

**VILLAGE OF STOCKTON
ZONING ORDINANCE**

Stockton, Illinois

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ARTICLE I

INTRODUCTION

1.1 TITLE

This Ordinance shall be known, cited and referred to as “The Village of Stockton Zoning Ordinance”.

1.2 PURPOSE

The purpose of this Ordinance is to:

- A. Assist in the implementation of the Village of Stockton Comprehensive Plan, adopted June, 2007 and as subsequently amended.
- B. Accomplish the objectives and provide for the administration of the Ordinance pursuant to Illinois Compiled Statutes, chapter 65, section 11-13-1 et. seq., as from time to time amended, and to specifically:
 - (1) Protect the public health, safety, morals, comfort and general welfare.
 - (2) Conserve property values throughout the Village.
 - (3) Lessen or avoid congestion in the public streets.
 - (4) Avoid hazards to persons and damage to property resulting from storm or flood waters.

1.3 INTENT

It is the general intent of this Chapter to regulate and restrict the use of all structures, lands, and waters; regulate and restrict lot coverage, population distribution and density, and the size and location of all structures so as to: lessen congestion in and promote the safety and efficiency of the streets and highways, secure safety from fire, flooding, panic, and other dangers; provide adequate light, air, sanitation and drainage; facilitate the adequate provision of public facilities and utilities; stabilize and protect property values; further the appropriate use of land and conservation of natural resources; preserve and promote the beauty of the community; and implement the community's Comprehensive Plan. It is further intended to provide for the administration and enforcement of this Chapter and to provide penalties for its violation.

1.4 AUTHORITY

These regulations are adopted under the authority granted by Illinois Compiled Statutes, Chapter 65, Article 11, Division 13.

1.5 ABROGATION AND GREATER RESTRICTIONS

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

1.6 INTERPRETATION

In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements and shall be liberally construed in favor of the Village and shall not be deemed a limitation or repeal of any other power granted by the Illinois Statutes.

1.7 SEVERABILITY

If any section, clause, provision or portion of this Chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Chapter shall not be affected thereby.

1.8 REPEAL

All other ordinances or parts of ordinances of the Village inconsistent or conflicting with this Chapter, to the extent of the inconsistency only, are hereby repealed.

1.9 EFFECTIVE DATE

This Chapter shall be effective after a public hearing and adoption by the Village of Stockton Board of Trustees.

ARTICLE II

ZONING DISTRICTS AND BOUNDARIES

2.1 DISTRICTS ESTABLISHED

A. DISTRICTS.

The Village of Stockton is divided into the following ten (10) districts:

- (1) A Agriculture District
- (2) R-1 Single-Family Residential District
- (3) R-2 Single-Family Residential District
- (4) R-M Multi-Family Residential District
- (5) R-MH Mobile Home Residential District
- (6) B-C Central Business District
- (7) B-H Highway Business District
- (8) I-L Limited Industrial District
- (9) I-G General Industrial District
- (10) PUD Planned Unit Development District

B. VACATION OF STREETS.

Vacation of public streets and alleys shall cause the land vacated to be automatically placed in the same district as the abutting side to which the vacated land reverts.

C. ANNEXATIONS.

Annexations to the Village subsequent to the effective date of this Chapter shall be placed in the A Agriculture District unless the annexation ordinance temporarily places the land in another district. Within one year of the date of annexation, the Zoning Board of Appeals shall evaluate and recommend a permanent district classification to the Village Board.

2.2 ZONING MAP

A. A certified copy of the Zoning Map shall be adopted and approved with the text as part of this Chapter and shall bear upon its face the attestation of the Village President and shall be available to the public in the office of the Village Clerk.

B. Changes thereafter to the districts shall not be effective until entered and attested on this certified copy.

2.3 BOUNDARIES

Boundaries of these districts are hereby established as shown on a map entitled "Zoning Map, Village of Stockton, IL," which accompanies and is part of this Chapter. Such boundaries shall be construed to follow: corporate limits; U. S. Public Land Survey lines, lot or property lines; centerlines of streets, highways, alleys, easements, and railroad rights-of-way or such lines extended; unless

otherwise noted on the Zoning Map. Boundaries indicated as parallel to or extensions of features indicated in the preceding shall be so construed. Distances not specifically indicated on the zoning map shall be determined by the scale of the map.

ARTICLE III

A AGRICULTURE DISTRICT

3.1 PURPOSE

The purpose of this district is to preserve, in agricultural uses, lands suited to future urban development pending proper timing and the economical provision of public utilities and community facilities to ensure orderly development

3.2 USES

A. PERMITTED USES:

- (1) Agricultural machinery and equipment sales, service and repair
- (2) Greenhouses and nurseries
- (3) Lawn and garden equipment sales, service and repair
- (4) Riding stables and riding schools
- (5) Sales of seasonal flower or vegetable plants, landscaping supply, or cut trees for holiday decorations within or adjacent to a temporary structure, and for a duration not to exceed 60 days in a calendar year
- (6) Sales of seasonal vegetable, fruit, or other farm products, but not other types of products or merchandise, within a permanent sales establishment.
- (7) Land and water preserves, including arboretums and sustained forestry yield
- (8) Single-family detached dwelling
- (9) Residential accessory uses (garages, etc.)
- (10) Home Occupation

B. SPECIAL USES:

- (1) Sales and storage of agricultural byproducts
- (2) Agricultural supply stores, including distribution, mixing, blending and storage of feeds, seeds and fertilizers
- (3) Kennels and boarding facilities for domestic animals
- (4) Plant laboratories for genetic and agricultural-related experimentation
- (5) Processing and preserving of natural agricultural products, fruits and vegetables
- (6) Sales and service of Small-scale Methane Generating Equipment and alcohol distilling equipment designed for use in farming operations
- (7) Stockyards and livestock auction facilities
- (8) Trucking services limited to livestock and agricultural commodities
- (9) Sales and service of wind driven electrical generating equipment.
- (10) Parks, trails and playgrounds
- (11) Outdoor public educational facilities
- (12) Municipal facilities and uses, including, recreational buildings, administration / village hall facilities, and community centers,

provided such buildings shall be located not less than fifty (50) feet from any lot in a residential district

- (13) Home Day Care (1-3 persons not including family members)
- (14) Bed and Breakfast
- (15) Wood Burning exterior stoves/furnaces

3.3 LOT SIZE REGULATIONS

Every lot hereafter created in this District shall conform to the following minimum requirements:

- A. **Area** – not less than 100,000 square feet
- B. **Width** – not less than 200 feet

3.4 YARD AND SETBACK REGULATIONS

Every building hereafter erected or enlarged in this District shall provide and maintain a setback in accordance with the following:

- A. **PRINCIPAL STRUCTURE**
 - (1) Street yard – not less than 30 feet
 - (2) Side yard – not less than 15 feet
 - (3) Rear yard – not less than 25 feet
- B. **ACCESSORY STRUCTURES**
 - (1) Street yard - no accessory structure permitted closer to a public street than the principal structure(s)
 - (2) Side yard – not less than 5 feet
 - (3) Rear yard – not less than 5 feet

3.5 BULK REGULATIONS

Every building hereafter erected or enlarged in this District shall not exceed the following height and bulk limits:

- A. **PERMITTED USES** – not more than thirty-five (35) feet in height.
- B. **SPECIAL USES** – maximum height limitations shall be specified with the granting of a special use permit.

3.6 SIGNS

Signs may be provided in accordance with Article XIII of this Zoning Ordinance.

3.7 OFF-STREET PARKING AND LOADING

Off-street parking and off-street loading shall be provided as required or as permitted by Article XV of this Zoning Ordinance.

ARTICLE IV

R-1 RESIDENTIAL DISTRICT

4.1 PURPOSE

The purpose of this district is to protect residential areas now developed with one-family detached dwellings.

4.2 USES

A. PERMITTED USES:

- (1) Single-family detached dwelling
- (2) Detached Residential accessory uses (garages, utility shed, etc.)
 - (a) Maximum of 2 detached structures, including not more than 1 detached garage
- (3) Home Occupation

B. SPECIAL USES

(See Section 18.7 for special use procedures and standards):

- (1) Bed and Breakfast
- (2) Churches
- (3) Duplex (2) attached dwellings on one parcel
- (4) Funeral homes and undertaking facilities
- (5) Neighborhood food and grocery stores not exceeding 2,000 SF of retail space
- (6) Municipal facilities and uses, including recreational buildings, administration/village hall facilities, and community centers, provided such buildings shall be located not less than fifty (50) feet from any other lot in a residential district
- (7) Noncommercial athletic fields and play fields
- (8) Outdoor public educational facilities
- (9) Parking lots, parking garages, or parking structures, public
- (10) Parks, trails and playgrounds
- (11) Police, Fire, and EMS stations (provided that they are not located less than fifty (50) feet from any lot in a residential district)
- (12) Professional services that bring customers to the property and primarily serve local residents, including but not necessarily limited to: barbershops and hairdressers; child or adult care; insurance agents, brokers, and services; accounting, auditing, and bookkeeping; attorneys; computer services; photography studios; real estate agents and brokers; physicians, dentists, optometrists and chiropractors; reupholsters and furniture repair; and tailor shops, dressmaker shops, and shoe repair shops.
- (13) Schools

4.3 LOT SIZE REGULATIONS

Every lot hereafter created in this District shall conform to the following minimum requirements:

- A. AREA – not less than 7,500 square feet
- B. WIDTH – not less than 50 feet

4.4 YARD AND SETBACK REGULATIONS

Every building hereafter erected or enlarged in this District shall provide and maintain a setback from the property line in accordance with the following:

A. PRINCIPAL STRUCTURE

- (1) Street yard – not less than 20 feet
- (2) Side yard – not less than 5 feet
- (3) Rear yard – not less than 20 feet

B. ACCESSORY STRUCTURES

- (1) Street yard - no accessory structure permitted closer to a public street than the principal structure, with the exception of an attached porch or deck used for access to the principal structure and within applicable setbacks. (Ord. 535, 11-9-10)
- (2) Side yard – not less than 5 feet
- (3) Rear yard – not less than 5 feet

4.5 BULK REGULATIONS

Every building hereafter erected or enlarged in this District shall not exceed the following height and bulk limits:

- A. PERMITTED USES – not more than thirty (30) feet in height.
- B. SPECIAL USES – maximum height limitations shall be specified with the granting of a special use permit.

4.6 SIGNS

Signs may be provided in accordance with Article XIII of this Zoning Ordinance.

4.7 OFF-STREET PARKING AND LOADING

Off-street parking and off-street loading shall be provided as required or as permitted by Article XV of this Zoning Ordinance.

ARTICLE V

R-2 RESIDENTIAL DISTRICT

5.1 PURPOSE

The purpose of this district is to provide an appropriate setting for single-family homes.

5.2 USES

A. PERMITTED USES:

- (1) Single-family detached dwelling
- (2) Detached Residential accessory uses (garages, utility shed, etc.)
 - (i) Maximum of 2 detached structures, including not more than 1 detached garage
- (3) Home Occupation

B. SPECIAL USES

(See Section 18.7 for special use procedures and standards):

- (1) Bed and Breakfast
- (2) Churches
- (3) Duplex (2) attached dwellings on one parcel
- (4) Single-family attached dwellings – maximum of two attached units sharing a party wall at the property line; where this special use is approved, lot width may be reduced to 60 feet and lot size to 7,000 without requiring a variance.
- (5) Municipal facilities and uses, including recreational buildings, administration / village hall facilities, and community centers, provided such buildings shall be located not less than fifty (50) feet from any lot in a residential district
- (6) Noncommercial athletic fields and play fields
- (7) Outdoor public educational facilities
- (8) Parks, trails and playgrounds
- (9) Police, Fire, and EMS stations (provided that they are not located less than fifty (50) feet from any other lot in a residential district)
- (10) Schools
- (11) Model homes and real estate sales offices in model homes, subject to the following limitations: only for sales within the same subdivision, and only for a period of 24 months from final plat approval.
- (12) Professional services that bring customers to the property and primarily serve local residents, including but not necessarily limited to: barbershops and hairdressers; child or adult care; insurance

agents, brokers, and services; accounting, auditing, and bookkeeping; attorneys; computer services; photography studios; real estate agents and brokers; physicians, dentists, optometrists and chiropractors; reupholsters and furniture repair; and tailor shops, dressmaker shops, and shoe repair shops. (Ord, 529, 6-8-10)

5.3 LOT SIZE REGULATIONS

Every lot hereafter created in this District shall conform to the following minimum requirements:

- A. AREA – not less than 8,000 square feet
- B. WIDTH – not less than 80 feet

5.4 YARD AND SETBACK REGULATIONS

Every building hereafter erected or enlarged in this District shall provide and maintain a setback from the property line in accordance with the following:

- A. PRINCIPAL STRUCTURE
 - (1) Street yard – not less than 20 feet
 - (2) Side yard – not less than 10 feet
 - (3) Rear yard – not less than 20 feet
- B. ACCESSORY STRUCTURES
 - (1) Street yard - no accessory structure permitted closer to a public street than the principal structure Street yard - with the exception of an attached porch or deck used for access to the principal structure and within applicable setbacks. (Ord. 536, 11-9-10)
 - (2) Side yard – not less than 5 feet
 - (3) Rear yard – not less than 5 feet

5.5 BULK REGULATIONS

Every building hereafter erected or enlarged in this District shall not exceed the following height and bulk limits:

- A. PERMITTED USES – not more than thirty (30) feet in height.
- B. SPECIAL USES – maximum height limitations shall be specified with the granting of a special use permit.

5.6 SIGNS

Signs may be provided in accordance with Article XIII of this Zoning Ordinance.

5.7 OFF-STREET PARKING AND LOADING

Off-street parking and off-street loading shall be provided as required or as permitted by Article XV of this Zoning Ordinance.

ARTICLE VI

R-M MULTIFAMILY RESIDENTIAL DISTRICT

6.1 PURPOSE

The R-M district is established to protect certain areas of land, both developed and undeveloped, with peculiar characteristics, such as present high density dwelling units, proximity to commercial developments, or proximity to major streets, and because of a probable, continued demand for such dwelling accommodations which are well-designed, pleasant places in which to live.

6.2 USES

A. PERMITTED USES:

- (1) Multifamily-family dwellings (three (3) or more units)
- (2) Single-family and two-family dwellings
- (3) Detached Residential accessory uses (garages, utility shed, etc.)
 - a. Maximum of 2 detached structures, including not more than 1 detached garage
- (4) Home Occupations

B. SPECIAL USES:

- (1) Bed and Breakfast
- (2) Churches
- (3) Group Day Care Center (4 or more persons not including family members)
- (4) Home Day Care (1-3 persons not including family members)
- (5) Long-term nursing care facility
- (6) Municipal facilities and uses, including, recreational buildings, administration / village hall facilities, and community centers, provided such buildings shall be located not less than fifty (50) feet from any lot in a residential district
- (7) Noncommercial athletic fields and play fields
- (8) Outdoor public educational facilities
- (9) Parks, trails and playgrounds
- (10) Police, Fire, and EMS stations (provided that they are not located less than fifty (50) feet from any other lot in a residential district)
- (11) Public parking lots, parking garages, or parking structures
- (12) Property management offices
- (13) Schools

6.3 LOT SIZE REGULATIONS

Every lot hereafter created in this District shall conform to the following minimum requirements:

- A. AREA – not less than 12,000 square feet
- B. WIDTH – not less than 100 feet

6.4 YARD AND SETBACK REGULATIONS

Every building hereafter erected or enlarged in this District shall provide and maintain a setback in accordance with the following:

A. PRINCIPAL STRUCTURE

- (1) Street yard – not less than 20 feet
- (2) Side yard – not less than 10 feet
- (3) Rear yard – not less than 20 feet

B. ACCESSORY STRUCTURES

- (1) Street yard - no accessory structure permitted closer to a public street than the principal structure(s), with the exception of an attached porch or deck used for access to the principal structure and within applicable setbacks. (Ord. 537, 11-9-10)
- (2) Side yard – not less than 5 feet
- (3) Rear yard – not less than 5 feet

6.5 BULK REGULATIONS

Every building hereafter erected or enlarged in this District shall not exceed the following height and bulk limits:

- A. PERMITTED USES – not more than thirty-six (36) feet in height.
- B. SPECIAL USES – maximum height limitations shall be specified with the granting of a special use permit.

6.6 SIGNS

Signs may be provided in accordance with Article XIII of this Zoning Ordinance.

6.7 OFF-STREET PARKING AND LOADING

Off-street parking and off-street loading shall be provided as required or as permitted by Article XV of this Zoning Ordinance.

ARTICLE VII

R-MH PLANNED MOBILE HOME PARK DISTRICT

7.1 PURPOSE

These regulations are intended to provide for the development of mobile home parks in a manner that is compatible with adjacent development and that protects the health, safety, and welfare of residents of those parks. Each new mobile home residence is to be located on a separate platted lot subject to the regulations of this Article.

7.2 USES

A. PERMITTED USES

- (1) Community center
- (2) Management office
- (3) Mobile homes on individual lots, excluding trailers, house cars, and camp cars as a residence
- (4) Accessory buildings (maximum 2), including private garages or carports shall be permitted, provided they are located within a side or rear yard

B. SPECIAL USES: None

C. OTHER

The selling of new and/or used dwellings as a commercial operation in connection with the operation of a mobile home park is prohibited. Dwellings located on individual lots within the Mobile Home Park, however, may be sold by the owner of the dwelling or the owner/operator of the Park

7.3 PARK SIZE

Mobile home parks shall not be less than ten (10) contiguous acres in area.

