

## ARTICLE 1

### **Section 1-1 TITLE**

This ordinance shall be known and may be cited as the “Zoning Ordinance of the City of Wood River, Illinois.”

### **Section 1-2 AUTHORITY**

This ordinance is prepared pursuant to the authority conferred by Chapter 65 of the Illinois Compiled Statutes 2016, as amended. (Ord. 20-04)

### **Section 1-3 PURPOSE**

The purpose of this Zoning Ordinance is to guide development in accordance with existing and future needs and in order to protect, promote and improve the public health, safety, morals, convenience, order, appearance, prosperity, and the general welfare of the citizens of Wood River. These regulations are made in accordance with the 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 this municipality;
- 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 provide for efficient administration and fair enforcement of all regulations set forth herein;
- H) To explain the procedures for obtaining variances, special use permits, and amendments to this ordinance.

**Section 1-4 ENFORCEMENT AND ADMINISTRATION**

The enforcement and administration of this ordinance shall be carried out as stipulated by the guidelines given in the following sections.

**1-4.1 Enforcement by Planning and Zoning Administrator**

Except as otherwise provided in this ordinance, the Planning and Zoning Administrator of the City shall administer and enforce this ordinance. These duties shall include the receiving of applications, the inspections of premises, and the issuing of permits and certificates. No permit or certificate shall be issued by the Administrator except where the provisions of this ordinance have been complied with.

**1-4.2 Right of Entry**

The Administrator or any duly authorized person, shall have the right to enter upon any premises at any reasonable time prior to and upon completion of the building or other improvements, for the purpose of making inspections to carry out their duties in the enforcement of this ordinance. The Administrator has, within reason, the right to enter upon any building, structure, or premises in the enforcement of this ordinance. In situations where the Administrator's right to enter is uncertain, the Administrator shall first attempt to contact the owner. If the Administrator is unable to contact the owner, they will proceed in resolving the situation under the advice of the City attorney.

**1-4.3 Stop Order**

Whenever any building work is being done, or uses established, altered or otherwise changed in a manner contrary to the provisions of this ordinance, the Administrator or other authorized person, may order the work stopped by notice in writing served on any person doing such work. Upon notice being served, such person shall forthwith stop such work until authorized by the Administrator to proceed.

**1-4.4 Prosecution**

Whenever a violation of this ordinance occurs, any person, including the Planning and Zoning Administrator or any other duly authorized City personnel, may file a complaint therefore in the court of appropriate jurisdiction. The Planning and Zoning Administrator or their deputy or assistant, may also issue and/or serve a summons, citation, or other process issued by the court of appropriate jurisdiction for any such violation and may prosecute the violator thereof in said court. Nothing herein shall prevent the City from taking such other lawful action to prevent or remedy any violations. All cost connected therewith shall accrue to the person responsible for the violation.

**1-4.5 Permits**

For any construction of a building or addition containing over 4,000 square feet of floor area, there shall be submitted with all applications for building permits, five copies of a layout or site plan containing the information requested in the building permit application. Any development containing less than 4,000 square feet need only submit three sets of plans containing the information requested in the building permit application. These plans shall be used to verify compliance with this ordinance and other applicable ordinances. (Ord. 20-04)

**1-4.6 Payment of Fee**

One copy of the submitted layout or site plans shall be returned to the applicant upon payment of the required fees. At that time, the Administrator shall return the plans and issue the required permits.

**Section 1-5 WAIVER OF ORDINANCE FOR CITY PROPERTY & USES**

This ordinance shall be waived for any function, structure, or use either owned or operated by the City of Wood River. This waiver is contingent upon the approval of the structure, function, or use by the City Council and City Manager. All functions of the City shall be considered a permitted use in any district, and shall not be subject to the requirements of this ordinance.

**Section 1-6 PENALTIES**

A violation by any person, corporate or otherwise, whether as principal, agent, employee, or otherwise, of any provisions of this ordinance shall be a misdemeanor and will be subject to a fine up to five-hundred dollars or imprisonment of a period not to exceed thirty days, or both. Each day of the continued violation shall constitute a separate additional violation. If more than one provision is violated, each provision violated shall be considered as herein specified. Nothing herein shall limit any other right or remedy of the City or other persons in interest, including the right to obtain an injunction of any violation from a court of competent jurisdiction.

**Section 1-7 DISCLAIMER OF LIABILITY**

Except as may be provided otherwise by statute or ordinance, no officer, board member, agent, or employee of this municipality shall render themselves 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 duties under this ordinance. (See "Local Governmental and Governmental Employees Tort Immunity Act," Illinois Compiled Statutes 2016, Chapter 745, Sections 10/1-101.)

Any suit brought against a person as a result of any act required or permitted in the discharge of his duties under this ordinance shall be defended by the City Attorney until the final determination of the legal proceedings.

**Section 1-8 SEPARABILITY**

If any part or provision of this ordinance, or the application thereof to any person, property, or circumstance is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation and direction to the part, provision, section or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the integrity or validity of the remainder of this ordinance or the application thereof to other persons, property, or circumstances. The City Council hereby declares that it would have enacted the remainder of this ordinance even without any such part, provision section or application.

**Section 1-9 CONFLICT WITH OTHER ORDINANCES**

This ordinance shall supersede such other ordinances or parts of other ordinances of the City in conflict with the provision of this ordinance provided that nothing herein shall in any way excuse or prevent the prosecution of any previous or existing violation of any ordinance superseded hereby.

or prevent the prosecution of any previous or existing violation of any ordinance superseded hereby.

**Section 1-10 EFFECTIVE DATE**

This ordinance shall take effect thirty days after its final passage.