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ORDINANCE NO. 0-2014-\_\_06\_\_

**ZONING ORDINANCE OF THE  
CITY OF PINCKNEYVILLE, PERRY COUNTY, ILLINOIS  
As Amended 05-22-2023**

**BE IT ORDAINED** by the Council of the City Council of Pinckneyville, Illinois, as follows:

**ARTICLE 1**

**GENERAL PROVISIONS**

**Section 1-1** **PURPOSE** In accordance with State Law (**65 Illinois Compiled Statutes (ILCS) 5/11-13-1**), the purpose of this ordinance is to regulate structures and land uses in order to preserve, protect, and promote the public health, safety, and welfare, and appearance through implementation of this City's Comprehensive Plan. More specifically, this ordinance is intended to assist in achieving the following objectives:

- (a) To encourage the development of buildings and uses on appropriate sites in order to maximize community-wide social and economic benefits while accommodating the particular needs of all residents and to discourage development on inappropriate sites;
- (b) To protect and enhance the character and stability of sound existing residential, commercial, and industrial areas, and to gradually eliminate nonconforming uses and structures;
- (c) To conserve and increase the value of taxable property throughout the City of Pinckneyville, Illinois;
- (d) To ensure the provision of adequate light, air, and privacy for the occupants of all buildings;
- (e) To protect property from damage caused by fire, flooding poorly controlled storm water runoff, and adverse soil and topographical conditions;
- (f) To provide adequate and well-designed parking and loading space for all buildings and uses, and to reduce vehicular congestion on the public streets and highways;
- (g) To guide the provision of water mains, sanitary sewers, storm water sewers, and other utilities and services, and to reduce the initial costs and future maintenance expenses thereof;
- (h) To provide for the efficient administration and fair enforcement of all regulations set forth herein;
- (i) To clearly and concisely explain the procedures for obtaining variances, special use permits, temporary permits, amendments, and the like.

**Section 1-2** **JURISDICTION** This ordinance shall be applicable within the Corporate City Limits of the City of Pinckneyville, Illinois.

**Section 1-3** **CONSTRUCTION OF TERMS** In construing the intended meaning of terminology used in this ordinance, the following rules shall be observed:

- (a) Words and phrases shall have the meanings respectively ascribed to them in **Article 2** unless the context clearly indicates otherwise; terms not defined as such shall have their Standard English dictionary meanings.
- (b) Words denoting the masculine gender shall be deemed to include both genders.
- (c) Words used in the present tense shall include the future tense.
- (d) Words used in the singular number shall include the plural number, and the plural the singular.
- (e) The term "shall" is mandatory; the term "may" is discretionary.
- (f) The term "municipality" shall mean the City of Pinckneyville.
- (g) The words "lot," "parcel," and "site" shall be synonymous.
- (h) The words "abutting," "adjacent," and "contiguous" shall be synonymous.
- (i) The words "enlarge," and "expand" shall be synonymous.
- (j) All distances shall be measured to the nearest integral foot; **six (6)** inches or more shall be deemed **one (1)** foot.
- (k) A general term that follows or is followed by enumeration of specific terms shall not be limited to the enumerated class unless expressly limited.

**Section 1-4 INTERPRETATION, CONFLICT WITH OTHER ORDINANCES** Every provision of this ordinance shall be construed liberally in favor of the City of Pinckneyville, Illinois and every requirement imposed herein shall be deemed minimal. Whenever the requirements of this ordinance differ from the requirements of any other lawfully adopted ordinance, regulation, deed restriction, or covenant, the more stringent requirement shall prevail.

**Section 1-5 DISCLAIMER OF LIABILITY**

- (1) Except as may be provided otherwise by statute or ordinance, no officer, board member, agent, or employee of the City shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his or her duties under this ordinance. **(See "Local Governmental and Governmental Employees Tort Immunity Act", 745 ILCS 10/1-101.)**
- (2) Any suit brought against any officer, board member, agent, or employee of the City, as a result of any act required or permitted in the discharge of his or her duties under this ordinance, shall be defended by the City Attorney until the final determination of the legal proceedings.

**Section 1-6 SEPARABILITY** If any provision of this ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, that decision shall not affect the validity of the remainder of this ordinance.

## **ARTICLE 2**

### **DEFINITIONS**

**Section 2-1 SELECTED DEFINITIONS** The following words, terms and phrases, when used in this ordinance, shall have the meaning ascribed to them in this Section, except where the context clearly indicates a different meaning.

**Abandon**: In relation to nonconformance, to discontinue a nonconforming use with the intention of permanent cessation.

**Abutting**: Having a common lot line or district line. Synonym for "adjacent" and "contiguous".

**Access Way**: A curb cut, ramp, driveway, or other means for providing vehicular access to an off street parking or property.

**Accessory Structure/Use**: Any structure or use which:

- (a) is subordinate to and serves a principal structure or use;
- (b) is subordinate in area, extent or purpose to the principal structure or use;
- (c) contributes to the comfort, convenience or necessity of occupants of the principal structure or use served;
- (e) Does not change the basic character of the premises as determined by its principal structure or use.

**Administrator**: The official appointed by the Mayor of Pinckneyville, Illinois with the advice and consent of the City Council of Pinckneyville, Illinois to administer this ordinance, or his representative. (Synonymous with "Zoning Administrator".)

**Adult Bookstore**: An establishment having a substantial or significant portion of its sales or stock in trade, books, magazines, films for sale or for viewing on premises by use of motion picture devices or by coin operated means, and periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities," or "specified anatomical areas;" or an establishment with a segment or section devoted to the sales or display of such materials; or an establishment that holds itself out to the public as a purveyor of such materials based upon its signage, advertising, displays, actual sales, presence of video preview or coin operated booths, exclusion of minors from the establishment's premises or any other factors showing the establishment's primary purpose is to purvey such material.

**Adult Entertainment Cabaret**: A public or private establishment which:

- (1) Features topless dancers, strippers, "go-go" dancers, male or female impersonators, lingerie or bathing suit fashion show;
- (2) Features entertainers who display "specified anatomical areas"; or
- (3) Features entertainers who by reason of their appearance or conduct perform in a manner which is designed primarily to appeal to the prurient interest of the patron or features entertainers who engage in, or are engaged in explicit simulation of, "specified sexual activities".

**Adult Motion Picture Theatre**: A building or area used for presenting materials distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for viewing by patrons therein.



Adult Novelty Store: An establishment having **twenty-five (25%)** percent or more of its sales or stock in trade consisting of toys, devices, clothing "novelties", lotions and other items distinguished or characterized by their emphasis on or use for "specified sexual activity" or "specified anatomical areas" or an establishment that holds itself out to the public as a purveyor of such materials based upon its signage, advertising, displays, actual sales, exclusion of minors from the establishment's premises or any other factors showing the establishment's primary purpose is to purvey such material.

Adult Use: Adult bookstores, adult motion picture theaters, adult entertainment cabarets, adult novelty stores and other similar uses.

Agriculture: Any one or more in combination of the following pursuits: the growing of farm, truck, garden or row crops, dairying, pasture, horticulture, flora culture, animal/poultry husbandry, vineyards, wholesale plant nurseries, fish farming, sod farming and tree farming. The term "agriculture" encompasses buildings occupied as dwellings by persons engaged in agricultural activities. In addition, it includes non-dwelling accessory uses and structures customarily incidental to agricultural activities. Buildings occupied as dwellings by persons not engaged in agriculture shall not be considered as being used for agricultural purposes, even though they are located on agricultural land; and said buildings are subject to the provisions of this ordinance.

Airport: Any area of land or water which is used or intended for use for the landing and taking off of aircraft and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon.

Aisle: A vehicular traffic way within an off-street parking area, used as a means of access/egress from parking spaces.

Alley: A public or private way (see definition of "street") which affords a secondary means of vehicular access to abutting premises that front on a nearby street.

Alter: To change the size, shape or use of a structure.

Amendment: A change in the provisions of this ordinance (including those portions incorporated by reference), properly effected in accordance with State law and the procedures set forth herein.

Anchor: Any approved device used to keep a mobile home firmly attached to the stand on which it is placed.

Animal Hospital: Any building or portion thereof, designated or used for the care, observation or treatment of domestic animals.

Apartment: A room or suite of rooms in a multiple-family structure which is arranged, designed, used or intended to be used as a single housekeeping unit, and which contains complete kitchen, bath and toilet facilities, permanently installed.

Apartment House: A building arranged, intended or designed to be occupied by three or more families living independently of each other.

Attached: As applied to buildings, "attached" means having a common wall and/or common roof.

Awning: Any roof-like structure made of cloth, metal or other material attached to a building and erected over a window, doorway and the like, in a manner as to permit its being raised or retracted to a position against the building when not in use.

Basement: A story having part but not more than **fifty (50%)** percent 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 purpose of height measurement.

Bed & Breakfast: An operator-occupied dwelling providing accommodations for a charge to the public with no more than **ten (10)** guest rooms for rent, in operation for more than **ten (10)** nights in a **twelve (12)** month period. Bed & breakfast establishments shall not include motels, hotels, and boarding houses.

Block: An area of land entirely bounded by streets, highways, barriers, or ways (except alleys, pedestrian ways, or exterior boundaries of a subdivision unless exterior boundary is a street, highway, or way) or bounded by a combination of streets, public parks, cemeteries, railroad rights-of-way, waterways, or corporate boundary lines.

Board of Appeals: The Zoning Board of Appeals of the City of Pinckneyville, Illinois.

Boarding House: A residential building or portion thereof--other than a motel or hotel or bed & breakfast--containing lodging rooms for accommodation of **three (3)** to **ten (10)** persons who are not members of the keeper's family, and where lodging and/or meals are provided by prearrangement and for definite periods, but not on an overnight or per-meal basis, to the transient public.

Buffer Strip: An area of land--undeveloped except for landscaping, fences, etc.--used to protect a use situated on one lot from the deleterious effects of the use on an adjacent lot. Buffer strips are not to be confused with agriculture uses.

Buildable Area: The space remaining on a zoning lot after the minimum open space requirements of this ordinance have been complied with.

Building: Any covered structure permanently affixed to the land and designed or used to shelter people or chattel.

Building, Front Line of: The line of that face of the building nearest the front line of the lot. This face includes sun parlors and covered porches whether enclosed or unenclosed but does not include steps.

Building Height: The vertical distance measured from the average grade at the front wall of a building to the highest point of the coping of a flat roof or to the deck line of mansard roof, or to the mean height level between eaves and ridge of gable, hip or gambrel roofs. Necessary appurtenances listed in **Section 5-11** shall be excluded in building height calculations.

Building Line: The line nearest the front of and across a lot, delineating the minimum open space required between the front of a structure and the front lot line.

Building, Setback Line: A line parallel to the street line at a distance regulated by the front yard requirements set up in this ordinance.

Bulk: Any one or any combination of the following structural or site design characteristics:

- (a) Size or height of structure;
- (b) Location of exterior walls at all levels in relation to lot lines;
- (c) Lot area;
- (d) Yards or setbacks.

Canopy: A roof-like structure similar to an awning, except that it cannot be raised or retracted to a position against the building.

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

Centerline:

- (a) The centerline of any right-of-way having a uniform width.
- (b) The original centerline, where a right-of-way has been widened irregularly.
- (c) The new centerline, whenever a road has been relocated.

Certificate of Zoning Compliance, Initial: A permit issued by the Zoning Administrator indicating that proposed construction work is in conformity with the requirements of this ordinance and may, therefore, proceed.

Certificate of Zoning Compliance, Final: A permit issued by the Zoning Administrator indicating that a newly completed structure complies with all pertinent requirements of this ordinance and may, therefore, be occupied or used.

City: Pinckneyville, Illinois

City Council: The legislative body that governs the City of Pinckneyville, Illinois.

Clinic: An establishment wherein licensed physicians or dentists practice medicine or dentistry, but where overnight lodging for sick or injured persons is not provided.

Club/Lodge: A nonprofit association of persons who are bona fide members organized for some purposes (s) and paying regular dues and whose facilities are restricted to members and their guests; but, not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

Commercial Use/Establishment: Any use or establishment wherein goods and/or services, are provided for remuneration, whether to the consuming public (retail) or to other businesses (wholesale).

Commissioners: Members of the City Council of the City of Pinckneyville, Illinois.

Comprehensive Plan: The plan or any portion thereof adopted by this City to guide and coordinate the physical and economic development of the community. The comprehensive plan includes, but is not limited to, plans and programs regarding the location, character, and extent of highways; bridges; public buildings or uses; utilities; residential, commercial, or industrial land uses; parks, drainage facilities, etc.

Conforming: In compliance to the applicable provisions of this ordinance.

Convenience Store: Any small retail commercial or service establishment offering food and services.

Corrective Action Order: A legally binding order issued by the Zoning Administrator in accordance with the procedures set forth herein to effect compliance with this ordinance.

Coverage: That percentage of the plot or lot area covered by the building area.

Day Care Center: Any child care facility which regularly provides day care for less than **twenty-four (24)** hours per day for more than **eight (8)** children in a family home, or more than **three (3)** children in a facility other than a family home.

Detached: As applied to buildings, "detached" means surrounded by yards on the same lot as the building.

Develop: To erect any structure or to install any improvements on a tract of land, or to undertake any activity (e.g. grading) in preparation therefore.

Dimensions: Refers to the depth and width of a lot or a structure.

District, Zoning: A portion of the territory of the City wherein certain uniform requirements or various combinations thereof apply to structures, lots, and uses under the terms of this ordinance.

Drive-In Restaurant: An establishment principally used for the sale of fast-order food. Fast order food means:

- (a) Primarily intended for immediate consumption.
- (b) Available after a short waiting time.
- (c) Packaged or presented in such a manner that it can be readily eaten outside the premises where it is sold.

Drive-In Theatre: A tract of land developed with facilities for projecting motion pictures on an outdoor screen for viewing from the patrons' automobiles parked on the premises.

Driveway: A minor way commonly providing vehicular access to a garage or off-street parking area.

Dwelling: A building or portion thereof designed or used primarily as living quarters for one or more families, but not including hotels, motels, bed & breakfast or other accommodations for the transient public.

Dwelling, Community: A group home or specialized residential care home serving unrelated persons with disabilities which is licensed, certified or accredited by appropriate local, state or national bodies. "Community Dwelling" does not include a dwelling which serves persons as an alternative to incarceration for a criminal offense, or persons whose primary reason for placement is substance or alcohol abuse or for treatment for a communicable disease.

Dwelling, Multiple-Family: A building or portion thereof containing **three (3)** or more dwelling units.

Dwelling, Seasonal: A structure used on a part-time basis for recreational purposes--not a primary dwelling (e.g. weekend cabin).

Dwelling, Single-Family: A dwelling on a permanent foundation containing one dwelling unit and intended for the occupancy of one family.

Dwelling, Two-Family: A dwelling containing **two (2)** dwelling units, a duplex.

Dwelling Unit: One or more rooms designed or used as living quarters by one family. A dwelling unit always includes bathroom and kitchen facilities.

Easement: A legally-described right to use another person's real property for certain limited purposes.

Enclosed: As applied to a building, "enclosed" means covered by a permanent roof and separated on all sides from adjacent open space or other buildings by fixed exterior walls, with openings only for windows and doors.

Enforcement Officer: The Chief of Police or an officer designated by the Chief of Police.

Enlarge: To increase the size of any existing use or structure (i.e., principal or accessory). Synonym for "extend" and "expand."

Erect: To build, construct.

Establishment: Either of the following:

- (a) An institutional, business, commercial, or industrial activity that is the sole occupant of one or more buildings.
- (b) An institutional, business, commercial, or industrial activity that occupies a portion of a building such that:
  - (1) The activity is a logical and separate entity from the other activities within the building and not a department of the whole; and
  - (2) The activity has either a separate entrance from the exterior of the building, or a separate entrance from a common and clearly defined entryway that has direct access to the exterior of the building.

Existing: Actually built/constructed or in use and operation on the effective date of this ordinance.

Family: **One (1)** person, or **two (2)** or more persons related by blood, marriage or legal adoption, or not more than **three (3)** unrelated persons, maintaining a common household in a dwelling unit.

Farmstead: A farm and its buildings.

Farmland of Statewide Importance: Land, in addition to prime and unique farmlands, that is of statewide importance for the production of food, feed, fiber, forage and oilseed crops. Criteria for defining and delineating this land is to be determined by the appropriate State agency or agencies. Generally, farmlands of statewide importance include those that are nearly prime farmland and that economically produce high yields of crops when treated and managed according to acceptable farming methods.

Fence: An artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land. (ALSO: See Landscape Fence)

Flood Elevation, Regulatory: The elevation of the most severe flood that, on the basis of corps of engineers' data, may be expected to occur once every **one hundred (100)** years.

Floodplains: Flood plains as determined by the **Federal Emergency Management Agency (FEMA)** and as applicable to the **National Flood Insurance Program (NFIP)** mean the lowland and relatively flat areas adjoining inland and coastal waters, including flood prone areas that at a minimum, are subject to a one percent or greater chance of flooding in any given year (i.e., a **one hundred (100)** year flood plain).

Floodplain Area: The area adjacent to a watercourse and its tributaries having an elevation equal to or lower than the regulatory flood elevation. Tracts of land less than **ten (10)** acres in area that, naturally or by landfill, have an elevation higher than the regulatory flood elevation shall be included in the floodplain area if they are surrounded by land in the floodplain area.

Floor Area, Gross: The sum of the gross horizontal areas of the several floors of a building, measured from the exterior faces of the exterior walls or from the center of the common walls of attached buildings. Gross floor area includes basement floors, attic floor space, halls, closets, stairwells, space devoted to mechanical equipment and enclosed porches.

Foundation, Permanent: In order to be considered permanent, a foundation shall extend into the ground below the frost line so as to attach and become a part of the real estate. Materials such as concrete, mortared concrete block or mortared brick extending into the ground below the frost line, shall satisfy the requirement of a permanent foundation.

Front Yard: an open, unoccupied space on the same lot with a building, situated between the nearest roof or foundation portion of the principal building and the lot line adjacent to a street, and extending from side lot line to side lot line in the case of interior lots. On corner lots, front yard is determined by postal address.

Frontage: The lineal extent of the front (street-side) of a lot.

Garage Private: A detached accessory building or portion of a principal building used for the storage of self-propelled passenger vehicles or trailers of the occupants of the premises and/or not more than one truck of a rated capacity not exceeding one and one-half tons.

Garage Public: Any building where automotive vehicles are painted, rebuilt, reconstructed and/or stored for compensation.

Group Home: A single dwelling in which **four (4)** or more unrelated persons live together as a single housekeeping unit with or without supervision. Examples of group homes would be homes for service-dependent populations, dormitories, fraternity/sorority houses, etc.

Hereafter: Any time after the effective date of this ordinance.

Home Occupation: Any business, profession or occupation conducted for gain entirely on residential premises in conformity with the provisions of this ordinance.

Hospital: An institution devoted, on an around-the-clock basis, to the maintenance and operation of facilities for the diagnosis, treatment, or care for members of the general public suffering from disease, injury, or other abnormal physical conditions. The term "hospital" as used in this ordinance includes sanitariums but excludes institutions operating solely for the treatment of insane persons, drug addicts, and alcoholics, and convalescent/nursing homes.

Immobilize: As applied to a mobile home, immobilize means to remove wheels, tongue and hitch and to place on a permanent foundation.

Immobilized Mobile Home: A mobile home served by individual utilities, resting on a permanent perimeter foundation which extends below the established frost depth with the wheels, tongue and hitch removed and the home secured in compliance with the Illinois Mobile Home Tie-Down Act of 1980.

Intensify: To increase the level or degree of.

Intermodal Container: a large standardized shipping container, designed and built for freight transport across different modes of transport, including from ship to rail to truck without unloading and reloading the contents of the container. These containers are also referred to as container, cargo container, shipping container, sea or ocean container, container van or (Conex) box, or sea can.

Intersection: The point at which **two (2)** or more public rights-of-way (generally streets) meet.

Junk/Salvage: Scrap materials (i.e. metal, paper, glass, plastics and similar commodities) and discarded items (vehicles, equipment, appliances, batteries, tires and similar products) that are potentially recyclable.

Junk Yard: A tract of land, including any accessory structures thereon, that are used for buying, selling, exchanging, storing, baling, packing, disassembling, or handling waste or scrap materials. Such scrap materials include vehicles, machinery, and equipment not in operable condition (or parts thereof), and metals, glass, paper, plastics, rags, and rubber tires. A lot on which **one (1)** or more inoperable vehicles are stored shall be deemed a junk yard. A "junk yard" includes an automobile wrecking yard.

Kennel: Any structure or premises or portion thereof on which more than **three (3)** dogs, cats, or other household domestic animals, over **four (4)** months of age are kept.

Landscape Fence: a fence no greater than four (4) feet in height, constructed of such materials and design to allow a view of the enclosed property through the landscape fence. Landscape fences shall enhance the aesthetic appearance of a property. Picket, split-rail, and wrought iron fences are examples of acceptable landscape fences.

Laundromat: A business that provides home-type washing, drying, and/or ironing machines and/or dry-cleaning machines for hire to be used by customers on the premises.

Licensed Establishment: a retail establishment where alcoholic liquor is drawn, poured, mixed, or otherwise served for consumption on the premises, and which is also licensed by the State of Illinois to have or operate a video gaming device in the City of Pinckneyville, including any licensed fraternal establishment or licensed veteran's establishment as defined in the Illinois Video Gaming Act (230 ILCS 40/1 et seq.) A Licensed Establishment includes Video Gaming Café and Video Gaming Establishment, defined as follows:

(a) Video Gaming Café: a Licensed Establishment whose primary focus is video gaming and the sale and service of alcohol, non-alcoholic drinks or food is incidental to the operation of video gaming, and where 75% or more of annual gross revenue is generated or reasonably projected to arise exclusively from the video gaming activities which shall be certified by the owner of the Licensed Establishment upon request of the City.

(b) Video Gaming Establishment: Any Licensed Establishment that is not a Video Gaming Café where video gaming terminals are an accessory use to the primary business activity of the establishment. The establishment has also secured a liquor license from the City and complies with all requirements of the City's liquor ordinances. The owner of the Licensed Establishment shall certify upon request of City that annual gross revenue from gaming activities is less than 75% of all annual gross revenue of the establishment.

Livestock: Any animal not normally considered as a household domestic animal. Animals normally used for agriculture purposes, including horses, goats, cattle, sheep, chickens, ducks, swine, and mules, are considered to be livestock.

Loading Space: An off-street space used for the temporary parking of a commercial vehicle while loading or unloading merchandise or material.

Lot: A tract of land intended as a unit for the purpose (whether immediate or future) of transfer of ownership or development. A "lot" may or may not coincide with a "lot of record." "Lot" is synonymous with "tract," "plot," and "site."

Lot of Record: An area of land designated as a lot on a plat of subdivision or described by metes and bounds in a deed, and recorded with the Perry County Recorder.

Lot Area: The area of a horizontal plane bounded by the front, side and rear lines of a lot. Application of minimum lot width and minimum lot depth should not be construed to satisfy minimum lot size.

Lot, Corner: A lot having at least **two (2)** adjacent lot lines that abut for their full length upon streets. Both such lot lines shall be deemed front lot lines.

Lot Coverage: The portion of a lot that is occupied by buildings or structures, including accessory buildings or structures.

Lot Depth: The average horizontal distance between the front lot line and the rear lot line of a lot.

Lot Line, Front: Any lot boundary abutting a street.

Lot Line, Rear: An interior lot line which is most distant from and most nearly parallel to the front lot line.

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

Lot Size Requirement: The lot area, width, and depth requirements of the applicable district.

Lot, Through: A lot having a pair of approximately parallel lot lines that abut **two (2)** approximately parallel streets. Both such lot lines shall be deemed front lot lines.

Lot Width: The mean horizontal width of a lot measured at right angles to the side lot lines.