7.4 LOT SIZE REGULATIONS

Every lot hereafter created in this District shall conform to the following minimum requirements:

- A. AREA – not less than 6,000 square feet
- B. WIDTH – not less than 50 feet

7.5 YARD AND SETBACK REGULATIONS

Every building hereafter erected or enlarged in this District shall provide and maintain a setback in accordance with the following:

A. PRINCIPAL STRUCTURE

- (1) Street yard – not less than 20 feet
- (2) Side yard – not less than 10 feet
- (3) Rear yard – not less than 20 feet

- (4) Park boundary – not less than 25 feet
- (5) Other—No mobile home shall be located closer than forty (40) feet to any community building, including any workroom, toilet or laundry facilities provided in the Mobile Home Park

B. ACCESSORY STRUCTURES

- (1) Street yard - no accessory structure permitted closer to a public street than the principal structure(s)
- (2) Side yard – not less than 5 feet
- (3) Rear yard – not less than 5 feet

7.6 BULK REGULATIONS

Every building hereafter erected or enlarged in this District shall not exceed the following height and bulk limits:

- A. STRUCTURE HEIGHT—Not more than twenty-four (24) feet
- B. FLOOR AREA—Not less than seven hundred twenty (720) square feet, exclusive of garage, basement or porch

7.7 COMPLIANCE WITH APPLICABLE REGULATIONS

A. MOBILE HOME FOUNDATION.

Mobile homes shall be sited on permanent foundations in accordance with applicable State and County regulations.

B. INSTALLATION.

Each mobile home site shall be installed pursuant to the manufacturer’s instructions and secured to the premises by an anchoring system or other device consistent with applicable State and County regulations.

C. SKIRTING.

Skirting shall be provided on all mobile homes and installed in accordance with the applicable State and County regulations.

7.8 RECREATION/OPEN SPACE AREAS

A. REQUIRED LAND AREA.

Not less than fifteen (15) percent of the Mobile Home Park shall consist of open space/recreation areas. Such areas may include:

- (1) Public or private play lots and parks
- (2) Pedestrian and bicycle corridors
- (3) Greenbelt open space networks
- (4) Stormwater detention or retention facilities, provided such areas are capable of being utilized for recreational purposes

B. OWNERSHIP AND MAINTENANCE.

All open space/recreational areas shall be owned and maintained by the management of the Mobile Home Park

7.9 SCREENING AND LANDSCAPING

A. SCREENING.

- (1) Mobile Home Parks which abut an R-1, R-2 or PUD District shall be adequately screened from such district by a natural or landscaped area
 - (2) Approved screens shall consist of a combination of evergreen, deciduous, and ornamental trees, and may include fencing, walls, or berms, and shall be subject to review and approval by the Village Board.
- B. **STREET TREE PLANTINGS**—Trees may be required along residential streets as described in the Village’s Tree Ordinance

7.10 UTILITIES

Street lighting shall be provided along all interior residential streets, shall utilize a full cutoff luminaire, and shall be shielded where necessary to avoid casting direct light upon any dwelling.

7.11 STORAGE OF RECREATION VEHICLES

- A. The outdoor storage of recreation vehicles shall be permitted only in storage areas designated by the owner of the Mobile Home Park
- B. This storage area shall be completely screened around its entire perimeter by an opaque six (6) foot high fence, landscaped with trees and shrubs to soften its visual appearance from adjacent lots and public rights-of-way

7.12 SIGNS

Signs may be provided in accordance with Article XIII of this Zoning Ordinance.

7.13 OFF-STREET PARKING AND LOADING

Off-street parking and off-street loading shall be provided as required or as permitted by Article XV of this Zoning Ordinance

ARTICLE VIII

B-C CENTRAL BUSINESS DISTRICT

8.1 PURPOSE

The B-C district is established to provide for those retail trade and service activities which serve the entire community.

8.2 USES

A. PERMITTED USES:

- (1) Indoor retail sales, including but not limited to food, liquor, gifts, furniture, paint, jewelry, home furnishings, and automobile accessories.
- (2) Banks and other financial institutions
- (3) Barbershops, beauty shops, and hairdressers
- (4) Duplicating, blueprinting, photocopying, addressing, and mailing services
- (5) Indoor recreation facilities, including billiards and pool establishments, bowling alley, movie theater, fitness/exercise center, skating rinks, and similar commercial facilities
- (6) Laundries and dry-cleaning establishments, including coin operated laundries
- (7) Newspaper, periodical or book publishing and printing establishments
- (8) Offices and meeting places for social, professional, fraternal, political, religious, civic, or other non-profit organizations.
- (9) Offices for physician/surgeon, dentist/dental surgeon, osteopathic physician, optometrist and chiropractor
- (10) Photographic studios and commercial photography establishments
- (11) Professional services, including but not limited to accounting, auditing and bookkeeping firms or services; advertising agencies, consumer credit reporting, news agencies, employment agencies; computer services; engineering and architectural firms or consultants; insurance company, agent, broker, and service representative offices; law offices; real estate agents, brokers, managers and title companies.
- (12) Public parking lots, parking garages, or parking structures
- (13) Radios, TV, high-fidelity sound equipment, electronic amplifier, stereophonic sound system, musical instrument or other such device sales, service, repair, testing, demonstration facility
- (14) Residential units above the ground floor
- (15) Restaurants, including sit-down interior service, sit-down outdoor service, and walk-up carry-out service.
- (16) Retail bakers, including those that produce some or all products on the premises
- (17) Re-upholstery and furniture repair and interior design studios

- (18) Scientific or educational firms or agencies, but not research laboratories or manufacturing operations.
- (19) Tailor shops, dressmaker shops, garment and shoe repair shops
- (20) Taverns, bars and other drinking places

B. SPECIAL USES:

- (1) Accessory buildings for the purpose of storing equipment or inventory
- (2) Attached or detached garage, not to exceed two spaces for each residential unit and two spaces for each business on the premises.
- (3) Automobile washing establishments
- (4) Churches
- (5) Gasoline or similar fuel service station, provided all tanks are underground
- (6) Hotels, motels, and similar lodging facilities
- (7) Municipal facilities and uses, including recreational buildings, administration/village hall facilities and community centers
- (8) Parks, trails and playgrounds
- (9) Plumbing, heating, and air conditioning equipment dealers
- (10) Police, Fire, and EMS stations (provided such buildings are not located less than fifty (50) feet from any lot in a residential district)
- (11) Rental and leasing establishments providing floor sanding and waxing machines, ladders, scaffolds, tools, chairs or other furniture, or other types of equipment or similar items
- (12) Residential units on the ground floor for the owner/operator of the premises as an accessory use
- (13) Restaurant drive through window
- (14) Seasonal farm product and landscaping supply sales, including flowers, fruits and vegetables, landscaping supplies, and cut trees, within or adjacent to a permanent or temporary structure.
- (15) Veterinarian offices and facilities

8.3 LOT SIZE REGULATIONS

Every lot hereafter created in this District shall conform to the following minimum requirements:

- A. AREA – not less than 3,600 square feet
- B. WIDTH – not less than 25 feet

8.4 YARD AND SETBACK REGULATIONS

Every building hereafter erected or enlarged in this District shall provide and maintain a setback in accordance with the following:

A. PRINCIPAL STRUCTURE

- (1) Street yard – no minimum setback
- (2) Side yard – no minimum setback

- (3) Rear yard – not less than 5 feet
- B. **ACCESSORY STRUCTURES**
 - (1) Street yard - no accessory structure permitted closer to a public street than the principal structure(s)
 - (2) Side yard – not less than 5 feet
 - (3) Rear yard – not less than 5 feet

8.5 **BULK REGULATIONS**

Every building hereafter erected or enlarged in this District shall not exceed the following height and bulk limits:

- A. **PERMITTED USES** – not less than eighteen (18) feet nor more than forty-two (42) feet in height; not more than 20,000 square feet in total floor area.
- B. **SPECIAL USES** – maximum height and area limitations shall be specified with the granting of a special use permit.

8.6 **SIGNS**

Signs may be provided in accordance with Article XIII of this Zoning Ordinance.

8.7 **OFF-STREET PARKING AND LOADING**

Off-street parking and off-street loading shall be provided as required or as permitted by Article XV of this Zoning Ordinance.

ARTICLE IX

B-H HIGHWAY BUSINESS DISTRICT

9.1 PURPOSE

The B-H Highway Commercial District is intended to provide for the orderly and attractive grouping at appropriate locations along principal highway routes of those businesses and customer services which are logically related to and dependent upon highway traffic or which are specifically designed to serve the needs of such traffic.

9.2 USES

A. PERMITTED USES:

- (1) Accessory buildings for the purpose of storing equipment or inventory
- (2) Attached or detached garage, not to exceed two spaces for each business on the premises.
- (3) Automobile washing establishments
- (4) Banks and other financial institutions
- (5) Barbershops, beauty shops, and hairdressers
- (6) Duplicating, blueprinting, photocopying, addressing, and mailing services
- (7) Funeral homes and undertaking facilities
- (8) Gasoline or similar fuel service station, provided all tanks are underground
- (9) Hospital or medical center
- (10) Hotels, motels, and similar lodging facilities
- (11) Indoor recreation facilities, including billiards and pool establishments, bowling alley, movie theater, fitness/exercise center, skating rinks, and similar commercial facilities
- (12) Laundries and dry-cleaning establishments, including coin operated laundries
- (13) Lawn and garden equipment sales, service, and repair.
- (14) Newspaper, periodical or book publishing and printing establishments
- (15) Offices and meeting places for social, professional, fraternal, political, religious, civic, or other non-profit organizations.
- (16) Offices for physician/surgeon, dentist/dental surgeon, osteopathic physician, optometrist and chiropractor
- (17) Outdoor recreation facilities, including amusement parks, drive-in theaters, golf courses open to the public, golf driving range, archery range, baseball batting cages, miniature golf courses, and similar commercial recreational facilities
- (18) Parcel delivery and pickup services and facilities

- (19) Photographic studios and commercial photography establishments
- (20) Plumbing, heating, and air conditioning equipment dealers
- (21) Professional services, including but not limited to accounting, auditing and bookkeeping firms or services; advertising agencies, consumer credit reporting, news agencies, employment agencies; computer services; engineering and architectural firms or consultants; insurance company, agent, broker, and service representative offices; law offices; real estate agents, brokers, managers and title companies.
- (22) Public parking lots, parking garages, or parking structures
- (23) Radios, TV, high-fidelity sound equipment, electronic amplifier, stereophonic sound system, musical instrument or other such device sales, service, repair, testing, demonstration facility
- (24) Rental and leasing establishments providing floor sanding and waxing machines, ladders, scaffolds, tools, chairs or other furniture, or other types of equipment or similar items
- (25) Restaurants, including sit-down interior service, sit-down outdoor service, walk-up carry-out service, and drive-through service
- (26) Retail bakers, including those that produce some or all products on the premises
- (27) Retail sales, including but not limited to food, liquor, gifts, furniture, paint, jewelry, home furnishings, and automobile accessories.
- (28) Reupholstery and furniture repair and interior design studios
- (29) Sales, service, rental, and repair of motorized and recreational vehicles, except farm equipment
- (30) Scientific or educational firms or agencies, but not research laboratories or manufacturing operations.
- (31) Seasonal farm product and landscaping supply sales, including flowers, fruits and vegetables, landscaping supplies, and cut trees, within or adjacent to a permanent or temporary structure.
- (32) Tailor shops, dressmaker shops, garment and shoe repair shops and shoe shine parlors
- (33) Taverns, bars and other drinking places
- (34) Telephone offices
- (35) Truck parking when used in the conduct of a permitted business, limited to vehicles of not over one and one-half tons capacity when located within 150 feet of a residential district
- (36) Veterinarian offices and facilities

B. SPECIAL USES:

- (1) Agricultural byproducts sale and storage
- (2) Agricultural machinery sales, service, and repair
- (3) Agricultural supply stores, including distribution, mixing, blending and storage of feeds, seeds, and fertilizer
- (4) Churches

- (5) Group Day Care Center (4 or more persons not including family members)
- (6) Kennels and boarding facilities for domestic animals
- (7) Mini warehouses
- (8) Mobile home or garage dealers with displays
- (9) Municipal facilities and uses, including recreational buildings, administration / village hall facilities and community centers,
- (10) Municipal utility facilities, including pumping stations, water towers, water works, or wells.
- (11) Noncommercial athletic fields and play fields
- (12) Outdoor public educational facilities
- (13) Parks, trails and playgrounds
- (14) Police, Fire, and EMS stations (provided such buildings are not located less than fifty (50) feet from any lot in a residential district)
- (15) Schools
- (16) Semi-tractor truck/trailer sales, rentals and service
- (17) Telephone exchanges, transmission equipment, buildings and service yards.
- (18) Wholesale merchandise establishments
- (19) Wood burning exterior stoves/furnaces

9.3 LOT SIZE REGULATIONS

Every lot hereafter created in this District shall conform to the following minimum requirements:

- A. AREA – not less than 15,000 square feet
- B. WIDTH – not less than 100 feet

9.4 YARD AND SETBACK REGULATIONS

Every building hereafter erected or enlarged in this District shall provide and maintain a setback in accordance with the following:

- A. PRINCIPAL STRUCTURE
 - (1) Street yard – not less than 30 feet
 - (2) Side yard – not less than 10 feet
 - (3) Rear yard – not less than 20 feet
- B. ACCESSORY STRUCTURES
 - (1) Street yard - no accessory structure permitted closer to a public street than the principal structure(s)
 - (2) Side yard – not less than 5 feet
 - (3) Rear yard – not less than 5 feet

9.5 BULK REGULATIONS

Every building hereafter erected or enlarged in this District shall not exceed the following height and bulk limits:

- A. PERMITTED USES – not more than forty-two (42) feet in height.
- B. SPECIAL USES – maximum height limitations shall be specified with the granting of a special use permit.

9.6 **SIGNS**

Signs may be provided in accordance with Article XIII of this Zoning Ordinance.

9.7 **OFF-STREET PARKING AND LOADING**

Off-street parking and off-street loading shall be provided as required or as permitted by Article XV of this Zoning Ordinance.

ARTICLE X

I-L LIMITED INDUSTRIAL DISTRICT

10.1 PURPOSE

The I-L Limited Industrial District is intended to provide an appropriate location for commercial uses that generally do not require exposure on a major highway for the purpose of generating retail sales and which should be separated from residential uses due to the noise, odor, or traffic they may produce.

10.2 USES

A. PERMITTED USES:

- (1) Accessory buildings for the purpose of storing equipment or inventory
- (2) Automobile driving schools
- (3) Automobile/truck storage facilities
- (4) Duplicating, blueprinting, photocopying, addressing, and mailing services
- (5) Greenhouses and nurseries
- (6) Mini-warehouses
- (7) Municipal utility facilities, including pumping stations, water towers, water works, or wells.
- (8) Newspaper, periodical or book publishing and printing establishments
- (9) Parcel delivery and pick up services and facilities
- (10) Postal services.
- (11) Processing and preserving of natural agricultural products, fruits and vegetables
- (12) Production, processing, cleaning, servicing, testing or repair of materials, goods or products, limited to or substantially similar to the following products:
 - (a) Electronic and electrical products and instruments, such as transistors, semiconductors, small computers, scanners, monitors and compact communication devices,
 - (b) High technology products related to the fields of physics, oceanography, astrophysics, metallurgy, chemistry and biology,
 - (c) Laser technology, radiology, X ray and ultrasound products, manufacturing and assembly;
 - (d) Medical and dental supplies,
 - (e) Optical, fiber optical and photographic products and equipment;
 - (f) Orthopedic and medical appliances, such as artificial limbs, brace supports and stretchers,

- (g) Scientific and precision instruments and components, including robotics;
- (h) Products related to process design, process simulation, software development, and safety engineering
- (13) Public parking lots, parking garages, or parking structures
- (14) Recreational vehicle sales and service including campers, snowmobiles, trailers and boats
- (15) Rental and leasing establishments providing floor sanding and waxing machines, ladders, scaffolds, tools, chairs or other furniture, or other types of equipment or similar items
- (16) Taxicab garages
- (17) Telephone exchanges, transmission equipment, buildings and service yards.
- (18) Towing services with limited outdoor storage (up to ten vehicles)
- (19) Truck parking when used in the conduct of a permitted business, limited to vehicles of not over one and one-half tons capacity when located within 150 feet of a residential district
- (20) Utility operation offices, shops, storage areas, display rooms, service yards or garages.
- (21) Veterinarians offices and facilities
- (22) Wholesale merchandise establishments
- (23) Wholesale, warehouse or distribution centers without outdoor storage. (Does not include storage or distribution centers for bottled gas, butane, fuel oil or solid fuels).

B. SPECIAL USES:

- (1) Adult Entertainment Establishments, subject to the following conditions:
 - a) Location of an adult entertainment establishment shall not be less than 1,000 feet from any church, synagogue, temple, mosque or any other place of worship, any residentially zoned district, park, school, playground, day care center, public library or other adult entertainment establishment.
 - b) There shall be no display windows on the premises or entrances/windows which permit view of interior from exterior.
 - c) The adult entertainment establishment may have one (1) non-flashing sign no larger than 16 square feet. Said sign must identify the business as an adult entertainment establishment. One additional sign maximum of 2 square feet shall be located at the entrance to the establishment which states, "Admittance to adults only." Building address and hours shall be provided in addition to the aforementioned signs.
 - d) The owner and operator of an adult entertainment establishment shall agree to comply with all Federal, State and Local laws and ordinances, including those regulating obscenity and alcoholic

beverages, and shall further insure that minors are not allowed on the premises.

e) There shall be no areas in the adult entertainment establishment in which entertainment is provided which are not fully visible from the main area of the establishment. No entertainment may occur in areas of the establishment which are set off by doors, curtains, screens, barrier, or other obstructions.

- (2) Agricultural byproducts sale and storage
- (3) Agricultural machinery sales, service, and repair
- (4) Agricultural supply stores, including distribution, mixing, blending and storage of feeds, seeds, and fertilizer
- (5) Automobile painting and undercoating services.
- (6) Automobile washing establishments
- (7) Bus sales and maintenance shops
- (8) Commercial communications towers and antennas, including microwave relay, radio and television and radar related facilities.
- (9) Computer services
- (10) Electric power production and substations
- (11) Engineering and architectural firms or consultants
- (12) Funeral homes and undertaking facilities
- (13) Kennels and boarding facilities for domestic animal
- (14) Laboratories - research, development and testing, including testing facilities and equipment, and manufacturing and fabrication of products in conjunction with such research or development.
- (15) Laboratories, plant genetic and agricultural-related experimentation
- (16) Laundries and dry cleaning establishments, industrial and retail (with a central plant serving more than one retail outlet) including supply services such as linens, uniforms and diapers.
- (17) Lawn and garden equipment sales, service, and repair.
- (18) Motor freight operations, including truck terminals, transfer facilities, vehicle maintenance, cleaning and repair as a component of trucking operations (provided they are not within 100 feet of a residential parcel).
- (19) Motorized vehicle sales, service, rental or repair shops
- (20) Municipal facilities and uses, including, recreational buildings, administration / village hall facilities, and community centers, provided such buildings shall be located not less than fifty (50) feet from any lot in a residential district
- (21) Natural gas transmission and distribution facilities
- (22) Noncommercial athletic fields and play fields
- (23) Outdoor public educational facilities
- (24) Parks, trails and playgrounds
- (25) Pilot plants or other facilities for the testing of manufacturing, processing or fabrication methods, or for the testing of products or materials.

