TITLE XV: LAND USAGE

Chapter

- 150. BUILDING CODE
- 151. PRIVATE SWIMMING POOLS
- 152. TRAILERS AND TRAILER PARKS
- 153. ZONING CODE
- 154. SUBDIVISIONS
- 155. SPECIAL FLOOD HAZARD AREAS
- 156. COMPREHENSIVE PLAN
- 157. MAILBOX STANDARDS
- 158. FAIR HOUSING CODE

General Provisions

150.01 150.02	Building permits; fees Construction regulations			
150.03	Dangerous buildings			
150.04	Construction or wrecking may			
	be stopped			
150.05	Fire limits			
150.06	Damaged buildings			

<u>Administration</u>

	Building and Grounds Committee
150.16	Building Official
150.17	Appeal of Building Official's
	decisions

150.99 Violations as infractions

Cross-reference:

Lawful buildings or use of land, see § 153.06
Construction standards, see § 153.08
Building Official to administer and enforce flood control regulations, see § 155.05
Protection of buildings in special flood hazard areas, see § 155.09

GENERAL PROVISIONS

§ 150.01 BUILDING PERMITS; FEES.

- (A) It shall be unlawful to erect or construct any building or structure whatever, or add to, enlarge, improve, alter, convert, extend, repair (the cost of the labor and materials for which repair exceeds the sum of \$1,000.00) or demolish any building or structure or cause this to be done without first obtaining a building permit therefor from the Building and Grounds Committee.
- (B) Before proceeding with the erection, enlargement, alteration, repair, or demolition of any building within the corporate limits of the village, an application shall first be obtained from the office of the Village Clerk. Every application for a permit shall describe the land upon which the proposed building or work is to be done by some description that will readily identify and definitely locate the proposed building or work; and shall be accompanied by plans and specifications in duplicate showing the work to be done, with such plans being verified by the signature of either the owner of the premises or by the architect or contractor in charge of the operations; and shall show the proposed use or occupancy of all parts of the building and any other information the Building and Grounds Committee may require.

Such applications with plans shall be referred to the Building Official, who shall examine the same to determine whether the proposed construction or alteration will comply with the ordinance provisions relative thereto. The Building Official shall

thereafter submit such applications, with any recommendations, to the Building and Grounds Committee.

When an application has been granted by the Building and Grounds Committee, the Village Clerk shall file the application and issue the permit.

It shall be unlawful to erase, alter, or modify any lines, figures, or coloring contained upon the drawings or specifications certified by the Building and Grounds Committee, unless supplemented plans are filed with them for reference.

It shall be unlawful to vary materially from submitted plans and specifications unless such variations are submitted in an amended plan to the Building Official and approved by him.

All permits provided for herein shall be issued by the Village Clerk on order of the Committee.

No permit shall be valid unless work is commenced within six months from the date of its issue.

The Building Official shall make or cause to be made such inspections as are necessary to see to the enforcement of the provisions of this chapter.

All building permits issued under this chapter in conjunction with new construction shall be posted in a conspicuous place at the building site until such time as the building is occupied.

- (C) All building permits applications shall be accompanied with payment of the following fees:
 - (1) Building permit: \$5.
- (2) Building permit involving electrical or plumbing: \$10.
- (D) Any permit issued for the demolition of a building or structure shall expire at the end of 45 days following the issue of the permit.
- (1) Following demolition but prior to filling, the party holding the permit shall notify the Village Water and Sewer Department Superintendent, who shall promptly inspect the capping of existing sewer lines at the site (both sanitary and storm sewer) and the disconnection of water service at the site. Filling shall proceed promptly after each capping and disconnection has been found satisfactory.
- (2) The demolition of any structure shall include excavation of foundation walls to a depth of two feet below grade. (Ord. 128, passed 7-8-40; Am. Ord. 455, passed 10-14-91; Am. Ord. 502, passed 6-6-97; Am. Ord. 601, passed 1-17-06) Penalty, see § 150.99

CATLIN

§ 150.02 CONSTRUCTION REGULATIONS.

- (A) REGULATIONS TO BE OBEYED. It shall be unlawful to construct or alter any building or structure, in the village, except upon compliance with the provisions of this chapter and of the zoning code.
- (B) CONSTRUCTION STANDARDS. All construction, excluding manufactured home construction within a manufactured home subdivision, which shall comply with standards specified by the U.S. Department of Housing and Urban Development (pursuant to the National Manufactured Home Construction and Safety Standards Act) shall comply with standards specified in the following, as amended from time to time, unless otherwise covered by ordinance, resolution of the Village Council or variance orders of the Zoning Board of Appeals: The following volumes of the 2003 edition of the International Building Code, published by the International Code Council: Building Code; Fire Code; Fuel Gas Code; Mechanical Code; Plumbing Code; Private Sewage Disposal Code; Property Maintenance Code; and Residential Code (for one- and two-family dwellings).
- (C) USE OF STREETS. The use of streets for the storage of materials in the process of construction or alteration of a building may be granted when the same will not unduly interfere with traffic and will not reduce the usable width of the street to less than eighteen fee; no portion of a street other than that directly abutting on the premises on which work is being done shall be used except with the consent of the owner or occupant of the premises abutting on such portion. Any person seeking to make such use of the street shall file an application with the Building Official together with a copy of the applicant's general liability insurance policy in an amount to be approved by the Building Official, which policy shall insure for any loss or damage which may be incurred by reason of such use and occupation.
- (D) NIGHT OPERATION. No construction or alteration operations shall be carried on at nighttime or before sunrise if the same are accompanied by loud or annoying noises.
- (E) SIDEWALKS. No sidewalk shall be obstructed in the course of building operations without a special permit from the Building Official and whenever a removal of a sidewalk is required such work shall not be done until a special permit is secured from the Building Official.
- (F) SAFEGUARDS. It shall be the duty of a person or corporation doing any construction, altering, or wrecking to do the same with proper care for the safety of persons and property.

Warning barricades and lights shall be maintained whenever necessary for the protection of pedestrians or traffic; and temporary roofs over sidewalks shall be constructed whenever there is danger from

falling articles or materials to pedestrians. (Ord. 502, passed 6-6-97; Am. Ord. 575, passed 6-22-04; Am. Ord. 617, passed 4-17-07) Penalty, see § 150.99

§ 150.03 DANGEROUS BUILDINGS.

- (A) FINDING AND PURPOSE. The Village Council finds and declares that Dangerous Building are public nuisance by virtue of their conditions or defects to the extent that the life, health, property or safety of the public or its occupants are endangered. The Council further finds and declares that immediate abatement of Dangerous Buildings by repair, rehabilitation, demolition or removal is necessary to protect and preserve the safety of the citizens and neighborhoods where such structures are found. The procedures established in this section shall be in addition to any other legal remedy, criminal or civil, established by law which may be pursued to address violations of any applicable village ordinance. This ordinance does not affect or alter other nuisance abatement procedures.
- (B) DEFINITIONS. As used in this section, the following words and phrases shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

<u>Dangerous Building:</u> Any building or structure, or portion thereof which threatens the life, health, safety or property of the public or its occupants by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment shall be deemed a "Dangerous Building." The conditions which may cause a building or structure to be classified as a "Dangerous Building" include, but are not limited to the following conditions:

- (a) The walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn or otherwise unsafe as not to provide a safe and adequate means of exit in case of fire or panic;
- (b) Any portion, member or appurtenance of the building or structure which has been damaged by fire, earthquake, wind, flood, inadequate maintenance or by any other cause, to such an extent that it is likely to partially or completely collapse, fail, detach or dislodge;
- (c) The building or structure, or any portion thereof, because of (i) dilapidation, deterioration or decay; or (ii) faulty construction; or (iii) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; or (iv) the deterioration, decay or inadequacy of its foundation; or (v) any other cause, is likely to partially or completely collapse;
- (d) The building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become an attractive

nuisance to children, or harbor for transients, vagrants, or criminals;

- (e) The building or structure, used or intended to be used for dwelling purposes, is unsanitary, unfit for human habitation or in such a condition that it is likely to cause sickness or disease because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities or other cause.
- (f) The building or structure creates a fire hazard by virtue of its

4 B

<u>CATLIN</u> <u>BUILDINGS</u>

obsolescence, dilapidated condition, deterioration, damage, inadequate exiting, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause;

- (g) The building or structure constitutes a public nuisance as defined by law.
- (h) Any portion of the building or structure including the foundation and slab or grade, or structure, remains on a site after the demolition or destruction of the building or structure;
- (i) Defective or overloaded electrical systems, faulty or leaking fuel piping systems, or deteriorated fuel combustion equipment or combustion product vents.
- (j) The existing use or occupancy violates the fire, health or building regulations of applicable village ordinances or other statutory or regulatory provisions.

(C) PROCEDURES-NOTICE AND ORDER.

- (1) Whenever the Building Official determines that a building, structure or any portion thereof is Dangerous as defined in this Section, a written Notice and Order shall be issued to the record owner and the person in possession of the building to abate this public nuisance.
- (2) The Notice and Order shall contain a description of the property in general terms reasonably sufficient to identify the location of the property.
- (3) The Notice and Order shall refer to this Section and shall list the conditions of the property which render the structure or building Dangerous as defined this Section.
- (4) Notice and Order shall describe the action required to abate the public nuisance, which may include the following:
- (a) Repair and Rehabilitation:
 If the Building Official determines that the building or structure can be reasonably repaired, the written Notice and Order shall require that all necessary permits be obtained and the work physically commenced within a reasonable time under the circumstances, not to exceed sixty days from the date of notice. The Building Official shall also establish a deadline to complete all repairs within a reasonable time.
- (b) <u>Demolition</u>: If the Building Official determines that the building or structure cannot be reasonably repaired, the Notice and Order shall require that all necessary permits be secured within thirty days of this notice and that demolition

shall be completed within a reasonable period of time not to exceed sixty days from the date of this notice.

- (c) <u>Vacation of Tenants</u>: If the Building Official determines that vacation of the structure is necessary for demolition or repairs, the Notice and Order shall require the vacation of the structure within a reasonable period of time not to exceed sixty days from the date of this notice; That all necessary permits be secured within sixty days from the date of this notice and that demolition or repairs be completed within a reasonable time as determined by the Building Official.
- (d) <u>Clean and Secure</u>: Until the owner starts such actual repairs, rehabilitation or demolition, and after vacation is complete, the Notice and Order shall require the owner to immediately clean and secure the property.
- (e) <u>Statement of Intent</u>: This Notice and Order shall require the owner, within ten calendar days from the date this notice is mailed, to provide the Building Official with a written statement of the owner's intent to abate the public nuisance or file a notice of appeal as provided for in this section.
- (5) The Notice and Order shall also explain the consequences should the owner fail to comply with the terms of the notice as prescribed in this section.
- (6) The Notice and Order shall identify all hearing and appeal rights.
- (7) The Notice and Order, and any amended or supplemental Notice and Order, shall be served upon the record owner or his agent and the person in possession of the property by any one of the following means:
 - (a) Personal service;
- (b) Certified mail, postage prepaid, return receipt requested; or
- (c) Posting the Notice and Order conspicuously on or in front of the property.

The failure of any person with an interest in the property to receive such notice shall not affect the validity of any proceedings taken under this section.

- (D) FAILURE TO COMPLY. If the required work or demolition is not commenced within the time specified in the Notice and Order and is not in compliance with all applicable regulations, the Building Official may, after having received a court order to do so, do any or all of the following:
- (1) Order the building vacated and posted to prevent further occupancy until the work is completed; and
- (2) Clean and secure the building or structure; and

- (3) Declare the building or structure a public nuisance and order its demolition by village work forces or a private contractor, or by the owner.
 - (E) REPAIR, VACATION AND DEMOLITION.
- (1) <u>Standards</u>: The Building Official shall follow the standards in ordering the repair, vacation or demolition of any Dangerous Building or Structure:
- (a) Any building declared Dangerous under this section shall be repaired in accordance with the most recent building code.
- (b) The owner of the property shall assist in the relocation of any tenants which are displaced as a result of this abatement process.

(2) Posting of Signs:

(a) When the Building Official orders the vacation of tenants and when the building is secured, signs shall be posted at or near each entrance of the building and shall be in substantially the following form:

DO NOT ENTER UNSAFE TO OCCUPY

It is an ordinance violation to occupy this building or to remove or deface this notice.

- (b) Order: The notice to vacate shall also be posted and it shall recite the conditions in the notice issued by the Building Official.
- (3) <u>Trespass</u>: No person shall remain in or enter any building which has been so posted, except that entry may be made to repair or demolish such building under proper permit.
- (4) <u>Defacement</u>: No person shall remove or deface any such sign or notice after it is posted until the required repairs have been completed and a Certificate of Occupancy issued pursuant to the provisions of the Building Code or until demolition is finished and all debris removed pursuant to the demolition permit.
- (F) APPEAL ORDER OF BUILDING OFFICIAL'S TO THE BUILDING AND GROUNDS COMMITTEE. Any person having any title or legal interest in the property, building or structure may appeal from the Notice and Order or any action or determination made by the Building Official. The notice to appeal must be made in writing and filed with the Building Official within ten calendar days from the date the Notice and Order to be appealed from is mailed.
- (1) <u>Processing of Appeal</u>: As soon as practicable after receiving the written notice of appeal, the Building Official shall refer the matter to the Village Clerk

- who shall fix a date, time and place of the hearing, notice of which shall be served at least seven days prior to the date of the hearing on each party having a legal interest in the property by any of the methods listed herein for service of a Notice and Order.
- (2) <u>Scope of Hearing on Appeal</u>: The Building and Grounds Committee shall consider and written or oral evidence regarding the following issues:
- (a) The Building Official shall present information relating to the condition of property, the respective health and safety hazards and the appropriate means of abatement.
- (b) The owner or agent or person in possession of the property or any other interested person may present testimony or evidence concerning the condition of the property, existence of a public nuisance and means and time frame for correction.
- (3) Stay of Order Pending Appeal; Except where the circumstances require emergency action to abate an imminent hazard or to vacate the tenants or to secure the building, enforcement of any Notice and Order of the Building Official issued under this section shall be stayed during the pendency of a proper and timely filed appeal.
- (4) <u>Final Administrative Order</u>: The decision of the Building and Grounds Committee regarding any appeal is the final administrative order and decision.

(G) ENFORCEMENT OF NOTICE OR ORDER.

- (1) Failure to Obey: When any Notice and Order of the Building Official or the Building and Grounds Committee made pursuant to this section has become final, no person to whom any such order is directed shall fail, neglect or refuse to obey any such order. If, after any such Notice and Order of the Building Official or decision by the Building and Grounds Committee the person to whom such order is directed shall fail, neglect or refuse to obey such order, the Building Official may; (i) cause each person to be prosecuted for such violation, or (ii) institute any appropriate action to abate such building or structure as a public nuisance.
- (2) Extensions of Time: Upon receipt of a written request from the person required to obey the Notice and Order and a written agreement by such person that he or she will comply with the Notice and Order if allowed additional time, the Building Official may, in his or her discretion, grant an extension of time, not to exceed an additional one hundred and twenty days, to complete the repairs, rehabilitation or demolition, if the Building Official determines that such an extension of time will not create or perpetuate a situation imminently dangerous to life or property and the circumstances which justify the delay are beyond the direct control of the applicant. The Building

Official's authority to extend time is limited to the physical repair, rehabilitation or demolition of the premises and will not in any way affect the time to appeal any Notice and Order or previously scheduled hearings.

- (3) Interference with Repair or Demolition Work Prohibited: No person shall obstruct, impede or interfere with any officer, employee or contractor or authorized representative of the Village with any person who owns or holds any estate or interest in any building or structure while conducting repairs, vacation of tenants or demolition pursuant to the provisions of this section.
- (H) PERFORMANCE OF WORK OR REPAIRS OR DEMOLITION. When any repair or demolition is done by the village, the village shall accomplish the work by using village work crews or by private contractor.
- ADMINISTRATIVE COSTS. All administrative and physical work costs incurred by the village or by the Building Official or their agents in the implementation of a Notice and Order, including the costs for appeals or legal proceedings, including court costs, publication fees, service of process, attorneys' fees and recording fees, shall be assessed against the owner as a personal obligation and may be made a lien against the real estate in accordance with applicable state law.
- (J) ENTRY. Whenever necessary to make an inspection to enforce any of the provisions of this section, or whenever the Building Official or his authorized representative, has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which made such building or premises unsafe, dangerous or hazardous, the Building Official or his authorized representative, may enter such building or premises at all reasonable times to inspect the same in regard to such condition or conditions, provided that if such building or premises be occupied, he shall first present proper credentials and request entry; and if such building or premises be unoccupied, he shall first made a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If such entry is refused, the Building Official or his authorized representative, shall seek an appropriate order from a court of competent jurisdiction.
- (K) IMMEDIATE HAZARD. When in the opinion of the Building Official any structure is in such condition as to constitute an immediate hazard requiring immediate action to protect the public, the Building Official may erect barricades or cause the property to be vacated, taken down, repaired, shored or otherwise made safe without delay. Such action

may be taken without prior notice to or hearing of the owners, agents, lienholders and occupants. The cost of any action under this section shall be assessed against the property as provided in paragraph (I) above. (Ord. 128, passed 7-8-40; Am. Ord. 502, passed 6-6-97)

Cross-reference:

Nuisances, see Chapter 92

\S 150.04 CONSTRUCTION OR WRECKING MAY BE STOPPED.

The Building Official shall have power to stop the construction of any building or structure or the making of any alterations or repairs of any buildings or structures within the village when the work is being done in a reckless or careless manner or in violation of this chapter or the zoning code. The Building Official shall have power to stop the wrecking or tearing down of any building or structure within the village when the work is being done in a manner endangering life or property, and to order any and all persons engaged in the work to stop and desist. When the work has been stopped by the order of the Building Official, it shall not be resumed until the Building Official is satisfied that adequate precautions have been taken for the protection of life and property and that the work will be done in conformity with the ordinances of the village.

(Ord. 128, passed 7-8-40; Am. Ord. 502, passed 6-6-97) Penalty, see § 150.99

§ 150.05 FIRE LIMITS.

- (A) BOUNDARIES. All that part of the village zoned for business or industrial use is hereby designated to be the fire limits of the village.
- (B) EXTERIOR COVERINGS. It shall be unlawful to construct any building or structure within the fire limits unless the exterior walls and roof of such building or structure are covered with or constructed of materials conforming to the provisions of the current edition of the Basic Building Code (BOCA) published by the Building Officials and Code Administrators International, Inc., relative to fire limits construction; provided that this shall not operate to prohibit the construction of wooden porches, balconies or ornamental work no higher than the second story within such fire limits.
- (C) REPAIRS. It shall be unlawful to repair any existing frame building within the fire limits after the same has been damaged by any cause to fifty percent of its fair market value. Any existing frame building in the fire limits may be brick veneered.
- (D) WOODEN STRUCTURES. No wooden building hereafter erected or altered outside the fire limits shall exceed two and one-half stories or thirty feet in height.
 (Ord. 128, passed 7-8-40; Am. Ord. 502, passed 6-6-97) Penalty, see § 150.99

§ 150.06 DAMAGED BUILDINGS.

If any building is damaged by fire or other cause, including ordinary wear, so that its value is less than one-half its original fair market value prior to such damage, exclusive of the value of the foundation, the building shall not be repaired or rebuilt except in conformity with the provisions of this chapter regulating the construction of buildings. (Ord. 128, passed 7-8-40; Am. Ord. 502, passed 6-6-97) Penalty, see § 150.99

ADMINISTRATION

§ 150.15 BUILDING AND GROUNDS COMMITTEE.

There is hereby created a committee to be known as the Building and Grounds Committee. The Committee shall be composed of all the members of the Council. (Ord. 128, passed 7-8-40; Am. Ord. 502, passed 6-6-97)

§ 150.16 BUILDING OFFICIAL.

There is hereby created the office of Building Official. It shall be the duty of the Building Official to enforce all ordinances relating to the erection, construction, alteration, repair, removal, or the safety of buildings and structures. The Building Official shall inspect and examine all plans for building and repairs. The Building Official shall be appointed by the Mayor and shall act under the direction, supervision, and control of the Building and Grounds Committee.