Maintenance: The routine upkeep of a structure, premises or equipment, including the replacement or modification of structural components to the extent necessary to keep said structure, etc. in sound condition.

Manufactured Housing: Either of the following as further defined in **Article 8**.

- (1) Modular Home
- (2) Mobile Home registered with a motor vehicle title number

Materially: As applied to the impact of one thing on another, "materially" means significantly or substantially.

Mini Warehouses: A building, or part of one, for the storage of goods, merchandise, etc. for rent to individuals or businesses for a fee.

Mobile Home: Manufactured Housing registered with a motor vehicle title number as further defined in **Article 8**.

Mobile Home Park: A parcel in single ownership/control developed with facilities for accommodating occupied mobile homes in accordance with the requirements of **Section 8-4** of this ordinance.

Mobile Home Stand: That part of a mobile home space beneath the mobile home that includes the concrete slab or runners on which the home is placed and to which it is anchored.

Mobile/Portable Sign: Any street graphic not designed to be permanently attached to a building or part thereof or to be anchored to the ground. The street graphics primarily include but are not limited to signs attached to wood or metal frames designed to be self-supporting and movable; paper, cardboard or canvas signs wrapped around supporting poles; and the like. A portable sign may be converted into a freestanding sign upon terms and conditions set forth by the Zoning Commission.

Modular Home: Manufactured Housing as further defined in **Article 8**.

Motel: An establishment providing transient accommodations containing **six (6)** or more rooms.

Nonconforming: As applied to a lot, structure, or use, "nonconforming" means:

- (1) Lawfully existing on the effective date of this ordinance or pertinent amendment thereto, but
- (2) Not in compliance with the applicable provisions set forth herein.



Nuisance: Any thing, condition or conduct that endangers health, unreasonably offends the senses, obstructs the free use and comfortable enjoyment of property and/or essentially interferes with the comfortable enjoyment of life.

Nursery: A tract of land on which trees, shrubs, and other plants are raised for transplanting and sale, and including any structure in which said activities are conducted.

Nursery School: See "Day Care Center"

Nursing Home: A building used as a medical care facility for persons who need long-term nursing care and medical service, but do not require intensive hospital care.

Office: Any building or portion thereof in which the business (usually clerical and administrative affairs) of a commercial/service enterprise or professional person is transacted.

Ordinance: A law set forth by a governmental authority; *specifically*: a municipal regulation.

Overlay District: A zoning district superimposed over one or more standard (primary) zoning districts or portions thereof for the purpose of controlling special development problems.

Parking Area/Lot, Off-Street: Land that is improved in accordance with this ordinance and used primarily for the storage of passenger motor vehicles, free of charge or for compensation. An "off-street parking lot," depending on the circumstances of its use, may be either a principal use or an accessory use.

Parking Space, Off-Street: An area at least **twenty (20)** feet long and **ten (10)** feet wide within an off-street parking area or garage, used for the storage of **one (1)** or more passenger motor vehicles.

Permanent Habitation: A period of **two (2)** or more months.

Permitted Use: Any use which is or may be lawfully established in a particular district provided it conforms with all the requirements applicable to such a district.

Person: Any individual, firm, association, organization or corporation body.

Planning Commission: The Planning Commission of the City of Pinckneyville.

Plot: A parcel of land consisting of **one (1)** or more lots or portions thereof which is described by reference to a recorded plat or by metes and bounds.

Pole Barn: A typically metal clad structure most often utilizing wooden poles and trusses for support with unfinished, uninsulated interiors. Such structures are normally used for agricultural purposes, for construction trade storage, or for general storage and not intended for human habitation.

Pre-School/Nursery School: a school for young children who have not yet attained school age, primarily children between the ages of 3 and 5 years old.

Premises: A lot and all the structures and uses thereon.

Prime Farmland: Land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber and oilseed crops. As determined by the United States Department of Agriculture, prime farmland has the soil quality, growing season and moisture supply needed to economically produce sustained high yields of crops when treated and managed according to acceptable farming methods.

Principal Building/Structure/ Use: The main structure erected on or the main use occupying a lot as distinguished from an accessory (subordinate) structure or use.

Property Line: See "Lot Line."

Reconstruct: As applied to nonconforming structures, "reconstruct" means to rebuild after partial or total destruction.

Recreational Vehicle: A term encompassing any type of vehicle used primarily for pleasure such as travel trailers, motor homes, boats, snowmobiles, etc.

Refuse: Garbage (food wastes) and trash, but not sewage or industrial wastes.

Relocate: To move to another portion of a lot or to a different lot.

Repair: To restore to sound condition, but not to reconstruct.

Residential: That area containing mostly dwellings instead of stores, businesses, etc. used as a place to live or relating to places where people live in dwellings

Restrictive: To keep within prescribed limits.

Retail: The sale of goods or services directly to the consumer rather than to another business

Right-of Way, Public: A strip of land which the owner/subdivider has dedicated granted or sold to a unit of government for streets, alleys, or other public purposes.

Roof Line: The edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette, on the side of the building where the street graphic is located.

Salvage Yard / Recycling Center: Any area where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or handled, including auto wrecking yards, house wrecking yards, used-lumber yards, and yards for storage of salvaged house wrecking and structural steel materials and equipment; including establishments where such uses are conducted entirely within a completely enclosed building, but not including establishments for the sale, purchase, or storage of used cars in operable condition, or storage of materials incidental to manufacturing operations.

Sanitary Landfill: A tract of open land used for the permanent disposal of refuse in accordance with the requirements of the Illinois Environmental Protection Agency (IEPA). At a "sanitary landfill" the refuse is periodically covered with soil or foam, as approved by the IEPA.

Satellite Dish Antenna: A combination of:

- (a) Dish antenna whose purpose is to receive communications or other signals from orbiting satellites and other extraterrestrial sources.
- (b) A low-noise amplifier (LNA) which is situated at the focal point of the receiving component and whose purpose is to magnify and transfer signals.
- (c) A coaxial cable whose purpose is to carry the signals into the interior of the building.
- (d) Any supporting structures, guy wires or similar devices intended to secure or mount the antenna dish.

Screening: Trees, shrubs, walls, solid fences, etc., used as a means of visual and noise control.

Service-Dependent Population: Those persons who, by reason of mental or physical disability, require supervision in a quasi-parental relationship but do not require medical or nursing care on site. A service-dependent population shall not include persons for whom such services are a requirement of a sentence upon conviction of a criminal offense or whose need for such service arises during or immediately following a sentence of incarceration for a criminal offense nor for the treatment or rehabilitation of drug or alcohol addiction.

Service Station: A building and premises or portion thereof designed and used for the retail sale of gasoline or other automotive fuel, oil, and automotive parts, supplies, and accessories. A filling station may include facilities for washing vehicles and for making minor automotive repairs.

Service Use / Establishment: Any use or establishment wherein services are provided for remuneration either to individuals or to other firms.

Setback: The horizontal distance from the lot line in question to the side of the structure facing that lot line or to the edge of the area of operation of the principal use in the case of a use which does not involve a structure.

Setback Line: See "Building Line."

Site-Built Housing: Structures intended for residential use built from the sub-component level with a minimum of off-site assembly. Site-built housing must be constructed on a permanent foundation or basement. Pole barns shall not be considered site-built housing.

Skirting: The covering affixed to the bottom of the exterior walls of a mobile home to conceal the underside thereof.

***Solar energy definitions:***

Roof-Mounted Solar Energy Collector: is defined as a solar energy collector that is attached to a building's roof on the parcel of land including solar shingles.

Commercial Solar Energy System: is defined as a utility-scale facility of solar energy collectors with the primary purpose of wholesale or retail sales of generated electricity. Commonly referred to as solar farms.

Ground-Mounted Solar Energy Collector: is defined as a solar energy collector that is not attached to and is separate from any building on the parcel of land on which the solar energy collector is located.

On-Site: is defined as solar energy system designed to help meet the electrical needs within the limits of the area encompassed by the tract area or parcel of record on which the activity is conducted.

Racking: is defined as a structure or building material used in the mounting of solar panel.

Solar Collector: is defined as a device or combination of devices, structure, or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy and that contributes significantly to a structure's energy supply.

Solar Energy: is defined as radiant energy (direct, diffuse, and reflected) received from the sun.

Solar Energy System: is defined as a solar collector or other device or structural design feature of a structure that relies upon sunshine as an energy source and is capable of collecting, distributing, and storing (if appropriate to the technology) the sun's radiant energy for a beneficial use.

Solar Panel: is defined as a panel consisting of an array of solar cells used to generate electricity directly from sunlight.

Solar Shingles: is defined as a roofing product made by combining thin film solar technology (which converts sunlight to electricity) with a durable backing to provide a structural roof shingle comparable to traditional roofing shingles.

Special Use: A use that has unusual operational, physical or other characteristics which distinguish it from the permitted uses of a district, but which can be made compatible with the intended overall development within a district. Special uses are allowed only by permit and generally must meet special standards not necessarily applicable to permitted uses in the district.

Special Use Permit: A permit issued in accordance with the provisions of this ordinance to regulate development of a special use.

Stable: A structure, situated on the same lot as a dwelling, and designed or used for housing horses for the private use of occupants of the dwelling, but not for hire.

Stop Order: A type of corrective action order used by the Zoning Administrator to halt work in progress that is in violation of this ordinance.

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 (12)** feet, each **twelve (12)** feet or fraction thereof of the total building height shall be considered a separate full story or fractional story respectively, except the first story which may be **fifteen (15)** feet high.

Street: A public or private way for motor vehicle travel. The term "street" includes a highway, thoroughfare, parkway, through way, road, pike, avenue, boulevard, lane, place, drive, court and similar designations, but excludes an alley or a way of pedestrian or bicycle use only.

Street, Private: Any street providing access to abutting property that is not maintained by and dedicated to the City or other unit of government.

Stringent: Binding, exacting.

Structure: Anything constructed or erected on the ground, or attached to something having a fixed location on the ground. All buildings are structures but not all structures are buildings. For the purpose of this ordinance, fences or freestanding walls shall not be considered structures.

Structure, Temporary: Any structure that is not attached to a permanent foundation.

Temporary Use Permit: A permit issued in accordance with this ordinance and valid for not more than **one (1)** year, which allows the occupation of a temporary structure or the operation of a temporary enterprise.

Topography: The relief features or surface configuration of an area.

Travel Trailer: A mobile structure designed for temporary occupancy which is designed to be moved by a motor vehicle (i.e., recreational vehicles).

Travel Trailer Park: A lot developed with facilities for accommodating temporarily occupied travel trailers, including campgrounds, recreational camps and private/leased lots used for weekend homes, mobile homes, campers and RV (recreational vehicles).

Use: The purpose or activity for which land or a structure thereon is designed, arranged, intended, occupied and/or maintained.

Use Variance: A type of amendment (not a variance) that allows a use in a district where such use would not be allowed under existing provisions of this ordinance.

Utility Substation: A secondary utility facility such as an electrical substation, gas regulator station, telephone exchange facility, sewage treatment plant, etc.

Variance: A relaxation of the strict application of the lot size, setbacks, or other area-bulk requirements applicable to a particular lot or structure.

Vehicle Repair, Major: Engine rebuilding or major reconditioning of worn or damaged motor vehicles or trailers; collision service, including body, frame or fender straightening or repairs; and over-all painting of vehicles.

Vehicle Repair, Minor: Incidental repairs, replacement of parts, and motor service to automobiles, but not including any operation specified under Vehicle Repair, Major.

Wetlands: Are those areas as determined by the Natural Resource Conservation Service and U.S. Army Corps of Engineers. Wetlands generally include swamps, marshes, bogs and similar areas, such as sloughs, potholes, wet meadows, river overflows, mudflats and natural ponds.

Wholesale: The sale of goods or services by one business to another business.

Yard: Open space that is unobstructed except as specifically permitted in this ordinance and that is located on the same lot as the principal structure.

Yard, Front: A yard which is bounded by the side lot lines, front lot lines, and the building line.

Yard, Rear: A yard which is bounded by the side lot lines, the rear lot line, and the building line.

Yard, Side: A yard which is bounded by the rear lot line, front lot line, side lot line, and the building line.

Yard Line: A line in a lot that is parallel to the lot line along which the yard in question extends and which is not nearer to such lot line at any point than the required depth or width of said yard.

Zoning Map: The adopted official map and any amendments thereto designating zoning districts, and incorporated into this ordinance by reference.

## **ARTICLE 3**

### **ADMINISTRATION**

**Section 3-1** **ZONING ADMINISTRATOR** The office of Zoning Administrator of the City of Pinckneyville, Illinois is hereby established. The Zoning Administrator shall be appointed by the Mayor

of the City with the advice and consent of the City Council. The Zoning Administrator shall serve a term of **four (4)** years and may be reappointed to consecutive terms. The Zoning Administrator shall hold office from the date of appointment, and until at any time a successor has been selected and qualified. The Mayor and the City Council may remove the Zoning Administrator for cause, after a public hearing. A Zoning Administrator vacancy shall be filled in the same manner as provided for the appointment of the preceding Zoning Administrator. The Zoning Administrator's compensation shall be determined by the City Council. The responsibility of the Zoning Administrator encompasses, but is not limited to, the following duties:

- (a) provide all applicants with applications for initial and final certificates of zoning compliance, special use permits, temporary use permits and variances;
- (b) To review and pass upon applications for initial and final certificates of zoning compliance;
- (c) To inspect land, structures and uses to determine compliance with this code, and where there are violations, to initiate appropriate corrective actions;
- (d) To review and forward to the Zoning Board of Appeals all applications for special use permits, variances, appeals and amendments;
- (e) to maintain up to date records of this Ordinance, including, but not limited to, the official District maps, certificates of zoning compliance, special use permits, variances, interpretive decisions of the Zoning Board of Appeals, amendments and all applications related to these matters;
- (f) To periodically review provisions of this Ordinance to determine whether revisions are needed and to make recommendations on these matters to the Zoning Board of Appeals;
- (g) To provide information to the general public on matters related to this Ordinance; and
- (h) To perform such other duties regarding zoning as directed by the Mayor and City Council.

### **Section 3-2 ZONING BOARD OF APPEALS.**

- (α) The Zoning Board of Appeals shall consist of seven (7) members appointed by the Mayor with the advice and consent of the City Council. Members must have resided in the City of Pinckneyville for at least one (1) year preceding appointment, owned real estate within the City of Pinckneyville for at least one (1) year preceding appointment, or owned an interest in any business with an office or place of business located within the City of Pinckneyville for at least one (1) year preceding appointment. Each member of the Board of Appeals shall be compensated for his or her services on a per diem basis as determined by the City Council. Members of the Zoning Board of Appeals hereafter appointed or reappointed shall serve for a term of 3 years or until their successor has been appointed, whichever date last occurs.
- (β) The Mayor and the City Council may remove any member of the Zoning Board of Appeals for cause after a public hearing. A vacancy on the Zoning Board of Appeals shall be filled for the unexpired term of the member whose place has become vacant in the same manner as provided for the appointment of a new member.
- (c) The City Attorney shall serve as legal counsel to the Zoning Board of Appeals.

**Section 3-3 MEETINGS QUORUM** All meetings of the Board of Appeals shall be held at the call of the Chairman and at such times and places within the City of Pinckneyville as the Board of Appeals may determine. The Chairman, or in the Chairman's absence, the acting Chairman may administer oaths and compel attendance of witnesses. Four (4) members of the Board of Appeals shall

constitute a quorum. Members may attend meetings by electronic means in accordance with the Code of Ordinances of the City of Pinckneyville, including Section 30.06 of such code.

**Section 3-4 RECORDS** The Board of Appeals shall keep minutes of its proceedings and examinations. Those minutes shall indicate the absence of any member, the vote or exception of each member on each questions and any official action taken. A copy of every rule, variance, order or decision of the Board of Appeals shall be filed in the Administrator's office and be of public record.

**Section 3-5 ZONING BOARD OF APPEALS, DECISIONS OF** Zoning Board of Appeals decisions on all applications for special use permits, temporary use permits, tower and/or antenna use permits, and variances shall be made by roll-call vote of the commission members, with a simple majority enacting the decision. In the absence of appeals, decisions made by the Zoning Board of Appeals shall be an expression of the will of the people of the City and shall be enforceable as law.

## **ARTICLE 4**

### **ZONING PROCEDURES, REQUIREMENTS AND ENFORCEMENT**

#### **Section 4-1 GENERAL REQUIREMENTS**

- (a) Information provided to the Zoning Administrator and Zoning Board of Appeals must be truthful and accurate to the best knowledge of the applicant. Knowingly providing inaccurate, false or misleading information may result in immediate suspension of the process in consideration, or revocation of permits issued under such pretense and corrective action orders requiring cessation of or removal of uses or structures permitted under these conditions.
- (b) The Zoning Administrator shall verify that all applications are properly completed and shall promptly transmit applications to the Zoning Board of Appeals for consideration at the next meeting that permits compliance with the public notification requirements.

**Section 4-2 INITIAL CERTIFICATE OF ZONING COMPLIANCE** Upon the effective date of this ordinance no lot shall be created, no land shall be developed, no new use or structure shall be established or erected, and no existing use or structure shall be enlarged, extended, altered, relocated or reconstructed until an initial certificate of zoning compliance has been issued.

**Section 4-3 INITIAL CERTIFICATE OF ZONING COMPLIANCE, APPLICATION FOR** Every applicant for an initial certificate of zoning compliance shall submit to the Zoning Administrator, in graphic and narrative form on forms provided by the Zoning Administrator, the items of information listed below. The Zoning Administrator shall decide if any items are not applicable. The Zoning Administrator shall promptly review and pass upon said application. Items of information:

- (a) Name and address of the applicant;
- (b) Name and address of the owner or operator of the proposed lot, structure, or use, if different from (a);

- (c) Brief, general description/explanation of the proposal;
- (d) Location of the proposed lot, use or structure, and its relationship to adjacent lots, uses or structures;
- (e) Area and dimensions of the site for the proposed finished grade;
- (f) Height and setbacks of the proposed structure;
- (g) Number and size of proposed dwelling units, if any;
- (h) Location and number of proposed parking/loading spaces and access ways;
- (i) Identification and location of all existing or proposed utilities, whether public or private; and/or
- (j) Any other pertinent information that the Zoning Administrator may require.

**Section 4-4 INITIAL CERTIFICATE OF ZONING COMPLIANCE DURATION** Initial certificates of zoning compliance shall be valid for **one (1)** year, or until revoked for failure to abide by a corrective action order. The Zoning Administrator may renew initial certificates of zoning compliance for successive **one (1)** year periods upon written request, provided the applicant is making a good faith effort to complete the authorized work.

**Section 4-5 INITIAL CERTIFICATE OF ZONING COMPLIANCE IN RELATION TO A BUILDING PERMIT** No building permit will be issued prior to or without presentation of an initial certificate of zoning compliance.

**Section 4-6 FINAL CERTIFICATE OF ZONING COMPLIANCE** No lot, or part thereof, recorded or developed after the effective date of this ordinance, and no structure or use, or part thereof, that has been erected, enlarged, altered, relocated or reconstructed after the effective date of this ordinance shall be used, occupied or put into operation until a final certificate of zoning compliance has been issued. A final certificate of zoning compliance shall not be issued until the Zoning Administrator has determined, by inspection, that the work authorized by the initial certificate of zoning compliance has been completed in accordance with an approved plan. Failure to obtain a final certificate of zoning compliance shall constitute a separate violation of this ordinance.

**Section 4-7 SPECIAL USE PERMIT** This Ordinance divides the City into various districts and permits in each district, as a matter of right, only those uses which are clearly compatible with one another. Certain other uses, because of their special operations or physical characteristics, may or may not have a detrimental impact on nearby permitted uses, depending upon their precise location, matter of operation, and other factors. Such special uses require careful case-by-case review to determine if compatibility can be achieved, and may be allowed upon application, public hearing, and approval as herein provided. Special use permits shall be effective for an unlimited period of time provided that the special use is made at all times in compliance with the terms of any stipulations and conditions established upon issuance of the special use permit. In the event the special use at any time fails to comply with any permit stipulation or condition, the special use permit may be terminated as hereinafter provided.

**Section 4-8 SPECIAL USE PERMIT, APPLICATION FOR** an applicant for a special use permit shall submit to the Zoning Administrator, on forms provided by the Zoning Administrator, the items of information listed below. (Every special use permit application shall additionally be filed with the Perry County Soil & Water Conservation District as per state law (70 ILCS 405/2202(a) and with the City Clerk of Pinckneyville, Illinois. The Zoning Administrator shall promptly transmit the completed application, and any comments or recommendations he deems appropriate, to the Zoning Board of Appeals. **(Note: one hundred fifty dollar (\$150.00) filing fee required)**



- (a) Name and address of the applicant;
- (b) Name and address of the owner or operator of the proposed structure or use, if different from the applicant;
- (c) Nature of the proposed use, including type of activity, manner of operation, number of occupants or employees, and similar matters;
- (d) Location of the proposed use or structure, and its relationship to existing adjacent uses or structures;
- (e) Area and dimensions of the site for the proposed structure or use;
- (f) Existing and proposed screening, landscaping, and erosion control features on the site, including the parking area;
- (g) Height and setbacks of the proposed structure;
- (h) Number and size of proposed dwelling units, if any;
- (i) Number and location of proposed parking/loading spaces and access ways;
- (j) Identification and location of all existing or proposed utilities, whether public or private; and/or
- (k) Any other pertinent information that the Zoning Administrator and Zoning Commission may require.

**Section 4-9 SPECIAL USE PERMIT, PUBLIC HEARING AND NOTICE OF** The Zoning Board of Appeals shall hold a public hearing on every special use permit application within a reasonable time after said application is submitted to them. At the hearing any interested party may appear and testify, either in person or by duly authorized agent or attorney. Notice of the hearing shall be given not more than **thirty (30)** nor less than **fifteen (15)** days before the hearing:

- (a) by first class mail to the applicant and to all parties whose properties are within **two hundred and fifty (250)** feet of the property for which the special use permit is sought; and
- (b) By publication in a newspaper of general circulation within the City.

**Section 4-10 SPECIAL USE PERMIT NOTICE CONTENTS** The notice of a public hearing for a special use permit shall include the following information:

- (a) Date, time and place of hearing
- (b) Nature of the proposed special use

**Section 4-11 SPECIAL USE PERMIT, ZONING COMMISSION ADVISORY REPORT OF**  
After the hearing on the application for a special use permit, the Zoning Board of Appeals shall render it's decision after considering the following factors:

- (a) Whether the proposed design, location and manner of operation of the proposed special use will adequately protect the public health, safety and welfare, and the physical environment;
- (b) Whether the proposed special use is consistent with the City's Comprehensive Plan;
- (c) Whether the proposed special use design is adequately compatible with adjacent land uses;
- (d) The effect the proposed special use would have on the value of neighboring properties and on the City's overall tax base;
- (e) The effect the proposed special use would have on public utilities and on traffic routes and nearby streets; and

- (f) Whether there are any facilities near the proposed special use (e.g. schools, hospitals, etc.) that require special protection or consideration.

Copies of the decision shall be mailed by first class mail to the applicant and to all parties who appeared at the hearing and requested copies of the decision.

