

**VILLAGE OF BIG ROCK**

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# **ZONING ORDINANCE**

**ADOPTED:  
MARCH 12, 2013**

**UPDATED WITH AMENDMENTS THROUGH DECEMBER 31, 2024**

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## **ARTICLE I - TITLE, PURPOSE AND INTENT**

### **1.1 TITLE**

This Ordinance shall be known, cited and referred to as the “Village of Big Rock Zoning Ordinance”.

### **1.2 PURPOSE AND INTENT**

The Village of Big Rock Zoning Ordinance is adopted with the purpose of protecting and promoting the public health, safety, comfort and general welfare of the people. The fulfillment of this purpose is to be accomplished by seeking:

- To establish districts, with an appropriate mix of permitted uses, and adequate standards for the provisions of the light, air and open spaces.
- To zone all properties with a view to conserving the value of buildings and land and encouraging the most appropriate use of land throughout the Village.
- To lessen congestion on the public streets, and to facilitate the provision of adequate transportation, and of other public requirements and services such as water, sewerage, schools and parks.
- To avoid hazards to persons and damage to property from inappropriate development of lands and provide for adequate drainage, erosion control and reduction of flood damage.
- To avoid undue concentration of population or activity, and to prevent the overcrowding of land, thereby ensuring proper living and working conditions and preventing the development of blight and slums.
- To foster a more rational pattern and relationship of land use between residential, business, commercial and industrial, for the mutual benefit of all.
- To provide for and preserve appropriate open space.
- To protect residential, business, commercial, and industrial areas alike from harmful encroachment by incompatible uses and to ensure that land allocated to a class of uses will not be usurped by other inappropriate uses.
- To isolate or control the location of unavoidable nuisance-producing uses.
- To facilitate the preservation of sites, areas and structures of historical, architectural and aesthetic importance.
- To establish reasonable standards to which structures shall conform, and to encourage reasonable flexibility or development design through appropriate innovation.
- To provide for the regulation of legal non-conforming structures and uses.

- To prevent additions to, and alterations or remodeling of, existing structures which would not comply with the restrictions and limitations imposed herein.
- To provide for the elimination of non-conforming not lawful uses and structures.
- To define the powers and duties of the administrative and enforcement officers and bodies.
- To prescribe penalties for any violation of the provisions of this Ordinance, or of any amendment thereto.
- To implement the objectives of the Village's Comprehensive Land Use Plan.

### **1.3 SEPARABILITY**

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

### **1.4 ORDINANCE PROVISIONS ARE NON-ACCUMULATIVE**

This Ordinance is non-accumulative in nature. Zoning district requirements do not accumulate from one district to another, unless expressly stated.

### **1.5 INTERPRETATION OF USE LISTS**

**A. Uses Not Listed:** The Zoning Enforcement Officer may allow a land use to be considered as a permitted or special use which, though not identified by name in a zoning district list of permitted or special uses, is deemed to be similar in nature, and clearly compatible with the listed uses. The Zoning Enforcement Officer shall consult the Standard Industrial Classification (SIC) code to determine similarity or compatibility. However, such non-listed uses shall not be approved until the application for such use has been reviewed by the Village Attorney.

**B. Addition of Non-Listed Uses to Zoning Ordinance:** All non-listed uses which are approved by the Zoning Enforcement Officer as set forth above shall be added to the appropriate use list by ordinance, at the time of periodic updating and revision. Any person, including the Village, may request a text amendment to this Ordinance to allow a use not currently listed as either a permitted or special use in any zoning district. Any such request shall follow the procedures set forth herein for text amendments to this Ordinance. Any lawful use not specifically listed herein is not considered an excluded use, but may be considered by the Village on a case by case basis.

### **1.6 INTERPRETATION OF PROVISIONS**

**A. Minimum Requirements:** In their interpretation and application, the zoning provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety and welfare.

**B. Overlapping or Contradictory Regulations:** Where the conditions imposed by any provision of this Ordinance are either more restrictive or less restrictive than comparable

conditions imposed by any other provision of this Ordinance, the regulations which are more restrictive shall govern.

**C. Private Agreements:** This Ordinance is not intended to abrogate any easement, covenants or any other private agreement. However, where the regulations of this Ordinance are more restrictive than such easements, covenants or other private agreements, the requirements of this Ordinance shall govern.

## **1.7 RELATIONSHIP TO VILLAGE CODE**

The Big Rock Zoning Ordinance shall be considered an integral part of the Village Code of Big Rock. All applications for permits under the terms of this Ordinance shall be subject to all the provisions of all other pertinent Village regulations.



## **ARTICLE II - ZONING DISTRICTS AND BOUNDARIES**

### **2.1 ZONING DISTRICTS**

In order to carry out the purposes and provisions of this Ordinance, the Village of Big Rock, Illinois, is divided into the following zoning districts:

A-1	Agricultural
R-E	Residential Estate
R-R	Rural Residential
R	Single Family Residential
R-1	Town Center Residential
R-2	Two-Family Residential
R-3	Multi-Family Residential
R-4	High-Density Multi-Family Residential
B-1	Central Business
B-2	General Business
B-3	Town Center Business
B-4	Commercial Recreational/Institutional
MCU	Mixed Commercial Use
ORI	Office, Research, and Light Industrial
M	Manufacturing

### **2.2 ZONING MAP**

The boundaries of the districts listed above are as shown on the map designated as the "Zoning Map" for Big Rock, Illinois. A copy of this map may be found on the file in the office of the Zoning Enforcement Officer. The Zoning Map, together with the notations, shall be as much a part of this Ordinance as if such notations, references and other matters were specifically set forth herein in this text.

### **2.3 BOUNDARIES**

Where uncertainty exists with respect to the boundaries of the various districts as shown on the zoning map, the following rules shall apply:

**A. General Guidelines:** District boundaries shall be either the centerlines of railroads, highway, streets, alleys or easements, and waterways, or the boundary lines of sections, quarter-sections, divisions of sections, tracts or lots (or such extended), unless otherwise indicated.

**B. Vacation of Streets, Alleys, and Public Works:** Whenever any street, alley or other public way is vacated by official action of the Village Board, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation, and all area included in the vacation shall then, and henceforth be, subject to all appropriate regulations of the extended districts.

**C. Recorded Lots of Record:** Where district boundaries are not otherwise indicated, and where the property has been platted into blocks and recorded lots of record, the district boundaries shall be construed to the lot lines of the Lots of Record. No tax divided parcel shall be construed to be a recorded lot of record under this Zoning Ordinance.

**D. Areas Not Subdivided into Lots and Block:**

- (1) Wherever a district is indicated as a strip adjacent to and paralleling a major highway, the depth of such strip shall be in accordance with the dimensions shown on the map measured at right-angles to the centerline of the street or highway. The length of the frontage of such a strip shall be in accordance with the dimensions shown on the map from section, quarter-section, or division lines of centerlines of streets, highways or railroad rights-of-way unless otherwise indicated.
- (2) If a lot held by the same ownership on the effective date of this Ordinance is divided by a district boundary line, the entire lot shall be construed to be within the more intensively zoned district.
- (3) This shall not apply, however, if it increases the more intensive portion of the lot by more than twenty-five (25%) percent. If this occurs, the entire lot shall be zoned the least intensive of the two districts, unless otherwise recommended by the Plan Commission at a public hearing and subsequently approved by the Village Board.

**2.4 ANNEXED TERRITORY**

All territory which is annexed to the Village shall be automatically classified in the A-1, Agricultural District upon annexation, unless otherwise classified by amendment.

## **ARTICLE III - RULES AND DEFINITIONS**

### **3.1 RULES**

**A. Applicability:** The rules and definitions contained in this Article shall be observed and applied except when the context clearly indicates otherwise.

**B. Rules:** The following rules shall apply to the text of this Ordinance:

- (1) Words used in the present tense shall include the future.
- (2) Words use in the singular number shall include the plural number, and the plural the singular.
- (3) The words “shall” and “will” are mandatory and not discretionary.
- (4) The word “may” is permissive.
- (5) The masculine gender includes the feminine and neuter.
- (6) The word “person” means an individual, association, corporation, estate, joint venture, partnership, trustee or other legal entity capable to holding title to real property.
- (7) Whenever a word or term defined appears in the text of this Ordinance, its meaning shall be construed as set forth in the definition, and any word appearing in parentheses directly after a word defined shall be construed in the same sense as the word.
- (8) The word “building” includes “structure”; “building” or “structure” includes any part thereof; “used” or “occupied” as applied to any land or structure shall be construed to include the word “intended, arranged or designed to be used or occupied”.
- (9) Terms not herein defined shall be defined as specified in Webster’s New Collegiate Dictionary - Eleventh Edition.

### **3.2 DEFINITIONS**

The following definitions shall apply in the interpretation and enforcement of this Ordinance:

<b>Abut:</b>	To physically touch or border upon, or to share a common property line.
<b>Access:</b>	A way or means of approach to provide physical entrance to a property.
<b>Agriculture:</b>	Land, including necessary buildings, dwelling or dwellings and other structures shall be considered used for agriculture if the principal use thereof is the raising or keeping of livestock and/or the growing of crops.

<b>Alley:</b>	A dedicated public right-of-way, other than a street, that affords a secondary means of access to abutting property.
<b>Amusement Facility:</b>	An area or structure, open to the public, which contains coin-operated games and similar entertainment and amusement devises.
<b>Amusement Park:</b>	An outdoor facility, which may include structures, where there are various devices for entertainment, including rides, booths for the conduct of games or sale of items, and buildings for shows and entertainment.
<b>Anchor Tenant:</b>	A major store in a shopping center.
<b>Animal Hospital:</b>	Any building or portion thereof designed or used for the care, observation or treatment of domestic animals.
<b>Antenna:</b>	An apparatus, external to or attached to the exterior of a building together with any supporting structure for sending or receiving electromagnetic waves.
<b>Apartments, Low-Rise:</b>	An apartment building containing not more than three stories.
<b>Applicant:</b>	The owner, contract purchaser or designated legal representative who proposes to file a request for appeal, variation, special use permit, or amendment pursuant to the provisions of this Ordinance or, a person submitting an application for development. Consent shall be required from the legal owner of the premises.
<b>Association, Homeowner's:</b>	A private association which is organized for a development, in which individual homeowners share common interest in open space or facilities.
<b>Automobile Service Station, Full Service:</b>	An automobile service station where automotive maintenance, service, or repair is performed with or without the dispensing of vehicular fuels.
<b>Automobile Service Station, Mini-Mart:</b>	An automobile service station which offers or includes, as an accessory use, the retail sale of prepackaged, non-prescription drugs and convenience-type food items.

**Automobile Service  
Station, Self  
Service:**

An automobile service station where the dispensing of vehicular fuels is performed primarily by individual patrons and which does not perform any manner of automotive maintenance, service or repair.

**Basement:**

A story partly or wholly underground. Where more than one-half of its height is above the established curb level or above the average level of the adjoining ground where the curb level has not been established, a basement shall be counted as a story for purposes of measuring height.

**Bed and  
Breakfast Guest  
House:**

An owner-occupied dwelling proving not more than five rooms for overnight accommodations to the public and, if so desirable, breakfasts may be served to the guest thereof. Rental is on a transient basis for a fee.

**Beekeeping:**

The keeping of one or more colonies of honeybees on one's own property, subject to the following sub-definitions:

1. Bee shall mean any stage of the common domestic honeybee, *Apis Mellifera*.
2. Colony shall mean a hive and its equipment and appurtenances, including bees, comb, honey, pollen, and brood.
3. Hive shall mean a structure intended for the housing of a bee colony.

**Berm:**

A mound of earth, or the act of pushing earth into a mound, used to screen or adorn the perimeter of a lot or development along a public right-of-way; often naturalistic and meandering in nature, and used to provide an aesthetic border to a property.

**Buildable Area:**

The area of a lot remaining after the minimum yard and open space requirements of the zoning ordinance has been met; also known as building envelope.

**Building Coverage:**

The horizontal area measured within the outside of the exterior walls of the ground floor of all principal and accessory buildings on a lot.

**Building Height:**

Height shall be defined as the vertical distance measured from grade to the highest point of the roof. Chimneys, tower, spires, steeples, elevator penthouses, cooling towers, cupolas and other similar projections shall not be included in determining building height.