- (26) Police, Fire, and EMS stations (provided that they are not located less than fifty (50) feet from any lot in a residential district)
- (27) Production, processing, cleaning, servicing, testing or repair of materials, goods or products, involving the following uses, products, components, or circumstances:
 - (a) Cameras and other photographic equipment;
 - (b) Ceramic products, such as pottery, figurines and small glazed tiles;
 - (c) Cosmetics and toiletries, pharmaceutical products, perfumes, and perfumed soaps;
 - (d) small electrical household appliances, such as lighting fixtures, irons, fans and toasters;
 - (e) Electrical equipment assembly, such as home radio and television receivers and home movie equipment, but not including electrical machinery;
 - (f) Electrical supplies, manufacturing and assembly, such as and cable assembly, switches, lamps, insulation and dry cell batteries
- (28) Products related to material research and development in such areas as prepared glass, ceramics, carbon fiber, metals, textiles, polymers, plastics, chemical foams and inorganic such as liquid crystals, and synthetic fuels.
- (29) Sales, retail or wholesale, and servicing of construction equipment and farm equipment
- (30) Semi-tractor truck/trailer sales, rentals and service
- (31) Wood burning exterior stoves/furnaces

10.3 LOT SIZE REGULATIONS

Every lot hereafter created in this District shall conform to the following minimum requirements:

- A. AREA – not less than 10,000 square feet
- B. WIDTH – not less than 100 feet

10.4 YARD AND SETBACK REGULATIONS

Every building hereafter erected or enlarged in this District shall provide and maintain a setback in accordance with the following:

- A. STREET YARD – not less than 30 feet
- B. SIDE YARD – not less than 15 feet
- C. REAR YARD – not less than 25 feet

10.5 BULK REGULATIONS

Every building hereafter erected or enlarged in this District shall not exceed the following height and bulk limits:

- A. PERMITTED USES – not more than forty-two (42) feet in height.
- B. SPECIAL USES – maximum height limitations shall be specified with the granting of a special use permit.

10.6 **SIGNS**

Signs may be provided in accordance with Article XIII of this Zoning Ordinance.

10.7 **OFF-STREET PARKING AND LOADING**

Off-street parking and off-street loading shall be provided as required or as permitted by Article XV of this Zoning Ordinance.

ARTICLE XI

I-G GENERAL INDUSTRIAL DISTRICT

11.1 PURPOSE

The I-G General Industrial District is intended to provide an appropriate location for the most intensive non-retail commercial uses that generally should be separated from residential uses due to the noise, odor, or traffic they may produce.

11.2 USES

A. PERMITTED USES:

- (1) Accessory buildings for the purpose of storing equipment or inventory
- (2) Automobile driving schools
- (3) Automobile painting and undercoating services.
- (4) Automobile/truck storage facilities
- (5) Bus and railroad passenger stations, terminals, turnarounds, and lots
- (6) Bus sales and maintenance shops
- (7) Crematories
- (8) Electric power production and substations
- (9) Electrical supplies, manufacturing and assembly, such as and cable assembly, switches, lamps, insulation and dry cell batteries
- (10) Foundries
- (11) Highway maintenance shops and yards, with limited storage of asphalt, salt and other bulk materials
- (12) Laboratories - research, development and testing, including testing facilities and equipment, and manufacturing and fabrication of products in conjunction with such research or development.
- (13) Laundries and dry cleaning establishments, industrial and retail (with a central plant serving more than one retail outlet) including supply services such as linens, uniforms and diapers.
- (14) Mini-warehouses
- (15) Mobile home or garage dealers with displays
- (16) Motor freight operations, including truck terminals, transfer facilities, vehicle maintenance, cleaning and repair as a component of trucking operations (provided they are not within 100 feet of a residential parcel)
- (17) Municipal utility facilities, including pumping stations, water towers, water works, or wells.
- (18) Natural gas transmission and distribution facilities
- (19) Parcel delivery and pick up services and facilities
- (20) Parking lots, public; park and ride lots
- (21) Pilot plants or other facilities for the testing of manufacturing, processing or fabrication methods, or for the testing of products or materials.

- (22) Production, processing, cleaning, servicing, testing or repair of materials, goods or products, limited to or substantially similar to the following products:
 - (a) Electronic and electrical products and instruments, such as transistors, semiconductors, small computers, scanners, monitors and compact communication devices,
 - (b) High technology products related to the fields of physics, oceanography, astrophysics, metallurgy, chemistry and biology,
 - (c) Laser technology, radiology, X ray and ultrasound products, manufacturing and assembly;
 - (d) Medical and dental supplies,
 - (e) Optical, fiber optical and photographic products and equipment;
 - (f) Orthopedic and medical appliances, such as artificial limbs, brace supports and stretchers,
 - (g) Scientific and precision instruments and components, including robotics;
 - (h) Products related to process design, process simulation, software development, and safety engineering
- (23) Production, processing, cleaning, servicing, testing or repair of materials, goods or products, involving the following uses, products, components, or circumstances:
 - (a) Cameras and other photographic equipment;
 - (b) Ceramic products, such as pottery, figurines and small glazed tiles;
 - (c) Cosmetics and toiletries, pharmaceutical products, perfumes, and perfumed soaps;
 - (d) small electrical household appliances, such as lighting fixtures, irons, fans and toasters;
 - (e) Electrical equipment assembly, such as home radio and television receivers and home movie equipment, but not including electrical machinery;
- (24) Postal services.
- (25) Power plants
- (26) Products related to material research and development in such areas as prepared glass, ceramics, carbon fiber, metals, textiles, polymers, plastics, chemical foams and inorganic such as liquid crystals, and synthetic fuels.
- (27) Public parking lots, parking garages, or parking structures
- (28) Pumping stations, water towers, water works, or wells; public
- (29) Rail freight terminals, switching yards, shops and roundhouses
- (30) Recreational vehicle sales and service including campers, snowmobiles, trailers and boats
- (31) Sales, retail or wholesale, and servicing of construction equipment and farm equipment

- (32) Semi-tractor truck/trailer sales, rentals and service
- (33) Taxicab garages
- (34) Telephone exchanges, transmission equipment, buildings and service yards.
- (35) Towers associated with microwave relay, communications, radio and television and radar related facilities
- (36) Towing services with limited outdoor storage (up to ten vehicles)
- (37) Truck parking when used in the conduct of a permitted business, limited to vehicles of not over one and one-half tons capacity when located within 150 feet of a residential district
- (38) Utility operation offices, shops, storage areas, display rooms, service yards or garages
- (39) Wholesale, warehouse or distribution centers without outdoor storage. (Does not include storage or distribution centers for bottled gas, butane, fuel oil or solid fuels)
- (40) Wholesale, warehouse, or distribution centers with outdoor storage. Includes facilities which handle bottled gas, butane, fuel oil or solid fuels and facilities with outdoor storage

B. SPECIAL USES:

- (1) Agricultural byproducts sale and storage
- (2) Agricultural machinery sales, service, and repair
- (3) Agricultural supply stores, including distribution, mixing, blending and storage of feeds, seeds, and fertilizer
- (4) Chimneys, cooling towers, and other structures accessory to a permitted use
- (5) Commercial communications towers and antennas, including microwave relay, radio and television and radar related facilities.
- (6) Duplicating, blueprinting, photocopying, addressing, and mailing services
- (7) Greenhouses and nurseries
- (8) Kennels and boarding facilities for domestic animal
- (9) Laboratories, plant genetic and agricultural-related experimentation
- (10) Motor freight operations, including truck terminals, transfer facilities, vehicle maintenance, cleaning and repair as a component of trucking operations (provided they are not within 100 feet of a residential parcel).
- (11) Municipal facilities and uses, including, recreational buildings, administration / village hall facilities, and community centers, provided such buildings shall be located not less than fifty (50) feet from any lot in a residential district
- (12) Noncommercial athletic fields and play fields
- (13) Outdoor public educational facilities
- (14) Parks, trails and playgrounds
- (15) Police, Fire, and EMS stations (provided that they are not located less than fifty (50) feet from any lot in a residential district)

- (16) Processing and preserving of natural agricultural products, fruits and vegetables
- (17) Recreational vehicle sales and service including campers, snowmobiles, trailers and boats
- (18) Sales, retail or wholesale, and servicing of construction equipment and farm equipment
- (19) Semi-tractor truck/trailer sales, rentals and service
- (20) Waste material storage, processing, treatment or disposal, as a principal use
- (21) Wholesale merchandise establishments
- (22) Wood burning exterior stoves/furnace

11.3 LOT SIZE REGULATIONS

Every lot hereafter created in this District shall conform to the following minimum requirements:

- A. AREA – not less than 40,000 square feet
- B. WIDTH – not less than 150 feet

11.4 YARD AND SETBACK REGULATIONS

Every building hereafter erected or enlarged in this District shall provide and maintain a setback in accordance with the following:

- A. STREET YARD – not less than 40 feet
- B. SIDE YARD – not less than 20 feet
- C. REAR YARD – not less than 30 feet

11.5 BULK REGULATIONS

Every building hereafter erected or enlarged in this District shall not exceed the following height and bulk limits:

- A. PERMITTED USES – not more than forty-two (42) feet in height.
Chimneys and other accessory structures that would exceed this limit require a special use permit
- B. SPECIAL USES – maximum height limitations shall be specified with the granting of a special use permit.

11.6 SIGNS

Signs may be provided in accordance with Article XIII of this Zoning Ordinance.

11.7 OFF-STREET PARKING AND LOADING

Off-street parking and off-street loading shall be provided as required or as permitted by Article XV of this Zoning Ordinance.

ARTICLE XII

PUD - PLANNED UNIT DEVELOPMENT DISTRICT

12.1. PURPOSE

The Planned Community Development District is established to provide a regulatory framework designed to promote improved environmental design in the Village of Stockton by allowing for greater freedom, imagination and flexibility in the development of land, while insuring substantial compliance to the basic intent of the zoning ordinance and the general plan for community development. It allows diversification and variation in the relationship of uses, structures, and open spaces in developments conceived and implemented as comprehensive and cohesive unified projects.

12.2. USES

Any use permitted by right or as a conditional grant in any of the other districts of this Chapter may be permitted in the Planned Unit Development District, provided however, that no use shall be permitted except in conformity with a specific and precise development plan pursuant to the procedural and regulatory provisions established by this Chapter.

12.3. LOT SIZE, YARD, AND BULK REGULATIONS

In the Planned Unit Development District, there shall be no predetermined specific lot area, lot width, height, yard and usable open space requirements, but such requirements as are made a part of an approved recorded precise development plan shall be, along with the recorded plan itself, construed to be and enforced as a part of this Chapter.

12.4. SIGNS

Signs may be provided in accordance with Article XIII of this Zoning Ordinance and such requirements as are made a part of an approved recorded precise development plan.

12.5. OFF-STREET PARKING AND LOADING

In the Planned Unit Development District, off-street parking facilities shall be provided in accordance with Article XV of this zoning ordinance and such requirements as are made a part of an approved recorded precise development plan.

12.6. CRITERIA FOR APPROVAL

As a basis for determining the acceptability of a Planned Unit Development District application, the following criteria shall be applied to the precise development plan for such district with specific consideration as to whether or not it is consistent with the spirit and intent of this Chapter, has been prepared with competent professional advice and guidance, and produces significant benefits in terms of environmental design:

- A. **CHARACTER AND INTENSITY OF LAND USE.**
 In a Planned Unit Development District, the uses proposed and their intensity and arrangement on the site shall be a visual and operational character which:
- (1) Are compatible to the physical nature of the site.
 - (2) Would produce an attractive environment of sustained aesthetic and ecological desirability, economic stability and functional practicality.
 - (3) Would not adversely affect the anticipated provision for school or other municipal services.
 - (4) Would not create a traffic or parking demand incompatible with the existing or proposed facilities to serve it.
- B. **ECONOMIC FEASIBILITY AND IMPACT.**
 The proponents of a Planned Unit Development District application shall provide evidence satisfactory to the Village Board of its economic feasibility, of available adequate financing, and that it would not adversely affect the economic prosperity of the Village or the values of surrounding properties.
- C. **ENGINEERING DESIGN STANDARDS.**
 The width of street right-of-way, width and location of street or other paving, outdoor lighting, location of sewer and water lines, provision for storm water drainage or other similar environmental engineering consideration shall be based upon determination as to the appropriate standards necessary to implement the specific function in the specific situation, provided, however, that in no case shall standards be less than those necessary to insure the public safety and welfare as determined by the Village.
- D. **PRESERVATION AND MAINTENANCE OF OPEN SPACE.**
 In a Planned Unit Development District, adequate provision shall be made for the permanent preservation and maintenance of common open space either by private reservation or dedication to the public.
- (1) In the case of private reservation, the open area to be reserved shall be protected against building development by conveying to the Village, as part of the conditions for project approval, an open space easement over such open areas.
 - (2) The care and maintenance of such open space reservation shall be assured by establishment of appropriate management organization for the project. The manner of assuring maintenance and assessing such cost to individual properties shall be included in any contractual agreement with the Village and shall be included in the title to each property.
 - (3) Ownership and tax liability of private open space reservation shall be established in a manner acceptable to the Village and made a part of the conditions of plan approval.
- E. **IMPLEMENTATION SCHEDULE.**
 The proponents of a Planned Unit Development District shall submit a

reasonable schedule for the implementation of the development to the satisfaction of the Village Board, including suitable provisions for assurance that each phase could be brought to completion in a manner which would not result in adverse effect upon the community as a result of termination at that point.

12.7. PROCEDURE.

The Procedure for rezoning to a Planned Unit Development District shall be as required for any other zoning map amendment under this Chapter (Section 16.6), except that in addition thereto the rezoning may only be considered in conjunction with a General Development Plan and shall be subject to the following additional requirements:

A. GENERAL DEVELOPMENT PLAN

A General Development Plan application shall be submitted with the rezoning petition and shall include the following:

- (1) A statement describing the general character of the intended development.
- (2) An accurate map of the project area including its relationship to surrounding properties and existing topography and key features.
- (3) A plan of the proposed project showing at least the following information in sufficient detail to make possible the evaluation of the criteria for approval as set forth in Section 11.5:
 - (a) The pattern of proposed land use, including shape, size and arrangement of proposed land areas, density and environmental character.
 - (b) The pattern of public and private streets.
 - (c) The location, size and character of recreational and open space areas reserved or dedicated for public uses such as school, park, greenway, etc.
 - (d) A utility feasibility study.
- (4) Appropriate statistical data on the size of the development ratio of various land uses, percentages of multi-family units by number of bedrooms, economic analysis of the development, expected staging and any other plans or data pertinent to evaluation by the Village under the criteria of Subsection (3) of this section.
- (5) General outline of intended organizational structure related to property owner's association, deed restrictions and private provision of common services.

B. REFERRAL AND HEARING.

- (1) The General Development Plan application shall be filed with the Zoning Administrator, who after ascertaining it contains the information required by this Ordinance shall forward the application to the Zoning Board.
- (2) Hearing Requirement: As with any zoning map amendment, no such amendments shall be made without a hearing before the zoning

board. At least 15 days notice of the time and place of such hearing shall be published in a newspaper of general circulation published in the Village.

- (3) Following public hearing the Zoning board shall forward the General Development Plan petition to the Village Board, with a recommendation that the plan be approved as submitted, approved with modifications, or disapproved.
- (4) Approval of the rezoning and related general development plan shall establish the basic right of use for the area in conformity with the plan as approved, which shall be recorded as an integral component of the district regulations, but such plan shall be conditioned upon approval of a specific implementation plan, and shall not make permissible any of the uses as proposed until a specific implementation plan is submitted and approved for all or a portion of the general development plan.

C. SPECIFIC IMPLEMENTATION PLAN.

A specific and detailed plan for implementation of all or a part of a proposed Planned Unit Development District must be submitted within a reasonable period of time, as determined by the Village Board. If a specific implementation plan has not been submitted within said time, which the Village Board determines to be a reasonable phase of the total plan, a petition to rezone the property back to the previous zoning from the Planned Unit Development District shall be filed by the appropriate Village official with the Zoning Administrator for processing. The specific implementation plan shall be submitted to the Zoning Administrator and shall include the following detailed construction and engineering plans and related detailed documents and schedules:

- (1) An accurate map of the area covered by the plan, including the relationship to the total general development plan.
- (2) The pattern of public and private roads, driveways, walkways and parking facilities.
- (3) Detailed lot layout and subdivision plan where required.
- (4) The arrangement of building groups other than single family residences, and their architectural character.
- (5) Sanitary sewer and water mains.
- (6) Grading plan and storm drainage system.
- (7) The location and treatment of open space areas and recreational or other special amenities.
- (8) General location and description of any areas to be dedicated to the public.
- (9) General landscape treatment.
- (10) Proof of financing capability.
- (11) Analysis of economic impact upon the community.
- (12) A development schedule indicating:
 - (a) the approximate date when construction of the project can be expected to begin;

- (b) the stages in which the project will be built and the approximate date when construction of each stage can be expected to begin;
 - (c) the anticipated rate of development;
 - (d) the approximate date when the development of each of the stages will be completed.
- (13) Agreements, bylaws, provision or covenants which govern the organizational structure, use maintenance, and continued protection of the Planned Unit Development and any of its common services, common open areas or other facilities.
 - (14) A final plat of the lands to be subdivided as part of the Specific Implementation Plan, suitable for recording.
 - (15) Any other plans, documents or schedules requested by the Village.

