

THE CITY OF ANNA
AN ILLINOIS MUNICIPAL CORPORATION

ORDINANCE NO. 81-2
ZONING ORDINANCE OF THE CITY OF ANNA, ILLINOIS

PASSED and APPROVED

January 20, 1981

ORDINANCE NO. 8/- 2

ZONING ORDINANCE OF THE CITY OF ANNA, ILLINOIS

WHEREAS, the City Council of the City of Anna determined that the public health, welfare and safety of the citizens of the City require that action be taken to conserve the taxable value of land within the City and within the area immediately contiguous to Anna, which area may become a part of the City in the future and which area affects the City at the present time; and,

WHEREAS, the City Council of the City of Anna determined that the public health, welfare, and safety of the citizens of the City of Anna require that action be taken to lessen congestion in public streets, to secure safety from fire, panic, and other dangers, to prevent overcrowding, and to provide for adequate light and air for the citizens of the City of Anna; and,

WHEREAS, in order to accomplish these purposes the City Council of the City of Anna did, on the 18th day of October, 1979, pursuant to the provisions of Chap. 24 Sec. 11-13, Ill. Rev. Stat., establish a Zoning Commission for the City and the contiguous area within one and one-half miles thereof and did appoint 7 citizens of the City of Anna to serve on said Commission and 1 citizen of the area within one and one-half miles of the City to serve also; and,

WHEREAS, said Commission convened on the 23rd day of April, 1980, and met periodically thereafter and prepared a tentative

report which, after due notice and publication in accordance with law, was considered at a public hearing on October 7, 1980; and,

WHEREAS, said public hearing was adjourned to the 20th day of January, 1981, at which time a report of said Commission was submitted to the City Council of the City of Anna and a proposed ordinance was also submitted; and,

WHEREAS, the City Council of the City of Anna has considered the proposed zoning ordinance, has considered the proposed report, and has considered the attached zoning map and finds that the public health and welfare of the City of Anna require that said ordinance be adopted.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ANNA, ILLINOIS, AS FOLLOWS:

SECTION 1. Purpose. This ordinance is passed and enacted for the purpose of dividing the City and the contiguous area within one and one-half miles thereof into zones, or districts, restricting and regulating therein the location, erection, construction, reconstruction, alteration and use of buildings, structures, and land for trade, industry, residence and other specified uses; to regulate the intensity of the use of lot areas, and to regulate and determine the area of open spaces surrounding such buildings; to establish building lines and the location of buildings designed for specified industrial, business, residential and other uses within such areas; to fix standards to which buildings or structures shall conform

therein; to prohibit uses, buildings or structures incompatible with the character of such districts, respectively; to prevent additions to and alterations or remodeling of existing buildings or structures in such a way as to avoid the restrictions and limitations lawfully imposed hereunder; to limit congestion in the public streets by providing for the off-street parking and loading and unloading of vehicles; providing for the gradual elimination of non-conforming uses of land, building and structures; and prescribing penalties for the violation of the ordinance; to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to conserve the taxable value of land and buildings throughout the city; and to promote the public health, safety and general welfare; and for the additional purposes set forth in all relevant statutes of the State of Illinois authorizing this ordinance.

SECTION 2. Title. This ordinance may be known and cited as "The City of Anna Zoning Ordinance."

SECTION 3. Interpretation. Where this ordinance places restrictions on the use of buildings, structures or land that is similarly restricted by other ordinances of the City, the ordinance requiring the highest standard shall prevail.

SECTION 4. Definitions. For the purpose of this ordinance, certain terms are used in a limited or special sense, as hereinafter defined; words used in the present tense include the future, words in the singular number include the plural, and

words in the plural number include the singular.

4.01 - Accessory Use. A building or structure subordinate to the principal use on the same land and serving a purpose customarily incidental thereto.

4.02 - Agriculture. The use of land for agricultural purposes including necessary buildings and structures used for, but not limited to, the purposes of farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture and animal and poultry husbandry and like uses, and the necessary accessory uses for packing, treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agriculture activities. Buildings occupied as residences shall not be considered to be used for agricultural purposes.

4.03 - Alley. A public or private way less than twenty-one (21) feet in width affording secondary means of access to abutting property.

4.04 - Animal Hospital. Any building or portion thereof designed or used for the care, observation or treatment of domestic animals.

4.05 - Automobile Repair. General repair, rebuilding or reconditioning of engines, motor vehicles or trailers or parts thereof; collision service, including body, frame or fender straightening or repair; overall painting or paint shop; vehicle steam cleaning.

4.06 - Automobile Wrecking Yard. Any area of land where

two (2) or more motor vehicles, not in running condition, or parts thereof are stored in the open and not being restored to operation, or any land, building or structure used for the wrecking or storing of such motor vehicles, or parts thereof, not in running condition.

4.07 - Basement. A story having part, but not more than fifty percent (50%), of its height below the average grade of the adjoining ground (as distinguished from a "cellar"). A basement shall be counted as a story for the purpose of height measurement.

4.08 - Building. Any structure designed, intended, used or usable for the shelter or enclosure of persons, animals or chattels.

4.09 - Cellar. A story having fifty percent (50%) or more of its height below the average grade of the adjoining ground.

4.10 - Drive-In Establishment. An establishment which accommodates patrons' automobiles from which the occupants of said automobiles may purchase or watch.

4.11 - Dwelling. A building or portion thereof occupied or designed, or intended to be occupied, exclusively for residential purposes, not to include a tent, cabin, trailer or room in a hotel or motel.

4.12 - Essential Services. The erection, construction, alteration or maintenance by any public utility or municipal or other governmental agency of underground or overhead gas, electrical, steam or water transmission or distribution systems,

collection, communications, supply or disposal systems, elevated and underground water storage tanks, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, not to include buildings.

4.13 - Family. One (1) or more persons related by blood, marriage or adoption, together with his or their domestic servants, maintaining a common household in a dwelling.

4.14 - Garage, Private. A detached accessory use building or portion of a principal building used for the storage of self-propelled passenger vehicles of the occupants of the premises and/or not more than one (1) truck of a rated capacity not exceeding one and one-half ($1\frac{1}{2}$) tons.

4.15 - Garage, Public. Any structure where automotive vehicles are painted, rebuilt, reconstructed and/or stored for compensation.

4.16 - Height. In the case of a wall or part of a building, the vertical distance from the average established curb grade in front of the lot or from the average finished grade at the building line; if higher, to the average height of the top of the cornice of a flat roof or roof-line or to the deck line of a mansard roof or to the middle height of the

highest gable or dormer in a pitched or hipped roof, or if there are no gables or dormers, to the middle height of such pitched or hipped roof.

4.17 - Highway or Primary Thoroughfare. An officially designated federal or state numbered highway or other road designated as a highway or primary thoroughfare on the thoroughfare plan as officially adopted and amended from time to time by the Planning Commission.

4.18 - Home Occupation. Customary incidental home occupations such as handicraft, dressmaking, millinery, preserving, or office of physician, dentist, insurance agent or similar professional services; provided, however, that no more than twenty percent (20%) of the floor area is used for such purpose, that no internal or external structural alteration is required, that no more than one (1) person from outside the family is employed, and that no sale of any product, except a tangible product incidental to the principal occupation, takes place on the premises.