<b>Building Permit:</b>	Written permission issued by the Village of Big Rock, through the Building Enforcement Officer, for the construction, repair, alteration or addition to a structure.
<b>Building, Setback Line:</b>	The line parallel to the front lot line at a distance equal to, or greater than, the depth of the required front yard for the zoning district in which the lot is located.
<b>Bulk:</b>	<p>The term used to indicate the size and setbacks of structures, and the location of same with respect to one another that include the following:</p> <ol style="list-style-type: none"> <li>(1) Size and height of building.</li> <li>(2) Location of exterior walls at all levels in relation to lot lines streets, or to other buildings.</li> <li>(3) Gross floor area of buildings in relation to lot area (floor area ratio).</li> <li>(4) All open spaces allocated to building.</li> <li>(5) Amount of lot area provided per dwelling unit.</li> </ol>
<b>Car Wash:</b>	A structure, or portion thereof, containing facilities for washing motor vehicles.
<b>Certificate of Zoning:</b>	A document issued by the Zoning Enforcement Officer certifying that the structure or use has been constructed or will be used in compliance with the Zoning Ordinance.
<b>Clinic, Medical or Dental:</b>	A structure, or portion thereof, in which patients who are not lodged overnight are admitted for examination and treatment by two (2) or more licensed medical or dental practitioners.
<b>Club or Lodge, Private:</b>	A non-profit association of persons who are bonafide members paying dues, which owns, hires or leases a building or portion thereof.
<b>Commission:</b>	For the purpose of this Ordinance, Commission shall refer to the Planning & Zoning Commission of the Village of Big Rock (see Planning & Zoning Commission).

<b>Comprehensive Land Use Plan:</b>	The plan for the long range growth and development of the Village, including graphic and written proposals, as formally adopted and amended from time to time by the Big Rock Planning & Zoning Commission and Village Board.
<b>Conditions or Restrictions:</b>	Provisions and limitation which may be imposed on a structure, parcel of land, or use at the time the Village Board grants approval of a variation, amendment, planned development or special use.
<b>Condominium:</b>	A building, or group of buildings, in which units are owned individually, and the structure, common areas and facilities are owned by all the owners of a proportional, undivided basis.
<b>Congregate Housing:</b>	A dwelling that provides shelter and services for the elderly, which may include meals, housekeeping and personal care assistance.
<b>Contiguous:</b>	Next to, abutting, touching and having a boundary, or portion thereof, which is coterminous.
<b>Convalescent Home:</b>	A structure which is used, designed or intended for the case of the aged or infirm, or for those suffering bodily disorders, and which does not contain the facilities nor render the services normally associated with a hospital.
<b>County:</b>	Kane County, Illinois.
<b>Day Care:</b>	Any residence which receives more than three (3), up to a maximum of twelve (12) children, for less than twenty four (24) hours per day. The number counted includes the family's natural or adopted children and all other persons under the age of twelve (12). The term does not include facilities which receive only children from a single household.
<b>Day Care Center:</b>	Any childcare facility, as defined by 225 ILCS 10/205, which regularly provides daycare for less than twenty four (24) hours per day for more than eight (8) children in a family, or more than three (3) children in a facility other than a family home. The term does not include: a) kindergartens or nursery schools or other daytime programs operated by public or private elementary school systems or secondary level school units or institutions of higher learning; b) facilities operated in connection with a shopping center or service, or similar activity, where transient children are cared for temporarily while parents or custodians of the children are occupied on the premises, or are in the immediate vicinity and readily available; c) any type of daycare center that is conducted on federal government premises; d) education program or programs serving children who shall have attained the age of

three (3) years and which are operated by a school which is registered with the state board of education or accredited by a recognized organization; e) accessory childcare facilities; and f) special activities programs, including athletics, crafts instruction and similar activities conducted on an organized and periodic basis by civic, charitable and governmental organizations.

<b>Dedicated Street:</b>	A public right-of-way owned by the Village or other public highway agency, and created by designation on a recorded Plat or in a recorded instrument or conveyance accepted by the Village Board or other public highway agency.
<b>Dedication:</b>	The gift or donation of property by its owner to another party.
<b>Deed:</b>	A legal document conveying ownership of real property.
<b>Density, Gross:</b>	The number of dwelling units per acre devoted to residential land development, including streets, street rights-of-ways, and open space.
<b>Density, Net:</b>	The number of dwelling units per acre devoted to residential land development, excluding streets, street rights-of-way, an open space.
<b>Detention Basin or Pond:</b>	A storage facility for the temporary storage of storm water runoff.
<b>Developer:</b>	Any person whose concern and intent is to improve land according to the development regulations of the Village of Big Rock.
<b>Development:</b>	The division of a parcel of land into two (2) or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement or any structure; any mining, excavation, landfill or land disturbance, and any use or extension of the use of land.
<b>Development Ordinance:</b>	An ordinance adopted by the Village Board, upon completion of both preliminary and final development plan or subdivision approvals, which includes graphics and other support documentation upon which Village Board approval is based. The development ordinance may specify conditions of approval established by the Village Board.
<b>District Boundary Line:</b>	A line which marks the separation between two zoning districts.



<b>Drinking Establishment:</b>	A structure, or portion thereof, where alcoholic beverages are solely to be consumed on the premises, but not including eating establishments, where the principal use is the consumption of food.
<b>Drive-In Establishment:</b>	A business which is operated for the sale and purchase of food and other goods, services or entertainment and which is designed and equipped so as to allow patrons to be served or accommodated while remaining in their automobiles.
<b>Dry Cleaning Establishment:</b>	A business which handles the washing, drying, dry-cleaning and ironing of clothes on the premises, and may which include pick-up and delivery services.
<b>Dwelling:</b>	A building, or portion thereof, designed or used for residential occupancy.
<b>Dwelling, Double Family:</b>	A dwelling which either (1) contains two dwelling units only, one above the other, or (2) contains two dwelling units only which are joined to one another by a party wall or vertical cavity wall, with above-ground physically unifying horizontal structural elements.
<b>Dwelling, Multi-Family:</b>	A dwelling containing more than two dwelling units.
<b>Dwelling, Patio House:</b>	A one-family dwelling on an individual lot with open space setbacks on three sides, and with a courtyard. Also known as zero lot line.
<b>Dwelling, Quadraplex:</b>	Four attached dwellings in one structure in which each unit has: two open space exposures; shares one or two walks with an adjoining unit or units; and has a main entry at the ground level.
<b>Dwelling, Single-Family:</b>	A building containing one dwelling unit.
<b>Dwelling, Single-Family Attached:</b>	A one-family dwelling attached to two or more one-family dwellings by common vertical walls.
<b>Dwelling, Single-Family Cluster:</b>	A dwelling which is designed for and occupied by not more than one family and surrounded by open space or yards and which is not attached to any other dwelling by any other means. Lot size may be less than that which would otherwise be required by the

regulations of the District for traditional detached single-family housing, in order to preserve natural features of the site and/or provide open space in excess of that required under the terms of the District.

**Dwelling, Single-Family, Detached:**

A dwelling which is designed for and occupied by not more than one family and surrounded by open space or yards and which is not attached to any other dwelling by any other means.

**Dwelling, Townhomes:**

A one-family dwelling in a row of at least three (3) such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common fire resistant walls.

**Dwelling Unit:**

One dwelling.

**Easement:**

A grant, by a property owner, for the use of a portion of his land by another party for a specific purpose.

**Easement, Conservation:**

An easement precluding future or additional development of the land.

**Easement, Drainage:**

An easement required for the installation of storm water sewers or drainage ditches and/or required for the preservation or maintenance of a natural stream or water course or other drainage facility.

**Eating Establishment:**

A structure, or portion thereof, within which food is offered for sale and which permits consumption within the structure.

**Eave:**

The projecting lower edges of a roof overhanging the wall of a building.

**Elevation:**

A vertical distance above or below a fixed reference level; or a scaled drawing of the front, rear and side of a building.

**Façade:**

The exterior wall of a building exposed to public view or that wall viewed by persons not within the building.

**Family:**

*Family* means either (1) an individual or two or more persons, related by blood, marriage or adoption, living together as a single housekeeping unit in a dwelling unit; or (2) a group of not more than four persons, who need not be related by blood, marriage or adoption, living together as a single housekeeping unit in a dwelling unit; together with, in either case, not more than one domestic servant.

<b>Farm Stand:</b>	A booth or stall located on a farm from which produce and farm products are sold to the general public.
<b>Fast Food Restaurant:</b>	An establishment whose principal business is the sale of prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building or off-premises.
<b>Feedlot, Commercial:</b>	Concentrated commercial feeding of poultry and livestock in a structure or area in which one hundred (100) or more units of livestock per acre are confined for the production of agricultural products. One (1) unit shall be equivalent to one (1) head of cattle, two (2) hogs, two (2) sheep or ten (10) poultry.
<b>Fence:</b>	A structure which is used as a boundary, protection or means of screening and which is made of manufactured material.
<b>Flag Lot:</b>	A lot not fronting on or abutting a public road and where access to the public road is by a narrow private right-of-way.
<b>Floodplain:</b>	Those areas along rivers and streams subject to periodic flooding. The floodplain is defined by the Flood Boundary and Floodway Map prepared by the Federal Emergency and Management Agency.
<b>Floodway:</b>	The channel of the watercourse and those portions of the adjoining floodplain which are reasonably required to carry and discharge the regional flood waters.
<b>Floor Area, Gross:</b>	The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for motor vehicles, or any spaces where the floor-to-ceiling height is less than six feet.
<b>Floor Area, Net:</b>	The total of all floor areas of a building, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading, and all floors below the first or ground floor, except when used or intended to be used for human habitation or service to the public.
<b>Floor Area Ratio:</b>	The gross floor area of all buildings on a lot divided by the lot area.
<b>Food Processing Establishment:</b>	A commercial establishment in which food is processed or otherwise prepared for human consumption but not consumed on the premises.

<b>Freight Terminal:</b>	<p>A structure, parcel of land, or portion thereof in which:</p> <ol style="list-style-type: none"> <li>(1) Freight is shipped by airplane, motor truck or railroad; or</li> <li>(2) Freight is received, assembled, sorted and/or rerouted for local, intrastate or interstate shipment.</li> </ol>
<b>Frontage:</b>	The side of a lot abutting a street.
<b>Glare:</b>	The effect produced by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.
<b>Grade:</b>	The mean level of the finished surface of the ground adjacent to the exterior walls of a structure; the degree of rise or descent of a sloping surface.
<b>Green Area:</b>	Land shown on a development plan, master plan or official map for preservation, recreation, landscaping or park.
<b>Greenbelt:</b>	An open area which may be cultivated or maintained in a natural state surrounding development, or used as a buffer between land uses, or to mark the edge of an urban or developed area; those permanent open space areas illustrated on the Village's Comprehensive Plan and described in Article VII of this Zoning Ordinance.
<b>Group Homes:</b>	A community residence serving unrelated persons with disabilities which is licensed, certified, or accredited by appropriate local, state or national bodies. Group homes do not include residences which serve persons as an alternative to incarceration for a criminal offense.
<b>Guest House:</b>	Non-paying guest homes or rooms for guest within an accessory structure, provided such facilities are used for the occasional housing of guests of the occupants of the principal structure, and not for permanent occupancy by others as housekeeping units.
<b>Home Occupation:</b>	An occupation for gain or financial support conducted entirely within a principal residential structure or a structure accessory thereto.
<b>Home Professional Office:</b>	A home occupation consisting of the office of a practitioner of a recognized profession.
<b>Homeowner's Association:</b>	See Association, Homeowner's.