(Ord. 128, passed 7-8-40; Am. Ord. 447, passed 5-28-91; Am. Ord. 502, passed 6-6-97)

Cross-reference:

Private swimming pools, see § 151.11 Zoning regulations, see § 153.26.

\S 150.17 APPEAL OF BUILDING OFFICIAL'S DECISIONS.

- (A) In cases where discretionary power to estimate damage to buildings is given the Building Official, as also in questions relating to the security or insecurity of any building or parts thereof and in all other cases where discretionary powers are by ordinance given to the Building Official, an appeal to arbitration shall be allowed to persons believing themselves injured or wronged by the decisions of the Building Official. Any person wishing to make an appeal shall do so within five days after written notice of the decision or order of the Building Official has been given him. An appeal made later shall not entitle the appellant to arbitration. The request for arbitration shall be in writing and shall state the object of the proposed arbitration and the name of the person who is to represent the persons as arbitrator.
- (B) The Building Official shall immediately notify the Building and Grounds Committee upon

receiving a notice of appeal for arbitration and the Building and Grounds Committee shall appoint an arbitrator to represent the village. The two arbitrators shall appoint a third and the decisions of any two of the three shall be final and binding upon the appellant as well as upon the village. The arbitrators shall be placed under oath and shall have the power to call witnesses and place them under oath. Their decisions or awards shall be rendered in writing both to the Building and Grounds Committee and to the appellant.

(C) Whenever the decision of the Building Official upon the safety of any building is made in a case so urgent that failure to properly carry out his orders to demolish or strengthen the building or part thereof may endanger life and limb, the decision and order of the Building Official shall be absolute and final. Whenever any owner, agent, or occupant shall neglect or refuse to comply with any order made under the provisions of this section, within the time specified in the order, he shall be subject to punishment. (Ord. 128, passed 7-8-40) Penalty, see § 150.99

§ 150.99 VIOLATIONS AS INFRACTIONS.

Violations of the foregoing ordinance shall be treated as infractions. Procedure for an infraction shall be as follows:

- (A) Infraction procedure, including issuance of notices and citations, shall be carried on by the Building Office or any employee authorized to do so by the village council.
- (B) Before issuing a citation for an infraction, the Building Official or employee responsible for the enforcement shall issue a warning notice, describing the alleged offense, the location, the ordinance or code section involved, and a statement of what must be done to correct the violation. The notice shall state the date by which such correction must be completed. Such date shall be five calendar days from the date of the notice, provided that a shorter time shall be specified if there is substantial immediate danger to persons or property, and a longer time than five days shall be stated if there would be practical physical difficulties in completing the correction within five days and there is no emergency.
- (C) Failure to issue a warning notice as described in paragraph (B), above, shall not affect the validity of any prosecution for an infraction.
- (D) If the condition has not been corrected within the time specified in the warning notice, the Building Official or employee dealing with the matter shall issue a citation for the infraction. The citation shall state a date and time for a court appearance, and shall state that the person accused may avoid the court hearing by

paying, before the time of the hearing, the sum of fifty dollars in lieu of a fine set by the court.

(E) Any person, firm or corporation found guilty of a violation of this ordinance shall be fined not less than fifty dollars nor more than five hundred dollars for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues to occur.

(Ord. 128, passed 7-8-40; Am. Ord. 502, passed 6-6-97)

Section

- 151.01 Definitions
- 151.02 Scope
- 151.03 Permit for construction; approval of plans
- 151.04 Permit fees
- 151.05 Location
- 151.06 Construction standards
- 151.07 Operation and maintenance generally
- 151.08 Disinfection
- 151.09 Steps or ladders
- 151.10 Electrical requirements
- 151.11 Inspections

151.99 Penalty

§ 151.01 DEFINITIONS.

For the purpose of this chapter the following definition shall apply unless the context clearly indicates or requires a different meaning.

"PRIVATE POOL." Any swimming pool or wading pool over 24 inches in depth, or with a surface area exceeding 250 square feet, at a private residence intended only for the use of the individual owner, his or her family, guests and friends, and installed either above or below, or partly above and partly below, ground elevation, and includes portable or temporary type pools constructed of plastic, rubberized cloth, or similar materials. (Ord. 715, passed 7-23-13)

§ 151.02 SCOPE OF CHAPTER.

This chapter shall apply to all new and existing private pools except as indicated herein.

(Ord. 715, passed 7-23-13)

\S 151.03 PERMIT FOR CONSTRUCTION; APPROVAL OF PLANS.

- (A) No person or organization shall proceed to erect, construct or install a private swimming pool or enlargement, alterations or repairs (the cost of the labor and materials for which exceeds the sum of \$1,000) to an existing private pool without having first obtained a permit issued and signed by the Building Official or his or her authorized representative upon approval of an application.
- (B) All drawings and plans for the construction, installation, enlargement, alteration or repair of any private swimming pool and appurtenances shall be presented to the Building Official for approval as to proper location, construction, and use.
- (C) Application for such permit shall be in writing in the form prescribed by the Building Official. The application shall contain information required by the Building Official for a proper understanding of the proposed work

- (D) No permit issued hereunder shall be the subject of any sale, assignment, or other transfer, either voluntary or involuntary.
- (E) Once a permit has been issued hereunder for a portable or temporary swimming pool, and the pool has been disassembled, no additional permit or permit fee is required, where the pool is re-erected or re-installed if the location, construction, and use will remain the same as in the original application. (Ord. 715, passed 7-23-13) Penalty, see § 151.99

§ 151.04 PERMIT FEES.

The fee for a permit for the erection, construction, installation, enlargement, alteration or repair of a private swimming pool shall be \$10, payable with the application for permit.

(Ord. 715, passed 7-23-13)

§ 151.05 LOCATION.

- (A) Private swimming pools shall be permitted only upon a property occupied by a one- or two-family residential dwelling.
- (B) No portion of a private swimming pool shall be located at a distance less than five feet from any side or rear property line.
- (C) Pumps, filters, and pool water disinfection equipment installations shall be located at a distance not less than two feet from any side property line.
- (D) The provisions of this section shall not apply to swimming pools of a permanent nature constructed prior to the effective date of this section.

 (Ord. 715, passed 7-23-13)

§ 151.06 CONSTRUCTION STANDARDS.

- (A) Construction, wiring, and plumbing installation for all private swimming pools shall conform to the standards specified in the appropriate BOCA Codes in effect from time to time, unless otherwise covered by ordinance or resolution of the Village Council, or variance orders of the Zoning Board of Appeals.
- (B) Every private swimming pool shall be protected against unauthorized access by a sufficient fence or other enclosure, excluding pools 42 inches or more in height above ground level. Any pool 42 inches or more in height and not protected by a sufficient fence must have a removable or locking ladder. A sufficient fence has a minimum height of 42 and has a latching gate.
- (C) Except those of a portable or temporary type, all private swimming pools shall be of the recirculation type in which circulation of the water is maintained through the pool by pumps, the water drawn from the pool, clarified, and disinfected before being returned to the pool.

- (D) Private swimming pool recirculation systems shall consist of pumping equipment, hair and lint catcher, filters, necessary pipe connections to the pool inlets and outlets, facilities and pipe connections necessary for backwashing type filters, and facilities and equipment for disinfecting pool water.
- (E) A hair and lint catcher or strainer shall be installed on the suction side of the circulation pump to prevent hair, lint, and other extraneous matter from reaching the pump and filters. Hair and lint catchers shall be so designed that they can be easily dismantled for cleaning and inspection and shall be easily accessible for cleaning.
- (F) All backwash water and effluents shall be discharged to a storm or sanitary sewer through an indirect connection, or, if neither is available, the backwash shall be disposed of in a manner suitable to the Building Official.
- (Ord. 715, passed 7-23-13) Penalty, see § 151.99

5 151.07 OPERATION AND MAINTENANCE GENERALLY.

- (A) All private swimming pools shall be maintained in a clean and sanitary condition. All equipment shall be maintained in a satisfactory operating condition during periods the pool is in use.
- (B) No private swimming pool shall be used, kept, maintained or operated in the village if such use, keeping, maintaining or operating shall be the cause of any nuisance or shall be dangerous to life or detrimental to health. (Ord. 715, passed 7-23-13) Penalty, see § 151.99

§ 151.08 DISINFECTION.

- (A) Equipment shall be provided for the disinfection of all pool water. Any disinfection method using materials other than chlorine compounds shall be subject to the approval of the Building Official.
- (B) Gaseous chlorination systems shall not be made use of as a disinfection method for pool water.
 (Ord. 715, passed 7-23-13) Penalty, see § 151.99

§ 151.09 STEPS OR LADDERS.

At least one means of egress in the form of steps or ladder shall be provided for all private swimming pools. Treads on the steps of each ladder shall be constructed of nonslip material. Steps and ladders shall have a handrail on both sides. (Ord. 715, passed 7-23-13) Penalty, see § 151.99

5 151.10 ELECTRICAL REQUIREMENTS.

(A) No overhead current carrying electrical conductors of 75 volts or more shall cross private swimming pools, or be located within 12 feet of such pools.

- (B) All metal fences, enclosures, or railings, near or adjacent to private residential swimming pools, which might become electrically alive as a result of contact with broken overhead conductors or from any other cause shall be effectively grounded.
- (C) The recirculating system pump may not be on the same circuit with the general pool lighting. If the recirculating pump is 3/4 hp or more, then it must be on a completely separate circuit.
- (D) All underground wiring shall comply with the provisions of the National Electrical Code, as amended from time to time. Wiring installed under the pool proper or under impervious walk areas shall be 3/4-inch rigid conduit, type RR.
- (E) All exterior receptacles shall be of the grounded type. (Ord. 715, passed 7-23-13) Penalty, see § 151.99

§ 151.11 INSPECTIONS.

- (A) Construction, installation, enlargement, alteration, repair and maintenance of any private swimming pool and appurtenances shall be inspected by the Building Official.
- (B) The Building Official shall have the right to enter, at reasonable times, upon premises improved with a private swimming pool for the purpose of inspecting and investigating conditions relating thereto. In the event the Building Official finds a violation of this chapter existing with respect to a private swimming pool, a written notice describing the violation shall be given the owner of the premises, which shall provide directions for remediation of the violation and a reasonable time for same. Such notice shall be delivered personally, or by U.S. Mail addressed according to the information provided in the permit application or the then current Vermilion County, Illinois tax records.
- (C) Upon written request by the owner to the Building Official, a hearing shall be held and written notice of the time and place for hearing shall be given to the owner, to be held not more than ten days following the request. At the hearing before the Building Official, the owner shall be given an opportunity to present evidence relevant to the alleged violation. Within three business days following the hearing, the Building Official shall enter an appropriate order and shall notify the owner of his or her findings and order.
- (D) The decision of the Building Official shall be appealable by the owner to the Mayor or his or her designee. Such appeal shall be initiated by written notice to the Mayor before the close of the next regular village business day after the date of service of the order of Building Official, or such appeal shall be deemed waived. The owner shall be given an opportunity to be heard by the Mayor

or his or her designee upon any such appeal within two business days after receipt of any such notice of appeal. The Mayor may sustain or reverse the order of the Building Official based upon the evidence presented to the Building Official. Such decision of the Mayor shall be made before the close of the next village regular business day following the conclusion of any such hearing. The owner shall receive written notice of the Mayor's decision, which decision shall be a final decision for the purposes of administrative review.

(E) Notwithstanding any other provision in this section, if in the opinion of the Building Official, an emergency situation has been created such that the continued use of a private swimming pool will immediately threaten life, health or property, the Building Official, or his or her designee, upon the issuance of a written order stating the reason for such conclusion and without notice or hearing may immediately require the use of the private swimming pool to immediately cease, and it to be closed and secured. No person shall continue to use a private swimming pool contrary to such order. (Ord. 715, passed 7-23-13) Penalty, see \$ 151.99

§ 151.99 PENALTY.

Any person found guilty of a violation of this chapter shall be fined pursuant to \$ 10.99. Each day a violation continues after any period of remediation allowed by the Building Official shall constitute a separate offense. In addition to any fine imposed hereunder the offender shall be ordered to pay all of the costs and fees incurred by the village in prosecuting the violation, which shall include but not be limited to the costs associated with any administrative adjudication proceeding or court proceeding, including reasonable attorney fees. (Ord. 715, passed 7-23-13)

Swimming Pool Sanitation

Pool water requires daily chlorination to sanitize the contaminants and organisms introduced by the users and the natural environment.

Chlorination requires aeration to activate the chlorination process. Most filtration equipment also provides water aeration as part of the process of cycling the water through the filtration equipment.

One by-product of activated chlorination is a chemical reaction with metallic ions in the water, which form a precipitate. Filtration is required to remove these precipitates.

Activated chlorination "kills' algae and other organic matter. However, this material must be removed from the water to prevent a build-up and "murky" appearance. The presences of these materials in the water also pose health hazards to users. Filtration is required to remove these materials.

Many of the airborne contaminants are lightweight and will float as particles at surface level. Filtration is designed with skimmers to remove these particles before they become a health hazard.

Many of the soil particles that are tracked into a pool by users are heavier and will accumulate at the bottom. Regular pool maintenance incorporates a water vacuum to suction these particles from the bottom through the filtration system.

For small wading pools that do not have a filtration system, most dealers recommend draining after use or draining at least every 3 days, especially when temperatures reach 80 degrees or above.

Section

151.01 Definitions

151.02 Permit required; fee

151.03 Construction and maintenance

151.04 Inspections; notice of violation

151.99 Penalty

§ 151.01 DEFINITIONS.

For the purpose of this chapter the following definition shall apply unless the context clearly indicates or requires a different meaning.

"PRIVATE SWIMMING POOLS." Any swimming pool or wading pool 12 or more inches in depth in conjunction with a private residence, intended only for the use of the individual owner, his family and friends, including pools constructed of any materials, either permanent or temporary, and either above or below ground or partly above and partly below ground.

(Ord. 335, passed 10-10-77; Am. Ord. 532, passed 11-2-99)

§ 151.02 PERMIT REQUIRED; FEE.

No private swimming pool shall be constructed or undergo major alterations without a permit having first been issued therefor, signed by the Building Official. Application for a permit shall be in writing, including sketches and plans for the construction project and other information required by the Building Official. The fee for permits shall be \$10, payable upon application for a permit. The permit shall not be the subject of sale, assignment, or other transfer, either voluntary or involuntary.

(Ord. 335, passed 10-10-77) Penalty, see § 151.99

§ 151.03 CONSTRUCTION AND MAINTENANCE.

Construction, wiring, and plumbing installation shall conform with the appropriate BOCA Codes. Each pool shall be protected against unauthorized access by a sufficient fence or other enclosure, excluding pools 42" or more in height above ground level. Any pool 42" or more in height and not protected by a sufficient fence must have a removable or locking ladder. A sufficient fence has a minimum height of 42" and must have a latching gate. All private pools shall be maintained in a clean and sanitary condition and shall be equipped to provide water exchange, filtration, and disinfection adequate for the protection of the users.

(Ord. 335, passed 10-10-77; Am. Ord. 532, passed 11-2-99) Penalty, see § 151.99

§ 151.04 INSPECTION; NOTICE OF VIOLATION.

- (A) The Building Official shall have the right to enter at reasonable times, upon the premises improved with the private swimming pool, for the purpose of inspecting and investigating conditions relating thereto. In the event the Building Official finds a violation of this chapter existing with respect to the swimming pool, a written notice describing the violation shall be given to the owner of the premises containing the swimming pool by U.S. mail, addressed according to the information given in the application for the permit or by Vermilion County tax records.
- (B) Upon written request by the owner to the Building Official, a hearing shall be held and written notice of the time and place for hearing shall be given to the owner, to be held not more than ten days following the request. At the hearing before the Building Official, the owner shall be given an opportunity to present all relevant matter. Immediately following the hearing, the Building Official shall enter an appropriate order and shall notify the permit holder of his findings and order. (Ord. 335, passed 10-10-77)

§ 151.99 PENALTY.

Failure to correct the condition described in the order of the Building Official as a violation of this chapter shall cause the owner of the premises where the pool is located, to be subject to a fine of \$100. Each day the violation continues shall constitute a separate offense. (Ord 335, passed 10-10-77)

CATLIN

Section

152.01	License for t	railer or	trailer
	park; fee		
152.02	License appli	cation	
152.03	Standards for	issuance	of license

152.04 Trailer park attendant 152.05 Authority of Department of Public Health and Safety

152.06 Register of occupants

152.07 Exemptions

152.99 Penalty

Cross-reference:

Development of mobile home parks in special flood hazard areas, see § 155.09

§ 152.01 LICENSE FOR TRAILER OR TRAILER PARK;

No person shall park or store a trailer or mobile home within the corporate limits of the village except as provided in this chapter. Any person or corporation desiring to park a trailer or mobile home or to construct or operate a trailer park within the village limits shall first make written application for, and receive, a license from the Department of Public Health and Safety and deposit a fee of \$200 per trailer site. The fee shall be for a period of one year from the date of issue. Applications for the renewal of the license shall be made within 30 days prior to the expiration of the license period, to be made with the payment of a like fee for an additional license period of one year. (Ord. 178, passed 11-7-55; Am. Ord. 262, passed 5-12-69) Penalty, see § 152.99

§ 152.02 LICENSE APPLICATION.

The application which shall be filed with the Department of Public Health and Safety, shall set forth the following information.

- $\ensuremath{\left\langle A\right\rangle }$ The full name and address of the applicant.
- (B) The present or last occupation of the applicant.
- (C) The location and legal description of the site upon which it is proposed to park the trailer or construct the trailer park.
- (D) The proposed and existing facilities at the site for water supply, sewage, garbage and waste disposal, laundry, bathing, and lighting (both interior and exterior).
- (E) A plot plan of any proposed trailer coach park with building plans and specifications for existing and planned facilities.

- (F) The owner of the real estate upon which the trailer is to be parked or the trailer park is to be constructed.
- (G) The verified signature of the applicant. (Ord. 178, passed 11-7-55; Am. Ord. 262, passed 5-12-69)

§ 152.03 STANDARDS FOR ISSUANCE OF LICENSE.

No license as herein described shall issue unless the following conditions have first been established.

- (A) A sufficient supply of potable water is available to the site, with adequate waste provided. An abundant supply of hot water is available at all times for bathing, washing, and laundry facilities.
- (B) Adequate flushed toilets are conveniently located in well-lighted and ventilated buildings with concrete or similar flooring material.
- (C) Separate bathing and toilet facilities are provided for each sex in any trailer park.
- (D) All sewage is connected to the village sewer system.
- (E) Adequate facilities are furnished for garbage and rubbish disposal to prevent litter. These depositories shall be kept in a sanitary condition at all times. (Ord. 178, passed 11-7-55; Am. Ord. 262, passed 5-12-69)

§ 152.04 TRAILER PARK ATTENDANT.

Every trailer park shall be in the charge of a responsible attendant or caretaker and the name of that person shall be furnished to the Department of Public Health and Safety. (Ord. 178, passed 11-7-55; Am. Ord. 262, passed 5-12-69) Penalty, see § 152.99

<u>§ 152.05</u> AUTHORITY OF DEPARTMENT OF PUBLIC HEALTH AND SAFETY.

The Department of Public Health and Safety shall by reasonable rules and regulations specify the number and location of streets and driveways, water closets, lavatories, baths or showers, laundry equipment, sewage connections, electrical outlets, garbage and rubbish disposal facilities, the size and location of community service facilities, and other requirements reasonably necessary to protect the public health and order. The Department of Public Health and Safety shall have the power to suspend or cancel any license issued pursuant to this chapter. (Ord. 78, passed 11-7-55; Am. Ord. 262, passed 5-12-69)

§ 152.06 REGISTER OF OCCUPANTS.

Each trailer park shall maintain a registration of occupants, including the names of every occupant and the ages of school-age children. The register of school-age children shall be made available for inspection by school administrators of the area. (Ord. 178, passed 11-7-55; Am. Ord. 262, passed 5-12-69) Penalty, see § 152.99

§ 152.07 EXEMPTIONS.

Trailers which are not used for human habitation for periods longer than 30 days, shall be excluded from the provisions of this chapter. (Ord. 178, passed -7-55; Am. Ord. 262, passed 5-12-69)

§ 152.99 PENALTY.

