

ARTICLE 3

GENERAL ZONING REGULATIONS

Section 3-1 ESTABLISHMENT OF DISTRICTS

In order to implement the regulatory scheme of this ordinance so as to achieve the objectives enumerated in Article 1, this entire municipality is hereby divided into the following zoning districts:

DISTRICT	DESIGNATION	MINIMUM AREA REQUIRED
Agricultural	A	5 acres
Single-Family Residential	R-1	1 acre
Single-Family Residential	R-2	1 acre
Two-Family Residential	MR-3	1 acre
Multiple-Family Residential	MR-4	1 acre
Multiple-Family Residential	MR-5	1 acre
Manufactured Home Park	MH	5 acres
Downtown Business	BD	1 acre
Neighborhood Business	B-1	1 acre
Community Business	B-2	1 acre
Highway Business	B-3	1 acre
Industrial	I	5 acres
Conservation/Recreation	CR	1/2 acre
Floodplain Overlay	FP	N/A
Business Park – Wood River	WRBP	N/A

Section 3-2 ZONING MAP AND DISTRICT BOUNDARIES

The boundaries of the listed zoning districts are hereby established as shown on the Official Zoning Map of this municipality. 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 Administrator's office.

3-2.1 Annual Publication

In accordance with State Law, the Administrator shall publish the Official Zoning Map of this municipality not later than March 31 of each year. However, no map shall be published for any calendar year during which there have been no changes in zoning districts or regulations.

3-2.2 Determining Territory of Districts with Precision:

In determining with precision what territory is actually included within any zoning district, the Administrator shall apply the following rules:

A) Where a district boundary as indicated on the Zoning Map approximately follows any of the features listed here, the following rules shall apply in determining the boundary:

- 1) Boundaries indicated as approximately following the center line of streets, highways, or alleys shall be construed to follow such center lines;
- 2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- 3) Boundaries indicated as following corporate limits shall be construed as following corporate limits;
- 4) Boundaries indicated as following railroad lines shall be construed to be midway between the main right-of-way;
- 5) Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of a change in the shore line shall be constructed to move with the actual shore line; boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such center lines;
- 6) Boundaries indicated as following section lines, quarter section lines, quarter-quarter section lines or other survey lines shall be construed as following such survey lines;
- 7) Boundaries indicated as parallel to or extensions of features indicated in subsections (1) through (6) shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by dimensions shown on the map, or in the absence of dimensions, by the scale of the map.

B) Whenever any street, alley, or other public way is legally vacated, the center line of such vacated public way shall be the defining boundary of the zoning districts adjoining each side of the vacated public way. All territory included in the vacated way shall thereafter be subject to all regulations of the imposed district.

C) The Regulatory Flood Elevation Map shall determine where the Food Plain Overlay District Boundary is located on any parcel.

3-2.3 Annexed Territory

Any persons voluntarily requesting their territory be annexed to the City shall specify in their "Petition for Annexation" the type of zoning desired for the area to be annexed. The Planning Commission will review the requested zoning to determine if it is compatible with the goals of the Comprehensive Plan. After reviewing the proposed zoning, the Planning Commission will then make its recommendation to the City Council as to what zoning the territory should be given upon annexation. If the Planning Commission's recommendation is to annex the land with a different zoning than requested, notice of this recommendation will be provided to the persons seeking annexation. The City Council may then annex the land with the zoning as recommended by the Planning Commission or as any other zoning district established in the Zoning Ordinance. This will be done provided that all legal requirements for zoning the property at the time of the annexation and the requirement for amending this ordinance are met.

Any territory hereafter annexed to the City without the voluntary approval of the owners shall be zoned so its future uses will be compatible with the goals and intentions of the Comprehensive Plan. Any such annexation shall follow the process outlined in the previous paragraph.

Section 3-3 GENERAL PROHIBITION

No building or structure; no use of any building, structure, or land; and no lot of record or zoning lot, hereafter existing, shall be established, altered, moved, divided, maintained, used, or occupied in any manner except in accordance with the provisions of this ordinance.