4.19 - Junk Yard. An open area or fenced enclosure where used or secondhand materials are sought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles. A junk yard includes an automobile wrecking yard but does not include uses established entirely within enclosed buildings.

4.20 - Kennel. Any structure or premises where five (5) or

more dogs over four (4) months of age are kept.

4.21 - Lot. A parcel or area of land abutting on a street, which area, in addition to the parts thereof occupied or hereafter to be occupied by a building and its necessary buildings, is sufficient to provide the yards and courts required by this ordinance.

4.22 - Lot, Corner. A lot situated at the intersection of two (2) streets; provided, however, that the interior angle made by the front lot lines at the intersection is less than one hundred thirty-five degrees (135°).

4.23 - Lot, Interior. A lot other than a corner lot.

4.24 - Lot Area. The horizontal area within the lot lines of the lot.

4.25 - Lot Depth. The mean horizontal distance between the front and rear lot lines.

4.26 - Lot Width. The mean horizontal distance across the lot between side lot lines at the building line measured at right angles to the depth.

4.27 - Lot Line, Front. That boundary of a lot which is along an existing or dedicated street or road. A corner lot will have two (2) front lines.

4.28 - Lot Line, Rear. That boundary of a lot which is most distant from and is, or most nearly is, parallel to the front lot line.

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

4.30 - Lot of Record. A lot which is part of a subdivision, the plat of which has been recorded in the Office of the Recorder of Deeds for Union County, Illinois, or a parcel of land, the deed to which was recorded in the office of such Recorder prior to adoption of this ordinance.

4.31 - Mobile Home - Any portable or mobile vehicle or structure, situated on or attached to wheels, skids, rollers, blocks, or situated on a permanent immovable foundation, whether self-propelled or not, which is designed, intended, used or usable for living, sleeping or commercial purposes, including any vehicle or structure designed or so constructed so as to permit both its being moved as a conveyance upon streets and its being occupied as living, sleeping or commercial quarters by one (1) or more persons.

4.32 - Mobile Home Park. An area of land upon which two (2) or more mobile homes are situated to include any building, structure, tent, vehicle or enclosure used for or intended for use as a part of the equipment of such park.

4.33 - Motor Fuel Station. A place where gasoline, diesel oil, kerosene, or any other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, including greasing and oiling and the sale of automobile accessories on the premises.

4.34 - Non-Conforming Use. A building, structure or land lawfully used at the time of the enactment of this ordinance by

a use that does not conform with the regulations or provisions of this ordinance for the district in which it is located; also such use resulting from changes in zoning districts or in textual provisions made hereafter.

4.35 - Nursing Home. A private home, institution, building, residence, or any other place, whether operated for profit or not, or a county home for the infirm and chronically ill operated pursuant to "The County Home Act," as now or hereafter amended, or by the General Assembly of the State of Illinois, or by a county pursuant to "An Act in relation to homes for the aged," approved by the General Assembly July 21, 1959, as now or hereafter amended by them, or any similar institution operated by a political subdivision of the State of Illinois, which provides, through its ownership or management, personal care, sheltered care or nursing for 3 or more persons not related to the operator or owner by blood or marriage. It includes skilled nursing facilities and intermediate care facilities as those terms are defined in Title XVIII and XIX of the Federal Social Security Act, 42 U.S.C.A. Sec. 1395 et seq. Personal care is defined as provision of assistance with meals, dressing, movement, bathing or other personal needs or maintenance, or general supervision and oversight of the physical and mental well-being of an individual who is incapable of managing his person whether or not a guardian has been appointed for such individual. Sheltered care means maintenance and personal care. Maintenance means food, shelter and laundry services. Nursing means provi-

sion of care by a registered nurse or licensed practical nurse.

4.36 - Parking Area, Accessory. An area of one (1) or more parking spaces located on the same property as the building, structure or land it is intended to serve, or on adjoining or nearby land, and of such shape and nature as to be appropriate and usable for the parking or storage, loading or unloading of self-propelled vehicles.

4.37 - Rooming House. A single unit dwelling occupied by a permanent resident family and two or more other persons not members of said family; or, a single unit dwelling occupied by more than two persons who are not related to each other in a family; or, a building containing two or more dwelling units, one or more of which units is occupied by a permanent resident family and two or more persons who are not related to the family; or, a building containing two or more dwelling units, at least one of which is occupied by more than two persons who are not related to each other in a family; or, residential buildings when a lot contains two or more residential buildings, no more than one of which contains a dwelling unit or units as defined in this section and the buildings are occupied in sum by a permanent resident family and two or more persons who are not members of said family; or, residential buildings when a lot contains two or more residential buildings no more than one of which contains a dwelling unit or units as defined in this section and the buildings are occupied in sum by more than two persons who are not related to each other in a family; or, any

portion of a building other than as referred to elsewhere in this section which is occupied by a permanent family and two or more persons who are not members of the family; or, any portion of a building other than as referred to elsewhere in this section which is occupied by more than two persons who are not related to each other in a family; however, a dormitory, motel, or hotel shall not be deemed to be a rooming house. For the purposes of this section "to occupy" means the use or possession or the right to the use or possession of the premises referred to, and "to occupy" includes "to propose to occupy"; and "permanent resident" means any person or persons who occupy or have the right to occupy any portion of a dwelling for at least thirty (30) consecutive days.

4.38 - Set-Back Line. The minimum horizontal distance permitted between the front or side of a structure and the nearest street line.

4.39 - Sign. Any structure or device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge or insignia of any government or governmental agency or of any civic, charitable, religious, patriotic, fraternal or similar organization or any sign indicating address. Each display surface of a sign shall be considered a sign.

4.40 - Sign, Gross Surface Area of. The entire area within a single continuous perimeter enclosing the extreme limits of such sign and in no case passing through or between any adjacent

elements of the same; provided, however, that such perimeter shall not include any structural elements lying outside the limits of such sign nor form an integral part of the display.

4.41 - Story. That portion of a building or structure included between the upper surface of any floor and the upper surface of the floor next above, or the ceiling or roof next above such floor; provided, however, that for the purpose of determining the required dimensions of yards and courts, when the average story height of a building exceeds twelve (12) feet, each twelve (12) feet or fraction thereof of the total building height shall be considered a separate full story or fractional story respectively, except the first story which may be fifteen (15) feet high.

4.42 - Street. Any public or private way set aside as a permanent right-of-way for vehicular or pedestrian access of twenty-one (21) feet or more in width if it existed at the time of the enactment of this ordinance, and any such public or private way created after enactment of this ordinance, provided it is fifty (50) feet or more in width.

4.43 - Structural Alteration. Any change in the supporting members of a building including, but not limited to, bearing walls, load-bearing partitions, columns, beams, or girders, or any substantial change in the roof or in the exterior walls.

4.44 - Structure. Anything constructed, erected or placed, the use of which requires either location on the ground or attachment to something having location on the ground, including

a mobile home and a sign.

4.45 - Use. The employment or occupation of a building, structure, or land for a person's service, benefit or enjoyment.