<b>Hospital or Sanitarium:</b>	An institution devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment or care for not less than twenty-four (24) hours in every week of three (3) or more non-related individuals suffering from illness, disease, injury, deformity or other abnormal physical conditions, including as an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities.
<b>Hotel, Motel, Inn or Auto Court:</b>	As establishment containing lodging accommodations designed for use by transients or travelers or temporary guests. Facilities provided may include maid service, laundering of linen used on the premises, telephone and secretarial desk service, restaurants, cocktail lounges, meeting rooms and ancillary retail uses.
<b>Impervious Surface:</b>	Any material which reduces and prevents absorption of storm water into previously undeveloped land.
<b>Improvements:</b>	Any structure, grading, street surfacing, curbs and gutters, sidewalks, bikeways, cross-walks, water mains, sanitary sewers, storm sewers, drainage ditches, culverts, bridges, trees and other additions or deletions from the natural state of land which increases its utility or habitability.
<b>Improvement, Public:</b>	Any sanitary sewer, storm sewer, drainage ditch, water main, roadway, parkway, sidewalk, pedestrian way, planting strip, off-street parking area, or other facility for which the Village of Big Rock assumes responsibility for maintenance and operation.
<b>Industrial Park:</b>	A large tract of land that has been planned, developed and operated as an integrated facility for a number of individual industrial uses, with special attention to circulation, parking, utility needs, aesthetics, and compatibility.
<b>Institutional Use:</b>	A non-profit or quasi-public use or institution such as a church, library, public or private school, hospital or municipally owned or operated structure or land used for public purposes.
<b>Joint Ownership:</b>	The equal estate interest of two or more persons.
<b>Junk Yard:</b>	Any area, lot, land, parcel, or structure, or part thereof used for the storage, collection, processing, purchase, sale or abandonment of wastepaper, rags, scrap metal, tires or other discarded goods, materials, machinery, or two or more unregistered, unlicensed or inoperable motor vehicles.

<b>Kennel:</b>	Any professional establishment or premises where animals are bred, raised, boarded and trained, with the exception of regularly-established veterinary hospitals, pet shops, pounds or shelters.
<b>Light Assembly:</b>	Smaller assembly uses such as upholstering, sign making, limited furniture assembly, electronic assembly, computer software creation, etc., as opposed to heavier manufacturing uses. Other than the use of typical hand-held or bench-type flame sources, the burning of combustibles not directly related to the heating of the structure is prohibited in conjunction with light assembly.
<b>Light Industry:</b>	Smaller industrial uses which meet the performance standards, bulk controls and other requirements established by this Ordinance.
<b>Livestock:</b>	Domestic animals, such as horse, sheep, swine or goats, raised for home use or profit.
<b>Lot:</b>	A parcel or tract of land.
<b>Lot Area:</b>	The area of a horizontal plane bounded by vertical planes containing the front, side and rear lot lines.
<b>Lot, Corner:</b>	A lot of which at least two (2) adjacent sides abut for their full lengths upon street rights-of-way.
<b>Lot Coverage:</b>	The part or percent of the lot occupied by structures, including accessory structures or pavements.
<b>Lot Depth:</b>	The average horizontal distance between the front lot line and the rear lot line.
<b>Lot, Double Frontage, or Through:</b>	A lot which fronts upon two (2) parallel streets, of which fronts upon two (2) streets which do not intersect at the boundaries of the lot.
<b>Lot, Interior:</b>	A lot other than a corner lot with only one frontage on a street.
<b>Lot Line:</b>	A line of record bounding a lot which divides one lot from another lot or from a public or private street or any other public space.
<b>Lot Line, Corner Side:</b>	The boundary of a corner lot which abuts a street right-of-way, but is not the front line.
<b>Lot Line, Front:</b>	The boundary of a lot which is along a street right-of-way. For land-locked or partially land-locked parcels of land, the front lot line is that lot line that faces the access to the lot.

<b>Lot Line, Rear:</b>	The boundary of which is most distant from and is, or is most nearly, parallel to the front lot line.
<b>Lot Line, Side:</b>	Any lot line other than a front or rear lot line.
<b>Lot of Record:</b>	A lot which exists as shown or described on a recorded plat or deed in the records of the local registry of deeds, but shall not consist of any lot or parcel that has been tax divided without platting.
<b>Lot Width:</b>	The distance between the side lot lines of a lot, measured within the lot boundaries at the minimum required setback.
<b>Lot, Zoning:</b>	A designated parcel, tract, or area of land established by plat, subdivision, or otherwise permitted by law to be used, developed, or built upon as a single unit under unified ownership or control.
<b>Manufacture:</b>	The production, making or processing of products or commodities for general consumption of the public or for the sale to specialized institutions or organizations. Also included is the sub-assembly, fabrications or processing of parts or components for use in other products or commodities.
<b>Mini-Warehouse:</b>	A structure containing separate storage spaces of varying sizes leased or rented on an individual basis. Also known as self-storage facility.
<b>Mixed Use Development:</b>	The development of a tract of land structure with two or more different uses such as, but not limited to, residential, office, manufacturing, retail, public or entertainment, in a compact urban form.
<b>Mobile Home:</b>	A dwelling unit designated to be transported on streets and highways to the place where it is to be occupied as a single-family dwelling unit complete and ready for year-round and permanent occupancy; except for minor and incidental unpacking and assembly operations, locations on jacks or permanent foundations, and connection to electrical, water and sewer systems in a mobile home park, but excluding pre-fabricated housing units.
<b>Mobile Home Park:</b>	A site with required improvements and utilities for the long-term parking of mobile homes which includes services and facilities for the residents.
<b>Motor Vehicle:</b>	Any self-propelled wheeled conveyance that does not run on rails and that carries passengers, goods and equipment.
<b>Noise:</b>	An undesirable audible sound.

<b>Noise Pollution:</b>	Continuous or episodic excessive noise in the human environment.
<b>Nursery School:</b>	An institutional facility for preschool children.
<b>Nursing Home:</b>	An extended or intermediate care facility licensed or approved to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.
<b>Octave Band:</b>	A means of dividing the range of sound frequencies into octaves in order to classify sound according to pitch.
<b>Odor Threshold:</b>	The minimum concentration of odorous matter in the air that can be detected as an odor.
<b>Off-Site:</b>	Any premises not located within the area of the property to be subdivided or developed, whether or not in the same ownership of the applicant for subdivision or development approval.
<b>Off-Street Parking or Loading Space:</b>	An open, hard-surfaced area of land, other than a right-of-way, an access, a driveway or an aisle the principal use of which is for the standing, loading and unloading of motor vehicles.
<b>On-Site:</b>	Located on the lot or parcel that is the subject of an application for development or subdivision approval.
<b>On-Street Parking:</b>	A temporary storage area for a motor vehicle which is located on a dedicated street right-of-way.
<b>Open Area:</b>	That area of a lot, parcel, or tract that is not covered by a structure.
<b>Open Space:</b>	Any parcel or area of land or water essentially unimproved, or otherwise devoid of structures and paved areas, and set aside, dedicated, designed, or reserved for public or private use or enjoyment of owners and occupants of land adjoining or neighboring such open space.
<b>Ordinance:</b>	Reference to "Ordinance" shall be construed as the Village of Big Rock Zoning Ordinance.
<b>Outdoor Storage:</b>	The keeping, in an area external to a principal or accessory structure, or any goods, material or merchandise in the same place for more than 24 hours.



<b>Overhang:</b>	(1) The part of a roof or wall with extends beyond the façade or a lower wall; and
	(2) The portion of a vehicle extending beyond the curb.
<b>Owner:</b>	Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to our sufficient proprietary interest in land for which a request has been filed with the Village for: appeal; variance; special use permit; rezoning; amendment; subdivision; site plan review; or building permit.
<b>Parapet:</b>	The extension of the main roof walls of a building above the roof level.
<b>Parcel:</b>	A lot or tract of land.
<b>Parking Area or Lot:</b>	A suitably surfaced and maintained area exclusive of any street, alley, or other access way, designed or used for the temporary storage of motor vehicles.
<b>Parking Space:</b>	An enclosed or unenclosed area permanently reserved for the temporary storage of one (1) automobile and appropriately connected with a street or alley by a driveway affording adequate ingress and egress.
<b>Parkway:</b>	The area between the back of the curb and the sidewalk, or, where there is no sidewalk, the area between the back of the curb and the edge of the street right-of-way.
<b>Patio:</b>	A level, landscaped and/or surfaced area directly adjacent to a principal structure at or within three feet of the finished grade and not covered by a permanent roof.
<b>Pawnbroker Or Pawnshop:</b>	Every individual or business entity which lends money on the deposit or pledge of physically delivered personal property, other than property the ownership of which is subject to a legal dispute, securities, printed evidence of indebtedness or printed evidence of ownership of the personal property, or who deals in the purchase of such property on the condition of selling the property back again at a stipulated price, shall be held and is hereby declared and defined to be a pawnbroker. The business of a pawnbroker does not include the lending of money on deposit or pledge of title to property.
<b>Performance Standard:</b>	Criteria established to regulate uses according to their effects. Such criteria are noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, and glare or heat.

<b>Pets:</b>	Domesticated animals kept for pleasure or amusement or companionship, rather than for utility, and excluding hooved animals.
<b>Planned Development:</b>	<p>A parcel of land under single ownership or unified control, for which the specific requirements of the underlying zoning district may be modified when:</p> <p>(1) The proposed development offers benefits to the neighborhood and/or community beyond those required by the provisions of this Zoning Ordinance; and/or</p> <p>(2) The proposed use of land incorporates substantial amenities not otherwise required. This includes, but is not limited to:</p> <ul style="list-style-type: none"> <li>(a) Open space and greenbelts;</li> <li>(b) Recreational facilities;</li> <li>(c) Specific design, engineering, architectural, site planning or landscape features; and</li> <li>(d) Lots of more than minimum lot size.</li> </ul> <p>A planned development includes a program for the provision, operation and maintenance of such areas, facilities and improvements which will be for the use of the residents of the planned development and/or community.</p> <p>(3) Multiple buildings or uses are provided for a single lot.</p>
<b>Planning &amp; Zoning Commission:</b>	Members of the Big Rock Planning & Zoning Commission as constituted by Ordinance and appointed by the Big Rock Village President.
<b>Plat:</b>	A map representing a tract of land, showing the boundaries and location of individual properties and streets.
<b>Plat, Final:</b>	The final map of all or a portion of a subdivision or site land which has received final approval from the Village Board or its designee.
<b>Plat, Preliminary:</b>	A preliminary map indicating the proposed layout of the subdivision or site plan which is submitted to the Planning Commission and Village Board for consideration and preliminary approval.
<b>Porch:</b>	A roofed open area, which may be screened, usually attached, with direct access to a structure.

<b>Premises:</b>	A lot, parcel, tract or plot of land together with the structures thereon.
<b>Private Improvement:</b>	Any installed or constructed facility for which the responsibility of maintenance and ownership will be retained by the owner or a private association.
<b>Private Street:</b>	Any road that is used for access and circulation, where the ownership and maintenance responsibilities are borne by the owner or private association.
<b>Professional Office:</b>	The office of a member of a recognized profession, maintained for the conduct of that profession.
<b>Property Lines:</b>	The lines bounding a lot.
<b>Public Housing:</b>	Housing that is constructed, bought, owned, or rented and operated by a local housing authority for low-income families.
<b>Public Notice:</b>	The advertisement of a public hearing in a paper of general circulation in the area and through other media sources, indicating the time, place and nature of the public hearing.
<b>Public Street:</b>	All major, collector or local streets which are shown and dedicated for public use for which the ownership and maintenance responsibility is borne by the Village or other public agency.
<b>Public Utility:</b>	<p>A public utility shall include the following:</p> <ul style="list-style-type: none"> <li>A. Essential services, including fully automated gas regulating stations, telephone exchanges and electric substations.</li> <li>B. Railroad passenger stations.</li> <li>C. Tower and antennas, commercial, for radio, television and telephone transmitting, receiving or relaying stations.</li> <li>D. Waste water treatment plants.</li> <li>E. Water works, reservoirs, pumping stations, filtration plants and wells.</li> </ul>
<b>Public Walkway:</b>	A right-of-way dedicated for the purpose of a pedestrian access and located so as to connect two (2) or more streets, or a street and a public land parcel.
<b>Quorum:</b>	A majority of the full authorized membership of the Planning & Zoning Commission or Village Board.