Section 3-4 USES NOT SPECIFICALLY LISTED

Any person wanting to develop a property for a use that is not specifically listed as a permitted or a special use within a zoning district may verify the eligibility of the proposed use by requesting an Initial Certificate of Zoning Compliance from the Administrator. If the Administrator determines that the proposed use is compatible with the permitted uses listed for the district, the certificate shall be provided. If the proposed use is comparable to the uses listed as a special use for that district, the Administrator shall inform the applicant that a Special Use permit is required. Should the Administrator determine that the proposed use is not compatible with the intended uses of a district, a letter explaining the reasons for this will be sent to the person requesting the certificate. If this person disagrees with the Administrator's letter, he may file an appeal with the Board of Appeals. The Board will then determine a course of action as outlined in Article 12. Certificates of Compliance may be requested at any time by any owner or occupant, and upon inspection and approval by the Administrator, shall be issued.

Section 3-5 MEETING MINIMUM REQUIREMENTS

Except as specifically provided elsewhere in this ordinance, every lot must meet the minimum area, minimum dimensions, and minimum setback requirements of the district in which it is located. These minimum requirements must be met without counting any portion of an adjacent lot. No lot shall be reduced below the requirements of this ordinance for the district in which it is located.

Section 3-6 ACCESS REQUIRED

No building shall be erected on any lot unless such lot abuts, or has permanent easement of access to a public street or a private street that conforms to the standards set forth in Article 9 Land Subdivision Regulation.

Section 3-7 SPECIAL EXCEPTION TO HEIGHT LIMITS

All structures constructed within this municipality shall meet the required height restrictions for the individual district in which it is located. Only the following items are exempted from the height restrictions:

- A) Necessary Appurtenances: Chimneys, church spires, parapet walls, cooling towers, elevator bulkheads, fire towers, 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 if they comply with all other pertinent ordinances of this municipality.

- B) Intersections: The triangular portion of corner lots that is bounded by the street lines and a line joining the two street lines at points on the street lines which are thirty feet from the point of

intersection, shall be considered a restricted area. No obstruction, whether natural or man-made, shall not be planted, placed, or erected which will intrude into the air space of the restricted area between two and ten feet above the level of the adjacent street.

C) Airport Hazard Areas: Notwithstanding any other provisions 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 Aeronautics pursuant to “An Act Relating to Airport Zoning” and “An Act in Relation to Zoning to Eliminate Airport Hazards.”

Section 3-8 ACCESSORY BUILDINGS

This section establishes the guidelines regulating the construction and installation of accessory buildings. All accessory buildings must also comply with the guidelines given for the zoning district in which it is located.

3-8.1 Restrictions

A) Construction of Accessory Buildings

1) Any detached accessory building such as a garden, utility, or storage shed one hundred square feet or less shall be anchored to the ground in a manner approved by the Administrator. A site plan and a diagram of how the shed will be anchored must be submitted;

2) Any detached accessory building greater than one-hundred square feet shall be anchored to footings, foundation walls, piers, or other permanent supports which must extend below the frost line. Approval is required by the Administrator.

B) No accessory building shall be located in front of the principle structure. Only short-term, temporary accessory structures which serves the same purpose as the principal structure may be located in front of the principal structure. All accessory buildings shall meet the setbacks established for the zoning district in which it is located;

C) No accessory building is permitted on any lot where the building would exceed the maximum lot coverage;

D) Use of any accessory structure as a dwelling is strictly prohibited throughout the zoning jurisdiction of this municipality;

E) No permitted accessory building may be constructed in a district, on a lot, when the principal structure for that district does not exist on that lot;

F) Accessory buildings which are located on corner lots may be located beyond the front building line of the structure if the corner lot is not significantly larger than the lots located in the center of the block. The Administrator shall determine if the corner lot is significantly larger than the other lots.

Section 3-9 SATELLITE RECEIVING DISHES

This section is to regulate the installation of all Satellite/Television, Microwave Receiving and/or Radio Transmitting Antennas (Dishes) inclusive. Any such device which transmits or receives signals, excluding cellular phones and emergency radios, shall be considered a satellite dish or antenna and is subject to the regulations listed here. Any satellite receiving dish installed within this municipality shall meet the following requirements:

A) All satellite dishes or antennas that are installed shall require a building permit. Prior to the issuance of the building permit, a person shall submit an original application and two copies which shall contain the following relevant information:

- 1) Plot plan of the property on which the antenna is to be located;
- 2) Structural plan of the antenna;
- 3) Elevation view;
- 4) Additional information relative to the structure and foundation of the antenna.

B) Upon receipt of the building permit application, the Administrator shall determine whether such installation will:

- 1) Adversely affect the character of the neighborhood;
- 2) Adversely affect the general welfare of the community;
- 3) Subsequently interfere with the protection of the property on which the antenna is installed;
- 4) Subsequently interfere with the enjoyment of neighbors in relation to vision screen appearance and utilization of their property.

