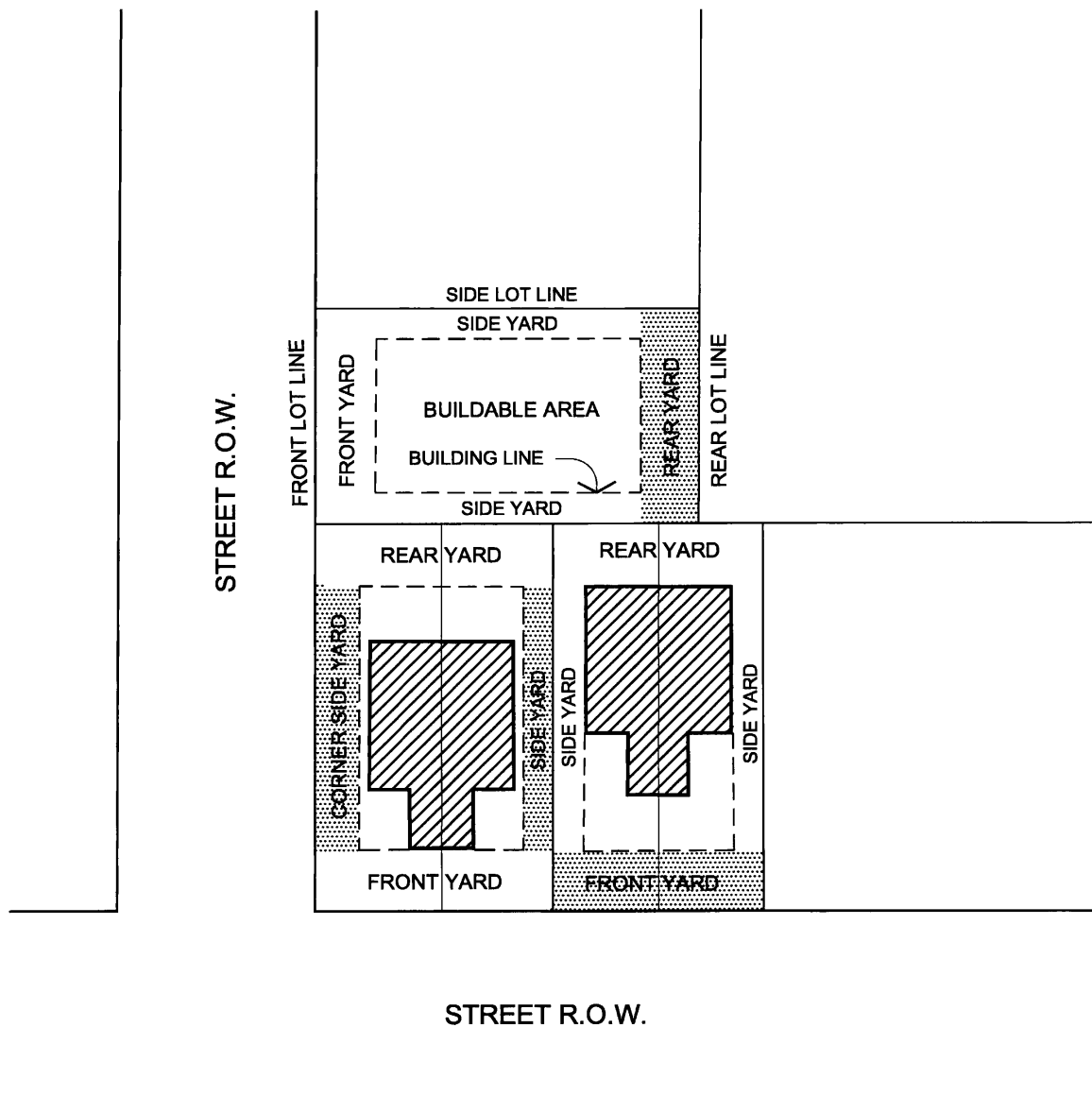
**R-1 SINGLE FAMILY RESIDENCE DISTRICT**  
 (10,000 SQ. FT.)  
 SEE ZONING ORDINANCE FOR YARD REQUIREMENTS



