

Village of Annawan Zoning Ordinances

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VILLAGE OF ANNAWAN ZONING ORDINANCE

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Chapter 1

TITLE AND PURPOSE

10-1-1: Title

10-1-2: Purpose

10-1-3: Nature

10-1-4: Authority

This Title shall be known as the Zoning Title of the Village.

The chapters, sections, and use districts created by this Title are adopted for the purpose, among others, of:

Promoting the public health, safety, morals comfort, and general welfare;

Helping to achieve greater efficiency and economy of land development by promoting the grouping of those activities which have similar needs and are compatible;

Encouraging such distribution of population, land use, and land development that will facilitate adequate and economic provisions of transportation, communication, water supply, drainage, sanitation, education, recreation, and other public requirements;

Lessening or avoiding congestions in the public streets and highways;

Protecting against fire, explosion, noxious fumes, and other hazards in the interest of the public health, safety, comfort and general welfare;

Hazards to people and damage to property from the accumulation or run off storm water;

Helping to insure that all residential, commercial, and manufacturing structures, as well as other types of structures, will be accessible to firefighting and other emergency equipment;

Prohibiting the formation or expansion of nonconforming uses of land, buildings, and structures adversely affecting the character and value of desirable development in each district;

Promoting the development or residential neighborhoods which are free of noise, dust, fumes, and heavy traffic volumes in which each dwelling unit is assured of light, air, and open spaces;

Helping to prevent land development activities which lead to roadside blight and to minimize the effects of nuisance-producing activities;

Conserving the taxable value of land and buildings throughout the Village;

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Defining and limiting the powers and duties of the Zoning Officer and bodies as provided herein;

Preserving the architectural features and general architectural character of the Village as stated in the Chipman Design study and accompanying manual.

10-1-3: Nature

This Section classifies and regulates the use of land, buildings, and structures within the corporate limits of the Village of Annawan, Illinois. The regulations contained herein are necessary to promote the health, safety, convenience, and welfare of the inhabitants by dividing the Village into zoning districts and regulating the use of land and the use and size of buildings as to height and number of stories, the coverage of the land by buildings, the size of yards and open spaces, the location of buildings and the density of population, and the historic preservation and design of buildings.

10-1-4: Authority

This Section is adopted in pursuance of the authority granted by the 1973 Revised Statues of the State of Illinois, Chapter 24, Article 11, Division 13, and the Illinois Historic Preservation Act (IL Compiled Statues

(65 ILCS 5/11-48-2.1, et.seq.)).

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**Chapter 2
DEFINITIONS**

10-2-1: Interpretation

10-2-2: Definitions

10-2-1: INTERPRETATION

For the purpose of this Title and in order to carry out the provisions contained herein, certain words, terms, and phrases are to be interpreted as defined herein/

Words used in the present tense shall include the future tense; the singular number includes the plural and the plural number the singular. The word "lot" includes the word "plot" or "parcel". The words "shall" is mandatory and the word "may" is permissive.

The following words, terms, and phrases are hereby defined as follows and shall be interpreted as such throughout this regulation. Terms not herein defined shall have the meaning customarily assigned to them.

10-2-2: DEFINITIONS

Whenever the following words or terms are used in this Title, they shall have such meaning as ascribed to them below unless the context specifically indicates otherwise.

ACCESSORY BUILDING, STRUCTURE, OR USE: A subordinate building, structure, or use which is customarily and incidental to the principle building or use and which is located on the same lot or parcel of land with the principle or use. Parking lots or spaces shall not be considered as accessory uses under this definition. Accessory buildings shall not be used for dwelling purposes.

ADMINISTRATIVE OFFICER: The individual designated by this Title to administer the provisions of this Zoning Title.

ADULT BOOKSTORE: An establishment having any portion of its stock in trade, books, magazines, films, or other electronically recorded material for sale or viewing on premises by use of motion picture device or any other means, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "specified anatomical areas" or "specified sexual activities" as defined below including instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.

ADULT LIVE ENTERTAINMENT: Any activity involving the presentation of live models displaying lingerie, or otherwise presenting live artistic modeling with said modeling displaying the human body in a nude or semi-nude state, distinguishing or characterized by an emphasis of "specific anatomical areas" for observation by patrons therein and including, but not limited to, topless dancers, strippers, male or female impersonators, or similar entertainments.

ADULT MINI-MOTION PICTURE THEATERS: An enclosed building with a capacity for less than fifty (50) persons, predominately used for presenting materials distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified anatomical areas" or "specific sexual activities" for observation by paying patrons therein. Predominately shall mean all of presentations.

ADULT MOTION PICTURE THEATERS: An enclosed building with a capacity for fifty (50) or more persons, predominately used for presenting materials distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specific anatomical areas" or "specific sexual activities" for observation by paying patrons therein. Predominately shall mean all presentations.

ADVERTISING DEVICE: Banners affixed on poles, wires, or ropes; and streamers, wind-operated devices; flashing lights; and other similar devices.

ALLEY: A traffic way dedicated to public use which affords a secondary means of vehicular access to the back side of properties otherwise abutting a street.

ALTERATION: Any appreciable change in the external architectural features of any structure or building, visible from a public way or from adjoining property.

APARTMENT: A room or suite of rooms in a multiple or two-family dwelling or where more than one living unit is established above nonresidential uses, intended or designed for use as a residence by a

single family, as defined herein, and providing essential housekeeping facilities, kitchen and cooking facilities, bath and sleeping quarters.

APARTMENT HOUSE: See Dwelling, Multiple-family.

AUTO LAUNDRY: A building, or portion thereof, containing facilities for washing automobiles using production line methods with a chain conveyor, blower, steam cleaning device or other mechanical devices; or providing space, water, equipment, or soap for the complete or partial hand washing of such automobiles whether by operator or by customer.

AUTO PARTS RECYCLER: A person who is in the business of acquiring previously owned vehicles for parts for the primary purpose of disposing of vehicles parts for re-use, in a manner other than by shredding or melting.

AUTOMOBILE SERVICE STATION: One or more buildings or premises where gasoline, oil, and grease may be supplied and dispensed at retail and incidental repair, batteries, tires, accessories, and maintenance may be obtained. Uses permissible at a service station do not include major mechanical and body work, straightening or replacement of body parts, painting, welding, storage of automobiles not in operating condition, or other work involving greater than normally found in services stations. A service station is not a repair garage or a body shop. All activities incidental to the sale of gasoline or oil shall be conducted within a building and there shall be no storage or accumulation of equipment or motor vehicles outside of the principle structure.

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.

BED AND BREAKFAST HOUSE: An operator-occupied building providing accommodations for a charge to the public and by prearrangements for definite periods. Only one meal—breakfast—shall be served to guests.

BILLBOARD: A type of sign having more than fifty (50) square feet of display surface which is either erected on the ground or attached to or supported by a building or structure.

BOARD OF APPEALS: The Zoning Board of Appeals of the Village.

BUILDING: Any structure having a roof supported by columns or walls built for support, shelter or enclosure of persons, animals, chattels, or property of any kind, but not including any vehicles, trailer, or mobile home (with or without wheels), or any movable device such as furniture, machinery or equipment, or portable hog houses.

BUILDING HEIGHT: The vertical distance from the average grade to the highest point of the coping of a flat roof, or the deck line of a mansard roof, or the mean height level between eaves and ridge for gable, hip, and gambrel roofs.

BUILDING SETBACK LINE: A line within a lot or other parcel of land so designated on the plat or as required by this Title which denotes the area between such line and the adjacent street right-of-way line where structures are prohibited, except those that are permitted by the Zoning Title.

BULK STORAGE: As set forth in the rules and regulations of the Illinois State Fire Marshall.

CELLAR: A story having more than one half (1/2) of its height below grade. A cellar is not included in computing the number of stories for the purpose of height measurements.

CHILD CARE CENTER: Any licensed place, home, or institution which receives three (3) or more children under the age of sixteen (16) years and not of common parentage for care apart from their natural parents, legal guardian, or custodians when received for regular periods of time for compensation,

CLINIC: An establishment use for the care, diagnosis, and treatment of sick, ailing, infirm, or injured persons (those who are in need of medical, psychiatric, chiropractic, or surgical attention, but who are not provided with board or room or kept over night on the premises). A clinic may include an apothecary, pharmacy, or drug store as an integral part of the clinic.

CLUB OR LODGE, PRIVATE: Building and facilities owned or operated by a corporation, association, person, or persons for a social, educational, or recreational purpose, but not primarily for profit or to render a service which is customarily carried on a business.

COMMUNITY DEVELOPMENT BOARD: The Community Development Board of the Village.

DRIVE-IN RESTAURANT OR REFRESHMENT STAND: Any licensed place or premises principally used for the sale, dispensing, or serving food, refreshments, or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments, or

beverages on or off the premises.

DWELLING: A building, or portion thereof, designed or used exclusively for residential occupancy, but not including home trailers, mobile homes, hotels, motels, boarding and lodging homes, tourist courts or tourist homes.

DWELLING, MULTIPLE-FAMILY: A residential building designed for occupancy by three (3) or more families.

DWELLING, SINGLE-FAMILY: A detached residential dwelling unit other than a mobile home designed for occupancy by one family only.

DWELLING, TWO-FAMILY: A detached residential building containing two (2) dwelling units designed for occupancy by not more than two (2) families (duplex).

DWELLING, UNIT: Residential living area which consists of one or more rooms which are arranged, designed, or used as living quarters for one family only.

EASEMENT, ACCESS: The vested right to use property for the purpose of access by abutting property, such right being held by someone other than the owner who holds title to the land over which the easement of access is granted.

ESSENTIAL SERVICES: Includes the erection, alteration, or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical communications, supply or disposal systems, retention ponds, including poles, wires, mains, drains, sewers, pipes, conduits, cables, 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, but not including buildings.

EXTERIOR ARCHITECTURAL FEATURE: The architectural style, color, and general arrangement of the exterior of the structure, including the type and texture of building materials, all windows, doors, lights, signs, and other fixtures appurtenant thereto.

FAMILY/HOUSEHOLD: One or more persons occupying a premises and living as a single housekeeping unit, related to each other by blood, adoption, or marriage. Unrelated groups consisting of not more than five (5) persons occupying a premises and living as a single housekeeping unit shall be known as a household. These are distinguished from a boarding house, lodging house, or hotel, as herein defined.

FARM: An area which is used for the growing of the usual farm products such as vegetables, fruit, trees, and grain and their storage on the area, as well as for raising thereon of the usual farm poultry and farm animals such as horses, cattle, and sheep (in accordance with applicable Village ordinance). The term "farming" includes the operation of such an area for one or more of the above uses, including dairy farms with the necessary accessory uses for treating or storing the products; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal farming activities. A "farm" shall contain an area of five (5) acres or more.

FARMSTEAD: The buildings and adjacent service areas of a farm, including one dwelling unit whose occupants earn a substantial part of their livelihood from the farm operation, plus a second dwelling unit if used by farm help whose livelihood is derived in substantial part from the farm operation.

FENCE: Structure which is a barrier used to mark a boundary or as a means of protection, confinement, screening, or decoration.

FLOODPLAIN OR SPECIAL FLOOD HAZARD AREA (SFHA): Those lands within the jurisdiction of the Village that are subject to inundation by the flood having a one percent (1%) probability of being equaled or exceeded in any given year (also known as the one hundred (100) year flood).

FRONTAGE: All property on one side of the street between two (2) intersecting streets (crossing or terminating) measured along the line of the street, or, if the street is dead-ended, then all of the property abutting on one side between an intersection street and the dead-end of the street.

GARAGE, PRIVATE: An accessory building housing motor driven vehicles which are the property of and for the private use of the occupants of the lot on which the private garage is located and not more than one of the vehicles may be a commercial vehicle of not more than three (3) ton capacity. Space may be rented for the occupancy of a private vehicle in accordance with this definition.

GARAGE, PUBLIC: Any building or premises except those used as a private or storage garage used for equipping, hiring, selling, or storing motor driven vehicles.

GARAGE, STORAGE: Any building or premises used for housing only motor driven vehicles other than trucks and commercial vehicles pursuant to previous arrangements and not to transients and at which

automobile fuels and oils that are not sold and motor driven vehicles are not equipped, repaired, hired or sold.

GASOLINE: As set forth in the rules and regulations of the Illinois State Fire Marshal.

GRADE: The average level of the finished surface of the ground adjacent to the exterior walls of the building, except when any nonconforming wall approximately parallels and is not more than five (5') road line, then the elevation of the road at the corner of the wall adjoining the road shall be the grade.

GUEST ROOM: A sleeping room intended to serve no more than two guests per night.

HOME OCCUPATION: Any occupation or activity incidental to residential use when carried on in the main building by immediate family residing on the premises in connection with which there is used not other than a non-illuminated name plate not more than one (1) square foot in area and no display used that will indicate from the exterior that the building is being used for any purpose other than that of a dwelling. No person is employed other than a member of the immediate family residing on the premises.

HOTEL: A building in which lodging and possible food services are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public in contradistinction to the boarding house or multiple-family dwelling as herein separately defined.

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

JUNK YARD: A lot, land, or structure, or part thereof, used primarily for the collection, storage, and sale of waste, paper, rags, scrap metal, or discarded materials or for the collection, storage, dismantling and salvaging of machinery or vehicles not in running condition, and for the sale of parts thereof. The term "junk yard" shall include auto wrecking yards.

KENNEL: Any lot or premises on which are kept two (2) or more dogs more than six (6) months of age for compensation, sale, or personal use.

LAUNDROMAT: An establishment providing home-type washing, drying, or ironing machines for hire to be used by customers on the premises.

LIQUEFIED PETROLEUM GAS: As set forth in the rules of the Illinois State Fire Marshall.

LODGING AND ROOMING HOUSE: Operator-occupied building providing accommodations for a charge to the public and be prearrangement for definite periods; meals are not provided for guests, not open to transient guests in contradistinction to hotels, motels, and camps, which are open to transient guests.

LOT: A parcel of land occupied or intended for occupancy by a use permitted in this Title, including one main building together with its accessory buildings, the open spaces and parking spaces required by this Title, and having its principle frontage upon a street or upon an official approved place.

LOT AREA: The total horizontal area included within lot lines.

LOT, CORNER: A lot abutting upon two (2) or more streets at their intersection.

LOT, DEPTH OF: The mean horizontal distance between the front and rear lot lines.

LOT, DOUBLE FRONTAGE: A lot having a frontage on two (2) nonintersecting streets as distinguished from a corner lot.

LOT, FRONTAGE: That dimension of a lot or portion of a lot abutting on a street, excluding the side dimension of a corner lot.

LOT, INTERIOR: Any lot other than a corner lot with only one frontage street.

LOT OF RECORD: A lot which is part of a subdivision, the map of which has been recorded in the office of the Recorder of Deeds for Henry County, Illinois, prior to June 13, 1972.