<b>Recreational Area:</b>	A place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities.
<b>Recreational Vehicle:</b>	Every vehicle originally designed or permanently converted and primarily used for temporary living quarters or human habitation, and not used as a commercial vehicle, including any house car, house trailer, camper or private living coach.
<b>Repair Garage:</b>	Any structure, premises or land in which, or upon which, a business service or industry, involving the maintenance, servicing, repair or painting of vehicles, is conducted or rendered.
<b>Resale/Seconhand Stores:</b>	Retail stores engaged in the sale of used merchandise and secondhand goods, but excluding antique shops, excluding pawn brokers/pawn shops, excluding secondhand boutique/consignment stores, and excluding motor vehicle sales, such as automobiles, RVs, motorcycles and boats.
<b>Resort:</b>	A facility for transient guests where the primary attraction is generally recreational features or activities.
<b>Restaurant:</b>	Any land, structure or part thereof, other than a boarding house, where meals are provided for compensation, including a café, cafeteria, coffee shop, lunch room, drive-in stand, tearoom and dining room. The serving of alcoholic beverages may be included in a restaurant when served with, and incidental, to meals.
<b>Restrictive Covenant:</b>	A restriction on the use of land usually set forth in the deed.
<b>Retaining Wall:</b>	A structure constructed to hold back, or to support, an earthen bank.
<b>Retention Basin or Pond:</b>	A pond, pool, or basin used for the storage of storm water runoff that maintains a permanent pool of open water.
<b>Right-of-Way:</b>	A strip of land dedicated to the public and occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for another special use. The usage of the term "right-of-way" for land platting purposes shall mean every right-of-way hereafter established and shown on a final plan and shall be separate and distinct from the lots or parcels adjoining such right-of-way; which are not included within the dimensions of areas of lots or parcels. Right-of-way intended for streets, crosswalks, water mains,

sanitary sewers, storm drains, or any other use involving maintenance by a public agency shall be dedicated to public use by the preparer of the plat on which such right-of-way is established.

**Right-of-Way  
Width, Street:**

The distance between property lines measured at right angles to the center line of the street.

**Roof:**

The outside top covering of a building.

**Roof, Flat:**

A roof which is not pitched and the surface of which is parallel to the ground.

**Roof, Gable:**

A ridged roof forming a gable at both ends of the building.

**Roof, Gambrel:**

A gabled roof with two slopes on each side, the lower steeper than the upper.

**Roof, Hip:**

A roof with sloping ends and sides.

**Roof, Mansard:**

A roof with two slopes of each of four sides, the lower steeper than the upper.

**Salvage Yard:**

Any area, lot, land, parcel, or structure, or part thereof used for the storage, collection, processing, purchase, sale or abandonment of wastepaper, rags, scrap metal, tires or other discarded goods, materials, machinery, or two or more unregistered, unlicensed or inoperable motor vehicles.

**School:**

A building, or group of buildings, maintained by the public or by a private organization for the purpose of education and which is accredited by the State of Illinois.

**Screening:**

A structure erected or vegetation planted for the purpose of concealing from view the area behind it.

**Secondhand Boutique/  
Consignment  
Stores:**

Retail stores which offer higher-end or boutique used clothing, furniture and accessories for sale or for sale on a consignment basis, but excluding rummage shops, thrift stores, pawn shops or flea markets.

**Setback:**

The minimum horizontal distance between the street right-of-way line or front line and/or corner side lot line of a lot and the nearest wall of a structure adjoining such right-of-way or lot line.

<b>Setback Line:</b>	The line which represents the required minimum distance from the street right-of-way line, or any other lot line, that establishes the area within which the principal structure must be erected or placed.
<b>Shopping Center:</b>	A group of commercial establishments planned constructed, and managed as a total entity, with customer and employee parking provided on-site, and provision for goods delivery separated from customer access.
<b>Sidewalk:</b>	A paved, surface or leveled area, paralleling and usually separated from the street, used as a pedestrian walkway.
<b>Sign:</b>	See Sign Ordinance.
<b>Sign Area:</b>	See Sign Ordinance.
<b>Smoke:</b>	The visible discharge from a chimney, stack, vent, exhaust or combustion process which consists of particulate matters.
<b>Soil and Water Conservation District:</b>	The Kane-DuPage Soil and Water Conservation District.
<b>Special Use Permit:</b>	A permit issued by the Village of Big Rock, which must be acquired before a use listed as a special use in any zoning district can occur, or a building proposed for any special use can be constructed. See Article XV, "Administration and Enforcement".
<b>Spot Zoning:</b>	Rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding uses and not for the purpose or effect of furthering the Comprehensive Land Use Plan.
<b>Stable:</b>	A structure that is used for sheltering horses and cattle.
<b>Story:</b>	That part of a structure between any floor and the floor next above, and if there is no floor above, then the ceiling above. A basement is a story if more than one-half of its height is above the average grade of the lot.
<b>Story, Half:</b>	The portion of a structure under a gable, hip or mansard roof, which the wall plates on at least two (2) opposite exterior walls are not more than four and one-half feet about the finished floor of each story.
<b>Street:</b>	An improved public or private right-of-way or easement which affords a primary means of vehicular access to abutting property, whether designated as a street, avenue, highway, road, boulevard, land, throughway, or however otherwise designated, but does not include driveways to buildings.

<b>Strip Development:</b>	Commercial or retail development, usually one-store deed, that fronts on a major street.
<b>Structure:</b>	An improvement upon land, other than the land itself, the use of which requires more or less permanent location on the ground, or is attached to something having a permanent location on the ground, including, but not limited to: buildings; fences; freestanding signs; patios; and parking areas.
<b>Structure, Accessory:</b>	A subordinate structure on the same lot with, and of nature customarily incidental and subordinate to, the principal structure.
<b>Structure, Multi-Use:</b>	A structure containing two or more distinct uses.
<b>Structure, Legal Non-Conforming:</b>	Any structure, lawful at the time of the enactment of this Ordinance or any amendment thereto, which does not comply with all the regulations of this Ordinance or any amendment thereto governing bulk of the district in which such structure is located.
<b>Structure, Non-Conforming, Not-lawful:</b>	Any structure, not-lawful at the time of the enactment of this Ordinance or any amendment thereto, or which was constructed or made not to conform, either by design or alteration subsequent to the enactment of the Ordinance or any amendment thereto, which does not comply with all the regulations of this Ordinance or any amendment thereto governing bulk of the district in which such structure is located.
<b>Structure, Principal:</b>	A non-accessory structure in which the principal use of the zoning lot on which it is located is conducted.
<b>Structure, Temporary:</b>	A structure without any foundation or footings and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.
<b>Subdivision:</b>	The division of a lot, tract or parcel of land into two or more lots, tracts, parcels of land for sale, development, lease, or transfer of ownership.
<b>Subdivision, Cluster:</b>	A single-family residential subdivision, consisting of three (3) or more residential lots, in which the individual lots are clustered, grouped, or arranged so as to achieve a more flexible site design for the purpose of:

- (1) Providing more usable open space.
- (2) Protecting sensitive natural areas and features.

<b>Supermarket:</b>	A retail establishment primarily selling food as well as other convenience and household goods.
<b>Swimming Pool, Public:</b>	A swimming pool and the apparatus and equipment pertaining to the swimming pool, maintained and operated by a municipality or other units of government for the general public, whether or not an admission fee is charged.
<b>Tavern:</b>	An establishment used primarily for the serving of liquor by the drink to the general public, and where food or packaged liquors may be served or sold only as accessory to the primary use.
<b>Terrace:</b>	A level, landscaped and/or surfaced area directly adjacent to a principal structure at or within three feet of the finished grade, and not covered by a permanent roof.
<b>Theme Park:</b>	An entertainment or amusement facility built around a single theme which may be historical, architectural, or cultural.
<b>Theater, Drive-In:</b>	An open lot with its appurtenant facilities devoted primarily to the showing of motion pictures or theatrical productions on a paid admission basis to patrons seated in automobiles.
<b>Toxic Matter:</b>	A substance which is capable of causing injury to living organisms by chemical means when present in relatively small amounts.
<b>Tract:</b>	An area, parcel, site, piece of land, or property which is the subject of a development application.
<b>Trailer:</b>	Every vehicle without motive power in operation, designed for carrying persons or property, and for being drawn by a motor vehicle.
<b>Transitional Area:</b>	<ul style="list-style-type: none"> <li>(1) An area in the process of changing from one use to another; and</li> <li>(2) An area which acts as a buffer between two land uses of different intensities.</li> </ul>
<b>Unified Control:</b>	The combination of two (2) or more tracts of land, wherein each owner has agreed that his or her tract shall be developed as part of a planned development, and shall be subject to all controls applicable to, and adopted for the planned development.



<b>Use:</b>	The purpose or activity for which the land, or structure thereon, is designed, arranged or intended, or for which it is occupied or maintained.
<b>Use, Accessory:</b>	A subordinate use which is clearly and customarily incidental to the principal use of a structure or premises and which is located in the same lot as the principal structure or use, except for such accessory parking facilities as are specifically authorized to be located elsewhere.
<b>Use, Adult Business:</b>	<p>Any use which customarily excludes minors by reason of age, for reasons other than the sale or consumption of alcoholic beverages on the premises. These include:</p> <ol style="list-style-type: none"> <li>(1) <b>Adult Book and Video Stores</b> - Establishments which have, as a portion of its stock in trade books, magazines, video tapes, internet access to adult sites, or other media, and which, in accordance with law, deny admittance to minors by virtue of age.</li> <li>(2) <b>Adult Motion Picture Theaters</b> - Establishments where motion pictures, slides, or similar photographic reproductions are shown, on a regular basis, and which, in accordance with the law, deny admittance to minors by virtue of age.</li> <li>(3) <b>Adult Entertainment Use</b> - Establishments licensed to serve food and/or alcoholic beverages, which feature: topless dancers; go-go dancers; exotic dancers, strippers; male or female impersonators; or similar entertainers.</li> <li>(4) <b>Adult Massage Parlors</b> - Establishments not accessory to a hospital, medical clinic or office, nursing home, beauty parlor, barbershop, exercise salon or health club, where manipulated massage or manipulated exercises are practiced, for pay, upon the human body.</li> </ol>
<b>Use, Institutional:</b>	A non-profit or quasi-public use or institution such as a church, library, public or private school, hospital or municipally owned or operated structure or land used for public purposes.
<b>Use, Lawful:</b>	The use of any structure or land that conforms with all of the regulations of this Ordinance or any amendment hereto, and which conforms with all of the codes, ordinances and other legal requirements, as existing at the time of the enactment of this Ordinance or any amendment hereto, for the structure or land that is being considered.

<b>Use, Legal Non-Conforming:</b>	Any use of land or structures, lawful at the time of the enactment of this Ordinance or any amendment thereto, which does not comply with all the regulations of this Ordinance governing use for the zoning district in which such use is located.
<b>Use, Non-Conforming, Not-lawful:</b>	Any use of land or structures, not-lawful at the time of the enactment of this Ordinance or any amendment thereto, or which was created or converted to a use that does not comply with all the regulations of this Ordinance governing use for the zoning district in which such use is located.
<b>Use, Permitted:</b>	Any use which is or may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations, and when applicable, performance standards of this Ordinance for the district in which such use is located.
<b>Use, Principal:</b>	The main use of land or structures as distinguished from a subordinate or accessory use.
<b>Use, Prohibited:</b>	A use that is not permitted in a zoning district.
<b>Use, Special:</b>	A use, either public or private, which because of its unique characteristics, cannot be properly classified as a permitted use in a particular district or districts. After due consideration, in each case, of the impact of such use upon neighboring land and of the public need for the particular use at the particular located, such special use may or may not be granted, subject to the terms of this Ordinance. See Article XV, "Administration and Enforcement".
<b>Use, Temporary:</b>	A use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.
<b>Use, Transitional:</b>	A land use of an intermediate intensity between uses of differing intensities.
<b>Variance:</b>	A variance is permission to depart from the terms of the Zoning Ordinance where such departure will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the results of the actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship.
<b>Village Board:</b>	Board of Trustees of the Village of Big Rock, Illinois.
<b>Warehouse:</b>	A structure used primarily for the storage of goods and materials.
<b>Wetlands:</b>	Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that

under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, and bogs.

<b>Wholesale Trade:</b>	Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business uses, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.
<b>Yard:</b>	An open space on the same zoning lot with a structure, unoccupied and unobstructed from its lowest level to the sky, except as otherwise authorized by this Ordinance.
<b>Yard, Front:</b>	A space extending the full width of the lot between any principal structure and the front lot line, and measured perpendicular to the principal structure at the closest point to the front lot line. Such front yard is unoccupied and unobstructed from the ground upward, except as may be permitted elsewhere in this Zoning Ordinance.
<b>Yard, Rear:</b>	A space extending across the full width of the lot between the principal structure and the rear lot line, and measured perpendicular to the principal structure to the closest point of the rear lot line. Such rear yard is unoccupied and unobstructed from the ground upward, except as may be permitted elsewhere in this Zoning Ordinance.
<b>Zoning Enforcement Officer:</b>	The Zoning Enforcement Officer, or such individual that has been, or shall be duly appointed by the Village Board, who is in charge of the administration and enforcement of this Zoning Ordinance, with duties as outlined in Article XV, "Administration and Enforcement".
<b>Zoning Board:</b>	The Village of Big Rock Planning & Zoning Commission
<b>Zoning District:</b>	A specifically delineated land area within Big Rock, Illinois, as specified on the Zoning Map, within which regulations and requirements uniformly govern the use, placement, spacing, and size of land and structures.
<b>Zoning Maps:</b>	The map incorporated herein as a part hereof, designating zoning districts.