Whoever violates any provision of this chapter shall be fined not more than \$500 or imprisoned for a period not to exceed 180 days, or both. Each day a violation shall exist, shall constitute a separate offense. (Ord. 178, passed 11-7-55; Am. Ord. 262, passed 5-12-69)

Section

General Provisions

- 153.01 Short Title 153.02 Purpose 153.03 Definitions
- 153.03 Definitions 153.04 Jurisdiction of village
- 153.05 Zoning map
- 153.06 Lawful building or use of land
- 153.07 Accessory uses and buildings; private garages
- 153.08 Construction standards
- 153.09 Non-conforming uses

<u>Districts</u>

- 153.15 Zone A Business District
- 153.16 Zone B Multiple-Family Residential District
- 153.17 Zone C Single-Family Residential District
- 153.18 Zone D Industrial District

Administration

- 153.25 Zoning Board of Appeals
- 153.26 Zoning Committee
- 153.27 Building Official
- 153.28 Interpretations:
 Purpose and Conflict
- 153.29 Fees
- 153.30 Separability
- 153.31 Public Hearings
- 153.99 Penalty

Cross-reference:

Planning Commission, see §§ 31.05 through 31.13

GENERAL PROVISIONS

§ 153.01 SHORT TITLE.

This chapter shall be known as the Zoning Code. (Ord. 209, passed 10-31-60; Am. Ord. 497, passed 9-23-96)

§ 153.02 PURPOSE.

This chapter is adopted for the following purposes.

- (A) To regulate and limit the height and bulk of buildings hereafter to be erected;
- (B) To establish, regulate, and limit the building or setback lines on or along any street, traffic way, or drive, parkway, or storm or floodwater runoff;
- (C) To regulate and limit the intensity of the use of lot areas and to regulate and determine the area of open spaces within and surrounding the buildings;
- (D) To classify, regulate, and restrict the location of trades and industries and

the locations of buildings designed for specified industrial, business, residential, and other uses;

- (E) To divide the village into districts according to the use of land and buildings, the height and bulk of buildings, the intensity of the use of the lot area, areas of open spaces or other classification as may be deemed best suited to carry out the purposes of the Zoning Code;
- (F) To fix standards to which buildings or structures shall conform;
- (G) To prohibit uses of buildings or structures incompatible with the character of the districts established by the Zoning Code;
- (H) To prevent additions to and alterations or remodeling of existing buildings or structures in such a way as to avoid the restrictions and limitations imposed under the Zoning Code;
- (I) To classify, to regulate and restrict the use of property on the basis of family relationship;
- (J) To provide for the gradual elimination of nonconforming uses of land, buildings and structures; and
- (K) To proscribe penalties for the violation of the Zoning Code. (Ord. 209, passed 10-31-60; Am. Ord. 497, passed 9-23-96)

§ 153.03 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply; words used in the present tense shall include the future; words used in the singular number shall include the plural number, and the plural the singular; the word "building" shall include the word "structure" and the word "lot" shall include the word "plot"; and the word "shall" is mandatory and not directory.

"ACCESSORY BUILDING or USE." A subordinate building or use which is located on the same lot on which a main building or use is situated and which is reasonably necessary and incidental to the conduct of the primary use of such building or main use.

"ACREAGE." Any tract or parcel of land which has not been subdivided and platted.

"ALLEY." A public thoroughfare affording only a secondary means of access to abutting property.

"APARTMENT." A room or suite of rooms used as a single-family dwelling, including bath and cooking facilities, in a building in which there are two or more such rooms or suites.

"AUTOMOBILE HOUSE TRAILER." Any structure used for living, sleeping, $\ensuremath{\mbox{\sc TRAILER.}}$

business, or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses, or skirtings and which is, has been, or reasonably can be, equipped with wheels or other devices for transporting the structure from place to place.

"AUTOMOBILE REPAIR." General repair, engine rebuilding or reconditioning of motor vehicles; collision service, such as body, frame or fender straightening and repair; overall painting of motor vehicles.

"AUTOMOBILE SERVICE STATION." Any building or premises used for the dispensing, sale, or offering for sale directly to the public at retail of gasoline stored only in underground tanks, automobile accessories, fuels, or lubricants. When the dispensing, installation, sale, or offering for sale of motor fuels or oils is incidental to the conduct of a public garage, the premises shall be classified as a public garage.

"AUTO WRECKING or JUNKYARD." Any place where two or more motor vehicles not in running condition or parts thereof, are stored in the open and are not being restored to operation, or any land, building or structure used for wrecking or storing such motor vehicles or parts thereof; and including any farm vehicles or farm machinery, or parts thereof, stored in the open and not being restored to operating condition; and including the commercial salvaging, and scavenging of any other goods, articles or merchandise.

"BASEMENT." A story partly underground but having less than half of its clear height below grade. A "BASEMENT" shall be counted as a story for purpose of height measurement.

"BILLBOARD." Any structure or portion thereof upon which are signs or advertisements used on an outdoor display. This definition does not include any bulletin boards used to display official court or public office notices, or signs advertising the sale or lease of the premises on which the sign is located.

"BOARDING HOUSE." Any building where meals or lodging and meals are provided for compensation, for three or more, but not exceeding 20 persons.

"BUILDING." A structure having a roof supported by columns or walls and designed or intended for the shelter, support, or enclosure of persons, animals, or chattels, and when separated by division walls from the ground up and without openings, each portion of the building shall be deemed a separate building.

"BUILDING AREA." The buildable area of a lot is the space remaining after the minimum open space requirements of this ordinance have been complied with.

"BUILDING LINE." a line established by law or agreement beyond which a building shall not extend.

"CARPORT." A structure, whether detached from, attached to or made a part of the principal building or private garage, and which is open to the weather on at least two sides, and intended for the shelter of not more than two motor-driven passenger vehicles.

"CESSPOOL." A covered pit which receives raw sewage directly, without an intervening septic tank.

"CONDOMINIUM." An apartments building in which the units are owned individually. Also an apartment in such a building. See also Officer Condominium.

"CORNER LOT." A parcel of land situated at the intersection of two or more streets. Any lot adjoining a curved street at a point where the street line describes an arc subtended by an angle of 135 degrees or less shall also be considered a "CORNER LOT."

"COURT." An unoccupied open space, other than a yard, on the same lot with a building, which is bounded on two or more sides by the walls of the building.

"DISTRICT." A section or sections of the incorporated area of the village for which the regulations and provisions governing the use of building and land are uniform for each class of use permitted therein.

"DWELLING." A building or portion thereof, but not an automobile house trailer, designed exclusively for residential occupancy, including one-family, and multiple family dwellings, but not including hotels, boarding and lodging houses.

- (1) "MULTIPLE FAMILY." A building occupied as a home or residence of two or more families living individually of each other.
- (2) "SINGLE FAMILY." A detached building designed for or used exclusively by one family.

"FAMILY." An individual, or two or more persons related by blood, marriage, or a group of not more than five persons (excluding servants) who need not be related by blood or marriage, living together in a dwelling unit.

"FAMILY" shall include two or more persons with a handicap as defined in the Fair Housing Amendments Act of 1988, 42 USC § 3601 and following, living as a single housekeeping unit.

"FLOOR AREA, USABLE." Any floor area measured from the outside of the exterior walls of a residential building exclusive of areas in cellars, basements, unfinished attics, garages, open porches, accessory buildings, and rooms on the ground floor designed primarily for location of heating or utilities equipment.

"FRONTAGE." All property on one side of a street between two intersecting streets, or natural barriers.

"GARAGE, PRIVATE." An accessory building for the storage of not more than four motor-driven vehicles, of which not more than one shall be a commercial vehicle of not more than two-ton capacity.

- (1) A one car garage shall be a maximum of 416 square feet, with a minimum of one vehicular door;
- (2) A two car garage shall be a maximum of 676 square feet, with a minimum of one vehicular door;
- (3) A three car garage shall be a maximum of 988 square feet, with a minimum of two vehicular doors; and
- (4) A four car garage shall be a maximum of 1,300 square feet, with a minimum of two vehicular doors.

"GARAGE, PUBLIC." A building other than a private garage, used for the care, repair, or equipment of automobiles, or where such vehicles are parked or stored for remuneration, hire or sale within the structure.

"HOME OCCUPATION." Any occupation or profession for gain or support carried on entirely within a dwelling by a member or members of the family residing on the premises, which is clearly incidental and accessory to the use of the dwelling for dwelling purposes and does not change the character thereof. No sign in connection with the home occupation shall be used, other than a plate showing only one individual's name and not more than one square foot in area; and no display that will indicate from the exterior that the building is being utilized for any purpose other than that of a residential building shall be used. No person shall be employed other than a member of the family residing on the premises. No article shall be sold or offered for sale except that produced in the household by members of the family, and no mechanical equipment shall be used except that customarily used for purely domestic or household purposes.

"INSTITUTION." A building occupied by a nonprofit corporation or a nonprofit establishment for public or semipublic use.

. "JUNK YARD." Open area where waste scrap iron, rags, or similar materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled. This shall include open machinery, vehicle and house wrecking, or parts yards, but shall exclude similar uses taking place entirely within a completely closed building.

"LODGING HOUSE." A building where lodging is provided by prearrangement for definite periods for three or more persons and not open to transient guests.

- "LOT." A parcel of land occupied or suitable for occupancy by one main building or use permitted by this chapter, with accessory buildings, the open spaces required by this chapter, and having not less than the minimum area required by this chapter for a lot in the district in which it is located, and having its principal frontage on a public street or on an officially approved place.
- (1) "LOT, CORNER." A lot situated at the intersection of two or more streets.
- (2) "LOT DEPTH." The horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.
- (3) "LOT FRONTAGE." The front of a lot shall be that boundary of a lot along a public street; and for a corner lot the front shall be the shorter lot boundary along a street.
- (4) "LOT, INTERIOR." A lot other than a corner lot.
- (5) "LOT WIDTH." The horizontal distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot lines.

"MANUFACTURED HOME." A structure transportable in one or more sections, which in the traveling mode is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is build on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. A prefabricated home which complies with all of the requirements for a single-family home found in the building code and this zoning code and which occupies a single-family lot, shall not be included in this definition.

"MANUFACTURED HOME SUBDIVISION." A subdivision designed and intended for residential use using manufactured homes.

"NON-CONFORMING USES." Any building, structure or land lawfully occupied by a use or lawfully situated at the time of the passage of this chapter or amendments thereto, which, does not conform after the passage of this chapter or amendments thereto with the regulations of this chapter.

"OFFICE CONDOMINIUM." An office building in which units are owned separately. Also an office unit in such a building.

"PARKING AREA, PRIVATE." An open area for the parking of privately owned automobiles and not for public use.

"PARKING AREA, PUBLIC." An open area, other than a street, used for the temporary parking of more than four automobiles and available for public use whether free, for

compensation or as an accommodation for clients or customers.

"SIGNS, OUTDOOR ADVERTISING." Any card, cloth, paper, metal, painted, glass, wooden, plaster, stone or other sign of any kind or character whatsoever, placed for outdoor advertising purposes on the ground or on any tree, wall, bush, rock, post, fence, building, structure, or thing whatsoever. The term "placed" as used in the definition of "outdoor advertising sign" and "outdoor advertising structure" shall include erecting, constructing, posting, painting, printing, tacking, nailing, gluing, sticking, carving, or other fastening, affixing or makings visible in any manner whatsoever.

"STORY." That portion of a building, other than the basement, included between the surface of any floor and the surface of the next floor above it, or, if there is no floor above it, then the space between the floor and the ceiling next above it.

"STREET." A public thoroughfare which affords the principal means of access to abutting property.

"STRUCTURAL ALTERATION." Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders.

"STRUCTURE." Anything constructed or erected, which is located on the ground or attached to something located on the ground, and includes, but is not limited to buildings, driveways, parking areas, and patios.

"<u>USE.</u>" The purpose for which land or a building thereon is designed, arranged or intended, or for which it is occupied or maintained, let or leased.

"YARD." An open space on the same lot with a main building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard, or the depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

"YARD, FRONT." A yard extending across the full width of the lot and lying between the front line of the lot and the nearest line of the principal building.

"YARD, REAR." A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the principal building.

"YARD, SIDE." That part of the yard lying between the main building and a side lot line,

and extending from the required front yard (or from the front lot line, if there is no required front yard) to the required rear yard. (Ord. 209, passed 10-31-60; Am. Ord. 497, passed 9-23-96; Am. Ord. 539, passed 12-19-00; Am. Ord. 561, passed 4-1-03; Am. Ord. 576, passed 7-20-04)

§ 153.04 JURISDICTION OF VILLAGE.

The zoning jurisdiction of the village pursuant to the Zoning Code is extended to include and regulate all land lying within 1-1/2 miles of the corporate boundaries of the village and not included within any municipality. In the event the corporate boundaries of the village should in the future be altered, the jurisdiction herein exercised shall extend 1-1/2 miles from the corporate boundaries as altered. All territory within 1-1/2 miles of the corporate boundaries of the village shall automatically be classified as being in Zone C - Single-Family Residential until otherwise zoned.

(Ord. 209, passed 10-31-60; Am. Ord. 264, passed 8-18-69; Am. Ord. 497, passed 9-23-96)

§ 153.05 ZONING MAP.

The boundaries of designated districts are shown upon the map made a part of this chapter as amended since October 31, 1960, which map is designated as the zoning map of the village. The zoning map made a part of this chapter and on file in the office of the Village Clerk and all notations, references and other information shown thereon are a part of this chapter and have the same force and effect as if the zoning map and all such notations, references, and other information shown thereon were fully set forth or described herein.

(Ord. 209, passed 10-31-60; Am. Ord. 497, passed 9-23-96)

§ 153.06 LAWFUL BUILDING OR USE OF LAND.

"General Provisions."

(A) All streets, alleys, and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such alleys, streets, or railroad right-of-way. Where the center line of a street or alley serves as a district boundary, the zoning of such street or such street or alley, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such center line.

(B) No building or structure shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used for any purpose other than is permitted in the district in which the building or land is located.

- (C) No building or structure shall be erected, converted, enlarged reconstructed, or structurally altered to exceed the height limit herein established for the district in which the building is located except that roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, radio and television aerials or, antennas, water tanks, or similar structures may be above the height limits herein prescribed. No such structure may be erected to exceed by more than 25 feet the height limits of the district in which it is located.
- (D) No building or structure other than a building for conditional use shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the area regulations of the district in which the building is located.
- (E) Every building hereafter erected or structurally altered to provide dwelling units shall be located on a lot as herein defined and in no case shall there be more than one such building on one lot unless otherwise provided in this chapter.
- (F) Any separate tract the title of which was of record at the time of the adoption of this chapter, that does not meet the requirements of this chapter for yards, or other area of open space may be utilized for single residence purpose provided the requirements for such yard or (lot) area, width, depth or open space is within 75% of that required by the terms of this ordinance. The purpose of this provision is to permit utilization of recorded lots which lack adequate width or depth as long as reasonable living standards can be provided.
- (G) No building shall be constructed or erected upon a lot, or parcel of land, which does not abut upon a public street.
- (H) Fences, walls and shrubbery shall be erected, maintained and planted subject to the following restrictions:
- (1) No fence, wall or shrubbery shall be erected, maintained or planted on any lot in such a manner which obstructs or interferes with traffic visibility on a curve or at any street intersection.
- (2) No fence, equipped with or having barbed wire, spikes or any similar device or any electric charge sufficient to cause shock, nor plastic construction fences, metal woven fences (excluding chain link fences) or snow fences, shall be erected or maintained within the boundaries of the village, or within any platted subdivision within the jurisdiction of the village pursuant to § 153.04 of this chapter.

- (3) In no event shall a fence or wall of any height be erected within 15 feet of any street right-of-way on a corner lot.
- (4) No fence or wall shall be erected or maintained which exceeds the height of six feet above the surface of the ground as to any side or rear lot lines, nor shall any fence or wall be erected or maintained which exceeds the height of three feet above the surface of the ground in front yards.
- (5) All fences and walls shall be erected and maintained in conformance with the manufacturer's specifications for construction.
- (6) All fences, walls and shrubbery must be erected or planted within the boundaries of the lot.
- (I) A dwelling shall not be erected or converted in the "A" business or "D" industrial districts.
- (J) Driveways and parking areas must be constructed within the boundaries of a lot, or parcel of land, subject to the following restrictions;
- (1) If a driveway extends to the street line, an expansion joint must be installed at the right-of-way line.
- (2) Since repairs to underground utilities within the public right-of-way may require the removal of a driveway surface within the right-of-way, the village or public utility shall, upon completion of utility repairs, fill the repair ditch line, however, the resurfacing of the driveway within the area of the public right-of-way shall be the responsibility of the lot owner.
- (K) Nothing in this chapter shall be deemed to require any change in the plans, construction or designated use of any building upon which actual construction was lawfully begun prior to the adoption of this chapter and upon which building actual construction has been diligently carried on, and provided further, that such building shall be completed within two years from the date of passage and publication of this chapter.
- (L) An area indicated on the official "zoning map" as public park or recreation area, public utility area, cemetery, public school site, or semipublic open space, shall not be used for any other purpose, and when the use of the area is discontinued, it shall automatically be zoned "C" single-family district, until otherwise zoned.
- (M) Any area annexed to the village shall, upon such annexation, be automatically zoned "C" single-family district, until otherwise zoned

(N) Easements: No easement shall be permitted in any residential district to serve any building or other use in any commercial district.

(Ord. 209, passed 10-31-60; Am. Ord. 497, passed 9-23-96; Am. Ord. 540, passed 12-9-00; Am. Ord. 561, passed 4-1-03; Am. Ord. 576, passed 7-20-04; Am. Ord. 607, passed 8-1-06) Penalty, see § 153.99

Cross-reference:

Building, see Ch. 150

5 153.07 ACCESSORY USES AND BUILDINGS.

Accessory buildings, private garages and carports, compatible in character and extent with the principal use and building, for storage of yard maintenance equipment, garden tools, cultivating tools, lawnmowers, snowblowers, swimming pool equipment and garden and nursery supplies and equipment and related tools and supplies and storage of motor vehicles may be erected in any zoning district where accessory buildings and private garages are permitted, subject to the following restrictions:

- (A) A building permit must be obtained in the manner provided by the building ordinance;
- (B) A building permit fee as required by the building ordinance must be paid with each application. One fee shall be adequate for each application even if the application is rejected or returned for changes and resubmitted;
- (C) The following specifications must be met by each accessory building, private garage or carport:
- (1) No accessory building shall exceed eight feet in wall height, nor shall be of more than one level, and the area of such accessory buildings shall be limited as follows:
- (a) Where the lot area is less than 12,500 square feet, no accessory building shall exceed 150 square feet in area;
- (b) Where the lot area is greater than 12,500 square feet, but less than 25,000 square feet, no accessory building shall exceed 200 square feet in area; and
- (c) Where the lot area is greater than 25,000 square feet, no accessory building shall exceed 350 square feet in area.
- (2) There shall not be more than one accessory building on each lot. Nothing in this division shall prohibit the erection on each lot of one detached private garage or one carport in addition to one accessory building.
- (3) Private garages, whether attached or detached to the principal building, may be erected provided that no more than one

- detached private garage may be allowed upon each lot and further provided that no private garage shall exceed ten feet in wall height, nor shall have bay door heights exceeding eight feet, nor shall be of more than one level, and further provided that:
- (a) Where the lot area is less than 25,000 square feet, any combination of private garages and carports may afford a lot with spaces for the storage of no more than three motor driven vehicles, of which not more than one shall be a commercial vehicle of not more than two-ton capacity; and
- (b) Where the lot area is greater than 25,000 square feet, any combination of private garages and carports may afford a lot with spaces for the storage of no more than four motor driven vehicles, of which not more than one shall be a commercial vehicle of not more than two-ton capacity.
- (4) Carports, whether attached to or detached from the principal building and whether attached to or detached from a private garage, may be erected provided that every carport shall be constructed of masonry and/or lumber products and no carport shall exceed ten feet in wall height nor shall be of more than one level, and further provided that:
- (a) Where the lot area is less than 25,000 square feet, any combination of private garages and carports may afford a lot with spaces for the storage of no more than three motor driven vehicles, of which not more than one shall be a commercial vehicle of not more than two-ton capacity; and
- (b) Where the lot area is greater than 25,000 square feet, any combination of private garages and carports may afford a lot with spaces for the storage of no more than 4 motor driven vehicles, of which not more than one shall be a commercial vehicle of not more than 2-ton capacity;
- (D) All accessory buildings, private garages and carports of 200 or more square feet in area shall be constructed upon a permanent foundation;
- (E) No accessory building, private garage or carport shall be constructed closer to a lot line than permitted by the regulations applicable in the zoning district in which the accessory building, private garage or carport is proposed to be constructed;
- (F) The application for a permit for construction of any accessory building, private garage or carport may show the location of trees and shrubs proposed to screen the building and to enhance its appearance. If the application as approved indicated such trees and shrubs the applicant shall not maintain the building without planting and maintaining the trees and shrubs;

- (G) No person shall reconstruct or alter any accessory building, private garage or carport if it is damaged to the extent of 50% or more of its value without obtaining a building permit and complying with the terms of this section;
- (H) Where an accessory building, private garage or carport is structurally attached to a main building, it shall be subject to, and must conform to all regulations of this chapter applicable to the main building;
- (I) No detached accessory building, private garage or carport shall be located closer than five feet of any main building, measured from wall to wall;
- (J) No accessory building, private garage or carport shall be erected prior to the establishment or construction of the principal use or building.