D. APPROVAL OF THE SPECIFIC IMPLEMENTATION PLAN.

- (1) Following a review of the specific implementation plan, the Zoning Board shall recommend to the Village Board that it be approved as submitted, approved with modifications or disapproved.
- (2) Upon receipt of the Zoning Board recommendations, the Village Board may approve the plan and authorize development to proceed accordingly or disapprove the plan and send it back to the Zoning Board for further negotiation with the developer.
- (3) In the event of approval of the Specific Implementation Plan, the building, site and operational plans for the development, as approved, as well as all other commitments and contractual agreements with the Village offered or required with regard to project value, character and other factors pertinent to an assurance that the proposed development will be carried out basically as presented in the official submittal plans, shall be recorded by the developer within a reasonable period of time, as determined by the Village Board, in the Jo Daviess County Register of Deeds office. This shall be accomplished prior to the issuance of any zoning permit.
- (4) Any subsequent change or addition to the plans or use shall first be submitted for approval to the Zoning Board and, if in the opinion of the Zoning Board such change or addition constitutes a substantial alteration of the original plan, the procedure for a General Development Plan and PUD rezoning described in this section provided shall be required.

ARTICLE XIII

SIGNS

13.1. PURPOSE

The purpose of this Article is to establish minimum standards to safeguard life and property and promote public welfare and community aesthetics by regulating the appearance, construction, location and maintenance of all signs.

13.2. DEFINITIONS

The following definitions are used in this Article.

- A. ANIMATED SIGN. Signs having moving components, which may be mistaken for traffic signal devices or which may diminish the effectiveness of traffic signal devices.
- B. AWNING. A hood or cover which projects from the wall of the building, which can be retracted, folded or collapsed against the face of a supporting structure.
- C. BILLBOARD. An advertising device, either freestanding or attached to a building, which is used to display information not related to the use or ownership of the establishment upon which it is located.
- D. BLANKETING. The unreasonable obstruction of view of a sign caused by the placement of another sign.
- E. CANOPY. Permanent hood or cover, which projects from a wall or building more than eighteen (18) inches.
- F. CHANGEABLE MESSAGE SIGN. A sign whose informational content can be changed or altered by manual or automated means. Changeable Message Signs include the following types:
 - (1) Manually Activated. Any sign whose alphabetic, pictographic or symbolic informational content can only be changed or altered by manual means.
 - (2) Automated Signs. Any sign whose content may be changed by electronic process, including such messages as copy, art, graphics, time, date, temperature, weather or information concerning civic, charitable or the advertising of products or services for sale on the premises. This also includes traveling or segmented message displays.
- G. DIRECTORY SIGN. Shall mean any sign on which the names and locations of occupants or the use of building is given. This shall include offices and church directories.
- H. DIRECTIONAL SIGN. Shall mean any sign, which contains directional information to users of the property (i.e., entrance, exit, parking, etc.)
- I. FLASHING SIGN. Any directly or indirectly illuminated sign on which artificial light is not maintained stationary and constant in intensity and color at all times when in use.

- J. **GROUND AND/OR POLE SIGN.** Any sign which is supported by structures or supports in or upon the ground and independent of support from any building. (Also referred to as "Free" Standing Sign.)
- K. **IDENTIFICATION SIGN.** Any sign that carries only the name of the firm, major enterprise, institution or principal products offered for sale on the premises or combination of these.
- L. **ILLUMINATED SIGN.** A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.
- M. **MEMORIAL SIGNS.** Signs, tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure.
- N. **NONCONFORMING SIGN.** Any sign which was erected legally, but which does not conform to the regulations of this Article.
- O. **OFFICIAL SIGNS.** Any sign erected and maintained by a unit of government, such as traffic control, parking restrictions, information, and notices.
- P. **PORTABLE SIGN.** Any sign not permanently attached to the ground or to a structure which, is designed to be easily moved from one location to another.
- Q. **PROJECTING SIGN.** Any sign extending more than eighteen (18) inches from the face of a wall or building.
- R. **REAL ESTATE SIGN.** Any sign, which is used to offer for sale, lease or rent the property upon which the sign is placed.
- S. **SIGN.** A sign shall include anything that promotes, calls attention or invites patronage or anything similar to the aforementioned) to a business, location, or product.
- T. **TEMPORARY SIGN.** Any sign intended to be displayed for sixty (60) days or less, including real estate, political or construction site signs, and banners, decorative-type displays or anything similar to the aforementioned.

13.3. **SIGN PERMITS REQUIRED**

- A. **PERMITS REQUIRED.**
 No person shall erect, relocate, reconstruct or alter any signs without first having obtained and having in force and effect a permit therefore from the Zoning Administrator unless otherwise provided by this ordinance. Applications for a sign permit shall be made in writing upon forms furnished by the Zoning Administrator. The applicant shall file with the application plans and specifications, and provide information about the sign, including dimensions, materials, illumination, wiring, height above grade, distance from lot line and by whom it shall be erected. Permits are not required for a copy change when no change in business name is involved. Signs in existence at the adoption of this ordinance are considered approved, whether permitted or not, any alteration or

replacement of existing sign or installation of new signs must comply with this ordinance.

B. PERMIT FEES.

A permit fee shall be paid to the Village Clerk for each sign permit issued under this Article, provided, however, that a fee shall not be charged for putting an existing sign in conformity with this Article, or for a copy change when no change in business name is involved. The permit fee shall be in accordance with a fee schedule adopted by resolution of the Village Board.

C. INSPECTION.

The applicant shall, upon completion of the installation, relocation or alteration of the sign, notify the Zoning Administrator who will assure that the sign conforms to the regulations of this Article.

D. REVOCATION OF PERMIT.

The Zoning Administrator may, at any time of a violation of this Chapter, revoke a permit or require changes so that the sign conforms to this Chapter. Applicants with a revoked permit shall be entitled to an appeal before the Zoning Board of Appeals.

13.4 GENERAL RESTRICTIONS

A. SIGNS PROHIBITED IN PUBLIC WAYS.

Except as provided for in Section 13.4(E), no sign shall be placed on any public way, provided that this Section shall not be construed to prohibit the erection or placing of any authorized traffic sign, traffic signal, or other traffic device, or any other sign authorized by law or specifically permitted to project into the public way by this Chapter.

B. SIGNS NOT TO CONSTITUTE A PUBLIC HAZARD.

No sign shall be erected at any location where it may, by reason of its position, shape, color, or other characteristics, interfere, with, obstruct the view of, or be confused with any authorized traffic sign, traffic signal or other traffic device, nor shall any sign make use of the words "stop", "look", "drive-in", "danger", or any other work which could be mistaken for an official sign.

C. ILLUMINATED SIGN.

No sign shall be illuminated by intermittent, rotating or flashing lights. No illuminated sign shall be installed that interferes with visibility or illuminates adjacent residentially zoned properties more than 1.0 foot candles as measured at the property line.

D. CHANGEABLE MESSAGE SIGNS.

Subject to the following:

- (1) (1) Area and Number. There shall be not more than one (1) sign per lot, except that on a corner lot, two (2) signs (one facing each street) shall be permitted. No sign shall exceed sixteen (16) square feet in area, total area of all signs shall not exceed thirty (30) square feet.
- (2) Location. Sign(s) may only be used to advertise goods and/or services conducted on the premises. All sign(s) location(s) shall be

as approved by the Board of Appeals. No sign(s) shall be located closer than seventy-five (75) feet to a residentially zoned lot, unless said sign(s) are screened from view by the resident property. Sign(s) may be illuminated, however no flashing or intermittent lights may be used and provided such sign(s) shall emit a maximum of 1.0 foot-candle along property line abutting residentially zoned properties. No sign or advertising device shall be erected or maintained at the intersection of street in such a manner as to obstruct clear vision of the intersection pursuant to Sect. 15.2 of the zoning code

- (3) Height. No sign shall project higher than one (1) story or fifteen (15) feet above the curb level or established street grade in the absence of a curb level, whichever is lower.

E. PROJECTION.

Signs including supports shall not interfere with traffic. No sign shall extend nearer than three (3) feet to face of a curb or project a maximum of four (4) feet beyond the front of the building, whichever is less. All projecting signs shall maintain a minimum ground clearance of ten (10) feet to the bottom of the sign and a maximum height of twenty (20) feet to the top of sign.

F. BLANKETING.

Blanketing of signs as interpreted by the Zoning Administrator shall not be allowed.

G. INSTALLATION.

All signs shall be properly secured, supported and braced and shall be kept in reasonable structural condition and shall be kept clean and well painted at all times. Bolts or screws shall not be fastened to window frames. Every sign and its framework, braces, anchors and other supports shall be constructed of such material and with such workmanship as to be safe and satisfactory to the Zoning Administrator.

H. WIND PRESSURE AND DEAD-LOAD REQUIREMENTS.

All signs and other advertising structures shall be designed and constructed to withstand a wind pressure of not less than thirty (30) pound per square foot and shall be constructed to support dead loads as required by the Building Code or other ordinances of the Village.

13.5. RESIDENTIAL SIGN STANDARDS

In all residential districts established by this Chapter, the following non-flashing, non-illuminated signs are permitted, upon receipt of approved zoning permit, under the conditions specified:

A. IDENTIFICATION SIGNS.

Subject to the following:

- (1) Area and Content--Residential. There shall be not more than one (1) identification, not exceeding one (1) square foot in area, for each dwelling unit, indicating the name or address of the occupant or a permitted occupation. On a corner lot, two (2) such identification for each dwelling unit (one facing each street) shall be permitted.

- (2) Area and Content-- Nonresidential. For nonresidential buildings, a single identification sign, not exceeding nine (9) square feet in area may be displayed. On a corner lot, two such signs (one facing each street) shall be permitted.
 - (3) Location. Such signs shall be affixed flat against the wall of the building.
 - (4) Height. No sign shall be installed higher than one (1) story or fifteen (15) feet above curb level, whichever is lower.
- B. **SIGNS ACCESSORY TO PARKING AREA.**
Subject to the following:
- (1) Area and Number. Directional signs for parking area shall be permitted pursuant to Sect. 13.5.
 - (2) Location. Sign(s) location(s) shall be as approved by the Board of Appeals. No sign shall create a traffic visibility hazard as defined by Sect. 15.2 or project beyond the property line into the public way.
 - (3) Height. No sign shall project higher than seven (7) feet above curb level or established street grade in the absence of a curb level.
 - (4) Handicap parking. All handicap-parking signs shall comply with the Illinois Vehicle Code or other applicable regulations.
- C. **TEMPORARY SIGNS ACCESSORY TO SUBDIVISION DEVELOPMENTS OR OTHER PERMITTED IMPROVEMENTS IN RESIDENTIAL DISTRICTS.**
- (1) Content. The signs shall be only for the purpose of identification of homes for sale or rent in the subdivision under construction, or for the identification of other nonresidential uses under construction.
 - (2) Number, Area and Setback. No more than two (2) signs shall be permitted for a maximum area of thirty (30) square feet for one sign or fifty (50) square feet for both signs. Signs shall be placed at least thirty-five (35) from all boundaries of the site.
 - (3) Location. No sign shall create a traffic visibility hazard as defined by Sect. 14.2 or project beyond the property line into the public way.
 - (4) Height. No sign may project higher than seven (7) feet above curb level or established street grade in the absence of a curb level.
 - (5) Time Limitations. The sign or signs shall be removed by the applicant or property owner within two (2) years of the date of the approval of the final plat.
- D. **SUBDIVISION IDENTIFICATION SIGNS.**
Subject to the following:
- (1) Content. The signs shall bear only the name of the subdivision or development.
 - (2) Area and Number. There shall be not more than one (1) sign located at each entrance to a subdivision for a maximum number of two (2) signs. No sign shall exceed thirty-two square feet in area except as authorized by the Board of Appeals upon a finding that a specific proposal for a larger sign is compatible with the character of nearby development.

- (3) Location. No sign shall create a traffic visibility hazard as defined by Sect. 14.2 or project beyond the property line into the public way.
- (4) Height. No sign shall project higher than seven (7) feet above curb level or established street grade in the absence of a curb level.

E. **PERMITTED SIGNS; NO PERMIT REQUIRED.**

The following non-illuminated signs are permitted on private property in residential zoning districts without a permit:

- (1) Addresses. Numerals or letters bearing the building address, post box numbers or name(s) or occupants of residential premises.
- (2) Banners. Not to exceed twenty-four (24) square feet in size, displayed for a maximum of 30 days.
- (3) Construction Site Signs. Not to exceed twenty-four (24) square feet in size.
- (4) Flags. Non-illuminated flags, symbols and insignia of any branch of government, except when displayed in connection with commercial promotion. All poles shall not exceed twenty (20) feet above the highest roofline or fifty (50) feet above the natural grade, whichever is lower.
- (5) Garage Sale Signs.
- (6) Memorial Signs.
- (7) Official Signs.
- (8) Political Signs. Not to exceed twelve (12) square feet in size and to be removed no more than 7 days after the pertinent election.
- (9) Real Estate Signs. Not to exceed eight (8) square feet in area which advertise the sale, rental, or lease of the premises upon which said signs are temporarily located.

13.6. **BUSINESS AND INDUSTRIAL SIGN STANDARDS**

Signs are permitted in all Business and Industrial Districts, subject to the following:

A. **NUMBER OF SIGNS PERMITTED.**

No more than two (2) business or industrial signs shall be permitted on the front façade of any business or industrial building, including any advertisement permanently fastened to show windows or display cases. Only one (1) business or industrial sign shall be permitted on each side or rear wall of business or industrial building. In no case shall more than two (2) signs be permitted per business or industry.

B. **LIGHTING.**

Business and industrial signs may be internally lighted or illuminated by a hooded reflector, provided, however, that such lighting shall be arranged to prevent glare and no sign shall be lighted by a light of intermittent or varying intensity.

C. **SIGNS CAUSING OBSTRUCTION PROHIBITED.**

Any sign so erected, constructed or maintained as to obstruct or to be attached to any fire escape, window, door or opening used as means of

ingress or egress, or for fire fighting purposes, or placed so as to interfere with any opening required for ventilation is prohibited.

D. SIGNS AT INTERSECTIONS PROHIBITED.

No sign or advertising device shall be erected or maintained at the intersection of street in such a manner as to obstruct clear vision of the intersection pursuant to Sect. 15.2 of the zoning code.

E. CANOPY/AWNING SIGNS RESTRICTED.

Printing, symbols and emblems shall be permitted on canopies, awnings or covered walks in Business or Industrial Districts, subject to Board of Appeals approval provided that there shall be only one (1) sign, not to exceed five (5) square feet, for each business and that the canopy or awning shall be at least ten (10) feet above ground level.

F. PERMITTED SIGNS, PERMIT REQUIRED.

(1) BUILDING SIGNS.

(a) The total surface display area of business or industrial signs on the front façade of a building shall not exceed in square feet two (2) times the number of linear feet of width of the building frontage to a maximum of one-hundred (100) square feet.

(b) In the case of a building located on a corner lot, a second sign may be permitted on the side, which faces a parking lot or secondary street. Such sign shall not exceed, in square feet, 0.5 times the number of linear feet of length of the building frontage along the parking lot or secondary street with a maximum surface display area not to exceed seventy-five (75) square feet per sign or one-hundred fifty (150) square feet for both front and secondary signs. Said increased permitted display area shall be used only for the erection of a second, permitted sign on the length of the building, which faces the secondary street or parking lot. No more than two (2) signs shall be permitted under the provisions of this paragraph.

(2) **GROUND SIGNS.** Ground signs shall be placed no closer than one (1) foot to the street right of way, shall not create a traffic visibility hazard as defined by Sect. 15.2 and shall not exceed fifty (50) square feet in area. Ground signs shall not exceed twenty (20) feet in height above the mean centerline street grade.

(3) **PROJECTING SIGNS.** Shall comply with Sect. 13.4(E)

(4) **DIRECTORY SIGNS.** In cases of multi-use/multiple tenant buildings, shopping centers or industrial parks, one free-standing Directory sign may be permitted on the principal front of the property identifying the name of said building or park and represented businesses, industries or tenants located therein. The area of said sign shall not exceed sixty (60) square feet. Said sign shall not exceed ten (10) feet in height to the top of the sign or be permitted within ten (10) feet of the right-of-way line of the street.

- (5) **DIRECTIONAL SIGNS.** Necessary directional ground signs, which shall not exceed four (4) square feet in area per sign, shall be permitted. Permission to erect such signs must be obtained from the Board of Appeals. The area and number of Directional signs shall be excluded from the total allowable surface area and maximum number of signs permitted.
- (6) **SIGNS ACCESSORY TO ROADSIDE STANDS.** Subject to the following:
 - (a) **Content.** The signs shall be only for the purpose of identification of the roadside stand and advertising the agricultural products for sale therein.
 - (b) **Area and Number.** The signs shall be on the same zoning lot as the roadside stand, and shall be not more than four (4) square feet in area nor be closer than twenty-five (25) feet to any other zoning lot.
 - (c) **Location.** No sign shall create a traffic visibility hazard as defined by Sect. 15.2 or project beyond the property line into the public way.
 - (d) **Height.** No sign shall project higher than nine (9) feet above curb level or established street grade in the absence of a curb level.
 - (e) **Other Permit(s).** All roadside stands are subject to obtaining a direct sellers permit and/or comply with other regulations as required by Village Code.
- (7) **CHANGEABLE MESSAGE SIGNS.** Subject to the following:
 - (a) **Area and Number.** There shall be not more than one (1) sign per lot. No sign shall exceed sixteen (16) square feet in area nor be closer than eight (8) feet to any other zoning lot.
 - (b) **Location.** Sign(s) location(s) shall be as approved by the Zoning Administrator. Sign(s) shall be non-illuminated and shall not create a traffic visibility hazard as defined by Section 11-15-2 of this title or project beyond the property line into the public way. (Ord. 530, 6-10-10)
 - (c) **Height.** No sign shall project higher than one story or fifteen feet (15') above the curb level or established street grade in the absence of a curb level, whichever is lower. (Ord. 530, 6-8-10)
 - (d) **Display and Content.** Such signs may be used only to advertise activities conducted on the premises or present public service information. Segmented messages must be displayed for not less than one-half (1/2) second and more than ten (10) seconds. Traveling messages may travel no slower than sixteen (16) light columns per second and no faster than thirty-two (32) columns per second.(Ord. 530, 6-8-10)

G. PERMITTED SIGNS; NO PERMIT REQUIRED.

The following non-illuminated signs are permitted in business and industrial zoning districts without a permit:

- (1) Addresses. Numerals or letters bearing the building address, post box numbers or name(s) or occupants of residential premises.
- (2) Banners. Not to exceed twenty-four (24) square feet in size, displayed for a maximum of 30 days.
- (3) Construction Site Signs. Not to exceed twenty-four (24) square feet in size.
- (4) Flags. Non-illuminated flags, symbols and insignia of any branch of government, except when displayed in connection with commercial promotion. All poles shall not exceed twenty (20) feet above the highest roofline or fifty (50) feet above the natural grade, whichever is lower.
- (5) Memorial Signs.
- (6) Official Signs.
- (7) Political Signs. Not to exceed twelve (12) square feet in size and to be removed no more than 7 days after the pertinent election.
- (8) Real Estate Signs. Not to exceed eight (8) square feet in area which advertise the sale, rental, or lease of the premises upon which said signs are temporarily located.
- (9) Portable signs. Not to exceed six (6) square feet in area per side or three (3) feet in height . No portable sign shall obstruct or impair access to a public sidewalk, public or private street or driveway, traffic control sign, bus stop, fire hydrant, or any other type of street furniture, or otherwise create a hazard, including a tripping hazard. Signs shall be designed to be stable under all weather conditions, including high winds.