**Section 4-11a TERMINATION OF A SPECIAL USE PERMIT**

- (a) If at any time a special use fails to comply with the terms of a special use permit, including compliance with any stipulations or conditions established at the time the special use permit is issued, the special use shall be promptly restored to compliance or, if not restored, may be terminated as hereinafter provided.
- (b) In the event any special use is determined to be in violation of the terms and conditions of an existing special use permit, the Zoning Administrator shall notify the permit holder and the property owner in writing specifying the nature of the violation and shall allow the permit holder and property owner a fourteen (14) day period in which to abate the violation and restore the use as permitted. The Zoning Administrator may extend the period for abatement for a reasonable period of time in the event abatement is commenced within the fourteen (14) day period but cannot reasonable be completed within the fourteen (14) day period. The abatement shall be promptly completed and the permit holder and property owner shall notify the zoning administrator when all action as been completed to abate the violation.
- (c) If the violation has not been abated within the fourteen (14) day period after notice, or within such additional time as may be allowed by the Zoning Administrator, the Zoning Administrator shall arrange for a public hearing before the Zoning Board of Appeals to determine whether the special use permit should be terminated or modified. The Zoning Administrator shall give the permit holder and property owner not less than 10 days notice of the date, time and place of the public hearing and the permit holder and property owner shall be allowed an opportunity at the hearing to show cause why the special use permit should not be terminated. In determining whether a special use permit should be terminated or modified, the Zoning Board of Appeals shall consider whether the special use violates the terms and conditions of the existing special use permit and may also consider the factors set forth in Section 4-11.
- (d) Within thirty (30) days after the public hearing, the Zoning Board of Appeals shall issue a decision on whether the special use permit shall be terminated or modified. In the event a special use permit is terminated, the permit holder and property owner shall immediately terminate any use which is not permissable not authorized in compliance with City Zoning Ordinances. In the event of a termination of the special use permit, the permit holder and property owner may not reapply for a special use permit for the same property within one hundred eighty (180) days of the permit termination. If a special permit use is modified after hearing, the permit holder and property owner shall immediately comply with the permit as modified

**Section 4-12 APPEAL OF SPECIAL USE PERMIT DECISION TO CITY COUNCIL.** Every applicant or interested party who appeared at the hearing my appeal the decision of the Zoning Board of Appeals to the City Council as herinafter provided.

**Section 4-13 TEMPORARY USE PERMIT** Temporary use permits will essentially be treated the same as special use permits. Of particular concern shall be the length of time requested for the permit. Temporary use permits shall in no circumstance be issued for more than **one (1)** year. Temporary uses

extending beyond **one (1)** year must reapply to renew the permit prior to its termination. It shall be the responsibility of the permit holder to initiate reapplication.

**Section 4-14 TEMPORARY USE PERMIT, APPLICATION FOR** Every applicant for a temporary use permit shall submit to the Zoning Administrator, on forms provided by the Zoning Administrator, the items of information listed below. The Zoning Administrator shall promptly transmit the completed application and any comments or recommendation deemed appropriate, to the Zoning Board of Appeals. **(Note: twenty-five dollar (\$25.00) filing fee required)**

- (a) Name and address of the applicant;
- (b) Name and address of the owner or operator of the proposed structure or use, if different from the applicant;
- (c) Nature of the proposed use, including type of activity, manner of operation, number of occupants or employees, and similar matters;
- (d) Location of the proposed use or structure, and its relationship to existing adjacent uses or structures;
- (e) Area and dimensions of the site for the proposed structure or use;
- (f) Existing and proposed screening, landscaping, and erosion control features on the site, including the parking area;
- (g) Height and setbacks of the proposed structure;
- (h) Number and size of proposed dwelling units, if any;
- (i) Number and location of proposed parking/loading spaces and access ways;
- (j) Identification and location of all existing or proposed utilities, whether public or private; and/or
- (k) Any other pertinent information that the Zoning Administrator and Zoning Board of Appeals may require.

**Section 4-15 TEMPORARY USE PERMIT, PUBLIC HEARING AND NOTICE OF** The Zoning Board of Appeals shall hold a public hearing on every temporary use permit application within a reasonable time after said application is submitted to them. At the hearing any interested party may appear and testify, either in person or by duly authorized agent or attorney. Notice of the hearing, specifying the date, time, and place of hearing and nature of proposed temporary use, shall be given not more than **thirty (30)** nor less than **fifteen (15)** days before the hearing:

- (a) by first class mail to the applicant and to all parties whose properties are within **two hundred and fifty (250)** feet of the property for which the temporary use permit is sought; and
- (b) By publication in a newspaper of general circulation within the City.

**Section 4-16 TEMPORARY USE PERMIT DECISION BY ZONING BOARD OF APPEALS** Within a reasonable time after the hearing on the application for a temporary use permit, the Zoning Board of Appeals shall render its decision. Every applicant for a temporary use permit or interested party who appeared at the hearing may appeal the decision of the Zoning Board of Appeals to the City Council as hereinafter provided.

**Section 4-17 VARIANCE** A variance is a relaxation of the strict application of the lot size, setbacks, or other area-bulk requirements of this ordinance that are applicable to a particular lot or structure. Every request for a variance shall be treated in accordance with Illinois law (**65 ILCS 5/11-13-5, 65 ILCS 5/11-13-6, 65 ILCS 5/11-13-7, 65 ILCS 5/11-13-7a**) and the provisions of this Section. Variances do not apply to desired relief in land uses.

**Section 4-18 VARIANCE, APPLICATION FOR** Every applicant for a variance shall submit to the Zoning Administrator, on forms provided by the Zoning Administrator, the items of information listed below. The Zoning Administrator shall promptly transmit the completed application to the Zoning Board of Appeals together with any recommendations or comments the Zoning Board of Appeals may deem appropriate for their review and consideration.

- (a) Name and address of the applicant;
- (b) Location of the lot or structure for which the variance is sought;
- (c) Relationship of said lot or structure to adjacent lots or structures;
- (d) Specific Section(s) of this ordinance containing the regulations which, if strictly applied, would cause a serious problem; and
- (e) Other pertinent information that the Zoning Administrator may deem appropriate.

**Section 4-19 VARIANCE, PUBLIC HEARING AND NOTICE OF** The Zoning Board of Appeals shall hold a public hearing on each variance request within a reasonable time after the variance application is submitted to them. At the hearing any interested party (including any school or other taxing district in which the property in question is located) may appear and testify, either in person or by duly authorized agent or attorney. Notice of the hearing shall be given not more than **thirty (30)** nor less than **fifteen (15)** days before the hearing:

- (a) By first class mail to the applicant and to all parties whose properties are within **two hundred and fifty (250)** feet of the property for which the variance is sought; and
- (b) By publication in a newspaper of general circulation within the City.

**Section 4-20 VARIANCE NOTICE CONTENTS** The notice of a public hearing on a variance request shall include the following information:

- (a) Date, time and place of said hearing;
- (b) Name and address of the applicant;
- (c) the particular location of the real estate for which the variation is requested by street address, and, if no street address, then by locating such real estate with reference to any well-known landmark, road or intersection;
- (d) Whether or not the applicant is acting for himself or in the capacity of agent or representative of a principal, and stating the name and address of the true principal;
- (e) whether the applicant is a corporation, and if a corporation, the correct names and addresses of all officers and directors, and of all stockholders or shareholders owning any interest in excess of **twenty percent (20%)** of all outstanding stock of such corporation;
- (f) Whether the applicant or his principal, if other than the applicant, is a business or entity doing business under an assumed name, and if so, the name and address of all true owners of such business or entity;
- (g) Whether the applicant is a partnership, joint venture, syndicate or an unincorporated voluntary association, and, if so, the names and addresses of all partners, joint venturers, syndicate members or members of the unincorporated voluntary association; and
- (h) A brief statement describing the proposed variance

**Section 4-21 VARIANCE, ZONING BOARD OF APPEALS DECISION** Within a reasonable time after public hearing on the application for a variance, the Zoning Board of Appeals shall render its decision after considering the following factors:

- a) The proposed variance is consistent with the general purpose of this Ordinance;

- b) The proposed variance does not involve a use of land not permitted in the zone district;
- c) Strict application of the District requirements would result in great practical difficulties or hardship to the applicant, and prevent a reasonable return on the property;
- d) The proposed variance is the minimum deviation from such requirements that will alleviate the difficulties/hardship, and allow a reasonable return on the property;
- e) The plight of the applicant is due to circumstances not from his own making
- f) The circumstances engendering the variance request are peculiar and not applicable to other property within the District and, therefore, that a variance would be a more appropriate remedy than an amendment (re-zoning); and
- g) The variance, if granted, will not alter the essential character of the area where the premises in question are located nor materially frustrate implementation of the City's Comprehensive Plan.

**Section 4-22 APPEAL OF ZONING BOARD OF APPEALS' DECISION TO CITY COUNCIL**

Every applicant or interested party who appeared at any hearing held and conducted by the Zoning Board of Appeals may appeal the decision of the Zoning Board of Appeals to the City Council by filing a Notice of Appeal with the Zoning Administrator within thirty (30) days of the

4 date of the decision specifying with particularity of the grounds for appeal. Not more than five (5) working days after the Notice of Appeal has been filed, the Zoning Administrator shall transmit the Notice of Appeal to the Zoning Board of Appeals and the City Council together with all records pertinent to the case. The appeal hearing before the City Council shall be set by the Mayor for hearing at a regularly scheduled City Council meeting to be held not less than fifteen (15), nor more than forty-five (45) days from the date of the Notice of Appeal. Pending the decision of the City Council on any appeal, the Mayor may by written notice to the interested parties stay the effective date of the decision appealed from if the Mayor determines a stay is necessary or appropriate to achieve a fair and just outcome. Every interested party who appeared at the hearing before the Zoning Board of Appeals may appear before the Council and present arguments for affirming, reversing, or modifying the decision of the Zoning Board of Appeals, provided that no evidence which was not presented to the Zoning Board of Appeals shall be introduced. The City Council shall render a decision on the appeal within a reasonable time after the appeal hearing. The City Council may affirm or reverse and hold apart or may modify or amend the decision of the Zoning Board of Appeals to the extent and the manner that it deems appropriate. The decision of a majority of the City Council shall be final. Copies of the decision shall be mailed by first class mail to the applicant and to all parties who appeared at the appeals hearing before the City Council and requested copies of the decision. The decision of the City Council shall constitute a final decision of an administrative agency rendered in respect to the matter appealed.

**Section 4-23 FILING FEES** By resolution, the City Council has established and may periodically amend, a schedule of fees as indicated below for the various permits and procedures listed in this ordinance. Said fees are intended to defray the administrative costs connected with the processing/conducting of such permits or procedures; the fees do not constitute a tax or other revenue-raising device. All such fees are non-refundable and shall be paid by the applicant to the City Clerk. A current schedule of fees shall be maintained in the Zoning Administrator's office and on file with the City Clerk.

Initial/Final Certificate of Zoning Compliance Application	\$ 25.00
Sign Permit	\$ 75.00
Special Use Permit Application	\$150.00
Temporary Use Permit Application	\$150.00
Variance Application	\$150.00
Appeals	\$150.00
All first class lettes sent for Special Use, Temporary Use Appeal, Amendments or Variance requests	Postage + Ad + \$1.50 per letter

**Section 4-24 CORRECTIVE ACTION ORDER** Whenever the Zoning Administrator finds, by inspection or otherwise, that any lot, structure or use, or work thereon, is in violation of this ordinance, he shall so notify the responsible party and order appropriate corrective action. At the discretion of the Zoning Administrator, either informal or formal corrective action orders shall be issued. Informally, the Enforcement Officer may communicate the violation to the responsible party and, within the terms of this ordinance, negotiate appropriate corrective actions. Should informal attempts to achieve corrective actions prove unsuccessful, the Zoning Administrator shall formally issue a corrective action order in writing and shall have the Enforcement Officer deliver the order to the responsible party.

**Section 4-25 CORRECTIVE ACTION ORDER, CONTENTS OF** The written corrective action order shall negate any previously negotiated arrangements and shall include:

- (a) A description of the premises sufficient for identification;
- (b) A statement indicating the nature of the violation;
- (c) A statement of the remedial action necessary to effect compliance;
- (d) The date by which the violation must be corrected;
- (e) A statement that the alleged violator is entitled to a conference with the Zoning Administrator if desired;
- (f) The date by which an appeal of the corrective action order must be filed, and a statement of the procedure for filing; and
- (g) A statement that failure to obey a corrective action order shall result in revocation of the certificate of zoning compliance and may result in the imposition of fines and criminal prosecution.

**Section 4-26 CORRECTIVE ACTION ORDER, SERVICE OF** A corrective action order shall be deemed properly served upon the owner, occupant or operator of the offending lot, structure or use if it is:

- (a) Served upon the offender personally;
- (b) Sent by registered mail to the offender's last known address; or
- (c) Posted in a conspicuous place on or about the affected premises.

**Section 4-27 CORRECTIVE ACTION ORDER IN RELATION TO A STOP ORDER** Whenever any work is being done in violation of this ordinance, the Zoning Administrator, Zoning Commission, or the Enforcement Officer may state that the violation must cease immediately. In such case, the corrective action order is equivalent to a stop order.

**Section 4-28 APPEALS** Any person aggrieved by any zoning decision or order in any matter related to the interpretation or enforcement of any provision of this ordinance may appeal to the Zoning

Board of Appeals. Every such appeal shall be made and treated in accordance with **Illinois law 65 ILCS 5/11-12-13**, and the provisions of this Section.

**Section 4-29 APPEALS, FILING OF** Every appeal shall be made within **forty-five (45)** days of the matter complained of by filing with the Zoning Administrator, Zoning Board of Appeals and City Council a written notice specifying the grounds for appeal. Not more than **five (5)** working days after the notice of appeal has been filed, the Zoning Administrator shall transmit to the Zoning Board of Appeals all records pertinent to the case.

**Section 4-30 APPEALS, PUBLIC HEARING AND NOTICE OF** The Zoning Board of Appeals shall hold a public hearing on every appeal within a reasonable time after the filing of the appeal notice. At the hearing any interested party (including any school or other taxing district in which the property in question is located) may appear and testify, either in person or by duly authorized agent or attorney. Notice indicating the time, date and place of the hearing and briefly describing the issue to be decided shall be given not more than **thirty (30)** nor less than **fifteen (15)** calendar days before the hearing:

- (a) By first class mail to the petitioner and to all parties whose properties are within **two hundred and fifty (250)** feet of the premises to which the appeal pertains;
- (b) By publication in a newspaper of general circulation within the City.

**Section 4-31 APPEALS STAY OF FURTHER PROCEEDINGS** An appeal stays all further action on the matter being appealed unless there exists sufficient evidence that a stay would cause imminent peril to life or property. In such case, further action shall not be stayed unless the Zoning Board of Appeals or a circuit court grants a restraining order for due cause, and so notifies the Zoning Board of Appeals.

**Section 4-32 APPEALS, DECISION BY ZONING BOARD OF** The Zoning Board of Appeals shall render a decision on the appeal within a reasonable time after the hearing. The Zoning Board of Appeals may reverse or affirm, in whole or in part, or may modify or amend the decision or order appealed to the extent and in the manner that it's deem appropriate.

**Section 4-33 AMENDMENTS, GENERALLY** The Zoning Board of Appeals may amend this ordinance in accordance with state law (**65 ILCS 5/11-13-14**) and the provisions of this Section. Proposed alterations of district boundaries, proposed rezoning, proposed changes in the status of uses (permitted, special, temporary or prohibited) and proposed text changes shall be deemed proposed amendments. Amendments may be proposed by City Council, Zoning Commission, the Zoning Administrator or Board of Appeals or any party in interest.

**Section 4-34 AMENDMENTS, FILING OF** Every proposal to amend this ordinance shall be submitted to Zoning Board of Appeals on forms provided by the Zoning Administrator and shall include information the Zoning Board of Appeals considers necessary to allow the Zoning Board of Appeals and the City Council to make an informed decision. The applicant proposing an amendment shall also file a copy of this proposal with the City Clerk. The Zoning Board of Appeals shall promptly transmit copies of the proposal, together with any comments or recommendations it deems appropriate to the City Council.

**Section 4-35 AMENDMENT PROPOSAL, PUBLIC HEARING AND NOTICE OF** The Zoning Board of Appeals shall hold a public hearing on every amendment proposal within a reasonable time after said proposal has been submitted. At the hearing, any interested party (including any school or other taxing district in which the property in question is located) may appear and testify, either in person or

by duly authorized agent or attorney. Notice indicating the time, date and place of the public hearing and the nature of the proposed amendment shall be given not more than **thirty (30)** nor less than **fifteen (15)** calendar days before the hearing:

- (a) By first class mail to the applicant and to all parties whose properties are within **two hundred and fifty (250)** feet of the property that would be rezoned (in the case of rezoning); and
- (b) By publication in a newspaper of general circulation with in the City.

**Section 4-36 AMENDMENT PROPOSAL, ADVISORY REPORT OF** Within **thirty (30)** days after the public hearing, the Zoning Board of Appeals shall submit an advisory report to the City Council. Said advisory report shall include a recommendation regarding adoption of the proposed amendment, and the reasons therefore. If the proposed amendment involves a rezoning, the advisory report shall include findings of fact concerning each of the following matters:

- (a) Existing use(s) and zoning of the property in question;
- (b) Existing use(s) and zoning of other lots in the vicinity of the property in question;
- (c) Suitability of the property in question for uses already permitted under existing regulations;
- (d) Suitability of the property in question for the proposed use;
- (e) The trend of development in the vicinity of the property in question, including changes (if any) which have occurred since the property was initially zoned or last rezoned;
- (f) The effect the proposed rezoning would have on implementation of the City's Comprehensive Plan.

**Section 4-37 AMENDMENT PROPOSAL, ACTION ON** The City Council shall act on every proposed amendment at their next regularly scheduled meeting following submission of the Zoning Board of Appeals' advisory reports. Without further public hearing, the City Council may pass any proposed amendment or refer it back to the Zoning Board of Appeals for further consideration, by simple majority vote of all members then holding office. The favorable vote of at least **two-thirds (2/3)** of all the members of the Zoning Board of Appeals is required to pass an amendment to this ordinance when opposed in writing by the owners of **twenty (20%)** percent of the frontage immediately adjoining or across an alley there from, or by the owners of **twenty (20%)** percent of the frontage directly opposite the frontage proposed to be altered.

**Section 4-38 EMERGENCY MEASURES** Notwithstanding any other provisions of this ordinance, whenever the Zoning Administrator, Zoning Board of Appeals Chairperson, or the Enforcement Officer determines that any violation of this ordinance poses an imminent peril to life or property, he/she may institute, without notice or hearing, any necessary proceedings to alleviate the perilous condition.

**Section 4-39 COMPLAINTS** Whenever any violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint on forms provided by the Zoning Administrator. The Zoning Administrator shall record such complaints, promptly investigate, and, if necessary, institute appropriate corrective action.

**Section 4-40 PENALTIES**

- (1) Any person who is convicted of a violation of this ordinance shall be guilty of a Class B misdemeanor and shall be fined not less than **one-hundred (\$100)** nor more than **five hundred (\$500)** dollars, plus costs. Each day that a violation continues shall be considered a separate offense.



- (2) Nothing contained in this Section shall prevent the City from taking any other lawful action that may be necessary to secure compliance with this ordinance.

## ARTICLE 5

### ZONING DISTRICTS

**Section 5-1**    **GENERAL REGULATIONS**    In order to implement the regulatory scheme of this ordinance so as to achieve the objectives stated in **Section 1-1**, the entire City is hereby divided into the following zoning districts:

### **ZONE DISTRICTS**

<b>Name of District</b>	<b>Designation</b>	<b>Minimum Area</b>
Residential District	R-1	1 Acre
Residential District	R-2	1 Acre
Primary Business District	C-1	1 Acre
Highway Business District	C-2	1 Acre
General Industrial	G-1	1 Acre
Non-Urban	NU	3 Acres
Flood Plain Overlay	OFP	None

**Section 5-2**    **MINIMUM AREA OF DISTRICT**    The Minimum Area requirement in the above chart, which is intended to prevent spot zoning, establishes the smallest total area of contiguous parcels that can properly be given the particular district classification. The minimum area requirement is not satisfied merely because the areas of numerous non-contiguous parcels, when aggregated, happen to equal or exceed the minimum area indicated above.

**Section 5-3**    **ZONING MAP AND DISTRICT BOUNDARIES**    The boundaries of the listed zoning districts are hereby established as shown on the official zoning map of the City. This official map, including all notations and other information thereon, is hereby made a part of this ordinance by reference. The official zoning map shall be kept on file in the Zoning Administrator's office.

**Section 5-4**    **DETERMINING TERRITORY OF DISTRICTS**    In determining with precision what territory is actually included within any zoning district, the Zoning Commission shall apply the following rules:

- (a) Where a district boundary as indicated on the zoning map approximately follows any of the features listed below on the left, the corresponding feature on the right shall be deemed the district boundary:

Centerline of any street or alley	such centerline
Lot line	such lot line
Railroad tracks	right-of-way line of such tracks
Stream	center of such stream
Section, fractional, or survey lines	such lines

- (b) Whenever any street, alley, or other public right-of-way is legally vacated, the zoning districts adjoining each side of such vacated public way shall automatically extend to the center of such way, and all territory included in the vacated way shall thereafter be subject to all regulations of the extended districts.
- (c) The regulatory **one hundred 100** year flood elevation at any point in question shall determine where the floodplain overlay district boundary is located on the land.
- (d) Whenever territory is annexed into this City, the Zoning Commission shall determine its District classification at the time of annexation.

**Section 5-5 GENERAL PROHIBITION** Hereafter, it shall be unlawful to erect, use, occupy, enlarge, alter, relocate or reconstruct any structure or part thereof; create any lot; or use, occupy, or develop any lot or part thereof except in conformity with the provisions of this ordinance.

**Section 5-6 UNLISTED USES PROHIBITED** Any use not specifically listed as permitted or allowed by special use permit within a particular zoning district shall be deemed prohibited in that district until the Zoning Board of Appeals or Zoning Commission rezones the property in question or otherwise amends this ordinance in accordance with **Section 4-29**.

**Section 5-7 MEETING MINIMUM REQUIREMENTS** Except as specifically provided otherwise in this ordinance, every lot must independently meet the minimum area, minimum dimensions and minimum setback requirements of the district in which it is located (i.e. without counting any portion of an abutting lot).

**Section 5-8 ACCESS REQUIRED** No structure shall be erected on any lot unless such lot abuts or has permanent access to a public street or a private street that conforms to the standards set forth in the Pinckneyville, Illinois Subdivision Ordinance.

**Section 5-9 FRONT SETBACKS CORNER/THROUGH LOTS** Every lot with multiple frontages (e.g. corner or through lots) shall meet the front setback requirement of the district in which it is located on every side that abuts a street.

**Section 5-10 INTRUSIONS INTO YARD** To the extent indicated, the following features of principal buildings may intrude into required yards without thereby violating the minimum setback requirements:

Features	Maximum Intrusion
Cornices, chimneys, planters or similar architectural features	Two (2) feet.
Fire escapes	Four (4) feet
Patios	No limit
Porches, if unenclosed and at ground level	Six (6) feet.
Balconies	Four (4) feet
Canopies, roof overhangs	Four (4) feet

**Section 5-11 EXCEPTION TO HEIGHT LIMITS**

- (1) Necessary Appurtenances. Chimneys, church spires, parapet walls, cooling towers, elevator bulkheads, fire towers, antennas or other necessary appurtenances commonly constructed above the roof line shall be permitted to exceed the maximum height limitations of the district in which they are located provided they comply with all other pertinent regulations of the City, State and Federal government.
- (2) Intersections. On corner lots, in the triangular portion of land bounded by intersecting street lines and a line joining these street lines at points **thirty (30)** feet from the point of intersection, no obstruction, whether natural or man-made, shall intrude into the air space that is between **two (2)** feet and **ten (10)** feet above the level of the adjacent street.
- (3) Airport Hazard Areas. Notwithstanding any other provision of this ordinance, all structures erected within any airport hazard area, as defined by State law, shall conform to the location, height and identification requirements imposed by the Illinois Department of Transportation pursuant to "**An Act relating to Airport Zoning**" (15-1/2 ILCS 48.1-48.37) and "**An Act in Relation to Zoning to Eliminate Airport Hazards**" (620 ILCS 25/1-25/37).