**R-1A SINGLE FAMILY RESIDENCE DISTRICT**  
 (9,100 SQ. FT.)  
 SEE ZONING ORDINANCE FOR YARD REQUIREMENTS



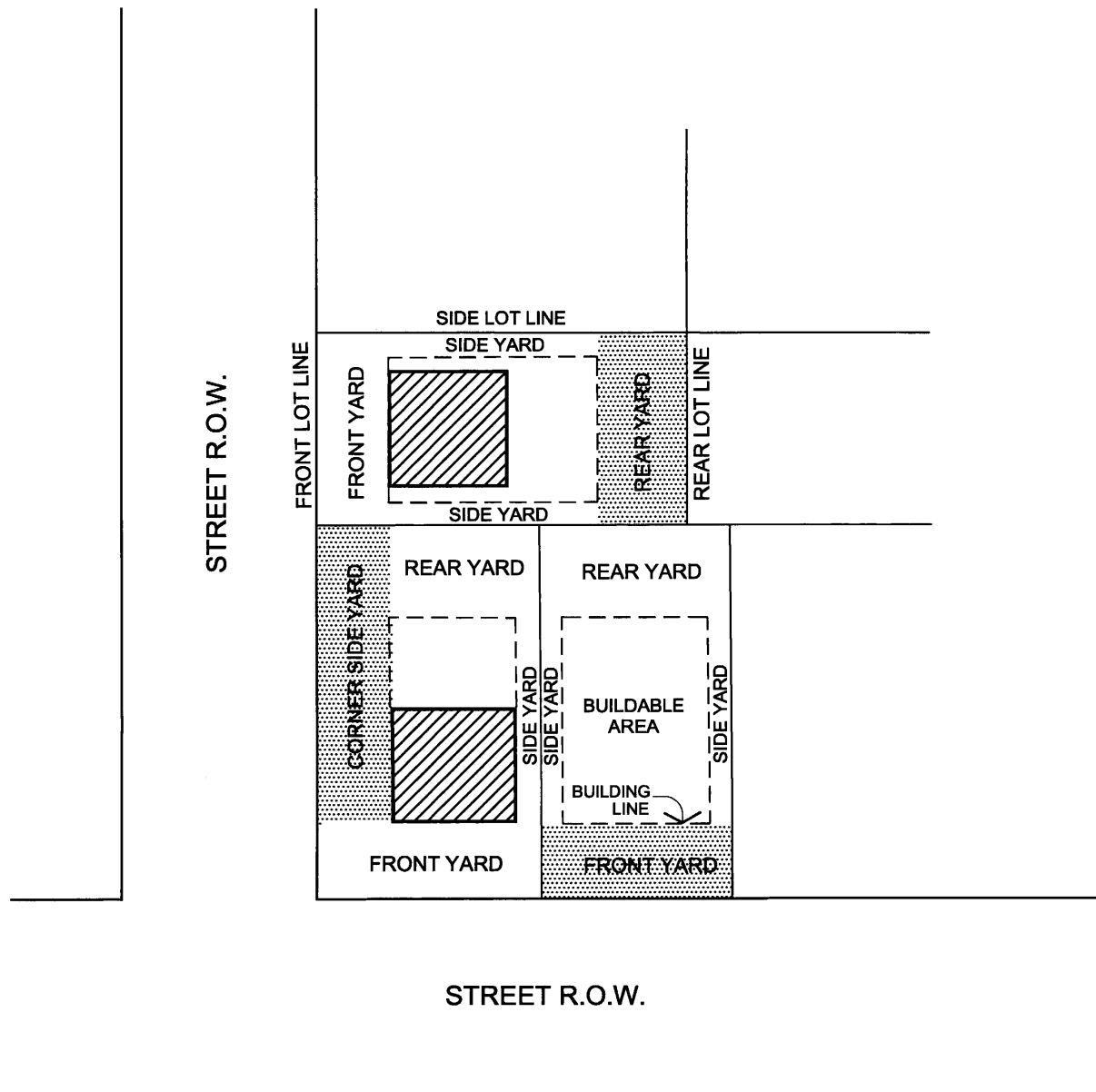