13.7. PROHIBITED SIGNS

The following signs are not permitted anywhere in the Village:

- A. No sign will be permitted that resembles that size, shape, form or color of official traffic control, signals or devices.
- B. Except as may be provided elsewhere in this chapter, no person shall park any vehicle or trailer on a public right of way or public property or on private property so as to be seen from a public right of way, which has attached thereto or located thereon any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business activity located on the same or nearby property or any other premises.
- C. This section shall not prohibit “For Sale” signs on vehicles for sale provided the vehicle is not parked on a public right of way.

- D. No billboards may be erected in the village.
- E. Roof signs
- F. Animated or flashing signs
- G. Attention-getting devices including searchlights, propellers, pennants, streamers, ribbons, strings of light bulbs, spinners, balloons and similar devices, except for special occasions such as grand openings, and then only after having obtained a permit from the Zoning Administrator; and such permit shall be limited to 14 days.
- H. Signs that contain statements, words or pictures of an obscene, indecent or immoral character, such as those that will offend public morals or decency; and signs that advertise illegal activities or items.
- I. Any sign or sign structure that constitutes a hazard to public health or safety and signs that are structurally unsafe or in disrepair.
- J. Signs that by reason or size, location, content, coloring or manner of illumination obstruct the vision of drivers, or obstruct or detract from the visibility or effectiveness or any traffic sign or other traffic-control device on public streets and roads.
- K. Any sign otherwise installed or maintained in violation of this chapter.

13.8. REMOVAL OF DANGEROUS SIGNS; VIOLATIONS.

- A. **REMOVAL.**
All signs shall be removed by the owner or lessee of the premises upon which the sign is located when a business which it advertises has not been conducted for a period of three (3) months or when, in the judgement of the Zoning Administrator, such sign is so old, dilapidated or has become so out of repair as to be dangerous or unsafe, whichever occurs first. If the owner or lessee fails to remove it, the Zoning Administrator may require the removal of the sign at cost of the owner, following adequate written notice.
- B. **ALTERATIONS.**
Any sign, which was erected before the adoption of this sign Article, shall not be rebuilt or relocated without conforming to all of the requirements of this Article.
- C. **VIOLATIONS.**
All signs, including dangerous and abandoned signs, constructed or subsequently maintained in violation of any of the provisions of this Article are hereby declared public nuisance within the meaning of this

Code of Ordinances. The Village Board or Zoning Administrator may bring an action to abate the nuisance or cause its removal, in the manner set forth in Illinois Statutes.

13.9. VARIANCES OR EXCEPTIONS.

Variations or exceptions to these sign regulations may be granted by the Board of Appeals.

13.10. NONCONFORMING SIGNS

A. SIGNS ELIGIBLE FOR CHARACTERIZATION AS LEGAL NONCONFORMING.

Any sign located within the Village of Stockton limits of the date of adoption of this Chapter or located in an area annexed to the Village of Stockton hereafter which does not conform with the provision of this Article is eligible for characterization as a legal nonconforming sign and is permitted, provided it also meets the following requirements:

- (1) The sign was covered by a proper sign or zoning permit prior to the date of adoption of this Sign Code.
- (2) If no permit was required under the applicable law for the sign in question and the sign was in all respects in compliance with applicable law on the date of adoption of this Sign Code.

B. LOSS OF LEGAL NONCONFORMING STATUS.

A sign loses its legal, nonconforming status if one (1) or more of the following occurs:

- (1) The sign is structurally altered in any way, except for normal maintenance or repair;
- (2) The sign is relocated;
- (3) The sign fails to conform to the Village requirements regarding maintenance and repair, abandonment or dangerous or defective signs;
- (4) On the date of occurrence of any of the above, the sign shall be immediately brought in compliance with the Article or shall be removed.

C. LEGAL NONCONFORMING SIGN MAINTENANCE AND REPAIR.

Nothing in this Article shall relieve the owner or uses of a legal nonconforming sign or the owner of the property in which the sign is located from the provisions of this Article regarding safety, maintenance and repair or signs.

13.11 SIGNS REQUIRING A SPECIAL USE PERMIT:

/A. OFF-PREMISES BUSINESS SIGNS.

- (1) Off-premises business signs shall be a permitted special use;

however, they can only be erected when the special need for the off-premises business sign can be duly demonstrated to the Zoning Board of Appeals pursuant to a petition and are subject to the guidelines of this section.

- (2) The size of all off-premises business signs shall be subject to the provisions found elsewhere in this chapter.
- (3) No owner or user of an off-premises business sign shall be permitted to increase the total gross surface area of any such sign without approval from the Zoning Board of Appeals.
- (4) A special use permit for off-premises business signs shall be granted for a ten year period.

ARTICLE XIV

FENCES AND HEDGES

14.1 PURPOSE

The purpose of this Article is to establish minimum standards to safeguard life and property and promote public welfare and community aesthetics by regulating the appearance, construction, location and maintenance of all fences and hedges.

14.2 DEFINITIONS - FENCES AND HEDGES

- A. **DECORATIVE FENCE.** A fence not exceeding a height of thirty-six (36) inches from ground level, made of material other than wire, metal, chain or poured concrete, and constructed in a substantially open pattern (such as a weave or board-and-space pattern) and not solid pattern (such as a block, concrete, or privacy pattern).
- B. **FENCE.** Any enclosure or barrier, solid or otherwise, made of wood, iron, stone or other material, as around or along a yard, walkway, field, or other area, and shall include "decorative fence."
- C. **HEDGE.** A row of bushes or small trees planted close together which may form a barrier, enclosure or boundary.
- D. **RETAINING WALL.** A solid barrier of any material constructed to hold back a mass of earth. A retaining wall greater than thirty-six (36) inches in height shall be considered a fence for purposes of this Section.

14.3 FENCE STANDARDS

- A. **RESIDENTIAL FENCES**
Residential fences are permitted in residential districts but shall not in any case exceed a height of six (6) feet. No fence or portion of a fence shall be constructed within the front setback area of a building; provided, however, that a decorative fence may be constructed in the front setback area. Fences may be constructed alongside lot lines but shall not extend into the front setback area as extended to the side lot lines. No residential fence shall be placed closer than 2 feet from the property line unless written consent is obtained from the abutting property owner and a variance granted by the Zoning Board of Appeals.
- B. **SECURITY FENCES.**
Security fences are permitted on the property lines in all districts except residential districts but shall not exceed ten (10) feet in height and shall be of an open type similar to woven wire or wrought iron fencing. The Village Board may approve security fencing in residential districts for permitted civic, cultural and institutional uses if the Board finds that such fencing is necessary for security or safety reasons.
- C. **PROHIBITED FENCES.**
No fence shall be constructed which creates a dangerous condition, or which conducts electricity or is designed to electrically shock or which uses barbed wire; provided, however, that barbed wire may be used in

industrially zoned areas if the devices securing the barbed wire to the fence are ten (10) feet above the ground or higher and project toward the fenced property and away from any public area.

D. FENCE MAINTENANCE.

All fences shall be maintained and kept safe and in a state of good repair, and the finished side or decorative side of a fence shall face adjoining property.

14.4 FENCES AROUND SWIMMING POOLS

In-ground swimming pools, and swimming pools having an above ground sidewall height of eighteen (18) inches or more either permanently installed or filled for periods of thirty (30) days or more, shall be fenced as follows:

A. FENCE HEIGHT.

For in-ground pools and above ground pools that have sidewalls less than four (4) feet in height from natural grade, the fence shall have a minimum height of four (4) feet and be located a minimum of 4 feet from the sidewall. Above ground pools with sidewalls four (4) feet or greater in height do not require fences, however pool access(es) must be gated and locked or removed and secured when pool is not in use so as to prevent unauthorized use.

B. LOCKED GATES.

All fence gates shall be locked or secured to prevent entry when the pool is not in use so as to prevent uncontrolled access to the pool area.

C. FULL ENCLOSURE.

The fence and/or surrounding structures shall enclose the entire pool area, comply with zoning setback requirements and shall be installed prior to use of the pool.

14.5 HEDGES

The height and setback for hedges shall be the same as outlined for fences in Sections 14.3 (A) and 14.3 (B) hereof; provided, however, hedges three (3) feet in height or less, from sidewalk level, may be kept in the front setback area, and provided further that no hedge shall be permitted in the terrace area or, where no terrace exists, within four (4) feet of any street or alley. Hedges shall be trimmed and maintained.

14.6 TEMPORARY FENCES

Fences erected for the protection of planting, or to warn of construction hazards, or for similar purposes, shall be clearly visible or marked with colored streamers or other such warning devices at four (4) foot intervals. Such fences shall comply with the setback requirements set forth in Sections 14.3 (A) and 14.3 (B). The issuance of a permit shall not be necessary for temporary fences as described herein, but said fences shall not be erected for more than one hundred eighty (180) days.

14.7 **NONCONFORMING FENCES AND HEDGES**

Any fence or hedge existing on the effective date of this Municipal Code and not in conformance with this Article may be maintained, but no alteration, modification or improvement of same shall be permitted unless as a result of such alteration, modification or improvement said fence shall comply with this Section.

ARTICLE XV

TRAFFIC, PARKING, AND ACCESS

15.1. PURPOSE

The purpose of this Article is to establish minimum standards to safeguard life and property and promote public welfare and community aesthetics by regulating the provision of loading areas and off-street parking areas and by controlling access to public streets and highways.

15.2. TRAFFIC VISIBILITY

No obstructions, such as structures, parking, fencing or vegetation, shall be permitted in any district between the heights of three and one-half (3-1/2) feet and ten (10) feet above the mean top of curb height within intersection vision triangles along all existing and proposed streets and alleys. Vision triangles are defined by three points: the point where two right-of-way lines intersect, and the points 35 feet from that intersection along each right-of-way line. Vision triangles on North Avenue and Main Street shall be larger due to the greater speed and volume of traffic – these triangles shall be defined by the corner intersection and points fifty (50) feet from that intersection. This greater restriction shall not apply within the B-C Business District.

15.3. LOADING REQUIREMENTS

A. REQUIREMENT.

In all districts adequate loading areas shall be provided so that all vehicles loading, maneuvering, or unloading are completely off the public ways and so that all vehicles need not back onto any public way.

B. SITE AND LOCATION.

Each loading space shall be not less than twelve (12) feet in width, thirty-five (35) feet in length, and have a minimum vertical clearance of fourteen (14) feet, and may occupy all or any part of any required yard.

C. **REQUIRED NUMBER OF OFF-STREET LOADING SPACES.**

Uses	Square Feet of Gross Floor Area	Required Off-Street Loading Spaces
School	-	1
Hospital	Under 10,000	None
	From 10,000 - 30,000	1
	For Each Additional 30,000 or Major Fraction Thereof	1 additional
Funeral Home	-	1
Office, Hotel, Retail Service, Wholesale, Warehouse, Manufacturing, Processing or Repairing Uses	Under 10,000	None
	From 10,000 - 25,000	1
	From 25,000 - 40,000	2
	From 40,000 - 60,000	3
	From 60,000 - 100,000	4
	50,000 or Major Fraction Thereof	1 additional

15.4. **PARKING REQUIREMENTS**

In all districts and in connection with every use, there shall be provided at the time any use or building is erected, enlarged, extended, or increased off-street parking stalls for all vehicles in accordance with the following:

A. **ACCESS.**

Adequate access to a public street shall be provided for each parking space, and driveway openings shall be at least ten (10) feet wide for one and two family dwellings and a minimum of twenty-four (24) feet for all other uses.

B. **SIZE.**

Size of each parking space shall be not less than one hundred eighty (180) square feet exclusive of the space required for ingress and egress.

C. **LOCATION.**

Location to be on the same lot as the principal use or not over four hundred (400) feet from the principal use. No commercial or industrial parking stall or driveway shall be closer than twenty-five (25) feet to a residential district lot line or a street line opposite a residential district.

D. **SURFACING.**

All off-street parking areas shall be graded and surfaced so as to minimize dust and be properly drained, except that parking areas in the R-M, B-C, B-H, I-L, and I-G Districts shall be paved. Any parking area for more than five (5) vehicles shall have the aisles and spaces clearly marked.

E. **CURBS.**
Curbs or barriers shall be installed so as to prevent the parked vehicles from extending over any lot lines.

F. **NUMBER OF STALLS.**
Number of parking stalls required are shown in the following table:

Use	Minimum Parking Required
Single-family dwellings and mobile homes	2 stalls for each dwelling unit
Multi-family dwellings	2 stalls for each dwelling unit
Hotels, motels	1 stall for each guest room plus 1 stall for each 3 employees
Hospitals, dormitories, clubs, lodges, sororities, dormitories, lodging and boarding houses	1 stall for each 2 beds plus 1 stall for each 3 employees
Sanitariums, institutions, rest and nursing homes	1 stall for each 5 beds plus 1 stall for each 3 employees
Medical and dental clinics	3 stalls for each doctor
Churches, theaters, auditoriums, community centers, vocational and night schools, and other places of public assembly	1 stall for each 5 seats
Colleges, secondary and elementary schools	1 stall for each 2 employees plus 1 stall for each 15 students of 16 years of age or more
Restaurants, bars, clubs and lodges, places of entertainment, repair shops, retail and service stores	1 stall for each 150 square feet of floor area
Manufacturing and processing plants, laboratories, and warehouses	1 stall for every 3 employees; number of employees shall be construed to mean the maximum number on the premises at one time.
Financial institutions, business, government and professional offices	1 stall for each 300 square feet of floor area
Funeral homes	1 stall for each 4 seats plus 1 stall for each vehicle used with the business.
Bowling alleys	5 stalls for each alley

G. **USES NOT LISTED.**
In the case of structures or uses not mentioned, the provision for a use that is similar shall apply.

H. **COMBINED USES.**
Combinations of any of the above uses shall provide the total of the number of stalls required for each individual use.

I. **HANDICAPPED PARKING REQUIREMENTS.**

In addition to any other requirements relating to parking spaces contained in these ordinances, the provisions contained in the Illinois Vehicle Code pertaining to handicapped parking are hereby adopted by reference and made applicable to all parking facilities whenever constructed.

15.5. **DRIVEWAYS**

All driveways installed, altered, changed, replaced, or extended after the effective date of this Chapter shall meet the following requirements.

A. **ISLANDS.**

Islands between driveway openings shall be provided with a minimum of twelve (12) feet between all driveways and six (6) feet at all lot lines.

B. **OPENINGS.**

Openings for vehicular ingress and egress shall be at least ten (10) feet wide at the property line for residential properties, and a minimum of sixteen (16) feet wide at the property line for all other uses, but shall not exceed twenty-four (24) feet at the property line and thirty (30) feet at the curb opening.

15.6. **HIGHWAY ACCESS**

No direct private access shall be permitted to the existing or proposed rights-of-way of expressways, nor to any controlled access arterial street without permission of the highway agency that has access control jurisdiction.

A. **RESTRICTED ACCESS.**

No direct public or private access shall be permitted to the existing or proposed rights-of-way of the following:

- (1) Freeways, Interstate Highways, and their interchanges or turning lanes nor to intersecting or interchanging streets within fifteen hundred (1500) feet of the most remote end of the taper of the turning lanes.
- (2) Arterial Streets intersecting another arterial street within one hundred (100) feet of the intersection of the right-of-way lines.
- (3) Streets intersecting an arterial street within fifty (50) feet of the intersection of the right-of-way lines.

B. **ACCESS BARRIERS.**

Access barriers, such as curbing, fencing, ditching, landscaping, or other topographic barriers, shall be erected to prevent unauthorized vehicular ingress or egress to the above specified streets or highways.

C. **TEMPORARY ACCESS.**

Temporary access to the above rights-of-way may be granted by the Board of Appeals after review and recommendation by the highway agencies having jurisdiction. Such access permit shall be temporary, revocable, and subject to any conditions required and shall be issued for a period not to exceed twelve (12) months.

15.7. OFF-STREET PARKING RESTRICTIONS IN RESIDENTIAL DISTRICTS

A. WHERE PERMITTED.

Unless the district regulations provide otherwise, off-street vehicle parking is permitted in the following yards of property in a residentially zoned district:

- (1) A rear yard.
- (2) A side yard not adjoining a street.
- (3) A front yard, but only on one paved or graveled driveway not exceeding twenty (20) feet in width and for not more than two (2) vehicles parked not nearer than five (5) feet to a front property line or six (6) feet to a side lot line.

B. EXCEPTIONS GRANTED.

Regardless of the provisions of Subsection (a) above, the Board of Appeals may permit off-street vehicle parking in any yard of a residential development where the overall housing plan and design for such development, in the judgment of the Board of Appeals, is substantially improved thereby, as compared to where off-street parking is limited by Subsection (a) above, and where sole access from such development is to local and collector streets. In this paragraph, "substantially improved" means a substantial increase in the value of the property. No such permission shall be granted for any residential development which is adjacent to either a public right-of-way or other residences unless sufficient and suitable screening is provided so as to prevent, to as great a degree as practicable, direct view of such off-street parking areas from such adjacent areas.