4.46 - Yard, Front. An open space extending the full width of the lot between a building and the front lot line, unoccupied and unobstructed from the ground upward, except as hereinafter specified.

4.47 - Yard, Rear. An open space extending the full width of a lot between a building and the rear lot line, unoccupied and unobstructed from the ground upward, except as hereinafter specified.

4.48 - Yard, Side. An open space extending from the front yard to the rear yard between a building and the side lot line, unoccupied and unobstructed from the ground upward, except as hereinafter specified.

4.49 - The City. The City of Anna, Illinois, a municipal corporation, and the territory within the corporate boundary thereof.

SECTION 5. Districts and Map.

5.01 - Division and Designation. The City and the contiguous area within one and one-half miles thereof are divided into seven (7) zoning districts as follows:

- R-1 One-Family Residence District
- R-2 One- and Two-Family District
- R-3 General Residence District
- B-1 Central Business District
- B-2 Secondary Business District
- M-1 General Manufacturing District
- A-1 Agricultural District

5.02 - Boundaries and Map. The boundaries of the zoning districts are established on a map entitled "Zoning District Map, City of Anna, Illinois," which accompanies and is a part of this ordinance. District boundary lines follow lot lines, center lines of streets or alleys, railroad rights-of-way, or similar natural features, and include the contiguous area within one and one-half miles of the corporate limits.

5.03 - Disputes. Questions concerning the exact location of district boundaries shall be determined by the Zoning Board of Appeals.

5.04 - Annexation. Any territory annexed to the City shall, upon such annexation, maintain its zoning classification until otherwise zoned.

SECTION 6. General Provisions.

6.01 - Affected Property. Except as specifically provided in this ordinance, no building, structure or land shall be used and no building, structure or part thereof shall be erected, constructed, reconstructed, occupied, moved, altered, or repaired except in conformity with all regulations and provisions of this ordinance.

6.02 - Continuing Existing Uses. Any use lawfully existing at the time of enactment of this ordinance shall be allowed to continue as a nonconforming use, subject to the provisions of Section 16.

6.03 - Repairs. Any part of any building or structure which is declared unsafe by the building inspector may be

strengthened or restored to a safe condition.

6.04 - Street Frontage. No lot shall contain any building used as a dwelling unless it abuts at least thirty (30) feet on a street.

6.05 - Buildings on Lot. Not more than one principal detached residential dwelling shall be located on a lot, nor shall any principal detached residential dwelling be located on the same lot with any other principal building.

SECTION 7. R-1 One-Family Residence District. The following regulations shall apply in the R-1 One-Family Residence District:

7.01 - Permitted Principal Uses. The permitted principal uses are:

7.011 - One-family detached dwellings.

7.012 - Public and civic parks and playgrounds.

7.02 - Permitted Accessory Uses. The permitted accessory uses are those uses customarily incidental to a permitted principal use and located on the same lot as the principal use, including the following uses: private garages on parking areas, living quarters of persons employed on the premises, real estate signs of a temporary nature offering the premises for sale or rent, and announcement or professional signs not exceeding four (4) square feet in area.

7.03 - Height of Structures. No structure shall exceed two and one-half ($2\frac{1}{2}$) stories or thirty (30) feet in height, whichever is lower, and no accessory structure shall exceed one (1)

story or fifteen (15) feet in height except as provided in Section 15.

7.04 - Lateral Dimension Regulations. The following minimum requirements shall be observed, subject to the modifications of Section 15:

Lot area	10,000 square feet
Frontage	80 feet
Front Yard Depth	35 feet
Side Yard Width	20 feet total, minimum 7 feet one side
Rear Yard Depth	40 feet
Floor Area	1,200 square feet
Maximum Lot Coverage	20 percent

Provided, however, that the minimum lot square foot requirements contained herein for lots platted and in existence in R-1, R-2, and R-3 districts on the effective date of this ordinance shall not apply, and this ordinance shall not be construed to prohibit construction of structures on said lots. However, the requirements for minimum floor area shall apply. Requirements for side yard and rear yard depth shall be based on the ratio of the square footage of said existing lot to the minimum square foot requirements in the controlling zoning district. Requirements for front yard depth shall be met in the event no existing dwellings are fronting on the same street as any proposed dwelling. In the event such dwellings are in existence, the actual front yard depth of all dwellings situated within one thousand (1,000) feet of the lot on which the proposed dwelling is to be situated shall be determined, and the front yard depth minimum requirement shall be the same as the most numerous front

yard depth actually in existence in said area or the minimum requirements of said zoning district, whichever figure is smaller.

7.05 - The following uses may, subject to the granting of a Special Use Permit in accordance with Section 19 hereof, be permitted in the R-1 district:

7.051 - (a) Essential services.

(b) Any buildings or structures occupied by or used for churches, Sunday schools, public libraries, and similar not-for-profit cultural uses.

SECTION 8. R-2 One- and Two-Family Residence District. The following regulations shall apply in the R-2 district:

8.01 - Permitted Principal Uses. The permitted principal uses are:

8.011 - Any use permitted in the R-1 district.

8.012 - Two-family dwellings.

8.013 - Parking areas for use in an adjoining less-restricted district when abutting directly on the less-restrictive district.

8.02 - Special Uses. The following uses may, subject to the granting of a Special Use Permit in accordance with and pursuant to Section 19 of this ordinance, be permitted in the R-2 district.

8.021 - Any use classified as a special use in the R-1 district.

8.03 - Permitted Accessory Uses. The permitted accessory uses are those uses or structures permitted in the R-1 district.

8.04 - Height of Structure. No structure shall exceed any height permitted in the R-1 district for the same type building.

8.05 - Lateral Dimension Regulations. The following minimum requirements shall be observed, subject to the modifications of Section 15:

Lot Area	7,000 square feet
Lot Width	65 feet
Front Yard Depth	30 feet
Side Yard Width	15 feet total, minimum 6 feet one yard
Rear Yard Depth	40 feet
Lot Area per Family	4,000 square feet
Floor Area	1,000 square feet for single family 900 square feet per family in two-family dwell- ings or per dwelling unit
Maximum Lot Coverage	20 percent

SECTION 9. R-3 General Residence District. The following regulations shall apply in the R-3 General Residence District:

9.01 - Permitted Principal Uses. The permitted principal uses are:

- 9.011 - Any use permitted in the R-2 district.
- 9.012 - Dwellings for any number of families.
- 9.013 - Rooming houses.
- 9.014 - Day nurseries, nursery schools, or child care centers.
- 9.015 - Tourist homes, motels and motor hotels; provided, however, that such uses are located on lots abutting state or federal highways.
- 9.016 - Offices of civic, religious or charitable institu-

tions, financial or insurance companies, physicians, dentists, architects, engineers, attorneys, real estate and similar professions, but not selling merchandise on the premises.

9.02 - Special Uses. The following uses may, subject to the granting of a Special Use Permit in accordance with and pursuant to Section 19 of this ordinance, be permitted in the R-3 district:

9.021 - Mobile home parks.

9.022 - Hospitals, sanitariums, and nursing homes; provided, however, that no penal or correctional inmates are regularly housed therein.

9.023 - Municipal cemeteries.

9.024 - Public and civic parks and playgrounds.