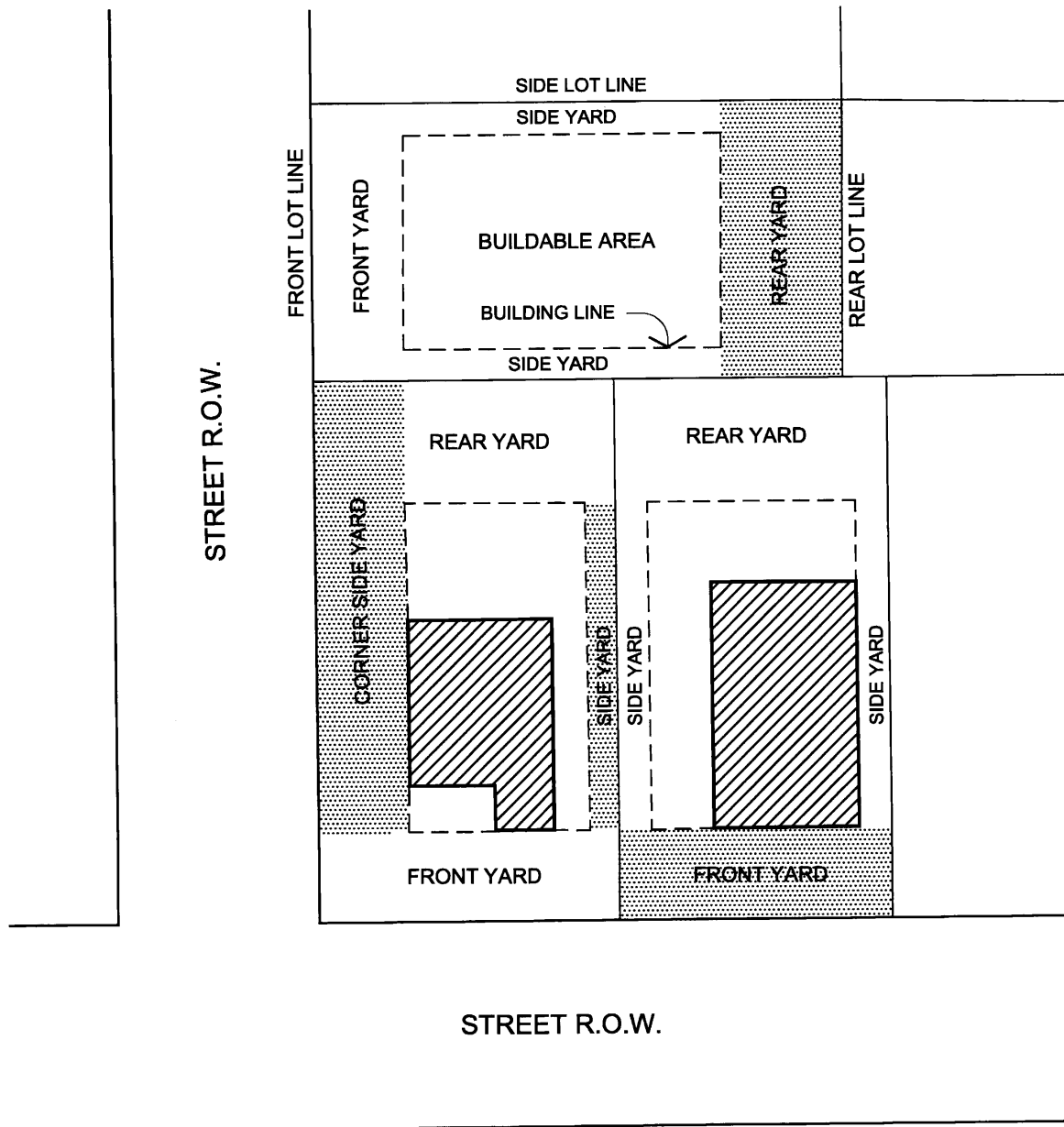
## R-2 TWO-FAMILY RESIDENCE DISTRICT

10,000 SQ. FT.

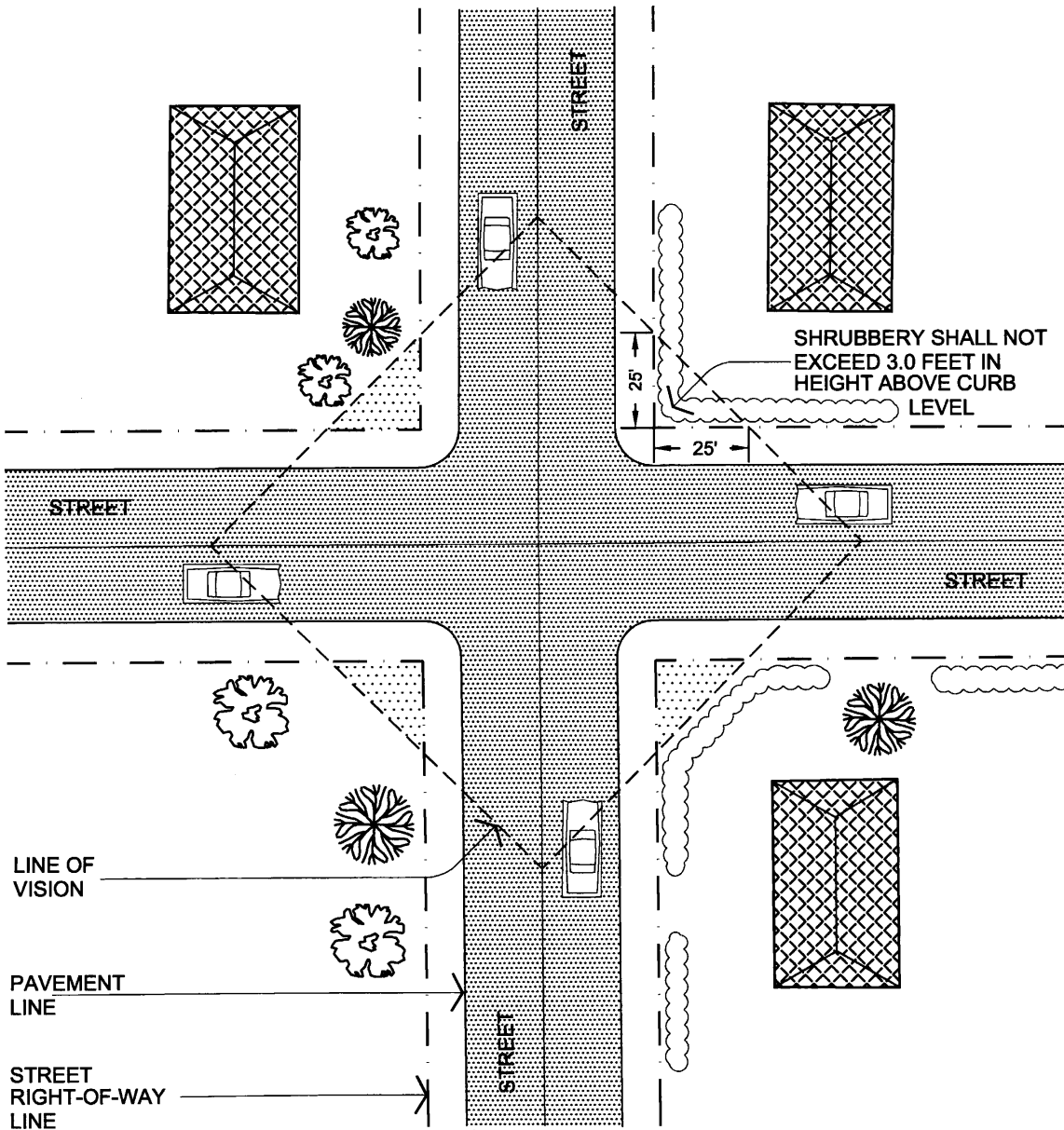
SEE ZONING ORDINANCE FOR YARD REQUIREMENTS