C. VEHICLE LIMITATIONS:

- (1) In a residential district, accessory off-street parking facilities provided for uses listed herein shall be solely for the parking of passenger automobiles and not more than two (2) trucks limited to one (1) ton capacity.
- (2) All vehicles parked on a residential lot shall be in condition for safe and effective performance of the function for which they are designed.
- (3) All motor vehicles parked on a residential lot shall display current license plates.
- (4) Recreational vehicles may not be parked in front yards or between the house and the street, with an exception granted for the limited parking of such vehicles for loading, unloading, cleaning, and servicing. Such temporary parking is limited to 5 days per calendar month. Side yard or rear yard parking of such vehicles is permitted, but no less than 6 feet from an adjoining residence.
- (5) Farm/Industrial Equipment will not be allowed.

ARTICLE XVI

NONCONFORMING USES, STRUCTURES, AND LOTS

16.1. NONCONFORMING LOTS OF RECORD

Any lot lawfully platted and recorded prior to January 1, 2008, which does not comply with the lot size requirements of the district in which it is located as to lot area and lot width, may be used for the erection of a building intended for a use permitted in the district in which the lot is located provided that such building complies with all setback and other applicable requirements of this Ordinance.

16.2. NONCONFORMING BUILDINGS OR STRUCTURES

A lawfully existing, nonconforming building or structure which does not contain any non-conforming use, but which does not comply with the applicable setback requirements or building bulk regulations in the district in which it is located, may be continued except as otherwise described by this Article. Non-conforming buildings and structures shall be subject to the following regulations:

A. ENLARGEMENT, REPAIR OR ALTERATION

- (1) A non-conforming building or structure may be enlarged, maintained, repaired or structurally altered. No such enlargement, maintenance or repair, or structural alteration shall create either an additional nonconformity or increase the degree of the existing non-conformity of all or any part of the building or structure. Damaged or destroyed buildings or structures shall be subject to the restrictions contained in Paragraph B of this section.
- (2) Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of a building or other structure (other than a damaged or destroyed building or other structure subject to the provisions of Paragraph B of this section) in accordance with the order of a public official who is charged with protecting the public safety and who declares such building or other structure to be unsafe and orders its restoration to a safe condition.

B. DAMAGE OR DESTRUCTION

In the event that a non-conforming building or structure is damaged or destroyed by any means, such building or structure may be restored or reconstructed, providing such restoration is on the existing footing of such buildings or structures. If such restoration or reconstruction is not on the existing footing, then such building shall not be restored unless it shall thereafter conform to the regulations for the district in which it is located.

C. MOVING

No non-conforming building or structure shall be moved in whole or in part for any distance to any location on the same or any other lot unless the entire building or structure shall then conform to the regulations of the district in which it is located after being moved.

16.3. NONCONFORMING USES

When the applicable district regulations do not allow as a permitted use either an existing use of part or all of a building or other structure, or an existing use of land not involving a building or structure, such existing use may be continued except as otherwise described by this Article

A. CHANGE

- (1) A non-conforming use of a building or other structure, all or substantially all of which was designed or intended for a use which is not permitted in the district of which it is located, shall not be changed to any use other than a use permitted in the district in which the land is located. When a non-conforming use has been changed to a permitted use, it shall not thereafter be changed back to a nonconforming use.
- (2) 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 land, shall not be changed to any other use, except to a use permitted in the district in which the land is located.
- (3) A non-conforming use in effect at the time an amendatory ordinance becomes effective shall be discontinued and not re-established, except when the provisions of the amendatory ordinance find the use to be conforming to the district in which it is located.

B. DISCONTINUANCE

In the event that operation of a non-conforming use of land, building or structure is discontinued for twelve (12) months, such nonconforming use shall not thereafter be re-established, and any subsequent use or occupancy of such land shall conform to the regulations of the district of which it is located. Intent to resume active operation shall not affect the foregoing restriction.

C. NON-CONFORMING ACCESSORY USE

No non-conforming accessory use shall continue after the principal use to which it is necessary has been abolished.

16.4. EXISTING SPECIAL USES

Where a use exists on the date that this Ordinance becomes effective and is permitted by this Ordinance only as a special use in the district in which it is located, such use shall not be deemed a non-conforming use, but, shall, without any further action, be deemed a lawful special use in such district. However, no such lawful special use shall be substantially expanded unless a supplemental special use permit is secured in accordance with the provisions of Section 18.7 of this Ordinance.

ARTICLE XVII

GENERAL PROVISIONS

- 17.1 Reserved for Future Use
- 17.2 Reserved for Future Use
- 17.3 Reserved for Future Use
- 17.4 Reserved for Future Use
- 17.5 Reserved for Future Use
- 17.6 Reserved for Future Use

ARTICLE XVIII

ADMINISTRATION AND ENFORCEMENT

18.1. ORGANIZATION

The administration of this ordinance is hereby vested in the following:

- A. ZONING ADMINISTRATOR
- B. ZONING BOARD OF APPEALS

18.2. ZONING ADMINISTRATOR

The Zoning Administrator is hereby designated to enforce this Ordinance, and in furtherance of such authority shall receive and review applications for permits to erect buildings or structures, or to alter or remodel existing buildings or structures, and shall have the power to make orders, requirements, decisions and determinations with respect to the enforcement of the terms of this Ordinance and to:

- A. Administer all procedures concerning permits when such permits are required by this ordinance, and in connection therewith shall:
 - (1) Review all applications for construction permits required herein; issue such permits for application conforming with the regulations of this ordinance; and make such periodic inspections during construction as may be necessary to insure compliance with this ordinance;
 - (2) Upon completion of construction, or upon application for an occupancy permit for a change of use, inspect the premises and issue an occupancy permit if such construction or change of use complies with the regulations of this ordinance;
 - (3) Review applications for temporary occupancy permits and issue such temporary occupancy permits for applications conforming to the regulations of this ordinance;
 - (4) Maintain records of all applications and permits.
 - (5) Make such investigations, decisions, determinations and requirements; and issue such violation notices and compliance orders as are necessary to enforce this ordinance, and keep records of such notices and orders;
 - (6) Decide or make recommendations on all other matters under this ordinance upon which the Zoning Administrator is required to act;
 - (7) Receive petitions for variations, amendments, and special use permits that are to be referred to the Zoning Board of Appeals or other appropriate reviewing body;
 - (8) Maintain permanent and current records of this ordinance, including, but not limited to, all maps, amendments, special uses, variations, appeals and applications therefore; revise the Zoning District Map to show all amendments thereto; and maintain for public inspection a record of all special uses granted indicating the nature of the special

use, conditions of approval, and the date of the hearing on such special use;

- (9) Maintain and provide public information relative to all matters arising out of this ordinance; and
- (10) Collect fees as authorized by Village Board.

B. DELEGATION OF DUTIES.

The Zoning Administrator may delegate the duties set forth in this article to persons under his/her supervision.

18.3. ZONING BOARD OF APPEALS

A. CREATION.

The Zoning Board of Appeals of the Village of Stockton (“Zoning Board”) is hereby created in accordance with Illinois law, including 65 ILCS 5/11-13-3.

B. MEMBERSHIP AND TERM OF OFFICE.

(1) Appointment of Zoning Board: The Village President, with advice and consent of the Village Board shall appoint a Zoning Board of Appeals consisting of seven (7) members. One of the members so appointed shall be named as chairman at the time of his appointment, and in case of vacancy the Village President shall designate a chairman.

(2) Terms of Membership on Zoning Board: The Zoning Board shall consist of seven members to serve, respectively, for the following initial terms:

- (a) one member for one year;
- (b) one member for two years;
- (c) one member for three years;
- (d) one member for four years;
- (e) one member for five years;
- (f) one member for six years; and
- (g) one member for seven years.
- (h) Thereafter, each member of the zoning Board shall serve for a term of five years.

C. RESIDENCY OF MEMBERS OF ZONING BOARD.

All members of the Zoning Board shall be residents of the Village of Stockton or shall own property in the Village of Stockton.

D. ALTERNATE MEMBERS OF THE ZONING BOARD.

The Village President may appoint two persons to the Zoning Board, subject to confirmation by majority vote of the members of the Village Board, who shall serve as alternates for the other seven members of the board. Such alternates shall serve respectively, for the following initial terms:

- (a) One alternate for four years;
- (b) One alternate for five years.

- E. Thereafter each alternate member of the Zoning Board shall serve a term of five years.
- F. **ALTERNATE MEMBERS.**
Alternate members, if appointed, shall serve as members of the Board only in the absence of regular members, with the alternate member who has the greatest amount of time remaining in his or her term to have priority over the other alternate members in determining which alternate member shall serve in the absence of a regular member.
- G. **REMOVAL.**
The Village President shall have the power to remove any member the Zoning Board for cause, after a public hearing.
- H. **VACANCIES ON ZONING BOARD.**
Vacancies shall be filled by the Village President for the unexpired term of any member whose place has become vacant.
- I. **JURISDICTION AND AUTHORITY.**
The Zoning Board is hereby vested with the following jurisdiction and authority.
 - (1) Appeals of an Administrative Decision Interpreting/Enforcing the Ordinance: Hear and decide appeals from and review any order, requirement, decision or determination made by the Zoning Administrator. See Section 18.4.
 - (2) Variation: To hear applications for variations from strict application of this ordinance, and, after the public hearing, report its finding(s) and make its recommendation(s) to the Village Board. See section 18.5.
 - (3) Special Use Permits: To hear applications for special use permits, and, after the public hearing, report its finding(s) and make its recommendation(s) to the Village Board.. See Section 18.7
 - (4) Amendments: To hear applications for amendment(s) to this ordinance, in the manner set forth and under the standards established in Section 18.6 herein and, after the public hearing, report its finding(s) and make its recommendation(s) to the Village Board. The Village Board may accept or reject, in whole or in part, the finding(s) and/or recommendation(s) of the Zoning Board on such applications for amendment(s), and may refer any such application back to the Zoning Board for further hearing(s), finding(s), and/or recommendation(s).
 - (5) Other Matters: To hear and decide, or to hear and make recommendations to the Village Board, all matters referred to it or upon which it is required to pass under this ordinance, and in accordance with Illinois law.
- J. **MEETINGS AND RULES.**
 - (1) All meetings of the Zoning Board shall be held at the call of the Chairperson, and at such times and places within the Village as the Zoning Board may determine.
 - (2) All meetings of the Zoning Board shall be open to the public.

- (3) The Zoning Board shall keep minutes of its proceedings showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact, and shall also keep records of its examinations and other official actions.
- (4) Every rule, regulation, every amendment or repeal thereof, and order, requirement, decision or determination of the Zoning Board shall immediately be filed in the office of the Board and shall be a public record.
- (5) The Chairman, or in his absence the acting Chairman may administer oaths and compel the attendance of witnesses.

K. NOTICE OF HEARING.

Where a public hearing before the Zoning Board is required by this Ordinance, unless otherwise specified to the contrary elsewhere in this Ordinance, notice of each hearing shall be published at least 15 days in advance thereof in a newspaper of general circulation published in the Village.

L. ZONING BOARD EXPENSES.

In the performance of its duties, the Zoning Board may incur such expenses as are authorized by the Village Board.

M. COMPENSATION OF THE ZONING BOARD.

The members of the Zoning Board shall be compensated on a per diem basis, the amounts to be determined by the Village Board. The per diem funds are to be generated through zoning fees.

N. DECISIONS OF THE ZONING BOARD.

The concurring vote of 4 members of the Board is necessary to reverse any order, requirement, decision or determination of the Zoning Administrator, or to decide in favor of the applicant any matter upon which it is required to pass under any such ordinance or resolution, or to effect any variation in such ordinance or resolution to the Village Board. All final administrative decisions of the Zoning Board hereunder shall be subject to judicial review pursuant to the provisions of the Administrative Review Law (725 ILCS 5/3-101 et seq.) and all amendments and modifications thereof, and the rules adopted pursuant thereto. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure. (735 ILCS 5/3-101).

18.4. ADMINISTRATIVE APPEALS

A. PERSONS WHO MAY APPEAL.

An appeal may be taken to the Zoning Board of Appeals by any person aggrieved or by an officer, department, board or bureau of the Village of Stockton affected by any order, requirement, decision, or determination of the Zoning Administrator relative to the interpretation of this Ordinance.

B. REQUEST FOR CONSIDERATION.

Prior to taking of an appeal, the aggrieved person may file, within thirty (30) days of the decision, a request for reconsideration with the office of the Zoning Administrator. The request for reconsideration shall specify the

grounds for the request. Upon receipt of the request for reconsideration, the Zoning Administrator shall, within thirty (30) days, prepare a written answer to the aggrieved person's request. Such answer shall include findings of fact, conclusions, and a final decision. This document shall be signed by the Zoning Administrator and thereafter forwarded to the aggrieved person.

C. **PROCEDURE FOR APPEALS.**

(1) An appeal stays all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Zoning Board, after the notice of appeal has been filed, that by reason of the facts stated in the certificate, a stay would, in the Zoning Administrator's opinion, cause an eminent 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 Zoning Board or by a court on application, on notice to the Zoning Administrator and on due cause shown.

(2) The Zoning Board shall fix a reasonable time for the hearing of the appeal.

D. **DECISION OF APPEALS.**

The Zoning Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be made in the premises, and to that end shall have all the powers of the Zoning Administrator.

E. **FINALITY OF ZONING DECISIONS FOR ADMINISTRATIVE APPEALS.**

All administrative decisions of the Zoning Board hereunder may be appealed to the Village Board. The decision of the Village Board shall be final.

F. **RECORDS OF APPEALS:**

The Zoning Administrator shall maintain complete records of all actions of the Zoning Board with respect to appeals, and shall keep the Village Board informed on current basis of the disposition of each case.

18.5. **VARIATIONS**

The Village Board may determine and vary the application of the regulations imposed by this Ordinance in harmony with their general purpose and intent and in accordance with general or specific rules therein contained in cases where there are practical difficulties or particular hardship in the way of carrying out the strict letter of any of such regulations relating to the use, construction or alteration of buildings or structures or the use of land.

A. **ADMINISTRATIVE VARIATION AS TO LOCATION OR BULK OF STRUCTURES.**

If an application is made for a variation of ten percent (10%) or less of the regulations of this ordinance governing the location of structures or as to the bulk requirements under this ordinance, such variation may be granted

by the Zoning Administrator without a public hearing, provided that, before such variation is granted, a Notice of Intent to grant such is sent by certified mail to all adjoining landowners, and no adjoining landowner files a written objection with the Zoning Administrator within fifteen (15) days of receipt of such Notice of Intent. If within fifteen (15) days after receiving such Notice of Intent, an adjoining landowner files a written objection to such variation with the Zoning Administrator, then the requested variation shall be heard at a public hearing by the Board of Appeals and decided by the Village Board in accordance with this Article.

B. PROCEDURE FOR VARIATIONS

- (1) Authority to Grant Variations. All variations, except for Administrative Variations as described herein, shall be made only by the Village Board and only following a public hearing before the Board of Appeals
- (2) Applications for Variations.
 - (a) Filing of Application. An application for a variation shall be filed with the Zoning Inspector on a form prescribed by the Village.
 - (b) Application Information. Applications for variations shall be made in duplicate to the Zoning Inspector on forms furnished by the Zoning Inspector and shall include the following:
 - (i) Names and Addresses of the applicant, owner of the site, architect, professional engineer, contractor, and all opposite and abutting property owners of record.
 - (ii) Description of the Subject Site by lot, block, and recorded subdivision or by metes and bounds; address of the subject site; type of structure; proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
 - (iii) Plat of Survey prepared by a registered land surveyor showing the actual dimensions of the lot or lots to be built upon, the size of the building or structure to be erected or structurally altered, and its location on the lot or lots.
 - (iv) A site plan showing information as may be necessary to determine and provide for an enforcement of this Chapter, including a plan showing contours and vegetative cover, specifications for areas of proposed filling, grading, and lagooning; location of buildings, parking areas, traffic access, driveways, walkways, open spaces and landscaping; plans of buildings, sewage disposal facilities, water supply systems and arrangements of operations.
 - (v) Additional Information as may be required by the Board of Appeals, Village Engineer, Zoning, Building, Plumbing, or Health Inspectors.

- (3) Public Hearing. The Zoning Administrator shall deliver the application to the Zoning Board who shall hold a public hearing on each application for a variation at such time and place as shall be established by the Zoning Board.
- (4) Standards for Variations. The Zoning Board of Appeals shall make findings of fact based upon the evidence presented to it specifying the reason for making such variation including findings with respect to the following standards:
 - (a) The physical surroundings, shape, or topographical conditions of the specific property will cause practical difficulties or a particular hardship to the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.
 - (b) The conditions upon which a petition for a variation is based are unique to the property for which the variation is sought and are not applicable generally to other property within the same zoning classification.
 - (c) The purpose of the variation is not based exclusively upon a desire to make more money out of the property.
 - (d) The alleged difficulty or hardship is caused by this ordinance and has not been created by persons presently having an interest in the property.
 - (e) The granting of the variation will not alter the essential character of the locality, and will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
 - (f) The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public street, or increase the danger of fire or flooding, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.
 - (g) The variation requested is the minimum variation that will make possible the reasonable use of the land or structure.
- (5) There shall be at least fifteen (15) days notice of the date, time, and place of such public hearing published in a newspaper of general circulation published in the Village. Costs or charges for publication of such notice shall be paid by the petitioner or applicant.
- (6) The Notice of Public Hearing for a Variation shall contain:
 - (a) the particular location of the real estate for which the variation is requested by legal description and street address, and if no street address then by locating such real estate with reference to any well-known landmark, highway, road, thoroughfare or intersection;
 - (b) whether or not the petitioner or applicant is acting for himself or in the capacity of agent, alter ego, or representative of a

- principal, and stating the name and address of the actual and true principal;
- (c) whether petitioner or applicant is a corporation, and if a corporation, the correct names and addresses of all officers and directors, and of all stockholders or shareholders owning any interest in excess of 20% of all outstanding stock of such corporation;
 - (d) whether the petitioner or applicant, or his principal if other than the applicant, is a business or entity doing business under an assumed name, and if so, the name and residence of all true and actual owners of such business or entity;
 - (e) whether the petitioner for application is a partnership, joint venture, syndicate or an unincorporated voluntary association, and if so, the names and addresses of all partners, joint ventures, syndicate members or members of the unincorporated voluntary association; and
 - (f) a brief statement of what the proposed variation consists.
- (7) Conditions and Restrictions. The Village Board may impose such conditions and restrictions upon the premises benefited by a variation as may be necessary to comply with the standards set out in this Ordinance to reduce or minimize the effect of such variation upon other property in the neighborhood and to better carry out the general intent of this Ordinance.
- (8) Finality of Zoning Decisions for Variations: The decision and findings of the Village Board on an application for variation, after a public hearing, shall, in all instances, be final.