## **ARTICLE IV - GENERAL PROVISIONS**

### **4.1 SCOPE OF REGULATIONS**

**A. Applicability:** No structure shall be erected, altered or enlarged and no use of land shall be established or enlarged for any use except a use that is named in the list of permitted uses for the zoning district in which the structure or land is, or will be located. There shall be two (2) exceptions to this requirement:

- (1) Uses and structures lawfully established prior to the effective date of this Ordinance may be continued, subject to the conditions and restrictions contained in Article V, "Non-Conformities," of this Ordinance and subject to the conditions and restriction regarding legal non-conforming uses and structures contained in the underlying zoning district.
- (2) Special use may be allowed, but only in accordance with the provisions of this Ordinance.

**B. Permitted Uses:** The uses that are permitted in each zoning district are listed in Articles VI through IX.

### **4.2 ALLOWABLE USE OF LAND OR BUILDINGS**

The following uses of land or buildings are allowed in the districts indicated hereinafter in Articles VI through IX under the conditions specified in this Ordinance.

- Uses lawfully established on the effective date of this Ordinance.
- Permitted and special uses listed in Articles VI through IX.
- Accessory uses, listed in Articles VI through IX.

### **4.3 PROHIBITED USE OF LAND OR BUILDINGS**

**A. Comprehensive Proscription:** No structure or tract of land shall be devoted to any use other than the one which is specified as a permitted, special, or accessory use in Articles VI through IX in the zoning district in which such structure or land is located except as subject to the conditions and restrictions contained in Article V, "Non-Conformities" and the conditions and restrictions contained in the underlying zoning district.

**B. Exception:** However, where a building permit for a structure has been issued in accordance with applicable laws prior to the effective date of this Ordinance, and where construction has begun within six months of such effective date and diligently pursued to completion, said structure may be completed in accordance with approved plans on the basis of which the building permit was issued; and further, may, upon completion, be occupied under a certificate of occupancy by the use originally designated, subject to the provisions of this Ordinance.

#### **4.4 SPECIAL USES**

In each zoning district, certain listed uses may be permitted only if a special use permit is secured in accordance with the provisions and procedures of Article XIV, "Administration and Enforcement". The special uses which may be allowed in each zoning district are set out in Articles VI through IX.

#### **4.5 ACCESSORY USES AND STRUCTURES**

**A. Compliance Standards:** All accessory uses shall comply with the standards of the district in which they are located. No accessory use or structure shall be established or erected prior to the establishment or erection of the principal use to which it is accessory. No existing accessory use may be expanded or extended, except in compliance with all of the regulations of this Ordinance.

**B. Annexation to a Principal Structure:** Where a detached accessory structure is structurally attached to a principal structure by joining the two with a roofed and/or walled addition, it shall be subject to, and must conform to, all regulations of this Ordinance applicable to the principal structure.

**C. Prohibition of Cargo Containers:** Permitted accessory uses are set forth in each zoning district of this Ordinance. In no event shall cargo containers be permitted anywhere in the Village limits or allowed to remain on any real estate once the property has been annexed into the Village of Big Rock.

**D. Emergency Accessibility:** No accessory structure shall be allowed on the property if such structure blocks all effective fire safety access to any structure on the property.

#### **4.6 TEMPORARY STRUCTURES AND USES OF LAND**

**A. Authority:** The Village Board may authorize the temporary use of a structure or parcel of land in any zoning district for a structure or use of land that does not conform to regulations prescribed elsewhere in this Ordinance for the zoning district in which it is located, provided however, that such use is of a temporary nature.

**B. Applicability:** Such uses shall be granted for a specified period of time and shall be subject to such conditions as the Village Board determines to be necessary for the safeguarding of the public health, safety and general welfare.

**C. Equestrian Visitation:** Notwithstanding the foregoing, horses are permitted as a temporary use without the need for further authorization from the Village Board in all zoning districts. Any temporary use of a horse on property in such residential zoning districts is subject to the following conditions, which are deemed necessary for the safeguarding of the public health, safety and general welfare:

1. No more than 1 horse per quarter acres of land may visit a property at any one time. However, no horse may visit properties of less than one half acres.
2. Such horses may visit the property for no longer than dawn to dusk during a 24 hour period, and only during daylight hours.

3. This temporary horse use is permitted no more than 8 days in any calendar month.
4. When not being ridden or trained, such horses must be secured at least 30 feet from any neighboring property line and must not be allowed to roam.
5. Overnight boarding of horses is prohibited.
6. The owner of the property is responsible to ensure that all horse waste is properly and promptly removed from the property the same day the temporary horse use occurs and does not create a nuisance for neighboring property owners. On-site composting of horse waste is prohibited.
7. A horse is allowed to visit a property for one (1) hour or less without being subject to the first and/or third conditions above.
8. Violations will be processed in the manner set forth in Article XIV Administration and Enforcement.

#### **4.7 LOT SIZE REQUIREMENTS**

No lot shall be created for residential or non-residential uses that does not comply with the minimum lot area and width of the district in which it is located, unless otherwise granted as part of a planned development or variance request. New lots shall be as rectangular as possible, and flag lots are prohibited.

#### **4.8 BUILDING BULK LIMITATIONS**

Unless otherwise granted under the terms of a variance, the following bulk limitations shall apply:

**A. Lot Coverage and Height Limitations:** No structure shall be erected, altered or enlarged, so as to exceed the maximum lot coverage percentage, floor area ratio or the maximum height for the district in which the structure is located.

**B. Setbacks:** No structure shall be erected, altered or enlarged, nor shall any use of land be established or enlarged unless the minimum setbacks and side and rear yards specified for the district in which the structure or use of land is located are maintained. All additions to principal structures shall comply with the setback and yard requirements for the principal structure.

**C. Expansion of a Legal Non-Conforming Structure:** Any existing structure which is a legal non-conforming structure may expand provided the expansion does not increase the existing non-conformity and all other requirements of this Ordinance are met.

#### **4.9 BUILDING HEIGHT**

- Height limitations shall be as set forth in each zoning district for all structures and use of land.
- Any structure in excess of 35' above grade shall require a variance, except where otherwise noted.

#### **4.10 YARDS**

##### **A. General:**

- (1) The minimum yard space required for one structure shall not again be considered as yard space for another adjoining structure.
- (2) No lot shall be reduced in area so that the yards or other open spaces become less than required by this Ordinance.

**B. Front Yard:** Where the street is curved the line shall follow the curve of the street rather than to be a straight line.

**C. Double Frontage Lots:** Double frontage lots shall not be allowed, except where lots back up to a primary arterial street. In such instances, vehicular access between the lots and the primary thoroughfare shall be prohibited. Where allowed, a building setback of 60 or more feet shall be maintained between the structure and the arterial's right-of-way line.

##### **D. Corner Lots:**

- (1) A corner lot shall be deemed to have two (2) front yards. The classification of the remaining two (2) yards shall be determined by the type of yard abutting the yard in question:
  - (a) If a corner lot abuts a side yard, it shall be deemed a side yard.
  - (b) If a corner lot abuts a rear yard, it shall be classified as a rear yard.
- (2) Corner lots for residential use shall be ten (10) feet wider than that required by the underlying zoning district in which the lot is located, to assure that the lot is large enough to provide privacy, and protect the lot owner from potential nuisances associated with the sight and sounds of vehicular traffic on abutting streets.

#### **4.11 PERMITTED OBSTRUCTIONS, YARDS**

For the purpose of this Ordinance, the following shall be considered permitted obstructions in the required yards:

##### **A. All Yards:**

- (1) Awnings and canopies.
- (2) Steps four (4) feet or less above grade, which are necessary for access to a permitted building, or for access to a zoning lot from a street or alley.
- (3) Chimneys that project thirty-six (36) inches or less into the yard.
- (4) Approved free-standing signs.

- (5) Arbors or trellises.
- (6) Flagpoles.
- (7) Fences or walls, subject to applicable height and other code restrictions.
- (8) Open off-street parking spaces, according to standards set forth in Article XIII, "Off-Street Parking and Loading".

**B. Front and Corner Side Yards:**

- (1) Open patios or decks not over three (3) feet above the average level of the adjoining ground, provided they do not extend more than five (5) feet into the minimum yard.
- (2) One-story bay window which projects three (3) feet or less into the minimum required yard.
- (3) Overhanging eaves and gutters which project three (3) feet or less into the minimum yard.

**C. Rear Yard:**

- (1) Balconies.
- (2) Open terraces or decks, provided they are not over three (3) feet above the average level of the adjoining ground, and do not extend more than fifteen (15) feet into the minimum yard.
- (3) Recreational and laundry drying equipment.
- (4) Ground-supported air conditioning units which extent not more than four (4) feet into the required yard.
- (5) One-story bay windows which project three (3) feet or less into the minimum required yard.
- (6) Overhanging eaves and gutters which project three (3) feet or less into the minimum yard.

**D. Interior Side Yard:**

- (1) Overhanging eaves and gutters which project three (3) feet or less into the yard.
- (2) Ground-supported air conditioning units which extend not more than four (4) feet into the minimum required yard.

**4.12 NUMBER OF STRUCTURES ON A LOT**

Except as may be approved as part of a planned development, not more than one principal structure shall be located on a zoning lot.



#### **4.13 OFF-STREET PARKING AND LOADING**

Unless otherwise granted under the terms of a variance, no structure shall be erected, altered or enlarged, or shall any use of land be established or enlarged, unless the minimum off-street parking and loading spaces required by Article XIII, "Off-Street Parking and Loading", are provided.

#### **4.14 HOME OCCUPATIONS**

**A. General:** The standards for home occupations are intended to insure compatibility with other permitted uses and the residential character of the neighborhood, and to maintain the subordinate and incidental status of the home occupation. In general, a home occupation shall be an accessory use so located and conducted that the average neighbor, under normal circumstances, would not be aware of its existence.

**B. Performance Requirements:** A home occupation or profession, where permitted in a zoning district, shall meet the following performance requirements, in addition to those standards applicable to the district in which they are located:

- (1) Not more than one (1) employee at a time, other than members of the immediate family occupying such dwelling, shall work on the premises.
- (2) No alteration of the principal structure shall be made which changes the character of the dwelling.
- (3) No more than twenty-five percent (25%) of the floor area of the residential dwelling unit or accessory structure shall be devoted to any home occupation.
- (4) No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood. Parking shall be provided according to requirements specified in Article XIII, "Off-Street Parking and Loading". Parking spaces shall not, however, be located in a required front yard.
- (5) Except for home occupations within business districts, there shall be no signs posted on the residential property site or any principal or accessory structure advertising, promoting, directing business or announcing the location of a home occupation.
- (6) No equipment or material used shall constitute a hazard, create a nuisance or interfere with the reception of broadcast signals.
- (7) All material equipment, merchandise or work in process shall be wholly enclosed within the dwelling or accessory structure.
- (8) Except for typical truck deliveries in a residential district, no semi-trailer deliveries or skid deliveries shall be made to a home occupation.

- (9) Limited on-premise retail sales and electronic retail transactions related to a permitted home occupation are permitted. The acceptance or delivery of bulk quantities of wholesale merchandise for resale on the premises is prohibited.

**C. Permitted Home Occupation:**

- (1) Authors.
- (2) Artists, sculptors, woodworking or other crafts.
- (3) Bakery and catering services.
- (4) Licensed beauticians, barbers, nail techs and massage therapist or other similarly licensed occupations.
- (5) Data processing
- (6) Day care, but not day care centers or nursery schools.
- (7) Dressmakers, seamstresses, tailors, or shoe repair.
- (8) Electronic retail and drop ship business transactions.
- (9) Furniture repair and re-upholstery.
- (10) Interior design, draperies.
- (11) Minister, rabbis, priests, or members of religious orders.
- (12) Music, dancing, swimming or other similar instruction, provided that the instruction shall be limited to three (3) pupils at a time, except for occasional groups.
- (13) Offices, salespersons, sales representatives or manufactures' representatives, with limited on-premise retail transactions.
- (14) Physicians, dentists or other licensed medical practitioners.
- (15) Planners, architects, attorneys, engineers, realtors, insurance agents, brokers, and members of similar professions.
- (16) Repair of small appliances, bicycles, lawn mowers, snow blowers, and other similar home equipment.
- (17) Software development
- (18) Travel agency.