LOT WIDTH: The distance between straight lines connecting front and rear lot lines at each side of the lot. Where side lot lines are not continuously parallel or at right angles to the abutting street, the average of the rear and front widths shall be used.

MOBILE HOME: A portable or mobile living unit (either single or double width) used or designed for human occupancy on a permanent basis. A travel trailer is not to be considered a mobile home.

MOBILE HOME PARK: A parcel of land under single ownership which has been designed or improved or is intended to be used or rented for occupancy by one or more mobile homes or house trailers on a relatively permanent basis and in contradistinction to a transient or camper park.

MOTEL: A motel primarily for transients traveling by motor driven vehicles with parking space on the premises for each lodging unit and with access to each such unit directly from the outside.

NEIGHBORING STRUCTURE: As used in this Chapter, shall be defined as any existing structure or any structure for which a building permit has been issued which is situated on any one of the following lots:

1. Any lot within one (1) lot on the same side of the street on either side of the proposed construction, without regard to intersecting street lines; or
2. Any lot within one (1) lot of the property directly across from the proposed construction on the opposite side of the street, without regard to intersecting street lines; or
3. Any lot within one (1) lot of the proposed construction providing such lot is abutting a street intersecting the street upon which the proposed construction will be located and that the front elevations of the subject structures will be approximately ninety (90) degrees to each other.

CONFORMING USE, ILLEGAL: Buildings or premises whose use is changed after adoption of this Zoning Title for purpose which do not meet the requirements of the district in which said building or premises are located. Such nonconforming uses are violations of the Zoning Title (see Chapter 14).

NONCONFORMING USE, LEGAL: Continued use of buildings or premises for purposes which, prior to adoption of this Zoning Title, do not meet the requirements of the Zoning District in which such building or premises are located.

NURSING HOME INCLUDING CONVALESCENT HOME, REST HOME AND HOME FOR THE AGED: An establishment used as a dwelling place by the aged, infirm, chronically ill or incurably afflicted persons in which not less than three (3) persons live or are kept or provided for on the premises for compensation excluding clinics and hospitals and similar institutions devoted to the diagnosis, treatment, or care of the sick or injured.

OPERATOR-OCCUPIED: The owner or the owner's manager of an establishment who is required to reside within the main building of the establishment.

OVERLAY DISTRICT: The districts do not change the zoning of the underlying area, but impose additional regulations because of location in the flood plain and historic preservation district or grant relief from certain zoning requirements for mutual benefit of the Village and development for a planned unit development (PUD).

PARKING LOT: An enclosed area providing space for the storage or parking of two (2) or more automobiles with the necessary access driveways and aisle space to permit ingress and egress of automobiles to the lot and individual designated parking spaces without moving other automobiles. Each parking space therein shall be at least eleven feet wide by twenty feet long (9' x 20') and contain one hundred seventy-six (176) square feet per parking space. The same shall be paved in accordance with Chapter 7, Section 9-7-1(F).

PARKING SPACE: A durably surfaced area enclosed in the main building, in an accessory building, or enclosed, sufficient in size to store one (1) standard automobile and, if the space is unenclosed, comprising an area of not less than one hundred seventy-six (176) square feet, exclusive of a driveway, connecting the parking space with the street or alley and permitting satisfactory ingress and egress of any automobile.

PLANNED UNIT DEVELOPMENT: A development which may involve the creative location and intermixing of various types of residential housing and a limited amount of business use, if desired, on one (1) tract of land.

PREMISES: A lot, together with all buildings and structures thereon.

PRINCIPLE BUILDING, STRUCTURE, OR USE: A building, structure, or use which comprises the main or primary occupation and focus of a lot. Although the size of a building shall be a factor in determining whether it is the principle building, size shall be considered in conjunction with all other factors, including the actual use and intent of the occupant in making the determination.

ROADSIDE STAND: A licensed, temporary structure with a floor area of not more than four hundreds (400) square feet enclosed and so designed and constructed that is easily portable and can be readily removed.

SATELLITE DISH: A signal receiving device characteristically shaped like a saucer or dish, the purpose of which is to receive communication or other signals from orbiting satellites.

SERVICE STATION: See Automobile Service Station.

SIGN: An identification, description, illustration, or device which is affixed to or represented directly or indirectly upon a building, structure or land and which directs attention to a product, place, activity, person, institution, or business.

SIGN AREA: The total area of the space to be used for advertising matter, including the spaces between open-type letters and figures, including the background structure or other decoration or addition which is

an integral part of the sign. Sign supports shall be excluded in determining the area of a sign. A double-faced sign shall have twice the total area of a single-faced sign.

SIGN, FRONTAGE: The dimension and feet off the ground floor level of a building front or of a side which faces the street which a business occupies. A single building can have more than one (1) sign frontage; corner sites must have separate frontages.

SIGN, GROUND: Any sign erected, constructed, or maintained for the purpose of displaying outdoor advertising by means of posters, pictures, pictorial, and reading matter when such sign is supported by uprights, posts, or braces placed upon or affixed in the ground and not attached to any part of a building; includes billboards.

SIGN, MARQUEE: Any sign affixed to a marquee over the entrance to a building and supported from the building.

SIGN, OFF-SITE: A sign other than an on-site sign.

SIGN, ON SITE: A sign relating in its subject matter to the premises on which it is located or to products, accommodation services, or activities on the premises. On-site signs do not include billboards.

SIGN, PORTABLE: Any ground sign which is not affixed or imbedded into the ground and is capable of being moved or transported from one site to another.

SIGN, ROOF: Any sign erected, constructed, or maintained upon the roof of any building.

SIGN, WALL: Any painted sign or poster on any surface or plane that may be affixed to the front, side or rear wall of any building.

SIGN, WINDOW: A sign placed inside a building next to a window so as to be visible to the outside of the building.

STORY: That portion of a building 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 that, for the purpose of determining the required dimensions of yards and courts, when the average story height of a building exceeds twelve feet (12'), each twelve feet (12') 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 feet (15') high.

STORY, HALF: A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than five feet (5') above the floor of such story; provided, however, that any partial story used for residential purposes shall be deemed a full story. A half story may be used for occupancy only in conjunction with any by the occupancy of the story immediately below.

STREET: A general term used to describe a public right-of-way which provides designated improved areas for vehicular and pedestrian movement and may provide for vehicular and pedestrian access to properties adjacent to it and which may also provide space for the location of utilities (both above and below ground).

STREET LINE: The line separating the public right-of-way from property abutting thereon.

STREET, MAJOR: A traffic way connecting communities or connecting to limited access traffic ways which, in turn, connect to other communities.

STREET, THOROUGHFARE: A limited access traffic way connecting two (2) or more communities.

STRUCTURE: Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground including, but not limiting, the generality of the foregoing, advertising signs, billboards, backstops for tennis courts, and pergolas.

STRUCTURAL ALTERATION: Any changes that would prolong the life of the supporting members of a building or structure such as the bearing walls, columns, beams, or girders, not including openings in bearing walls as permitted by other chapters.

TOURIST OR TRAILER CAMPS: An area designated or designed and equipped to accommodate two (2) or more trailers, tents, or other temporary living or dwelling units and intended to service automobile transients in contradistinction to a mobile home park or court, which is intended for a more permanent occupancy.

TRAVEL TRAILER: A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes, having a body width not exceeding eight feet (8').

VOLATILE OILS: As set forth in the rules and regulations of the Illinois State Fire Marshall.

YARD: Require open space at grade unoccupied and unobstructed by any structure or portion of a structure other than projections of uncovered steps, uncovered balconies or uncovered porches;

provided, however, that fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any yard subject to height and visibility requirements. In measuring a yard for the purposes of determining the width of side yard, depth of a front yard or rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

YARD, FRONT: Any open space extending the full width of a lot between a building and the front lot line, unoccupied and unobstructed from the ground upward, except as hereinafter specified.

YARD, REAR: An open space extending the full width of a lot between a building and the rear lot lines, unoccupied and unobstructed from the ground upward, except as hereinafter specified.

YARD, SIDE: An open space extending 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.

ZONING DISTRICT: Any area or areas within the limits of the Village for which the regulations and requirements governing use, lot, and bulk of buildings and premises are uniform.

ZONING MAP: See Chapter 3.

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VILLAGE OF ANNAWAN ZONING ORDINANCE

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Chapter 3

ZONING DISTRICTS; MAPS

10-3-1: Establishment of Districts

10-3-2: Zoning Map

10-3-3: Rules for Interpretation of District Boundaries

10-3-4: Annexed Territory

10-3-1: Establishment of Districts

In order to classify, regulate, and restrict the location of trades, businesses, industries, residences, and other land uses and the location of buildings designed for specific uses; to regulate and limit the height and bulk of buildings hereafter erected or structurally altered; to regulate and limit the intensity of the use of lot areas and to regulate and determine the areas of yards, courts, and other open spaces within and surrounding such buildings, the incorporated area of the Village is hereby divided into the following Zoning Districts:

“A” Agricultural District

Residential Districts

“OTR-1” Old Town Residential District

“R-1” Residential District (single family)

“R-2” Residential District (2)

“R-3” Residential/Multi-Family

Business Districts

“B-1” Business District (Restricted)

“B-2” Business District (Non-Restricted)

Overlay Districts

“F” Flood Plain District

“PUD” Planned Unit Development

10-3-2: Zoning Map

The location and boundaries of the zoning districts established by this Chapter are set forth on the map entitled “Zoning Map” which is herein and hereby made a part of this Title. Said map, together with everything shown thereof and all amendments thereto, shall be as much a part of this Title as though fully set forth and described herein.

10-3-3: Rules for Interpretation of District Boundaries

Where uncertainty exists with respect to the precise location of any of the aforesaid districts shown on the zoning map, the following rules shall apply:

- A. Boundaries shown as following or approximately following streets, highways, or alleys shall be constructed to follow the center lines of such streets, highways, or alleys.
- B. Where the district boundaries are not otherwise indicated and where the property has been or

may hereafter be divided into blocks and lots, such boundaries shall be constructed to be the lot lines and, where the districts are bounded approximately by lot lines, lot lines shall be constructed to be the boundary of such districts unless said boundaries are otherwise indicated on the zoning map.

- C. Where a boundary line is shown as being located a specific distance from a street or road line or other physical feature, this distance shall control.
- D. Boundaries shown as following or approximately following the center lines of streams, rivers, or other continuously flowing water courses shall be constructed as following the channel center line of such water courses taken at a mean low water mark.
- E. Boundaries shown as following or closely following the Village limits shall be constructed as following such limits
- F. In unsubsidized property, unless otherwise indicated, the district boundary line shall be determined by the use of the scale contained on the zoning map.
- G. Where the application of the aforesaid rules leaves a reasonable doubt as to the boundaries between two (2) districts, the regulations of the more restrictive district shall govern the entire parcel in question, unless otherwise determined by the Zoning Board of Appeals in accordance with provisions contained in Chapter 11.

10-3-4: Annexed Territory

All territory which may hereafter be annexed to the Village shall be classified automatically as being in an Agriculture District until such classification shall have been changed by amendment of this Chapter as provided hereafter or as provided in a pre-annexation agreement.

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VILLAGE OF ANNAWAN ZONING ORDINANCE

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**Chapter 4
GENERAL PROVISIONS**

10-4-1: Zoning Affect Every Structure and Use

10-4-2: Minimum Street Frontage, Lot of Record, Number of Buildings on Lot, and Lot Unserved by Sewer and Water

10-4-3: Accessory Buildings

10-4-4: Required Yard Cannot be Reduced or Used by Another Building

10-4-5: Conversion of Dwellings

10-4-6: Traffic Visibility

10-4-7: Mobile Homes

10-4-8: Validity of Existing Building Permits

10-4-9: Residential Use of Basements and Cellars

10-4-10: Flood Hazard and Obstruction of Water Course Channels

10-4-11: Fences

10-4-12: Adult Live Entertainment

10-4-13: Severability Clause

10-4-1: Zoning Affect Every Structure and Use

Except as hereinafter provided, no building, structure, or land shall be erected, constructed, reconstructed,

Occupied, moved, altered, repaired, or used except in conformity with the regulations hereinafter specified

for the class of district in which it is located.

10-4-2: Minimum Street Frontage, Lot of Record, Number of Buildings on Lot, and Lots Unserved by Sewer and Water

- A. **Minimum Street Frontage.** No lot shall be created after the adoption of this amendment of this Title unless it abuts on a public street and has access thereto of that minimum frontage set forth by Chapter 9-6-3 of this Ordinance

- B. **Lot of Record.** In any Residential District on a lot of record at the time of enactment of this Title,

one single-family dwelling may be established regardless of the size or width of the lot, provided all other requirements of this Title are complied with.

- C. **Number of Buildings on a Lot.** Except in the case of planned unit developments, motels, or mobile home parks, not more than one principle detached building shall be located on a lot nor shall a principle detached residential building be located on the same lot with any other principle building.
- D. **Lots Unserved by Sewer and/or Water.** In any district where neither central water supply nor central sewerage system is available within two hundred feet (200') of proposed lot, one single-family detached dwelling may be constructed, provided the otherwise specified lot area and width requirements shall be a minimum of one acre and two hundred feet (200') respectively.

10-4-3: Accessory Buildings

- A. **Time of Construction.** No accessory buildings, structures, or uses shall be permitted on any lot prior to the time of construction of the principle building to which it is accessory.
- B. **Percentage of Yard Occupied.** No detached accessory building or buildings shall occupy more than fifty percent (50%) of the area of a side or rear yard.
- C. **Height of Accessory Building.** No detached accessory building or structure shall be exceeding ninety percent (90%) of the height of the principle building or structure of seventeen feet (17'), whichever is less.
- D. **Size of Accessory Buildings.** A lot may contain more than one (1) accessory building, as long as the terms of this and all other paragraphs of the Zoning Ordinance are complied with. No single accessory building larger than nine hundred sixty (960) square feet of ground or floor area shall be permitted in the R-1 through R-2 districts, except private garages may be provided four hundred eighty (480) square feet per unit on multi-family lots.
- E. **Location on Lot.** No accessory building shall be erected in any front yard. Accessory buildings shall be no closer than eight feet (8') from all lot lines adjoining lots which are in any residential district and at least 15 feet (15') from alley lines. It shall not encroach upon the required side yard. No accessory building is permitted on easement areas.

10-4-4: Required Yard Cannot be Reduced or Used by Another Building

No lot, yard, or other open space shall be reduced in area or dimension as to make any such area or dimension less than the minimum required by this Chapter and, if already less than the minimum required, it shall not be further reduced.

10-4-5: Conversion of Dwellings

The conversion of any building into a dwelling or the conversion of any dwelling so as to accommodate an increased number of dwelling units or families shall be permitted only within a district in which a new building for similar occupancy would be permitted under the title and only when the resulting occupancy will comply with the requirements governing new construction in such district with respect to minimum lot size, lot area per dwelling unit, dimensions of yards and other open space, and off-street parking. Each conversion shall be subject also to such further requirements as may be specified hereinafter within the chapter applying to such districts.