 (Ord. 209, passed 10-31-60; Am. Ord. 497, passed 9-23-96; Am. Ord. 533, passed 11-16-99; Am. Ord. 561, passed 4-1-03; Am. Ord. 584, passed 2-14-05)

§ 153.08 CONSTRUCTION STANDARDS.

All construction (excluding manufactured home construction within a manufactured home subdivision, which shall comply with the standards specified by the U.S. Department of Housing and Urban Development pursuant to the National Manufactured Home Construction and Safety Standards Act) shall comply with standards specified in the following, as amended from time to time, unless otherwise covered by ordinance, resolution of the Village Council or variance orders of the Zoning Board of Appeals: The following volumes of the 2003 edition of the International Building Code, published by the International Code Council: Building Code; Fire Code; Fuel Gas Code; Mechanical Code; Plumbing Code; Private Sewage Disposal Code: Property Maintenance Code; and Residential Code (for one- and two-family dwellings). (Ord. 209, passed 10-31-60; Am. Ord. 428, passed 3-12-90; Am. Ord. 442, passed 11-26-90; Am. Ord. 497, passed 9-23-96; Am. Ord. 539, passed 12-19-00; Am. Ord. 576, passed 7-20-04; Am. Ord. 617, passed 4-17-07)

Cross-reference: Buildings, see Ch. 150

§ 153.09 NON-CONFORMING USES.

The lawful use of land or buildings existing at the time of the adoption of this chapter may continue although such use does not conform to the regulations specified by this chapter for the district in which such land or building is located, subject to the following conditions and specifications.

(A) A nonconforming use of land (outside of a building) shall be made to conform to, the provisions of the Zoning Code within a period of two years after adoption of the Zoning Code.

- (B) Any nonconforming use of land or building which has ceased by discontinuance or abandonment for a period of six months shall thereafter conform to the provisions of this chapter.
- (C) Any nonconforming building which has been destroyed or damaged by fire, explosion, act of God, or by a public enemy to the extent of 50% or more of its fair market valuation, shall thereafter conform to the provisions of this chapter. Where more than 50% of the fair market value of the building remains after such damage, such structure may be restored to the same nonconforming use as existed before such damage.
- (D) No nonconforming use of a building may be moved to any other part or parcel of land upon which such use is prohibited by this chapter.
- (E) No nonconforming building shall be enlarged or structurally altered except to make it a conforming building. A nonconforming use of a building existing at the time of the adoption of this chapter may be extended throughout the building provided no structural alterations, except those required by ordinance or law are made therein, and provided approval is granted by the Village Council
- (F) The use of a nonconforming building may be changed only to a use of like or similar character, or to a use conforming to the district in which the property is located.
- (G) Any nonconforming signs or billboards shall be removed within a period of two years from the adoption of this chapter.
- (H) The foregoing provisions shall also apply to nonconforming uses in districts hereafter changed by amendment to this chapter. (Ord. 209, passed 10-31-60; Am. Ord. 497, passed 9-23-96)

DISTRICTS

§ 153.15 ZONE A - BUSINESS DISTRICT.

- (A) Boundary. Bounded on the south by the center line of Burgess Street, on the west by the center lines of Lookout Street and Douglas Street, on the north by the center line of Clay Street and the east-west alley between Sandusky Street and Paris Street, immediately south of the Masonic Hall; and on the east by a line running north and southeast of and parallel with Paris Street, coinciding with the east corporate limits, from the intersection of the north boundary line extended south to the intersection of the center line of Burgess Street extended.
- (B) Use Regulations. Permitted uses are: public parks; barber shops; beauty parlors; automobile service stations; auto-body repair

shops; restaurants; grocery-stores; sale of package- liquor; retail sale of food, or liquors, articles for use in the home, cosmetics, clothing and personal adornment; shopping centers; drug stores; book stores and stationery stores; gift shops; self service laundries and self-service dry cleaning establishments; professional or commercial offices; churches, institutions; apartments, provided they are located above the first floor and above a business use; banks; community service agencies; drug stores; dry cleaners; florist shops; hardware store; photographers' or artists' studios; savings institutions; undertaking establishments; clubs, lodges and fraternal organizations when operated not for profit.

- (C) Accessory uses: Uses customarily incidental to offices shall be permitted, and accessory buildings including storage space for automobiles and equipment shall be permitted.
- (D) Commercial uses: Commercial uses shall be conducted within a building, except for filling stations which shall comply with the provisions of any ordinances pertaining

(E) Signs:

- (1) Advertisement signs incorporated into a building structure, such as wall mountings, roof panels or awning covers, shall be permitted to give the names, addresses, occupations and other information related to the business of the occupants.
- buildings, shall be permitted to give the address of each office building, and to give the names and occupations and other information related to the business of the occupants. There shall be only one such sign for each building, provided that a building fronting on more than one street may have such a sign for each street. No such sign shall be larger than 35 square feet in area, provided that there may be written materials on both sides of such a sign.
- (3) Advertisement signs detached from buildings, shall be permitted to give the names, addresses, occupations and other information related to the business of the occupants. There shall be no more than two advertisement signs, detached from buildings, for each lot. No such sign shall be erected at a height in excess of 25 feet, nor be larger than 35 square feet in area, provided that there may be written materials on both sides of such a sign
- (F) Height: No building or structure shall be erected or altered to exceed a height of three stories or 45 feet.
- (G) Area; Parks: The total area designated for public parks shall amount to at least one acre.
- (H) Area Requirements: No building or structure shall hereinafter be constructed or enlarged without compliance with the following requirements:

Front set back: No structure shall be built closer than ten feet to the front lot line.

Side yard requirements: No side yard shall be required on a side of a lot adjoining another lot in the district. A side yard adjoining a street shall be not less than 20 feet wide. A side yard adjoining a residential district of any kind shall be not less than ten feet wide.

Rear yard: There shall be a rear yard of ten feet, provided that if there is a alley adjacent to the rear yard the rear yard shall be not less than ten feet.

Lot area: There are no minimum lot area requirements provided that the front, side and rear yard requirements are met. (Ord. 209, passed 10-31-60; Am. Ord. 497, passed 9-23-96; Am. Ord. 540, passed 12-9-00) Penalty, see § 153.99

§ 153.16 ZONE B - MULTIPLE-FAMILY RESIDENTIAL DISTRICT.

(A) Boundary. Bounded by a line commencing on the south line of Farrar Street at its intersection with the east line of the corporate limits, then west along the south line of Farrar Street to the center line of South Sandusky Street, then north along center line of South Sandusky Street to its intersection with the center line of Jones Street, then west along the center line of Jones Street to its intersection with the center line of Lookout Street, then north along the center line of Lookout Street to the center line of Burgess Street, then northeasterly along the center line of Burgess Street extended to the east corporate limits, being the place of beginning. Also, bounded by a line commencing at the center line of Lookout Street and its intersection with the north line of the Norfolk & Western Railroad Right-of-Way, then north along the center line of Lookout Street to its intersection with the center line of Vermilion Street, then west along the center line of Vermilion Street to its intersection with the center line of Jackson Street, then south along the center line of Jackson Street to its intersection with the north line of Martin Court Addition extended, then west along the north line of the Addition to its northwest corner, then south along the west line of the Addition to its southwest corner, then east along the south line of the Addition to its southeast corner, then south along the west corporate limits to its intersection with the south line of Sy Sandusky's Fourth Addition extended, then northeasterly along the south line of Sy Sandusky's Fourth Addition extended and along the south line of the Addition and along the south line of Sy Sandusky's Third Addition and along the south line of Sy Sandusky's Second Addition and along the south line of Sy Sandusky's First Addition to the east line of Seminary Street extended, then south to the north line of the Norfolk & Western Railroad Right-of-Way, then northeasterly along the north line of the Norfolk & Western Railroad Right-of-Way to its intersection with the center line of

Lookout Street, being the place of beginning. Also, the following described tracts (described by their common addresses): 211 North Sandusky Street; 505-507 North Sandusky Street; 104 East Fleming Avenue; 113 West Fleming Avenue; 201 Bryan Street; 403 Webster Street; and 108 North Street

(B) Use Regulations: Permitted uses are:

Any use permitted in the "C" single-family district.

 $$\operatorname{Row}$$ dwellings containing two or more family units.

Multiple dwellings, apartments, town houses and condominiums.

Boarding or lodging houses.

Nursing or rest home.

Clubs, lodges, or fraternal organizations, when not operated for profit.

- (C) Height: No building shall hereafter be erected or structurally altered to exceed two and one-half stories nor shall it exceed 35 feet in height.
- (D) Areas: No building or structure nor the enlargement of any building or structure shall be hereafter erected or maintained unless the following yards and lot areas are provided and maintained in connection with such structure or enlargement.

Front yard: There shall be a front yard of not less than 25 feet.

Side yard: On interior lots there shall be a side yard on each side of a main building of not less than five feet. On corner lots the side yard on the intersecting street side shall not be less than 25 feet.

Rear yard: There shall be a rear yard of not less than 25 feet for interior lots nor less than 15 feet for corner lots.

Lot coverage: Not more than 40% of the area of a lot may be covered by buildings or structures.

Accessory buildings and private garages: The same regulations shall apply as required in the "C" single family district.

(E) Dwelling standards: All multiple-family dwelling units hereafter erected, converted or reconstructed shall contain not less than 850 square feet per unit of usable floor area, exclusive of basements, cellars, unfinished attics, open porches and garages.

(Ord. 209, passed 10-31-60; Am. Ord. 497, passed 9-23-96) Penalty, see § 153.99

§ 153.17 ZONE C - SINGLE-FAMILY RESIDENTIAL DISTRICT.

- (A) Boundary. All territory within the corporate boundaries of the village or within the jurisdiction of the village pursuant to § 153.04 of this chapter and not otherwise designated as either Zone A-Business District, Zone B-Multiple-Family Residential District or Zone D-Industrial District shall constitute Zone C-Single Family Residential District.
 - (B) Use regulations:
 - (1) Permitted uses are:
 - (a) Single-family dwellings.
- (b) Gardening and other horticultural uses, where no building is involved, and not operated for profit.
 - (c) Churches.
 - (d) Schools.
- (2) Conditional uses, subject to the provisions of § $153.25\,(\mathrm{H})$, are:
- (a) Uses customarily incident to any of the above uses, including permitted home occupations, as provided in this chapter.
- (b) Accessory buildings and private garages including greenhouses, and bathhouses, provided they shall be located as required in § 153.07.
- (c) Temporary buildings and uses for construction purposes for a period not to exceed one year.
- (d) One sign on each lot not exceeding 12 square feet in area, pertaining to the lease or sale of the building or premises on which the sign is located.
- (e) A manufactured home subdivision, provided that in addition to the provisions of § 153.25(H), the following provisions shall also apply:
- 1. Manufactured home subdivisions are intended to promote and to preserve single-family manufactured home subdivision development which is compatible with conventional single-family residential development and manufactured home subdivisions shall be situate within the following subdistrict:

Bounded on the North by the South rightof-way line of the Wabash Railroad, extended Westerly from its intersection with the center line of Lookout Street, and bounded on the East by the center line of Lookout Street, extended Southerly from its intersection with the

South right-of-way line of the Wabash Railroad to the center line of Jones Street then East along the center line of Jones Street to its intersection with the center line of South Sandusky Street, then South along the center line of South Sandusky Street to the South corporate limits; EXCEPT commencing at the intersection of the West corporate limits and the South right-of-way line of the Wabash Railroad, then South 180 feet to a point on the West corporate limits, then North 61 degrees 14 minutes East 712.6 feet to a point, then North parallel with the West line of Lookout Street 230 feet to a point on the South right-of-way line of the Wabash Railroad, then Southwesterly on the South right-of-way line of the Wabash Railroad to the point of beginning, along with a strip of land 20 feet wide lying adjacent and contiguous to the South right-of-way line of the Wabash Railroad, beginning at the Northeast corner of the last described tract and extending in a Northeasterly direction from the place of beginning to the West line of Lookout Street.

2. Special requirements.

- a. A map or plat of all manufactured home subdivisions shall be prepared in accordance with the Subdivision Code of the village.
- b. The minimum size of a manufactured home subdivision shall be ten acres.
- $$\rm c.~$ No more than one manufactured home shall be placed on each lot.
- d. Each manufactured home shall be placed upon a permanent foundation.
- e. No conventional construction for residential purposes shall be permitted on any lot in a manufactured home subdivision, except in conjunction with and contiguous to an independent manufactured home. Nothing contained herein shall be so construed as to prevent the erection of buildings necessary for accessory uses, such as recreational halls, office and other servicing areas, which shall continue under common ownership.
- f. No manufactured home shall be permitted in a manufactured home subdivision unless it contains at least 900 square feet of living area.
- g. Nothing herein shall be deemed to prohibit the ownership by one person, firm, partnership or other entity of all of the land in a manufactured home subdivision, with lots rented to occupants.
- (C) Building height. No building or structure shall be hereafter erected or maintained or exceed two and one-half stories, nor shall it exceed 35 feet in height.

- (D) Areas. No building or structure nor the enlargement of any building or structure shall be hereafter erected or maintained in the Single Family Residential District, unless the following yards and lot areas are provided and maintained in connection with such building, structure or enlargement.
- (1) Front yard: There shall be a front yard of not less than 25 feet.

(2) Side yard.

- (a) On interior lots there shall be a side yard on each side of a main building of not less than five feet.
- (b) On corner lots the side yard requirement shall be the same as for interior lots, except that there shall be maintained a side yard of not less than 25 feet on the side adjacent to the street which intersects the street upon which the building or structure maintains frontage.
- (3) Rear yard. There shall be a rear yard of not less than 25 feet from the eaves.
- (4) Lot area. Every lot, or other parcel of land shall have a minimum width at the front building line of 60 feet, and a minimum area of 6,000 square feet for all uses permitted in this section, except that: The lot area for churches, public and private schools, or any permitted institution shall be not less than one acre.
- (5) Lot coverage. Not more than 40% of the area of a lot may be covered by main buildings, structures or accessory buildings.
- (6) Accessory buildings, private garages and carports. Accessory buildings, private garages and carports shall not encroach upon the front yard. No accessory building, private garage nor carport shall be erected closer than 5 feet from an interior lot line, nor closer than 25 feet from the lot line on a side adjacent to abutting streets.
- (E) Dwelling standards. Every dwelling, hereafter erected in "C" Single-Family District, shall have a total ground floor area of not less than 900 square feet measured from the outside of the exterior walls, including utility rooms, but excluding cellars, basements, open porches, garages and other spaces that are not used frequently or during extended periods for living, eating or sleeping purposes, except that rooms intended for such purposes which are "roughed in" and are to be completed within a reasonable time may be considered in computing such ground floor areas. (Ord. 209, passed 10-31-60; Am. Ord. 217, passed 5-27-63; Am. Ord. 264, passed 8-18-69; Am. Ord. 497, passed 9-23-96; Am. Ord. 539, passed 12-19-00; Am. Ord. 561, passed 4-1-03) Penalty,

§ 153.18 ZONE D - INDUSTRIAL DISTRICT.

see § 153.99

(A) Boundary. Bounded by a line commencing at the intersection of the West corporate limits

and the South right-of-way line of the Wabash Railroad, then North along the West corporate limits to its intersection with the South line of Sy Sandusky's Fourth Addition extended, thence Northeasterly along the South line of Sy Sandusky's Fourth Addition extended and along the South line of Sy Sandusky's Fourth Addition and along the South line of Sy Sandusky's Third Addition and along the South line of Sy Sandusky's Second Addition and along the South line of Sy Sandusky's First Addition to its intersection with the East line of Seminary Street extended, then South to the South rightof-way line of the Wabash Railroad, then Southwesterly along the South right-of-way line of the Wabash Railroad to the West corporate limits, being the place of beginning; ALSO commencing at the intersection of the West corporate limits and the South right-of-way line of the Wabash Railroad, then South 180 feet to a point on the West corporate limits, then North 61 degrees 14 minutes East 712.6 feet to a point, then North parallel with the West line of Lookout Street 230 feet to a point on the South right-of-way line of the Wabash Railroad, then Southwesterly on the South right-of-way line of the Wabash Railroad to the point of beginning, along with a strip of land 20 feet wide lying adjacent and contiguous to the South right-of-way line of the Wabash Railroad, beginning at the Northeast corner of the last described tract and extending in a Northeasterly direction from the place of beginning to the West line of Lookout Street.

- (B) Use Regulations. No building or land shall be used and no building shall hereafter be erected, enlarged, converted, or structurally altered, except for manufacturing or industrial uses which can be operated without creating objectionable noise, odor, smoke, fumes, vapor, dirt, vibration, gas or other conditions, to the extent that the general welfare and health of the public is prejudiced and which use is compatible with the use and occupancy of adjoining properties.
- (C) Height: No building or structure shall be erected or structurally altered to exceed a height of two stories nor shall it exceed 35 feet, in height.
- (D) Areas: The maximum ground area occupied by all buildings shall be not more than 60% of the are of the lot or tract on which a building permit has been issued.

Front yard: There shall be front yard having a depth of not less than 50 feet wherein there shall be no structure of any kind, open storage of materials or equipment, or parking of vehicles.

Side yard: There shall be a minimum side yard of not less than 15 feet on both sides of the building or buildings, but where the property is adjacent to a "residential" district, there shall be a side yard of not less than 25 feet on the side nearest to the residential lots.

The parking of private automobiles may be permitted within the side yard areas, but not closer than five feet to any lot zoned for residential use.

Rear yard: A rear yard is not required except where a lot abuts upon a residential district, in which case there shall be a rear yard of not less than 30 feet, and no storage of materials or equipment, or the parking of automobiles shall take place within the ten feet closest to any residential lot or lots. (Ord. 209, passed 10-31-60; Am. Ord. 497, passed 9-23-96; Am. Ord. 539, passed 12-19-00) Penalty, see § 153.99

ADMINISTRATION

§ 153.25 ZONING BOARD OF APPEALS.

- (A) A Zoning Board of Appeals is hereby established consisting of seven members, appointed by law, to serve respectively for the following terms: one for one year, one for two years, one for three years, one for four years, one for five years, one for six years, and one for seven years. The successor to each member so appointed will serve for a term of five years; however, each appointee shall serve until his successor has been appointed.
- (1) The Board of Zoning Appeals shall select one member as its Chairman and another to serve as its Vice-Chairman, each for a term of one year and subject to reelection. The Chairman, or in his absence, the Vice-Chairman, may administer oaths and compel the attendance of witnesses.
- (2) The Board shall also select one member as secretary to keep minutes and maintain the records of the Board of Zoning Appeals.
- (B) Meetings: All meetings of the Board of Zoning Appeals and all hearings shall be open to the public. Meetings shall be held at the call of the Chairman and at such other times as the Board may determine. Meetings may be called at the request of three members of the Board. The Board shall keep minutes of its proceedings showing the vote of each member upon every question decided by it, or if any member is absent or fails to vote, indicating such fact. Statement of the facts found by the Board shall be included in the minutes of each case heard or considered by it. The reason for recommending or denying an exception as herein provided shall also appear in the minutes. In every instance, a statement of the facts upon which such recommendations are based shall appear in the minutes. The Board shall adopt its own rules of procedure, a copy of which and all amendments thereto shall be filed in the office of the Clerk. The minutes of the Board shall be open to public examination at reasonable hours. Expenses incurred by the Board of Zoning Appeals are to be itemized and shall be borne by the village.
- (C) Jurisdiction: The Board shall hear and decide appeals from and review any order, requirement, decision, or determination, made by the Building Official.