**D. Prohibited Home Occupation:**

- (1) Animal hospitals.
- (2) Clinics or hospitals.
- (3) Commercial boarding stables or kennels.
- (4) Dancing schools, except where permitted above.
- (5) Day care centers, nursery schools.
- (6) Private clubs.
- (7) Renting of trailers.
- (8) Repair shops or service establishments, except as described in Section 4.14, item C (11).
- (9) Restaurants.
- (10) Tourist homes.
- (11) Undertaking establishments, mortuaries, or funeral parlors.
- (12) Any other home occupation not listed as a Permitted Home Occupation, unless it substantially similar to a Permitted Home Occupation as determined by the Zoning Enforcement Officer.

**4.15 FLOODPLAIN REGULATIONS**

All foundation elevations, proposed grading, storm water management facilities and structures shall be designed and constructed in conformance with the Village's Floodplain Ordinance and the Kane County Storm Water Ordinance, as may be created and amended from time to time.

## **ARTICLE V - NON-CONFORMITIES**

### **5.1 PURPOSE**

It is the intent of this Article to encourage the conversion of legal non-conforming uses and structures as quickly as possible; but to avoid undue hardship, such legal non-conforming uses and structures may continue until terminated by voluntary act, catastrophic event, or as provided. It is also the intent to prohibit non-conforming, not lawful uses and structures.

### **5.2 LEGAL NON-CONFORMING LOTS OF RECORD**

The following definitions shall apply unless the context clearly indicates or requires a different meaning.

**A. Division of Lands Without Platting:** No lot or tract of land located within the Village shall be divided or redivided in any manner into two (2) or more tracts without subdividing or resubdividing and platting such tract in a manner provided by the statutes of the state and the Village of Big Rock Subdivision Ordinance.

**B. Tax Divisions:** In no event shall any land which was sold prior to 2005 and not subdivided in accordance to the Plat Act statutes of the state be recognized as a lot of record by the Village.

**C. Legal Non-Conforming Lot of Record:** A tract of land, designated on a duly recorded subdivision plat, or by a duly recorded deed which indicates the establishment of the parcel prior to the adoption of the Village Zoning Ordinance or any subsequent Village ordinance related thereto, which has less than the minimum lot area, or width, or any other dimension prescribed for in the particular zoning district in which the lot is located and which met the lot area, width and other dimensions for the zoning district in which it was located at the time of such recording, but was made legal non-conforming by the adoption of this Zoning Ordinance or any other subsequent passage of a Village ordinance, is a legal non-conforming lot of record. A legal non-conforming lot of record with a minimum lot width of fifty feet (50') may be used and built upon without a variance provided all requirements of this Ordinance are met.

### **5.3 NON-CONFORMING, NOT LAWFUL STRUCTURES AND USES**

Upon written notice by the Zoning Enforcement Officer, a non-conforming, not lawful use or structure shall be eliminated, removed, or converted to a conforming use or structure. It shall not be continued, enlarged, expanded, or restored if damaged or destroyed and will not survive a transfer of ownership in any case.

### **5.4 REGULATIONS OF LEGAL NON-CONFORMING USES**

Any legal non-conforming use shall be subject to the following regulations:

**A. Destruction:** If any conforming structure containing a legal non-conforming principal use is destroyed by any means to any extent, such structure may be rebuilt and/or reoccupied for any use in accordance with the regulations of the zoning district and building codes in which it is located; or the previously established legal non-conforming principal use may be continued once the structure containing it is restored. If any legal non-conforming

structure containing a legal non-conforming principal use is destroyed by any means to any extent and is either restored subject to the regulations below or replaced by a new conforming structure, the previously established legal non-conforming principal use may be continued.

**B. Expansion:** A legal non-conforming principal use may be expanded if all other regulations of the zoning district and building codes in which it is located are complied with.

**C. Schedule of Reconstruction:** All reconstruction and restoration shall be started within six (6) months from the date of destruction or partial destruction and completed within twenty four (24) months from the start of construction. The legal non-conforming principal use shall be continued directly thereafter or abandoned and not reestablished.

**D. Discontinuation:** Discontinuance for any reason of a legal non-conforming principal use, for more than six (6) months shall be considered abandonment of that use which use shall not be reestablished, and any subsequent use shall conform to the regulations of the zoning district and building codes in which it is located.

Any legal non-conforming use considered to be abandoned by the provisions set forth herein and which shall later be reestablished shall be considered a non-conforming, not lawful use.

**E. Legal Non-Conforming Accessory Uses:** If the structure containing the legal non-conforming accessory use is damaged by more than 50% as defined below, the use discontinued for more than six (6) months, or the property on which the use is established is sold or transferred, then the legal non-conforming accessory use shall be abandoned and not reestablished. A legal non-conforming accessory use shall not be expanded.

## **5.5 REGULATIONS OF LEGAL NON-CONFORMING STRUCTURES**

Any legal non-conforming structure shall be subject to the following regulations:

**A. Destruction/Restoration of All Residential Structures in All Zoning Districts and All Principal Structures in the B3 Town Center Business District:** If any legal non-conforming residential structure in any zoning district or other principal structure in the B3 Town Center Business District is destroyed by any means to any extent such structure may be rebuilt or reoccupied in accordance with the regulations of the zoning district and building codes in which it is located or within the building footprint of the original structure.

**B. Destruction/Restoration of All Other Non-Residential Principal and All Accessory Structures:** If any legal non-conforming non-residential principal structure (except as listed above) or any accessory structure is destroyed by any means to an extent of more than fifty percent (50%) of the net square footage of that portion of the structure which is at or above ground level, such structure shall not be rebuilt except in accordance with the regulations of the zoning district and building codes in which it is located.

In the event the damage or destruction to any structure is less than fifty percent (50%) of the net square footage as defined below, the structure may then be restored to its original condition in accordance to current building codes. The burden of proof of square footage shall be upon the owner.

For the purposes of this Article, net square footage shall be defined as the gross square footage less the square footage for any attached garage, basement or below ground level square footage irrespective of whether it is finished or not, rooms or decks that are not secured with a properly poured legal foundation.

**C. Expansion:** Any existing structure which is a legal non-conforming structure may expand provided the expansion does not increase the existing non-conformity and all other requirements of this Ordinance are met.

**D. Schedule of Reconstruction:** All reconstruction and restoration shall be started within six (6) months from the date of partial destruction and completed within twenty four (24) months from the start of construction.

**E. Maintenance and Repairs:** Normal maintenance and repairs shall be permitted.

## **ARTICLE VI - A-1 AGRICULTURAL DISTRICT**

### **6.1 PURPOSE**

The purpose of the Agricultural District is to maintain open lands in a use that:

- Is consistent with the desired rural character identified in the Big Rock Comprehensive Land Use Plan.
- Fosters efficient land use patterns which can be effectively served by public services.
- Preserves agriculturally-produced farmland for farming.
- Protects agricultural farmsteads from incompatible non-farm uses.

### **6.2 USES**

#### **A. Permitted:**

- (1) Agriculture, including:
  - (a) Beekeeping.
  - (b) Dairying and grazing, animal & poultry husbandry, non commercial use .
  - (c) Field crops.
  - (d) Forestry.
  - (e) Green houses.
  - (f) Horticulture.
  - (g) Orchards.
  - (h) Produce stand.
  - (i) Truck farming.
  - (j) Viticulture.
- (2) Plant nurseries.
- (3) Single-family dwellings.

#### **B. Permitted Accessory Uses, Setbacks and Size Restrictions:**

- (1) Structures accessory to farm operations and uses customary to the pursuit of agriculture.
- (2) Structures accessory to residential uses such as private garages, carports, storage sheds and buildings, free standing decks, greenhouses, playhouses, and other similar accessory structures and uses determined to be compatible by the Zoning Enforcement Officer.
- (3) Private stables for use by residents and their guests, provided that the total number of horses permitted on any given lot shall be determined by use of the following formula: one (1) horse for the first 40,000 square feet of land area, and one (1) additional horse for each additional 20,000 square feet of land area.

- (4) Seasonal roadside stands for the sale of farm products grown and raised on or in the immediate area of the premises, provided:
  - (a) The stand complies with minimum set back requirements.
  - (b) Adequate parking is provided for customers (see Article XIII, "Off-Street Parking and Loading").
- (5) Servicing, repair and outdoor storage of farm machinery when accessory to the permitted uses listed above.
- (6) Non-paying guest homes or rooms for guests within an accessory structure provided such facilities are used for the occasional housing of guests of the occupants of the principal structure, and not for permanent occupancy by others as housekeeping units.
- (7) Private swimming pools and tennis courts (unlighted), in rear yards only, and subject to the setback regulations. Swimming pools are required to have a four (4) foot high barrier fence. In the event the pool is at least 4 feet high, a locking access device is a permissible alternative to the barrier fence.
- (8) Quarters comprising part of an accessory structure and solely for occupancy by a household employee (and his or her family) of the occupants of the principal dwelling.
- (9) All accessory structures shall be located at least fifteen (15) feet from any other accessory structure and maintain a minimum setback of one hundred (100) feet from the rear and rear side yards. No accessory structure shall be permitted in the front yard or corner side yard abutting a street. All accessory structures shall be located at least fifteen (15) feet from a principal structure.

**C. Special Uses:**

- (1) Aircraft landing fields.
- (2) Agriculturally-related research and facilities.
- (3) Cemeteries, including crematories and mausoleums, provided no building shall be located less than one hundred (100) feet from side and rear property lines.
- (4) Commercial feed lots.
- (5) Fertilizer production, sales, storage, mixing and distribution.
- (6) Fishing, hunting and game preserve.
- (7) Grain elevators and storage commercial.
- (8) Kennels.



- (9) Livestock depots, sales yards, and auction barns.
- (10) Milk depots.
- (11) Milk processing and distribution, including pasteurizing and manufacturing of ice cream and cheese.
- (12) Practice pistol and rifle ranges, skeet or trap shooting, provided that no portion of this use is located less than 1,000 feet from a zoning lot used for residential purposes, and provided that no lead-based ammunition is used.
- (13) Radio and television towers, commercial.
- (14) Recreational area or campgrounds.
- (15) Sales of feed and seed, provided these activities are accessory to the primary activity of farming, but not including sales of farm machinery.
- (16) Riding academies and commercial stables.
- (17) Sewage treatment facilities and other public utilities (i.e. electric substations and distribution centers, transmission towers, etc.).
- (18) Other rural business uses not specifically listed above, when determined to be compatible with established uses on adjoining property.

### 6.3 LOT REQUIREMENTS<sup>1</sup>

**A. Minimum Lot Size:** 40 acres.

**B. Minimum Lot Width:** Not less than one hundred twenty-five (125) feet shall be maintained at the front property line.

### 6.4 YARD AND SETBACK REGULATIONS

Every principal building hereafter erected or enlarged in this District shall provide and maintain a setback in accordance with the following:

**A. Setback from Major Highways:** Not less than sixty (60) feet from the following major highways, as measured from the street right-of-way:

- (1) US Route 30
- (2) Jericho Road
- (3) Granart Road
- (4) Rhodes Avenue

**B. Minimum Front and Corner Side Yards:** Not less than forty (40) feet from a front and corner side lot line.

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<sup>1</sup> The lot, yard, setback and height limitations for the Agricultural District are summarized in Appendix A to this Zoning Ordinance.

C. **Minimum Interior Side Yards:** Not less than fifteen (15) feet from an interior side lot line.

D. **Minimum Rear Yard:** Not less than forty (40) feet from a rear lot line.

## 6.5 HEIGHT LIMITATIONS

A. **Single-Family Detached Dwellings:** Not more than thirty-five (35) feet.

B. **Other Permitted Structures:** Not more than fifty (50) feet.

C. **Agricultural Silos:** Not more than one hundred and twenty five (125) feet.

## 6.6 LEGAL NON-CONFORMING SINGLE-FAMILY RESIDENTIAL STRUCTURES

Any single-family residential structure existing as of the date of approval of this Zoning Ordinance shall be considered a permitted, conforming structure, subject to the provisions of this section. Any such structure may be rebuilt or repaired if damaged or destroyed by more than fifty (50%) percent, provided such structure does not exceed the original footprint of the original structure. Any such structure may be expanded, provided the bulk requirements of the R-E District are met, and provided that any existing non-conformity is not enlarged.