10-4-6: Traffic Visibility

In a residential district no fence, structure, or planting which obstructs vehicular visibility shall be erected or maintained within a required front yard setback area.

10-4-7: Mobile Homes

All inhabited mobile homes or house trailers shall be located in a mobile home court or park that has received a conditional use permit as required by Chapter 11 hereof. No mobile home or house trailer outside an approval mobile home court or park shall be connected to utilities except those mobile homes or house trailers being offered for sale by a licensed dealer or manufacturer and not inhabited which may be connected to electrical outlets on the dealer's sales lot.

10-4-8: Validity of Existing Building Permits

Nothing herein contained shall require any change in the overall layout, plans, construction, size or designated uses of any development, building structure or part thereof for which the official approvals and required building permits have been granted before the enactment of this Title, the construction of which, conforming with such plans, shall have been started prior to the effective date of this Title and the

completion thereof carried on in a normal manner within the subsequent six (6) month period and not discontinued until completion except for reasons beyond the builder's control.

10-4-9: Residential Use of Basements and Cellars

The residential use of buildings or structures consisting solely or primarily of a basement or cellar which is part of a conventionally designed building shall comply with all other applicable building, health, fire, safety, and housing regulations.

10-4-10: Flood Hazard and Obstruction of Water Course Channels

- A. **Flood Hazard.** In any district which is subject to flood hazard, a building permit of any structure shall be issued only when the construction meets the requirements of the Flood Plain Ordinance.
- B. **Obstruction of Water Course Channel.** To prevent encroachment upon or construction in river or creek channels and thereby avoid obstruction to the natural conveyance of water flow in such rivers, creeks, and other natural water courses, there shall not be placed, erected, or located within the designated floodplain of such water courses any building or structure, pier, or marina, retaining or revetment wall, except authorized bridges or dames. In addition, there shall not be placed any filling of earth, ashes, rubbish, rubble, concrete, masonry, or any other kind of fill, except as provided in the Annawan Flood Control Ordinance.

10-4-11: Fences

- A. A fence is a structure which is a barrier used to mark a boundary or as a means of protection, confinement, screening, or decoration.
- B. Fences, walls, hedges, and other plantings are permitted in residential yards under the following restrictions:
 - 1. Front yard and side yard to the rear of the house shall be no more than three feet (3') in height. From the rear of the house no more than six feet (6'), up to the front boundary of the yard. No hedges, fence or other plantings (or any portion thereof) will not exceed three feet (3') in height within three feet (3') of any street or sidewalk
 - 2. All other fences, walls, hedges, and other plantings shall not exceed six feet (6') in height above the natural grade level in any yard. No such fence, wall, hedge, or other planting shall be permitted to obstruct traffic visibility on corner lots or other alley or driveway entrances, hedges, fence and other planting shall be maintained.
 - 3. All fences, walls, hedges, and other plantings shall specifically comply with any State statues regarding height and positioning along roads, streets, and highways within the jurisdiction of the State of Illinois.
- C. Security fences are permitted in nonresidential yards up to the property line of a lot with a one foot (1') setback. Such fences shall not exceed ten feet (10') in height. No such fences shall be permitted which would obstruct traffic visibility on corner lots or other alley or driveway entrances.
- D. No fence consisting or made of barbed wire, or of which barbed wire is a part, or any wire which is charged with electrical current, shall be built or used in residential zones. In business and industrial zones, barbed wire may be placed seven feet (7') or more above the ground when placed in conjunction with a woven wire security fence.
- E. **Swimming Pools.** Every person who owns or is in possession of any premises on which there is situated a swimming pool, either in ground or above ground, with a filtration system, which has a water depth of eighteen inches (18") or more in any portion, thereof, shall maintain on the lot or premises upon which such swimming pool is situated a fence, wall, or other adequate structure completely surround the pool and constructed so as to make it inaccessible to small children. The fence, wall or other structure must be not less than four feet (4') in height, with no openings large enough to admit a child except through doors or gates. However, this minimum height requirement shall not be constructed to permit swimming pool fences with a maximum height higher than six feet (6'), as set forth in this Title. All doors and gates in fences surrounding swimming pools shall be of such a size to completely fill any opening in the fence, wall, or other structure and shall be equipped with self-closing and self-latching devices capable of keeping such gate or door securely closed. The closing or latching devices shall be located not less than four feet (4') above

grade or be otherwise inaccessible from the outside to small children. In lieu of self-closing and self-latching devices, the doors and gates must be equipped with locks which shall be kept locked at all times when the pool is not in actual use.

- F. The provisions of this Section shall not be applicable to fences, walls, hedges, or other plantings which are in existence on _____ unless the Building Inspector of the Village of Annawan determines that such fence, wall, hedge, or other planting constitutes a danger to public health or safety. The determination of the Building Inspector shall be in writing and set forth the reasons the fence, wall, hedge, or other planting constitutes such a danger. A copy of written determination shall be mailed to the owner of the premises on which the fence, wall, hedge, or other planting is situated. Such owner may appeal the determination in accordance with the provisions of Chapter 11 of the Annawan Zoning Ordinance.

10-4-12: Adult Live Entertainment

No establishment of business shall permit adult live entertainment nor conduct business as an adult mini-motion picture theater or adult motion picture theater within the boundaries of the Village of Annawan.

10-4-13: Adult Bookstores

Adult bookstores shall be allowed as a conditional use in B-2 highway business zoning districts only, and shall not be allowed as a conditional use or permissive use in any other district.

10-4-14: Severability Clause

If any provisions or part of this Title should be held unenforceable by a court of competent jurisdiction, the remainder of the provisions herein contained shall be deemed to continue in full force and effect.

10-5-1

VILLAGE OF ANNAWAN ZONING ORDINANCE

10-5-1

Chapter 5

ZONING DISTRICT: USE OF PREMISES

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10-5-3: OTR-1 Old Town Residential District

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“A” Agricultural District

Residential Districts

“OTR-1” Old Town Residential District

“R-1” Residential District (single family)

“R-2” Residential District (2)

“R-3” Residential/Multi-family

Business Districts

“B-1” Business District (Restricted)

“B-2” Business District (Non-Restricted)

Overlay Districts

“F” Flood Plain District

10-5-1: Uses

A. **Permissive Uses.** Those uses permitted in a particular zoning district without any special action or approval.

B. **Conditional Uses.** Those uses in a particular zoning district which may be recommended by the Zoning Board of Appeals and granted by the Village Council in accordance with the procedures and other conditions set forth in Chapter 11 of this Title.

1. When a conditional use permit is granted by the Village Council, the usage for which the conditional use was sought shall begin within one year of the meeting date or be null and void unless a different date is specified in the permit. All permits granted under the provisions of the previous chapters shall fall under the provisions of this paragraph with the meeting date being the date of passage of this Title.
2. **Discontinuance of a conditional use.** No building or premises used in whole or part under a conditional use permit which remains idle or unused for a continuous period of one (1) year, whether or not the equipment of fixtures are removed, shall again be used for that purpose unless a new permit be granted. Temporary buildings for construction purposes are permitted in any district during periods of construction.
3. The Village shall not be obliged to grant a conditional use for a lodging and rooming house, boarding house, or bed and breakfast house merely because the owner has obtained a license from the Henry County Health Department, but shall consider all pertinent factors as set forth in the Annawan Zoning Ordinance with relation to conditional uses. However, a conditional use may be granted to an owner who has not yet obtained a license from the Henry County Health Department, subject to such a license being obtained within a reasonable time approved by the Village, not to exceed two (2) weeks from the granting of the conditional use. In the event that the owner does not obtain the license within the required period or any extension thereof granted by the Village, or in the event the owner's license is revoked by the Henry County Health Department for any reason, the conditional use shall be automatically revoked and terminated.

10-5-2: "A" Agricultural District

Intent. This District is intended to preserve a rural setting of very low density and high quality for "estate" or gentleman's farm type development, while providing also for the continuance of commercial agriculture on properties of sufficient area to permit compatibility with surrounding residential development, in areas not served or immediately intended to be served by municipal services, such as sewer and water systems.

A. Permissive Uses.

1. Farm of not less than five (5) acres in size.
2. Plant nursery and greenhouse
3. Roadside stand offering for sale only farm products on the premises, which stand shall be removed during any period when not in use or not in season after appropriate permits and licenses are obtained.
4. Farmstead.
5. Publicly owned or operated park or playground.
6. Cemetery.
7. Controlled uses of agricultural or farming nature.

B. Height, Yard, Lot Width and Area Regulations. The height, yard, lot width, and area requirements as required in Chapter 6 of this Title.

C. Off-street Parking and Loading Regulations. In accordance with Chapter 7 of this Title.

D. Conditional Uses.

1. Railroad Trackage.
2. Country club or golf courses, except miniature golf course or golf driving range for commercial purposes.
3. Church and school, including college and junior college.
4. Home occupation.
5. Privately operated outdoor recreational facility, including riding stable, lake, swimming pool, tennis court, and golf course, provided they are located on sites of five (5) acres or more.
6. Hospital, nursing home, and educational, licensed religious and philanthropic institution on sites of not less than five (5) acres, provided not more than twenty percent (20%) of the site area may be occupied by the buildings and, provided further, that the buildings shall

be set back from all required yard lines an additional two feet (2') for each foot of building height above that required of the "A" Agricultural District.

7. Veterinary hospital or clinic provided that any building or enclosure so used shall be located not less than one hundred feet (100') from any street or lot line or residential district.
8. Single-family dwelling.

10-5-3: "OTR-1" Old Town Restricted District

Intent. The principal use of land is for single-family dwellings. These residential areas are intended to be defined and protected from encroachment of uses which are not appropriate to a residential environment. Internal stability, attractiveness, order, and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and related facilities.

A. Permissive Uses.

1. Single-family dwelling
2. Farm of not less than five (5) acres in size.
3. Accessory building or use as follows:
 - a. Private garage and parking areas for the sole use of the occupants
 - b. Vegetable and flower garden.
 - c. Tennis court, swimming pool, garden house, pergola, ornamental gate, barbecue oven, fireplace, and similar uses customarily accessory to residential use.

B. Height, Yard, Lot Width, and Area Regulations. In accordance with Chapter 6 of this Title.

C. Off-street Parking and Loading Regulations. In accordance with Chapter 7 of this Title.

D. Conditional Uses.

1. Church or temple.
2. Public school or school offering general educational courses the same as ordinarily given in a public school, private preschool, play, special, and other private school.
3. Public library and similar public culture uses, located not less than twenty feet (20') from any side lot line in any residential district.
4. Community center.
5. Branch telephone exchange, transformer station, and booster or pressure regulating station, without service yard storage.
6. Home occupation.
7. Publicly owned or operated park or playground.
8. Barber or beauty shop. Any residential business shall be allowed as a conditional use after public hearing of the Zoning Board of Appeals as provided under this Chapter, and only after licenses have been obtained.

10-5-4: "R-1" Residential District

Intent. The principal use of land is for single-family dwellings. These residential areas are intended to be defined and protected from encroachment of uses which are not appropriate to a residential environment. Internal stability, attractiveness, order, and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and related facilities.

A. Permissive Uses.

1. Single-family dwelling
2. Accessory building or use as follows:
 - a. Private garage and parking areas for the sole use of occupants
 - b. Vegetable and flower garden.
 - c. Tennis court, swimming pool, garden house, pergola, ornamental gate, barbecue oven, fireplace, and similar uses accessory to residential use.

B. Height, Yard, Lot Width, and Area Regulations. In accordance with Chapter 6 of this Title.

C. Off-street Parking and Loading Regulations. In accordance with Chapter 7 of this Title.

D. Conditional Uses.

1. Home occupation.

2. Publicly owned or operated park or playground.

10-5-5: "R-2" Residential District

Intent. The principle use of land may range from single-family to medium density multi-family units. Internal stability, attractiveness, order, and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and related facilities.

A. Permissive Uses.

1. Single-family dwelling.
2. Duplex dwelling not to exceed two (2) units.
 - a. Town meeting of adjoining property owners within 500 feet with a 75% majority necessary.
3. Accessory building or uses as follows:
 - a. Private garage and parking areas for the sole uses of the occupants.
 - b. Vegetable and flower garden.
 - c. Tennis court, swimming pool, garden house, pergola, ornamental gate, barbecue oven, fireplace, and similar uses customarily accessory to residential uses.

B. Height, Yard, Lot Width, and Area Regulations. As required in Chapter 6 of this Title.

C. Off-street Parking and Loading Regulations. In accordance with Chapter 7 of this Title.

D. Conditional Uses.

1. Church or temple.
2. Public school or school offering general educational courses the same as ordinarily given in a public school, private preschool, play, special, and other private school.
3. Public library and similar public culture uses, located not less than twenty feet (20') from any side lot line in any residential district.
4. Community center.
5. Branch telephone exchange, transformer station, and booster or pressure regulating station, without service yard storage.
6. Country club with golf course, swimming pool, tennis court, and similar recreational uses, provided that any principle building or swimming pool shall be located not less than one hundred feet (100') from any lot in any residential district.
7. Home occupation.
8. Publicly owned or operated park or playground.
9. Hospital, clinic, nursing home, housing for the elderly, and educational, philanthropic, and licensed religious institution, provided not more than fifty percent (50%) of the site area may be occupied by buildings.
10. Child care center, not to exceed five (5) children.

10-5-6: R3 – Residential/Multi-Family

Intent. The principle use of land may range from single-family to medium density multi-family units. Internal stability, attractiveness, order, and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and related facilities.

A. Permissive Uses:

1. Single-family dwelling.
2. Multi-family dwelling no less than four (4) units per building.
3. Farm of not less than five (5) acres in size.
4. Accessory building or uses as follows:
 - a. Private garage and parking areas for the sole use of the occupants.
 - b. Vegetable and flower garden.
 - c. Tennis court, swimming pool, garden house, pergola, ornamental gate, barbecue oven, fireplace, and similar uses customarily accessory to residential use.