**R-3 GENERAL RESIDENCE DISTRICT**  
 (7,500 SQ. FT.)  
 SEE ZONING ORDINANCE FOR YARD REQUIREMENTS



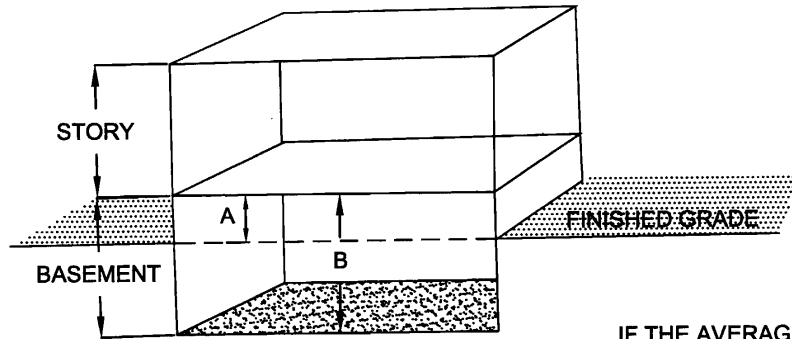
**R-E RESIDENCE ESTATE DISTRICT**  
 (20,000 SQ. FT.)  
 SEE ZONING ORDINANCE FOR YARD REQUIREMENTS



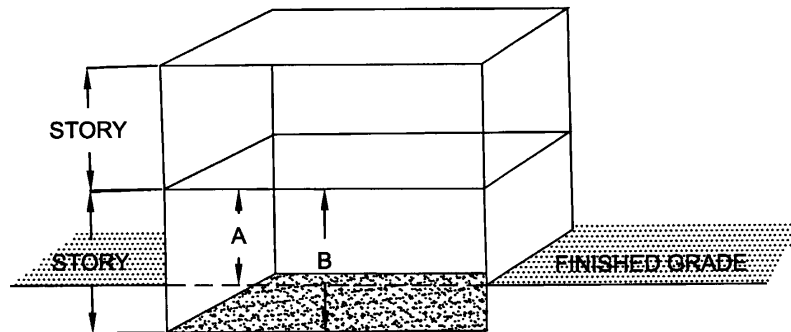
## VISION CLEARANCE

SEE ZONING ORDINANCE - SECTION 4.05.13 LOT COVERAGE

## BASEMENT & STORY DEFINITION



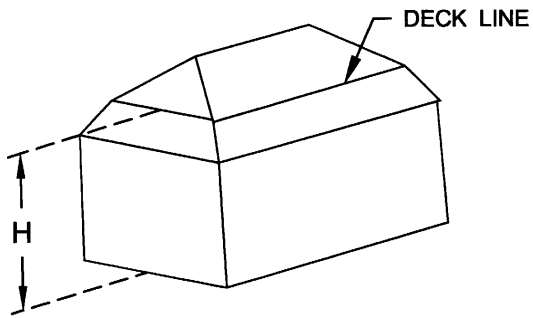
IF THE AVERAGE OF "A" IS EQUAL TO OR LESS THAN  $1/2$  OF "B", THIS IS A BASEMENT.



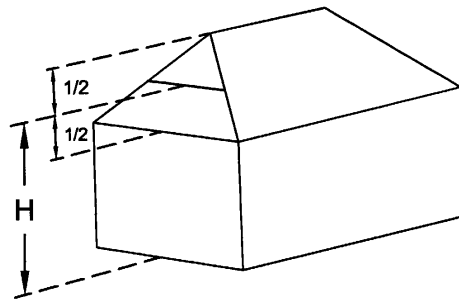
IF THE AVERAGE OF "A" IS GREATER THAN  $1/2$  OF "B", THIS IS A STORY.

# BUILDING HEIGHT REQUIREMENTS

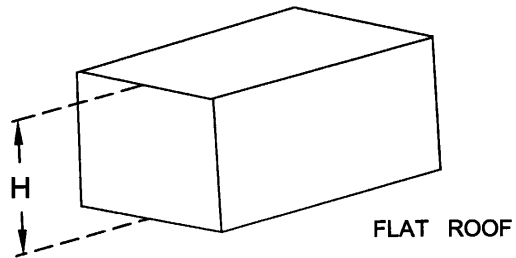
(SEE SECTION 3.02 DEFINITIONS)