9.025 - Any use permitted as a Special Use in the R-2 district.

9.026 - Country clubs, golf courses, similar recreation areas, and private clubs and lodges.

9.03 - Permitted Accessory Uses. The permitted accessory uses are those uses permitted in the R-2 district.

9.04 - Height of Structures. No structure shall exceed six (6) stories or seventy-five (75) feet in height, except as provided in Section 15.

Lateral Dimension Regulations. The following requirements shall be observed, subject to the modifications of Section 15:

Lot Area	5,500 square feet
Lot Width	60 feet
Front Yard Depth	30 feet

Rear Yard Depth	40 feet
Side Yard Width	12 feet total, minimum 5 feet one yard
Lot Area per Family	3,000 square feet
Floor Area	500 square feet for one- family residence 600 square feet for two- family residence 300 square feet for multi- family residence
Maximum Lot Coverage	40 percent

SECTION 10. B-1 Central Business District. The following regulations shall apply in the B-1 Central Business District:

10.01 - Principal Permitted Uses. The principal permitted uses are:

10.011 - Any use permitted in the R-3 district and essential services.

9.012 - Any retail business establishment supplying commodities and its general trade area which is not characterized by excessive noise, smoke, odor or similar obnoxious effect, including but not limited to businesses selling appliances, auto accessories, books and stationery, cameras, candy, ice cream, clothing, fabrics, floor covering, flowers, furniture, paint, gifts, groceries, hardware, jewelry, meat, motor fuel and oil, shoes, printing, dry goods and the like, and also including banks, liquor stores, barber and beauty shops, department and variety stores, funeral homes, studios, restaurants, and electrical or other repair shops operated in conjunction with related retail businesses.

10.02 - Special Uses. The following uses may, subject to the granting of a Special Use Permit in accordance with and

pursuant to Section 19 of this ordinance, be permitted in the B-1 district:

10.021 - Any use permitted as a Special Use in the R-3 district.

10.03 - Permitted Accessory Uses. The permitted accessory uses include any use permitted in the R-3 district and any other accessory uses customarily incidental to a permitted principal use, including advertising signs.

10.04 - Height of Structures. No structure shall exceed in height a dimension greater than two (2) times the distance from the front base of the structure to the centerline of the street abutting the front property line.

10.05 - Lateral Dimension Regulations. The following minimum requirements shall be observed subject to the modifications of Section 15:

Residential Uses: Regulations prescribed for R-3 district.

Other Permitted Uses:

Frontage: No requirement.

Lot Area: No requirement.

Floor Area: No requirement.

Side Yard: No requirement except when business abuts an R district, then side yard shall be the same as required in the adjacent R district.

Front Yard: No requirement.

Rear Yard: No requirement except when adjacent to lot in any R district on side lot line, there shall be a rear yard equal to one-half ($\frac{1}{2}$) that required in the adjacent R district.

Lot Coverage: No requirement.

SECTION 11. B-2 Secondary Business District. The following regulations shall apply in the B-2 district:

11.01 - Permitted Principal Uses. The principal permitted

uses are: any use permitted in the B-1 district and any retail business establishment not specifically prohibited in any section of this zoning ordinance.

11.02 - Special Uses. The following uses may, subject to the granting of a Special Use Permit in accordance with and pursuant to Section 19 of this ordinance, be permitted in the B-2 district:

11.021 - Any use permitted as a Special Use in the B-1 district.

11.03 - Permitted Accessory Uses. The permitted accessory uses are those permitted in the B-1 district.

11.04 - Height of Structures. No structure shall exceed two (2) stories or thirty (30) feet in height, except as provided in Section 15.

11.05 - Lateral Dimension Regulations. The following minimum requirements shall be observed, subject to the modifications of Section 15:

11.051 - Dwellings shall have the same lot area, lot width, front yard depth, side yard width, rear yard depth, and maximum lot coverage regulations as listed for B-1.

11.052 - Other permitted uses shall have the following requirements:

Lot Area	10,000 square feet
Lot Width	100 feet
Front Yard Depth	40 feet
Side Yard Width	None, except where adjacent to an R district, then 15 feet on the abutting side

Rear Yard Depth
Maximum Lot Coverage

20 feet
50 percent

SECTION 12. M-1 General Manufacturing District. The following regulations shall apply in the M-1 district:

12.01 - Permitted Principal Uses. The permitted principal uses are:

12.011 - Any use permitted in the B-2 district except that no permanent residence shall be permitted in the M-1 district.

12.012 - The following uses are permitted: builders' or contractors' yards, including concrete mixing, lumber yards, mill work, provided that the uses are enclosed by a solid wall or fence not less than six (6) feet in height; carpet and rug cleaning; carpentry shop; electrical shop; heating, plumbing or sheet metal shop; manufacture of bakery goods, candy or other food products, but excluding fish products, slaughter houses, sauerkraut or vinegar manufacturing and rendering of fats and oils; manufacturing or assembly of articles of merchandise; manufacture of musical instruments, toys, novelties and similar items; manufacture or assembly of electrical equipment; manufacture of ice; creamery or bottling plant; laboratories; cabinet shops; warehousing; and any other use which is of a similar character to those specified above.

12.013 - The following uses are permitted, provided that such use is at least one hundred (100) feet from any R district: ceramic products manufacture; flammable liquid storage underground, not exceeding a capacity of 25,000 gallons; railroad

yards; blacksmith, welding, or metal working shop; foundry; planing mill or veneer mill; tool, die and jig manufacture, and any other use which is of a similar nature to those specified above.

12.014 - The following uses are permitted; provided, however, that such use is located at least three hundred (300) feet from any R district and at least one hundred (100) feet from any B district: acetylene manufacture; asbestos manufacture; automobile, tractor, trailer, farm implement assembly or manufacture; bleaching, cleaning and dyeing; boiler mills, structural steel fabrication or locomotive shops; brewing and distilling or liquors; brick, pottery, tile and terra cotta production; bulk plants; can and container manufacture; candle or sperm oil manufacture; cement products; cooperage works, dextrine, starch or glucose manufacture; disinfectant, insecticide or poison manufacture; dye and dyestuff manufacture; enameling, lacquering; emery cloth or sand paper manufacture; felt manufacture; flour or grain mill; forge or foundry works; gas generating plants, grain drying or poultry feed manufacturing; hair or hair products manufacture; lime or lime products manufacture; linoleum, oilcloth or oiled goods manufacture; machinery manufacture; match works; meat packing, but not including stockyards or slaughterhouses; metal stamping and extrusion; oil, paint, shellac, turpentine, varnish, or enamel manufacturing; paper and pulp manufacture; perfume manufacture; pickle, sauerkraut or sausage manufacture; plaster manufacture; poultry packing and

storage; printing ink manufacture; radium extraction; sandblasting or cutting; sawmills, manufacture of excelsior and wood fiber or sawdust products; sewage disposal plants and incinerators; shoddy manufacturing; shoe blacking and polish manufacturing; soap manufacture; steam power plants; stone and monument works; sugar refining; tar and asphalt roofing products manufacturing; tar distillation; vinegar manufacture; wire or rod drawing nut, bolt, and screw manufacturing; yeast manufacture; and any other use which, in the opinion of the Board of Appeals, is of a similar character to those specified above.