- (1) The Board of Zoning Appeals shall also hear all applications for variations to the provisions of this chapter, and shall submit its recommendations, based upon a finding of fact, for enactment in an amended ordinance. The Village Council shall not have the power to grant a variation until a public hearing has been held by the Board of Zoning Appeals, pursuant to notice and upon receiving the Board's report with a finding of fact.
- (2) The Board of Zoning Appeals shall have no authority to authorize changes in the use of any parcel property or structure.
- (3) The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Building Official or to decide in favor of the applicant any matter in which the Board is required to pass under the provisions of this chapter.
- (D) Appeals and review: Any person aggrieved by a ruling of the Building Official, respecting the interpretation of this chapter, may take an appeal to the Board of Zoning Appeals. Such appeal shall be taken within 45 days of the action, complained of, and shall be taken by filing with the Building Official and with the Board of Zoning Appeals a notice of appeal, specifying the grounds thereof, together with such plats and exhibits as are reasonably necessary. Such appeal shall be taken upon forms provided by the Board of Zoning Appeals. The Building Official shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed was taken.
- (E) Stay of proceedings: The appeal shall stay all proceedings and furtherance of the action appealed from unless the Building Official certifies to the Board of Zoning Appeals after the notice of appeal has been filed with him that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life, or property, in which case the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Zoning Appeals or by court of record on application, with notice to the Building Official, and all due causes shown.
- (1) The Board of Zoning Appeals shall fix a reasonable time and place for the hearing of appeals and shall give notice thereof to the persons appealing and to the Building Official. It shall hear and decide the appeal within a reasonable time. At the hearing, parties of interest may appear in person or, by agent or attorney.
- (2) The Board of Zoning Appeals may reverse or affirm, wholly or in part, or may modify the order, requirement, decision, or determination as in its opinion ought to be made in the premises, and to that end shall have all the powers of the Building Official.

- (F) Variations: The Village Council, by ordinance, may authorize in the manner provided by law variations from the provisions of this chapter where there are practical difficulties or particular hardships in the way of carrying out the strict letter of any of the provisions of this chapter relating to the use, construction or alteration of buildings or structures or the use of land. However, no such variation shall be made, except in a specific case and after a public hearing before the Board of Zoning Appeals, pursuant to notice and after a report with a finding of fact of the Board of Zoning Appeals, as provided by the laws of this state.
- (G) Rules governing variations: No variation shall be allowed:
- (1) To permit a nonconforming use which will materially interfere with the use of adjoining premises in conformity with the regulations applicable to the use district in which it is located.
- (2) To permit a billboard to be erected or maintained.
- (3) To permit a nonconforming use in any residential district, excepting that when there are two or more similar nonconforming uses in the same block, a variation may be allowed (a) to alter or remodel a family residence so as to provide for two dwelling units therein; (b) to erect a two-family dwelling in the single-family district; and (c) to erect, reconstruct, alter or remodel a building in the multiple-family district for an apartment house.
- (H) Conditional uses: Applications for conditional uses, as defined in this chapter, shall be considered at a public hearing before the Board of Zoning Appeals, pursuant to the requirements of this chapter. The Board of Zoning Appeals shall make its findings of fact and recommendations to the Village Council within 30 days, after the public hearing.
- (1) The Board of Zoning Appeals may recommend such restrictions upon the height and bulk of any structure so approved for conditional use as may be reasonable under the particular circumstances, provided that such restrictions shall not be more restrictive than the requirements established for the district in which such structure is proposed to be located.
- (2) Conditional uses shall be recommended by the Board of Zoning Appeals upon the showing of particular facts and circumstances which make the conditional use appropriate in the location in which the conditional use is proposed. Facts to be taken into account include the need for the conditional use, both in the neighborhood and in the community, and the effect of the conditional use on neighboring property values, on the use of neighboring property, on traffic patterns, and on the capacity of village facilities, such as water mains and sewer mains to serve the area. No

CATLIN

conditional use shall be granted until after a public hearing to determine the applicable facts. The Board of Zoning Appeals recommendation favoring a conditional use may include restrictions or conditions to ensure that the guidelines set out in this section are met.

- (I) Notice: Decisions and recommendations of the Board of Zoning Appeals shall be reached only after a public hearing and after notice has been given by registered mail to the applicant.
- (J) The following charges are established for the indicated proceedings as filing fees to be paid by applicants to the Village Clerk upon filing the respective proceedings indicated.

Application for variance. \$25

Application for change in 25 zoning classification.

Application for special use permit.

Appeal from ruling of the

Building Official. 25

Application for reinstate-

Application for reinstatement of any proceedings. 10 (Ord. 209, passed 10-31-60; Am. Ord. 324, passed 1-12-76; Am. Ord. 497, passed 9-23-96)

25

§ 153.26 ZONING COMMITTEE.

No amendment shall be made to this chapter without a hearing before the Zoning Committee, which shall consist of the members of the Village Council and two members of the Zoning Board of Appeals, appointed by the Mayor, one of whom shall be the Chairman of the Board. (Ord. 209, passed 10-31-60; Am. Ord. 497, passed 9-23-96)

§ 153.27 BUILDING OFFICIAL.

- (A) It shall be the duty of the Building Official provided by § 150.16 to enforce this chapter and to receive applications and issue permits pursuant to this chapter. The Building Official shall have the power and shall exercise the functions prescribed by the state law and by the terms all ordinances now in force or hereafter passed.
- (B) Building permits. No building or structure shall hereafter be erected or structurally altered until a building permit shall be issued by the Building Official stating that the building or structure, and use of land comply with the regulations of this chapter and all building and health laws and ordinances.
- (1) All applications for building permits shall be accompanied by a plat, drawn to scale, 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 plats shall be kept in the office of the Building Official.
- (2) No building shall be constructed, and no permit shall be issued for any building, on any premises not served by a sever.
- (C) Stop Order: Whenever any work is being done in violation of the provisions of this chapter, or in variance with the terms of any permit issued for such work, the Building Official may order all work on the job stopped until such violation or variance is eliminated and any work or installation made in violation of this chapter corrected. Such stop order, if oral, shall be followed by a written stop order within 24 hours (excluding Saturday, Sunday or holidays).
- (1) It shall be unlawful to do or perform any work in violation of such stop order, except as may be necessary to prevent injury or damage to persons or property.
- (2) Such stop order may be revoked by the Building Official, the Mayor, or Village Council.
- (D) Continuance of existing uses: Nothing in this section shall prevent the continuance of the present occupancy or lawful use of any existing building, except as may be necessary for the safety of life and property, and except as provided in § 153.09. (Ord. 209, passed 10-31-60; Am. Ord. 447, passed 5-28-91; Am. Ord. 497, passed 9-23-96; Am. Ord. 617, passed 4-17-07)

§ 153.28 INTERPRETATIONS: PURPOSE AND CONFLICT.

In interpreting and applying the provisions of this chapter, its provisions shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity, and general welfare. It is not intended by this chapter to interfere with, abrogate, annul or repeal any ordinance, rules or regulations, previously adopted, and not in conflict with any of the provisions of this chapter of which shall be adopted pursuant, to law relating to the use of buildings or premises, nor is it intended by this chapter to interfere with or abrogate or annul any easements, covenants, or other agreements between parties except that where this chapter imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or requires larger, open spaces than are imposed or required by such other ordinances or such easements, covenants or other agreements, the provisions of this chapter shall control.

§ 153.29 FEES.

Fees pertaining to petitions for zoning amendments, use permits, certificates of compliance, variations, and for appeals to the Board of Zoning Appeals, shall be established by action of the Village Council from time to time. Such fees shall be paid to the Clerk, who shall give a receipt therefor.

§ 153.30 SEPARABILITY.

The provisions of this chapter are separable, and if any provisions or part of this chapter should be held invalid, such invalidity shall not affect the validity of the remainder of this chapter.

§ 153.31 PUBLIC HEARINGS.

Wherever this zoning calls for a public hearing notice of such hearings shall be given in the manner provided by state law.

§ 153.99 PENALTY.

Any person, firm, or corporation violating any provision of this chapter, shall, upon conviction, be fined not less than \$5 nor more than \$500 for each offense and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues to occur.

(Ord. 209, passed 10-31-60; Am. Ord. 497, passed 9-23-96)

16H

154.01 Purpose 154.02 Definit Definitions 154.03 Conformance with regulations required 154.04 Minimum standards 154.05 Procedure for plan approval 154.06 Agreements 154.07 Required improvements 154.08 Inspection 154.09 Variations and exceptions 154.10 Building permit

154.99 Penalty

Cross-reference:

Subdivision maps and plats, see § 31.10

§ 154.01 PURPOSE.

The provisions and regulations hereinafter contained shall govern the subdividing and platting of lands lying within the corporate limits of the village as now, or hereafter existing, or within the area lying within one and one-half miles beyond the corporate limits, for the purpose of promoting the health, safety, and welfare of the public. (Ord. 243, passed 6-28-67)

§ 154.02 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"ALLEY." A strip of land, not less than twenty feet in width along the side of or in the rear of property, intended to provide access to these properties.

"BUILDING COMMISSIONER." The officer, supervisory board, committee, or commission charged by law with the administration and enforcement of the building code, or the duly authorized representative of such official board or commission.

"BUILDING LINE." A line within a lot or other parcel of land, so designated on the plat of the proposed subdivision, between which, and the adjacent boundary of the street or property line upon which the lot abuts, the erection of an enclosed structure or portion thereof is to be prohibited.

"COUNCIL." The Mayor and Commissioners of the village.

"CROSS-WALKWAY." A strip of land dedicated to public use, which is reserved across a block to provide pedestrian access to adjacent areas. by a vehicle turnabout.

"EASEMENT." A grant by a property owner for the use of a strip of land by

"CUL-DE-SAC." A street having one open end and being permanently terminated

owner for the use of a strip of land by the general public, a corporation, or certain person or persons for a specific purpose or purposes. Should building thereon be prohibited - can be resumed in grant of easement.

"LOT." A portion of a subdivision or other parcel of land intended for transfer of ownership or for building development.

"PLAN COMMISSION." The legally appointed members and officers of the Plan Commission as provided by ordinance.

"STREET." An area which serves or is intended to serve as a vehicular and pedestrian access to abutting lands or to other streets.

"MARGINAL ACCESS STREET." A minor street which is parallel to and adjacent to primary streets and highways, and which provides access to abutting properties and protection to local traffic from fast, through-moving traffic on the primary streets.

"MINOR" or "LOCAL STREET." A street intended primarily as access to abutting properties.

"PRIMARY" or "MAJOR STREET." A street of considerable continuity which serves or is intended to serve as a major traffic artery connecting large areas.

"PUBLIC STREET." All primary, secondary, and minor streets which are shown on the subdivision plat and are to be dedicated for public use.

"SECONDARY" or "COLLECTOR
STREET." A street which carries traffic
from minor streets to the primary street
systems, including the principal entrance
streets of residence developments and
streets for circulation within a
development.

"STREET WIDTH." The shortest distance between lines of lots delineating the public street.

"SUBDIVISION." The division of a lot, tract, or parcel of land into two or more lots, parcels, or other divisions of land, for the purposes, whether immediate or future, of transfer of ownership or building development, including all changes in street or lot lines, provided, however, that a division of land for agricultural purposes, in parcels of more than five acres, not involving any new street or easement of access, shall be exempted.

"VILLAGE ENGINEER." The person or firm charged with the responsibility of municipal engineering matters.
(Ord. 243, passed 6-28-67)

§ 154.03 CONFORMANCE WITH REGULATIONS REQUIRED.

After the passage of this chapter (6-28-67) no plat of any subdivision shall be valid or entitled to recording without conforming to the regulations herein set forth and without having first been approved according to the procedure herein provided. Prior to this recording, no lot or parcel of land within any such subdivision shall be offered for sale nor shall any sale, contract for sale or option be made with respect thereto, nor shall any specific improvements in and with respect to the subdivision be made.

(Ord. 243, passed 6-28-67) Penalty, see § 154.99

§ 154.04 MINIMUM STANDARDS.

The following requirements are adopted as minimum standards.

- (A) Streets. A public street or streets shall be provided to afford convenient access to all property within the subdivision. Proposed streets shall be connected to existing street systems.
- (B) Alleys. Alleys shall be provided at the rear or adjacent to lots intended for business, commercial, industrial, or multiple family use unless excused by the Plan Commission. In other cases alleys are permitted but must comply with the definition of an alley as herein provided.
- (C) Design. The design and construction of streets shall conform to the following minimum specifications.

Street (1) <u>Classification</u>	Local, Residential and Culs-de-sac	Secondary	Major or Business
Minimum width of right- of-way	Culs-de-sac 60 feet with full improvements. All local, residential 60 feet	60 feet	85 feet minimum
Minimum radius of hori- zontal curves of street line	200 feet	400 feet	200 feet
Minimum length of verti- cal curves of surface of pavement	100 feet, but not less than 20 feet for each 1% algebraic difference of grade	200 feet, but not less than 30 feet for eac 1% algebraic di ference of grad	h f-
Minimum length of tan- gents between reserve curves	100 feet	200 feet	200 feet
Maximum grade	7%	6%	5%
Minimum grade	0.5%	0.5%	0.5%
Minimum nonpassing sight distance	200 feet	250 feet	250 feet

- (2) Cross-walkways shall not be less than 10 feet in width.
- (3) Utility easements shall not be less than 15 feet in width.
- (4) Streets shall be related appropriately to the topography and all streets shall be arranged so as to obtain as many as possible of the building sites at, or above, the grades of the streets. Grades of streets shall conform as closely as possible to the original topography. A combination of steep grade and curves shall be avoided.
- (5) Minor streets shall be so laid out that their use by through traffic will be discouraged.

1986 S-4

- (6) Street jogs with center line offsets of less than 125 feet shall be avoided.
- (7) Intersections of major streets by other streets shall be at least 800 feet apart, if possible. Cross (four-cornered) street intersections shall be avoided insofar as possible, except as shown on the village official plan or at other important traffic intersections.
- (8) It must be evidenced that all street intersections and confluences encourage safe traffic flow.
- (9) Reasonable provision shall be made for access to and from the territory within each subdivision to adjacent areas. The Plan Commission may require the extension of streets to the limits of the subdivision for such purpose.
- (10) The maximum length cul-de-sac shall be 500 feet measured along the center line from the intersection at origin through center of circle to end of right-of-way. Each cul-de-sac shall have a terminus of nearly circular shape with a minimum diameter of 100 feet.
- (11) Half-streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations; and where the Plan Commission or the Council finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided, the other half of the street shall be planned within the tract.
- (12) No street names may be used which will duplicate, or be confused with the name of existing streets. Existing street names must be projected wherever possible.

(D) Easements.

- (1) Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary and shall be at least 15 feet wide. Easements shall be so designed to provide proper continuity from block to block and shall meet the reasonable approval of local utility owners.
- (2) Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of the water course, and such further width or construction, or both, as will be adequate for the purpose. Parallel

streets or parkways may be required in connection therewith.

(E) Block standards.

- (1) The maximum length of blocks shall be 1200 feet and the minimum length 500 feet, no block shall be more than two lots in width. Crosswalk easements not less than ten feet in width shall be provided where deemed necessary by the Plan Commission at the approximate centers of the blocks. The use of additional cross-walkways in any instance to provide safe and convenient access to schools, parks, or other similar destinations will be specified by the Plan Commission or the Council.
- (2) No specific rule concerning the shape of blocks is made but irregular blocks must fit easily into the overall plan of the subdivision and their design must evidence consideration of lot planning, traffic flow, and public areas.
- (3) Blocks intended for commercial and industrial use must be designated as such, and the plan must show adequate off-street areas to provide for parking, loading docks, and such other facilities that may be required to accommodate motor vehicles.

(F) Lot standards.

- (1) Every lot or tract of land on which there is to be erected a single-family dwelling shall have minimum lot dimensions of 60 feet in width at the established building line and not less than 100 feet in average depth and shall have an area of not less than 6000 square feet, except that a corner lot shall have a minimum width of 80 feet and a minimum depth of 100 feet, and contain not less than 8000 square feet in area.
- (2) Corner lots shall be sufficiently larger than interior lots to allow maintenance of building lines of both streets.
- (3) Within the incorporated limits of the village, building lines shall conform to the front provisions of the zoning code building lines for territory outside the incorporated limits, but within the jurisdiction of this chapter, shall be no less than 25 feet from the street line, or conform to advance building level (can grant a variance).
- (4) All lots shall abut on publicly dedicated streets.
- . (5) Side lines of lots shall be approximately at right angles or radial to the street line.

- (6) Double frontage lots are forbidden except where lots back upon a primary street (major thoroughfares) and in such instances, vehicular access between the lots and the thoroughfares is prohibited. The lots shall have an additional depth of at least ten feet in order to allow for a protective screen planting. Where topography of the land might render subdividing otherwise unreasonable, double frontage lots may be permitted when recommended by the Plan Commission and approved by the Council.
- (7) Lots abutting a watercourse, drainage way, channel, or stream shall have additional minimum width or depth as required to provide an adequate building site and afford the minimum usable area required by this chapter.
- (8) Whenever a parcel is divided into lots containing one to three acres, inclusive, and there are indications that such lots will eventually be resubdivided into smaller building lots, consideration shall be given to the street and lot arrangement of the original subdivision so that additional minor streets can be opened which will permit a logical arrangement of smaller lots.
 - (G) Parks, schools, and public areas.

(1) Dedication.

(a) Where a proposed park, playground, school, or other public use area included within the duly adopted official plan for the village is located in whole or in part in an area being subdivided, the subdivider, shall dedicate the lands to the proper public agency or agencies as a part of the final subdivision plat. However, in no case shall the total amount of public areas required to be dedicated, in addition to public streets and alleys, exceed 10% of the total gross acreage owned or controlled by one developer.

(b) Where such area for park, school, or other public use exceeds 10% of the total gross areas owned or controlled by one developer, that part of such lands in excess of 10% of the total area shall also be shown on all subdivision plans and plats. The acquisition of the additional area for parks, playgrounds, schools, or other public uses, other than streets and alleys, when recommended by the Plan Commission, shall be secured by the proper governing body, or arrangements shall be made for the acquisition of the area from the subdivider within a period not to exceed 360 days from the date of approval of the preliminary plan.

- (c) Where less than 10% of the total gross area being subdivided is proposed for parks, schools, or other public use areas under the official plan, the subdivider shall dedicate the area so required and, in addition, pay to the proper governing body as determined by the Plan Commissioner, a sum of money equal to 10% of the appraised value of the land reduced by the proportionate value of the tract to be dedicated, improved land to be subdivided. Sums so received shall be placed in a special fund to be known as the Subdivision Park and School Site Purchase Fund and to be used solely for the purchase of land for parks or schools in accordance with the official plan, upon the recommendation of the Plan Commission. The value of the land shall be established by appraisal made by three qualified appraisers, one of whom shall be appointed by the Plan Commission, one of whom shall be appointed by the subdivider, and one of whom shall be mutually agreed upon by the two appraisers named above. The subdivider may agree with the proper governing body on an installment method of payment based on the sale of lots.
- (2) Natural features. In the subdividing of any land within the village, or within one and one-half miles of the corporate limits, due regard shall be shown for all natural features, such as tree growth, water courses, historic spots, or similar condition which, if preserved, will add attractiveness and value to the proposed development. (Ord. 243, passed 6-28-67) Penalty, see § 154.99

§ 154.05 PROCEDURE FOR PLAN APPROVAL.

The following procedures are adopted for obtaining approval of a proposed subdivision.

(A) Preliminary plans; documents.