**Section 5-12 SEWERS, SEPTIC TANKS** In all districts, property owners of all structures and places where people live, work or assemble shall provide for the sanitary disposal of all sewage in accordance with the following requirements:

- (a) Whenever the public sanitary sewer system is reasonably available (i.e. when the distance from the property in question to the nearest public sewer with available capacity does not exceed **three hundred (300)** feet for single family dwellings and **one thousand (1,000)** feet for commercial establishments or multi-family dwellings), all sewage shall be discharged into such system, whether or not a private sewer system is more convenient.
- (b) Whenever the public sewer system is not reasonably available, a private sewer system (whether central or individual) shall be installed and used. All private sewer systems shall be designed, constructed, operated and maintained in conformity with the following requirements:
  1. **Illinois Private Sewage Disposal Licensing Act (225 ILCS 225)** as amended from time to time;
  2. **Illinois Private Sewage Disposal Code No. 4.002**, promulgated by the Director of the Illinois Department of Public Health, as amended from time to time;
  3. Pertinent, current regulations issued by the Illinois Environmental Protection Agency; and
  4. Applicable City or local codes and ordinances, particularly the Pinckneyville, Illinois Subdivision Ordinance.
- (c) A building permit shall not be issued until a private sewage permit has been issued by the Perry County Health Department.

The Zoning Administrator shall not issue any initial certificates of zoning compliance unless, following consultation with technically qualified persons as necessary, he is satisfied that these requirements will be met. Furthermore, no final certificate shall be issued until all final qualifications are met.

**Section 5-13 ONE DWELLING PER LOT** Except as specifically provided otherwise herein, only one dwelling may be situated on any lot or lot of record. Thus, for example, it shall generally be unlawful to place a mobile home on any lot on which there is an existing dwelling.

**Section 5-14 ACCESSORY USES** Any accessory use (**See Definition in Article 2**) will be deemed permitted in a particular zoning district if such accessory use is:

- (a) accessory to a principal structure or use that is permitted in that zoning district or allowed by a special use permit that has been granted; and
- (b) In compliance with the restrictions set forth in **Section 5-15**.

### **Section 5-15 ACCESSORY USE RESTRICTIONS**

- (1) Height. No accessory use shall be higher than:
  - (a) **fifteen (15)** feet in any Residential District but may not be higher than the dwelling that is the principal structure to the accessory use.
  - (b) **twenty-five (25)** feet in the Primary Business, Highway Business and General Industrial Districts.
- (2) Setbacks. In the:
  - (a) Primary and Highway Business or General Industrial Districts, no accessory use shall encroach into any part of any yard (front, side, or rear) that is required by the minimum setback regulations of the particular district.
  - (b) Residential Districts, accessory uses are prohibited in any required front yard, but permitted in any side or rear yard provided such accessory uses are not closer than **five (5)** feet to any side or rear lot line (*the accessory use shall not exceed more than 30% of the available side/rear yard space or a ground floor coverage area in excess of 1200 sq. feet whichever amount is less.*)
- (3) Prohibited Storage Containers. No railroad or train car nor any truck body or shell shall be construed as a storage container unless:
  - (a) The proposed site is located in the General Industrial District; and
  - (b) A special-use permit has been granted in accordance with **Section 4-7**.
- (4) Intermodal Containers. Intermodal Containers may be located on a site within District C-1, District C-2, or District G-1 in compliance with all regulations for accessory use as set forth by this Ordinance.
- (5) Use as Dwelling. Use of any accessory structure as a dwelling is strictly prohibited in every zoning district.
- (6) Location On Lots Or Lots Of Record With Common Ownership. A special-use may be permitted on a lot of lot of record separate from the lot or lot of record on which the principal structure is located, provided that all lots or lots of record are contiguous and all such lots or lots of record have the same common ownership. Such accessory use may be permitted by special-use permit that has been granted in accordance with the terms of this ordinance. All accessory use shall terminate in the event the lots or lots of record which are improved with the accessory use are conveyed or separated from the common ownership with the lots or lots of record which are improved with the principal structure. Any such accessory use must be removed or terminated prior to any conveyance which terminates the common ownership or the lots or lots of record.

**Section 5-16 TEMPORARY USES** Except as specifically provided otherwise in this ordinance, no temporary structure and/or use shall be permitted without issuance of a temporary use permit.

**Section 5-17 ON-SITE ROOF MOUNTED SOLAR ENERGY COLLECTOR** An on-site roof mounted solar energy collector is a permitted use in all zoning districts provided the system complies with the following requirements:

- 1. The installation of any solar panel (on-site) shall not negatively impact adjacent properties with additional or excessive storm water runoff and/or drainage.

2. It shall be shown that all panels are adequately secured to the surface upon which they are mounted and that the mounting structure has the capability of supporting the panels.
3. All panels shall have tempered, non-reflective surfaces to minimize glare and avoid interference with the use and enjoyment of adjacent properties.
4. Solar energy equipment shall be repaired, replaced, or removed within three months of becoming nonfunctional.
5. Each system shall conform to applicable industry standards including those of the American National Standards Institute (ANSI).
6. Solar energy collectors shall be installed, maintained, and used only in accordance with the manufacturer's directions. Upon request, a copy of such directions shall be submitted to the building inspector prior to installation. Building inspector approval is required.
7. Solar energy collectors and installation and uses shall comply with construction code, electrical code, and other state requirements.
8. Solar energy collectors shall be such a weight to be safely supported by the building. Building inspector approval is required.
9. Solar energy collectors shall be considered a part of the building and meet all the required building height and setback requirements.
10. Solar energy collectors shall not project more than two (2) feet above highest point of roof or exceed maximum building height limitations allowed in that zoning district.
11. Solar energy collectors shall not be located within three (3) feet of any peak, eave, or valley to maintain adequate accessibility.

## **ARTICLE 6**

### **REGULATIONS FOR ZONING DISTRICTS**

**Section 6-1**     **R-1 RESIDENTIAL DISTRICT**     The R-1 Residential District is best suited for single-family, site-built dwellings and related educational, religious, and recreational facilities. Regulations relating to the R-1 Residential District are intended to respect the integrity of the neighborhoods, ensure the safety of its residents, maintain and enhance property values, and provide for the future growth of residential living in the community.

**Section 6-2**     **R-1 RESIDENTIAL DISTRICT PRINCIPAL BUILDINGS**     Individual lots in the R-1 Residential District shall not contain more than one (1) principal building, which shall be the "dwelling" which shall be consistent with other dwellings in the district, shall be taxed as real estate and which shall include a minimum 900 square feet based on exterior dimensions of the ground floor living space expressly excluding the area of any attached garage. It shall not be possible for any structure in R1 Residential District to pay mobile home privilege tax.

### **Section 6-3 R-1 RESIDENTIAL DISTRICT PERMITTED USES**

- Accessory buildings (garages, storage sheds, etc.)
- Libraries
- Modular homes
- Parks
- Public recreation buildings
- Roof mounted solar energy collector - on site system
- Single-family site-built dwellings
- Other uses not listed herein as determined by the Zoning Commission

### **Section 6-4 R-1 RESIDENTIAL DISTRICT SPECIAL USES**

- Accessory buildings
- Bed and breakfast inns
- Cemeteries
- Churches and religious institutions
- Day care facilities
- Ground Mounted Solar Energy Collector - On Site System
- Group homes
- Home occupations
- Insurance broker's and insurance agent's offices
- Multi-family dwellings
- Nursing homes
- Physician's offices
- Pre-school/Nursery School
- Schools
- Utility substations with screens
- Other uses not listed herein as determined by the Zoning Commission

**Section 6-5 R-1 RESIDENTIAL DISTRICT LOT SIZE** Lots within the R-1 Residential District shall be no smaller than **fifty (50)** feet by **one hundred (100)** feet. Multi-family dwelling units shall have a minimum of **three thousand (3,000)** square feet of lot area per unit within this district. Accessory buildings shall not cover more than **thirty percent (30%)** of the available rear yard area. **(Also See Section 6-46 Table)**

**Section 6-6 R-1 RESIDENTIAL DISTRICT HEIGHT AND SETBACK RESTRICTIONS** The ceiling of the highest occupied level, excluding attic and rafter space, of a building in this district shall not exceed **twenty-five (25)** feet above ground level. Front and rear setbacks shall be at least **twenty (20)** feet on lots smaller than **one hundred (100)** feet in width and **one hundred and fifty (150)** feet in depth. Side setbacks shall be at least **ten (10)** feet on lots smaller **one hundred (100)** feet in width and **one hundred and fifty (150)** feet depth. Front and rear setbacks shall be at least **thirty-five (35)** feet on lots larger than **one hundred (100)** feet in width and **one hundred and fifty (150)** feet in depth. Side setbacks shall be at least **fifteen (15)** feet on lots larger than **one hundred (100)** feet in width and **one hundred and fifty (150)** feet in depth. Accessory building setbacks shall be at least **five (5)** feet on any size lot. **(Also See Section 6-46 Table)**

**Section 6-7**     **R-1 RESIDENTIAL DISTRICT PARKING** All single-family dwelling uses in this district shall provide off-street parking for at least **two (2)** vehicles. All multi-family dwellings uses in this district shall provide off-street parking for at least **two (2)** vehicles per unit.

**Section 6-8**     **R-2 RESIDENTIAL DISTRICT** Due to past patterns of development and future expectations, the R-2 Residential District is best suited to single family dwelling including educational, religious, and recreational facilities. Regulations relating to the R-2 Districts are intended to respect the integrity of the neighborhoods, ensure the safety of its residents, maintain and enhance property values, and provide for the future growth of residential living in the community.

**Section 6-9**     **R-2 RESIDENTIAL DISTRICT PRINCIPAL BUILDINGS** Lots in the R-2 Residential Districts shall not contain more than one (1) principal building which shall be the dwelling which shall be consistent with other dwellings in the district, and which shall include a minimum 900 square feet of ground floor living space expressly excluding the area of any attached garage.

**Section 6-10**    **R-2 RESIDENTIAL DISTRICT PERMITTED USES**

- Accessory buildings (garages, storage sheds, etc.)
- Libraries
- Modular homes
- Multi-family dwellings
- Parks
- Public recreation buildings
- Roof mounted solar energy collector - on site system
- Single-family site-built dwellings
- Other uses not listed herein as determined by the Zoning Commission

**Section 6-11**    **R-2 RESIDENTIAL DISTRICT SPECIAL USES**

- Accessory buildings
- Bed and breakfasts
- Cemeteries
- Churches and religious institutions
- Day care facilities
- Ground Mounted Solar Energy Collector - On Site System
- Group homes
- Home occupations
- Mobile home parks
- Nursing homes
- Pre-School/Nursery School
- Schools
- Utility substations with screening
- Other uses not listed herein as determined by the Zoning Commission

**Section 6-12**    **R-2 RESIDENTIAL DISTRICT LOT SIZES** Lots located in the R-2 Residential District shall be no smaller than **fifty (50)** feet by **one hundred (100)** feet. Multi-family dwellings shall have a minimum of **three thousand (3,000)** square feet of lot area per unit. Accessory buildings shall not cover more than **thirty (30%)** percent of the available rear yard area. **(Also See Section 6-46 Table)**

**Section 6-13 R-2 RESIDENTIAL DISTRICT HEIGHT AND SETBACK RESTRICTIONS** The ceiling of the highest occupied level, excluding attic and rafter space, of a building in this district shall not exceed **twenty-five (25)** feet above ground level. Front and rear setbacks shall be at least **twenty (20)** feet on lots smaller than **one hundred (100)** feet in width and **one hundred and fifty (150)** feet in depth. Side setbacks shall be at least **ten (10)** feet on lots smaller **one hundred (100)** feet in width and **one hundred and fifty (150)** feet in depth. Front and rear setbacks shall be at least **thirty-five (35)** feet on lots larger than **one hundred (100)** feet in width and **one hundred and fifty (150)** feet depth. Side setbacks shall be at least **fifteen (15)** feet on lots larger than **one hundred (100)** feet in width and **one hundred and fifty (150)** feet in depth. Accessory building setbacks shall be at least **five (5)** feet on any size lot. **(Also See Section 6-46 Table)**

**Section 6-14 R-2 RESIDENTIAL DISTRICT PARKING** All single-family dwelling uses in this district shall provide off-street parking for at least **two (2)** vehicles. All multi-family dwelling uses in this district shall provide off-street parking for at least **two (2)** vehicles per unit.

**Section 6-15 C-1 PRIMARY BUSINESS DISTRICT** The Primary Business District exists to identify the central area of non-industrial commercial activity in the City, encourage development in this district, and accommodate the expansion of existing business, and meet the needs of customers.

**Section 6-16 C-1 PRIMARY BUSINESS DISTRICT BUILDINGS** Lots in the Primary Business District shall only contain buildings whose primary use is the conduct of permitted and approved conditional uses. Accessory buildings may only be used to support the commercial activities of the primary buildings. Primary business buildings shall only be permanent site-built structures. Temporary structures, including but not limited to office trailers, mobile homes and modular homes, shall not be permissible as permanent business structures. Construction trailers are permissible only for the temporary purpose of facilitating active, ongoing construction and as regulated by **Section 4-13**.

**Section 6-17 C-1 PRIMARY BUSINESS DISTRICT PERMITTED USES** Retail, wholesale, and professional and affiliated services including the following:

- Accounting offices
- Antique shops
- Appliance stores
- Art and craft galleries
- Auto and truck sales
- Bakeries
- Banks
- Barber shops
- Beauty shops
- Bookkeeping offices
- Bookstores
- Catering
- Clothing stores
- Construction companies (excluding storage of equipment)
- Dental offices
- Electronics sales & repair stores
- Exterminators
- Financial services



- Florist
- Footwear stores
- Funeral homes
- Furniture and interior decorations stores
- Groceries stores
- Government buildings (excluding schools)
- Hardware stores
- Insurance offices
- Janitorial supplies and services
- Jewelry stores
- Legal offices
- Lending institutions
- Libraries
- License & title offices
- Locksmiths
- Lumber companies
- Medical offices
- Music stores
- Newspapers offices
- Office supply stores
- Paint, wallpaper and glass stores
- Pawnbrokers
- Pets stores
- Pharmacies
- Photography studios
- Real estate offices
- Rental and leasing
- Rental housing accessory to primary business operation
- Restaurants
- Roof mounted solar energy collector - on site system
- Sporting goods store
- Taverns
- Tax preparation offices
- Theaters (excluding drive-ins)
- Toy stores
- Other uses not listed as determined by the Zoning Commission

**Section 6-18 C-1 PRIMARY BUSINESS DISTRICT SPECIAL USES**

- Clubs
- Ground Mounted Solar Energy Collector - On Site System
- Lodges
- Multi-family dwellings
- Warehousing not accessory to permitted business operations
- Other uses not listed herein as determined by the Zoning Board of Appeals

**Section 6-19 C-1 PRIMARY BUSINESS DISTRICT PARKING** Storefront businesses in the Primary Business District may utilize public parking on-street and in public parking lots. Loading and unloading, in as much as possible, shall be either off-street or in alleyways

**Section 6-20 C-1 PRIMARY BUSINESS DISTRICT CONVERSION OF USES** While it is the intent of this district to exist as the central district for commercial activity, there exists within this district residential structures being used for both dwellings as well as commercial uses. It shall be permissible to convert a residential structure in this district to a commercial use, but reconversion to a dwelling shall be by special permit only if the structure has retained its residential appearance, character, and infrastructure as determined by the Zoning Board of Appeals.

**Section 6-21 C-1 PRIMARY BUSINESS DISTRICT BUILDING HEIGHT** Buildings in the Primary Business District shall not be higher than that level which can be reached by the current equipment of the Pinckneyville Fire Department.

**Section 6-22 C-2 HIGHWAY BUSINESS DISTRICT** The Highway Business District exists to accommodate the unique nature of business growth in the designated areas. Creation of this district recognizes and encourages the evolution of commercial uses on property fronting and/or facing Routes 13/127 and 154 through the City.

**Section 6-23 C-2 HIGHWAY BUSINESS DISTRICT BUILDINGS** Lots in the Highway Business District shall only contain buildings whose primary use is the conduct of permitted and approved conditional uses. Accessory buildings may only be used to support the commercial activities of the primary buildings. Primary business buildings shall only be permanent site-built structures. Temporary structures, including but not limited to office trailers, mobile homes and modular homes, shall not be permissible as permanent business structures. Construction trailers are permissible only for the temporary purpose of facilitating active, ongoing construction and as regulated by **Section 4-13**.

**Section 6-24 C-2 HIGHWAY BUSINESS DISTRICT PERMITTED USES** Sales and services including the following:

- Amusement centers, indoor and outdoor
- Antique shops
- Appliance stores
- Art galleries
- Auto parking lots or structures
- Banks
- Barber shops
- Beauty shops
- Blueprinting services
- Bowling alleys
- Camera shops
- Catering
- Chamber of Commerce
- Clothing stores
- Clothes cleaning services
- Clubs
- Construction companies (excluding outside storage and equipment)
- Convenience stores

- Credit bureaus
- Currency exchanges
- Dairy product sales
- Employment agencies
- Exterminators
- Farm and garden supplies
- Fire stations
- Florists
- Funeral homes
- Government offices
- Grocery stores
- Hardware stores
- Hotels
- Inns
- Insurance agencies
- Interior decorators
- Janitorial services
- Jewelry sales and repair
- Labor unions and halls
- Lending institutions
- Libraries
- Locksmiths
- Lodges
- Motels
- Museums
- Music stores
- Newspaper offices
- Office supply stores
- Paint, wallpaper, and glass stores
- Pawnbrokers
- Pet shops
- Pharmacies
- Photography studios
- Police stations
- Photocopying services
- Printing services
- Radio stations
- Rental equipment stores
- Restaurants (including drive-through)
- Roof mounted solar energy collector - on site system
- Shoe stores
- Sporting goods stores
- Television stations
- Theaters (excluding drive-ins)
- Toy stores
- Travel agencies
- Title abstract offices

- Upholstery shops
- Utility company offices
- Veterinary clinics
- Other uses not listed as determined by the Zoning Commission

**Section 6-25 C-2 HIGHWAY BUSINESS DISTRICT SPECIAL USES**

- Drive-in theaters
- Ground Mounted Solar Energy Collector - On Site System
- Manufacturing
- Mobile home parks
- Moving and storage operations
- Multiple family dwellings
- Newspaper printing plants
- Single-family site-built dwelling subdivisions
- Taverns
- Truck terminals
- Video Gaming Establishments
- Warehouses
- Any conversion of uses as described in **Section 6-27**
- Other uses not listed herein as determined by the Zoning Commission

**Section 6-26 C-2 HIGHWAY BUSINESS DISTRICT PARKING** All parking within the Highway Business District shall be completely off-street and not obstructing pedestrian rights-of-way. Non-residential uses shall provide sufficient off-street parking to accommodate the needs of employees and customers. Accommodations for loading and unloading shall be made to conduct such operations off-street.

**Section 6-27 C-2 HIGHWAY BUSINESS DISTRICT CONVERSION OF USES**

- (a) Conversion of residential properties to commercial uses shall be permissible as a special use. A commercial use converted back to a dwelling shall be a special use provided the existing structure retains a residential appearance, character, and infrastructure as determined by the Zoning Board of Appeals.
- (b) In recognizing the potential for conflicting uses between property converted to commercial use and adjacent residential property, the party converting such property to commercial use shall be responsible for implementing steps to the satisfaction of the Zoning Board of Appeals that will reasonably protect neighboring dwellings from excessive noise, light, odors, and other factors.

**Section 6-28 C-2 HIGHWAY BUSINESS DISTRICT LOT SIZES** Commercial lots shall be of sufficient size to permit customer/employee access to public rights-of-way and loading/unloading operations to flow entirely within the boundaries of the property involved.

**Section 6-29 C-2 HIGHWAY BUSINESS DISTRICT SETBACKS AND BUILDING HEIGHTS** Residential uses in this district shall have **twenty (20)** foot front and rear setbacks, with **ten (10)** foot side setbacks. The ceiling of the highest occupied level, excluding attic and rafter space, of a dwelling in this district shall not exceed **twenty-five (25)** feet above ground level. Commercial uses shall have front setbacks equal to **ten percent (10%)** of the greater distance of the property's width or depth. The

air space above the front setback area shall not be breached by signage or overhanging structures. Commercial structures shall not exceed **thirty-five (35)** feet in height. **(Also See Section 6-46 Table)**

**Section 6-30A LOCATION OF VIDEO GAMING ESTABLISHMENTS.** The location of any Video Gaming Establishment first established after the adoption of this Ordinance shall comply with the requirements of the Illinois Video Gaming Act and all ordinances of the City of Pinckneyville, including Ordinance No. O-2017-03 as thereafter amended, and in addition Video Gaming Establishment uses shall not exceed more than one every 500 feet. The restrictions set forth in this Section 6-30A shall not apply to restrict the location of any existing Video Gaming Establishments and the City shall be authorized to issue or renew a license for a Video Gaming Establishment at any location previously in use for a Video Gaming Establishment or now in use for a Video Gaming Establishment as of the date of the adoption of this Ordinance unless otherwise restricted by the terms and conditions of any special use permit granted prior to the adoption of this Ordinance.

**Section 6-30 C-2 HIGHWAY BUSINESS DISTRICT MULTIPLE FAMILY DWELLINGS** Multiple family dwellings to be located by special use permit in the C-2 District must contain at least **twelve (12)** residential units at the time of original construction. Demonstration units shall not be considered residential units. Multiple family dwellings shall meet parking space requirements as defined in **Section 10-9.**

**Section 6-31 G-1 GENERAL INDUSTRIAL DISTRICT** The General Industrial Districts are intended to provide for the growth of manufacturing and wholesaling in the community, ensure compatibility with surrounding uses, offer direction for the extension of infrastructure into these districts, and safeguard the environmental standards of the area.

**Section 6-32 G-1 GENERAL INDUSTRIAL DISTRICT PRIMARY BUILDINGS** Buildings in this district shall be used only for the purpose of providing for the commercial and industrial operations inherent to this district.

**Section 6-33 G-1 GENERAL INDUSTRIAL DISTRICT PERMITTED USES**

- Assembly, manufacturing, or processing of any commodity from semi-finished materials provided explosives, flammable gases or liquids, or live animals are not involved
- Governmental uses excluding schools
- Research and development facilities not involving explosives, or flammable liquids or gases
- Service stations
- Roof mounted solar energy collector - on site system
- Transportation facilities
- Warehousing or wholesaling of goods except explosives, or flammable liquids or gases
- Other uses not listed as determined by the Zoning Board of Appeals

**Section 6-34 G-1 GENERAL INDUSTRIAL DISTRICT SPECIAL USES**

- Assembly, manufacturing, processing, warehousing, or wholesaling involving explosives, flammable liquids or gases, or live animals
- Ground Mounted Solar Energy Collector - On Site System
- Research and development facilities involving explosives, or flammable liquids or gases
- Other uses not listed herein as determined by the Zoning Board of Appeals

**Section 6-35 G-1 GENERAL INDUSTRIAL DISTRICT NUISANCE RESTRICTIONS** No production, processing, cleaning, servicing, testing, repairing, sale, or storage of goods or equipment shall unreasonably interfere with the use, occupancy, or enjoyment of neighboring properties or the community as a whole. Unreasonable interferences include, but are not limited to, excessive traffic congestion, loud or shrill noises, excessive glare, excessive smoke emissions, emissions of toxic gases or liquids, and noxious odors. All activities principal to the General Industrial Districts shall be conducted entirely within enclosed buildings.

**Section 6-36 G-1 GENERAL INDUSTRIAL DISTRICT HEIGHT, SETBACK, AND LOT SIZE RESTRICTIONS** Buildings located in the General Industrial Districts shall be no higher than **thirty-five (35)** feet. Buildings in the General Industrial District shall be setback at least **twenty-five (25)** feet from the front, rear, and side lot lines. Lots in the General Industrial Districts shall be at least **one hundred twenty-five (125)** feet in width and **one hundred fifty (150)** feet in depth. **(Also See Section 6-46 Table)**

**Section 6-37 NU NON-URBAN DISTRICT** The Non-Urban District exists to provide for the potential growth of the City into sparsely populated, primarily agricultural areas.