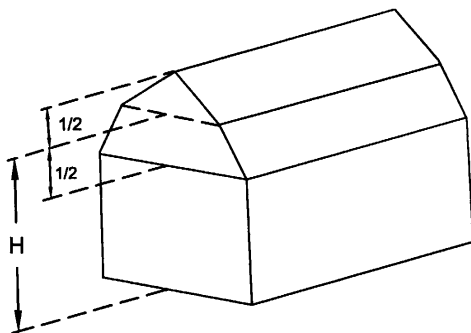
MANSARD ROOF



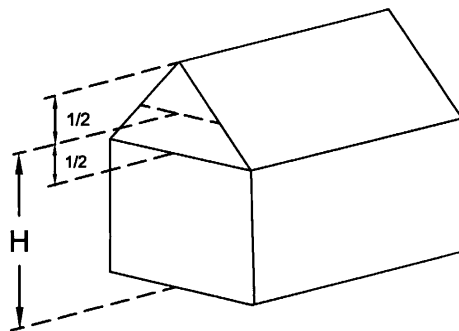
HIP ROOF



FLAT ROOF



GAMBREL ROOF

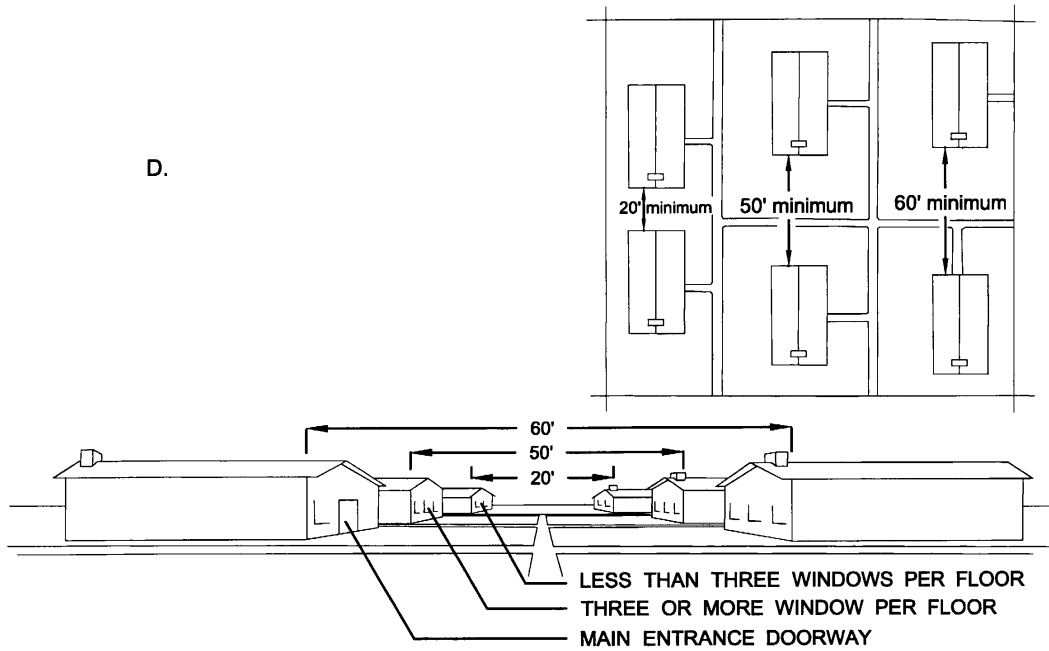


GABLE ROOF

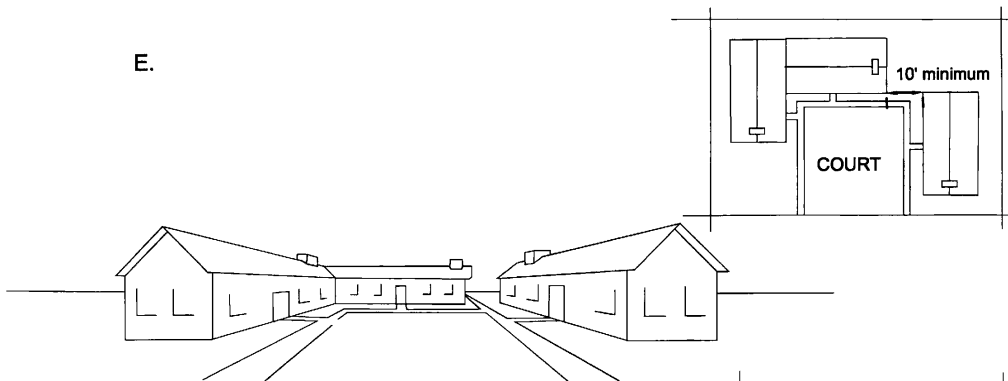
H = HEIGHT OF BUILDING

## SPACING BETWEEN BUILDINGS (CONT.)

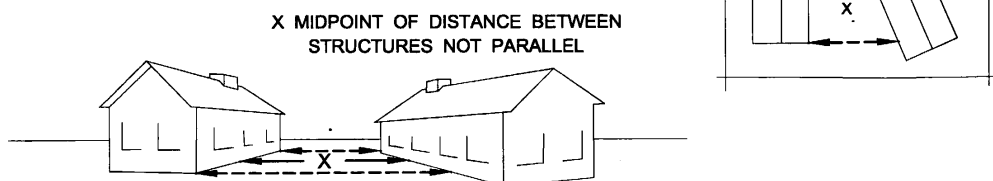
D.



E.



F.

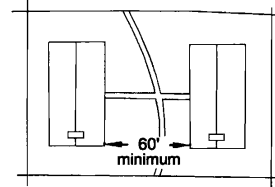
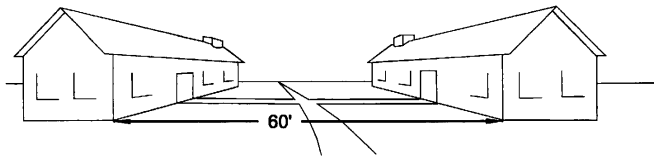




# SPACING BETWEEN BUILDINGS

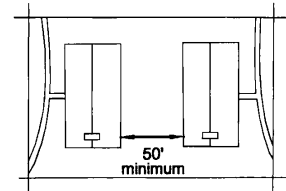
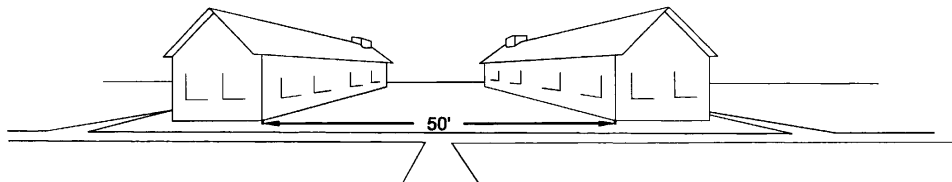
A.