C) If the Administrator's findings should be negative to all the subsections referred to above, then the application shall be granted. If the Administrator's findings are affirmative to any of the items given above, then the permit shall be denied.

D) Installation of antennas shall comply with the following:

- 1) National Electrical Code;
- 2) Satellite dishes or antennas over six (6) feet in diameter require structural calculations on framing submitted by manufacturer of antenna. They shall also require engineering calculations on footing. Calculations shall bear the seal of engineer submitting data;
- 3) Roof-mounted antennas over thirty-six (36) inches in diameter and thirty-six inches in height require complete structural analysis of roof structure by professional engineer. Calculations shall bear the seal of engineer submitting data;
- 4) Wind-loading calculated per BOCA Code. Report to be submitted and sealed by professional engineer;
- 5) No advertisement permitted on antenna;

- 6) No mobile antennas permitted on private property;
- 7) The applicant must demonstrate that the antenna will not disrupt the character of the neighborhood. If it does, landscaping shall be installed that provides reasonable screening from all directions beyond the lot lines;
- 8) If the antenna is free standing, it must be located behind the actual front building line of such lot and within all other required building lines. This is to be shown by a plot plan. The number of microwave television antennas permitted under this provision is limited to one antenna per building, unless the building is located in the BD, B-2, B-3, BPE, or I district;
- 10) A dish antenna and accessory structure may not occupy more than thirty percent (30%) of the yard area in which they are located;
- 11) Where the antenna is detached from the main building, its maximum height may not exceed fifteen (15) feet. When roof-mounted, it must conform to zoning district height limits;

E) This section shall apply to all television microwave or similar antennas. This section shall not apply to standard roof-top television antennas.

Section 3-10 LOT REGULATIONS AND REQUIREMENTS

All lots, courts, or yards established within the City shall comply with the following:

- A) Maintenance of Yards, Courts, and Other Open Spaces: The maintenance of yards, courts, and other open space and minimum lot area legally required for a building shall be a continuing obligation of the owner of such building or of the property on which it is located. Maintenance includes the timely removal of debris and rubbish. Furthermore, no legally required yards, courts, or other open space or minimum lot area allocated to any building shall be used to satisfy yard, court, other open space or minimum lot area requirements for any other building.
- B) Division of Zoning Lots: No improved zoning lot shall hereafter be divided into two or more zoning lots unless all improved zoning lots resulting from each such division conform with all the applicable bulk regulations of the zoning district in which the property is located. However, with respect to the re-subdivision of improved zoning lots in the MR-3, MR-4, and MR-5 districts, side yard requirements shall not apply between attached buildings.
- C) Location of Required Open Spaces: All yards, courts, and other open spaces allocated to a building or dwelling group shall be located on the same zoning lot as such building or dwelling group.
- D) Required Yards for Existing Buildings: No yards now or hereafter provided for a building existing on the effective date of this Section, shall subsequently be reduced below, or further reduced below if already less than, the minimum yard requirements of this ordinance for equivalent new construction.

Section 3-11 EXISTING SPECIAL USES

Where a use is classified as a special use at the effective date of this ordinance, it shall be considered a legal special use, without further action of the City Council, the Administrator, and the Board of Zoning Appeals.

Section 3-12 FRONT SETBACKS IN BUILT-UP AREAS

In any zoning district where fifty percent or more of the frontage on one side of the block is developed with buildings whose front setback does not differ by more than ten feet, a less restrictive setback requirement may be used. In these situations, the minimum front setback shall be the average setback of the existing structures if the average is less than that required by this ordinance. If the average setback of the existing structures is more than that required by this ordinance, the setback requirement given in the ordinance shall be used. (Ord. 97-14)

Section 3-13 SPECIAL EXCEPTIONS TO SETBACK REQUIREMENTS

In the event a person requires a wheelchair ramp to allow access to a dwelling unit, the ramp and any other improvements required to provide access are granted an exemption from the setback requirements outlined in this ordinance. Persons installing such ramps shall construct or develop the minimum amount of improvements needed to grant the disabled person access to the dwelling unit. These improvements should comply with the setback requirements whenever possible. The administrator or his designee shall determine what improvements are required to permit access into the dwelling unit. The intrusion will only be permitted while the improvements are necessary to grant the disabled person access. (Ord. 97-14)