**Section 6-38 NU NON-URBAN DISTRICT PRIMARY BUILDINGS** Residential lots in the Non-Urban District shall not contain more than **one (1)** principal building which shall be the dwelling which shall include a minimum 900 square feet of ground floor living space expressly excluding the area of any attached garage.

**Section 6-39 NU NON-URBAN DISTRICT PERMITTED USES**

- Accessory uses to the primary permitted use
- Agriculture
- Cemeteries
- Governmental uses
- Modular home
- Nurseries and greenhouses
- Parks and playgrounds
- Radio stations and towers
- Roof mounted solar energy collector - on site system
- Schools
- Single-family site-built dwellings
- Single-family site-built dwelling subdivisions
- Television stations and towers
- Other uses not listed as determined by the Zoning Commission

**Section 6-40 NU NON-URBAN DISTRICT SPECIAL USES**

- Agricultural implement, seed, and fertilizer sales
- Amusement facilities
- Churches
- Clubs
- Commercial kennels
- Golf courses
- Ground Mounted Solar Energy Collector - On Site System

- Group homes
- Home occupations
- Hospitals
- Industrial uses
- Landfill and waste disposal and transfer stations
- Mobile home parks
- Metal-working shops and foundries
- Mineral extractive operations
- Nursing homes
- Planned unit developments, including subdivisions
- Sanitariums
- Veterinary practices
- Other uses not listed herein as determined by the Zoning Commission

**Section 6-41 NU NON-URBAN DISTRICT LOT SIZES** Residential lot sizes in the Non-Urban District shall be at least **one hundred (100)** feet in width by **one hundred (100)** feet in depth. **(Also See Section 6-46 Table)**

**Section 6-42 NU NON-URBAN DISTRICT HEIGHT RESTRICTIONS** The ceiling of the highest occupied level, excluding attic and rafter space, of a dwelling in this district shall not exceed **twenty-five (25)** feet above ground level. Commercial structures in the Non-Urban District shall be no higher than **thirty-five (35)** feet. Front and rear setbacks shall be at least **twenty (20)** feet. Side setbacks shall be at least **ten (10)** feet. Accessory buildings shall be set back at least **five (5)** feet. **(Also See Section 6-46 Table)**

**Section 6-43 NU NON-URBAN ANIMAL KEEPING** Animal-keeping pre-existing rezoning of adjacent land shall be permitted to continue unimpeded.

**Section 6-44 OFP FLOOD PLAIN OVERLAY DISTRICT** The Flood Plain Overlay District delineates areas of the City as identified by the **National Flood Insurance Program (NFIP)** Maps for Pinckneyville, Illinois prepared by the **Federal Emergency Management Agency (FEMA)** that, in the absence of adequate flood protection measures, are subject to periodic flooding which may result in injury to or loss of life and property, disruption of private and governmental services, impairment of the tax base, and the need for extraordinary relief measures. The purpose of this district is to alert the property owners and residents to the potential flood hazards associated with the land included in this district. Although it is not a requirement of this ordinance, owners of property located in this district are encouraged to limit development of this land to:

- (1) Uses which inherently have low flood damage potential and
- (2) Other uses allowed in the primary districts (those districts overlain by the OFP District), provided adequate protective measures have been taken.

**Section 6-45 PLANNED UNIT DEVELOPMENT DISTRICT** The Planned Unit Development District (PUD) may be developed under the provisions set forth in **Article 11** of this ordinance.

**Section 6-46 TABLE OF LOT SIZE, SETBACK & HEIGHT RESTRICTIONS BY DISTRICT**

RESTRICTIONS	R-1 & R-2 Residential	R-1 & R-2 Residential	C-1 Primary	C-2 Highway	G-1 General	NU Non-Urban	OFP Flood Plain
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	District	District	Business District	Business District	Industrial District	District	Overlay District
(a) Minimum District Area	1 acre	1 acre	1 acre	1 acre	1 acre	3 acres	None
(b) Minimum Lot Area	5,000 sq. ft.	15,000 sq. ft.	-	Per Section 6-28	18,750 sq. ft.	10,000 sq. ft.***	-
(c) Minimum Lot Width	50 ft.	100 ft.	-	Per Section 6-28	125 ft.	100 ft.	-
(d) Minimum Lot Depth	100 ft.	150 ft.	-	Per Section 6-28	150 ft.	100 ft.	-
(e) Minimum Setback from Front Lot Line	20 ft.*	35 ft.**	-	Per Section 6-29	25 ft.	20 ft.	-
(f) Minimum Setback from Side Lot Line	10 ft.*	15 ft.**	-	-	25 ft.	10 ft.	-
(g) Minimum Setback from Rear Lot Line	20 ft.*	35 ft.**	-	-	25 ft.	20 ft.	-
(h) Maximum Structure Height	25 ft.	25 ft.	Per Section 6-21	35 ft.	35 ft.	35 ft.	-

\*Lots smaller than 100 ft. wide by 150 ft deep

\*\*Lots larger than 100 ft. wide by 150 ft. deep

\*\*\*Residential lots only

## ARTICLE 7

### SPECIAL USE REGULATIONS

**Section 7-1 GENERAL** This Article establishes lot and structure requirements. This includes design standards and use limitations for specific, potentially troublesome structures and uses. These regulations apply in every zoning district where the specific structure or use is permitted; but, if more stringent regulations are applicable in any particular district, such regulations shall prevail. It is the intent of this Article to provide peace, quiet, and domestic tranquility, and maintain the character of all residential neighborhoods within the City. It is further the intent of this Article to guarantee all residents freedom from excessive noise, traffic, nuisances, fire hazards, and other possible effects of commercial uses being conducted in residential areas. Therefore, the purpose of this Article is to define those conditions under which commercial uses commencing after adoption of this ordinance shall operate.

**Section 7-2 HOME OCCUPATIONS** No home occupation shall be established or conducted except in conformity with the following regulations unless stated otherwise in this ordinance:



- (a) Unrelated Employees. A home occupation shall employ not more than **one (1)** individual who is unrelated to the family residing on the premises.
- (b) Floor Space. In Residential Districts, the total area used for a home occupation shall not exceed **twenty-five (25%)** percent of the gross floor area of the dwelling, or **three hundred (300)** square feet, whichever is less.
- (c) Neighborhood Interference. The home occupation shall not interfere with the reasonable use and enjoyment of neighboring residential properties and shall be located or conducted so that the average neighbor, under normal circumstances, would not be aware of its existence.
- (d) Dwelling Alterations. A dwelling shall not be altered to accommodate a home occupation in such a way as to materially change the residential character of the building.
- (e) Outdoor Storage. Outdoor storage of equipment or materials used in connection with a home occupation is prohibited in Residential Districts; however, limited use of an enclosed accessory structure is permissible for such storage needs.
- (f) Nuisances. A home occupation shall not generate any offensive noise, vibration, smoke, dust, odors, heat, glare or electrical interference noticeable at or beyond the boundary lines of the lot.
- (g) Parking. Every home occupation shall provide **two (2)** off-street parking spaces in addition to the usual requirements for the dwelling if any need for parking is generated by the conduct of the home occupation. Said parking spaces shall be located on the same lot as the dwelling.
- (h) Traffic. No traffic shall be generated by such home occupation in volumes that would infringe upon the safety and welfare of the residential neighborhood.
- (i) Delivery. There shall be no commodity sold or services rendered that require delivery or shipment of merchandise, goods, or equipment by motor vehicles exceeding **twelve thousand (12,000)** pounds gross vehicle weight.
- (j) Sign. A home occupation may display only **one (1)** identification/advertising sign attached to the home or accessory building. The area of said sign shall not exceed **six (6)** square feet and shall not be illuminated.
- (k) Hours of Operation. In no case shall a home occupation be open to the public at times earlier than **6:00 a.m.** nor later than **6:00 p.m.**
- (l) Accessory Structures. Garages or carports, whether attached or detached, shall not be used for home occupations other than for the storage of automobiles.
- (m) Required Notice. Any person wishing to begin operation of a home occupation shall be required to register such intent in advance of the initiation of business with the Zoning Administrator and agree in writing to the terms and conditions of paragraphs (a) through (l) of this Section. Such agreement shall constitute the acceptance of these terms and permission of the City to initiate business operations. Failure to comply with these terms shall result in violation of this Article and may result in withdrawal of approval of the operation of the home occupation.
- (n) Businesses Operating in Residential Areas at the Time of Adoption. Nonconforming businesses operating in residential areas at the time of adoption of this ordinance may, within **one hundred eighty (180)** days after adoption, voluntarily register with the Zoning Administrator in order to ensure nonconforming status. Such registration will be at no charge, and will only be used to identify businesses for the purpose of applicability to nonconformance exemptions described in **Article 9.**

## Section 7-3 BED & BREAKFAST

- (1) Bed & Breakfast shall mean an owner-occupied dwelling providing accommodations for a charge to the public with no more than **five (5)** guest rooms for rent. Such establishments shall be in operation for more than **ten (10)** nights in a **twelve (12)** month period. Bed & breakfast establishments shall not include motels, hotels, and boarding houses. Guest room shall mean a sleeping room intended to serve no more than **two (2)** transient guests per night.
- (2) Bed & Breakfast establishments shall be a permitted use in the Highway Business District and Non-Urban District and shall require a special use permit in all Residential Districts.

#### **Section 7-4 SALVAGE/JUNK YARDS**

- (1) No part of any salvage/junk yard shall be located closer than **five hundred (500)** feet to the boundary of any Residential District.
- (2) All vehicles, parts and equipment shall be stored within a completely fenced enclosure in a manner that does not pose a hazard to the safety, health, and environment of the surrounding residents and/or properties.
- (3) Fence is to be 8 feet in height from the ground and completely screen the contents of the salvage/junk yard.

**Section 7-5 KENNELS** No kennels shall be permitted within the corporate limits of this City.

**Section 7-6 RECREATIONAL VEHICLES** No recreational vehicles, including self-contained units, travel trailers, or boats of any kind, shall be used for residential, commercial, or storage activities.

**Section 7-7 SANITARY LANDFILLS** No sanitary landfills shall be permitted within the corporate limits of this City.

**Section 7-8 POLE BARN STRUCTURES** Pole barn structures shall only be used as accessory, agricultural, or commercial buildings. Pole barn structures shall not be permitted as dwellings.

**Section 7-9 SCREENING** Any screening must conform to the front yard (any yard that abuts a street) setback requirements of the district in which it is located, unless it is of a height and/or type that does not obstruct or physically interfere with the effectiveness of an official traffic sign, signal or device, or obstruct or physically interfere with a motor vehicle operator's view of approaching, merging or intersecting traffic.

#### **Section 7-10 FENCES**

- (a) No fences, walls, etc. shall be erected within any public right-of-way or on City property.
- (b) Fences constructed in the rear and side yards shall not exceed **eight (8)** feet in height from the ground. .
- (c) No barbed wire or electrically charged fences shall be erected or maintained anywhere in this City, except for government owned property and properties zoned as C-1, C-2, G-1, and NU that require additional security.
- (d) The City is not responsible for determining the location of the property line. The duty shall be incumbent upon the property owner.
- (e) No fence, wall or other obstruction shall be erected in any front yard with the exception of landscape fences specifically approved by the Zoning administrator.
- (f) An applicant for a Zoning Certificate for construction of any fence shall include on the application a statement that (1) the proposed fence will be constructed on the owner's

property, and (2) that the owner has determined the property boundaries by survey, or existing survey pins or monuments or that the boundaries have been determined by written agreement with the adjoining property owner.

- (g) No fence, wall or other obstruction which completely encloses a lot or any part thereof shall be erected without providing for a gate or similar type of movable barrier to allow access to the enclosed area.

### **Section 7-11 SWIMMING POOLS**

- (a) Both in-ground and above ground swimming pools are permitted.
- (b) The setbacks for swimming pools shall be at least five (5) feet.
- (c) A zoning certificate shall be required for an in-ground swimming pool.
- (d) No private swimming pool shall be located in any front yard.
- (e) Every swimming pool that is capable of holding more than twenty-four (24) inches of water shall be enclosed by a wall or fence at least four (4) feet in height. The passage through such wall or fence shall be equipped with a locking gate. However, an above ground pool with sidewalls extending at least forty-eight (48) inches above finished elevation does not require fencing provided that access to the pool is removed or a lockable gate installed when the pool is unattended.

### **Section 7-12 GROUND MOUNTED SOLAR ENERGY COLLECTOR - ON-SITE SYSTEM**

Ground mounted solar energy collector on-site are permitted as a special use with the following requirements in addition to any other condition imposed for the special use permit.

1. The installation of any solar panel shall not negatively impact adjacent properties with additional or excessive storm water runoff and/or drainage.
2. It shall be shown that all panels are adequately secured to the surface upon which they are mounted and that the mounting structure has the capability of supporting the panels.
3. All panels shall have tempered, non-reflective surfaces to minimize glare and avoid interference with the use and enjoyment of adjacent properties.
4. Solar energy equipment shall be repaired, replaced, or removed within three months of becoming nonfunctional.
5. Each system shall conform to applicable industry standards including those of the American National Standards Institute (ANSI).
6. Solar energy collectors shall be installed, maintained, and used only in accordance with the manufacturer's directions. Upon request, a copy of such directions shall be submitted to the zoning administrator prior to installation. Building inspector approval is required.
7. Solar energy collectors and installation and uses shall comply with construction code, electrical code, and other state requirements.
8. Ground-mounted solar energy systems are only permitted in the side and rear yards, unless permitted in front yard by issuance of a discretionary special use permit pursuant to this Ordinance.
9. Ground-mounted solar energy systems may not extend into the side-yard or rear setback when oriented at any designed tilt angle.

10. Ground-mounted solar energy collectors shall not exceed 12 feet in height measured from the ground at the base of such equipment. The height of the ground-mounted solar energy collector shall be measured from ground level to the highest point of the solar panel.

11. There shall be a minimum of 25 feet from all-natural features including water courses, wood lots, wetlands, and 100-year flood plains.

12. The total area of ground-mounted solar energy collection shall be included in calculations to determine lot coverage and shall not exceed the maximum lot coverage allowed for accessory use.

## **ARTICLE 8**

### **MANUFACTURED HOUSING**

**Section 8-1**    **CLASS A: MODULAR HOUSING**    A building assembly or system of subassemblies designed for habitation as a dwelling unit, including the necessary electrical, plumbing, heating, ventilation, and other service systems, made or assembled by a manufacturer on or off the building site for installation and/or assembly on the site, and satisfying the following criteria:

- (1) Affixed to a permanent, full-perimeter load bearing foundation (façade is not acceptable) as defined in **Chapter 3, Figure R-303 of the 1986 Edition with 1987 and 1988 Amendments to the One and Two Family Dwelling Code**. The building must be set on load bearing perimeter foundation with pillars supporting the joining walls.

- (2) Approved and certified by the Illinois Department of Public Health (**See Illinois Manufactured Housing Code**).
- (3) Having a minimum width of **twenty-four (24)** feet.
- (4) Having a roof pitch of **one (1) in four (4)**.

Modular Housing as defined herein is permitted in any Residential District. No distinction is made between this form of housing and site-built housing and for zoning purposes, shall bear equal status with site-built homes.

**Section 8-2 CLASS B: MOBILE HOMES** Factory built housing registered with a motor vehicle title number, transportable in one (1) or more sections to the site, built on a permanent chassis, and designed to be used as a dwelling unit when connected to the required utilities, and having the plumbing, heating and air-conditioning, and electrical systems contained therein, and in compliance with the National Manufactured Home Construction and Safety Standards Act of 1974 (HUD Code). Mobile Homes will adhere to the following additional requirements for placement within any mobile home park within the Non-Urban District.

- (a) All units shall be used only as dwellings.
- (b) Each unit will be placed on a lot no small than fifty (50) feet by one hundred (100) feet.
- (c) Each unit must have off-street parking for at least two (2) vehicles.
- (d) Each unit must be securely immobilized, placed on stand, piers, or runners of sufficient strength and numbers to safely secure the unit, and anchored in accordance with the Illinois Mobile Home Tie-Down Act of 1980.
- (e) Each unit must be skirted with fire-resistant skirts or acceptable manufactured skirting kits. The skirting shall be equipped with an inspection door of at least twenty-four (24) inches in width allowing access to the underside of the unit.
- (f) No unit may be placed on a lot already occupied by another primary dwelling, regardless of whether that dwelling is occupied or not

**Section 8-3 CLASS C: FACTORY-BUILT HOUSING.** All manufactured housing not meeting the above criteria. Class C factory built housing shall not be permitted for use as a dwelling unit in any residential district. Existing Class C factory built housing shall be considered nonconforming structures in any district. Existing occupied Class C factory building housing may not be occupied if it does not offer a decent, safe, sanitary living environment.

**Section 8-4 REPLACEMENT OF NONCONFORMING UNITS** Upon enactment of this ordinance, nonconforming mobile homes may not be replaced with another mobile home regardless of an event of catastrophic, unforeseeable destruction resulting from calamities such as, but not limited to wind, flood, accidental fire, or earthquake. (**Ord. 0-99-1, passed 02-16-99, Am. Ord. 0-99-3, passed 02-16-99**)

**Section 8-5 MAUFACTURED HOME PARK** After the effective date of this ordinance, no mobile home park shall be established except in conformity with the requirements below:

- (a) Every mobile home park shall, at a minimum, conform to the requirements of:
  - (1) **“An Act to Provide for, License and Regulate Mobile Homes and Mobile Home Parks” (210 ILCS 115)**, and as amended; and
  - (2) **“Rules and Regulations for Mobile Home Parks,”** Illinois Department of Public Health, and as amended.
- (b) Every mobile home park shall conform to the following requirements:

- (1) Minimum Lot Area: No mobile home park shall be located on a tract less than **two (2)** acres in area.
- (2) Minimum Dimensions: No mobile home park shall be developed on a tract less than **two hundred fifty (250)** feet in both width and depth.
- (3) Minimum Setbacks: No part of a mobile home or other structure in any mobile home park shall be situated closer than **twenty-five (25)** feet to any lot line of the park.
- (4) Maximum Height: No structure in any mobile home park shall be more than **thirty-five (35)** feet in height.

**Section 8-6**     **MANUFACTURED HOME SUBDIVISION** After the effective date of this Ordinance, no manufactured home subdivision shall be established except as a parcel of land divided, configured, and improved for the purpose of selling lots specifically for the placement of Class B manufactured homes at a density of not more than **eight (8)** units per gross acre and composing a total of not more than **two (2)** acres in total.

## **ARTICLE 9**

### **NON-CONFORMITIES**

**Section 9-1**     **PURPOSE OF ARTICLE** The requirements imposed by this ordinance are designed to guide the use of land by encouraging the development of structures and uses that are compatible with the predominant character of each of the various districts. Lots, structures and uses of land or structures that do not conform to the requirements of the district in which they are located impede appropriate development. For example, non-conformities are frequently responsible for truck traffic on residential streets, the overtaxing of parking facilities, the creation of nuisances, and/or the lowering of property values. The regulations of this Article are intended to alleviate such existing or potential problems by encouraging the gradual elimination of non-conformities. However, it is the intent of this Article to permit these nonconformities to continue for the duration of their natural life and not to encourage their demise.

**Section 9-2**     **TWO OR MORE LOTS IN COMMON OWNERSHIP** If two or more lots or combinations of lots and portions of lots with continuous frontage were of record and in common ownership on the effective date of this ordinance, and if one or more of those lots does not meet the minimum lot width, depth and area requirements of the district in which it is located, the land involved shall be considered an individual parcel. No portion of any such parcel shall be developed except in compliance with this ordinance, nor shall any such parcel be divided so as to create a lot that does not meet the requirements of this ordinance.

**Section 9-3**     **NON-CONFORMING LOTS** Any vacant lot that does not conform to one or more of the lot size requirements of the district in which it is located may be developed for any use permitted in that district, provided such vacant lot:

- (a) Was recorded in the Perry County Recorder's office prior to the effective date of this ordinance (or any pertinent amendment thereto); and
- (b) Is at least **forty-five (45)** feet wide; and

- (c) That no health hazards will be created by such use.

**Section 9-4 NON-CONFORMING STRUCTURES** Any otherwise lawful structure which exists on the effective date of this ordinance but which could not be erected under the terms of this ordinance because of requirements/restrictions on lot size, height, setbacks or other characteristics of the structure or its location on the lot, may lawfully remain, subject to the following provisions:

- (a) Enlargement, Alterations. No such structure shall be enlarged or altered in any way which increases its nonconformity.
- (b) Relocation. No such structure shall be relocated unless, after relocation, it will conform to all the regulations of the district in which it is located.
- (c) Reconstruction. A non-conforming structure which is destroyed or damaged by any means may be reconstructed as long as the structure is built on the exact same footprint as the previous non-conforming structure, occupies the exact same square footage as the previous non-conforming structure, and has no enlargements or alterations that increase the non-conformity.

**Section 9-5 NON-CONFORMING USES** Any otherwise lawful use existing on the effective date of this ordinance which would not be allowed under the terms of this ordinance may lawfully continue, subject to the following provisions. Dwelling units are not subject to these provisions, and may lawfully remain.

- (a) Maintenance. Any structure housing a nonconforming use may be maintained through ordinary repairs.
- (b) Expansion of Use. No nonconforming use shall be expanded so as to occupy a larger portion of the structure or lot than was occupied on the effective date of this ordinance.
- (c) Change of Use. A nonconforming use shall not be changed except to a use permitted under the applicable district regulations.
- (d) Relocation. No nonconforming use shall be moved, in whole or in part, unless such use, upon relocation, will conform to all pertinent regulations of the district in which it is proposed to be located.
- (e) Abandonment.
  - (1) Nonconformities shall not thereafter be used except in conformity with the regulations of the district in which it is located when, as declared by the Zoning Board of Appeals, the nonconforming use is abandoned for at least **forty-five (45)** days. Nonconformities shall be declared “abandoned” when the Zoning Board of Appeals determines that there exists substantive evidence that the nonconforming user permanently intends to discontinue the nonconformance. Such evidence may include, but not be limited to, oral and/or written statements by the nonconforming user avowing such intent, or permanent departure of the nonconforming user from the location of the nonconformity without evidence intent to sell, lease, or transfer deed.
  - (2) The Zoning Administrator shall notify the Zoning Board of Appeals of the declaration of abandonment and present evidence support that declaration. The Zoning Board of Appeals shall either affirm or nullify the declaration based on the evidence presented. If the declaration is affirmed, the date of declaration will remain that originally entered by the Zoning Administrator.
- (f) Sale Or Transfer of Use. A nonconforming use shall not be prohibited with the sale or transfer of deeds if the nonconforming use is sustained.

**Section 9-6** **NON-CONFORMITIES UNDER PERMIT AUTHORITY** The regulations of this Article shall not affect the terms of any permit issued prior to the effective date of this ordinance or any pertinent amendment thereto, provided that the work authorized by such permit is completed within one calendar year of adoption.

**Section 9-7** **NON-CONFORMITIES, LIMITATIONS OF**

- (a) In exception to the permitted activities above, and for purposes of public safety, nonconforming mobile homes shall not be permitted to enlarge or expand unless such structures can be made to comply with the current relevant regulations contained in the HUD Code.

**Section 9-8** **NON-CONFORMING USE, SPECIAL USE SHALL NOT BE** Any use which is designated as a special use in a district under the terms of this Zoning Ordinance shall, upon adoption or subsequent change or revision of this Zoning Ordinance, be considered permitted and shall not be considered as a nonconforming use.

## **ARTICLE 10**

### **OFF-STREET PARKING**

**Section 10-1** **GENERALLY** Off-street parking shall be provided in accordance with this Article for all structures and uses erected or established after the effective date of this ordinance.