18.6. AMENDMENTS

A. TYPES OF AMENDMENTS.

For purposes of this Section, the term “text amendment” means an amendment to the text of a zoning ordinance, which affects the whole village, and the term “map amendment” means an amendment to the map of a zoning ordinance, which affects an individual parcel or parcels of land.

B. AUTHORITY TO AMEND/WHO MAY FILE.

The regulations imposed and the districts created under the authority of this Ordinance may be amended from time to time by ordinance or resolution, after the ordinance or resolution establishing same has gone into effect. Amendments may be proposed by the Village Board, Zoning Board, any property owner, or a person or organization with a property interest in the subject property. An application for an amendment shall be filed with the Zoning Administrator, who after ascertaining it contains the information required by this Ordinance shall forward the application to the Zoning Board.

- (1) Filing of Application. An application for a zoning amendment shall be filed with the Zoning Inspector on a form prescribed by the Zoning Administrator.
- (2) Text Amendment Application Information. Applications for text amendments shall be made on forms furnished by the Zoning Inspector and shall address the following:
 - (a) How the proposed amendment is consistent with the Comprehensive Plan
 - (b) How the public health, safety, and general welfare are served by the proposed amendment.
 - (c) Additional Information as may be required by the Board of Appeals, Village Engineer, Zoning, Building, Plumbing, or Health Inspectors.
- (3) Map Amendment Application Information. Applications for map amendments shall be made on forms furnished by the Zoning Inspector and shall address the following:
 - (a) How the proposed amendment is consistent with the Comprehensive Plan
 - (b) How the public health, safety, and general welfare are served by the proposed amendment.
 - (c) Provide a map, at an appropriate scale, fully dimensioned and accurately drawn, identifying the current and proposed zoning; and adjacent properties zoning within a minimum 300 feet of the project site.
 - (d) Additional Information as may be required by the Board of Appeals, Village Engineer, Zoning, Building, Plumbing, or Health Inspectors.

C. HEARING REQUIREMENT.

No such amendments shall be made without a hearing before the zoning board. At least 15 days notice of the time and place of such hearing shall be published in a newspaper of general circulation published in the Village.

D. THE ZONING BOARD UPON RECEIPT OF THE APPLICATION FROM THE ZONING ADMINISTRATOR SHALL:

- (1) conduct a hearing as required by this Ordinance within a reasonable period of time, and
- (2) consider the following factors for zoning map amendments:
 - (a) The preferred use of the property as indicated in the Future Land Use Map in the Village of Stockton Comprehensive Plan. This is the primary determining factor for all rezone requests.
 - (b) When a preferred land use is not designated in the Comprehensive Plan, or when the requested amendment is not consistent with the Comprehensive Plan, the following factors should be considered:
 - (i) existing uses and zoning of nearby property;

- (ii) extent to which property values are diminished by particular zoning restrictions;
 - (iii) extent to which destruction of value of plaintiffs' property promotes the health, safety, morals, or general welfare of the public;
 - (iv) relative gain to public compared to hardship imposed upon individual property owner;
 - (v) suitability of subject property for zoned purposes
 - (vi) length of time the property has been vacant as zoned, considered in context of land development in vicinity; and
 - (vii) community need for the proposed use.
- (3) consider the following factors for zoning text amendments:
- (a) The consistency of the proposed amendment with the purpose of this code and the Comprehensive Plan,
 - (b) The community need for the proposed amendment and for the uses and development it would allow,
- (4) make a recommendation to the Village Board based upon its consideration of the factors listed in this section which may include terms and conditions of approval.

E. **VILLAGE BOARD VOTING REQUIREMENTS TO AMEND.**

- (1) Text Amendments: text amendments may be passed at a Village Board meeting by a simple majority of the elected Village Board members, unless written protests against the proposed text amendment are signed by 5% of the land owners of the Village, in which case such amendment shall not be passed except by the favorable vote of $\frac{3}{4}$ of all the members of the Village Board.
- (2) Map Amendments: Map amendments may be passed at a Village Board meeting by a simple majority of the elected Village Board members, unless a valid written protest is filed as provided in subsections (a) and (b) below, in which case such amendment shall not be passed except by the favorable vote of $\frac{3}{4}$ of all the members of the Village Board.
- (a) In case of written protest against any proposed map amendment that is either:
 - (i) signed by the owner or owners of at least 20% of the land to be rezoned, or
 - (ii) signed by the owner or owners of land immediately touching, or immediately across a street, alley, or public right-of-way from, at least 20% of the perimeter of the land to be rezoned, or
 - (b) 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.

18.7. SPECIAL USE PERMITS

A. PURPOSE.

The development and execution of this Article is based upon the division of the Village into districts, within which districts the use of land and buildings, and bulk and location of buildings and structures in relation to the land, are mutually compatible and substantially uniform. However, there are certain uses which, because of their unique characteristics, cannot be properly classified as unrestricted permitted uses in any particular district or districts, without consideration, in each case, of the impact of those uses upon neighboring land or public facilities, and of the public need for the particular use at a particular location. Such uses, nevertheless, may be necessary or desirable to be allowed in a particular district provided that due consideration is given to location, development and operation of such uses. Such uses are classified as conditional uses.

B. AUTHORITY OF THE BOARD OF APPEALS AND VILLAGE BOARD; REQUIREMENTS.

- (1) The Board of Appeals shall conduct hearings and investigate applications as necessary to make recommendations to the Village Board. Special Use permits may be granted, modified or revoked only by Village Board.
- (2) The Board of Appeals, after a public hearing shall, within a reasonable time, make a recommendation to the Village Board regarding the application for a special use. Prior to making a recommendation, the Commission shall make findings based upon the evidence presented that the standards herein prescribed are being complied with.
- (3) Any development within five hundred (500) feet of the existing or proposed rights-of-way of freeways, expressways, interstate and controlled access trafficways, and within fifteen hundred (1,500) feet of their existing or proposed interchange or turning lane rights-of-way shall be specifically reviewed by the highway agency that has jurisdiction over the traffic way. The Board of Appeals shall request such review and await the highway agency's recommendation for a period not to exceed sixty (60) days before taking final action.
- (4) Conditions such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operation control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, or parking requirements, may be required by the Board of Appeals upon its finding that these are necessary to fulfill the purpose and intent of this Chapter.
- (5) Compliance with all other provisions of this Chapter, such as lot width and area, yards, height, parking, loading, traffic, highway access, and performance standards, shall be required of all special uses.

C. APPLICATION FOR SPECIAL USE.

- (1) Filing of Application. An application for a special use shall be filed with the Zoning Inspector on a form prescribed by the Village.
- (2) Application Information. Applications for special use shall be made in duplicate to the Zoning Inspector on forms furnished by the Zoning Inspector and shall include the following:
 - (a) Names and Addresses of the applicant, owner of the site, architect, professional engineer, contractor, and all opposite and abutting property owners of record.
 - (b) Description of the Subject Site by lot, block, and recorded subdivision or by metes and bounds; address of the subject site; type of structure; proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
 - (c) Plat of Survey prepared by a registered land surveyor showing the actual dimensions of the lot or lots to be built upon, the size of the building or structure to be erected or structurally altered, and its location on the lot or lots.
 - (d) A site plan showing information as may be necessary to determine and provide for an enforcement of this Chapter, including a plan showing contours and vegetative cover, specifications for areas of proposed filling, grading, and lagooning; location of buildings, parking areas, traffic access, driveways, walkways, open spaces and landscaping; plans of buildings, sewage disposal facilities, water supply systems and arrangements of operations.
 - (e) Additional Information as may be required by the Board of Appeals, Village Engineer, Zoning, Building, Plumbing, or Health Inspectors.

D. HEARING ON APPLICATION.

A special use may be granted only after a public hearing conducted by the board of appeals. There must be at least 15 days' notice before the hearing. The notice must include the time, place, and date of the hearing and must be published in a newspaper of general circulation in the Village. The notice must also contain:

- (1) the particular location of the property for which the special use is requested by legal description and by street address, or if there is no street address, by locating the property with reference to any well-known landmark, highway, road, thoroughfare, or intersection;
- (2) whether the petitioner or applicant is acting for himself or herself or as an agent, alter ego, or representative of a principal and the name and address of the principal;
- (3) whether the petitioner or applicant is a corporation, and if so, the correct names and addresses of all officers and directors of the corporation and of all stockholders or shareholders owning any

interest in excess of 20% of all of the outstanding stock or shares of the corporation;

- (4) whether the petitioner or applicant, or his or her principal, is a business or entity doing business under an assumed name, and if so, the name and residence of all actual owners of the business or entity;
- (5) whether the petitioner or applicant, or his or her principal, is a partnership, joint venture, syndicate, or an unincorporated voluntary association, and if so, the names and addresses of all partners or members of the partnership, joint venture, syndicate, or unincorporated voluntary association; and
- (6) a brief statement of the proposed special use.

E. NOTICE TO NEIGHBORS.

In addition to any other notice required by this Section, the board of appeals must give at least 15 days' notice before the hearing to the owner or owners of any land adjacent to or immediately across any street, alley, or public right-of-way from the property proposed as a special use.

F. PAYMENT OF PUBLICATION COSTS.

The petitioner or applicant must pay the cost of the publication of the notice required by this Section.

G. DENIAL OF APPLICATION FOR SPECIAL USE PERMIT.

When a special use application is recommended for denial, the Board of Appeals shall furnish in writing to the Village Board, and to the applicant, those standards that are not met and enumerate reasons the Commission has used in determining that each standard was not met.

H. VALIDITY OF SPECIAL USE PERMIT.

Where the Village Board has approved an application for a special use, such approval shall become null and void within twelve (12) months of the date of the Village Board action unless the use is commenced, construction is underway or the current owner possesses a valid zoning permit under which construction is commenced within six (6) months of the date of issuance and which shall not be renewed unless construction has commenced and is being diligently prosecuted.

I. COMPLAINTS REGARDING SPECIAL USES.

The Village Board shall retain continuing jurisdiction over all special uses for the purpose of resolving complaints against all previously approved special uses. Such authority shall be in addition to the enforcement authority of the Zoning Inspector to order the removal or discontinuance of any unauthorized alterations of an approved special use, and the elimination, removal or discontinuance of any violation of a condition imposed prior to or after approval or violation of any other provision of this Code. Upon written complaint by any citizen or official, the Board of Appeals shall initially determine whether said complaint indicates a reasonable probability that the subject special use is in violation of either one or more of the standards set forth in Section 18.7(K), a condition of approval or other requirement imposed hereunder. Upon reaching a

positive initial determination, a hearing shall be held upon notice as provided in Section 18.7(D) above. Any person may appear at such hearing and testify in person or represented by an agent or attorney. The Board of Appeals may, in order to bring the subject special use into compliance with the standards set forth in Section 18.7(K) or conditions previously imposed by the Village Board, recommend modifications of the existing conditions upon such use and recommend additional reasonable conditions upon the subject special use. In the event that no reasonable modification of such special use can be made in order to assure that Standards (1) and (2) in Section 18.7(K) will be met, the Village Board may revoke the subject special approval and direct the Zoning Inspector and the Village Attorney to seek elimination of the subject use. Following any such hearing, the decision of the Village Board shall be furnished the current owner of the special use in writing stating the reasons therefore.

J. STANDARDS--SPECIAL USES.

No application for a special use shall be recommended for approval by the Board of Appeals or granted by the Village Board unless such boards shall find all of the following conditions are present:

- (1) That the establishment, maintenance or operation of the special use will not be detrimental to or endanger the public health, safety, comfort or general welfare.
- (2) That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the special use and the proposed use is compatible with the use of adjacent land.
- (3) That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- (4) That adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.
- (5) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- (6) That the special use shall, except for yard requirements, conform to all applicable regulations of the district in which it is located.
- (7) That the proposed use does not violate flood plain regulations governing the site.
- (8) That when applying the above standards to any new construction of a building or an addition to an existing building the Board of Appeals shall bear in mind the statement of purpose for the zoning district such that the proposed building or addition at its location does not defeat the purposes and objective of the zoning district.
- (9) The Board of Appeals shall also evaluate the effect of the proposed use upon:
 - (a) The maintenance of safe and healthful conditions.

- (b) The prevention and control of water pollution including sedimentation.
- (c) Existing topographic and drainage features and vegetative cover on the site.
- (d) The location of the site with respect to floodplains and floodways of rivers and streams.
- (e) The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.
- (f) The location of the site with respect to existing or future access roads.
- (g) The need of the proposed use for a shoreland location.
- (h) Its compatibility with uses on adjacent land.
- (i) The amount of liquid wastes to be generated and the adequacy of the proposed disposal systems.

K. CONDITIONS AND GUARANTEES.

The following conditions shall apply to all special uses:

- (1) Prior to the granting of any special use, the Village Board may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the special use as deemed necessary to promote the public health, safety and general welfare of the community, and to secure compliance with the standards and requirements specified in Section 18.7(K) above. In all cases in which special uses are granted, the Board shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with. Such conditions may include specifications for, without limitation because of specific enumeration:
 - (a) landscaping,
 - (b) type of construction,
 - (c) construction commencement and completion dates,
 - (d) sureties,
 - (e) lighting,
 - (f) fencing,
 - (g) operational control,
 - (h) hours of operation,
 - (i) traffic circulation,
 - (j) deed restrictions,
 - (k) access restrictions,
 - (l) setbacks and yards,
 - (m) specified sewage disposal and water supply systems,
 - (n) planting screens,
 - (o) increased parking,
 - (p) or any other requirements necessary to fulfill purpose and intent of this Chapter.
- (2) The Board of Appeals shall evaluate each application and may request assistance from any source, which can provide technical

assistance. The Commission shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems and the proposed operation/use.

- (3) No alteration of a special use shall be permitted unless approved by the Village Board.

18.8 PERMITS AND CERTIFICATES

A. ZONING PERMIT

- (1) Permit Required: No building or structure shall hereafter be erected or structurally altered until a zoning permit has been issued by the Zoning Administrator stating that the building or structure and use of land comply with the regulations of this zoning ordinance.
- (2) Application for Permit: All applications for a zoning permit shall be accompanied by the required fee and a scale drawing showing the actual dimensions of the lot or lots to be built upon, the size of the building or structure to be erected or structurally altered, its location on the lot or lots, and such other information as may be necessary to provide for the enforcement of these regulations. A careful record of such applications and drawings shall be kept in the office of the Zoning Administrator.
- (3) Permit Application Review: The Zoning Administrator shall review all permit applications for compliance with this title and shall issue the permit or a written denial of permit within 10 days of receiving the application and required fee. When the request for a permit is denied, the Zoning Administrator shall provide the reasons for rejection and may recommend alternative actions to comply with the relevant requirements of this zoning ordinance.
- (4) Permit Placement. Zoning permits shall be displayed in a window or protective plastic sleeve in a location visible from the street.
- (5) Permit Validity. Zoning permits shall be valid for a period of one year from the date of issuance.

B. CERTIFICATE OF OCCUPANCY

- (1) Certificate Required: No building or structure hereafter erected or structurally altered shall be occupied and used until a certificate of occupancy has been issued by the Zoning Administrator. The certificate of occupancy shall be issued only after the Zoning Administrator makes a finding that the building or structure has been erected or structurally altered in conformance with the provisions of this zoning ordinance.
- (2) Issuance and Record of Certificates: Certificates of occupancy shall be issued within ten (10) days after the erection and alterations of such building shall have been satisfactorily completed. A record of all certificates shall be kept on file in the office of the Zoning

Administrator, and copies shall be available to any person having proprietary or tenancy interest in the building affected.

18.9 FEES

- A. **FEE REQUIRED.**
Any application for a zoning permit, amendment, special use, variance, or any other type of request, shall be accompanied by a fee as established by the Village Board. Fees are to be established in accordance with the costs incurred to administer this zoning ordinance.
- B. **WORK WITHOUT PERMIT.**
When construction starts before a zoning permit is issued, the fee will be increased by fifty (50) percent.
- C. **FEE REFUND.**
No fee shall be refunded unless written notice of cancellation of application is received by the Zoning Administrator. Fees for actions that require a public hearing will be refunded only if notice of cancellation is received prior to public notice publication.
- D. **FEE SCHEDULE.**
The fee schedule will be established by the Village Board.

18.10 ENFORCEMENT

Individuals wishing to report or inquire about a perceived violation of this zoning ordinance may contact the Zoning Administrator. The Zoning Administrator will investigate reported violations in a timely manner and act as authorized by 18.2 to enforce this ordinance.