## **ARTICLE VII - RESIDENTIAL DISTRICTS**

### **7.1 OPEN SPACE/GREENBELT PROVISIONS**

Open space shall be provided for Village residents in the form of parks and greenbelts, consisting with regulatory and policy directives of the Village. Unless otherwise recommended by the Planning and Zoning Commission and approved by the Village Board, land, in lieu of cash, shall be provided according to the adopted Land/Cash Ordinance, as may be amended from time to time, where parks and greenbelts illustrated on the Land Use Plan pass through a proposed residential subdivision. The Village has determined that the dedication of land in these areas is essential for implementing the continuous greenbelt and open space system adopted as part of the Village's Comprehensive Land Use Plan:

#### **A. Purpose:**

- (1) To establish natural limits of growth around the Village.
- (2) To visually set Big Rock apart from adjacent communities and/or the rural environment.
- (3) To preserve existing natural resources and protect critical storm water drainage corridors.
- (4) To provide conveniently-located recreational amenities and facilities for residents of Big Rock.

#### **B. Greenbelts:**

- (1) Where a greenbelt illustrated on Big Rock's Comprehensive Land Use Plan passes through a proposed subdivision, a minimum width not less than one hundred (100) feet shall be set aside for this amenity. This minimum width shall be increased to incorporate floodplain, steep slopes, wetlands, high quality plant communities, major stands of trees, riparian zones, and/or other significant natural features that may exist within, or adjacent to these areas. The location and extent of a greenbelt shall be determined at the time of preliminary plan and/or plat.
- (2) For the purpose of this Ordinance, these natural features shall be defined as follows:
  - (a) Floodplain - One hundred (100) year floodplain, as defined by the Federal Emergency and Management Agency (FEMA).
  - (b) Steep slopes - Those land areas with slopes that equal or exceed thirty-five (35) percent, or 2.85:1.
  - (c) Wetlands - As defined through the currently applicable criteria established by the U.S. Army Corps of Engineers.

- (d) High Quality Native Plant Communities - Those areas (i.e. prairie, savanna, etc.) which have a Natural Area Rating Index (NARI) of twenty (20) or greater, utilizing the Natural Area Rating Index, by Swink and Wilhelm, (1979)
  - (e) Major stands of trees - Mature woodlands, such as stands of oak/hickory forest, and floodplain forests, such a mature cottonwood, silver maple, sycamore, hackberry, etc.
  - (f) Riparian zone - Natural vegetation along the edge of a stream that: modulates temperature; provides nutrient input into the stream system; provides a buffer that intercepts surface runoff, filtering out sediments and pollutants; provides erosion control through soil stabilization; and serves as habitat and mitigation corridors for wildlife who utilize the stream for food and drink.
- (3) The greenbelt shall be recorded with the final plan and/or plat of subdivision as open space to be maintained as such in perpetuity.
  - (4) At the time of final platting, an easement, not less than fifteen feet wide, shall also be recorded to accommodate future development of a recreation path within the greenbelt. Said path shall be ten feet wide, and installed at such time as the Village determines appropriate. Unless otherwise approved by the Village Board, the path shall consist of crushed limestone, and shall be engineered to avoid erosion and permit maintenance by the Village.
  - (5) Two-inch caliper native trees shall be planted along the perimeter of the greenbelt to define its limits. Tree planting may be waived by the Planning and Zoning Commission and Village Board during review of a final plan or plat, if the greenbelt is wooded, or includes natural features that may be inconsistent with required tree plantings. Where required:
    - (a) Not less than one native tree shall be planted on each side of the greenbelt for each thirty (30) lineal feet that passes through the residential subdivision.
    - (b) Trees shall be planted in naturalistic groupings, and shall be worked into the existing landscape.
  - (6) Native grasses, wildflowers, or other native vegetation shall be installed where necessary to stabilize slopes within the greenbelt, in lieu of lawn or other traditional groundcover.

**C. Parks :** The exact location of boundaries and parkland shall be determined as part of the preliminary plan or plat.

**D. Submittals:** Unless otherwise waived by the Planning and Zoning Commission and Village Board, the following shall be submitted for staff review at the time of preliminary plat or plan to determine the existence, location and extent of wetlands, floodplain, native prairie, major stands of trees, steep slopes and other natural features that may fall within the environmental corridor depicted on the Land Use Plan:

- (1) Items listed below shall be included on a site plan, at a scale not less than 1" - 100', unless a larger scale is otherwise required by the Village Engineer:
  - (a) Location of FEMA floodplain.
  - (b) Existing contours at two-foot intervals.
  - (c) Existing and proposed drainage system, including all discharge points, collection, conveyance and storage facilities.
  - (d) Proposed contours, at two-foot intervals.
  - (e) Drainage features, storm water management facilities, floodplain and wetland boundaries.
  - (f) Boundaries of predominate soil types.
  - (g) Location, species and size of trees six inches or greater in caliper, if any.
  - (h) Delineation of riparian zone, if any, and location, species and size of trees, six inches or greater in caliper, that exist within the zone.
  - (i) Delineation of high quality native plant communities, if any, and a copy of the Natural Area Rating Index for the plant community.
- (2) Where wetlands exist within, or adjacent to the greenbelt, a wetland delineation report shall be submitted which includes:
  - (a) A map showing the exact location of wetlands within the development boundaries.
  - (b) An aerial photograph delineating wetlands, development and watershed boundaries.
  - (c) Army Corps of Engineers data sheets with representative color photographs.
  - (d) Written description of the wetland(s) including a professional assessment of functional values.
- (3) Protective covenants shall be submitted for the greenbelt or park, with identify:
  - (a) Name, address and telephone number of the individual or group responsible for maintenance of the park or greenbelt.
  - (b) Required maintenance provisions and responsibilities for these resourced.
  - (c) Terms and conditions associated with the use of the land.

## 7.2 R-E, RESIDENTIAL ESTATE DISTRICT

**A. Purpose:** The purpose of this district is to provide for a rural environment that allows for new single-family residential uses. It is designed for low-density occupancy on areas with few or no public improvements.

### **B. Permitted Uses:**

(1) Residential:

- (a) Home occupations, according to Article IV.
- (b) Single-family detached dwellings.

(2) Recreation/Open Space:

- (a) Greenbelts.
- (b) Parks, forest preserves, playgrounds or playfields.
- (c) Private stables for use by residents and their guests, provided:
  - (i) That the total number of horses permitted on any given lot shall be determined by use of the following formula:  
  
One (1) horse for the first 40,000 square feet of land, and one (1) additional horse for each additional 20,000 square feet of land area.
  - (ii) Stables shall be located at least one hundred fifty (150) feet from the front lot line, and at least fifty (50) feet from a side and/or rear lot line.

(3) Institutional:

- (a) Elementary schools, public or private, non-boarding.
- (b) Junior high schools, public or private, non-boarding.

(4) Agriculture:

- (a) Beekeeping.
- (b) Dairying and grazing, animal & poultry husbandry, non commercial use .
- (c) Field crops.
- (d) Forestry.
- (e) Green houses.
- (f) Horticulture.
- (g) Orchards.
- (h) Produce stand.
- (i) Truck farming.
- (j) Viticulture.

(5) Governmental - fire and police stations.

- (6) Livestock: Existing lots as of the date of this Ordinance with existing livestock yarded or stabled not in conformance with the provisions of this ordinance, may maintain the livestock until the first of either of the following to occur:
- (a) Subdivision of the lot;
  - (b) Sale of or transfer of ownership of the real estate;
  - (c) Sale or transfer of the Business.

A transfer due to a death of a joint tenant, a tenant in entirety, a tenant in common or of an immediate family member shall not be considered a transfer, reconfiguration or change of ownership under this section.

**C. Permitted Accessory Uses, Setbacks and Size Restrictions:**

- (1) Structures and uses accessory to the principal structure and use, including private garages, carports, storage sheds and buildings, free standing decks, greenhouses, playhouses, and other similar accessory structures and uses determined to be compatible by the Zoning Enforcement Officer.
- (2) Non-paying guest homes or rooms for guests within an accessory structure provided such facilities are used for the occasional housing of guests of the occupants of the principal structure, and not for permanent occupancy by others as housekeeping units.
- (3) Private swimming pools and tennis courts (unlighted), in rear yards only, and subject to the setback regulations of ten (10) feet to a side or rear property line. Swimming pools are required to have a four (4) foot high barrier fence as defined and further clarified in the Village of Big Rock's *Property Maintenance and Building Codes*. In the event the pool is at least 4 feet high, a locking access device is a permissible alternative to the barrier fence.
- (4) Quarters comprising part of an accessory structure and solely for occupancy by a household employee (and his or her family) of the occupants of the principal dwelling.
- (5) All accessory structures shall maintain a minimum setback of ten (10') feet from the rear and rear side yards. No accessory structure shall be permitted in the front yard or corner side yard abutting a street. All accessory structures shall be located at least ten (10) feet from a principal structure and any other accessory structures.
- (6) No more than three (3) roofed accessory structures are permitted on any one zoning lot.
- (7) The combined square footage of all roofed accessory structures on a zoning lot is limited according to lot size as listed below:

Less than 1 acre	900 ft <sup>2</sup>	at least 2.5 acres	2,400 ft <sup>2</sup>
at least 1 acre	1,200 ft <sup>2</sup>	at least 3.0 acres	2,700 ft <sup>2</sup>

at least 1.5 acres	1,500 ft2	at least 3.5 acres	3,000 ft2
at least 2.0 acres	1,800 ft2	at least 4.0 acres	3,600 ft2

**D. Special Uses:**

(1) Residential:

- (a) Congregate care facilities.
- (b) Convalescent centers and nursing homes.
- (c) Group homes.
- (d) Model homes.
- (e) Patio homes.
- (f) Planned developments.

(2) Institution/Governmental:

- (a) Cemeteries, provided:
  - (i) Lot area consists of one (1) or more acres.
  - (ii) Buildings are set back at least one hundred (100) feet from side and rear property lines.
- (b) Churches, temples or synagogues.
- (c) Civil and governmental buildings
- (d) Community center buildings.
- (e) Hospitals and/or medical clinics.
- (f) Museums and galleries.
- (g) Public utility and service facilities, as defined in Article III, above.
- (h) Religious retreats.
- (i) Schools; boarding.
- (j) Schools; high school, college, university, and trade, public or private.

(3). Service:

- (a) Bed and breakfast guest houses.
- (b) Day care centers and nursery schools, public or private.
- (c) Kennels.
- (d) Inns.
- (e) Veterinarians or animal clinics.

(4). Recreation:

- (a) Aircraft landing fields.
- (b) Club or lodge building.
- (c) Golf course.
- (d) Stables, commercial.
- (e) Swim and/or tennis clubs.

**E. Livestock Setback:** The housing, stabling or yarding of livestock shall be setback a minimum distance of one hundred (100) feet from any adjacent residence, excluding any residence upon the property where the livestock is located.



**F. Lot Size Regulations:<sup>2</sup>**

- (1) Minimum Lot Size - Not less than four (4) acres.
- (2) Minimum Lot Width - Not less than one hundred (100) feet shall be maintained at the building setback line.

**G. Yard and Setback Regulations:** Every principal structure hereafter erected or enlarged in this District shall provide and maintain a setback in accordance with the following:

- (1) Setback from Major Highways - Unless otherwise approved as part of a planned development or pursuant to a variance:
  - (a) All structures shall be set back at least sixty (60) feet from the following major highways, as measured from the nearest right-of-way:
    - (i) U.S. Highway 30.
    - (ii) Granart Road.
    - (iii) Jericho Road
  - (b) If property is located along U.S. Highway 30, between Davis Road and three thousand (3,000) linear feet to the east, the allowable setback as measured from the nearest right-of-way shall be at least thirty (30) feet.
- (2) Minimum Front and Corner Yards - Not less than forty (40) feet from the front or corner side lot line.
- (3) Minimum Interior Side Yards - Not less than fifteen (15) feet from an interior side lot line.
- (4) Minimum Rear Yards - Not less than forty (40) feet from a rear lot line.
- (5) Maximum Lot Coverage - Not more than one-quarter (25 percent) of a lot can be occupied with the principal and accessory structures and/or impervious surfaces,

**H. Bulk Regulations:**

- (1) Structure Height: All permitted and special uses shall maintain a structure height of not more than thirty-five (35) feet.
- (2) Floor Area - Floor areas which follow are exclusive of garages, basements or porches:
  - (a) Single-Family Detached Residences:
    - (i) One-story, single-family residence - Not less than 1,450 square feet.