**Section 10-2** **OFF-STREET PARKING IN EXISTENCE**

- (1) Existing off-street parking located on the same lot as the use served shall not be reduced or if already less than the standards of this ordinance, shall not be further reduced.
- (2) When an existing structure or use is damaged or destroyed and subsequently repaired or rebuilt, off-street parking equivalent to any maintained at the time of such damage or destruction shall be restored, but additional off-street parking need not be provided unless **Section 10-2 (3) or (4)** applies.
- (3) Whenever the use of any structure or premises is intensified through addition of dwelling units, increased floor area, greater seating capacity, etc., additional off-street parking commensurate with such increases in use and/or intensity shall be provided.
- (4) Whenever the existing use of a structure or premises is changed to a different use, off-street parking shall be provided as required herein for such new use.

**Section 10-3** **OFF-STREET PARKING, LOCATION OF** All off-street parking shall be located in conformity with the following requirements:

- (a) For Dwellings. Parking spaces accessory to dwellings shall be located on the same lot as the dwelling. Such parking spaces shall not be located in any front yard except in the driveway, but may be located in the side or rear yards so long as access for emergency vehicles remains unobstructed. Each parking space accessory to a multiple-family dwelling shall be unobstructed so that no vehicle need be moved to allow another vehicle to enter/exit the parking area.



(b) For Business/Industrial Uses.

- (1) Every off-street parking space accessory to any business or industrial use shall be located within **six hundred (600)** feet of the use served; provided, that no portion of any parking lot for non-residential uses shall extend into any Residential District except by written permission of the Zoning Commission.
- (2) In the Business or Industrial District, off-street parking facilities for different structures or uses may be provided collectively, but only if the total number of spaces so located together is not less than the sum of the separate requirements for each structure or use and only if all other pertinent regulations are observed.

**Section 10-4 OFF-STREET PARKING SPACE, SIZE OF** Each off-street parking space shall be at least **twenty (20)** feet long and **ten (10)** feet wide within an off-street parking area or garage, used for the storage of **one (1)** or more passenger motor vehicles.

**Section 10-5 OFF-STREET PARKING, COMPUTATION OF REQUIRED SPACES FOR** In computing the number of parking spaces required by this ordinance, the Zoning Administrator shall apply the following rules:

- (a) In computing parking space requirements based on the number of employees, the maximum number of employees on the premises at any period of the day shall be used. "Employee parking" means "one parking space shall be required per **one (1)** and **one-half (1.5)** employees" unless otherwise stated.
- (b) In computing parking space requirements on the basis of building floor area, the gross floor area shall be used.
- (c) Whenever it is necessary to translate gross parking lot area into number of parking spaces, **four hundred (400)** square feet of gross area shall be deemed one parking space.
- (d) If computation of the number of parking spaces required by this ordinance results in a fractional space, any fraction of **one-half (.5)** or more shall be counted as **one (1)** space.
- (e) No space or portion thereof needed to satisfy the minimum applicable requirement for number of off-street parking spaces shall be counted as part of the off-street parking spaces required for another structure or use.

**Section 10-6 OFF-STREET PARKING LOT DESIGN STANDARDS** All off-street parking lots shall conform to the current edition of **Architectural Graphic Standard**. The Zoning Administrator shall maintain an office copy of the current edition for use by the public within the office.

- (a) Each space shall be at least **ten (10)** feet wide by **twenty (20)** feet long, with at least **seven (7)** feet of overhead clearance. Markings shall be laid as often as necessary to clearly delineate each parking space.
- (b) Aisles within parking lots shall be at least **twenty-two (22)** feet wide for two-way traffic with **ninety (90)** degree parking. Aisles within parking lots with at least **sixty (60)** degree parking with one-way passage shall be at least **eighteen (18)** feet wide.

**Section 10-7 OFF-STREET PARKING LOTS, SURFACING OF** Parking lots shall be graded and improved with crushed rock at least **eight (8)** inches thick and treated with a dust palliative approved by the administrator upon consultation with the City Engineer.

**Section 10-8 OFF-STREET LOADING FACILITIES, DESIGN AND LOCATION OF** Where provided, all off-street loading facilities shall conform to the minimum standards indicated below:

- (a) Size of Space. Every off-street loading space shall be at least **twelve (12)** feet wide and sufficiently long to accommodate the type of vehicle expected to use the space. In no case shall a vehicle being loaded or unloaded overhang into the public right-of-way.
- (b) Access Way. Every off-street loading space shall have a safe means of vehicular access to a street or alley. Such access way shall be at least **twelve (12)** feet wide.
- (c) Surfacing. Every off-street loading area shall be improved with a compacted stone base at least **eight (8)** inches thick with dust control provisions described in **Section 10-7.**

**Section 10-9 OFF-STREET PARKING SPACES REQUIRED, NUMBER OF** Off-street parking spaces shall be provided as indicated in the table below. For any use not listed in the table, the same number of parking space shall be provided as are required for the most similar listed use. The Zoning Commission shall make the determination of similarity.

Use	Parking Spaces Required
<b>A. Dwellings &amp; Lodges</b>	
Bed & breakfasts, hotels, motels, boarding houses and lodges	1 space per lodging unit, plus employee parking
Mobile home not in mobile home park	2 spaces per unit
Multiple family dwellings	2 spaces per dwelling unit
Single family dwelling	2 space per dwelling
<b>B. Education, Institution &amp; Recreation</b>	
Churches, auditoriums	1 space per 3 seats in the largest seating area
Hospitals	1 space per 2 beds, plus employee parking
Libraries & museums	1 space per 500 square feet of floor area, plus employee parking
Nursing homes	1 space per 5 beds, plus employee parking
Schools, elementary & junior high	1 space for every 20 students, plus employee parking
Schools, senior high	1 space for every 2 students of driving age, plus employee parking
<b>C. Commercial, Office &amp; Service</b>	
All commercial and service uses unless specifically indicated otherwise below	1 space per 300 square feet of floor area, plus employee parking
Banks, savings & loans, walk-in	1 space per 300 square feet of floor area, plus employee parking
Beauty and barber shops	2 spaces per chair, plus employee parking
Bowling Alleys	4 spaces per bowling lane plus addition spaces as required herein for affiliated uses such as restaurants or taverns, plus employee parking
Car Wash	5 spaces per lane
Furniture and appliance stores	1 space per 600 square feet of floor area, plus employee parking
Home occupations	1 space per 150 square feet of floor area devoted to the home occupation (not to exceed 2 spaces) in addition to the parking requirement for the dwelling
Medical and dental offices	1 space per 200 square feet of floor area, or 2

	spaces per practicing professional, whichever is greater, plus employee parking
Mortuaries, funeral homes	1 space per 5 seats, plus 1 space per funeral vehicle, but not less than 20 spaces per chapel or state room, plus employee parking
Offices generally	1 space per 300 square feet of floor area except medical/dental area, plus employee parking
Restaurants, sit-down	1 space per 4 seats or 1 space per 50 square feet of floor area, whichever is greater, plus employee parking
Restaurants, drive-in	1 space per 25 square feet of building floor area, plus employee parking
Service stations & auto repair shops	1 space per service stall, plus employee parking
Taverns, clubs, lodges, service organizations and bars	1 space per 4 seats, or 1 space per 50 square feet of floor area, whichever is greater, plus employee parking
Theaters and meeting halls	1 space per 4 seats in the largest seating area
Vehicle sales & service (including auto, boat and trailer sales)	1 space per 600 square feet of enclosed floor area, plus 1 space per 2,500 square feet of open lot area, plus employee parking
<b>D. Industrial</b>	
Parking for all industrial uses	1 space per company vehicle plus 1 visitor space per 25 employees on the major shift, plus employee parking
<b>E. Standard employee parking</b>	
Employee parking for all uses	1.5 spaces per employee

## ARTICLE 11

### PLANNED UNIT DEVELOPMENT (PUD)

**Section 11-1 INTENT AND PURPOSE** This Article establishes provisions for rezoning of land within the City to provide for a Planned Unit Development (PUD). The purpose of this Article, Planned Unit Development, is to achieve the objectives enumerated in **Section 1-1** plus the following additional objectives:

- (a) to provide a regulatory mechanism whereby the City can be assured that upon completion, approved development projects will substantially conform to the plans or models which constituted the basis for the City's issuance of the necessary zoning, subdivision, and/or building permits;
- (b) To permit development of a wide variety of building types and other structures and uses in a single comprehensively planned project;
- (c) To preserve the significant and prime farm land, natural topography, scenic features, mature trees, and historic structures existing on sites proposed for development;

- (d) To encourage innovative site layouts and coordinated architectural treatment of different building types and other structures and uses;
- (e) To ensure the provision of usable common open space in planned developments, and to spur installation of various amenities therein;
- (f) To facilitate the economical installation of standard streets, sewers, utilities, and other improvements.

**Section 11-2 COMPLIANCE WITH ORDINANCES** Except as specifically provided otherwise in this Section, planned unit developments (PUDs) shall, comply and conform with all applicable codes and ordinances including this Zoning Ordinance and the Subdivision Ordinance.

**Section 11-3 WHERE DISTRICTS ARE ALLOWED** Planned unit developments (PUDs) may be built in any geographic location affected by this ordinance, but only upon rezoning and a planned unit development district by the Zoning Commission.

**Section 11-4 PERMISSIBLE DEVIATION FROM ORDINANCE REQUIREMENTS** The planned unit development (PUD) concept is intended to afford both the developer and the City considerable flexibility in formulating development proposals. Consequently, to the extent indicated in this Section, PUDs may deviate from generally applicable ordinance requirements without a variance. Any proposed deviation not listed below, however, shall require a variance.

- (a) Mixed Uses. PUDs may include all types of buildings and other structures and uses approved by the Zoning Commission; provided, that in approving such mixed construction and uses, the Zoning Commission may attach any conditions necessary to protect the public welfare.
- (b) Lot and Structure Requirements. In PUDs, the Zoning Commission may approve any reasonable deviation from the lot and structure requirements of the particular zoning district so long as the different uses within the PUD are appropriately interrelated and property abutting the PUD is adequately protected from any potential adverse impacts of the development. "Lot and structure requirements" means minimum individual lot area, width, and depth; minimum setbacks; and maximum structure height.
- (c) Location of Parking/Loading Spaces. By permission of the Zoning Commission, off-street parking and loading spaces in PUDs need not be located in accordance with generally applicable requirements. The minimum number of such spaces, however, shall not be less than the number required as per **Article 10**.

**Section 11-5 PRELIMINARY PUD DEVELOPMENT PLANS** Every applicant for preliminary PUD development plan approval shall comply with the procedural requirements of this Section. The required procedures are as follows:

- (a) Filing PUD development plan with the Zoning Administrator;
- (b) Review of the PUD development plan by the Zoning Board of Appeals;
- (c) Public hearing by the Zoning Board of Appeals;
- (d) Recommendation by the Zoning Board of Appeals regarding approval/rejection of the PUD development plan; and
- (e) Action by Zoning Board of Appeals on the PUD development plan.

**Section 11-6 APPLICATION, INFORMATION REQUIRED FOR** Every applicant for approval of a preliminary PUD development plan shall submit to the Zoning Administrator, in narrative and/or graphic form, the items of information listed below for review by the Zoning Board of Appeals:

- (1) Written Documents
  - (a) Legal description of the total site proposed for development;
  - (b) Names and addresses of all owners of property within or adjacent to the proposed PUD;
  - (c) statement of the planning objectives to be achieved by the PUD through the particular approach proposed by the applicant, including a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant;
  - (d) Development schedule indicating the approximate date when construction of the PUD or phases of the PUD can be expected to begin and be completed;
  - (e) statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the PUD, such as land areas, building units, etc;
  - (f) Data indicating:
    - (1) Total number and type of proposed building units,
    - (2) Gross and net acreage of parcel,
    - (3) Acreage of gross and usable open space, and
    - (4) Area of various uses.
- (2) Graphic Materials
  - (a) existing site conditions including contours at **five (5)** foot intervals and locations of water courses, flood plains, wetlands, unique natural and man-made features, and wooded areas;
  - (b) Proposed lot lines and plot designs;
  - (c) Proposed location, size (square feet), and general appearance of all existing and proposed buildings and other structures and uses;
  - (d) location and size (acres or square feet) of all areas and facilities conveyed, dedicated, or reserved as common open spaces, public park & recreation areas, linear paths, and similar public and semi-public uses;
  - (e) Existing and proposed vehicular circulation system, including off-street parking and loading areas and major points of ingress and egress to the development (notations of proposed ownership—public or private—should be included where appropriate);
  - (f) Existing and proposed pedestrian and other specially identified circulation systems, including their relationship to the vehicular circulation system and proposed treatments of points of conflict;
  - (g) Existing and proposed utility systems including sanitary and storm sewers, and water, electric, gas, cable and telephone lines;
  - (h) General landscape plan indicating the treatment of both private and common open spaces and the location of required buffer strips;
  - (i) Enough information on land areas adjacent to the proposed PUD to indicate the relationships between the proposed development and existing and proposed adjacent areas;
  - (j) Any additional information required by the City to evaluate the character and impact of the proposed PUD.

**Section 11-7 ADVISORY REPORT, CRITERIA CONSIDERED FOR** Within a reasonable time after receipt of the preliminary PUD, the Zoning Administrator shall submit to the Zoning Board of Appeals a written advisory report concerning acceptance/rejection of the PUD development plan. In deciding what its advice should be, the Zoning Administrator shall consider the following criteria:

- (a) The extent to which the proposed development is consistent with the City's Comprehensive Plan and with the purposes of this Zoning Ordinance and of all other applicable codes and ordinances;
- (b) The extent to which the proposed development deviates from the regulations that are generally applicable to the property (including but not limited to, the use and lot and building regulations of the district), and the apparent merits (if any) of said deviations;
- (c) whether the proposed design of the PUD makes adequate provisions for vehicular, pedestrian and other specially identified circulation, off-street parking and loading, separation of the different land uses, open space, park & recreation areas and facilities, preservation of unique natural and man-made features, and agricultural land;
- (d) The compatibility of the proposed PUD with adjacent properties and surrounding area; and
- (e) Any other reasonable criteria that the Zoning Administrator may devise.

**Section 11-8 PUBLIC HEARING BY ZONING BOARD OF APPEALS** Within a reasonable time after receipt of the advisory report, the Zoning Board of Appeals shall hold a public hearing as per the requirements for a public hearing.

**Section 11-9 DECISION BY ZONING BOARD OF APPEALS** Within a reasonable time following the hearing, the Zoning Board of Appeals by resolution, shall either approve or disapprove the preliminary PUD development plan. The Zoning Board of Appeals shall not approve any preliminary PUD development plan unless:

- (a) The City Attorney has stated that all legal instruments (particularly the restrictive covenants) are satisfactory; and
- (b) The proposed PUD, as evidenced by the development plan, complies with all applicable codes and ordinances. (Deviations to the extent permitted under **Section 11-4** shall not be deemed non-compliance.)

**Section 11-10 FINAL DEVELOPMENT PLANS** With respect to the preparation, submission, and review of PUD final development plans, the developer and this City shall comply with the regulations of the following Sections.

**Section 11-11 FILING, INFORMATION REQUIRED FOR** Not later than **one (1)** year after the approval of the preliminary PUD development plan, the applicant shall file with the Zoning Administrator the final PUD development plan for the first phase of the proposed PUD. Said final PUD development plan shall contain in final form all the items of information listed at **Section 11-6**, plus the following:

- (a) proof that the developer has acquired legal title to all land within the PUD or has executed a binding agreement with all the owners of such land thereby giving the developer effective control over its development;
- (b) Legal description of each lot to be individually owned and each parcel to be held in common;
- (c) Articles of incorporation and bylaws of any/all property owners association(s) identified;
- (d) restrictive covenants and any other legal instruments required by the City Attorney guaranteeing the proper upkeep and use of the common open space and park & recreation areas.
- (e) Legal instruments dedicating streets and other improvements to the City or conveying same to an identified property owners association (as the case may be).

**Section 11-12 ADVISORY REPORT** Not later than **sixty (60)** days after the application for final PUD development plan approval is filed, the Zoning Administrator, the City Engineer, and the City Attorney

shall submit a written advisory report to the Zoning Board of Appeals. The report shall fully discuss the extent to which the final PUD development plan conforms to the approved preliminary PUD development plan and to all other applicable codes and ordinances.

**Section 11-13 ACTION BY ZONING BOARD OF APPEALS** At its next regularly scheduled meeting following submission of the report, the Zoning Board of Appeals shall, by ordinance, either approve or disapprove the PUD final development plan. The Zoning Board of Appeals shall not approve any final PUD development plan unless:

- (a) the developer has posted a performance bond or deposited funds in escrow in an amount the City Engineer deems sufficient to guarantee the satisfactory completion of all required improvements; and the City Attorney has stated that all legal instruments (particularly restrictive covenants and “dedications”) are satisfactory; and
- (b) The proposed PUD, as evidenced by the final PUD development plan, complies with all applicable codes and ordinances and substantially conforms to the approved preliminary PUD development plan.

**Section 11-14 CHANGES IN APPROVED PLANS** No changes shall be made to any approved PUD development plan except as follows:

- (a) Minor changes if required by engineering or other circumstances not foreseen at the time the final PUD development plan was approved.
- (b) All other changes shall require a public hearing before the Zoning Board of Appeals and a resolution by the City Council.
- (c) No approved change shall have any effect until it is recorded with the Perry County Recorder as an amendment to the recorded copy of the PUD development plan.

**Section 11-15 FAILURE TO BEGIN DEVELOPMENT** If a substantial amount of construction has not begun within the time stated in the approved construction schedule, the PUD development plan shall lapse upon written notice to the applicant from the Zoning Administrator and shall be of no further effect. However, in its discretion and for good cause, the Zoning Administrator may extend for a reasonable time the period for the beginning of construction. If a final PUD development plan lapses as per this Section:

- (a) Any building permits shall automatically become null and void; and
- (b) All zoning regulations applicable before the PUD was approved shall automatically be in full effect.

## **ARTICLE 12**

### **WIRELESS COMMUNICATIONS FACILITIES DEVELOPMENT, SITING, AND INSTALLATION STANDARDS**

**Section 12-1 DEFINITIONS** Words and phrases used in this Section shall have the common meaning unless defined below, or if a definition in this Section conflicts with any other definition included in this ordinance, the definition of this Section shall apply.

Antenna Array: 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 defined below.

Attached Wireless Community Facility (Attached WCF): An Antenna Array that is attached to an existing building or structure, which structures shall include but not be limited to utility poles, signs, or water towers, with any accompanying pole or device which attaches the Antenna Array to the structure, and associated connection cables and an Equipment Facility.

Co-Location/Site Sharing: Use of a common WCF, or common site by more than **one (1)** wireless communication license holder for more than one type of communications technology and/or placement of an Antenna Array on a structure.

Equipment Facility: Any structure used to contain ancillary equipment for a WCF which includes cabinets, shelters, a build out of an existing structure, pedestals, and other similar equipment.

FAA: Federal Aviation Administration.

FCC: Federal Communications Commission.

FTA: Federal Telecommunications Act of 1996.

Height: When referring to a WCF, height shall mean the vertical distance measured from the base of the tower to the highest point on the WCF, excluding the Antenna Array.

Setback: The required distance from the property line of the parcel on which the WCF is located to the base of the Support Structure and Equipment Facility where applicable, or in the case of the guy-wire supports, the guy anchors.

Support Structure: 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.

Temporary Wireless Communications Facility (Temporary WCF): A WCF to be placed in use for **sixty (60)** or fewer days.

Tower and/or Antenna Use Permit (TAP): A permit issued by the City specifically for the location, construction, use and compliance with the development standards of a proposed WCF.

Wireless Communications: Any wireless service as defined in the Telecommunications Act of 1996, Title 47, USC, and as it may be amended, including, but not limited to, facilities for the transmission and reception of radio, television, or microwave signals used for communication, cellular phone, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and other wireless services licensed by the FCC and unlicensed wireless services.

Wireless Communication Facilities: Any staffed or unstaffed facility for the transmission and/or reception of wireless telecommunications services, usually consisting of an Antenna Array, Connection Cables, Equipment Facility, and a Support Structure to achieve the necessary elevation.



## Section 12-2 APPLICABILITY

- (a) **New Wireless Communications Facilities.** No person, firm, or corporation shall install or construct any new WCF, unless and until a Tower and/or Antenna Use Permit (TAP) is issued by the Zoning Administrator of the City of Pinckneyville, Illinois pursuant to the requirements of this Section.
- (b) **Nonconforming or Pre-Existing Wireless Communications Facilities.** WCF's which exist within the jurisdiction of this Article at the time of passage shall, not be required to meet the requirements of this Section, unless expansions or additions are requested. Alterations to a Support Structure, or the addition of Antenna Arrays to a structure, must meet the requirements of this Section and may be completed after appropriate permits are issued.
- (c) **Exemptions.** The provisions of this Section shall not apply to a ground or building mounted receive-only radio or television antenna used for residential purposes; a ground or building mounted citizens band radio antenna; a ground, building or tower mounted antenna operated by a federally licensed amateur (ham) radio operator; and satellite dish antennas less than **thirty-six (36)** inches in diameter for residential purposes, including direct to home satellite services, when used as a use accessory to the residential use of the property. Such installations shall comply with other applicable provisions of the Zoning Ordinance.

**Section 12-3 SHARED FACILITIES AND CO-LOCATION** All new WCF's shall be engineered, designed, and constructed to be capable of sharing the facility with other applicants, to co-locate with other existing WCF's, and to accommodate the future co-location of other WCF's. A Tower and/or Antenna Use Permit shall not be issued until the applicant proposing a new WCF shall demonstrate that it has made, in reasonable good faith, an attempt to locate its WCF onto an existing structure. Competitive conflicts and financial burden alone are not deemed to be adequate reasons against co-location.

**Section 12-4 INVENTORY OF EXISTING SITES** Upon adoption of this Section, all wireless communication service providers operating within the corporate limits of the City shall register with the Zoning Administrator of this jurisdiction. Information provided shall include an inventory of existing WCF towers and/or antennas, their respective locations, height, and design.

**Section 12-5 PREFERENCE LOCATIONS FOR WIRELESS COMMUNICATION FACILITIES** The order of preference for locating new WCF's within the City shall be as follows:

- (a) Locating Antenna Attachments to existing Support Structures or to existing buildings or other structures which shall include but not be limited to utility poles, signs, and water towers. All Antenna Attachments shall be permitted subject to **Section 12-9**, Development Standards, as described in this Section.
- (b) Locating new Support Structures on land that meets all of the following requirements:
  - (1) The site is located on property zoned General Industrial (G-I), Highway Business (C-2), or Non-Urban (N-U).
  - (2) The site has a setback distance as described in **Section 12-9**, Development Standards.
  - (3) The site has a minimum spacing requirement distance of **one thousand (1,000)** feet from any other Support Structure greater than **one hundred (100)** feet in height.
  - (4) The Support Structure meets the height limitations as described in **Section 12-9**, Development Standards. The Zoning Administrator, who, upon verification of

compliance, shall issue a TAP, shall deem Support Structures on these lands permissible.

- (c) Locating new Support Structures on any other lands not meeting the requirements in (b) above, and within the City's zoning jurisdiction. Support Structures proposed for constructions on these lands shall be permitted only through the Special Use Permit process as articulated in **Section 4-7** of the Zoning Ordinance. When applying for a Special Use Permit, the applicant shall provide the City with adequate information to establish that no other lands included in (a) or (b) above can be made suitable for the applicant's proposed WCF's in accordance with this Section. The applicant shall also provide adequate information demonstrating that a failure to locate on the proposed site shall cause substantial financial burden and loss of service to the applicant's users.

## **Section 12-6 REVIEW PROCEDURES**

- (a) **Permitted Wireless Communications Facilities** that meet the Development Standards as described in **Section 12-9** shall be permitted by administrative review of the Zoning Board of Appeals.
- (b) **Wireless Communications Facilities Permitted by Special Use Permitting Process.** All other proposed WCF's not included in (a) above shall be subject to the Special Use Permit process as described in **Section 4-7** of the Zoning Ordinance.
- (c) **Temporary Wireless Communications Facilities.** Temporary WCF's may be permitted by administrative review of the Zoning Commission for a term not to exceed **ninety (90)** days. Once granted, a temporary WCF permit may be extended for an additional **sixty (60)** days upon evidence of need by the applicant. Upon termination of approval, the temporary WCF shall be removed immediately at the owner's expense.