- (1) Filing. Any owner of real estate located within the corporate limits of the village or within one and one-half miles thereof, and not within the corporate limits of any other municipality, wishing to divide the same into lots for the purpose of sale or assessment of taxes, or both, or wishing to dedicate streets, alleys, or other property for public use, shall first submit a preliminary plan to the Village Council in triplicate. The preliminary plan shall be promptly referred to the Plan Commission and the Plan Commission shall, within 30 days following its next regular meeting after the referral, submit a written recommendation for approval or for disapproval of the preliminary plan, to the Council.
- (2) Contents. The preliminary plan shall contain the following.

- (a) Proposed name of the subdivision.
- (b) Location by township, section, town, and range, or by other legal description.
- (c) Names and addresses of developer and designer who made the plans.
- (d) Scale of plan, 1 inch to 100 feet or larger. Tracts of 200 acres or more may be drawn at a scale of 1 inch to 200 feet.
 - (e) Date.
 - (f) North point.
- (g) Boundary lines of proposed subdivision shall be clearly indicated and the total approximate acreage encompassed thereby.
- (h) Location, widths, and names of all existing or prior platted streets or other public ways, railroad and utility rights-of-way, parks and other public open spaces, permanent buildings and structures, houses or permanent easements, and section and corporation lines, within or adjacent to the tract.
- (i) Existing sewers, water mains, culverts, and other underground facilities within the tract indicating pipe sizes, grades, manholes, and exact location.
- (j) Boundary lines of adjacent tracts of unsubdivided or subdivided land.
- (k) Existing zoning of proposed subdivision and adjacent tracts, in zoned areas.
- (1) Contours at two-feet intervals except where topography of the tract demand one-foot contour intervals.
- (m) Layout of streets, widths of right-of-ways, and also the widths of cross-walkways and easements, within and adjacent to the land being subdivided.
- (n) Layout, numbers, and dimensions of lots.
- (o) Parcels of land intended to be dedicated or temporarily reserved for public use or set aside for use of property owners in the subdivision.
- (p) Building setback lines, showing dimensions.
- (q) Easements shall be provided for any and all public utilities where alleys are not provided. Proper

continuity for the utilities from block to block shall be maintained.

(3) Approval.

- (a) The approval of a preliminary plan by the Plan Commission and the Council is tentative only, involving the general acceptability of the layout as submitted.
- (b) The Plan Commission or the Council may require changes or revisions as are deemed necessary in the interest and needs of the community.
- (c) Subsequent approval will be required of the engineering proposals pertaining to water supply, storm water drainage, sanitary sewers, gas and electric service, street lighting, fire hydrants, grading, gradients and roadway widths, and the surfacing of streets, by the Village Engineer, and the township, county, and state officials, where concerned, prior to approval of the final plan by the Council.
- (d) No plan will be approved for a subdivision which is subject to periodic flooding or when the adequate drainage of all streets is impossible. However, if the subdivider agrees to make improvements which will in the opinion of the Village Engineer or the County Superintendent of Highways, where concerned, make the area completely safe for residential occupancy and provide adequate street drainage, the preliminary plan of the subdivision may be approved.
- (B) Procedure for filing of final plans.
- (1) After approval of the preliminary plan by the Council, final plans shall be submitted as herein provided and the Council shall approve or reject the plans within 60 days after receiving the same. Upon approval by the Council, the developer shall record the plat of the subdivision with the Recorder of Deeds of Vermilion County, and if not recorded within six months following approval by the Council, the approval shall become null and void. A true copy of the final plans shall remain on file with the Village Clerk.
- (2) The approval of the final plans shall not be deemed to constitute the acceptance of any street or public improvement by the village. The acceptance of the street or improvement shall be made only upon a resolution duly adopted by the Council after receiving a certificate from the Village Engineer that the street or improvement has been fully completed and conforms with the minimum standards specified in this chapter.

- (3) The final plans shall include one tracing of the final plat of the subdivision or a portion thereof, drawn in ink or tracing cloth not to exceed 36 inches x 48 inches in size and shall contain the following.
 - (a) Name of the

subdivision.

- (b) Location by township, section, town, and range, or by other legal description.
- (c) Names of owners and certification by a licensed surveyor.
- $\hbox{ (d) Scale 1 inch to 100} \\ \hbox{feet or larger (shown graphically).}$
 - (e) Date.
 - (f) North point.
- (g) Boundary of plat, based on an accurate traverse, with angular and lineal dimensions.
- (h) Exact location, width, and name of all streets within and adjoining the plat, and the exact location and widths of all cross-walkways. Proposed street names shall be checked with the proper village officials.
- (i) True angles and distances to the nearest established street lines or official monuments (not less than three) which shall be accurately described in the plat.
- (j) Municipal, township, county, or section lines accurately tied to the lines of the subdivision by distances and angles.
- (k) Radii, internal angles, points of curvatures, tangent bearings, and lengths of all arcs.
- (1) All easements for rights-of-way provided for public services and utilities.
- (m) All lot numbers and lines, with accurate dimensions in feet and hundredths.
- (n) Accurate location of at least two monuments, which shall be concrete six inches by six inches by 30 inches with metal pipe or rod cast in center. The concrete monuments shall be set at two corners or angles on the cutside boundary. Pipes or other physical markers shall be placed at each intersection of street center lines. All lot corners not marked by concrete monuments shall be marked by galvanized or wrought iron pipe or iron or steel bars at least 13 inches in length and not less than 1/2-inch in diameter. The top

- of the pipe or bar is to set level with the established grade of the existing grounds. All U.S., state, county, or other official bench marks, monuments, or triangulation stations in or adjacent to the property shall be preserved in precise position.
- (o) Accurate outlines and legal description of any areas to be dedicated or reserved for public use, with the purpose indicated thereon, and of any area to be reserved by deed covenant for common uses of all property owners.
- (p) Building setback lines accurately shown by dimensions.
- (q) Protective covenants which meet the approval of the Plan Commission shall be made a part of the final plat and filed on record with the County Recorder.
- (r) Certification by a registered surveyor to the effect that the plat represents a survey made by him and that monuments and markers shown thereon exist as located and that all dimensional and geodetic details are correct.
- (s) Acknowledged certifications, by owner or owners, and the holder of record, of the adoption of the plat and dedication of streets and other public areas.
- (t) Certifications showing that all taxes and special assessments due on the property to be subdivided have been paid in full.
- (u) Proper form for the approval of the Plan Commission and Council with space for signatures.
- (v) Approval by signature of city, county, and state officials concerned with the specifications of utility installations.
- (w) Approval by signature
 of the Plan Commission.
 (Ord. 243, passed 6-28-67)

§ 154.06 AGREEMENTS.

The final plat shall be presented with the following documents, all listed in a letter signed by the owner and subdivider.

- (A) Plans and specifications for all improvements prepared by a professional engineer and previously approved by the Village Engineer, clearly describing the same.
- (B) Agreement executed by the owner and the subdivider wherein they agree to

make and install the improvements provided for in § 154.07 in accordance with the plans and specifications accompanying the final plat.

(C) Bond in the amount of the estimate of the Village Engineer of the cost of the installation of the improvements with good and sufficient surety thereon to be approved by the Council conditioned upon the satisfactory installation of the required improvements within two years after the approval of the final plat. (Ord. 243, passed 6-28-67)

§ 154.07 REQUIRED IMPROVEMENTS.

No final plans of a subdivision shall be approved without first receiving a statement from the Village Engineer that the improvements described in the plan meet the minimum requirements of all ordinances of the village and this chapter and applicable state and county regulations and in addition that they comply with the following.

(A) Sewers. Plans and specifications for sanitary sewers and septic tanks shall be approved by and a construction permit shall be issued by the State Sanitary Water Board.

(B) Street improvements.

(1) All streets shall be improved with roadways, bounded by integral concrete curbs and gutters, to an overall width in accordance with the following dimensions:

Type of Street	Dedicated Street Width	Roadway <u>Width</u>
Primary or major streets	Conform to major street plan and in no instance less than 85 feet	2-24 ft. roadways, divided by a medial strip
Secondary streets Minor streets Culs-de-sac	60 feet 60 feet 60 feet	34 feet 34 feet 34 feet

- (2) Roadways shall be surfaced with P.C.C. concrete eight inches thick or bituminous concrete not less than two and one-half inches thick over a base of crushed stone, or gravel not less than seven inches thick after compaction, or A-3 surface course as specified by the Division of Highways of the state over a base of crushed stone or gravel not less than seven inches thick after compaction. A-3 surface course shall not be applied until base course is thoroughly compacted.
- (3) Curbs and gutters on minor residential streets shall be the integral rolled-type unit, not less than 18 inches

in over-all width, and not less than six inches thick where curb abuts the street pavement.

- (4) Storm water inlets shall be provided with the roadway improvements at points specified by the Village Engineer.
- (5) All curbing at street intersections shall have a radii of not less than 15 feet.
- (6) In subdivisions outside the corporate area, but within the one and onehalf mile area, roadway improvements shall conform to the same standards of improvements as required of subdivisions within the corporate area.

(C) Public utilities.

- (1) All utility lines for telephones and electric services shall be placed in rear line easements, when practicable, when carried on overhead poles.
- (2) Where telephone and electric service lines are placed underground entirely throughout a subdivided area, the conduits or cables shall be placed within easements or dedicated public ways, in a manner which will not conflict with other underground services. Further, all transformer boxes shall be located so as not to be unsightly or hazardous to the public.
- (D) Sidewalks. Concrete sidewalks to a width of not less than 42 inches and thickness of no less than four inches shall be installed on both sides of primary and secondary thoroughfares as may be required by the Plan Commission or governing authority as a part of the dedicated street improvements on minor streets.
- (E) Street lighting. Provisions shall be made for the adequate lighting of public streets within the proposed subdivision in accordance with the standards and requirements established by the governing authorities.

 (Ord. 243, passed 6-28-67) Penalty, see § 154.99

§ 154.08 INSPECTION.

All public improvements proposed to be made under the provisions of this chapter shall be inspected during the course of construction by the Village Engineer or a duly designated deputy. Fees and expenses as established by the Council for inspections and for reviewing the plans and specifications herein referred to shall be paid by the subdivider.

(Ord. 243, passed 6-28-67)

§ 154.09 VARIATIONS AND EXCEPTIONS.

- (A) Upon an applicant filing an application for variance, in writing and under oath, stating that undue hardship on the applicant will result if strict compliance with the procedures provided in this Chapter 154 are enforced and further stating that such variance is required to permit the sale and transfer of a single lot of less than one acre from a larger tract, which does not involve any new streets or easements of access or dedication of land for public use, and that no further division of either the original parcel or such lot shall be excepted from full and strict compliance with said procedures, the Plan Commission may recommend that such sale and transfer be permitted. In such case, the Plan Commission shall submit a written recommendation to the Village Council recommending such variation and specifically finding that an undue hardship to the applicant will result from requiring strict compliance with this subdivision code and stating that the transferor and the transferee have each been advised and understand that strict compliance with this subdivision code will be required with respect to any further division of the original parcel or the portion thereof covered by such variance.
- (B) The Plan Commission may recommend variations from these requirements in specific cases, which, in its opinion, do not affect the general plan or the spirit of the chapter. These recommendations shall be communicated to the Council in writing with the reasons therefor. The Council may then approve the variations from these requirements in specific cases, which, in its opinion, do not affect the general plan or the spirit of the chapter.

 (Ord. 243, passed 6-28-67; Am. Ord. 436, passed 6-11-90)

§ 154.10 BUILDING PERMIT.

No building permit shall be issued by any official for the construction of any building, structure, or improvement to the land or any lot within a subdivision as defined herein until requirements of this chapter have been fully complied with. (Ord. 243, passed 6-28-67)

Cross-reference:

Building permits and fees, see § 150.01

§ 154.99 PENALTY.

- (A) Any person, firm, or corporation who constructs any public improvement or portion thereof in violation of the provisions of this chapter shall be, upon conviction, fined not less than \$25 or more than \$250 for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.
- (B) Whoever shall sell, offer for sale, contract for sale or option, or lease, any lot or lots or block or blocks within the incorporated limits of the village, or any addition thereto, or any resubdivision of any lot or block therein or within contiguous territory not more than one and one-half miles beyond the incorporated boundary of the village, before all the requirements of this chapter have been complied with, shall be, upon conviction, fined not less than \$25 or more than \$250 for each lot, block, or part thereof so disposed of, offered for sale, or leased.

 (Ord. 243, passed 6-28-67)

155.01	Scope
155.02	Purpose
155.03	
155.04	Flood insurance rate map (FIRM)
155.05	Duties of building official
155.06	
155.07	
155.08	Prevention of increased flood
100.00	heights and resulting damages
155.09	New construction and substantial
200.00	improvement standards
155.10	Subdivision and other developmen
100.10	standards
155.11	
155.12	
155.13	
155.14	Other regulations; certificate o
200.2.	occupancy
155.15	Floodplain development permit
	requirements
155.16	Consent for inspections
155.17	Suspension and revocation of
	floodplain development permit
155.18	Completion of work heretofore
	authorized
155.19	Application fees
155.20	Variances
155,21	Disclaimer of liability
155.22	Abrogation and greater
	restrictions
155.23	Violation; remedy
	•
155.99	Penalty
	-

§ 155.01 SCOPE.

The scope of this chapter is to provide regulations in order to avoid the hazards to persons and damage to property resulting from flooding and comply with the rules and regulations of the National Flood Insurance Program (NFIP) as promulgated by the United States Department of Homeland Security's Federal Emergency Management Agency (FEMA) in the rules and regulations of the Federal Register, as amended; which rules and regulations are adopted by reference and filed in the office of the Village Clerk. (Ord. 689, passed 5-1-12)

§ 155.02 PURPOSE.

This chapter is enacted pursuant to the police powers granted to the village by ILCS Ch. 65, Act 5, §§ 1-2-1, 11-12-12, 11-30-2, 11-30-8 and 11-31-2 in order to accomplish the following purposes:

- (A) To prevent unwise developments from increasing flood or drainage hazards to others;
- (B) To protect new and existing buildings and major improvements to buildings from flood damage;
- (C) To promote and protect the public health, safety, and general welfare of the citizens from the hazards of flooding;

- (D) To lessen the burden on taxpayers for flood control projects, repairs to flood-damaged public facilities and utilities, and flood rescue and relief operations;
- (E) To maintain property values and a stable tax base by minimizing the potential for creating flood-blighted areas;
- (F) To make federally subsidized flood insurance available for properties within the jurisdiction of the village by fulfilling the requirements of the NFIP; and
- (G) To preserve the natural characteristics and functions of water courses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

 (Ord. 689, passed 5-1-12)

§ 155.03 DEFINITIONS.

For purposes of this chapter the following words and phrases shall have the following meanings ascribed to them respectively unless the context clearly indicates or requires a different meaning:

"BASE FLOOD." The flood having a 1% probability of being equaled or exceeded in any given year. The base flood is also known as the 100-year flood.

"BASE FLOOD ELEVATION (BFE)." The elevation in relation to mean sea level (United States National Geodetic Survey Vertical Datum) of the crest of the base flood. The base flood elevation at any location in the village is as defined and determined as set forth in § 155.06.

"BASEMENT." That portion of a building having its floor sub-grade (below ground level) on all sides.

"BUILDING." A structure that is principally above ground and is enclosed by walls and a roof. The term includes gas or liquid storage tanks, manufactured homes, and prefabricated buildings. The term also includes recreational vehicles or travel trailers installed on a site for more than 180 days per year.

"BUILDING OFFICIAL." The Building Official or his or her designee, which office is established by § 150.16.

"CRITICAL FACILITY." Any facility which is critical to the health and welfare of the population and, if flooded, would create an added dimension to the disaster. Damage to these critical facilities can impact the delivery of vital services, can cause greater damage to other sectors of the community, or can put special populations at risk. Examples of critical facilities where flood protection

should be required include: emergency services facilities (such as fire and police stations), schools, hospitals, retirement homes and senior care facilities, major roads and bridges, critical utility sites (telephone switching stations or electrical transformers, and hazardous material storage facilities (chemicals, petrochemicals, hazardous or toxic substances).

"DEVELOPMENT."

- (1) Any man-made change to real estate, including but not necessarily limited to:
- (a) Demolition, construction, reconstruction, repair or placement of a building or any addition or structural alteration to a building;
- (b) Substantial improvement of an existing building;
- (c) Installing or placing a manufactured home on a site, preparing a site for a manufactured home, or installing a travel trailer on a site for more than 180 days per year;
- (d) Installing utilities, construction of roads, bridges, culverts or similar projects;
- (e) Construction or erection of levees, walls or fences;
- (f) Filling, dredging, grading, excavating, paving or other alterations of the ground surface;
- (g) Storage of materials, including the placement of gas and liquid storage tanks; and
- (h) Channel modifications and any other activity that might change the direction, height, or velocity of flood or surface waters.
- (2) "DEVELOPMENT" does not include maintenance of existing buildings and facilities, resurfacing roads, nor gardening, plowing, or similar practices that do not involve filling, grading, or construction of levees.
- "EXISTING MANUFACTURED HOME PARK OR SUBDIVISION." A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed or buildings to be constructed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of this chapter.
- "EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION." The preparation of additional sites by the construction of facilities for servicing the lots on which the

manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"FEMA." Federal Emergency Management Agency.

"FLOOD" or "FLOODING." A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters, the unusual and rapid accumulation, or the runoff of surface waters from any source.

"FLOOD FRINGE." That portion of the floodplain outside of the regulatory floodway.

"FLOOD INSURANCE RATE MAP (FIRM)." A map prepared by FEMA that depicts the floodplain or special flood hazard area (SFHA) within a community. This map includes insurance rate zones and may or may not depict floodways and show base flood elevations.

"FLOOD INSURANCE STUDY." An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

"FLOODPLAIN AND SPECIAL FLOOD HAZARD AREA (SFHA)." These two terms are synonymous. Those lands within the jurisdiction of the village, the extraterritorial jurisdiction of the village, or may be annexed into the village, that are subject to inundation by the base flood. The floodplains of the village are generally identified as such on panel number 0375 of the countywide FIRM of Vermilion County, Illinois prepared by the FEMA and dated May 16, 2012. Floodplain also includes those areas of known flooding as identified by the community. The floodplains of those parts of unincorporated Vermilion County within the extraterritorial jurisdiction of the village or may be annexed into the village are generally identified as such on the FIRM prepared for Vermilion County, Illinois by the FEMA and dated May 16, 2012.

"FLOODPROOFING." A combination of structural or nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damge to real estate, property and their contents.

"FLOODPROOFING CERTIFICATE." A form published by FEMA that is used to certify that a building has been designed and constructed to be structurally dry flood proofed to the flood protection elevation.

"FLOOD PROTECTION ELEVATION (FPE)." The elevation of the base flood plus one foot of freeboard at any given location in the floodplain.

"FLOODWAY." That portion of the floodplain required to store and convey the base flood. The floodways for each of the floodplains of the village shall be determined utilizing the best data available from federal, state or other sources.

"FREEBOARD." An increment of elevation added to the base flood elevation to provide a factor of safety for uncertainties in calculations, future watershed development, unknown localized conditions, wave actions and unpredictable effects such as those caused by ice or debris jams.

"HISTORIC STRUCTURE." Any structure that is:

- (1) Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on the state inventory of historic places by the Illinois Historic Preservation Agency; or
- (4) Individually listed on a local inventory of historic places that has been certified by the Illinois Historic Preservation Agency.

"IDNR/OWR." Illinois Department of Natural Resources/Office of Water Resources.

"IDNR/OWR JURISDICTIONAL STREAM." IDNR/OWR has jurisdiction over any stream serving a tributary area of 640 acres or more in an urban area, or in the floodway of any stream serving a tributary area of 6,400 acres or more in a rural area. Construction on these streams requires a permit from IDNR/OWR. (Ill. Admin. Code Title 17, pt. 3700.30). IDNR/OWR may grant approval for specific types of activities by issuance of a statewide permit which meets the standards defined in § 155.08.

"LOWEST FLOOR." The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of § 155.09.

"MANUFACTURED HOME." A structure, transportable in one or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when connected to the required utilities.

"MANUFACTURED HOME PARK OR SUBDIVISION." A parcel (or contiguous parcels) of land divided into two or more lots for rent or sale.

"NEW CONSTRUCTION." Structures for which the start of construction commenced or after the effective date of this chapter and includes any subsequent improvements of such structures.

"NEW MANUFACTURED HOME PARK OR SUBDIVISION." A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed or buildings to be constructed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this chapter.