12.015 - Any of the following uses, when authorized by the Board of Appeals as specified in Section 19, subject to such condition and requirements as may be necessary to protect the health and safety of nearby properties and to prevent noxious conditions; ammonia, chlorine or bleaching powder manufacture; animal black, lamp black, bone black or graphite manufacture; the celluloid and pyroxyline manufacture, or explosive cellulose or pyroxyline products manufacture or storage; crematory, creosote manufacture or treatment; distillation or coal, petroleum, refuse, grain, wood or bones; explosives manufacture; fertilizer, compost manufacture or storage; fish curing, smoking or packing; fish oil refining or manufacture; petroleum or flammable liquids production, refining or storage above ground; rock crushing; rubber, caoutchouc, or gutta percha manufacture and treatment or manufacture of balata; smelting of ferrous or non-ferrous ores; storage, curing or tanning of raw, green or

salted hides or skins; sulphurous, sulphuric, nitric, picric, carboic, hydrochloric or other corrosive acid manufacture; and any other use which is of a similar character to those listed above.

12.02 - Permitted Accessory Uses. The permitted accessory uses are those which are customarily accessory or incidental to the principal permitted use.

12.03 - Prohibited Uses. The following uses are prohibited: dwellings, except for caretakers or watchmen on premises; and schools, hospitals, clinics and other institutions for human care, except when accessory to a principal permitted use.

12.04 - Height and Yards. The following minimum requirements shall be observed, subject to the modifications of Section 15:

12.041 - For structures more than three (3) stories of over fifty (50) feet in height: Front Yard Depth, sixty percent (60%) of building height; Rear Yard Depth, 40 feet.

12.042 - For structures of one to three (1-3) stories or fifty (50) feet in height: Front Yard Depth, 25 feet; Rear Yard Depth, 30 feet.

SECTION 13. A-1 Agricultural District. The following regulations shall apply in the A-1 district:

13.01 - Permitted Principal Uses. The permitted principal uses are:

13.011 - Agricultural uses, provided that raising of cattle, hogs, chickens or other livestock shall not be located

nearer than three hundred (300) feet from any lot in any R district.

13.012 - Sale of agricultural products, provided that products sold are raised or grown on the premises.

13.013 - Single-family residence, provided that any such residence must be situated on a lot of not less than two and one-half ($2\frac{1}{2}$) acres in area and complies with the provisions of Section 14.05 hereof.

13.02 - Special Uses. The following uses may, subject to the granting of a Special Use Permit in accordance with and pursuant to Section 19 of this ordinance, be permitted in the A-1 district.

13.021 - Any use permitted as a Special Use in the R-3 district.

13.03 - Permitted Accessory Uses. The permitted accessory uses are those uses which are customarily incidental to a permitted principal use and located on the same parcel of land as the principal use, including the following uses: private garages and parking areas, real estate signs of a temporary nature offering the premises for sale or rent, and announcement or professional signs not exceeding four (4) square feet in area.

13.04 - Height of Structures. No structure shall exceed three (3) stories or thirty-five (35) feet in height, except as provided in Section 15.

13.05 - Lateral Dimension Regulations. The following minimum requirements shall be observed subject to the modifications

of Section 15:

13.051 - Single-family residence.

Lot Area	2½ acres
Frontage	125 feet
Front Yard Depth on marked state or federal highways	50 feet
Front Yard Depth, all roads except state or federal marked highways	40 feet
Side Yard Width	40 feet total, minimum 15 feet one side
Rear Yard Depth	75 feet
Floor Area	900 square feet
Maximum Lot coverage	10 percent

13.052 - Mobile Home Park.

Lot Area total trailer park	2½ acres
Front Yard Depth on marked state or federal highways	50 feet
Non-marked state or state or federal high- ways, country or public roads, or City streets	40 feet
Lot Area per trailer	2,100 square feet
Maximum Lot Coverage	40 percent

13.053 - Agricultural uses.

Front Yard Depth on marked state or federal highways	50 feet
Non-marked state or federal highways, county or public roads, or City streets	40 feet

Provided, however, that single family residences situated within

the A-1 district shall comply with single-family residence requirements described in 13.051 hereof.

SECTION 14 - Parking.

14.01 - Off-Street Parking Areas and Loading Spaces.

14.011 - Loading spaces. In all districts in connection with every building or structure hereinafter erected which has a gross floor area of 10,000 square feet or more and which is occupied or to be occupied by uses which require the receipt or distribution of goods or merchandise, there shall be provided on the same premises a minimum of one (1) off-street loading space plus one (1) additional loading space for each 20,000 square feet or fraction thereof in excess of 20,000 square feet, which space or spaces may occupy all or any part of a required rear yard or may occupy side or front yard space upon authorization of the Board of Appeals.

14.012 - Off-Street Parking. In all districts except B-1, off-street accessory parking areas or garage shall be provided in conjunction with the uses set forth herein, which parking spaces shall be in addition to any required loading space; for dwellings, required spaces shall be on the premises intended to be served; for either use such areas should be on the premises on property and within one hundred (100) feet of any part of the premises.

14.013 - Number of Parking Spaces Required. The following parking areas are required for each of the following types of use:

Automobile or machinery sales and service garages: 1 for each 1,000 square feet of floor area plus 1 for each full-time employee.

Banks, business and professional offices: 1 for each 200 square feet of floor space.

Bowling alleys: 3 for each alley.

Churches and schools: 1 for each 4 seats in principal auditorium.

Convenience stores - drug, grocery, hardware and similar stores: 1 for each 300 square feet of floor area devoted to sales, plus 1 for each full-time employee.

Dance halls and assembly halls without fixed seats: 1 for each 50 square feet of floor area used for assembly or dancing.

Drive-in eating establishments: Not less than one-third ($1/3$) of the total ground area devoted exclusively to parking, and accessways.

Dwellings: 1 for each dwelling unit.

Food pick-up establishments: Minimum of 1 plus 1 for each 100 square feet of floor area.

Funeral homes, mortuaries: 6 per chapel room or parlor or 1 per 50 square feet of rooms used for services, whichever is greater.

Hospitals: 1 for each 5 beds plus 1 for each 2 on staff and for each doctor.

Hotels, clubs and lodging houses: 1 for each 2 bedrooms.

Manufacturing plants, research or testing laboratories, bottling plants: 1 for each 3 employees of maximum working shift.

Medical or dental clinics: 1 for each 200 square feet of floor area plus 1 for each full-time employee and 1 for each doctor.

Motels or moter hotels: 1 for each unit plus 1 for each 2 employees on maximum shift.

Motor fuel stations: 1 for each employee on duty plus

2 for each service bay.

Nursing Homes: 1 for each 10 beds plus 1 for each 2 employees.

Service establishments:

Barber shops: 2 for each chair plus 1 for each 2 employees on maximum shift.

Beauty shops: 1 for each dryer plus 1 for each 2 employees on maximum shift.

Coin-operated laundries and/or dry cleaning establishments: 1 for each 3 washers and/or cleaning machines plus 1 for each 2 employees on maximum shift.

Restaurants: 1 for each 3 seats plus 1 for each 2 employees on maximum shift.