ARTICLE XIX

DEFINITIONS

19.1 DEFINITIONS

- A. For the purposes of this Chapter, the following definitions shall be used. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word "shall" is mandatory and not optional.
- (1) Abutting. Having a common property line or district line.
 - (2) Accessory Use. A use subordinate to the principal use of a parcel of land and located on the same lot or parcel.
 - (3) Accessory Structure. A structure subordinate to the principal structure and located on the same lot or parcel, including garages, storage sheds, decks, and pools and pool buildings. Accessory structures may not occupy more than thirty (30%) percent of the required rear yard.
 - (4) Adult Entertainment Establishment. any establishment which for monetary consideration is used for presentations or service distinguished or characterized by an emphasis on exposure to view human genitals, pubic area, buttocks or anus; or female's vulva or breasts below the top of the areola; or male genitals in a discernable turgid state, even if opaquely covered; or on acts of or acts which simulate erotic touching, sexual intercourse, masturbation, flagellation, sodomy, bestiality, necrophilia, sadomasochistic abuse, fellatio, cunnilingus, or any sexual act prohibited by Illinois Statutes.
 - (5) Agricultural Byproducts. Plant material remaining after the harvesting and/or processing of the primary agricultural crop, such as straw, corncobs, seed hulls, or fruit pulp.
 - (6) Alley. A special public right-of-way affording only secondary access to abutting properties.
 - (7) Apartment. A portion of a multiple dwelling used as a separate housing unit and having cooking facilities and a private bath.
 - (8) Arterial Street. A public street or highway used or intended to be used primarily for fast or heavy through traffic. Arterial streets and highways shall include freeways and expressways as well as arterial streets, highways, and parkways.
 - (9) Basement. A story partly or wholly underground. Where more than one-half of its height is above the established curb level or above the average level of the adjoining ground where the curb level has not been established, a basement shall be counted as a story for the purposes of height measurement.
 - (10) Bed and Breakfast Establishment. An owner-occupied dwelling providing not more than five rooms for overnight accommodations to the public and, if so desired, breakfasts may be served to the

guests thereof. Rental is on a transient basis and for a charge, meaning any form of remuneration such as cash, goods, services, barter, donations, forgiveness of indebtedness, or other like payment. In the Agricultural District, a guest house/bed and breakfast may incorporate the use of accessory buildings detached from the main house providing such are suitable for human habitation. For purposes of this definition, guest room shall mean a sleeping room intended to serve not more than two (2) guests per night

- (11) Billboard. An advertising device, either freestanding or attached to a building, which is used to display information not related to the use or ownership of the establishment or the property upon which it is located.
- (12) Block. A tract of land bounded by streets or by a combination of streets and public parks, or other recognized lines of demarcation.
- (13) Boarding House. A building other than a hotel or restaurant where meals or lodging are regularly furnished by pre-arrangement for compensation for four (4) or more persons not members of a family, but not exceeding six (6) persons and not open to transient customers.
- (14) Building. Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery or materials.
- (15) Building Area. The total living area bounded by the exterior walls of a building at the floor levels, but not including basement, utility rooms, garages, porches, breezeways, and unfinished attics.
- (16) Building Height. The vertical distance measured from the mean elevation of the finished lot grade along the street yard face of the structure to the highest point of flat roofs; to the mean height level between the eaves and ridges of gable, gambrel, hip, and pitch roofs; or to the deck line of mansard roofs.
- (17) Building, Principal. A building in which is conducted the main use of the lot on which said building is located.
- (18) Building Inspector. The employee of the Village of Stockton, IL, officially designated to administer the Building and Zoning Ordinances. The Building Inspector is also referred to as the Zoning Inspector.
- (19) Building Line, Front. A line parallel to the street, intersecting the foremost point of the building, excluding uncovered steps.
- (20) Building Permit. Written permission issued by the Village of Stockton through the Zoning Administrator for the construction, repair, alteration or addition to a structure. This term is often used interchangeably with “zoning permit”, but whereas a zoning permit addresses only those things regulated by the zoning ordinance, “building permit” is the preferred term to be used in the

- administration of the building code to ensure that structures are built to accepted safety standards.
- (21) Business. A commercial establishment engaged in the purchase and sale of goods and services for a profit (not including manufacturing or industrial establishments).
 - (22) Canopy or Marquee. A roof-like structure, of a permanent nature, which projects from the wall of a building.
 - (23) Carport. A structure attached or made a part of the principal structure, and which is open to the weather on at least two (2) sides, intended for the use of sheltering not more than two (2) motor driven vehicles. For purposes of this Chapter, carports shall comply with the setback requirements for the principal structure.
 - (24) Certificate of Occupancy. A written statement issued by the Zoning Inspector which permits the use of a building or lot or a portion of a building or lot, and which certifies compliance with the provisions of this Ordinance for the specified use and occupancy.
 - (25) Clinic. A building used by a group of doctors or dentists for the examination or treatment of persons on an out-patient or non-boarding basis only.
 - (26) Club. A building owned, leased or hired by a nonprofit association of persons, who are bona fide members paying dues, the use of which is restricted to said members and their guests.
 - (27) Conforming Use. Any lawful use of a building or lot which complies with the provisions of this Ordinance.
 - (28) Corner Lot. A lot abutting two or more streets at their intersection provided that the corner of such intersection shall have an angle of one hundred thirty-five (135°) degrees or less, measured on the lot side.
 - (29) Curb Grade. The level of the established curb in the front of the building, measured at the center of such front. Where no curb has been established, the Village Board shall authorize and approve the establishment of such curb level or its equivalent for the purpose of this Ordinance.
 - (30) Developer. Any person whose concern and intent it is to improve land in accordance with the development regulations of the Village of Stockton.
 - (31) Development. The division of a parcel of land into two (2) or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any mining, excavation, landfill or land disturbance, and any use or extension of the use of and.
 - (32) Dwelling. A detached building designed or used exclusively as a residence or sleeping place, but does not include boarding or lodging houses, motels, hotels, tents, cabins, or mobile homes.

- (33) Dwelling Unit. One (1) or more rooms designed as a unit for occupancy by not more than one (1) family for living and sleeping purposes.
- (34) Dwelling, One-Family. A detached building designed, arranged or used for, and occupied exclusively by one (1) family.
- (35) Dwelling, Two-Family. A building designed, arranged or used for, or occupied exclusively by (2) families, living independently of each other.
- (36) Dwelling, Multiple. A building or portion thereof used or designated as a residence for three (3) or more families as separate housekeeping units, including apartments, apartment hotels and group houses.
- (37) Expressway. A divided Principal or Primary Arterial highway with full or partial control of access and with or without grade separated intersections.
- (38) Family. Any number of persons related by blood, adoption, or marriage, or not to exceed four (4) persons not so related, living together in one dwelling as a single housekeeping entity.
- (39) Farm. Land consisting of two (2) or more acres on which produce, crops, livestock or flowers are grown primarily for off-premise consumption or use.
- (40) Floor Area.
 - a. For Residential Uses, the sum of the gross horizontal areas of the several floors of a dwelling unit, exclusive of porches, balconies, garages and basements, measured from the exterior faces of the exterior walls or from the centerlines of walls or partitions separating dwelling units.
 - b. For Uses Other Than Residential, the area measured from the exterior faces of the exterior walls, or from the centerline of walls or partitions separating such uses, including all floors, lofts, balconies, mezzanines, basements, and similar areas devoted to such uses.
- (41) Freeway. An expressway with full control of access and with fully graded separated intersections.
- (42) Front Yard. A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed street or highway line and a line parallel thereto through the nearest point of the principal structure. Corner lots shall have two such yards.
- (43) Frontage. The smallest dimension of a lot abutting a public street measured along the street line.
- (44) Frontage, Lot. The smallest dimension of a lot abutting a public street, measured along the street line.
- (45) Garage, Private. An accessory building or portion of the principal building used for vehicular storage only, and having a capacity of not more than three (3) automobiles, or not more than one (1)

automobile per family housed in the building to which such garage is accessory, whichever is the greater, and in which space may be used for not more than one (1) commercial vehicle, and in which space may be rented for not more than three (3) vehicles of others not occupants of the building to which such garage is accessory. The term also includes carport and, when related to the context, shall relate to the storage of one (1) or more vehicles.

- (46) Gift Stores. Retail stores where items such as art, antiques, jewelry, books, and notions are sold.
- (47) Hardware Stores. Retail stores where items such as plumbing, heating, and electrical supplies, sporting goods, and paints are sold.
- (48) Home Occupation. An occupation, profession, activity, or use that is clearly a customary, incidental, and secondary use of a residential dwelling unit and which does not alter the exterior of the property or affect the residential character of the neighborhood. Such secondary uses shall not exceed fifty (25%) percent of the habitable floor area of the dwelling or 600 square feet, whichever is smaller, nor include the display of goods visible from outside the premises, nor employ more than one on-site employee that is not a full-time resident of the home.
- (49) Hotel. An establishment for transient guests having more than six (6) sleeping rooms without individual cooking facilities.
- (50) Improvements. Any structure, grading, street surfacing, curbs and gutters, sidewalks, bikeways, cross-walks, water mains, sanitary sewers, storm sewers, drainage ditches, culverts, bridges, trees, and other additions or deletions from the natural state of land which increase its utility or habitability.
- (51) Improvement, Public. Any sanitary sewer, storm sewer, drainage ditch, water main, roadway, parkway, sidewalk, pedestrian-way, planting strip, off-street parking area, or other facility for which the Village may ultimately assume the responsibility for maintenance and operation.
- (52) Interchange. A grade separated intersection with one or more turning lanes for travel between intersection legs.
- (53) Kennel. Any lot or premises or portion thereof on which any dog or other domestic animals are boarded for compensation or kept for sale.
- (54) Loading Area. A complete off-street space or berth on the same lot for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.
- (55) Lot. A parcel of land having frontage on a public street, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area, and other open space provisions of this Chapter.
- (56) Lot of Record. A lot which is part of a subdivision, the plat of which has been recorded in the office of the Recorder of Deeds of

Jo Daviess County prior to the adoption of these provisions, or lot which is part of an unrecorded plat or subdivision which is dated prior to the adoption of these provisions.

- (57) Lot, Corner. A lot abutting intersecting streets at their intersection.
- (58) Lot Coverage. The percent of the area of a lot occupied by buildings or structures, including accessory buildings or structures.
- (59) Lot, Reversed Corner. A corner lot which is oriented such that it has its rear lot line coincident with or parallel to the side lot line of the interior lot immediately to its rear.
- (60) Lot, Through. A lot having a pair of opposite lot lines along two (2) more or less parallel public streets and which is not a corner lot. On a "through lot," both public streets shall be deemed front lot lines.
- (61) Lot, Zoning. A single tract of land located within a single block, which at time of filing for a zoning 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.
- (62) Lot Area. The total area in a horizontal plane within the peripheral boundaries of a lot.
- (63) Lot Lines and Area. The peripheral boundaries of a parcel of land and the total area lying within such boundaries.
- (64) Lot Width. The width of a parcel of land measured at the rear of the specified street yard.
- (65) Mobile Home. A one-family dwelling unit of vehicular design, built on a chassis and originally designed to be moved from one site to another, and used without permanent foundation.
- (66) Mobile Home Park. Any lot on which two (2) or more mobile homes are parked for the purpose of temporary or permanent habitation.
- (67) Motel. A series of attached, semi-attached, or detached sleeping units for the accommodation of transient guests.
- (68) Mural: A painting on the side of a building, wall, or structure; or a painting on the ground or the ceiling of a building or structure. A mural that does not function as a sign is not regulated by the Zoning Ordinance. Murals that function as signs are regulated in the Zoning Ordinance as wall signs.
- (69) Non-Conforming Building. Any building or structure lawfully established which: (a) does not comply with all the regulations of this Ordinance or any amendment hereto governing bulk of the district in which such building or structure is located; or (b) is designed or intended for a nonconforming use.
- (70) Non-Conforming Recorded Lot. A lot of record which does not meet the dimensional requirements of the particular district in which it is located solely because of the enactment or amendment of this chapter after the lawful creation of lot of record or because

- of the acquisition of a portion of the lot by a governmental agency for public purposes.
- (71) Non-Conforming Use. Any use of land, buildings, or structures, lawful at the time of the enactment of this Ordinance or any amendment thereto but which does not comply with all the regulations of this Ordinance as amended governing use for the zoning district in which such use is located.
 - (72) Nursery School/Childcare Center. Any building used routinely for the daytime care and education of pre-school age children and including all accessory buildings and play areas, other than the child's own home or the homes of relatives or guardians.
 - (73) Nursing Home. Any building used for the continuous care, on a commercial or charitable basis, of persons who are physically incapable of caring for their own personal needs.
 - (74) Parcel. A lot or tract of land.
 - (75) Parking Facility/Lot. A structure or an open space other than a street or alley used for temporary parking of more than four (4) self-propelled vehicles and available for public uses, whether free, for compensation, or as an accommodation for clients or customers.
 - (76) Parking Space. A graded and surfaced area of not less than one hundred eighty (180) square feet in area either enclosed or open for the parking of a motor vehicle, having adequate ingress and egress to a public street or alley.
 - (77) Planned Unit Development. A parcel of land or contiguous parcels of land of size sufficient to create its own environment, 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 environment of which is compatible with adjacent parcels, and the intent of the zoning district or districts in which it is located.
 - (78) Private Improvement. Any installed or constructed facility for which the responsibility of maintenance and ownership will be retained by the owner or a private association.
 - (79) Private Street. Any road that is used for access and circulation and the ownership and maintenance responsibility of which is borne by the owner or homeowner association
 - (80) Professional Home Offices. Residences of doctors of medicine, practitioners, dentists, clergymen, architects, landscape architects, professional engineers, registered land surveyors, lawyers, artists, teachers, authors, musicians, or other recognized professions where the office does not exceed one-half (1/2) the area of only one floor of the residence and only one nonresident person is employed.
 - (81) Railroad Right-of-Way. A strip of land with tracks and auxiliary facilities for track operation, but not including freight depots or stations, loading platforms, train sheds, warehouses, car or locomotive shops, or car yards.

- (82) Recreational Vehicle. A vehicle or piece of equipment intended for recreational use, including but not limited to airplanes, boats, floats, camping or travel trailers, motor homes, detachable travel equipment of a type adaptable to light duty trucks, boat trailers, racing vehicles, snowmobiles, and other equipment or vehicles of a similar nature.
- (83) Rear Yard. A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal structure. This yard shall be opposite the front yard or one of the front yards on a corner lot.
- (84) Retail. The sale of relatively small quantities of commodities and services directly to customers.
- (85) Screening. A structure erected or vegetation planted for the purpose of concealing from view the area behind it.
- (86) Setback. The minimum horizontal distance between the lot line and a structure.
- (87) Shopping Center. A group of stores planned and designed for the site on which it is built, functioning as a unit, with off-street parking provided on the property as an integral part of the unit. (See "Planned Unit Development.")
- (88) Side Yard. A yard extending from the street yard to the rear yard of the lot, the width of which shall be the minimum horizontal distance between the side lot line and a line parallel thereto through the nearest point of the principal street.
- (89) Signs. Any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or trademarks by which anything is made known and which are used to advertise or promote an individual, firm, association, corporation, profession, business, commodity or product and which is visible from any public street or highway.
- (90) Sign Area. Sign area shall be the gross surface area within a single continuous perimeter composed of a single rectangle enclosing the extreme limits of characters, lettering, illustrations, ornamentations, or other figures, together with any material, or color forming an integral part of the display or to differentiate the sign from the background to which it is placed. Structural supports bearing no sign copy shall not be included in gross surface area. For computing the area of any sign which consists of individual letters or separate graphic elements, the area shall be deemed to be the area of the smallest rectangular figure which can encompass all of the letters or elements.
- (91) Standard Arterial Highway. Serves long trips with good mobility. Has intraregional and inter-community connections. Serves communities with over one thousand (1,000) population. Is a generally continuous system in combination with Principal and

Primary Arterials. Provides good level of service under varying operating conditions.

- (92) Story. That portion of a building included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between such floor and the ceiling next above it.
- (93) Story, Half. A story under a gable, hip or gambrel roof, the wall plates of which, on at least two (2) exterior walls, are not more than two (2) feet above the floor of such story.
- (94) Street. A public or private thoroughfare which may either provide the principal means of pedestrian and/or vehicular access to abutting property or may provide for the movement of pedestrian and/or vehicular traffic, or both. The following street types are based on the functional classification for the Village:
 - (a) Principal Arterial: Any highway designated by the federal, state and/or county governments for purposes of cross country traffic (ie USH 20)
 - (b) Minor Arterial: Streets used primarily to carry the heavier traffic pattern providing continuity throughout the County (ie STH 78)
 - (c) Local Street: Streets designed for local traffic use
 - (d) Cul-de-Sac Street: A minor street having one end open to traffic and being permanently terminated at the other end by a vehicular turn-around.
- (95) Street Yard. A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed street or highway line and a line parallel thereto through the nearest point of the principal structure. Corner lots shall have two such yards.
- (96) Structure. Any erection or construction, such as buildings, towers, masts, poles, booms, signs, decorations, carports, machinery and equipment.
- (97) Terrace. The portion of public right-of-way between the curb or edge of pavement and the sidewalk. Also known as the boulevard strip or tree lawn.
- (98) Turning Lanes. An existing or proposed connecting roadway between two (2) arterial highways or between an arterial highway and any other highway. Turning lanes include grade separated interchange ramps.
- (99) Use. The "use" of a property is the purpose or activity for which the land or building thereon is designed, arranged or intended, or for which it is occupied or maintained, and shall include any manner of standards of this Ordinance.
- (100) Use, Special. A use, either public or private, which because of its unique characteristics, cannot be properly classified as a permitted use in a particular district or districts. After due consideration, in

each case, of the impact of such use upon neighboring land and of the public need for the particular use at the particular location, such special use may or may not be granted, subject to the terms of this Ordinance.

- (101) Utilities. Public and private facilities such as water wells, water and sewage pumping stations, water storage tanks, power and communication transmission lines, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays, and gas regulation stations, but not including sewage disposal plants, municipal incinerators, warehouses, shops, and storage yards.
- (102) Variance. (also known as a Variation) A variance is a relaxation of the terms of the Zoning Ordinance where such variances will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the results of the actions of the applicant, a literal enforcement of this Article would result in unnecessary and undue hardship.
- (103) Yard. An open space on the same lot with a structure, unoccupied and unobstructed from the ground upward except for vegetation. The street and rear yards extend the full width of the lot.
- (104) Zoning Administrator. Wherever the term “Zoning Administrator” is used, it shall mean the Zoning Administrator appointed by the Village Board and such deputies or assistants as have been or shall be duly appointed.
- (105) Zoning Board: The Village of Stockton Zoning Board of Appeals.
- (106) Zoning District. An area or areas within the corporate limits for which the regulations and requirements governing use, lot and bulk of buildings and premises are uniform.
- (107) Zoning Permit. A permit stating that the uses and structures proposed for a parcel are in conformity with the uses and structures permitted and all other requirements under the Article for the zone in which it is to be located. This term is often used interchangeably with “building permit”, but whereas a zoning permit addresses only those things regulated by the zoning ordinance, “building permit” is the preferred term to be used in the administration of the building code to ensure that structures are built to accepted safety standards.