B. Height, Yard, Lot Width and Area Regulations: As required in Chapter 6 of this Title.

C. Off Street Parking and Loading Regulations: In accordance with Chapter 7 of this Title.

D. Conditional Uses:

1. Church or temple.
2. Public school or school offering general educational courses the same as ordinarily given in a public school, private preschool play, special, and other private school.
3. Public library and similar public culture uses, located not less than twenty feet (20') from any side lot line in any residential district.
4. Community center.
5. Branch telephone exchange, transformer station, and booster or pressure regulating station, without service yard storage.
6. Country club with golf course, swimming pool, tennis courts, and similar recreational uses, provided that any principle building or swimming pool shall be located not less than one hundred feet (100') from any lot in any residential district.
7. Cemetery.
8. Home occupation.
9. Publicly owned or operated park or playground.
10. Barber or beauty shop in accordance with the provisions in Section 10-5-3.
11. Private club or lodge, except those whose chief activity is a service customarily carried on as a business, provided any building is located not less than twenty feet (20') from any lot in any residential district.
12. Parking area accessory to a use in an adjoining less restricted district when abutting or directly across an alley, subject to the applicable conditions contained herein and such further conditions as may be stipulated by the Zoning Board of Appeals.
13. The conversion of existing older and large single-family dwellings shall be subject to providing a minimum of six hundred (600) square feet of living space per apartment and each apartment shall contain sleeping, cooking (kitchen) , toilet, and bathing facilities and comply with the current Uniform Housing Code. Off-street parking shall be provided in accordance with Chapter 7 of this Title.
14. Studio including, but not limited to, artist, photographer, sculptor, or musician.
15. Two-family dwelling (duplex)
16. Boarding House, in accordance with the provisions of Section 10-5-4.
17. Lodging and Rooming House, in accordance with the provisions of Section 10-5-4.
18. Bed and Breakfast House, in accordance with the provisions of Section 10-5-4.
19. Hospital; clinic; nursing home; housing for the elderly; and educational, philanthropic, and religious institution, provided not more than fifty percent (50%) of the site area may be occupied by buildings.
20. Child care center.
21. Civic theatre.
22. Physicians' and dentists' office and private clinic for human care; professional office of architects, engineers, lawyers and the like; office devoted to real estate, insurance, management, and similar enterprises when not displaying or handling merchandise on the premises. The buildings permitted under this subsection shall be of a design and location compatible with the permitted residential use.
23. Greenhouse, florist shop, and nursery.

10-5-7: Business Districts

General. The following districts are intended to provide for a wide range of commercial and light industrial uses. However, any commercial or industrial use shall observe the following environmental performance standards:

A. **Noise.** All noise shall be muffled so as not to be objectionable due to intermittence, beat frequency, or shrillness, and, as measured at any property line, shall not exceed the most current noise regulations adopted by the Illinois Pollution Control Board.

B. **Smoke.** The emission of smoke by any use shall be controlled so to be less dark in shade than that

designated as No. 2 of the Ringelmann Chart, published and used by the United States Bureau of Mines; provided, however, that smoke of a density equal to that designated as No. 2 on the Ringelmann Chart may be permitted for not more than eight (8) minutes during any thirty (30) minute period and smoke of a density not exceeding that designated as No. 3 on the Ringelmann Chart may be permitted for not more than six (6) minutes during any eight (8) hour period while starting or cleaning a fire.

C. **Dust and Other Particulate Matter.** The emission of dust, fly ash, and other particulate matter shall not exceed eighty-five on hundredths (0.85) pounds per one thousand (1,000) pounds of flue gas, measured at a convenient point in the stack and under conditions not exceeding fifty percent (50%) of excess air. The amount of solids in such gases shall be determined according to the test for dust separation apparatus of the American Society of Mechanical Engineers, revised and amended to date.

D. **Odor.** The emission of odorous matter in such quantity as to be offensive at a point along or outside any lot line shall not be permitted. In determining such quantities of offensive odors, Table III (Odor Thresholds) in Chapter 5 of the "Air Pollution Abatement Manual" (copyright 1951 by Manufacturing Chemists Association, Inc., Washington, DC) shall be used as a guide.

E. **Glare and heat.** Any operation producing intense heat and glare shall be conducted within an enclosed building or with other effective screening in such manner as to be completely imperceptible from any point along or outside the lot lines.

10-5-8: "B-1" Business District – Restricted

Intent. This District is intended to provide for individual or small groups or retail and customer service establishments serving primarily the convenience of an individual residential neighborhood and the character, appearance, and operation of which are compatible with the character of the surrounding neighborhood. It is further intended to be incidental to the neighborhood in which located.

A. Permissive Uses.

1. Bakery whose products are sold at retail on the premises.
2. Barber shop and beauty parlor.
3. Cleaner and laundry.
4. Store for sale of goods and products at retail.
5. Apothecary and pharmacy.
6. Repair shop for household items, including clothing.
7. Bank and savings and loan institutions.
8. Florist and greenhouse as a retail business.
9. Mortuary or funeral home.
10. Studio including, but not limited to, photographer, sculptor, or musician.
11. Bed and Breakfast House.
 - a. Adequate parking necessary.
12. Movie theatre.
13. Physicians' and dentists' office and clinic for human care; professional office of architects, engineers, lawyers, and the like; offices devoted to real estate, insurance, management, and similar enterprises.
14. Accessory use of buildings as follows:
 - a. Parking lot.

B. Height and Yard Regulations. As required in Chapter 6 of this Title.

C. Off-street Parking and Loading Regulations. In accordance with Chapter 7 of this Title.

D. Conditional Uses.

1. Restaurant, except drive-in restaurants.

10-5-9: "B-2" Business District – Non-Restricted

Intent. This district is intended to provide for the total service needs of the motoring public using the major highway system through and adjacent to Annawan and to require adequate space provisions to accommodate peculiar needs of the motorists. It is further intended to provide areas in close proximity to the major highway network and discourage through traffic on minor, local residential streets within the Village.

A. Permissive Uses.

1. Bakery whose products are sold at retail on the premises.
2. Barber shop and beauty parlor.
3. Cleaner and laundry.
4. Store for sale of goods and products at retail.
5. Apothecary and pharmacy.
6. Repair shop for household items, including clothing.
7. Bank and savings and loan institutions.
8. Florist and greenhouse as retail business.
9. Mortuary or funeral home.
10. Studio including, but not limited to, artist, photographer or musician.
11. Boarding House.
12. Civic theatre.
13. Physicians' and dentists' office and clinic for human care; professional office of architects, engineers, lawyers, and the like; offices devoted to real estate, insurance, management, and similar enterprises.
14. Accessory use of buildings as follows:
 - a. Parking lot.
 - b. Incidental storage and light industrial use of buildings; provided, however, that these uses do not exceed forty percent (40%) of the floor space.
15. Restaurant.
16. Store, shop, Laundromat, and retail business or service.
17. Bowling alley, dance hall, skating rink, and other commercial recreational uses.
18. Farm implement sales, storage, and repair.
19. New and used car sales lot.
20. Theater and assembly hall.
21. Office and office building.

B. Height and Yard Regulations. As required in Chapter 6 in this Title.

C. Off-street Parking and Lot Regulations. In accordance with Chapter 7 of this Title.

10-5-10: "F" Flood Plain Overlay District

Intent. This district is intended to provide a direct link between the Zoning Ordinance and the Flood Control Ordinance by identifying those areas subject to flood hazard because of their location within the on hundred (100) year flood year.

A. Permissive Uses.

Any use permitted in the underlying zone provided it complies with the Annawan Flood Control Ordinance.

B. Conditional Uses.

Any conditional use permitted in the underlying zone provided it complies with the Annawan Flood Control Ordinance.

10-5-11: Nonconforming Uses

A. Intent:

If within the districts established by this code or amendments that may later be adopted, there exists lots, structures, uses of land or structures, and characteristics of use which were lawful before this title was passed or amended but which would be prohibited, regulated, or restricted, it is the intent of this title to permit these nonconformities to continue until they are removed but not to encourage their survival under the terms of this title. It is further the intent of this title that nonconformities shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district, except as provided.

Nonconforming uses are declared by this title to be incompatible with permitted uses in the districts involved. A nonconforming use of structure and land in combination shall not be extended or enlarged after the passage date hereof by attachment on a building or by the addition of other uses of a nature which would be prohibited generally in the district involved, except as prohibited.

B. Nonconforming Lots of Record:

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on a lot of record which become nonconforming as to lot area or lot width or both by the adoption or subsequent amendment of this title or in any other residential district a building and customary accessory buildings may be erected on a lot of record which becomes nonconforming as to lot width by the adoption of subsequent amendment of this title, provided that the building, housing, mechanical, electrical, plumbing, and other construction standards and requirements can be met and provided further that if such nonconforming lot of record is at the time of adoption of this title of hereafter vacant and has contiguous lots of record which are common ownership or unified control, then such contiguous lots of record or at least such portion thereof as is necessary to meet or exceed the minimum lot area and width requirements of the district in which they are located shall be used and developed only as a single lot. Any person who conveys property or terminated the unified control of such contiguous lots of record so as to frustrate the purpose of the foregoing provision shall be deemed to have violated the provisions of this title.

C. Nonconforming Uses of Land:

Where at the time of passage of this title or subsequent more restrictive amendment thereto, a lawful use of land exists which would not be permitted by the regulations imposed, the use may be continued so long as it remains otherwise lawful, provided:

1. No such conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date hereof.
2. No such nonconforming use shall be moved in which or in part to any portion of the lot or parcel other than that occupied by such use at the effective date hereof.
3. If any nonconforming use of land ceases for any reason for a period of more than thirty (30) consecutive days, any subsequent use of such land shall conform to the regulations specified by this title for the district in which such land is located.
4. No additional structure not conforming to the requirements of this title shall be erected in connection with such nonconforming use of land.

D. Nonconforming Structures:

Where a lawful structure exists at the effective date hereof that could not be built under the terms of this title by reasons of restrictions on the area, lot coverage, height, yards, its location on the lot or other zoning requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
2. Should such nonconforming structure or nonconforming portion of a structure be destroyed by any means to an extent or more than fifty percent (50%) of its fair cash market value prior to the time of destruction, it shall not be reconstructed except in conformity with the provisions of this title.
3. Should such nonconforming structure be moved for any reason for any distance whatever, it shall therefore conform to the regulations for the district in which it is located after it is moved.

E. Nonconforming Uses of Structures:

If a lawful use involving individual structures with a fair cash market value cost one thousand dollars (\$1,000.00) or more, or if structure and land in combination, exists at the effective date hereof that would not be allowed in the district under the terms of this chapter, the lawful use may be continued as long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this title in the district in which is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the

structure to a use permitted in the district in which it is located.

2. Any nonconforming use may be extended throughout any parts of a building which is manifestly arranged or designed for such use at the time of adoption or amendment of this title, but no such use shall be extended to occupy any land outside such building.

3. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six (6) consecutive months or for eighteen (18) months during any three (3) year period (except for government action impeded access to the premises) the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.

4. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. "Destruction" for the purpose of this subsection E4 is defined as damage to an extent of more than fifty percent (50%) of the fair cash market value at the time of destruction.

F. Nonconforming Off Street Parking and Loading Areas:

1. In any district where off street parking or loading areas or four (4) or more spaces are provided, such areas and private drives or access ways from the public right of way to or through these parking areas, shall be required to fully comply with the design and construction requirements of this title for off street parking and loading.

2. In any residential zoning district, all off street parking areas of three (3) or fewer spaces and private drives or access ways from the public right of way to or through these parking areas, shall be required to comply with the design, construction, and maintenance standards provided in this title, but only in the event a building permit is required for alteration of an existing garage or construction of a new garage accessory to the residential uses. This subsection is subject to the common drive.

G. Repairs and Maintenance:

On any nonconforming structure or portion of a structure containing a nonconforming use, ordinary repairs, or repair or replacement of nonbearing walls, fixtures, wiring or plumbing may be made to an extent not exceeding fifty percent (50%) of the fair cash market value of the nonconforming structure provided that the cubic content existing when it became nonconforming shall not be expanded (Ord. 244, 6-10-2003)

10-6-1

VILLAGE OF ANNAWAN ZONING ORDINANCE

10-6-1

Chapter 6

HEIGHT, YARD, LOT AND AREA REQUIREMENTS

10-6-1: Title

10-6-2: Exceptions to Height, Yard, Lot and Area Requirements

10-6-3: Height, Yard, Lot and Area Requirements

10-6-4: Front Yard Setback Greater Than Minimum

10-6-1: Title

The following height, yard, lot and area requirements must be observed in addition to those shown in Section 9-6-3.

A. On lots fronting on two nonintersecting streets, a front yard must be provided on both streets.

B. On corner lots there must be a front yard on both streets in accordance with set back requirements.

C. Where a frontage is divided among districts with different front yard requirements, the deepest front yard required shall apply to the entire frontage.

- D. In the "B" districts there may be more than one commercial or industrial building on a lot provided that the required yards be provided around the group of buildings.
- E. Where two (2) or more related multi-family, hotel, motel, or institutional buildings are permitted on a lot, the required yards must be maintained around the group of buildings and buildings that are parallel of that are within forty-five degrees (45) of being parallel must be separated by a horizontal distance that is at least equal to the height of the highest building.
- F. Those parts of existing buildings that violate yard regulations may be repaired and remodeled, but not reconstructed or structurally altered.
- G. In any district not requiring a front yard, a loading dock shall be set back sufficiently so that a truck backed in for loading or unloading shall not obstruct traffic on any sidewalk or street area.

10-6-2: Exceptions to Height, Yard, and Area Requirements

The following exemptions may be made to the height, yard, lot and area requirements.

- A. On lots of record, a property owner may reduce his rear yard to not less than twenty percent (20%) of the lot depth.
- B. Where the effective date of this Section (_____) forty percent (40%) or more of a frontage was occupied by two or more lots upon which buildings are situated, then the front yard setback is established in the following manner:
 - 1. Where the building farthest from the street provides a front yard setback not more than ten feet (10') deeper than the building closest to the street, then the front yard setback for the frontage is and remains an average of the then existing front yard.
 - 2. Where this (1.) is not the case and a lot is within one hundred feet (100') of a building on each side, then the front yard setback is a line drawn from the closest front corners of these two adjacent buildings.
 - 3. Where neither (1.) nor (2.) is the case and a lot is within one hundred feet (100') of an existing building on one side only, then the front yard setback is the same as that of the existing building.
- C. Notwithstanding the provisions in (3.) above, a front yard setback greater than the minimum as set forth in Section C. of this Chapter for residential zones shall be required where sixty percent (60%) or more of a frontage is occupied by two or more lots upon which buildings are situated. In that event, the front yard setback is and remains an average of the then existing front yards.
This Section shall not apply to any subdivision, the plat of which sets forth specific front yard setback lines and which has been approved by the Village under the subdivision ordinance. In that event, the restrictions of the subdivision plat shall be controlling.
- D. Sills, belt course, cornices, and ornamental features may project not more than one foot (1') into a required yard.
- E. No side yards are required for residential occupancy above commercial and industrial buildings.
- F. Any accessory building erected within ten feet (10') of a main building shall be considered part of the main building and shall be provided with the same yards required of the main building.
- G. Any accessory building more than 10 feet (10') from the main building shall be considered a separate building and may be erected no closer than eight feet (8') of a yard line, but must be located at least sixty feet (60') back from the front yard line.
- H. Where an unattached garage is entered from an alley, it must be kept fifteen feet (15') from the alley line.
- I. Wherever a "B" district adjoins an "R" district, the final development plan shall provide for a suitable fence, wall, or evergreen shrub border at least five feet (5') high
 - 1. Grain elevators, silos, barns, and other farm buildings are exempt from these requirements.
 - 2. Required residential yard spaces have to be provided for residential uses.