## **Section 12-7 REQUIRED SUBMITTALS FOR TOWER AND/OR ANTENNA USE PERMIT (TAP)**

All requests for a WCF, regardless of type, shall submit an application for a Tower and/or Antenna Use Permit (TAP) on forms prescribed by the City and attach the following:

- (a) Scaled site plan.
- (b) Scaled elevation plan.
- (c) Color rendering and/or photo simulation(s) of the proposed tower with its antennae, all facilities and required landscaping viewed from the nearest street or streets.
- (d) Copy of the FCC license of each proposed user of the tower, or in the case of new towers, approval from the FCC to construct the tower to demonstrate that all federal and state requirements have been met, including but not limited to applicable requirements imposed by the National Environmental Policy Act (NEPA), the Federal Aviation Administration (FAA), and the State Historic Preservation Office (SHPO) of the State of Illinois.
- (e) Other support drawings, calculations, surveys, and other documentation, signed and sealed by appropriate Illinois licensed professionals, showing the location and dimensions of all improvements, including information concerning topography, radio frequency coverage, tower height requirements, setbacks, drives, parking, fencing, landscaping, adjacent uses, and other information deemed by the Zoning Administrator to be necessary to assess compliance with this Section.
- (f) Copy of a Co-Location Agreement wherein the applicant acknowledges that a condition to granting any TAP is the applicant's ongoing commitment to make available and reasonably market co-location sites on each new tower.

- (g) Evidence of compliance with **Section 12-3**, Shared Facilities and Co-Location Policy; **Section 12-4**, Inventory of Existing Sites; **Section 12-8(b)(4)**, Availability of Suitable Existing Towers, Other Structures, or Alternative Technology, of this Article.
- (h) A non-refundable one-time **two hundred fifty (\$250.00)** dollar processing fee and a **three thousand (\$3,000.00)** dollar performance deposit refundable upon compliant project completion.

## **Section 12-8 APPROVAL PROCESS**

- (a) **Administrative Review Procedure.** The following administrative review process shall apply to all WCF applications eligible for administrative review.
  - (1) **Review Authority.** Review of proposed WCF's under this Section shall be conducted by the Zoning Administrator upon filing a TAP application.
  - (2) **Review Criteria.** Each TAP application shall be reviewed for compliance with the Development Standards specified in **Section 12-9** of this Article.
  - (3) **Timing Decision.** The Zoning Administrator shall render a decision on the TAP application by written response to the applicant within **twenty (20)** business days after receipt of the complete application, except that the applicant may agree upon an extension.
  - (4) **Application Approval.** If the TAP application is in compliance with the Development Standards in **Section 12-9**, and otherwise meets the requirements of this Section, the Zoning Administrator shall issue a TAP.
  - (5) **Application Denial/Appeal Process.** If the Zoning Administrator denies administrative approval, the reason for denial must be made to the applicant in writing. The applicant may appeal the denial to the Zoning Board of Appeals. The Zoning Board of Appeals shall hear the appeal within **ten (10)** days of receiving a written request from the applicant. The Zoning Board of Appeals shall submit a written determination on the appeal to the applicant and to the Zoning Administrator within **five (5)** working days of the conclusion of the appeal hearing. If the Zoning Board of Appeals denies administrative approval, the applicant may appeal the denial to the City Council for final determination in approving or denying the TAP application.
- (b) **Special Use Permit Review Procedure.** The following shall apply to all TAP applications requiring submission to the Zoning Board of Appeals for review in accordance with **Section 4-7**, Special Use Permits. The Zoning Board of Appeals shall consider the following in reaching a decision:
  - (1) **Review Criteria.** Each TAP application shall be reviewed for compliance with the Development Standards set forth in **Section 12-9** of this Article.
  - (2) **Tower Siting Conditions.** The Zoning Administrator may require that conditions and restrictions on the application or on the premises benefited by the TAP, as it deems necessary to reduce or minimize any adverse effects and to enhance the compatibility of the WCF with the surrounding property, in accordance with the purposes and intent of this Article.
  - (3) **Factors in Granting Special Use Permits for Towers.** In addition to any standards for consideration of Special Use Permit applications pursuant to **Section 4-7** of the Zoning Ordinance, the Zoning Board of Appeals shall consider the following factors while reviewing TAP applications on new towers:
    - (a) Height of the proposed tower;

- (b) Proximity of the tower to residential structures and Residential District boundaries;
- (c) Nature of uses on adjacent and nearby properties;
- (d) Surrounding topography;
- (e) Surrounding tree coverage and foliage; and
- (f) Proposed ingress and egress.

(4) **Availability of Suitable Existing Towers, Other Structures or Alternative Technology.** No new support structure shall be permitted unless the applicant submits a written brief demonstrating that no existing tower, structure, or alternative technology that does not require the use of towers or structures, can accommodate the applicant's proposed WCF. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed WCF shall be prepared by a qualified and licensed Illinois professional engineer and may consist of one or more of the following:

- (a) Existing towers or structures are not located within a reasonable geographic area, which meet the applicant's engineering requirements.
- (b) Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.
- (c) Existing towers or structures can not be altered to provide sufficient structural strength.
- (d) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
- (e) The fees, costs or contractual provisions required by the owner in order to share an existing tower or structure, or to adapt an existing tower or structure for sharing, are unreasonable based upon market information. Costs exceeding new tower development are presumed to be unreasonable.
- (f) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
- (g) The applicant demonstrates that an alternative technology that does not require the use of towers or structures is unsuitable.
- (h) Applicants are required to demonstrate by providing proof of certified mailings or other reasonable means:

- (1) That they have contacted the owners of reasonably suitable structures within a **one thousand (1,000)** foot radius of the proposed site and, which from a location standpoint, could provide part of a network for transmission of signals;
- (2) Have asked for permission to install the antenna on those structures and
- (3) Were denied for reasons other than economic feasibility.

**Section 12-9 DEVELOPMENT STANDARDS**

Development Standards for Wireless Communications Facilities shall include the following standards:

- (a) **Height Standards.** Attached WCF's are exempt from any height standard. The following height standards shall apply to Support Structure installations and shall supersede the height limitations of the zoning districts in this Zoning Ordinance:

- (1) WCF's in the General Industrial, Non-Urban, and Highway Business districts shall be restricted in height according to their relationships from adjacent districts as follows:
  - (a) WCF's in the G-I, N-U, and C-2 districts may be no higher than **one hundred (100)** feet when sited within **two hundred fifty (250)** feet of a Residential (R-1 or R-2) District.
  - (b) WCF's in the G-I, N-U, and C-2 districts may be no higher than **two hundred (200)** feet when sited within **five hundred (500)** feet of a Residential (R-1 or R-2) District.
  - (c) WCF's in the G-I, N-U, and C-2 districts may be no higher than **three hundred (300)** feet beyond **five hundred (500)** feet of a Residential (R-1 or R-2) District.
  - (d) All WCF's with support structures exceeding **one hundred fifty (150)** feet above ground level shall be engineered so as to accommodate at least **three (3)** antenna arrays.
  - (e) No WCF shall be sited or built so as to interfere with the ingress or egress of helicopter traffic at a local hospital.
- (b) **Setback Standards.** The following setback standards shall apply to all WCF installations:
  - (1) All Support Structures shall be constructed to comply with the setback provisions of the zoning district in which they are located. In no instance shall any Support Structure be less than **ten (10)** feet from any lot line.
  - (2) Attached WCF's are exempt from any setback standard, but shall in no instance overhang or encroach upon the property of another or any public right-of-way. An Antenna Array may extend up to **five (5)** feet horizontally beyond the edge of an attachment structure so long as the Antenna Array does not encroach upon any adjoining parcel.
  - (3) Equipment Facilities and guy anchors, if permitted, must satisfy the setback requirements of the zoning district in which they are located.
- (c) **Landscaping.** The following landscaping requirements shall be maintained by the applicant and shall apply to all new WCF installations:
  - (1) Support Structures and Attached WCF's with new building construction shall be landscaped around the perimeter of the security fencing by a row of evergreen or evergreen shrubs capable of creating a continuous hedge and obtaining a height of at least **ten (10)** feet. Trees shall be a minimum of **one and one-half (1.5)** inch caliper, or shrubs a minimum of **thirty-six (36)** inches tall, at the time of planting.
  - (2) Existing mature tree growth and natural landform on the site shall be preserved to the extent feasible, provided that vegetation that causes interference with the antennas or inhibits access to the Equipment Facility may be trimmed or removed.
  - (3) Existing vegetation on a WCF site may be used in lieu of required landscaping where approved by the Zoning Administrator.
  - (4) Grading for the new WCF shall be limited only to the area necessary for the new facility.
- (d) **Aesthetics, Materials, and Colors.** The following standards shall apply to all WCF installations:
  - (1) Support Structures shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color, or such shades as are appropriate and compatible with the surrounding environment, so as to reduce visual obtrusiveness.

- (2) Antenna Array attachments and supporting electrical and mechanical equipment shall be of a color that is identical to, or closely compatible with, the color of the attachment structure so as to make the Antenna Array and related equipment as visually unobtrusive as possible.
- (e) **Security Fencing.** An opaque security fence not less than **six (6)** feet in height shall enclose WCF's with Support Structures.
- (f) **Lighting.** The following lighting requirements shall apply to all WCF installations. WCF's shall not be artificially illuminated, directly or indirectly, except for:
  - (1) Security and safety lighting of equipment buildings, if such lighting is appropriately shielded to keep light within the boundaries of the site; and
  - (2) Such illumination of the WCF as may be required by the FAA or other applicable authorities, installed in a manner to minimize impacts on adjacent dwellings.
- (g) **Signage.** WCF's shall not display any signage, logos, decals, symbols, or any messages of a commercial nature, except for a message containing provider identification and emergency telephone numbers and other emergency warning information as may be required by local, state, or federal regulations governing WCF's.
- (h) **Radio Frequency Emissions/Sound.** The following radio frequency emissions standards shall apply to all WCF installations:
  - (1) **Radio Frequency Impact.** Applicants for WCF's shall be required to provide information with the application on the measurement of the effective radiated power of the facility to document that the facility complies with all applicable FCC standards.
  - (2) **Sound Prohibited.** No unusual sound emissions such as alarms, bells, buzzers, or the like are permitted.
- (i) **Structural Integrity.** WCF's with Support Structures shall be constructed and maintained in compliance to the Electronics Industries Association/Telecommunications Industries Association (EIA/TIA) 222-E Standard entitled "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures" or equivalent, as it may be updated and amended. Each Support Structure shall be capable of supporting multiple Antenna Arrays.
- (j) **Co-Location Support Structure Design.** To encourage co-location of WCF's, all WCF's shall be designed to accommodate multiple Antenna Arrays in accordance with the Development Standards prescribed in **Section 12-9(a)**, Height Standards.
- (k) **Co-Location Agreement.** All applicants for WCF's are required to submit a Co-Location Agreement with the Tower and/or Antenna Use Permit (TAP) application agreeing to allow and reasonably market co-location opportunities to other WCF users. The agreement shall include the applicant's policy regarding the co-location of other providers and the methodology to be used by the applicant in determining reasonable rates to be charged to other providers. The Co-Location Agreement shall be considered a condition of issuance of a TAP. A TAP shall not be issued unless the applicant complies with the Shared Facilities and Co-Location Policy outlined in **Section 12-3**.
- (l) **Other Applicable Regulations.** All towers must meet or exceed current standards and regulations of the National Environment Policy Act (NEPA), State Historic Preservation (SHPO), Federal Aviation Administration (FAA), Federal Commerce Commission (FCC), and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this Article shall bring such towers and antennas.

**Section 12-10 NONCONFORMING WIRELESS COMMUNICATION FACILITIES** WCF's in existence prior to the date of adoption of this Article which does not comply with requirements of this

Article shall be considered Nonconforming Wireless Communications Facilities and are subject to the following provisions:

- (a) **Expansion.** Nonconforming WCF's may continue in use for the purpose now used, but may not be expanded without complying with this Article, except as further provided in this Article.
- (b) **Additions.** Nonconforming WCF's may add additional antennas subject to review and approval by the Zoning Administrator under this Article.
- (c) **Repairs or Reconstruction.** Nonconforming WCF's which become damaged due to any reason or cause may be repaired and restored to its former use, location, and physical dimensions subject to the provisions of this Article. Provided, however, that if the damage to the WCF exceeds **fifty percent (50%)** of the replacement cost, said WCF may only be reconstructed or repaired in compliance with this Article.
- (d) All nonconforming WCF not in use as a WCF for a period of **twelve (12)** consecutive months or longer, which is thereafter determined to be abandoned by the Zoning Commission as defined herein, shall no longer be a nonconforming use.

**Section 12-11 ABANDONED WIRELESS COMMUNICATIONS FACILITIES** Any WCF that has not operated for a continuous period of **twelve (12)** months shall be considered abandoned, unless the owner of the WCF provides evidence to the satisfaction of the Zoning Administrator that reasonable good faith attempts have been made to market the WCF to a provider pursuant to the requirements of this Article.

**Section 12-12 REMOVAL OF ABANDONED WIRELESS COMMUNICATIONS FACILITIES** The City, at its election, may require the owner of an abandoned WCF to remove the WCF within **ninety (90)** days from the date owner receives notice from WCF to remove the WCF. If there are **two (2)** or more users of a single WCF, this provision shall not become effective until all providers cease to use the WCF. If the owner of an abandoned WCF cannot be located, or is no longer in business, the requirements of this Article shall be the responsibility of the landowner on whose property the WCF is located.

**Section 12-13 REVOCAION OF TOWER AND ANTENNA USE PERMITS** The City may revoke any TAP issued pursuant to this Article after a hearing as provided hereinafter. If the Zoning Commission finds that any permit holder has violated any provision of this Article, or the conditions, restrictions or additional Development Standards of an approved Special Use; or has failed to make, in reasonable good faith, efforts to provide or seek co-location, the Zoning Commission shall notify the permit holder in writing that the TAP is revocable due to the permit holder's noncompliance with the conditions of the permit. The Zoning Commission shall convene a meeting with the permit holder no later than **thirty (30)** days from the date of the letter. The Zoning Commission may require the permit holder to correct the violation within a reasonable amount of time or may recommend to the Zoning Board of Appeals that the TAP be revoked. 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 the deficiencies shall not exceed **sixty (60)** days. The permit holder shall provide the Zoning Administrator with evidence that the corrective action has been taken. Should the permit holder fail to correct the deficiencies in the time required, the Zoning Administrator shall request that the City Council convene a public hearing to consider revocation of the TAP. The hearing shall be conducted pursuant to notice by publication in a newspaper of general circulation in the City not less than **fifteen (15)** days prior to the hearing. The permit holder may be represented by an attorney and may cross-examine opposing witnesses. Other interested persons may comment. The Zoning Board of Appeals may impose reasonable restrictions

with respect to time and procedure of the hearing. The proceedings shall be recorded. After the appropriate public hearing, the Zoning Board of Appeals may revoke the TAP upon receipt of evidence, which proves by a preponderance of the evidence that the permit holder has violated or is in noncompliance with the provisions of this Article. Upon such determination, the Zoning Board of Appeals may revoke the permit upon such terms and conditions as it sees as reasonable.

**Section 12-14 PENALTY** Any violation of any provisions of this Article shall be subject to a fine, not to exceed **one thousand (\$1,000.00)** dollars for any one specified violation. Each day a violation continues shall be considered a separate offense. Any fine or penalty resulting from violations of this Article is not intended to conflict with the provisions for penalties elsewhere in the Zoning Ordinance. In addition, nothing stated herein shall prohibit the City from exercising any other legal remedy provided under law.

## **ARTICLE 13**

### **SIGNS**

#### **Section 13-1 SIGN DEFINITIONS**

**Alter.** A physical change in a sign or sign supports or an addition to a sign or sign supports. The term "alter" includes renovation, modification, rehabilitation or restoration, but does not include changing the copy on a bulletin board sign, marquee sign or other legal changeable copy sign.

**Applicant.** A person submitting an application for a sign permit who is the owner of the property on which the signs(s) will be located or an agent for the owner who has the written permission of the owner to apply for the sign(s).

**Awning.** A protective cover that is temporary in nature projecting from and supported by the exterior wall of a building constructed of non-rigid materials over a rigid framework which can be raised or retracted to a position against the building when not in use.

**Banner.** Any sign of lightweight fabric or other nonrigid material that is mounted to a pole or a building by a frame at one (1) or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.



Billboard. A sign located within six hundred sixty (660) feet of the nearest edge of right-of-way of an interstate or primary highway, which is permitted by the Illinois Department of Transportation as an outdoor advertising device, and which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

Bulletin Board Sign. A sign attached to a building or freestanding which identifies a place of worship or school and which contains the name of the institution and changeable copy information such as the names of individuals connected with the institution, general announcements of events or activities occurring at the institution, or similar messages.

Canopy. A shelter or protective cover projecting from and supported by the exterior wall of a building constructed of non-rigid materials on a ground supported, rigid framework but not including a marquee. (see also "service station canopy")

Canopy Sign. Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

Changeable Copy Sign. A sign on which message copy is changed manually or automatically, through the utilization of attachable or integrally automated letters, numbers, symbols, and other similar characters of changeable pictorial panels, but not including a bulletin board sign or marquee sign.

Commercial Message. Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity, but not including a sign offering a residential dwelling for sale, lease or rent.

Construction Sign. A temporary sign erected on the premises on which construction is taking place, during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.

Directional Sign. A sign which is designed and erected solely for the purpose of traffic or pedestrian direction and placed on the property to which or on which the public is directed including entrance and exit signs.

Directory Sign. A sign listing the name and/or use, and/or location of the various businesses or activities conducted within a building or group of buildings.

Election Sign. A temporary sign supporting, announcing or declaring an issue and/or candidate seeking public office on the ballot in an impending election.

Electronic Message Board An electronically or electrically controlled sign or portion of a larger sign whereon different messages are displayed including, but not necessarily limited to public service messages, advertising for the business or businesses on-site, projection of on-site activities in real-time, time and temperature and the like. The message boards shall include those devices that display information using panels of individual lamps, rotating panels, liquid crystal displays or similar technology or rear projection screens.

Erect. To build, construct, install, attach, hang, place, inscribe, suspend or affix.

Flag. Any fabric or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, institution or business.

Flashing Sign. A sign which contains an intermittent flashing light source or which includes the illusion of intermittent or flashing light by means of animation or an externally mounted intermittent light

source. Also any sign in which any part of the light source varies in intensity and/or hue and flashes or appears to flash or turn on and off; or a sign in which a message constantly flashes or turns on and off, or alternates with other copy by means of rotating or otherwise moving portions of the sign.

Flush Wall. A sign, mounted, attached to or painted on the exterior of a structure other than a Sign Structure where the plane of the sign surface area is parallel to the plane of the structure to which it is attached. A flush mounted wall sign may be on-site or an off-site sign. A flush mounted wall sign may not project more than **one (1)** from the plane of the structure to which it is attached.

Freestanding Sign. Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure including a low monument sign.

Illuminated. A sign which has a light source as an integral part of the sign or sign surface area, or a sign which has a light source directed on the surface area from a remote position. The light from any illuminated sign or from any light source, including the interior of a building, shall be so shaded, shielded or directed that the light intensity or brightness shall not adversely affect surrounding or facing premises nor adversely affect safe vision of operators of vehicles. Light shall not shine on or into residential structures. The light source shall not be flashing. A reflectorized sign shall not be construed to be an illuminated sign.

Incidental Sign. A sign which is generally informational and has a purpose secondary to the use of the premises on which it is located, such as "credit cards accepted here," "loading only," "telephone," or similar information. No sign with a commercial message legible from a position off the premises shall be considered incidental.

Light Pole Artwork Sign. A sign fabricated from a durable fabric, with a design applied through silkscreening or similar application method, the content of such signs shall be civic or seasonal in nature. Such signs shall not include commercial advertising, business slogans or logos, or the names of individual business, groups, organizations, shopping centers or office parks.

Logo. An identifying symbol or registered trademark.

Low Monument Sign. A free standing sign not more than twelve (12) feet in height, which is located adjacent to the right-of-way, with individual sign positions available for no more than six (6) tenants, with individual signs not to exceed two (2) feet by three (3) feet per sign face. Use of a low monument sign by a single tenant shall not exceed eight (8) feet in width by four (4) feet in height and shall conform to all other sign regulations.

Major Repair. Any repair or reconstruction of a sign or sign support necessitated by damage due to normal deterioration or by acts of nature which involved the actual sign enclosure, its structural attachments or supports, or its electrical connections. Major repair does not include such items as painting, replacement of a cracked face by the sign's current owner or authorized agent.

Marquee. Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

Nonconforming Sign. Any sign that was lawfully erected but no longer conforms to the requirements of this title.

Off-Premise Sign. Any sign, except a billboard as defined herein, which advertises or identifies a property, business, or address, other than the property, business, or address where the sign is displayed.

On-Premise Permanent Sign. A sign pertaining only to the use of the premises on which the sign is located and primarily containing any of the following information: (1) the name of the owner, occupant, management, business or building; (2) the address; (3) the type of business, profession, service or activity; (4) the type or types of products offered; and (5) other similar information.

Paper Sign. A sign normally for temporary use made of paper, cardboard or similar material.

Pennant. Any lightweight plastic, fabric or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

Perpendicular Wall. A sign mounted or attached to the exterior of a structure where the plane(s) of the sign surface area(s) (is) (are) not parallel to the plane of the structure to which it is attached. A perpendicular wall mounted sign is generally an on-site sign. Maximum distance between sign faces shall not exceed **three (3)**. A Perpendicular wall mounted sign shall not be construed to be a marquee sign.

Portable Sign. Any sign not permanently attached to the ground or other permanent structure, which is designed to be transported, including, but not limited to, signs designed to be transported by means of wheels, signs converted to A- or T-frames, menu and sandwich board signs and hot air balloons used as signs.

Projecting Sign. Any sign affixed to a building or wall in such manner that its leading edge extends more than fourteen (14) inches beyond the surface of such building or wall but not including a sign suspended from a canopy and mounted perpendicular to a wall.

Public Service Message Sign. An electronically or electrically controlled sign which conveys only information such as time, date, temperature, atmospheric conditions, or general news information where different alternating copy changes are shown on the same lamp bank matrix without giving the appearance of directional movement.

Real Estate Sign. Any sign pertaining to the sale, lease or rental of real estate.

Reflectorized. A non-illuminated sign wherein at least part of the surface area is composed of a reflectorized material which appears to be illuminated when a light cast upon the sign surface area.

Residential Sign. A sign not exceeding six (6) square feet per sign face and not having more than two (2) sign faces which is located in a residential zoning district and that contains no commercial message other than advertising the premises for sale, lease or rent, or advertising a product or service available on the premises. Such sign may contain a political, religious or other noncommercial message.

Roof Sign. Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

Service Station Canopy. A freestanding structure located on the same premises as a service station affording protection from the elements to person or property thereunder. (see also "canopy")

Sign. Any device, fixture, placard, or structure that uses any color, form, graphic illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public but not including a church steeple or other religious symbol.

Sign Face. The area or display surface used for the message.

Sign Frontage. The length along the front of the ground floor of a building occupied by a separate and distinct use and the length along the side of the ground floor of a building occupied by a separate and distinct use when the side of such building faces a street; or the width of a tenant space measured

along the ground floor of a building occupied by a separate and distinct use which does not face a street but faces a parking lot.

Sign, Gross Area of. The area within a single rectangle or circle enclosing the extreme limits of the sign, but not including structural supports which are not an integral part of the sign; except that in the case of an individual letter sign only two-thirds (2/3) of the area of the enclosing rectangle or circle shall be counted as the gross area of the sign. Where a sign has two (2) or more faces which can be viewed from a single location, the gross area of all such faces shall be included in determining the total gross area of the sign.