"NFIP." National Flood Insurance Program.

"RECREATIONAL VEHICLE OR TRAVEL TRAILER." A vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred square feet or less in size; and
- (3) Designed to be self-propelled or permanently towable by a light duty truck and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

"REPETITIVE LOSS." Flood-related damages sustained by a structure on two separate occasions during a ten year period, for which the cost of repairs at the time of each such flood event on the average equals or exceeds 25% of the market value of the structure before the damage occurs.

"RIVERINE SFHA." Any SFHA subject to overbank flooding from a river, creek, intermittent stream, ditch, or any other identified channel, with an upstream drainage area larger than one square mile in area. This term does not include areas subject to flooding from lakes (except public bodies of water), ponding areas, areas of sheet flow, or other areas not subject to overbank flooding.

"SPECIAL FLOOD HAZARD AREA (SFHA)." See definition of "FLOODPLAIN".

"START OF CONSTRUCTION." Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation or placement of a manufactured home on a foundation. For a substantial improvement, actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building whether or not that alteration affects the external dimensions of the building.

" $\underline{\mathtt{STRUCTURE.}}$ " See definition of " $\underline{\mathtt{BUILDING}}$ ".

"SUBSTANTIAL DAMAGE." Damage of any origin sustained by a structure whereby the cumulative percentage of damage subsequent to the effective date of this chapter equals or exceeds 50% of the market value of the structure before the damage occurred regardless of actual repair work performed. Volunteer labor and materials must be included in this determination. The term includes "REPETITIVE LOSS" buildings (see definition).

"SUBSTANTIAL IMPROVEMENT." Any reconstruction, rehabilitation, addition or improvement of a structure taking place subsequent to the effective date of this chapter in which the cumulative percentage of improvements:

- (1) Equals or exceeds 50% of the market value of the structure before the improvement or repair is started; or
- (2) Increases the floor area by more than 20%.

"SUBSTANTIAL IMPROVEMENT" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. This term includes structures which have incurred repetitive loss or substantial damage, regardless of the actual repair work done. The term does not include:

- (1) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications solely necessary to assure safe living conditions; or
- (2) Any alteration of a structure listed on the National Register of Historic Places or the Illinois Register of Historic Places.

"ZONING BOARD OF APPEALS." The Zoning Board of Appeals, which is established by § 153.25. (Ord. 689, passed 5-1-12)

\$ 155.04 FLOOD INSURANCE RATE MAP (FIRM).

The flood insurance study and amendments thereto of the village dated September $24\,\text{,}$ 2010 and published by FEMA is hereby adopted for the purposes of this chapter and filed in the office of the Village Clerk. The flood insurance study includes the FIRM effective May 16, 2012, which delineates A Zones as areas susceptible to the base flood. The flood insurance study data shall take precedence over other base flood elevation data for purposes of this chapter. (Ord. 689, passed 5-1-12)

§ 155.05 DUTIES OF BUILDING OFFICIAL.

The Building Official shall be responsible for the general administration and enforcement of this chapter, and ensure that all development activities within the floodplains under the jurisdiction of the village meet the requirements of this chapter, including but not limited to the following duties.

- (A) Review and process all applications for floodplain development permits submitted to the village in accordance with § 155.07;
- (B) Ensure all development activities in a floodway (or a floodplain with no delineated floodway) within the jurisdiction of the village meet the damage prevention requirements of § 155.08;
- (C) Ensure the building protection requirements for all building subject to § 155.09 are met and maintain a record of the "as-built" elevation of the lowest floor (including basement) or floodproof certificate;
- (D) Provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques;
- (E) Maintain a record of the "as-built" elevation of the lowest floor (including basement) of all buildings subject to \$ 155.09;
- (F) Maintain a record of the developer's certificates and the "as-built" flood-proofed elevation of all buildings subject to \$ 155.09;
- (G) Ensure all subdivisions and annexations meet the requirements of § 155.10;
- (H) Ensure water supply and waste disposal systems meet the public health standards of \$ 155.11;
- (I) If a variance is requested hereunder, ensure that the requirements of § 155.20 are met and maintain documentation of any variances granted;
- (J) Inspect all development projects and take any and all penalty actions set forth in § 155.23 to ensure compliance with the provisions of this chapter;
- (K) Cooperate with state and federal floodplain management agencies to coordinate base flood data and the administration of this
- (L) Maintain for public inspection and furnish upon request base flood data, floodplain maps, copies of federal or state permits, and documentation of compliance for development activities subject to this chapter;
- (M) Assure applicants are aware of and obtain any and all required local, state and federal permits;
- (N) Notify IDNR/OWR and any neighboring communities prior to any alteration or relocation of a watercourse;
- (0) Perform site inspections to ensure compliance with this chapter and make substantial damage determinations for structures within the floodplain; and

(P) Maintain the accuracy of floodplain maps, including notifying IDNR/OWR and/or submitting information to FEMA within six months whenever a modification of the floodplain may change the base flood elevation or result in a change to the floodplain map. (Ord. 689, passed 5-1-12)

\$ 155.06 BASE FLOOD ELEVATION (BFE).

- (A) This chapter's protection standard is the base flood. The best available base flood data are listed below. Whenever a party disagrees with the best available data, the party shall finance the detailed engineering study needed to replace the existing data with better data and submit it to FEMA and IDNR/OWR for approval prior to any development of a floodplain site.
- (B) The BFE for each of the floodplains delineated as an "A Zone" on the countywide FIRM of Vermilion County, Illinois shall be according to the best data available from federal, state or other sources. Should no other data exist, an engineering study must be financed by the applicant to determine BFEs.
- (C) The BFE for the floodplains of those parts of unincorporated Vermilion County, Illinois within the extraterritorial jurisdiction of the village or may be annexed into the village shall be as delineated on the 100 year flood profiles in the Flood Insurance Study of Vermilion County, Illinois prepared by FEMA and dated May 16, 2012.

 (Ord. 689, passed 5-1-12)

\$ 155.07 FLOCOPLAIN DEVELOPMENT PERMIT.

- (A) No person, firm, corporation, or governmental body, not exempted by law, shall commence any development in the floodplain without first obtaining a floodplain development permit (floodplain permit) from the Building Official. The Building Official shall not issue a floodplain permit if the proposed development does not meet the requirements of this chapter.
- (B) Each application for a floodplain permit shall include or be accompanied by:
- (1) The BFE of the site as determined in accordance with the provisions of this chapter;
- (2) The elevations of the lowest floor (including basement) (in relation to mean sea level) of all proposed buildings subject to the requirements of § 155.09;
- (3) Permits for flood-proofed structures shall include the elevations (in relation to mean sea level) to which the proposed structures will be flood-proofed;
- (4) The elevation (in relation to mean sea level) of the site as related to identifiable recoverable vertical reference points (benchmarks) placed on the site;

- (5) Drawings of the site, drawn to scale, showing property line dimensions, existing grade elevations, and all proposed changes in grade resulting from any proposed excavation or filling, and the location and dimensions of all buildings and additions to buildings;
- (6) In the case of flood-proofed structures, certification by a registered professional engineer or registered architect that the flood-proofing methods are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the base flood;
- (7) The cost of project or improvements as estimated by a licensed engineer or architect. A signed estimate by a contractor may also meet this requirement; and
- (8) Any other information or certification as may be reasonably required by the Building Official in order to determine eligibility for a floodplain permit or to enforce the terms of this chapter.
- (C) Upon receipt of an application for a floodplain permit, the Building Official shall compare the elevation of the site to the BFE. Any development located on land that can be shown by survey elevation to be below the BFE is subject to the provisions of this chapter. Any development located on land that can be shown by survey data to be higher than the current BFE and which has not been filled after the date of the site's first FIRM is not in the floodplain and therefore not subject to the requirements of this chapter. In addition, any development located on land shown to be below the BFE and hydraulically connected to a flood source, but not identified as floodplain on the current FIRM.
- (D) The Building Official shall maintain documentation of the existing ground elevation at the development site and certification that this ground elevation existed prior to the date of the site's first FIRM identification.
- (E) The Building Official shall be responsible for obtaining from the applicant copies of all other federal, state, and local permits, approvals or permit-not-required letters that may be required for this type of development. The Building Official shall not issue a floodplain permit unless all other federal, state, and local permits have been obtained. (Ord. 689, passed 5-1-12)

<u>§ 155.08 PREVENTION OF INCREASED FLOOD</u> HEIGHTS AND RESULTING DAMAGES.

Within any floodway identified on the countywide FIRM, and within all other floodplains where a floodway has not been delineated, the following standards shall apply:

(A) In addition to the other requirements of this chapter, a floodplain permit for a

site located in a floodway or in a riverine SFHA where no floodway has been identified shall not be issued unless the applicant first complies with the provisions of division (B) below, and no development shall be allowed which, acting in combination with existing and anticipated development will cause any increase in flood heights or velocities or threat to public health and safety. The following specific development activities may be constructed without meeting the requirements of division (B) below:

- (1) Bridge and culvert crossings of streams in rural areas meeting the conditions of IDNR/OWR Statewide Permit Number 2;
- (2) Barge fleeting facilities meeting the conditions of IDNR/OWR Statewide Permit Number 3;
- (3) Aerial utility crossings meeting the conditions of IDNR/OWR Statewide Permit Number 4:
- (4) Minor boat docks meeting the conditions of IDNR/OWR Statewide Permit
- (5) Minor, non-obstructive activities such as underground utility lines, light poles, sign posts, driveways, athletic fields, patios, playground equipment, minor storage buildings not exceeding 70 square feet and raising buildings on the same footprint which does not involve fill and any other activity meeting the conditions of IDNR/OWR Statewide Permit Number 6;
- (6) Outfall structures and drainage ditch outlets meeting the conditions of IDNR/OWR Statewide Permit Number 7;
- (7) Underground pipeline and utility crossings meeting the conditions of IDNR/OWR Statewide Permit Number 8;
- (8) Bank stabilization projects meeting the conditions of IDNR/OWR Statewide Permit Number 9;
- (9) Accessory structures and additions to existing residential buildings meeting the conditions of IDNR/OWR Statewide Permit Number 10:
- (10) Minor maintenance dredging activities meeting the conditions of IDNR/OWR Statewide Permit Number 11;
- (11) Bridge and culvert replacement structures and bridge widening meeting the conditions of IDNR/OWR Statewide Permit Number 12;
- (12) Temporary construction activities meeting the conditions of IDNR/OWR Statewide Permit Number 13; and
- (13) Any development determined by IDNR/OWR to be located entirely within a flood fringe area.

- (B) Development activities not listed in division (A) above may be permitted only if:
- (1) A permit has been issued for the work by IDNR/OWR (or written documentation is provided that an IDNR/OWR permit is not required); or
- (2) Sufficient data has been provided to FEMA when necessary, and approval obtained from FEMA for a revision of the regulatory map and BFE. (Ord. 689, passed 5-1-12)

S 155.09 NEW CONSTRUCTION AND SUBSTANTIAL IMPROVEMENT STANDARDS.

- (A) In addition to the state permit and damage prevention requirements of § 155.08, all buildings located in the floodplain shall be protected from flood damage below the FPE. FEMA rules and regulations contained in Federal Register, 44 CFR Chapter 1 § 60.3, as amended from time to time, are adopted by reference and shall apply to all new construction, substantial improvements and developments within the jurisdiction and extra-jurisdictional limits of the village. These building protection requirements apply to the following situations:
- (1) Construction or placement of a new building or alteration or addition to an existing building valued at more than \$1,000 or 70 square feet;
- (2) Substantial improvements or structural alterations made to an existing building that increase the floor area by more than 20% or equal or exceed the market value by 50%. Alteration shall be figured cumulatively subsequent to the effective date of this chapter. If substantially improved, the existing structure and the addition must meet the flood protection standards of this section:
- (3) Repairs made to a substantially damaged building shall be figured cumulatively subsequent to the effective date of this chapter. If substantially damaged, the entire structure must meet the flood protection standards of this section within 24 months of the date the damage occurred;
- (4) Installing a manufactured home on a new site or a new manufactured home on an existing site. (The building protection requirements of this section do not apply to returning a manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage);
- (5) Installing a travel trailer or recreational vehicle on a site for more than 180 days per year; and
- (6) Repetitive loss to an existing building as defined in § 155.03.
- (B) Residential or non-residential buildings can meet the building protection requirements by one of the following methods:

new s tatic

بنجب

BLIC

- (1) The building may be constructed on permanent land fill in accordance with the following:
- (a) The lowest floor (including basement) shall be at or above the FPE;
- (b) The fill shall be placed in layers no greater than six inches before compaction and should extend at least ten feet beyond the foundation before sloping below the
- (c) The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or other structural measure:
- (d) The fill shall be composed of rock or soil and not incorporated debris or refuse material; and
- (e) Shall not adversely affect the flow of surface drainage from or onto neighboring properties and when necessary stormwater management techniques such as swales or basins shall be incorporated.
- (2) The building may be elevated on solid walls in accordance with the following:
- (a) The building or improvements shall be elevated on stilts, piles, walls, crawlspace, or other foundation that is permanently open to flood waters;
- (b) The lowest flood and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the FPE;
- (c) If walls are used, all enclosed areas below the FPE shall address hydrostatic pressures by allowing the automatic entry and exit of flood waters. Designs must either be certified by a licensed professional engineer or by having a minimum of one permanent opening on each wall no more than one foot above grade with a minimum of two openings. The openings shall provide a total net area of not less than one square inch for every one square foot of enclosed area subject to flooding below the BFE; and
- (d) The foundation and supporting members shall be anchored, designed, and certified so as to minimize exposure to hydrodynamic forces such as current, waves, ice, and floating debris, including:
- 1. All structural components below the FPE shall be constructed of materials resistant to flood damage;
- 2. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other service facilities may be located below the FPE provided they are waterproof;
- 3. The area below the FPE shall be used solely for parking or building access and not later modified or occupied as habitable space; or

- 4. In lieu of the above criteria, the design methods, in order to comply with the requirements of this section, may be certified by a licensed professional engineer or architect.
- (3) The building may be constructed with a crawlspace located below the FPE provided the following conditions are met:
- (a) The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- (b) Any enclosed area below the FPE shall have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. A minimum of one opening on each wall having a total net area of not less than one square inch per one square foot of enclosed area. The openings shall be no more than one foot above grade;
- (c) The interior grade of the crawlspace below the FPE must not be more than two feet below the lowest adjacent exterior
- (d) The interior height of the crawlspace measured from the interior grade of the crawlspace to the top of the foundation walls must not exceed four feet at any point;
- (e) An adequate drainage system must be installed to remove floodwaters from the interior area of the crawlspace within a reasonable period of time after a flood event;
- (f) Portions of the building below the FPE must be constructed with materials resistant to flood damage; and
- (g) Utility systems within the crawlspace must be elevated above the FPE.
- (C) Non-residential buildings may be structurally dry floodproofed (in lieu of elevation), provided a licensed professional engineer or architect certifies that:
- (1) Below the FPE the structure and attendant utility facilities are watertight and capable of resisting the effects of the base flood;
- (2) The building design accounts for flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effects of buoyancy, and the impact from debris and ice;
- (3) Floodproofing measures will be incorporated into the building design and operable without human intervention and without an outside source of electricity; and
- (4) Levees, berms, floodwalls and similar works are not considered floodproofing for the purpose of this subsection.

co t. dina

- SPECIAL FLOOD HAZARD AREAS
- (D) Manufactured homes or travel trailers to be permanently installed on site for more than 180 days shall be:
- (1) Elevated to or above the FPE in accordance with division (B) above; and
- (2) Anchored to resist flotation, collapse, or lateral movement by being tied down in accordance with the rules and regulations issued pursuant to the Illinois Mobile Home Tie-Down Act, ILCS Ch. 210, Act 120, § 1-6, 77 Ill. Adm. Code § 870, as amended from time-to-time.
- (E) Travel trailers and recreational vehicles on site for more than 180 days per year shall meet the elevation requirements of division (D) above unless the following conditions are met:
- (1) The vehicle must be either self-propelled or towable by a light duty truck;
- (2) The hitch must remain on the vehicle at all times;
- (3) The vehicle must not be attached to external structures such as decks and porches;
- (4) The vehicle must be designed solely for recreation, camping, travel, or seasonal use rather than as a permanent dwelling;
- (5) The vehicle's largest horizontal projections must be no larger than 400 square feet;
- (6) The vehicle's wheels must remain on axles and inflated;
- (7) Air conditioning units must be attached to the frame so as to be safe for movement from the floodplain;
- (8) Propane tanks, as well as all electrical and sewage connections, must be quick-disconnect;
- (9) The vehicle must be licensed and titled as a recreational vehicle or park model; and
 - (10) The vehicle must either:
- (a) Be entirely supported by tacks; or
- (b) Have a hitch jack permanently mounted, the tires touching the ground and be supported by block in a manner that will allow the block to be easily removed by use of the hitch jack.
- (F) Garages, sheds or other minor accessory structures constructed ancillary to an existing residential use may be permitted provided the following conditions are met:

- (1) The garage or shed must be non-habitable;
- (2) The garage or shed must be used only for the storage of vehicles and tools and cannot be modified later into another use;
- (3) The garage or shed must be located outside of the floodway or have the appropriate state and/or federal permits;
- (4) The garage or shed must be on a single-family lot and be accessory to an existing principle structure on the same lot;
- (5) Below the BFE, the garage or shed must be built of materials not susceptible to flood damage;
- (6) All utilities, plumbing, heating, air conditioning and electrical must be elevated above the FPE;
- (7) The garage or shed must have at least one permanent opening on each wall not more than one foot above grade with one square inch of opening for every one square foot of floor area;
- (8) The garage or shed must be less than \$15,000 in market value or replacement cost whichever is greater or less than 576 square feet (24' x 24');
- (9) The structure shall be anchored to resist flotation and overturning;
- (10) All flammable or toxic materials (gasoline, paint, insecticides, fertilizers, etc.) shall be stored above the FPE; and
- (11) The lowest floor elevation should be documented and the owner advised of the flood insurance implications. (Ord. 689, passed 5-1-12)

\S 155.10 SUBDIVISION AND OTHER DEVELOPMENT STANDARDS.

- (A) The Village Council shall take into account flood hazards, to the extent that they are known, in all official actions related to land management, use and development. All subdivisions and other developments located in an A Zone shall provide that:
- (1) All new subdivisions, manufactured home parks, annexation agreements, planned unit developments, and additions to manufactured home parks and subdivisions shall be designed to be reasonably safe from flooding and minimize flood damage to the proposed subdivision or development site as well as to other properties;
- (2) All public utilities and facilities, such as sewer, gas, electrical, and water systems shall be located, elevated, and constructed to minimize or eliminate flood damage; and
- (3) Adequate drainage shall be provided to reduce exposure to flood hazards.

- (1) The BFE and the boundary of the floodplain. Where the BFE is not available from an existing study, the applicant shall be responsible for calculating the BFE;
- (2) The boundary of the floodway when applicable; and
- (3) A signed statement by a licensed professional engineer that the proposed plat or plan accounts for changes in the drainage of surface waters in accordance with the Illinois Plat Act, ILCS Ch. 765, Act 205, §§ 2 et seq.
- (C) In all new subdivisions, manufactured home parks, annexation agreements, planned unit developments, and additions to manufactured home parks and subdivisions, streets, blocks, lots, parks and other public grounds shall be located and laid out in such a manner as to preserve and utilize natural streams and channels. Wherever possible the floodplains shall be included within parks or other public grounds.

 (Ord. 689, passed 5-1-12)

\$ 155.11 PUBLIC HEALTH AND OTHER STANDARDS.