3. Required residential yard spaces required for the abutting district are to be provided for those yards abutting residentially zoned property.
4. All lots served by an individual subsurface sewerage treatment facility shall have a minimum width of two hundred feet (200') and minimum area of one (1) acre per residential unit. All lots served by individual water supply wells shall have a minimum area of one (1) acre.
5. Church steeples exempt.

10-6-3: Height, Yard, Lot and Area Requirements

| District | Minimum Lot Area | Minimum Area Per Residential Unit | Minimum Lot Width | Minimum Front Yard Setback | Minimum Side Yard | Minimum Rear Yard | Maximum Height In Stories and Feet |
|---|--------------------|-----------------------------------|-------------------|----------------------------|-------------------|-------------------|------------------------------------|
| A - agricultural | 5 acres | n/a | 300 feet | 80 feet from centerline | 20 feet | 50 feet | 2 1/2 stories, 35 feet |
| OTR-1 district | 7,200 square feet | n/a | 60 feet | 25 feet | 8 feet | 30 feet | 2 1/2 stories, 35 feet |
| R-1 residential district (single-family) | 9,000 square feet | n/a | 75 feet | 25 feet | 8 feet | 30 feet | 2 1/2 stories, 35 feet |
| R-2 residential district (single-family and duplex) | 9,000 square feet | 7,200 square feet per unit | 75 feet | 25 feet | 8 feet | 30 feet | 2 1/2 stories, 35 feet |
| R-3 residential district (multi-family) | 10,000 square feet | 3,000 square feet per unit | 100 feet | 25 feet | 10 feet | 30 feet | 2 1/2 stories, 35 feet |
| B-1 business district (restricted) | | | 50 feet | 25 feet | | 30 feet | 2 stories, 25 feet |
| B-2 business district (nonrestricted) | | | 50 feet | 70 feet | 15 feet | | 3 stories, 50 feet |

10-6-4: Front Yard Setback Greater Than Minimum

Notwithstanding the foregoing provisions, a front yard setback greater than the minimum as set forth in Section _____ for residential zones shall be required where sixty percent (60%) or more of a frontage is occupied by two or more lots upon which buildings are situated. In that event, the front yard setback is and remains an average of the then existing front yard.

This Section shall not apply to any subdivision, the plat of which sets forth specific front yard setback lines and which has been approved by the Village under the subdivision ordinance. In that event, the restrictions of the subdivision plat shall be controlling.

10-7-1

VILLAGE OF ANNAWAN ZONING ORDINANCE

10-7-2

Chapter 7

OFF STREET PARKING AND LOADING SPACES

10-7-1: Provision of Off Street Parking Spaces

10-7-2: Provision of Off Street Loading Spaces

10-7-3: Urban Section Street Standards

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

- A. Parking areas, whether open or enclosed, shall in residential districts be on the premises intended to be served; and in all other districts shall be within one hundred feet (100') of said premises

in the same or a less restrictive district.

- B. Adequate access to a public street shall be provided for each parking space and driveways shall be a minimum of eleven feet (11') wide.
- C. Size of each parking space shall be a minimum of one hundred seventy-six (176) square feet.
- D. Curbs or barriers shall be installed where necessary to prevent parked vehicles from extending over any lot lines.
- E. Existing buildings not complying with parking requirements may be remodeled, repaired, and structurally altered, but any increase in floor area, number of employees, dwelling units, or seating capacity shall provide the number of spaces required by the change.
- F. All spaces shall be graded, drained, and paved with a surface equal to the following minimum standards:
 - 1. Areas for carrying passenger cars only shall have three inches (3") of bituminous concrete on a six inch (6") base of IDOT CA9 crushed stone; or concrete five inches (5") thick.
 - 2. Areas for carrying loaded trucks shall have four inches (4") of bituminous concrete on an eight inch (8") base of IDOT CA6 crushed stone; or concrete six inches (6") thick.
 - 3. Areas for storage only of vehicles shall have an IDOT A2 asphalt surface on a six inch (6") base of IDOT CA6 crushed stone.
- G. In the "R" districts no off street parking shall be permitted in the front yard. In the B-1 and B-2 districts, twenty percent (20%) of the required front yard shall be reserved and devoted to permanent landscaping and no off street parking spaces or off street loading spaces shall be permitted within this landscaping area.
- H. Recreational vehicles and trucks shall not be parked or stored on any lot occupied by a dwelling or any lot in any residential district except in accordance with the following provisions.

1. Recreational Vehicles.

No more than two (2) of the following types of vehicles shall be permitted for each family living on a lot: campers, recreational vehicles, house cars, recreational trailers, travel hauling trailers, boats on or off trailers, and private coaches. Such vehicles shall further conform to the following regulations.

- a. They shall conform to all length, height and width restrictions imposed by the statute of the State of Illinois, as they may hereafter be amended.
- b. No part of their length or width shall extend past the front yard building set back line.
- c. They shall not be occupied for a period longer than fifteen (15) days per year while they are so parked or stored.
- d. They shall not be in such a state of disrepair as to constitute a danger to the public health or safety, nor shall they violate any of the terms of any ordinance relating to abandoned vehicles.
- e. They shall not be parked or stored within the minimum side and/or rear yard applicable to the zoning district in which they are situated for a period longer than ten (10) consecutive days, nor for a total period longer than fifty (50) days per year, except as authorized by a variance granted by the Zoning Board of Appeals.
- f. They shall not be parked or stored so as to block or be on the public right of way unless the Annawan Police Department grants its consent. The Police Department shall have discretion as to the length of time and the location of such parking or storage on the public right of way.

2. Trucks

No truck exceeding one and on half (1 ½) ton capacity shall be parked or stored in any residence district for longer than forty-eight (48) hours, unless the truck is parked or stored in an enclosed garage.

- I. Where fractional spaces result, the parking spaces required shall be constructed to be the next whole number
- J. In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

K. The parking requirements for a use not specifically mentioned herein shall be the same as required for a use of a similar nature.

L. The number of parking spaces required is shown in the following table:

| Use | Parking |
|--|--|
| Commercial, except those uses listed below | One space for each one hundred square feet of floor area at the same time. |
| Barber Shop | Two (2) spaces for each chair plus one space for each barber. |
| Beauty Shop | One space for each dryer plus one space for each technician. |
| Bed & Breakfast | One space per guest room and parking space must be provided for either residential districts or business districts. |
| Boarding House | One space per guest room and parking space must be provided for either residential districts or business districts. |
| Bowling Alley | Six (6) spaces for each alley. |
| Dwelling | Two (2) spaces for each dwelling unit. |
| Funeral Home | Six (6) spaces per chapel room or parlor or one (1) space for each casket, whichever is less. |
| Furniture or Appliance Store | One (1) space for each five hundred (500) square feet of floor area at the same time. |
| Home Occupation | One (1) space in addition to that required for the family. |
| Hotel and Motel | One (1) space for each sleeping unit, plus one space for each employee on the maximum work shift, whichever is less. |
| Laundry and/or Dry Cleaning Establishment | One (1) space for each three (3) washers and/or cleaners at the same time. |
| Lodging and Rooming House | One (1) space per guest room and parking space must be provided for either residential districts or business districts. |
| Manufacturing and Industrial | One (1) space for each four hundred (400) square feet of floor area for each employee on the maximum work shift, whichever is less. |
| Medical or Dental Clinic | Three (3) spaces for each doctor plus one space for each nurse. |
| Restaurant | One space for each four (4) seats plus one for each employee on the maximum work shift, whichever is less. |
| Tavern or Bar | One space for each two (2) seats, plus one for each employee on the maximum work shift, whichever is less. |
| Wholesale | One space for each four (4) employees on the maximum work shift, whichever is less. |
| Public and semi-public building and institution, except those uses listed below: | One space for each five hundred (500) square feet of floor area at the same time. |
| Hospital | One space for each two (2) employees on the maximum work shift, plus one space for each hospital bed, plus three (3) spaces for each operating room. |
| Nursing Home for Extended Care | One space for each three (3) beds plus one space for each employee on the maximum work shift, whichever is less. |
| School and College | One space for each classroom, plus one space for each employee on the maximum work shift, whichever is less. |
| Public Assembly with fixed seating, including auditoriums, churches, theaters, and stadiums | One space for each fifty (50) square feet in the main floor area. |
| Public Assembly without fixed seating, including meeting halls, clubs, lodges, and organizations | One space for each fifty (50) square feet of floor area at the same time. |

10-7-2: Provisions of Off Street Loading Spaces

Off street loading spaces shall be provided as follows:

- A. Spaces shall be located and designated as to accommodate trucks without blocking streets, sidewalks, or other traffic ways.
- B. No building requiring off street loading shall be increased in floor area unless off street loading space is provided to service the increase in floor area.
- C. Each space shall be a minimum of fourteen feet (14') wide, forty feet (40') in length, and fourteen feet (14') in height, exclusive of access and turning areas.
- D. The number of spaces required are as follows:
 - 1. Office building, hotels, and public buildings receiving deliveries by truck:

One space for each fifty thousand (50,000) square feet of floor area up to two hundred thousand (200,000) square feet, plus one space for each seventy-five thousand (75,000) square feet above two hundred thousand (200,000) square feet.

2. Retail, service, wholesale, manufacturing, or industrial use:

One space for the first twenty thousand (20,000) square feet of floor area, plus one space for each additional twenty thousand (20,000) square feet up to one hundred thousand (100,000) square feet, plus one space for each seventy-five thousand (75,000) square feet above one hundred thousand (100,000) square feet.

10-8-1

VILLAGE OF ANNAWAN ZONING ORDINANCE

10-8-2

Chapter 8

Signs

10-8-1: General Provisions

10-8-2: Residence Districts

10-8-3: Nonresidential District

10-8-4: "A" Agriculture District

10-8-5: B Districts

10-8-6: Additional Sign Regulations

10-8-1: General Provisions

- A. No sign shall be erected or maintained at any location where by reasons of its position, wording, illumination, size, shape, or color it may impair, obstruct, obscure, or be confused with any authorized traffic control sign, signal, or device, or obstruct traffic visibility.
- B. No off-site sign or billboard having flashing, intermittent, or animated illumination shall be permitted within three hundred (300') of property in any residence district unless such sign is not visible from such property.
- C. No off-site sign or billboard shall be erected or placed within one hundred feet (100') of any residence district.
- D. Advertising signs of no more than four (4) square feet in area shall be permitted in any district provided they comply with A. and B above. These signs shall be removed within five (5) days following the event to which they pertain.

10-8-2: Residence Districts

In any residence district the following regulations shall apply:

- A. Nonilluminated identification sign not exceeding one square foot (1') in area shall be permitted for each dwelling unit. Such sign shall indicate nothing other than name and/or address of the occupants.
- B. One temporary, nonilluminated, on-site sign not to exceed six (6) square feet in area for the sale of real estate, which sign shall be removed within ten (10) days after sale of the real estate.
- C. Announcement of church, school, or other public buildings or uses, where permitted bulletin boards or identification signs shall be permitted, not exceeding twelve (12) square feet in area.
- D. Signs corresponding to that normal use permitted in the zoning district for uses given conditional uses.
- E. All other signs are prohibited in residence districts.

10-8-3: Nonresidential Districts

The following signs are allowed in nonresidential districts:

- A. Temporary signs not exceeding twelve (12) square feet in area advertising the sale or lease of real property when located on the property to which the sign refers and when not located closer than ten feet (10') to a lot line, which sign shall be removed within ten (10) days of the sale or lease of the property.

- B. Temporary ground signs advertising future use of development or property of which such signs are located may be maintained subject to provisions of this Section, provided such signs do not exceed two hundred fifty (250) square feet in area or remain longer than six (6) months. "For Rent" and "For Lease" signs in commercial and industrial districts for new buildings shall not exceed forty-eight (48) square feet in area or remain more than ninety (90) days after the building is completed and when located not closer than ten feet (10') to a lot line.
- C. Church or public building bulletin boards not exceeding twelve (12) square feet in area.

10-8-4; "A" Agriculture District

The following signs are permitted in the Agriculture District:

- A. Ground signs pertaining to activities conducted on the premises.
- B. Ground or post signs, not exceeding one hundred (100) square feet in area, advertising activities conducted within twelve (12) miles of the sign or providing information of direct interest to the traveling public, including points of interest, recreation, and scenic areas, places for camping, lodging, eating, sale of farm supplies, and vehicular service and repair.

10-8-5: "B" Districts

In the "B" Districts there may be any sign allowed in Section 9-8-4, paragraph B, herein and roof signs, wall signs, projecting signs, and awning signs when displaying no advertising matter, except pertaining to the business conducted in the building or on the premises on which such sign is placed. The total square foot area of roof signs, wall signs, projecting signs, marquee signs, and awning signs shall not exceed one fifth (1/5) of the total square foot area of the face of the building on which they are placed. There shall not be more than one ground sign for each one hundred feet (100') of street frontage. No ground sign shall extend closer than ten feet (10') to a lot line. In addition to the foregoing provisions, portable signs are permitted by permit only. Only one such permit shall be issued per business site during the calendar year and such permit shall be valid for a period not to exceed thirty (30) days. Permits for portable signs shall be issued by the Village Clerk.

10-8-6: Additional Sign Regulations

The following additional sign regulations shall be observed.

A. Ground Signs

No ground sign shall be, at any point, over twenty-five feet (25') above ground level and shall have any open space of at least three feet (3') between the lower edge of such sign and the ground level, fifty percent (50%) of which may be filled in with a platform and decorative lattice work of light construction. Every ground sign shall be stoutly constructed in a secure and substantial manner. The ends of all such ground signs shall be at least six feet (6') distant from any wall or fence or any obstruction that would prevent a clear passage around the end and shall be at least ten feet (10') distant from any lot line. Notwithstanding any other provision herein, hotels or motels located in a "B-2" zoning district and having property frontage along a state or federal highway may have a ground sign not to exceed fifty feet (50') in height above ground level.

B. Wall Signs

No wall sign shall extend beyond the building more than twelve inches (12"). No wall sign shall be erected as to cover the doors or windows of any building or otherwise prevent free ingress or egress to or from any window, door, or any fire escape of any building.

C. Projecting Signs

Projecting signs may extend not more than four feet six inches (4'6") from the building into the front yard.

D. Marquee Signs

Marquees may extend eight feet (8') into a front yard. Marquees shall be not less than eleven feet (11') above the ground at its lowest level. A sign may be placed upon a marquee provided such sign does not extend more than three feet (3') above or one foot (1') below such marquee, but shall be at least eight feet (8') above grade.

E. Portable Signs

In addition to the portable signs allowed by permit pursuant to Section 9-8-5, there may be such portable signs on parking lots as permitted by the Building Inspector as being necessary to satisfactory operation

of the lot and except that each filling station may have one portable sign not exceeding twelve (12) square feet of total sign area restricted solely to stating the price of gasoline.