Sign Height. The vertical distance measured from the elevation of the center line of the adjacent right-of-way at the point closest to the sign to the highest point of the sign.

Sign Permit. A document certifying that the plans for the proposed sign comply with all applicable City Ordinances and requirements.

Snipe Sign. A temporary sign or poster affixed to a utility pole, tree, fence, etc.

Temporary Promotional Display. A temporary sign or signs displayed so as to attract attention to the sale of merchandise or services, or a change in policy or in the status of a business.

Temporary Sign. A sign which is not illuminated and is not permanently installed or affixed to any sign, structure or building.

Time and/or Temperature.

- (1) Temperature signs shall not change except when the temperature changes **one (1)**.
- (2) Time signs shall be permitted to change no more frequently than **sixty (60)** second intervals.
- (3) and Time Signs in Combination. If separate space is provided on sign surface area for time and temperature, (1) and (2) above shall apply. If same surface area is provided for both time and temperature, the frequency of change shall be no more than **five (5)** intervals.

Unightly or Unkempt Sign. A sign that is clearly in disrepair, is missing part of its copy, has letters or other copy that are broken, missing or so faded that they are difficult to read from the street, is not securely affixed to either the ground or some other supporting structure, contains an eligible message, contains rust or peeling or flaking paint, or has damage to its face which is clearly visible from the street.

Wall Sign. Any sign attached parallel to, but within fourteen (14) inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one (1) sign face.

Window Promotional. A sign viewable from the exterior of a structure which is: painted on a window; depicted upon a card, paper or other material; and placed on, taped on, or displayed from a window for the specific purpose of attracting attention of passersby to a sale, or to promotional items, etc. A promotional window sign is not permissible above the main floor (**ten (10)** higher than grade) of any structure. A promotional window sign shall not be construed to be a window sign as defined elsewhere.

Window Sign. Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

**Section 13-2 REGULATIONS OF STREET SIGNS AND GRAPHICS** Any sign or other street graphic not expressly permitted by this section shall be prohibited within the corporate limits of the city.

- A. Calculation of sign area. The area of every sign shall be calculated as follows:
  - 1) If a sign is enclosed by a box or outline, the total area (including the background) within that outline shall be deemed the sign area.
  - 2) If a sign consists of individual letters, parts or symbols, the area of the one imaginary square or rectangle which would completely enclose all the letters, parts or symbols shall be deemed the sign area.
  - 3) In calculating sign area, only one side of any double faced sign shall be included.
  - 4) The area of signs of unusual shapes, such as globes, cylinders, or pyramids, shall be computed as one-half of the total of the exposed surfaces.
  
- B. Sign area allowance
  - 1) Within the limitations and restrictions as further provided in this section, the total of the areas of all signs which a particular establishment is permitted to display shall be computed in accordance with the following formula: one and one-half square feet of sign area per one foot of lineal street frontage for the first 100 feet of the frontage, plus one additional square foot of sign area per one foot frontage in excess of 100 feet. Except as otherwise provided herein, no establishment in any zoning district shall display more than 400 square feet of signs.
  - 2) Special Situations
    - (a) If any establishment has frontage on two or more streets, each side having frontage shall be considered separately for purposes of determining compliance with the provisions of this section. However, the sign area allowances shall not be aggregated so as to allow any establishment to display on any one frontage a greater area of signs that this section would otherwise permit.
    - (b) The side of an establishment adjacent to an off-street parking area shall not be deemed frontage unless the establishment has no other frontage.
  
- C. Movement permitted. Any sign or other street graphic that revolves, rotates or mechanically moves in any manner shall not obstruct pedestrian or vehicular traffic in any fashion and shall not be constructed so as to the following requirements.
  
- D. Electronic Message Board Signs shall only be allowed in C-1 and C-2 Districts, with the exception of public and private schools in R1 Districts.
  
- E. Illumination. Illumination of signs and other street graphics is permitted, subject to the following requirements.
  - 1) Sign lighting is prohibited in residential districts except for public and private schools.
  - 2) No red, yellow, green or other color light shall be used at any location in such a manner as to confuse or interfere with vehicular traffic.
  - 3) No sign shall have blinking, flashing or fluttering lights or other illuminating devices which have a changing light intensity, brightness, or color; provided, that this section shall not apply to any message on any electronic message board sign or electronically operated changeable copy sign. Beacon lights and illumination by flame are prohibited.

- 4) The light from any illuminated sign or other street graphic shall be shaded, shielded or directed so as to avoid the creation or continuation of any nuisance or traffic hazard.
  - 5) No exposed reflective type bulb, and no strobe light or incandescent lamp which exceeds 15 watts, shall be used on the exterior surface of any sign in such a manner as to expose the face of the bulb, light, or lamp to any public street or to adjacent property.
  - 6) In no event shall the illumination of any sign, resulting from any internal or external artificial light source, exceed 50 foot candles when measured with a standard light meter held perpendicular to the sign face at a distance equal to the narrowest dimension of such sign face.
- F. Street signs and graphics not to be hazardous.
- 1) No sign or other street graphic shall be erected, relocated, or maintained so as to prevent free access or egress from any door, window, fire escape or driveway of any establishment.
  - 2) No sign or other street graphic shall be erected or maintained in such a manner that it interferes with, obstructs the view of, or is likely to be confused with an authorized traffic sign, signal, or device. Accordingly, no street graphic shall contain the words "stop," "go," "caution," "danger," "warning," or similar words.
- G. Structural and maintenance requirements.
- 1) Every sign or other street graphic shall be designed and constructed in conformity with the applicable provisions of this chapter.
  - 2) The electrical component of any illuminated sign or other street graphic shall conform to the applicable requirements of this chapter and to all requirements of the National Electrical Code.
  - 3) Every sign or other street graphic shall be maintained in a neat and attractive condition by its owner. The street graphic supports shall be kept painted/treated in order to prevent rust or deterioration.
  - 4) Except as provided for portable signs, any free-standing sign shall be made permanent and anchored by screw-in bolts and/or by a concrete footing to a depth of not less than 30 inches below the soil surface.

### **Section 13-3      SIGNS IN CERTAIN DISTRICTS**

- A. **Prohibited street graphics.** The following street graphics are strictly prohibited within the corporate limits of the city:
- 1) Signs attached to trees or public utility poles, other than warning signs issued by public utilities and sports signs from local schools located within Pinckneyville City Limits.
  - 2) Defunct signs, including the posts or other supports therefore, that advertise or identify an activity, business, product or service no longer conducted on the premises where the sign is located, or which describes another location. However, nothing in this section shall be construed to prohibit an extension of time as granted as requested by owners in consideration of location or establishment of new business.
- B. **Permitted street graphics.** Every sign or other street graphic enumerated in this division

that complies with the indicated requirements may be erected in any zoning district of this city without a permit. The area of these signs or street graphics shall not be debited against the displaying establishment's sign area allowance.

- 1) Construction signs identifying the architects, engineers, contractors and other individuals or firms involved with the construction, and/or announcing the character or purpose of the building, but not advertising any product. The signs shall not exceed 32 square feet in area, shall be confined to the site of the construction, and shall be removed after the construction has been completed.
- 2) Directional and informational signs erected for the convenience of the public, such as sign identifying entrances, exits, parking areas, no-parking areas, restrooms, public telephones, walkways and similar features or facilities. The signs shall not exceed three square feet in area.
- 3) Flags of any country, state or unit of local government.
- 4) Garage sale/auction signs advertising a garage or yard sale or public auction. The signs shall not exceed four square feet in area and shall not be posted for longer than five days.
- 5) Governmental or public signs such as traffic control signs, city welcome signs, civic organizational signs, railroad crossing signs, legal notices, signs indication the location of underground cables and the like.
- 6) Holiday decorations such as Christmas lights and ornaments, provided that such decorations must be removed within a reasonable time after the holiday.
- 7) Home occupation signs identifying only the name and occupation of the resident. Home occupation signs shall be non-illuminated and shall not exceed four square feet in area.
- 8) House numbers and/or name of occupant signs located on the lot to which the sign pertains. The signs shall not exceed three square feet in area for single-family dwellings nor six square feet for multiple-family dwellings.
- 9) Institutional signs for a public, charitable or religious institution. The signs shall not obstruct the vision of motorists, and shall not exceed 60 square feet in sign area.
- 10) Integral signs located in the interior of any building or within an enclosed lobby or court of any building or group of building, provided the signs are not visible from the exterior of the buildings,
- 11) Interior signs located in the interior of any building or within and enclosed lobby or court of any building or group of buildings, provided the signs are not visible from the exterior of the buildings.
- 12) Political campaign signs announcing candidates seeking public office and/or political issues and other pertinent information. The signs shall be confined to private property. In the Agricultural District and in any residential district, political campaign signs shall not exceed 16 square feet in area; in other districts, the signs shall be removed within seven days after the election to which they pertain.
- 13) Property regulation signs such as no trespassing, no hunting, no fishing, and the like. The signs shall not exceed three square feet in area.
- 14) Public interest signs publicizing a charitable or nonprofit event of general public interest. The signs shall be erected only on private property. In the agricultural district and in any residential district, the signs shall not exceed 16 square feet in area; elsewhere, the signs shall not exceed 32 square feet. Public interest signs shall be permitted only for 14 days before and seven days after the event.

- 15) Real estate signs indicating the sale, rental or lease of the premises on which they are located. The signs on residential property shall not exceed six square feet in area; on other property the signs shall not exceed 16 square feet. Not more than one real estate sign per street front shall be erected on any lot. The signs shall be removed within 30 days after the sale, rental or lease.
- 16) Residential development identification structures at major entrances designed to identify a residential subdivision, apartment complex, or planned unit development; containing no commercial advertising; and not exceeding 40 square feet in area.
- 17) Mobile/portable signs utilized for any purpose or street banners advertising a public entertainment or event. Street graphics may be placed only in locations approved by the Zoning Administrator during the period 21 days before the seven days after the event. If a mobile/portable sign is utilized for any purpose for ore than 60 continuous days, the owner shall be required to conform to freestanding sign provisions and make such permanent pursuant to division (F) (4) of this section or remove the same.
- 18) Utility company signs that serve as an aid to public safety or that show the location of public telephones, underground cables, and the like.
- 19) Murals or other non-commercial artistic public graphics.
- 20) Temporary signs no higher than four feet in height placed in front of an establishment located in a C-1 or C-2 District that shall not interrupt the free flow of pedestrian or vehicular traffic; provided, further, that such temporary sign shall be removed each day at the close of business of the establishment.
- 21) All establishments located more than 250 feet from a designated Illinois state highway may, with the permission of the land owner, construct an off-premises sign directing the public to such establishment, Such off-premises signs placed in residential districts shall be limited to four square feet and such off-premises signs placed in all other districts shall not exceed 12 square feet in sign area. No business shall have more than two off-premises signs.

C. **Signs in agricultural district or residential district limited.** No signs or other street graphics except those listed in division (B) of this section shall be erected in any agricultural district or in any residential district within the corporate limits of the city to 13.4.

D. **Signs in business, industrial districts limited.** No establishment located in any business district or industrial district shall display a total area of signs in excess of its sign area allowance. Further, all signs in any business district or industrial district shall conform to the requirements indicated below.

- 1) **Flush-mounted signs.** For aesthetic and safety reasons, flush-mounted signs are the preferred type of sign in this city. No flush-mounted sign shall:
  - (a) Project more than 18 inches from the wall or surface to which it is attached (if the wall/surface is not vertical, the projection shall be measured from the closest point of the wall/surface to the sign) : or
  - (b) Extend more than three feet above the roofline of the building to which it is attached.
- 2) **Projecting signs.** No establishment in any zoning district shall display more than one projecting sign on any street front. No Projecting sign shall:
  - (a) Project more than four feet from the building to which it is attached;



- (b) Extend more than three feet above the roofline of the building to which it is attached;
  - (c) Project over a street, alley or driveway, or closer than two feet to the curb or edge of the vehicular driveway;
  - (d) Extend below a point eight feet above the ground or pavement;
  - (e) Extend above a point 35 feet above the ground or pavement; or
  - (f) Exceed 32 square feet in area.
- 3) **Signs on awnings, canopies, or marquees.** Signs mounted flush against and awning, canopy, or marquee shall be considered flush-mounted signs, and shall comply with the regulations of division (D) (1). Signs suspended beneath any awning, canopy, or marquee shall be considered projecting signs, and shall comply with the regulations of division (D) (2).
- 4) **Window signs.** Any establishment may display window signs. Permanent window signs shall be debited against the displaying establishment's sign area allowance, but temporary window signs shall not.
- 5) **Shopping center identification signs.** A shopping center, as an entity, may erect an identification sign in accordance with the provisions of this chapter if the total gross floor area of all the establishments located in the center exceeds 50,000 square feet. A shopping center identification sign shall not exceed 200 square feet in area.
- 6) **Freestanding signs.** Not more than two freestanding signs shall be displayed on any street front of any lot. All freestanding signs shall comply with the following regulations:
- (a) No part of any freestanding sign shall intrude into or project over any public right-of-way, or otherwise obstruct view of traffic by motorists.
  - (b) No freestanding sign (including shopping center identification signs) shall exceed 200 square feet in area or 20 feet in any dimension.
  - (c) When attached to a post or other supports, the top edge of a freestanding sign shall not extend more than 35 feet above the ground or pavement.
- 7) **Roof-mounted signs.** Roof-mounted signs are strictly prohibited everywhere in the corporate limits of the city except in the industrial district. No roof-mounted sign shall extend more than 20 feet above the roofline of the building to which it is attached.
- 8) **Billboards** are strictly prohibited everywhere in the corporate limits of the city except in the industrial district. No billboard erected in the industrial district shall:
- (a) Be stacked on top of another billboard;
  - (b) Be located closer than 50 feet to any public right-of-way;
  - (c) Be located closer than 1,000 feet to any other billboard on the same side of the roadway;
  - (d) Extend more than 20 feet above the ground or pavement; or
  - (e) Exceed 300 square feet in area.

#### **Section 13-4 ADMINISTRATION AND ENFORCEMENT OF SIGNS AND GRAPHICS**

- A. **Duties.** The Zoning Administrator is hereby authorized and directed to administer and enforce the provisions of this subchapter. This broad responsibility encompasses, but is not limited to, the following specific duties:
- 1) To supervise the registration of all existing street signs and graphics;
  - 2) To review and pass upon all applications for street sign and graphic permits;
  - 3) To inspect existing and newly constructed street signs and graphics to determine compliance with this ordinance, and where there are violations, to initiate appropriate corrective action;

- 4) To review and forward to the Zoning Board of Appeals all applications for variances, for appeal and amendments;
- 5) To maintain up-to-date records of the applications and of any official actions taken pursuant thereto;
- 6) To periodically review the provisions of this chapter to determine whether revisions are needed, and to make recommendations on these matter to the City Council at least once a year;
- 7) To provide information to the general public on matters related to this chapter; and
- 8) To perform other duties as the Zoning Board of Appeals or City Council may from time to time prescribe.

**B. Street sign and graphic permits.**

- 1) No sign, billboard, or other street sign or graphic, (except those listed in 13.3 (b)) shall be erected, expanded, altered, relocated, or reconstructed without a street graphic permit issued by the Zoning Administrator.
- 2) Every applicant for a street sign or graphic permit shall submit to the Zoning Administrator, in narrative and/or graphic form, all of the items of information listed below. Items of information shall be as follows:
  - (a) Name, address, and telephone number of applicant;
  - (b) Name and address of owner of the premises on which the street sign or graphic is to be erected, if different from division (B) (2) (a) of this section;
  - (c) Location of the building, structure or lot where the proposed street sign or graphic is to be erected, and the zoning district classification of the premises;
  - (d) Description of the proposed street sign or graphic indication proposed location, dimensions, area, overall height, illumination and method of support/attachment;
  - (e) Relationship of the proposed street sign or graphic to nearby traffic control devices;
  - (f) Amount of street frontage that the establishment which proposes to display the street sign or graphic has, and the total area of all existing signs on the premises; and
  - (g) Other information as the Zoning Administrator shall reasonably require to determine full compliance with this subchapter.

**C. Nonconforming street signs and graphics.**

- 1) A nonconforming street sign or graphic shall mean any lawfully erected sign, billboard, or other street graphic that does not conform to one or more provisions of this subchapter or any amendment thereof.
- 2) A nonconforming street sign or graphic that does not pose an imminent peril to life or property may remain and be maintained by ordinary repairs, but shall not be:
  - (a) Altered or enlarged in such a way as to increase its nonconformity;
  - (b) Replaced by another nonconforming street sign or graphic (provided that changing to message on a changeable copy sign shall not be deemed a violation of this subchapter);
  - (c) Relocated unless it is made to conform with this subchapter; or
  - (d) Reconstructed after incurring damage in an amount exceeding 50% of its market value prior to the time of loss as determined by the Zoning Administrator.

D. **Corrective action orders.** Whenever the Zoning Administrator finds, by inspection or otherwise, that any street sign or graphic is in violation of this subchapter, he/she shall so notify the responsible party and shall order appropriate corrective action. Provided that this notice requirement shall not apply whenever the Zoning Administrator determines that any street sign or graphic poses an imminent peril to life or property.

- 1) Contents of order. The order to take corrective action shall be in writing and shall include:
  - (a) A description of the premises sufficient for identification;
  - (b) A statement indicating the nature of the violation;
  - (c) A statement of the remedial action necessary to effect compliance;
  - (d) The date by which the violation must be corrected (which may be the same as the date of the order);
  - (e) A statement that the alleged violator is entitled to conference with the Zoning Administrator if he/she so desires;
  - (f) The manner and date by which an appeal of the corrective action order must be filed, and a statement of the procedure for so filing; and
  - (g) A statement that failure to obey a corrective action order shall result in revocation of the street sign or graphic permit, and may result in remedial action by this city and/or the imposition of a fine.
- 2) Service of order. A corrective action order shall be deemed properly served upon the owner of the offending street sign or graphic if it is:
  - (a) Served upon him/her personally;
  - (b) Sent by certified mail with return receipts to his/her last known address; or
  - (c) Posted in a conspicuous place on or about the affected premises.

E. **Remedial action of city.**

- 1) Whenever the recipient of a corrective action order fails to obey the order within the time limit set forth therein, or in any emergency, the Zoning Administrator may alter/remove the offending street sign or graphic or take any other action necessary to effect compliance with this subchapter.
- 2) Any expense incurred by the city pursuant to authorized street sign or graphic remedial action shall be billed by first class mail to the owner of the offending street sign or graphic. If said bill has not been paid within 30 days, the unpaid charge shall constitute a lien upon the real estate where the street graphic is located. The City Attorney is hereby authorized to file a notice of lien in the office of the Count Recorder of Deeds, to foreclose this lien, and to sue the owner of the real estate, or sign permittee, or their agents, in a civil action to recover the money due for the foregoing services, plus all expenses incurred pursuant to collection efforts including litigation expenses, plus reasonable attorney's fees to be fixed by the court.

F. **Complaints.** Whenever any violation of this subchapter occurs, or is alleged to have occurred, any person may file a written complaint on forms provided by the Zoning Administrator. The Zoning Administrator shall record the complaints, promptly investigate, and if he/she deems necessary, initiate appropriate corrective action.

G. **Fees.** All permit fees, or fees for appeals or variance, shall be established by the City Council by resolution and shall be paid to the City Clerk. These fees are intended to defray

the administrative costs connected with the processing/conducting of the listed permits/procedures; they do not constitute a tax or other revenue-raising device.

H. **Variance.** A sign variance is a relaxation of the strict application of requirements of this ordinance that are applicable to a particular lot, structure or sign. Every request for a variance shall be treated in accordance with Illinois law (**65 ILCS 5/11-13-5, 65 ILCS 5/11-13-6, 65 ILCS 5/11-13-7, 65 ILCS 5/11-13-7a**) as provided in section 4-22 of this ordinance.

- 1) Every applicant for a sign variance shall submit to the Zoning Administrator, on forms provided by the Zoning Administrator, the items of information listed below. The Zoning Administrator shall promptly transmit the completed application to the Zoning Board of Appeals together with any recommendations or comments the Zoning Board of Appeals may deem appropriate for their review and consideration.
  - (a) Name and address of the applicant;
  - (b) Location of the lot or structure for which the sign variance is sought;
  - (c) Relationship of said lot or structure to adjacent lots or structures;
  - (d) Specific Section(s) of this ordinance containing the regulations which, if strictly applied, would cause a serious problem; and
  - (e) Other pertinent information that the Zoning Administrator may deem appropriate.
  
- 2) The Zoning Board of Appeals shall hold a public hearing on each variance request within a reasonable time after the variance application is submitted to them. At the hearing any interested party (including any school or other taxing district in which the property in question is located) may appear and testify, either in person or by duly authorized agent or attorney. Notice of the hearing shall be given not more than **thirty (30)** nor less than **fifteen (15)** days before the hearing:
  - (a) By first class mail to the applicant and to all parties whose properties are within **one hundred (100)** the property for which the sign variance is sought; and
  - (b) By publication in a newspaper of general circulation within the City.
  
- 3) Within a reasonable time after public hearing on the application for a variance, the Zoning Board of Appeals shall render its decision after considering the following factors:
  - a) The proposed variance is consistent with the general purpose of this Ordinance;
    - 1) Strict application of the requirements would result in great practical difficulties or hardship to the applicant, and prevent a reasonable return on the property;
    - 2) The proposed variance is the minimum deviation from such requirements that will alleviate the difficulties/hardship, and allow a reasonable return on the property;
    - 3) The plight of the applicant is due to circumstances not from his own making
    - 4) The circumstances engendering the variance request are peculiar and not applicable to other property within the District and,

therefore, that a sign variance would be a more appropriate remedy than an amendment (re-zoning); and

- 5) The variance, if granted, will not alter the essential character of the area where the premises in question are located nor materially frustrate implementation of the City's Comprehensive Plan.

I. **Appeals.** Any person aggrieved by any decision or order of the Zoning Administrator in any matter related to the interpretation or enforcement of any provisions of this subchapter may appeal to the Pinckneyville Zoning Board of Appeals

- 1) Filing, stay of further proceedings.
  - (a) Every appeal shall be made within ten days of the matter complained of by filing with the Zoning Administrator a written notice specifying the grounds for appeal. Thereupon, the Zoning Administrator shall promptly transmit all pertinent records to the Pinckneyville Zoning Board of Appeals.
  - (b) An appeal stays all further actions on the matter being appealed unless the Zoning Administrator certified to the Pinckneyville Zoning Board of Appeals, after the notice of appeal has been filed with him/her, that for reason stated in the certificate, a stay would cause imminent peril to life or property. In such case, further action shall not be stayed unless the Pinckneyville Zoning Board of Appeals or the circuit court grants a restraining order for due cause, and so notifies the Zoning Administrator.
- 2) Public hearing, notice. The Pinckneyville Zoning Board of Appeals shall consider every appeal within a reasonable time after the filing of the notice of appeal pursuant to division (H) (1) of this section and shall act upon such not later than 30 days after the filing of the appeal. The Zoning Administrator shall notify the appellant and all interested parties of the time and place at which the appeal shall be heard and post public notice of the proceeding at city hall. The Pinckneyville Zoning Board of Appeals shall render a decision on the appeal by a simple majority vote of all members then holding office or may modify or amend the order appealed to the extent and in a manner as is appropriate in its discretion. The Zoning Board of Appeals decision may be appealed to the City Council as provided in Section 4-28.

**ARTICLE 14**

This Ordinance shall be effective upon its passage and approval as provided by law.

Introduced and placed for public inspection this \_\_\_\_ day of \_\_\_\_\_, 2014.

Passed this \_\_\_\_ day of \_\_\_\_\_, 2014.

Approved this \_\_\_\_ day of \_\_\_\_\_, 2014.

1 \_\_\_\_\_  
August J. Kellerman, Mayor

ATTEST:

\_\_\_\_\_  
Frances I. Thomas, City Clerk

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_