- (A) Public health standards must be met for all floodplain development. In addition to the requirements of §§ 155.08 and 155.09 the following standards apply:
- (1) No development in the floodplain shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the FPE unless such materials are stored in a floodproofed and anchored storage tank, certified by a professional engineer, or a floodproofed building constructed according to the requirements of § 155.09;
- (2) Public utilities and facilities such as sewer, gas and electric shall be located and constructed to minimize or eliminate flood damage;
- (3) Public sanitary sewer systems and water supply systems shall be located and constructed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters:
- (4) New and replacement on-site sanitary sewer lines or waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding. Manholes or other above ground openings located below the FPE shall be watertight; and

- (5) Construction of new or substantially improved critical facilities shall be located outside the limits of the floodplain. Construction of new critical facilities shall be permissible within the floodplain if no feasible alternative site is available. Critical facilities constructed within the floodplain shall have the lowest floor (including basement) elevated or structurally dry floodproofed to the 500 year flood frequency elevation or three feet above the level of the 100 year flood frequency elevation whichever is greater. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced or released into floodwaters. Access routes elevated to or above the level of the BFE shall be provided to all critical facilities.
- (B) All other activities defined as development shall be designed so as not to alter flood flows or increase potential flood damages.
 (Ord. 689, passed 5-1-12) Penalty, see § 155.99

§ 155.12 WATERCOURSE STANDARDS.

- (A) For all projects involving channel modification, fill, or stream maintenance (including levees), the flood carrying capacity of the watercourse shall be maintained.
- (B) In addition, the village shall notify adjacent communities in writing 30 days prior to the issuance of a floodplain permit for the alteration or relocation of a watercourse. (Ord. 689, passed 5-1-12) Penalty, see § 155.99

§ 155.13 REPORTS AND RECORDS.

- (A) The Building Official shall provide the Village Council, IDNR/OWR, and the Federal Insurance Administration with reports, as may be requested or required, on forms as provided the village by the Federal Insurance Administration.
- (B) The Building Official shall maintain the records of the lowest floor elevations, flood-proofing certifications, all variance documents required by the rules and regulations of the NFIP (Code of Federal Regulations, CFR 4460.6(a)), permit applications, all other flood insurance program permit applications, and all other records required by the Federal Insurance Administration and this chapter. (Ord. 689, passed 5-1-12)

§ 155,14 OTHER REGULATIONS; CERTIFICATE OF OCCUPANCY.

(A) Before starting any of the work regulated by this chapter, an applicant shall comply with the requirements set forth in other applicable village ordinances with respect to the submission and approval of preliminary and final subdivision plats, improvement plans, building permits and zoning permits, inspections, appeals, sanitary sewer

connection permits, and similar matters, along with those set forth in this chapter and as may be required by federal or state laws and the regulations of any department of the State of Illinois. Where provisions of this chapter are more restrictive than other requirements, this chapter shall apply.

(B) It shall be unlawful to use or occupy any buildings of any development site or any part thereof hereafter constructed in a floodplain without first making application for obtaining a certificate of occupancy from the village. Request for issuance of a certificate of occupancy shall be submitted to the Building Official upon completion of the work authorized in the floodplain permit and building permit issued for the development. If, upon final inspection of a building or development site, the Building Official finds the work has been performed in accordance with the approved application and plans of the floodplain permit and the building permit, a certificate of occupancy, may be issued. If final inspection reveals otherwise, a certificate of occupancy shall not be issued until all deficiencies are corrected. (Ord. 689, passed 5-1-12) Penalty, see § 155.99

§ 155.15 FLOODPLAIN DEVELOPMENT PERMIT REQUIREMENTS.

Floodplain permit requirements shall be as follows:

- (A) All work performed under a floodplain permit shall conform to the approved application and plans, and approved amendments thereto:
- (B) A copy of the floodplain permit shall be posted in a conspicuous place on the premises, in plain view from a public road, during the execution of the work and until completion of same; and
- (C) A floodplain development permit under which no work is commenced within six months after issuance shall expire by limitation and a new floodplain permit shall be secured before work is started.
 (Ord. 689, passed 5-1-12) Penalty, see § 155.99

§ 155.16 CONSENT FOR INSPECTIONS.

All work for which a floodplain permit is required shall be subject to inspection by the Building Official or his or her duly authorized designee. It shall be unlawful to refuse to permit the Building Official or his or her designee to enter the premises or structure at any reasonable time to make an inspection. It shall be unlawful to interfere with or hinder the performance of the duties of the Building Official or his or her designee.

(Ord. 689, passed 5-1-12)

§ 155.17 SUSPENSION AND REVOCATION OF FLOODPLAIN DEVELOPMENT PERMIT.

(A) The Building Official may issue an order suspending a floodplain permit in a case ${\cal C}$

where there has been any false statement or misrepresentation as to a material fact in the application or plans upon which the permit was based or when work is performed contrary to the provisions of the application or plans upon which the permit is based. The suspension order shall inform the permittee in writing of the reason or reasons for its issuance and the specific steps the permittee must take in order to have the floodplain permit reinstated or reissued. It shall be unlawful to continue any work authorized by a floodplain permit after suspension of that permit and until the permit is reinstated, reissued or until a new permit is issued. If the permittee fails to take the steps required by the Building Official to reinstate or reissue the floodplain permit, the Building Official may refer the suspension to the Zoning Board of Appeals for action to revoke the permit.

- (B) (1) No floodplain permit shall be revoked until a hearing is held by the Zoning Board of Appeals. Written notice of such hearing shall be served on the permittee and shall state:
- (a) The grounds for the complaint and reasons for suspension or revocation; and
- $\mbox{(b) The time and place of the hearing.} \label{eq:bound}$
- (2) At such hearing, the permittee shall be given an opportunity to present evidence on his behalf. At the conclusion of the hearing, the Zoning Board of Appeals shall determine whether the floodplain permit shall be suspended, revoked, reinstated or reissued. (Ord. 689, passed 5-1-12)

<u>\$ 155.18 COMPLETION OF WORK HERETOFORE AUTHORIZED.</u>

Nothing in this chapter shall require changes in the plans, construction, or designated use of a building or other development project or portion thereof which has been otherwise lawfully authorized, or the construction of which shall have been actually begun and in which entire building or development project shall be completed within one year of the effective date of this chapter.

(Ord. 689, passed 5-1-12)

§ 155.19 APPLICATION FEES.

Application for a floodplain permit shall be accompanied by an application fee. The application fee for a floodplain permit shall be as established from time to time by the Village Council in its schedule of charges for building permits. This application fee shall be in addition to any other application fee required for other permits required for development upon the site. (Ord. 689, passed 5-1-12)

§ 155.20 VARIANCES.

(A) Whenever the standards of this chapter place undue hardship on a specific development proposal, the applicant may apply to the Zoning Board of Appeals for a variance. The

Zoning Board of Appeals shall review the applicant's request for a variance and shall submit its recommendation to the Village Council. The Village Council may attach such conditions to granting of a variance as it deems necessary to further the intent of this chapter.

- (B) Upon application for a variance, a public hearing shall be held by the Zoning Board of Appeals. No less than 15 days' and no more than 30 days' notice shall be given in a newspaper of general circulation in the village. The Zoning Board of Appeals shall review the request for a variance and shall submit its advisory opinion on such application to the Village Council. The Village Council shall fix a reasonable time for the consideration of the variance request. Every decision of the Village Council shall be by resolution, each of which shall contain a full record of the findings of the Village Council in the particular case. Each resolution shall be filed with the Village Clerk.
- (C) No variance shall be granted unless the applicant demonstrates that all of the following conditions are met:
- , (1) The development activity cannot be located outside the floodplain;
- (2) An exceptional hardship would result if the variance were not granted;
- (4) There will be no additional threat to public health or safety, nor the creation of a nuisance;
- (5) There will be no additional public expense for flood protection, rescue or relief operations, policing, or repairs to roads, utilities, or other public facilities;
- (6) The applicant's circumstances are unique and do not establish a pattern inconsistent with the intent of the NFIP; and
- (7) All other required local, state and federal permits have been obtained.
- (D) The Building Official shall notify an applicant in writing that a variance from the requirements of the building protection standards of § 155.09 that would lessen the degree of protection to a building will:
- (1) Result in increased premium rates for flood insurance up to \$25 per \$100 of insurance coverage;
- (2) Increase the risks to life and property; and
- (3)—Require the applicant—proceed with knowledge of these risks and acknowledge in writing the assumption of the risk and liability.

- (E) Historic structures. Variances to the building protection requirements of § 155.09 which are requested in connection with reconstruction, repair, or alteration of a historic site or historic structure as defined in "historic structures," may be granted using criteria more permissive than the requirements of §§ 155.08 and 155.09 subject to the conditions that:
- (1) The repair or rehabilitation is the minimum necessary to preserve the historic character and design of the structure; and
- (2) The repair or rehabilitation will not result in the structure being removed as a certified historic structure.

(F) Agriculture.

- (1) Any variance granted for an agricultural structure shall be decided individually based on a case by case analysis of the building's unique circumstances. Variances granted shall meet the following conditions as well as those criteria and conditions set forth in this chapter.
- (2) In order to minimize flood damages during the 100 year flood and the threat to public health and safety, the following conditions shall be included for any variance issued for agricultural structures that are constructed at-grade and wet-floodproofed:
- (a) All agricultural structures considered for a variance from the floodplain management regulations of this chapter shall demonstrate that the varied structure is located in wide, expansive floodplain areas and no other alternate location outside of the special flood hazard area exists for the agricultural structure. Residential structures or animal confinement facilities, such as farm houses, cannot be considered agricultural structures;
- (b) Use of the varied structures must be limited to agricultural purposes in A Zone only as identified on the village's FIRM;
- (c) For any new or substantially damaged agricultural structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below the BFE must be built with flood-resistant materials in accordance with § 155.09;
- (d) The agricultural structures must be adequately anchored to prevent flotation, collapse, or lateral movement of the structures in accordance with § 155.09. All of the building's structural components must be capable of resisting specific flood-related forces, including hydrostatic, buoyancy, and hydrodynamic and debris impact forces;
- (e) Any mechanical, electrical, or other utility equipment must be located above the BFE or floodproofed so that they are

contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with § 155.09;

- (f) The NFIP requires that enclosure or foundation walls, subject to the 100 year flood, contain openings that will permit the automatic entry and exit of floodwaters in accordance with § 155.09;
- (g) The agricultural structures must comply with the floodplain management floodway provisions of § 155.08. No variances may be issued for agricultural structures within any designated floodway; and
- (h) Wet-floodproofing construction techniques must be reviewed and approved by the Building Official and a registered professional engineer or architect prior to the issuance of any floodplain permit for construction.

§ 155.21 DISCLAIMER OF LIABILITY.

(Ord. 689, passed 5-1-12)

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes. This chapter does not imply that development either inside or outside of the floodplain will be free from flooding or damage. This chapter does not create liability on the part of the village or any officer or employee thereof for any flood damage that results from reliance on this chapter or any administrative decision made lawfully thereunder. (Ord. 689, passed 5-1-12)

§ 155.22 ABROGATION AND GREATER RESTRICTIONS.

This chapter repeals and replaces ordinances adopted by the village to fulfill the requirements of the NFIP. However, this chapter does not repeal the original resolution or ordinance adopted to achieve eligibility in the program, nor does this chapter repeal, abrogate, or impair any existing easements, covenants, or deed restrictions or other village development regulations. Where this chapter or other village ordinances, easements, covenants or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. 689, passed 5-1-12)

§ 155.23 VIOLATION; REMEDY.

(A) Failure to obtain a permit for development in the floodplain or failure to comply with the requirements of a floodplain permit or conditions of a variance resolution shall be deemed to be a violation of this chapter. Upon due investigation, the Building Official may determine that a violation of the minimum standards of this chapter exists. The Building Official shall notify the owner in writing of such violation.

- (B) If such owner fails after ten days' notice to correct the violation:
- (1) The village may make application to the Circuit Court for Vermilion County, Illinois for an injunction requiring conformance with this chapter or make such other order as the Court deems necessary to secure compliance with this chapter.
- (2) Any person who violates this chapter shall upon conviction thereof be fined as provided in § 155.99.
- (C) The Building Official shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a standard flood insurance policy to be suspended.
- (D) Nothing herein shall prevent the village from taking other such lawful action to prevent or remedy any violations. All costs connected therewith, including reasonable attorney fees, shall accrue to the person or persons responsible. (Ord. 689, passed 5-1-12)

§ 155.99 PENALTY.

Any person, firm or corporation who violates this chapter shall, upon conviction thereof, be fined not less than \$200 nor more than \$1,000 for each offense. A separate offense shall be deemed committed upon each day during on or which a violation occurs or continues. In addition to any fine imposed hereunder, the offender shall be ordered to pay all of the costs and fees incurred by the village in prosecuting a violation, which shall, but not be limited to, the costs associated with an administrative adjudication proceeding or court proceeding and reasonable attorney fees. (Ord. 689, passed 5-1-12)

156.01 Plan adopted

§ 156.01 PLAN ADOPTED.

The Comprehensive Plan is adopted as the comprehensive plan for the village and shall be utilized by the Council and its committees for purposes of guiding the present and future development or redevelopment of the village and the contiguous unincorporated territory under the authority and jurisdiction of the village.

(Res. passed 10-16-01: Am. Res. 588 passed

(Res. passed 10-16-01; Am. Res. 588, passed 4-5-05; Am. Ord. 611, passed 12-5-06)

Cross-reference:

Planning Commission, see §§ 31.05 et seq.

157.01 Mailbox standards

157.02 Violations as infractions

§ 157.01 MAILBOX STANDARDS.

- (A) It shall be unlawful to erect or construct any rural mailbox within any public right-of-way within the corporate boundaries of the village except upon compliance with the provisions of this chapter.
- (B) Construction standards. All construction shall comply with the rules and regulations of the United States Postal Service as promulgated from time to time, unless otherwise controlled by ordinance or resolution of the Village Council.
- (C) Placement. All rural mailboxes must be placed:
- (1) Within the public right-of-way on the side of the street as designated by the United States Postal Service; and
- (2) If the postal route as designated by the United States Postal Service requires the placement of a postal customer's mailbox in a public right-of-way not contiguous to the postal customer's property, the mailbox shall be placed as near as practicable to the boundary line of the designated lot where that line intersects the public right-of-way.
- (D) Construction may be stopped. The Building Official of the village shall have the power to stop the construction of any rural mailbox within the village when the work is being done in violation of this chapter. When the work has been stopped by the order of the Building Official, it shall not be resumed until the Building Official is satisfied that the work will be completed in conformity with the ordinances of the village.
- (E) Any person wishing to make an appeal of a decision of the Building Official with respect to the placement or construction of rural mailboxes shall do so within five days after written notice of the decision or order of the Building Official has been given to him. An appeal made later shall not entitle the appellant to a hearing thereon. The request for an appeal shall be made in writing and shall state the object of the proposed appeal and shall be directed to the building and grounds committee of the village. The decision of the building and grounds committee shall be final. (Ord. 558, passed 1-14-03)

§ 157.02 VIOLATIONS AS INFRACTIONS.

Violations of § 157.01 shall be treated as infractions. Procedure for an infraction shall be as follows:

(A) Infraction procedure, including issuance of notices and citations, shall be carried on by the Building Office or any employee authorized to do so by the village council.

- (B) Before issuing a citation for an infraction, the Building Official or employee responsible for the enforcement shall issue a warning notice, describing the alleged offense, the location, the ordinance or code section involved, and a statement of what must be done to correct the violation. The notice shall state the date by which such correction must be completed. Such date shall be five calendar days from the date of the notice, provided that a shorter time shall be specified if there is substantial immediate danger to persons or property, and a longer time than five days shall be stated if there would be practical physical difficulties in completing the correction within five days and there is no emergency.
- (C) Failure to issue a warning notice as described in division (B) above, shall not affect the validity of any prosecution for an infraction.
- (D) If the condition has not been corrected within the time specified in the warning notice, the Building Official or employee dealing with the matter shall issue a citation for the infraction. The citation shall state a date and time for a court appearance, and shall state that the person accused may avoid the court hearing by paying, before the time of the hearing, the sum of fifty dollars in lieu of a fine set by the court, and by correcting the condition.
- (E) Any person, firm or corporation found guilty of a violation of this section shall be fined not less than \$50 nor more than \$500 for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues to occur. Each sentence shall also include an order directing the correction of the condition.

 (Ord. 558, passed 1-14-03)

158.01 Purpose

158.02 Definition

158.03 Unfair real estate practices

158.04 Exemptions

158.99 Penalty

§ 158.01 PURPOSE.

The purpose of this chapter, enacted in the interests of the safety and welfare of the people of the village, is to assure equal opportunity to all persons who engage or seek to engage in real estate transactions in the village regardless of race, color, religion, sex, national origin, ancestry, age, order of protection status, marital status, physical or mental disability, military status, sexual orientation, or unfavorable discharge from military service and, to that end, to prohibit discrimination in real estate transactions. (Ord. 722, passed 5-20-14)

§ 158.02 DEFINITION.

For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

"REAL ESTATE." Any real property, improved or unimproved, within the corporate jurisdiction of the village, other than rooms rented by one or two persons in a single-family dwelling that is the residence of the owner or members of the owner's immediate family, or of a lessee of the entire dwelling or members of the lessee's immediate family. (Ord. 722, passed 5-20-14)

\$ 158.03 UNFAIR REAL ESTATE PRACTICES.

No person shall discriminate against any other person because of the race, color, religion, sex, national origin, ancestry, age, order of protection status, marital status, physical or mental disability, military status, sexual orientation, or unfavorable discharge from military service of such other person, in regard to the sale or rental of, or dealings concerning, real estate. Any such discrimination shall constitute an unfair real estate practice. Without limiting the foregoing provision, it shall be an unfair real estate practice for any person to:

(A) Make, distribute, or cause to be made or distributed, any written material or oral statements designed to induce any owner of real estate to sell, exchange, rent or lease that real estate because of any present or prospective change in the race, color, religion, sex, national origin, ancestry, age, order of protection status, marital status, physical or mental disability, military status, sexual orientation, or unfavorable discharge from military service of persons in the neighborhood in which the real estate is situated.

- (B) Sell, exchange, lease, rent, offer to sell, exchange, lease or rent, any real estate to any person of a particular race, color, religion, sex, national origin, ancestry, age, order of protection status, marital status, physical or mental disability, military status, sexual orientation, or unfavorable discharge from military service at a price or with a fee or under terms or conditions different from those offered to persons of any other race, color, religion, sex, national origin, ancestry, age, order of protection status, marital status, physical or mental disability, military status, sexual orientation, or unfavorable discharge from military service.
- (C) Refuse to sell, show, exchange, lease or rent any real estate to a prospective buyer or tenant, or to any representative of a prospective buyer or tenant because of the race, color, religion, sex, national origin, ancestry, age, order of protection status, marital status, physical or mental disability, military status, sexual orientation, or unfavorable discharge from military service of the prospective buyer or tenant, or representative.
- (D) Refuse to allow examination of copies of any listing or any real estate to any person of a particular race, color, religion, sex, national origin, ancestry, age, order of protection status, marital status, physical or mental disability, military status, sexual orientation, or unfavorable discharge from military service when examination of that listing is allowed to persons of any other race, color, religion, sex or national origin.
- (E) Enter into a listing agreement which provides for or permits any of the practices set forth in divisions (B) through (D) of this section.
- (F) Publish, circulate, issue or display, or cause to be published, circulated, issued or displayed, any communication, notice, advertisement, sign or other writing of any kind relating to the sale, exchange, rental or leasing of real estate which provides for any of the practices set forth in divisions (B) through (D) of this section.

 (Ord. 722, passed 5-20-14) Penalty, see § 158.99

§ 158.04 EXEMPTIONS.

(A) Nondiscriminatory preference. Nothing in this chapter shall require an owner or lessee to offer real estate to the public at large before selling, exchanging, leasing or renting it, nor shall this Chapter be deemed to prohibit any owner or lessee from giving preference to any prospective buyer or tenant for any reason other than race, color, religion, sex, national origin, ancestry, age, order of protection status, marital status, physical or mental disability, military status, sexual orientation, or unfavorable discharge from military service.

36

(B) Good faith required. Nothing in this chapter shall require an owner to offer or show real estate for sale, exchange, lease or rental to any person if the owner has reasonable grounds to believe that such person is not negotiating in good faith for the purchase, exchange, lease or rental of such real estate. (Ord. 722, passed 5-20-14)

§ 158.99 PENALTY.

Any person found guilty of a violation of this chapter shall be fined pursuant the Municipal Code § 10.99. In addition to any fine imposed hereunder the offender shall be ordered to pay all of the costs and fees incurred by the village in prosecuting the violation, which shall include but not be limited to the costs associated with any administrative adjudication proceeding or court proceeding, including reasonable attorney fees.

(Ord. 722, passed 5-20-14)