F. Paper Posters and Certain Signs or Devices Prohibited

Paper posters applied directly to the wall or building or pole or other support and letters or pictures in the form of advertising printed or applied directly on the wall of a building are prohibited. Temporary signs may be displayed in or attached to the inside of the show or display windows provided the total sign area does not exceed twenty percent (20%) of the show or display window area. Signs or devices which by color, location, or design resemble or conflict with traffic control signs or devices are prohibited. No sign shall contain flashers, animators, or mechanical movements or contrivances of any kind, excepting clocks.

G. Traffic signs

Traffic or county signs, railroad crossing signs, danger, safety, temporary, emergency, nonadvertising, community service, or decorative signs as may be required by statute, authorized by the Building Inspector.

URBAN SECTION STREET STANDARDS

| <u>Street Type</u> | <u>ROW to be indicated (in feet)</u> | <u>ADT</u> | <u>Pavement Width - C+G – Sidewalks</u> | |
|---|--------------------------------------|------------|---|---|
| Primary (Arterial) Streets: | | | | |
| 4-lane divided with shoulders median, 8' shoulder | 120 | 10,000+ | 48 feet, 4-12 ft lanes, 20 ft | |
| 4-lane not divided bidirectional | 100 | 10,000+ | 67 feet, B-B, 4-12 lanes, 14' | |
| 2-lane | 80 | 6,000+ | 33 feet, B-B, 2-14 ft lanes | |
| Secondary (Collector) Streets; | | | | |
| 2-8 ft parking lanes, 4 ft sidewalk: | | | | |
| Industrial | 66 | | 3,500 | 31 feet, B-B, No |
| Parking, 5 ft sidewalk | | | | |
| Minor Streets: | | | | |
| 1,000 feet or more in length for 11 ft lanes, 2-8 ft parking single-family development and in sidewalk all multifamily, commercial, and industrial development. | 66 | | 1,000 | 39 feet, B-B, 1-8 ft parking lanes, 4 ft |
| Less than 1,000 feet in length in 2-11 ft lanes single-family development, cul-de-sac streets and frontage streets | 60 | | 400 | 31 feet, B-B, 1-8 ft parking lanes, 4 ft sidewalk |
| Alleys | 25 | | 100 | 20 feet |
| Special Note: Parkways shall be a minimum of nine feet exclusive of a four or five foot sidewalk as indicated. | | | | |

| <u>Street Type</u> | <u>Minimum to Maximum Gradient</u> | <u>Structural Design Number</u> | <u>Minimum Horizontal Curve</u> | <u>Minimum Vertical Curve</u> | <u>Soil Support (I.B.R.)</u> |
|--------------------|------------------------------------|---------------------------------|---------------------------------|-------------------------------|------------------------------|
| Primary | 0.50% to 5.0% | 4.0 | 500' | 300' | 3.0 |
| Secondary | 0.50% to 5.0% | | | | |
| 5.0% (collector) | 2.9 | 300' | 200' | 3.0 | |

| | | | | | |
|----------------------|-----------------|------------------|------|------|-----|
| Industrial Minor | 0.505 to 5.0% | 3.2 | 300' | 200' | 3.0 |
| 1,000' or more | 0.40% to 7.0% | 2.5 | 200' | 100' | 3.0 |
| less than 1,000 | 0.40% to 7.0% | 2.5 | 200' | 100' | 2.2 |
| Cul-de-sac Access | 0.40% to 2.5 | 0.40% to 200' | 100' | 2.2 | |
| Roads | 0.40% to 7.0% | 2.5 | 200' | 100' | 3.0 |
| Alleys | 0.40% to 7.0% | 2.5 | 200' | 100' | 2.0 |

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10-9-1 VILLAGE OF ANNAWAN ZONING ORDINANCE 10-9-1
Chapter 9
WIRELESS COMMUNICATION FACILITIES

- 10-9-1: Purpose**
- 10-9-2: Certain Uses Not Covered By This Ordinance**
- 10-9-3: Interpretation and Definitions**
- 10-9-4: Designation and Applicability**
- 10-9-5: Allowable Uses/Development Criteria**
- 10-9-6: Review Process**
- 10-9-7: Approval Process**
- 10-9-8: Shared Facilities and Collection Policy**
- 10-9-9: Removal of Abandoned Wireless Communication Facilities**
- 10-9-10: Nonconforming Wireless Communication Facilities**
- 10-9-11: Revocation of Tower Use Permits**
- 10-9-12: Penalty**
- 10-9-13: Annual Review**
- 10-9-14: Jurisdiction**

The Village of Annawan recognizes that the Village of Annawan desires to encourage the orderly development of wireless communication technologies for the benefit of the Village of Annawan and its citizens. The Village of Annawan also recognizes the character of the communities of the Village. As a matter of public policy the Village of Annawan aims to encourage the delivery of new wireless technologies throughout the Village while controlling the proliferation of communication towers. Such development activities will promote and protect the health, safety, prosperity, and general welfare of persons living in Annawan, Illinois.

Specifically, this Wireless Communication Facility Telecommunications Overlay Districts Ordinance is designed to achieve the following:

- A. Encourage the location of wireless communication facilities onto existing structures to reduce the number of new communication towers needed within the Village of Annawan, Illinois;
- B. Encourage collocation and site sharing of new and existing wireless communication facilities;
- C. Provide a range of locations for wireless communication facilities in various zoning districts;
- D. Control the type of tower facility constructed, when towers are permitted;
- E. Establish adequate development and design criteria to enhance the ability of providers of telecommunications services to provide service to the community quickly, effectively, and efficiently;
- F. Protect residential, and scenic corridors from the uncontrolled development of wireless communication facilities by requiring reasonable siting conditions;
- G. Promote the use of suitable sites (public and private) for the location of wireless antennae, towers, and/or wireless communication facilities;
- H. Insure the harmonious, orderly and efficient growth and development of the Village of Annawan;
- I. Stabilize the economy of the Village of Annawan through the continued use of the Village's

- suitable public resources;
- J. Provide Overlay Districts in which the zoning regulations permit the development of wireless communication facilities which are consistent with the requirements of the Telecommunications Act of 1996 and in the best interest of the future of the Village of Annawan, Illinois;
 - K. Provide clear performance standards addressing the siting of wireless communication facilities and;
 - L. Streamline and expedite the permitting procedures to effect compliance with the Federal Telecommunications Act of 1996.

10-9-2: Certain Uses Not Covered By This Ordinance

Nothing in this ordinance shall reduce any of the permitted uses of any zoned property within the Village of Annawan. Nothing in this ordinance shall affect the right of a property owner to use or develop their property consistent with existing zoning regulations. Nothing in this ordinance shall affect the right of a property owner to continue any legal nonconforming use.

10-9-3: Interpretation and Definitions

To the extent this ordinance conflicts with the Zoning Ordinance, Sign Ordinance, or any other ordinance of the Village of Annawan, this ordinance shall control. For the purposes of this ordinance, words used in the present tense include the future tense; words in the singular number include the plural number, and words in the plural number include the singular number; the word "shall" is mandatory; the word "may" is permissive; the word "used" includes "designed" and "intended" or arranged to be used or occupied; and the word "person" includes a firm, association, organization, partnership, trust, foundation, company or corporation as well as an individual. For the purpose of this ordinance, certain words, phrases, and terms used herein shall be interpreted as stated in this SECTION III. The Zoning Administrator shall define any word, phrase, or term not defined herein. The interpretation shall be based upon its common and ordinary usage in the region. For the purposes of this ordinance, all definitions defined herein are in addition to all definitions in the Village of Annawan Zoning Ordinance.

Antenna Array. An Antenna Array is one or more rods, panels, discs or similar devices used for the transmission or reception of radio frequency signals, which may include omni-directional antenna (rod), directional antenna (panel) and parabolic antenna (disc). The Antenna Array does not include the Support Structure.

Attached Wireless Communication Facility. An Attached Wireless Communication Facility is an Antenna Array that is attached to an existing building or structure (Attachment Structure), which structures shall include, but not limited to, utility poles, signs, water towers, roof tops, towers with any accompanying pole or device (Attachment Device) which attaches the Antenna Array to the existing building or structure and associated connection cables, and an Equipment Facility which may be located either inside or outside the Attachment Structure.

Collocation/Site Sharing. Collocation/Site Sharing shall mean use of a common Wireless Communication Facility or common site by more than one wireless communication license holder or by one wireless license holder for more than one type of communications technology and/or placement of a Wireless Communication Facility on a structure owned or operated by a utility or other public entity.

Equipment Facility. An Equipment Facility in any structure used to contain ancillary equipment for a Wireless Communication Facility which includes cabinets, shelters, a build out of an existing structure, pedestals, and other similar structures.

Federal Aviation Administration. FFA

Federal Communications Commission. FCC

FTA. Federal Telecommunications Act of 1996.

Height. When referring to a Wireless Communication Facility, height shall mean that distance measured from ground level to the highest point on the Wireless Communication Facility, excluding the Antenna Array.

Setback. Setback shall mean the required distance from the property line of the parcel on which the Wireless Communication Facility is located to the base of the Support Structure and equipment shelter or cabinet where applicable, or, in the case of guy-wire supports, the guy anchors.

Support Structure. A Support Structure is a structure designed and constructed specifically to support

an Antenna Array, and may include a monopole, self supporting (lattice) tower, guy-wire-support tower and other similar structures. Any device (Attachment Device) which is used to attach an Attached Wireless Communication Facility to an existing building or structure (Attachment Structure) shall be excluded from the definition of and regulations applicable to Support Structures.

Temporary Wireless Communication Facility. Temporary Wireless Communication Facility shall mean a Wireless Communication Facility to be placed in use for ninety (90) or fewer days.

Tower Use Permit (TUP). A permit issued by the Village of Annawan specifically for the location, construction and use of a Wireless Communication Facility subject to an approved site plan and any special conditions determined by the Zoning Administrator to be appropriate under the provision of this ordinance.

Wireless Communications. Wireless Communications shall mean any personal wireless services as defined in the Telecommunications Act of 1996, which includes FCC licensed commercial wireless telecommunications services including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist.

Wireless Communication Facility. A Wireless Communication Facility is any unstaffed facility for the transmission and/or reception of wireless telecommunications services, usually consisting of an Antenna Array, connection cables, an Equipment Facility, and a Support Structure to achieve the necessary elevation.

10-9-4: Designation and Applicability

The Village of Annawan shall be divided into two Wireless Communication Facility Overlay Districts. Said districts shall include all lands situated within the Village of Annawan.

WIRELESS COMMUNICATION FACILITY OVERLAY DISTRICT 1 shall include only those areas described in Appendix A hereto and any areas subsequently added thereto less any areas subsequently deleted there from. Attached Wireless Communication Facilities with support structure shall be permitted as provided herein in WIRELESS COMMUNICATION FACILITY OVERLAY DISTRICT 1.

WIRELESS COMMUNICATION FACILITY OVERLAY DISTRICT 2 shall consist of all lands not included in WIRELESS COMMUNICATION FACILITY OVERLAY DISTRICT 1 which are located within the Village of Annawan. Attached Wireless Communication Facilities shall be permitted as set out herein in WIRELESS COMMUNICATION FACILITY OVERLAY DISTRICT 2. Wireless Communication Facilities with support structure shall not be permitted under this ordinance in WIRELESS COMMUNICATION FACILITY OVERLAY DISTRICT 2.

Permit Required. No person, firm, or corporation shall install or construct any Wireless Communication Facility unless and until a Tower Use Permit (TUP) has been issued pursuant to the requirements of this ordinance.

Pre-existing Wireless Communication Facility. Wireless Communication Facilities for which a permit has been issued prior to the effective date of this ordinance shall be considered a nonconforming use and shall not be required to meet the requirements of this ordinance.

Amateur Radio Exclusion. This ordinance shall not govern the installation of any amateur radio facility that is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive only antennas. Such installations shall comply with any other applicable provisions of the zoning code.

Relationship to Other Ordinances. This ordinance shall supersede all conflicting requirements of other ordinances regarding the locating and permitting of Wireless Communication Facilities.

Airport Zoning. Any Wireless Communication Facility located or proposed to be located in airport areas governed by the Federal Aviation Administration shall also comply with the provisions of all applicable local, state and federal airport regulations.

Building Codes. Construction of all Wireless Communication Facilities shall comply with the requirements of the Annawan, Illinois building codes and permitting process in addition to the requirements of this ordinance.

10-9-5: Allowable Uses/Development Criteria

Allowable uses, subject to the limitations within each Overlay District, will include the underlying zoning

district plus Wireless Communication Facilities in compliance with the following development criteria:

A. **Height Standards.** The following height standards shall apply to all Wireless Communication Facility installations:

1. Attached Wireless Communication Facilities. Attached Wireless Communication Facilities shall not add more than twenty (20) feet to the height of the existing building structure to which it is attached (Attachment Structure). However, antenna attachments to existing communication towers shall not increase the height of tower above the maximum permitted height of that tower.
2. Wireless Communication Facilities with Support Structures shall have a maximum height as set out in Appendix A in WIRELESS COMMUNICATION FACILITY OVERLAY DISTRICT 1.

B. **Setback Standards.** The following setback standards shall apply to all Wireless Communication Facility installations.

1. Attached Wireless Communication Facilities. Attached Wireless Communication Facilities shall meet the setback provisions of the zoning district in which they are located. However, an Attached Wireless Communication Facility Antenna Array may extend up to 30 inches horizontally beyond the edge of the Attachment Structure so long as the Antenna Array does not encroach upon an adjoining parcel.
2. Wireless Communication Facilities With Monopole Support Structures. Wireless Communication Facilities with Monopole Support Structure shall meet the setback requirements for principle structures of the underlying zoning districts in which they are located.

C. **Landscaping.** The following landscaping requirements shall apply to all Wireless Communication Facility installations.

1. New Construction. New Wireless Communication Facilities with Support Structures and Attached Wireless Communication Facilities with new building construction shall be landscaped in accordance with the applicable provisions of the landscape ordinance that may now or hereafter be adopted.
2. Land Form Preservation. Existing mature tree growth and natural land form on the site shall be preserved to the extent feasible; provided however, that vegetation that causes interference with the antennas or inhibits access to the Equipment Facility may be trimmed or removed.
3. Existing Vegetation. Existing vegetation on a Wireless Communication Facility site may be used in lieu of required landscaping where approved by the Zoning Administrator.

D. **Aesthetics, Placement, Materials, and Colors.** Wireless Communication Facilities shall be designed so as to be compatible with the existing structures and surroundings to the extent feasible, including placement in a location which is consistent with proper functioning of the Wireless Communication Facility, the use of compatible or neutral colors, or camouflage technology.

E. **Lighting and Signage.** The following lighting and signage requirements shall apply to all Wireless Communication Facility installations:

1. Artificial Illumination. Wireless Communication Facilities shall not be artificially illuminated, directly or indirectly, except for:
 - a. security and safety lighting of equipment buildings if such lighting is appropriately down shielded to keep light within the boundaries of the site; and,
 - b. such illumination of the Wireless Communication Facility as may be required by the FAA or other applicable authority installed in a manner to minimize impacts on adjacent residences.
 - c. Unless otherwise required by the FAA or other applicable authority, the required light shall be red and shielded upward.
2. Signage. Wireless Communication Facilities shall not display any signage, logos, decals, symbols or any messages of a commercial or noncommercial nature,

except for a small message containing provider identification and emergency telephone numbers and such other information as may be required by local, state, or federal regulations governing Wireless Communication Facilities.