FRONT WALL FACING FRONT WALL  
OR FRONT WALL FACING REAR WALL



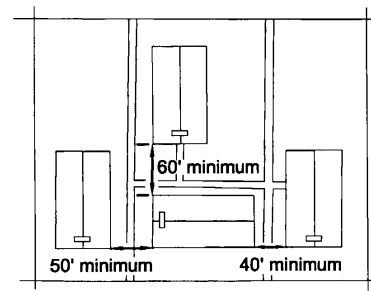
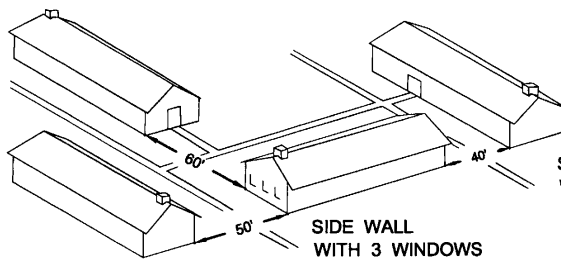
B.

REAR WALL FACING REAR WALL



C.

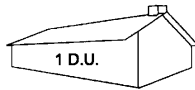
MAIN ENTRANCE DOORWAY



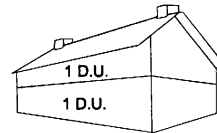
SIDE WALL  
WITH 2 WINDOWS

SIDE WALL  
WITH 3 WINDOWS

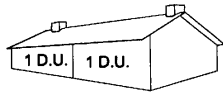
# DWELLING TYPES



SINGLE - FAMILY DETACHED

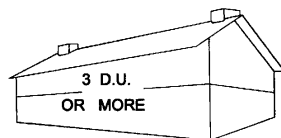
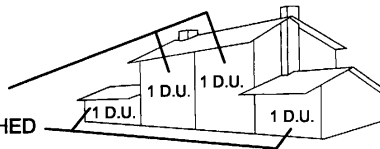