Shopper's goods, appliances, household equipment, furniture and similar items: 1 for each 500 square feet of floor area plus 1 for each full-time employee.

Taverns or bars: 1 for each 2 seats plus 1 for each 2 employees on maximum shift.

Theaters: 1 for each 4 seats.

Wholesale establishments: 1 for each 4 employees on maximum shift.

SECTION 15. Modifications.

15.00 - General. The requirements and regulations specified in other sections of this ordinance are subject to the following modifications:

15.01 - Height of Structures. Height limitations do not apply to the following:

15.011 - Barns, silos and other farm buildings.

15.012 - Church spires, steeples, belfreys, cupolas and domes.

15.013 - Monuments, water towers, fire and hose towers,

masts and aerals.

15.014 - Parapet walls extending not more than four (4) feet above the limiting height of the structure.

15.015 - Places of public assembly such as churches, schools, and town halls. However, said buildings should not exceed six (6) stories or seventy-five (75) feet in height and, for each foot by which the building exceeds the maximum height otherwise permitted, its total side and rear yards required in the districts.

15.016 - Bulkheads, conveyors, derricks, water tanks, monitors and scenery lofts, grain elevators and similar structures.

15.02 - Lot Area.

15.021 - In any district where dwellings are permitted, a one-family detached dwelling may be constructed on any lot of official record at the time of enactment of this ordinance, provided the requirements of Section 7.04.

15.022 - Lots Unserved by Sewer. In any district where public sewer is not available, minimum lot size is twelve thousand (12,000) square feet.

15.03 - Front Yards.

15.031 - Front yard measurements shall be taken from the main wall of the structure and shall not include bay windows, balconies, chimneys, flues, leaders, sills, uncovered porches or similar features.

15.032 - In any block where a building line has been established which differs from the required yard, the

established line shall set the size of the front yard, provided that front yard depth should not be less than ten (10) feet in any R district.

15.033 - Where at least thirty percent (30%) of a block has been developed with varied front yard set-backs, the required minimum is the average of the existing front yards, provided that the front yard depth shall not be less than ten (10) feet in any R district.

15.04 - Side Yards.

15.041 - On lots of record at the time of enactment of this ordinance, side yard requirements are reduced by twenty percent (20%), provided that no side yard shall be less than three (3) feet.

15.042 - Side yards may be measured to the center line of adjoining alleys, but in no case shall structures be less than three (3) feet from the alley right-of-way line.

15.043 - In measuring side yards, the hangover, eaves or gutter of the structure shall be used as a base point. Chimneys, flues, sills, cornices, eaves, gutters, terraces, steps, uncovered porches and similar features may not project into the required side yard.

15.05 - Rear Yards.

15.051 - On lots of record at the time of enactment of this ordinance, rear yards may be reduced by twenty percent (20%) from the requirement of the particular district, provided that rear yards shall not be less than ten (10) feet in depth.

15.052 - Rear yards may be measured from the centerline of adjoining alleys.

SECTION 16. Non-Conforming Uses. Any use of any building, structure or land which is existing and lawful at the time of adoption of this ordinance may continue although such use does not conform to the regulations specified by this ordinance for the district in which such use is located, subject to the following conditions, regulations and exceptions.

16.01 - Discontinuance of Nonconforming Use of Land. Any non-conforming use of land which is open or unoccupied by any building or structure shall, after the expiration of one (1) year after adoption of this ordinance, be discontinued and shall thereafter be made to conform to the regulations applicable to the district in which it is located.

16.02 - Change of Non-Conforming Use of Structure.

16.021 - Any non-conforming use of any building or structure which is changed by structural alteration or by enlargement of its exterior dimensions shall thereafter be made to conform to the regulations applicable to the district in which it is located.

16.022 - Any land upon which any non-conforming use of any building or structure is changed by movement from one position to another, whether or not on the same land, shall thereafter be made to conform to the regulations applicable to the district in which it is located.

16.03 - Cessation of Non-Conforming Use. Any land or part

thereof upon which there is located any non-conforming use of any building or structure which ceases to be occupied, used, maintained or enjoyed for a period of one (1) year shall, after the expiration of such year, be made to conform to the regulations applicable to the district in which it is located.

16.04 - Destruction or Damage to Non-Conforming Use. Any non-conforming building or structure which, after the adoption of this ordinance, is destroyed or damaged by explosion, fire, earthquake, windstorm, riot, act of God, public enemy or other similar occurrence to the extent of fifty percent (50%) or more of the replacement value of such structure (exclusive of the value of the land) shall not be repaired, rebuilt or restored to such non-conforming use unless such structure is a one- or two-family dwelling, in which case such dwelling may be repaired, rebuilt or restored, irrespective of the extent of destruction or damage or the district in which said dwelling is located; and, any such non-conforming use so destroyed or damaged to the extent of less than fifty percent (50%) of such replacement value may be repaired, rebuilt or restored to the same non-conforming use which existed before such damage or destruction.

16.05 - Signs. Any non-conforming signs or billboards shall be removed within a period of two (2) years after adoption of this ordinance.

SECTION 17. Administration and Enforcement.

17.00 - Building Inspection. The Building Inspector of the

City is designated as the official with the authority and duty to enforce this ordinance.

17.01 - Building Permits, Certificate of Compliance, Use Permits.

17.011 - No building or structure shall hereafter be erected or structurally altered until a Building Permit has been issued by the Building Inspector stating that the building or structure and use of land comply with the regulations of this ordinance.

17.012 - Any application for a building permit shall be accompanied by a plat in duplicate 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 this ordinance.

17.013 - No building shall be constructed and no permit shall be issued for any building on any premises not served by a sewer unless the area of the lot on which such building is to be erected has at least twelve thousand (12,000) square feet.

17.014 - No building or structure erected or structurally altered shall be occupied or used until a Certificate of Compliance has been issued by the Building Inspector, who shall, prior to such issuance, determine that the building or structure has been erected or structurally altered in conformance with the regulations of this ordinance.

17.015 - No change shall be made in the use of a building or structure or any part thereof now or hereafter erected or structurally altered, or in the use of land now or hereafter occupied, without a use permit having first been issued by the Building Inspector, who shall, prior to such issuance, determine that such change is in conformity with the regulations of this ordinance.

17.02 - Zoning Board of Appeals. The Zoning Board of Appeals of the City is hereby created pursuant to Article 11, Division 13 of the Illinois Municipal Code, as amended.

17.021 - The Board shall consist of five (5) members, appointed by the Mayor subject to confirmation by the City Council, to serve respectively for the following terms: one for one year, one for two years, one for three years, one for four years, and one for five years; the successor to each member so appointed so as to serve for a term of five years.

17.022 - The Board shall hear and decide appeals from and review any order, requirement, decision or determination made by the Building Inspector.

17.023 - The Board shall hear and decide all other matters upon which it is required to pass or make a determination under this ordinance.

17.024 - The Board of Appeals shall also hear and make a written report, affirmative or negative recommendation, and findings of fact in support thereof, to the City Council upon any request or application for variation, special use, or proposed

amendment.