- F. **Fencing.** Wireless Communication Facilities with Support Structures shall be enclosed by an opaque fence (excluding slatted chain link) not less than six feet in height. Security features may be incorporated into the buffer and landscaping requirements for the site. Nothing herein shall prevent fencing that is necessary to meet requirements of state or federal agencies.
- G. **Radio Frequency Emissions/Sound.** The following radio frequency emissions standards shall apply to all Wireless Communication Facility installation:
1. **Radio Frequency Impact.** The FTA gives the FCC jurisdiction of the regulation of Radio Frequency (RF) emissions, and Wireless Communication Facilities that do not exceed the FCC standards shall not be conditioned or denied on the basis of RF impact.
 2. **FCC Compliance.** In order to provide information to its citizens, copies of ongoing FCC information concerning Wireless Communication Facilities and RF emissions standards may be requested. Applicants for Wireless Communication Facilities shall be required to provide information with the application on the measurement of the effective radiated power of the facility and how this meets the FCC standards.
 3. **Sound Prohibited.** No unusual sound emissions such as alarms, bells, buzzers or the like are permitted.
- H. **Structural Integrity.** Wireless Communication Facilities with Support Structures shall be constructed to the Electronics Industries Association/Telecommunications Industries Association (EIA/TIA) 222 Revision F Standard entitled "Structural Standards For Steel Antenna Towers and Antenna Support Structures" (or equivalent), as it may be updated and amended. Each Support Structure shall be capable of supporting multiple antenna arrays.
- I. **Collocation Agreement.** All applicants for Wireless Communication Facilities are required to submit a statement with the application agreeing to allow and reasonably market collocation opportunities to other Wireless Communication Facility uses. The statement shall include the applicant's policy regarding collocation of other providers and the methodology to be used by the applicant in determining reasonable rates to be charged other providers. The Collocation Agreement shall be considered a condition of issuance of a TUP (Tower Use Permit). A TUP shall not be issued unless the applicant complies with the collocation policy outlined in SECTION VIII. of this ordinance.

10-9-6: Review Process

- A. The applicable development criteria referred to herein are those set forth in SECTION V. of this ordinance.
- B. **Permitting Procedures.** Attached Wireless Communication Facilities with or without new building construction that meet the development criteria may be permitted by administrative review in all zoning districts except as hereinafter specified. All monopole type (or other tower types, if any, specified in Appendix A). Wireless Communication Facilities with Support Structures that meet the development criteria and that are located on properties in WIRELESS COMMUNICATION FACILITY OVERLAY DISTRICT 1 (listed in Appendix A), may be permitted by administrative review except hereinafter specified. All others, regardless of type or location shall be subject to the Community Development Board hearing process and may not be approved by the administrative review process. Any Wireless Communication Facility (Attached or with a Support Structure), regardless of type to be located within an established historic area, historic district, or other designated overlay district with be subject to review by the appropriate district commission and the Community Development Board. Review by a district commission shall be in accordance with that district's ordinance's administrative

procedures for a certificate of appropriateness. All Wireless Communication Facility applications that do not conform to the development criteria or are otherwise not eligible for administrative review shall be subject to Community Development Board review process.

- C. Wireless Communication Facilities as a part of Coordinated Development Approval. Wireless Communication Facilities as part of a proposed residential or nonresidential subdivision, planned unit development, site plan, conditional rezoning, or other coordinated development approval shall be reviewed and approved through those processes
- D. Wireless Communication Facilities for Temporary Term. Temporary Wireless Communication Facilities may be permitted by administrative approval for a term not to exceed 90 days. Once granted, a temporary Wireless Communication Facility permit may be extended for an additional 90 days upon evidence of need by the applicant. In case of emergency (e.g. storm damage to an existing tower or other circumstances resulting in the interruption of existing service) the administrative review shall be expedited to the extent feasible.

10-9-7: Approval Process

- A. Application Submission. All applicants for a Tower Use Permit, regardless of Wireless Communication Facility type, shall submit an application in accordance with the requirements of this Section.
 - 1. Application Contents. Each applicant requesting a TUP under this ordinance shall submit a sealed complete set of drawings prepared by a licensed architect and engineer that will include a site plan, elevation view, and other supporting drawings, calculations and other documentation showing the location and dimensions of the wireless communication facility and all improvements associated therewith, including information concerning specifications, antenna locations, equipment facility and shelters, landscaping, parking access, fencing and, if relevant as determined by staff, topography, adjacent uses and existing vegetation. Applicants proposing to collocate on an existing Wireless Communication Facility shall include a Radio Frequency Intermodulation Study with their application.
 - 2. Submission requirements. Application for a TUP shall be submitted to the Zoning Administrator on forms prescribed by the Village of Annawan. The application shall be accompanied by a site plan containing the information described above and a copy of the appropriate FCC license. If Community Development Board review is required; the application and site plan shall be placed on the next available Board agenda in accordance with the agenda deadlines established by the Board.
 - 3. Application Fees. A plan review fee of \$500 and a Radio Frequency Intermodulation Study review fee of \$500 (collocation applicants only) shall accompany each application. These fees may be used by the Village of Annawan to engage an engineer(s) or other qualified consultant(s) to review the technical aspects of the application and Radio Frequency Intermodulation Study (if required).
 - 4. Technical Assistance. In the course of its consideration of an application, the Village of Annawan, the Zoning Administrator, the Community Development Board or the Village Council may deem it necessary, in complex situations, to employ an engineer(s) or other consultant(s) qualified in the design and installation of Wireless Communication Facilities to assist the Village of Annawan in the technical aspects of the application. In such cases, any additional reasonable costs incurred by the Village of Annawan not to exceed fifteen hundred dollars (\$1,500) for the technical review and recommendation shall be reimbursed by the applicant prior to the final hearing on the TUP.
- B. Administrative Review. The following administrative review process shall apply to all

Wireless Communication Facility applications eligible for administrative review.

1. Review Authority. Review of Wireless Communication Facility under this Section shall be conducted by the Zoning Administrator or his designee and the Village's consultant upon filing a Wireless Communication Facility application.
2. Review Criteria. Each application shall be reviewed for compliance with the development criteria specified in SECTION V.
3. Timing of Decision. The Zoning Administrator shall render a decision on the Wireless Communication Facility application by written response to the applicant within thirty (30) business days after receipt of the complete application, except that an extension may be agreed upon by the applicant. Any application that is not reviewed within thirty (30) business days shall be submitted to the Planning and Review Board.
4. Deferral. The Zoning Administrator may defer administrative approval of Wireless Communication Facilities for any reason. Deferral of administrative approval shall require submission to the Planning and Review Board.
5. Application Denial. If administrative approval is not obtained or is denied due to noncompliance with the development criteria, the applicant may appeal the denial by applying for Planning and Review Board review.
6. Application Approval. If the TUP application is in compliance with the development criteria and otherwise meets the requirements of the Section, the Zoning Administrator shall issue a Tower Use Permit.

C. Community Development Board Review. The following shall apply to all Tower Use Permit applications requiring submission to the Community Development Board.

1. Review Authority. The Planning and Review Board shall be the review authority for TUP applications not eligible for administrative review or otherwise referred to the commission.
2. Notice. Notice of the application and the public hearing by the Planning and Review Board shall be accomplished in the same manner as set forth by 65 ILCS 5/11-13-1.1.
3. Hearing. The Planning and Review Board shall review and consider the TUP application at a public hearing. At the hearing, interest persons may appear and offer information in support of or opposition to the proposed application. The Planning and Review Board shall consider the following in reaching a decision.
 - a. Development Criteria. The Tower Use Permit application shall be reviewed for compliance with the development criteria set forth in SECTION V.; provided that the applicable development criteria may be amended or waived so long as the approval of the Wireless Communication Facility meets the goals and purposes of the ordinance. The Planning and Review Board may recommend alternative development criteria by specific inclusion in a motion for approval.
 - b. Tower Siting Conditions. The Planning and Review Board may impose conditions and restrictions on the application or on the premises benefited by the TUP as it deems necessary to reduce or minimize any adverse effects and to enhance the compatibility of the Wireless Communication Facility with the surrounding property, in accordance with the purposes and intent of this ordinance. The violation of any condition shall be grounds for revocation of the TUP. The Planning and Review Board may recommend such conditions in addition to the development criteria upon the following findings:
 - i. The Wireless Communication Facility would result in significant adverse visual impact on nearby residences.

- ii. The conditions are based upon the purpose and goals of this ordinance.
 - iii. The conditions are reasonable and capable of being accomplished
 - c. Action. Following the public hearing and presentation of evidence, the Planning and Review Board shall take one of the following actions:
 - i. Recommend the application as submitted;
 - ii. Recommend the application with conditions or modifications;
 - iii. Defer the application for additional information or neighbor input; or
 - iv. Deny the application in writing.
- 4. Findings. All decisions rendered by the Planning and Review Board concerning a Tower Use Permit shall be supported by written findings of fact and conclusions of law based upon substantial evidence of record.
- 5. Timing of Decision. The Planning and Review Board shall render its decision within 60 days or less of the final submission of all required application documents and technical review, however, this time may be increased due to deferrals by either the applicant or the Planning and Review Board.
- 6. Appeals. The decision of the Planning and Review Board may be appealed to a hearing panel appointed by the Village Council consisting of three members of the Council, none of whom is a member of the Planning and Review Board. This hearing panel shall conduct the hearing in conformance with the Illinois Administrative Review Law (735 ILCS 5/3-101 et seq), under the following circumstances:
 - a. An appeal shall be filed no later than 30 days after the final action by the Zoning Administrator or the Planning and Review Board. Only the applicant and those who registered an objection to the TUP in the record of the Planning and Review Board shall have standing to appeal.
 - b. Only such evidence or testimony in support of or in opposition to the issuance of the TUP which was provided to the Planning and Review Board may be presented to the hearing panel appointed by the Village Council unless the hearing panel, by majority votes, decides to hear new information.
 - c. Notice of appeal shall be accomplished by the appellant in the same manner as set forth by 65 ILCS 5/11-13-1.1.
 - d. Any further appeals shall conform to the requirements of the Illinois Administrative Review Law.

10-9-8: Shared Facilities and Collocation Policy

Collocation. All new Wireless Communication Facilities shall be engineered, designed, and constructed to be capable of sharing the facility with other providers, to collocate with other existing Wireless Communication Facilities and to accommodate the future collocation of other Wireless Communication Facilities. A TUP shall not be issued until the applicant proposing a new Wireless Communication Facility shall demonstrate that it has made a reasonable good faith attempt to locate its Wireless Communication Facility onto an existing structure. Competitive conflict and financial burden are not deemed to be adequate reasons against collocation. All Wireless Communication Facilities with support structure up to a height of 150 feet shall be engineered and constructed to accommodate at least three (3) antenna array. All Wireless Communication Facilities with support structures up to a height of more than 150 feet shall be engineered and constructed to accommodate at least four (4) antenna array.

10-9-9: Removal of Abandoned Wireless Communication Facilities

Any Wireless Communication Facility that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the Village of Annawan, at its election, may require the Wireless Communication Facility owner to remove the Wireless Communication Facility within 90 days after notice from the Village of Annawan to remove the Wireless Communication Facility. If the abandoned Wireless Communication Facility is not removed within 90 days, the Village of Annawan may remove it and recover its costs from the Wireless Communication Facility owner. If there are two or more users of a single Wireless Communication Facility, this provision shall not become effective until all providers cease to use the Wireless Communication Facility. If the owner of an abandoned Wireless Communication Facility cannot be located or is no longer in business, the requirements of this Section shall be the responsibility of the landowner on whose property the Wireless Communication Facility is located.

10-9-10: Nonconforming Wireless Communication Facilities

Wireless Communication Facilities in existence on the date of the adoption of this ordinance which do not comply with the requirements of this ordinance (nonconforming Wireless Communication Facility) are subject to the following provisions:

- A. Expansion. Nonconforming Wireless Communication Facilities may continue in use for the purpose now used, but may not be expanded without complying with this ordinance except as further provided in this Section.
- B. Additions. Nonconforming Wireless Communication Facilities may add additional antennas (belonging to the same provider or other providers) subject to administrative review under this ordinance.
- C. Repairs or Reconstruction. Nonconforming Wireless Communication Facilities which become damaged due to any reason or cause may be repaired and restored to their former use, location, and physical dimensions subject to the provisions of this ordinance; provided however, that if the damage to the Wireless Communication Facility exceeds 50% of replacement cost, said Wireless Communication Facility may only be reconstructed or repaired in compliance with this ordinance.
- D. Any Wireless Communication Facility not in use for six months shall be deemed abandoned and all rights as a nonconforming use shall cease.

10-9-11: Revocation of Tower Use Permits

Any Tower Use Permit issued pursuant to this ordinance may be revoked after a hearing as provided hereinafter. If the Zoning Administrator finds that any permit holder has violated any provision of this ordinance or has failed to make good faith reasonable efforts to provide or seek collocation, the Zoning Administrator shall notify the permit holder in writing that the TUP is revocable due to the permit holder's noncompliance with the conditions of the permit and the Zoning Administrator shall convene a meeting with the permit holder no later than 30 days from the date of the letter. The Zoning Administrator may require the permit holder to correct the violation within a reasonable amount of time or the Zoning Administrator may recommend to the Village of Annawan that the Tower Use Permit be revoked. After the appropriate public hearing, the Mayor and Village Council may revoke the Tower Use Permit (TUP) upon such terms and conditions, if any, that the Mayor and Village Council determine. Prior to initiation of revocation proceedings, the Zoning Administrator shall notify the permit holder, in writing, of the specific areas of noncompliance and specify the date by which such deficiencies must be corrected. The time for correction of deficiencies shall not exceed 60 days. The permit holder shall provide the Zoning Administrator with evidence that the required corrective action has been taken. Should the permit holder fail to correct any deficiencies in the time required, the Mayor and Village Council shall convene a public hearing to consider revocation of the Tower Use Permit. The hearing shall be conducted pursuant to notice by publication in a newspaper with general circulation in the Village of Annawan not less than 10 days prior to the hearing and by written notice to the permit holder. Any such hearing, the permit holder may be represented by an attorney and may cross-examine opposing witnesses. Other interested persons may comment. The Mayor and Village Council may impose reasonable restrictions with respect to time and procedure. The proceedings shall be recorded; provided, however, those stenographic services, if desired, shall be provided by the requesting party at that party's expense.