TWO - FAMILY DETACHED

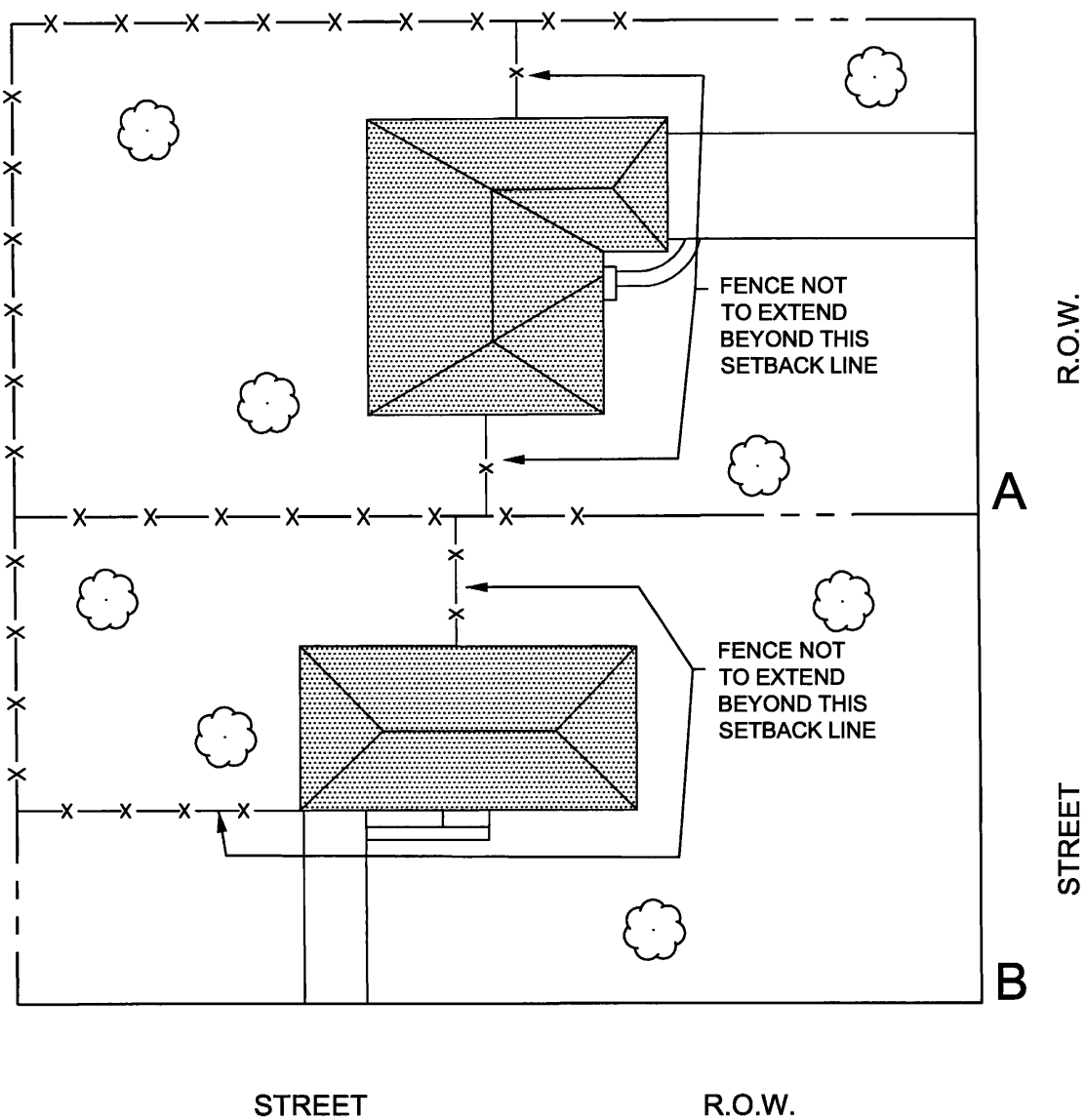


SINGLE - FAMILY SEMI - DETACHED  
(DUPLEX BUILDING)

2 SINGLE - FAMILY ATTACHED &  
2 SINGLE - FAMILY SEMI - DETACHED



MULTIPLE - FAMILY

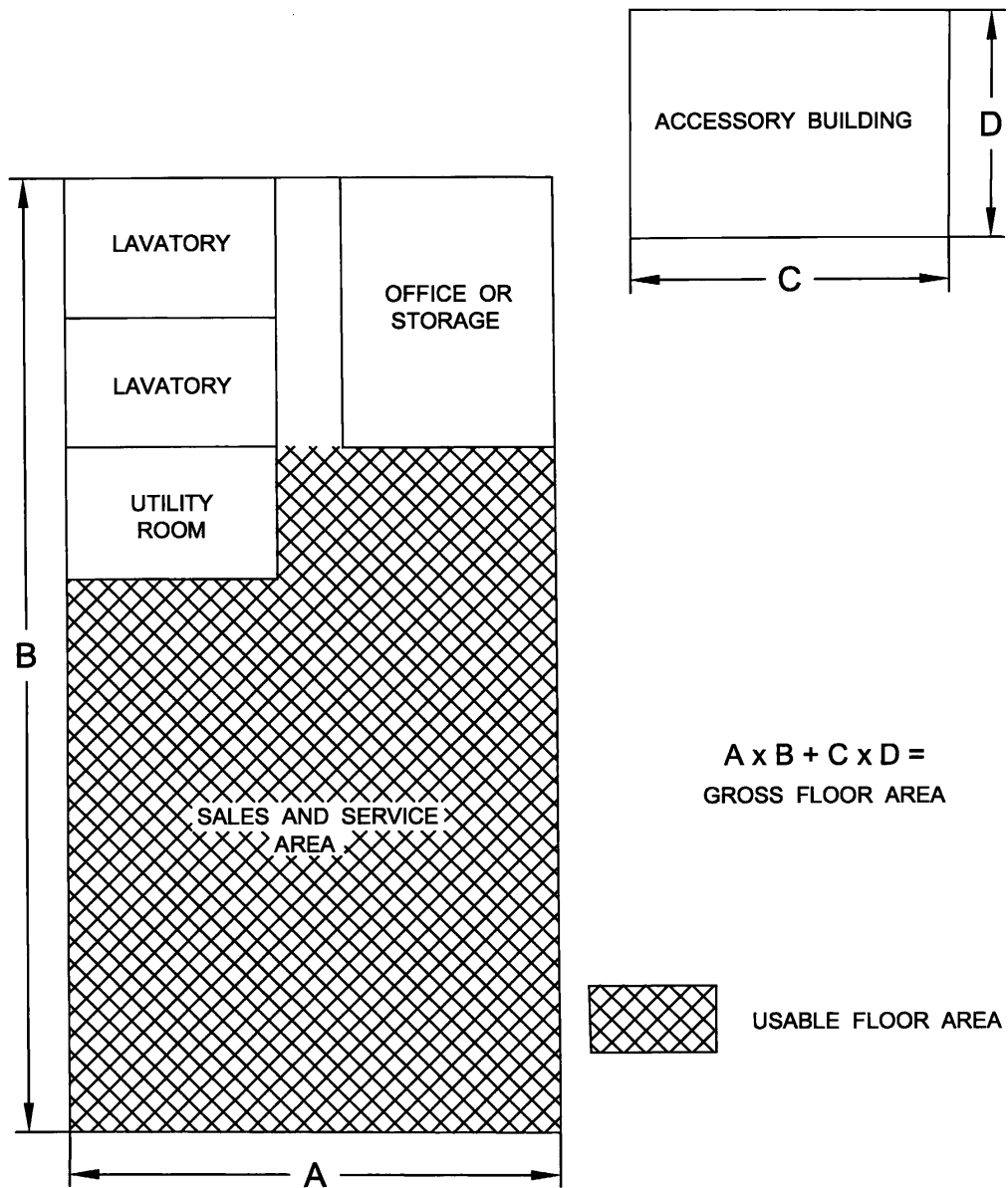


NO SCALE

## FENCE LOCATION

SEE ZONING ORDINANCE SECTION 4.31 FENCES

# FLOOR AREA TERMINOLOGY



### LOT DEPTH

#### REAR LOT LINE (SEE DEF.)

DISTANCE SPECIFIED IN DISTRICT  
LOT WIDTH MEASURED AT  
NARROWEST WIDTH WITHIN  
BUILDABLE AREA  
(SEE DEFINITIONS).