17.025 - The concurring vote of three (3) members of the Board is necessary to reverse any order, requirement, decision, or determination of the Building Inspector or to decide in favor of and make an affirmative recommendation upon any request or application for a variation, special use, or proposed amendment.

17.026 - One of the members so appointed shall be named as Chairman at the time of his appointment. The amount of compensation, if any, to be paid members shall be fixed from time to time by resolution of the City Council. The City Council has the power to remove any member of the Board within its discretion. Vacancies shall be filled for the unexpired term of the member whose place has become vacant. All meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon every question or indicating absence or failure to vote, and shall also keep records of its official actions. Every rule, regulation, amendment or repeal thereof, and every order, requirement, decision or determination of the Board shall immediately be filed at City Hall and shall be a public record.

17.027 - All testimony by witnesses in any hearing provided for in this ordinance shall be given under oath.

17.028 - All final administrative decisions of the Board under this ordinance shall be subject to judicial review pursuant to the provisions of the Administrative Review Act of the State of Illinois approved May 8, 1945, all amendments and modifications thereof, and the rules adopted pursuant thereto.

17.029 - An appeal to the Board may be taken by any person aggrieved or by any officer, department, board or bureau of the City. The appeal shall be taken within such time as shall be prescribed by the Board by a general rule by filing with the officer from whom the appeal is taken and with the Board a notice of appeal, specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

17.030 - An appeal stays all proceeding in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the Board, 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 this event the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application and on notice to the officer from whom the appeal is taken, and on due cause shown.

17.031 - The Board shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the parties

and decide the appeal within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney. The Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as in its opinion ought to be made in the premises, and to that end has all the powers of the officer from whom the appeal is taken.

17.03 - Enforcement.

17.031 - It is unlawful for any person to commit any act prohibited by this ordinance, to permit any condition to exist contrary to any provision or regulation of this ordinance, or to fail to perform any act required by this ordinance.

17.032 - The City may enforce any provision or remedy in this ordinance for violation thereof or may seek any equitable or injunctive remedy available and appropriate under the laws of the State of Illinois, and may seek any of such remedies simultaneously or successively, no remedy being to the exclusion of any other.

17.033 - In case any building is or is about to be constructed, reconstructed, altered, repaired, converted, or maintained, or any building or structure or land is used in violation of this ordinance or any regulation herein, the City or any owner or tenant of real property in the same or contiguous zoning district as the building, structure or land in question, in addition to other remedies, may institute an action or proceeding (1) to prevent the unlawful construction, reconstruction, alteration, repair, conversion, maintenance, or use;

(2) to prevent the occupancy of the building, structure, or land; (3) to prevent any illegal act, conduct, business or use in or about the premises, or (4) to restrain, correct, or abate the violation. When any such action is instituted by an owner or tenant, notice of such action shall be served upon the City at the time suit is begun by serving a copy of the complaint on the Mayor. No such action may be maintained until such notice has been given. In any action or proceeding for a purpose mentioned in this section, the court with jurisdiction of such action or proceeding has the power to and, in its discretion may, issue a restraining order or a preliminary injunction to preserve the status quo until final determination, as well as a permanent injunction, upon such terms and under such conditions as will do justice and enforce the purposes of this ordinance. If a permanent injunction is decreed in any action or proceeding for a purpose mentioned in this section, the court in its decree may, in its discretion, allow the plaintiff a reasonable sum of money for the services of the plaintiff's attorney. This allowance shall be a part of the costs of the litigation assessed against the Defendant and may be recovered as such.

17.04 - Prosecution.

17.041 - Manner of Charge. The charging of a violation of this ordinance shall be in accordance with the Illinois Municipal Code and the Rules of Practice of the Circuit Court of Illinois for the First Judicial Circuit as each such law or body of rules now exists and may, from time to time, be amended.

17.042 - Contents of Charge. Any complaint charging a violation of this ordinance shall specify the section of ordinance allegedly violated.

17.043 - Penalty. Any person violating any provision of this ordinance shall pay a penalty of not less than Five Dollars (\$5.00) and not more than Five Hundred Dollars (\$500.00).

SECTION 18. Variances.

18.01 - The City Council may determine and vary the application of the regulations of this ordinance in harmony with the general purpose and intent and in accordance with general or specific rules herein contained in cases where there are practical difficulties or particular hardship in the way of carrying out the strict letter of any regulations of this ordinance, provided that the City Council shall not vary the use of any building or land.

18.02 - Any person desiring a variation from the strict letter of any of the regulations, other than those relating to use, of this ordinance may apply therefor by filing with the Building Inspector a written request therefor. Such written request shall include a statement of (1) all facts relevant under the applicable terms of this ordinance, (2) the particular location for which the variation is requested, (3) a brief statement of the proposed variation, and (4) a detail scale drawing of the plans and layout of the payment of a fee to the Building Inspector in an amount to be determined by resolution of the City Council to defray the costs of investigation,

publication, and public hearing thereon, and the request shall be in the form and shall contain any further such information as the Board of Appeals shall from time to time prescribe by general rule.

18.03 - Within sixty (60) days after the filing of a written request for a variation, the Board of Appeals shall hold a public hearing thereon. No variation shall be made except in a specific case and after a public hearing before the Board of Appeals. There shall be a notice of the time and place of such hearing, published at least once not more than thirty (30) nor less than fifteen (15) days before such hearing in one newspaper with a general circulation within the City, which notice shall contain the particular location for which the variation is requested as well as a brief statement of the proposed variation.

18.04 - Upon the conclusion of any such hearing, the Board of Appeals shall make a written report and recommendation of the City Council, which report shall contain a summary of the evidence presented to the Board of Appeals and shall be accompanied by findings of particular facts specifying the reason or reasons for the recommendation, and such report shall be transmitted to the City Council within thirty (30) days after the conclusion of such hearing.

18.05 - The power to determine and approve variations shall be exercised only by the City Council by the adoption of ordinances; provided, however, that no such variation shall be made by the City Council without a hearing before the Board of

Appeals, and the City Council may attach conditions to the granting of any variation in order to assure maintenance of the purposes of this ordinance.

18.06 - Upon the report of the Board of Appeals, the City Council, by ordinance without any further hearing, may adopt the proposed variation or may refer the request back to the Board of Appeals for further consideration.

18.07 - The City Council may by ordinance grant a variation only in accordance with the following procedure and requirements:

(a) A public hearing on the proposed variation has been held before the Board of Appeals, with prior notice thereof given in the manner as provided in this ordinance.

(b) The City Council has received from the Board of Appeals the required written report, recommendation and findings specified in this ordinance.

(c) Only upon evidence that such proposed variation meets the following standards, hereby established for such modification.

(1) There are exceptional circumstances or conditions applying to the property in question which do not apply generally to other properties in the same district; and,

(2) Such variation is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same district and vicinity but which is denied by the strict letter of any regulation of this ordinance to the property described in the request;

and,

(3) The granting of such variation will not be a substantial detriment to adjacent properties nor a substantial impairment to the purposes of this ordinance or to the public interest.

SECTION 19. Special Uses.

19.01 - The City Council may grant special uses for: (1) public and quasi-public uses affected with the public interest, and (2) uses which may have a unique or unusual impact upon the use or enjoyment of neighboring property.