10-9-12: Penalty

The fine or penalty for violating any provisions of this ordinance shall, upon conviction in the municipal court, not exceed one hundred dollars (\$100) for any one specific offense of violation. Further, that if a thing prohibited or rendered unlawful is, in nature, continuous in respect to time, the fine or penalty for allowing the continuous thereof in violation of this ordinance shall not exceed one hundred dollars (\$100) for each day that it may be unlawfully continued.

10-9-13: Annual Review

The Mayor and Village Council may review this ordinance on an annual basis and shall alter or amend the same as required in the manner provided by law.

10-9-14: Jurisdiction

This agreement shall be interpreted and enforceable under the laws of the State of Illinois.

10-10-1

VILLAGE OF ANNAWAN ZONING ORDINANCE

10-10-1

Chapter 10

**NONCONFORMING USES
(BUILDINGS AND LAND)**

10-10-1: Nonconforming Uses are Regulated

Nonconforming Use of Land.

In the "R" districts where open land is being used as a nonconforming use and such use or uses in the principle use or uses and not accessory to the main use conducted in a building, such use shall be discontinued not later than five (5) years from the date of passage to this Title. During the five (5) year period, such nonconforming uses or uses shall not be extended or enlarged either on the same or adjoining property. Any building incident and subordinate to such use or uses of land, such as a shed, tool house, storage building is so constructed as to permit the issuance of a permit for a use not excluded from the district, such building may remain as a conforming use; thereafter, both land and building shall be used only as conforming uses. Such nonconforming uses of open land shall specifically include, but not be limited to, billboards, poster boards, automobile wrecking yards, scrap from and junk storage, trailer camps (unless they receive a conditional use permit), auction yards, contractor's yards, race tracks, stockyards, golf driving ranges, and miniature golf courses.

Nonconforming Use of Buildings.

Except as otherwise provided herein, the lawful use of a building existing at the effective date of this Title may be continued, although such use does not conform to the provisions hereof. If no structural alteration is made, a nonconforming use of a building may be changed to another restricted classification. Whenever a nonconforming use has been changed to a less restricted use. The nonconforming use of a building may be hereafter extended throughout those parts of a building which were lawfully and manifestly arranged or designed for such use at the time of the enactment of this Title.

Discontinuance of Nonconforming Uses.

No building or portion thereof used in whole or in part for a nonconforming use in an "R" district which remains idle or unused for a continuous period of two (2) years, whether or not the equipment or fixtures are removed, shall again be used except in conformity with the regulations of the "R" district in which it is located.

Destruction of a Nonconforming Use.

No building which has been damaged by any cause whatsoever shall be restored except in conformity with the regulations of this Title. If a building is damaged it may be repaired or reconstructed and used as before the time of damage, provided that such repairs or reconstruction be substantially completed within twelve (12) months of the date of such damage.

Intermittent Use.

The casual intermittent, temporary, or illegal use of land or buildings shall not be sufficient to establish the

existence of a nonconforming use on a part of a lot or tract and shall not be construed to establish a nonconforming use on the entire lot or tract.

Existence of Nonconforming Use.

Whether a conforming use exists shall be a question of fact and shall be decided by the Zoning Board of Appeals after public notice and hearing and in accordance with the rules of the Board.

Nonconforming Uses Not Validated.

A nonconforming use in violation of a provision of ordinance which this Title repeals shall not be validated by the adoption of this Title. Nonconforming uses may be extended or expanded only after public hearing before the Zoning Board of Appeals and where such expansion would result in a nonconforming use being sought closer to conformance. Such expansions or extensions would include the addition to a building to provide accessory storage, where said storage was unenclosed on the premises and off street parking either on the same lot or adjoining lots, where such off street parking would meet the parking requirements of this Chapter for said nonconforming use if it were conforming and where such off street parking would eliminate, or reduce substantially, a serious traffic hazard in the streets abutting such nonconforming use. Expansion or extension of a nonconforming use shall not be granted if the only reason for such extension or expansion is for the sole purpose of perpetuating the nonconforming use.

10-11-1

VILLAGE OF ANNAWAN ZONING ORDINANCE

10-11-3

Chapter 11

ZONING BOARD OF APPEALS

10-11-1: Board Created

10-11-2: Members; Term of Office

10-11-3: Oath

10-11-4: Organization

10-11-5: Duties

10-11-6: Duties of the Village Clerk's Office

10-11-7: Minutes and Records Kept

10-11-8: Compensation

10-11-9: Conflict of Interest by Members

10-11-1: Board Created

There is hereby created and established and shall hereafter be maintained and recognized in and for the Village of Annawan a Zoning Board of Appeals, and said Board shall be under the jurisdiction of the Village Council.

10-11-2: Members, Term of Office

The Board shall consist of seven (7) members as stated below:

- A. The seven (7) members of the Board shall be citizens of the Village who are not members of the Village Council. The seven (7) citizen members shall be appointed by the Mayor and approved by the Village Council. Said members shall serve a term office of five (5) years each from the first Village Council meeting in April o the year they are appointed or until such time as their successors take office. The term for which each said member is appointed shall be designated in his appointment. At the April Village Council meeting of each year, the member shall be appointed for a five-year term to succeed the member whose term expired in said month.
- B. Members shall be eligible for reappointment and it is desirable that members rendering good service be reappointed in order that the Zoning Board of Appeals may have the benefit of their experience and that there may be a continuity policy. If any member should during the term of his office die, move from the Village, or for any reason be unable to act, the vacancy so created shall be filled in the same manner as an original appointment and shall be for the remainder of the unexpired term.

10-11-3: Oath

All citizen members of the Board do not have to take an oath.

10-11-4: Organization

The Board shall organize as soon as possible after the appointment and qualification of its members, by the election of one of its members as chairman, said chairman to be elected yearly by a majority of said Board members. All hearings conducted by said 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 if absent or failing to vote, indicating such fact and shall also keep records of its hearings and other official actions. Findings of Fact shall be included in the minutes of each case, and the reasons for recommending approval or denial of the request shall be specified. Every rule or regulation, every amendment or repeal thereof, and every order, requirement, decision, or determination of the Board shall be filed within ten (10) days in the office of the Village Clerk and shall be public record. The Board shall adopt its own rules and procedures not in conflict with the ordinances or with the Illinois Statutes in such case made and provided.

10-11-5: Duties

A. The powers and duties of the Board are:

1. To hold public hearings and recommend to the Village Council approval of conditional use permits.
2. To hold public hearings and grant variances and expansions of nonconforming uses.
3. To hold public hearings and decide upon requests for determination of the existence of a nonconforming use and request for the extension of a nonconforming use.
4. To hear and decide appeals where it is alleged there is an error in an order, requirement, decision, or determination made by the Building Inspector in the enforcement of the Zoning Ordinance or the Building Code and fee schedule.
5. To permit the extension of a district where the boundary line of a district divides a lot held in a single ownership at the time of passage of the Zoning Ordinance.
6. To interpret the provisions of the Zoning Ordinances in such a way as to carry out the intent and purpose of the plan, as shown upon the map fixing the several districts accompanying and made a part of this Chapter where the street layout on the ground varies from the layout as shown on the map aforesaid.

B. The Board may grant the following variances:

1. Vary the yard regulations where there is an exception or unusual physical condition on a lot, which condition is not generally prevalent in the neighborhood and which condition when related to the yard regulations of this Title would prevent a reasonable or sensible arrangement of buildings on the lot. Applicants for a side or rear yard variance must be able to show the distance of the proposed improvement from the lot line by way of lot corner stakes in the neighborhood. Notwithstanding the foregoing, a variance may be granted for the parking or storage of recreational vehicles in side yards. Before granting such a variance, the Board shall consider such factors as the closeness of neighboring buildings, adequate light, sunshine and airspace and fire hazard potential.
2. Vary the parking regulations where an applicant demonstrated conclusively that the specific use of a building would make unnecessary the parking spaces required by this ordinance, but providing that such a reduction not be more than fifty percent (50%) of the usual requirement.
3. Use of premises for public utilities and railroad purposes (other than track right of way) or for radio and television tower or broadcasting station.
4. Vary the parking regulations for parking in the "R" districts for churches, temples, public schools, public libraries, community centers, public parks, and public playgrounds. In the "R" districts twenty percent (20%) of the required front yard shall be reserved and devoted to permanent landscaping and no off street

parking spaces or off street loading spaces shall be permitted within this landscaping area.

C. Conditional Use Permits.

The Zoning Board of Appeals shall conduct public hearings and make recommendations to the Village Council upon applications for conditional permits, specifically listed in the district regulations of this ordinance. Conditional uses of areas to be annexed shall be detailed in an annexation agreement. A public hearing on the conditional use and annexation agreement shall be conducted by the Planning and Review Board. In such cases it shall be the Planning and Review Board rather than the Zoning Board of Appeals which shall make recommendations to the Village Council. No recommendation for a conditional use permit shall be forwarded to the Village Council with the same week as the public hearing is completed. Before recommending approval of such a conditional use permit, the Board shall satisfy itself that the conditional use requested will meet conditions that will, with the Board's judgment, insure that:

1. The establishment, maintenance, or operation of a conditional use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.
2. The conditional use will not be injurious to the use and enjoyment of the property in the immediate vicinity for the purpose already permitted nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property uses permitted in the district.
4. Adequate utilities, access roads, drainage, and other necessary facilities will be provided.
5. Adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestions in the public streets.
6. Duration of conditional uses shall be for that period of time as set forth.

D. Appeals to the Board

An appeal may be taken to the Zoning Board of Appeals by a person or by an officer, department, board or bureau of the Village affected by a decision of the Building Inspector.

An appeal shall state all proceedings in furtherance of the action appealed from, unless the Building Inspector certifies to the Zoning Board of 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 Zoning Board of Appeals or by a court of record on application, on notice to the Building Inspector, and on due cause shown.

The Board shall select a reasonable time and place for the hearing of the appeal and given fifteen (15) days notice thereof to the parties and shall render a decision on the appeal without unreasonable delay. Any person may appeal and testify at the hearing, either in person or by duly authorized agent or attorney.

E. Appeals from Decision of the Board

Any review of the decisions of the Zoning Board of Appeals as set forth in this Section B, shall be subject to the Illinois Administrative Review Act.

10-11-6: Duties of the Village Clerk's Office

For conditional uses, variances, and extension or expansions of nonconforming uses, or for the determination of the existence of a nonconforming use, the Village Clerk's office shall:

- A. Obtain the name of the property owners within a radius of 500 feet of the property of the stated case and notify each property owner of the public hearing by a letter.
- B. Have the legal notice published in the official newspaper fifteen (15) days prior to the public hearing.
- C. Have recorded in the Henry County Recorder's Office all conditional uses, variances, and expansions of nonconforming uses, including any restrictions thereof.
- D. The Village Clerk's office shall receive a fee of one hundred fifty dollars (\$150) with applications for conditional uses, variances, and expansions of nonconforming

uses. No fee shall be received with applications for other meetings or hearings of the Zoning Board of Appeals.

10-11-7: Minutes and Records Kept

The Board shall keep full and accurate minutes of its proceedings. The Village Clerk shall designate a member of his staff to be present to take full and accurate minutes. All records of the Board shall be kept at the Village Hall and shall be open to the public.

10-11-8: Compensation

Each citizen member of the Board shall serve without compensation for his service.

10-11-9: Conflict of Interest by Members

No member of the Board shall be interested, directly or indirectly, in any contract or job for work, or material or any work for himself or family, or the profits there from, or services to be furnished or performed in the carrying out of the Annawan Zoning Ordinance.

10-12-1

VILLAGE OF ANNAWAN ZONING ORDINANCE

10-12-2

Chapter 12

ENFORCEMENT OF TITLE

10-12-1: Enforcement: Administrative Officer

10-12-2: Appeals: General

10-12-1: Administrative Officer

The Administrative Officer shall enforce this Title in accordance with the penalties and remedies set forth in this Title.

10-12-2: Appeals: General

Any appeals which may be made from the actions of the Administrative Officer shall be taken to the Zoning Board of Appeals in accordance with Chapter 11 of this Title.

10-13-1

VILLAGE OF ANNAWAN ZONING ORDINANCE

10-

13-2

Chapter 13

AMENDMENTS

10-13-1: Amendment of Zoning Regulations

10-13-2: Administrative or Procedural Changes

A. The Council may from time to time amend this Title in the manner prescribed by the statutes of the State. No such amendment shall be made until it shall have been referred to Planning and Review Board and a report received from said Board of the effect of said amendment upon the Village and the welfare of the inhabitants thereof. The Board shall hold one public hearing upon such amendment as required by law and is hereby designated as the body to hold such hearings. If not report is received from the Board in sixty (60) days, said board has approved the amendment. No report for an amendment shall be forwarded to the Village Council within the same week as the public hearing is completed.

B. Meetings of the Board. All meetings of the Planning and Review Board shall be at the call of the Chairman and at such other times as the Board may determine. An application of any type of amendment to this Title must be submitted to the Village Clerk's office three (3) weeks prior to the scheduled Planning and Review Board meeting.

C. Duties of the Village Clerk's office. For amendments to the zoning district boundaries, the Village Clerk's office shall:

1. Obtain the names of property owners within a radius of five hundred feet (500') of the property of the stated case and notify each property owner of the public hearing by letter.
2. Have the legal notice published in the official newspaper fifteen (15) days prior to the public hearing.

D. The Village Clerk's office shall receive a fee of one hundred fifty dollars (\$150) from the party or parties proposing or recommending a change in the district regulations or district boundaries.

10-13-2: Administrative or Procedural Changes

The Village Council of the Village of Annawan, Illinois shall have the power to make any administrative or procedural changes to the Annawan Zoning Ordinance without first submitting such change to a public hearing held by the Planning and Review Board. "Administrative or procedural changes" as set forth in the above paragraphs shall mean any of the following changes:

- A. The name of any board, committee, commission, or individual.
- B. The composition of any board, committee, commission, or position including, but not limited to, the number of members, length of term, or proportionment by residential location or other category.
- C. The transfer of duties between board, committee, or commission.

10-14-1

VILLAGE OF ANNAWAN ZONING ORDINANCE

10-14-2

Chapter 14

VIOLATION AND PENALTY

10-14-1: Zoning Violations and Penalty

10-14-2: Remedies

10-14-1: Zoning Violations and Penalty

The owner or agent of a building or premises in or upon which a violation of any provision of this Title has been committed or shall exist, or the lessee or tenant of an entire building or entire premises in or upon which violation has been committed or shall exist, or the agent, architect, building contractor or any other person who commits, takes part in, or assists in any violation of who maintains any building or premises in or upon which such violation shall exist shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine not to exceed one hundred dollars (\$100). Each and every day that such violation continues may constitute a separate offense.

10-14-2: Remedies

In the event that any building or structure is or is sought to be erected, constructed, reconstructed, altered, repaired, converted, or maintained or any building, structure, or land is sought to be used in violation of this Title, the Building Inspector or the Village Council, in addition to other remedies, shall have the power to withhold or revoke any necessary permit and shall institute appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, or to correct or abate such violation, or to prevent the occupancy of said building, structure, or land.