SIDE LOT LINES

REAR LOT LINES

SIDE LOT  
LINE

DISTANCE  
SPECIFIED  
IN DISTRICT

MID POINT  
OF LINE

SIDE  
LOT  
LINE

REAR  
LOT  
LINE

CORNER

### LOT DEPTH

FRONT AND REAR LOT  
LINES ARE NOT PARALLEL

MID POINT OF FRONT  
LOT LINE

### LOT DEPTH

REAR LOT LINE (SEE DEF.)

MID POINT OF FRONT  
LOT LINE

APEX OF TRIANGLE  
FORMED BY THE SIDE  
LOT LINES

REAR LOT LINE

### LOT DEPTH

FRONT AND REAR LOT  
LINES ARE PARALLEL

LOT DEPTH

FRONT LOT LINE

REAR LOT LINE

### LOT DEPTH

CORNER LOT WITH  
STRAIGHT SIDES

MAXIMUM 185°

CORNER

### LOT DEPTH

CORNER LOT WITH  
CURVED SIDES

TANGENT TO STREET  
LINES DRAWN THROUGH  
EXTREMITIES OF  
INTERIOR LOT LINES

SIDE LOT LINES

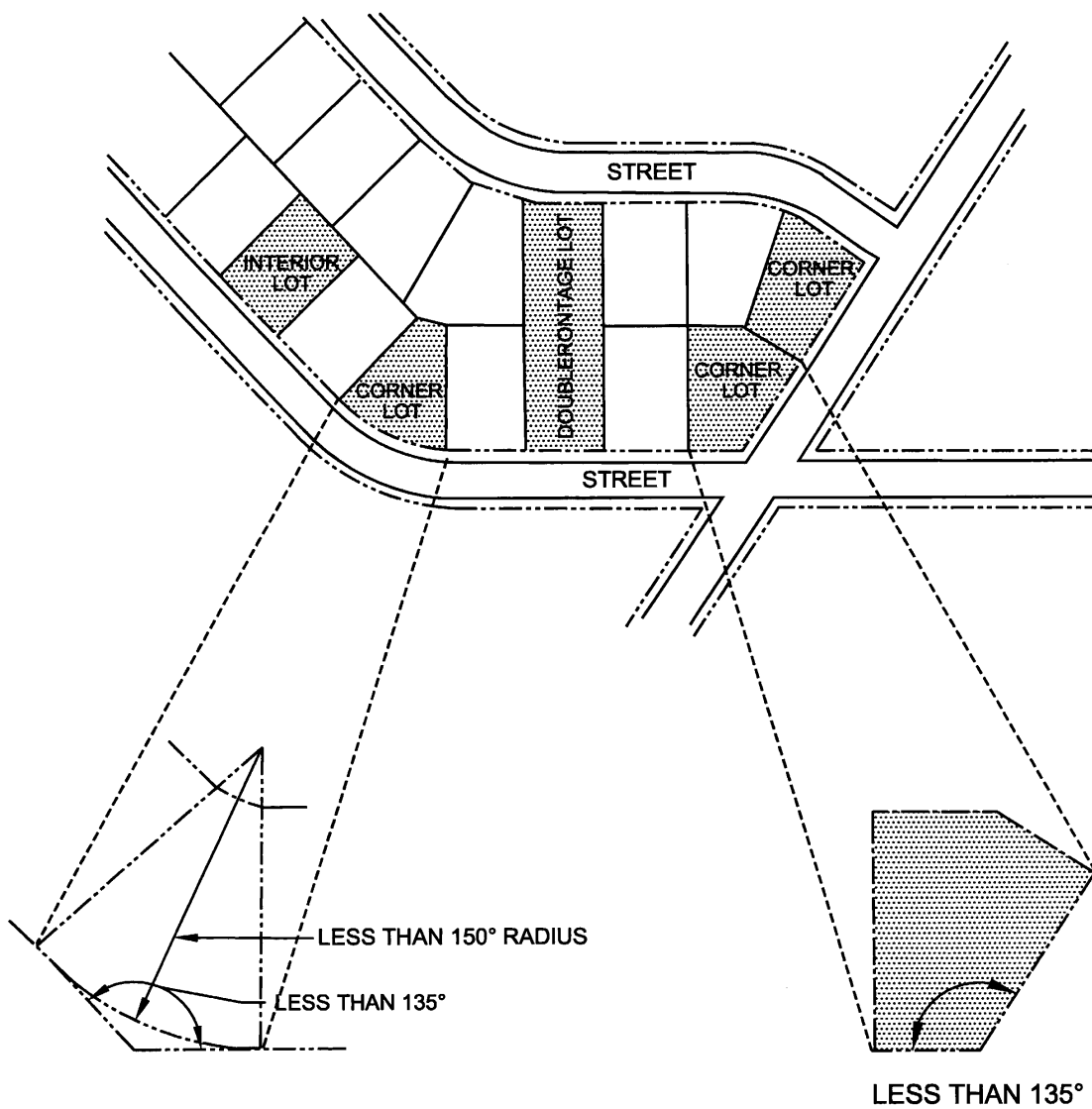
MAXIMUM 135°

## ILLUSTRATION OF LOT DEFINITIONS

SEE ADDITIONAL EXAMPLE OF LOT WIDTH, DEPTH, YARDS REQUIRED AND BUILDABLE AREA

# LOT DESCRIPTION

## CORNER, DOUBLE FRONTAGE AND INTERIOR LOTS



# LOT TERMS