19.02 - Any person desiring the granting of a Special Use may apply therefor by filing with the Building Inspector a written request therefor. Such written request shall include: (1) a statement of all facts relevant under the applicable terms of this ordinance; (2) the particular location for which the Special Use is requested; (3) a brief statement of the proposed Special Use; and (4) a detail scale drawing of the plans and layout of such proposed Special Use. Such request shall be accompanied by the payment of a fee to the Building Inspector in an amount to be determined by resolution of the City Council to defray the costs of investigation, publication and public hearing hereon, and the request shall be in the form and shall contain any further such information as the Board of Appeals shall, from time to time, prescribe by general rule.

19.03 - Within sixty (60) days after the filing of a written request for a Special Use, the Board of Appeals shall

hold a public hearing thereon. No special use shall be granted except in a specific case and after a public hearing before the Board of Appeals. There shall be notice of the time and place of the hearing published at least once, not more than thirty (30) nor less than fifteen (15) days before the hearing in one newspaper with a general circulation within the City, which notice shall contain the particular location for which the Special Use is requested, as well as a brief statement of the proposed Special Use.

19.04 - After the conclusion of such hearing, the Board of Appeals shall make a written report and recommendation to the City Council, which report shall contain a summary of the evidence presented to the Board of Appeals and shall be accompanied by findings of particular facts specifying the reason or reasons for the recommendation, and such report shall be transmitted to the City Council within thirty (30) days after the conclusion of such hearing.

19.05 - The power to grant a Special Use shall be exercised only by the City Council by the adoption of ordinances, provided that no such Special Use shall be granted by the City Council without a hearing before the Board of Appeals, and the City Council may attach conditions to the granting of any Special Use in order to assure maintenance of the purposes of this ordinance.

19.06 - Upon the report of the Board of Appeals, the City Council, by ordinance without further hearing, may grant the proposed Special Use or may refer the request back to the Board

of Appeals for further consideration.

19.07 - The City Council may by ordinance grant a special use only in accordance with the following procedures and requirements:

(a) A public hearing on the proposed Special Use has been held before the Board of Appeals with prior notice thereof given in the manner as provided in this ordinance.

(b) The City Council has received from the Board of Appeals the required written report, recommendation and findings specified in this ordinance.

(c) Only upon evidence that such proposed Special Use meets the following standards hereby established for such classification:

(1) The proposed special use is a public or quasi-public use affected with the public interest, or the proposed public use may have a unique, special or unusual impact upon the use or enjoyment of neighboring property, or the proposed special use is a planned development; and,

(2) The establishment, maintenance, or operation of the proposed special use will not be detrimental to or endanger the public health, safety, morals or general welfare; and,

(3) The proposed special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair any property value or property

values within the immediate vicinity; and the establishment, maintenance or operation of the proposed special use will be located in a district where such special use is specifically permitted as a special use upon granting by the City Council; and,

(4) The proposed special use is deemed desirable for the public welfare within a given district although potentially incompatible with the typical uses permitted within such district;

(5) Adequate utility services, access roads, drainage, and other necessary facilities are available at the location for which the special use is proposed, or will be made available as a condition to the granting of such special use; and,

(6) Adequate provision for parking, ingress, and egress, designed so as to minimize traffic congestion in public streets, is available or will be made as a condition to the granting of such special use.

(d) The person requesting such special use shall, as a condition precedent to the granting of such special use, provide written assurance that the special use will be established, maintained, and operated subject to any conditions reasonably necessary in the determination of the City Council to meet the foregoing standards.

19.08 - Any use of any building, structure or land which is existing and lawful at the time of adoption of this ordinance

and which is subject to classification as a special use is hereby declared to be a conforming use, provided that any change of such use involving the enlargement or structural alteration of the building, structure or land devoted to such use shall be subject to the procedure and standards set forth in this section of this ordinance.

SECTION 20. Amendments.

20.01 - The City Council may amend the regulations imposed and the districts created by this ordinance.

20.02 - Any person desiring an amendment of this ordinance may apply therefor by filing with the Building Inspector a written request therefor. Such written request shall include a statement of (1) the particular location for which the amendment is requested, (2) a brief statement of the proposed amendment, and (3) a scale drawing of the layout of such proposed amendment. Such request shall be accompanied by the payment of a fee to the Building Inspector in an amount to be determined by resolution of the City Council to defray the costs of investigation, publication and public hearing thereon, and the request shall be in the form and shall contain any further such information as the Board of Appeals shall, from time to time, prescribe by general rule.

20.03 - Within sixty (60) days after the filing of a written request, the Board of Appeals shall hold a public hearing thereon. No amendment shall be made except after a public hearing before the Board of Appeals. There shall be a

notice of the time and place of such hearing published at least once, not more than thirty (30) nor less than fifteen (15) days before such hearing in one (1) newspaper with a general circulation within the City, which notice shall contain the location for which the amendment is requested as well as a brief statement of the proposed amendment.

20.04 - Upon the conclusion of any such hearing, the Board of Appeals shall make a written report and recommendation of the City Council, which report shall contain a summary of the evidence presented to the Board of Appeals and shall be accompanied by findings of particular facts specifying the reason or reasons for the recommendation, and such report shall be transmitted to the City Council within thirty (30) days after the conclusion of such hearing.

20.05 - The power to amend this ordinance shall be exercised only by the City Council by the adoption of ordinances, provided that in case a written protest against any proposed amendment of the regulations or districts, signed and acknowledged by the owners of twenty percent (20%) of the frontage immediately adjoining or across an alley therefrom, or by the owners of twenty percent (20%) of the frontage directly opposite the frontage proposed to be altered, is filed on or before the time for hearing before the Board of Appeals, with the City Clerk, the amendment shall not be passed except by a favorable vote of two-thirds (2/3) of the Council.

SECTION 21 - Miscellaneous Provisions.

21.01 - Validity. If any part of this ordinance shall be held to be unconstitutional, invalid or ultra vires, such invalidity shall not affect the validity of the remaining parts of this ordinance, the City Council hereby declaring that it would have passed the remaining parts of this ordinance if it had known that such other part or parts thereof would be declared unconstitutional, invalid or ultra vires.

21.02 - Publication. This ordinance shall be printed in book or pamphlet form, published by authority of the City Council of the City of Anna, Illinois, and such book or pamphlet shall be prima facie evidence of the contents, passage, and legal publication of this ordinance.

21.03 - Repealer. Any and all other ordinance or ordinances or provisions thereof in conflict with any provision of this ordinance are hereby repealed.

21.04 - Effective Date. This ordinance shall be effective upon and after passage, approval and publication of this ordinance as required by law.

APPROVED:

[Signature]
Acting Mayor

FOR: 4
AGAINST: None
PASSED: Jan. 20, 1981
APPROVED: Jan 20, 1981
RECORDED: Jan. 21, 1981
PUBLISHED: _____

ATTEST: *[Signature]*
City Clerk

STATE OF ILLINOIS } ss
UNION COUNTY }
This instrument was filed for record

1189
FEB 3 - 1981

at 3:30 o'clock P. M., and
recorded in Vol. 441 page 297-349

[Signature]

County Clerk & ex-officio Recorder of Deeds