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<sup>2</sup> The lot, yard, setback and height limitations for the R-E District are summarized in Appendix A to this Zoning Ordinance.

(ii) Two-story, single-family residence - Not less than 2,100 square feet.

(b) Other Uses - No minimum floor area shall apply to other permitted and special uses within this District.

**I. Legal Non-Conforming Single-Family Residential Structures:** Any single-family residential structure existing as of the date of approval of this Zoning Ordinance shall be considered a permitted, conforming structure, subject to the provisions of this section. Any such structure may be rebuilt or repaired if damaged or destroyed by more than fifty (50%) percent, provided such structure does not exceed the original footprint of the original structure. Any such structure may be expanded, provided the bulk requirements of the R-E District are met, and provided that any existing non-conformity is not enlarged.

### **7.3 R-R, RURAL RESIDENTIAL DISTRICT**

**A. Purpose:** The purpose of this district is to provide for a rural environment that allows for new single-family residential uses. It is designed for low-density occupancy on areas with few or no public improvements.

#### **B. Permitted Uses:**

(1) Residential:

- (a) Home occupations, according to Article IV.
- (b) Single-family detached dwellings.

(2) Recreation/Open Space:

- (a) Greenbelts.
- (b) Parks, forest preserves, playgrounds or playfields.
- (c) Private stables for use by residents and their guests, provided:
  - (i) That the total number of horses permitted on any given lot shall be determined by use of the following formula:  
  
One (1) horse for the first 40,000 square feet of land, and one (1) additional horse for each additional 20,000 square feet of land area.
  - (ii) Stables shall be located at least one hundred fifty (150) feet from the front lot line, and at least fifty (50) feet from a side and/or rear lot line.

(3) Institutional:

- (a) Elementary schools, public or private, non-boarding.
- (b) Junior high schools, public or private, non-boarding.

(4) Governmental - fire and police stations.

(5) Agriculture:

(a) Beekeeping, subject to the following regulations and restrictions:

1. Lot size: The minimum lot size for beekeeping shall be one acre.
2. Lot width: The minimum lot width for beekeeping shall be 75 feet.
3. Yard location: Beekeeping shall occur only in rear yards.
4. Number of Colonies: No more than two colonies on any one property.
5. Setbacks: No colony shall be kept closer than 25 feet from any lot line.
6. General maintenance: Each owner shall ensure that no bee comb or other materials are left upon the grounds of the property where a hive is maintained. Upon their removal from the hive, all such materials shall promptly be disposed of in a sealed container or placed within a building or other bee-proof enclosure.
7. Queens: All colonies shall be maintained with marked queens. In any instance in which a colony exhibits unusual aggressive characteristics by stinging or attempting to sting without due provocation or exhibits an unusual disposition toward swarming, it shall be the duty of the owner to promptly re-queen the colony with another marked queen. Queens shall be selected from European stock bred for gentleness and non-swarming characteristics.
8. State registration: All owners who engage in beekeeping on their property must register with the State Department of Agriculture or other State agency as required by law and provide proof of such registration to the Village upon request.
9. Non-commercial use: No commercial use or retail sales of bees, honey, honey comb or other bee products or beekeeping products shall be permitted from the property.
10. Prohibited: The keeping by any person of bee colonies in the Village not in compliance with this section is prohibited. Any bee colony not residing in a hive structure intended for beekeeping, or any swarm of bees, or any colony residing in a standard or homemade hive which, by virtue of this condition, has obviously been abandoned by the owner is unlawful.
11. Violation; Fine: Any person violating the provisions of this section shall be fined not less than five-hundred dollars (\$500.00) for each offense, and a separate offense shall be deemed committed upon each and every day such violation continues. In the event a person is found guilty of violating this section, the Village Board of Trustees may revoke the right of the property owner to further engage in beekeeping upon his or her property. These remedies are in addition to any other remedies available at law or equity.

(b) Livestock: Existing lots as of the date of this Ordinance with existing livestock yarded or stabled not in conformance with the provisions of this ordinance, may maintain the livestock until the first of either of the following to occur:

1. Subdivision of the lot;
2. Sale of or transfer of ownership of the real estate;
3. Sale or transfer of the Business.

A transfer due to a death of a joint tenant, a tenant in entirety, a tenant in common or of an immediate family member shall not be considered a transfer, reconfiguration or change of ownership under this section.

**C. Permitted Accessory Uses, Setbacks and Size Restrictions:**

- (1) Structures and uses accessory to the principal structure and use, including private garages, carports, storage sheds and buildings, free standing decks, greenhouses, playhouses, and other similar accessory structures and uses determined to be compatible by the Zoning Enforcement Officer.
- (2) Private swimming pools and tennis courts (unlighted), in rear yards only, and subject to the setback regulations of ten (10) feet to a side or rear property line. Swimming pools are required to have a four (4) foot high barrier fence as defined and further clarified in the Village of Big Rock's *Property Maintenance and Building Codes*. In the event the pool is at least 4 feet high, a locking access device is a permissible alternative to the barrier fence.
- (3) All accessory structures shall maintain a minimum setback of ten (10') feet from the rear and rear side yards. No accessory structure shall be permitted in the front yard or corner side yard abutting a street. All accessory structures shall be located at least ten (10) feet from a principal structure and any other accessory structures.
- (4) No more than three (3) roofed accessory structures are permitted on any one zoning lot.
- (5) The combined square footage of all roofed accessory structures on a zoning lot is limited according to lot size as listed below:

Less than 1 acre	900 ft <sup>2</sup>	at least 2.5 acres	2,400 ft <sup>2</sup>
at least 1 acre	1,200 ft <sup>2</sup>	at least 3.0 acres	2,700 ft <sup>2</sup>
at least 1.5 acres	1,500 ft <sup>2</sup>	at least 3.5 acres	3,000 ft <sup>2</sup>
at least 2.0 acres	1,800 ft <sup>2</sup>	at least 4.0 acres	3,600 ft <sup>2</sup>

**D. Special Uses:**

- (1) Residential:
  - (a) Congregate care facilities.
  - (b) Convalescent centers and nursing homes.
  - (c) Group homes.
  - (d) Model homes.
  - (e) Planned developments,
- (2) Institution/Governmental:

- (a) Churches, temples or synagogues.
- (b) Civil buildings, including governmental
- (c) Community center buildings.
- (d) Hospitals and/or medical clinics.
- (e) Libraries.
- (f) Museums and galleries.
- (g) Public utility and service facilities, as defined in Article III.
- (h) Religious retreats.
- (i) Schools; boarding.
- (j) Schools; high school, college, university, and trade, public or private.

3. Service:

- (a) Bed and breakfast guest houses.
- (b) Day care centers and nursery schools, public or private.
- (c) Inns.

4. Recreation:

- (a) Club or lodge building.
- (b) Golf course.
- (c) Swim and/or tennis clubs.

**E. Equestrian Setback:** The housing, stabling or yarding of horses shall be setback a minimum distance of one hundred (100) feet from any adjacent residence, excluding any residence upon the property where the horses are located.

**F. Lot Size Regulations:**<sup>3</sup>

- (1) Minimum Lot Size - Not less than two (2) acres.
- (2) Minimum Lot Width - Not less than one hundred (100) feet shall be maintained at the building setback line.

**G. Yard and Setback Regulations:** Every principal structure hereafter erected or enlarged in this District shall provide and maintain a setback in accordance with the following:

- (1) Setback from Major Highways - Unless otherwise approved as part of a planned development or pursuant to a variance:
  - (a) All structures shall be set back at least sixty (60) feet from the following major highways, as measured from the nearest right-of-way:
    - (i) U.S. Highway 30.
    - (ii) Granart Road.
    - (iii) Jericho Road

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<sup>3</sup> The lot, yard, setback and height limitations for the R-R District are summarized in Appendix A to this Zoning Ordinance.

- (b) If property is located along U.S. Highway 30, between Davis Road and three thousand (3,000) linear feet to the east, the allowable setback as measured from the nearest right-of-way shall be at least thirty (30) feet.
- (2) Minimum Front and Corner Yards - Not less than forty (40) feet from the front or corner side lot line.
- (3) Minimum Interior Side Yards - Not less than fifteen (15) feet from an interior side lot line.
- (4) Minimum Rear Yards - Not less than forty (40) feet from a rear lot line.
- (5) Maximum Lot Coverage - Not more than one-quarter (25 percent) of a lot can be occupied with the principal and accessory structures and/or impervious surfaces,

#### **H. Bulk Regulations:**

- (1) Structure Height: All permitted and special uses shall maintain a structure height of not more than thirty-five (35) feet.
- (2) Floor Area - Floor areas which follow are exclusive of garages, basements or porches:
  - (a) Single-Family Detached Residence:
    - (i) One-story, single-family residence - Not less than 1,300 square feet.
    - (ii) Two-story, single-family residence - Not less than 1,650 square feet.
  - (b) Other Uses - No minimum floor area shall apply to other permitted and special uses within this District.

**I. Legal Non-Conforming Single-Family Residential Structures:** Any single-family residential structure existing as of the date of approval of this Zoning Ordinance shall be considered a permitted, conforming structure, subject to the provisions of this section. Any such structure may be rebuilt or repaired if damaged or destroyed by more than fifty (50%) percent, provided such structure does not exceed the original footprint of the original structure. Any such structure may be expanded, provided the bulk requirements of the R-E District are met, and provided that any existing non-conformity is not enlarged.

### **7.4 R, SINGLE-FAMILY RESIDENTIAL DISTRICT**

**A. Purpose:** The purpose of this zone is to provide for single-family residences in order to continue the strong sense of community that exists throughout the Village.

#### **B. Permitted Uses:**

- (1) Residential:

- (a) Home occupations, according to Section IV.
- (b) Single-family dwellings.

(2) Recreation/Open Space:

- (a) Greenbelts.
- (b) Public parks, forest preserves, playgrounds and playfields.

(3) Institutional:

- (a) Elementary schools, public or private, non-boarding.
- (b) Junior high schools, public or private, non-boarding.

(4) Governmental: fire and police stations.

(5) Agriculture:

- (a) Beekeeping, subject to the following regulations and restrictions:
  - 1. Lot size: The minimum lot size for beekeeping shall be one acre.
  - 2. Lot width: The minimum lot width for beekeeping shall be 75 feet.
  - 3. Yard location: Beekeeping shall occur only in rear yards.
  - 4. Number of Colonies: No more than two colonies on any one property.
  - 5. Setbacks: No colony shall be kept closer than 25 feet from any lot line.
  - 6. General maintenance: Each owner shall ensure that no bee comb or other materials are left upon the grounds of the property where a hive is maintained. Upon their removal from the hive, all such materials shall promptly be disposed of in a sealed container or placed within a building or other bee-proof enclosure.
  - 7. Queens: All colonies shall be maintained with marked queens. In any instance in which a colony exhibits unusual aggressive characteristics by stinging or attempting to sting without due provocation or exhibits an unusual disposition toward swarming, it shall be the duty of the owner to promptly re-queen the colony with another marked queen. Queens shall be selected from European stock bred for gentleness and non-swarming characteristics.
  - 8. State registration: All owners who engage in beekeeping on their property must register with the State Department of Agriculture or other State agency as required by law and provide proof of such registration to the Village upon request.
  - 9. Non-commercial use: No commercial use or retail sales of bees, honey, honey comb or other bee products or beekeeping products shall be permitted from the property.
  - 10. Prohibited: The keeping by any person of bee colonies in the Village not in compliance with this section is prohibited. Any bee

colony not residing in a hive structure intended for beekeeping, or any swarm of bees, or any colony residing in a standard or homemade hive which, by virtue of this condition, has obviously been abandoned by the owner is unlawful.

11. Violation; Fine: Any person violating the provisions of this section shall be fined not less than five-hundred dollars (\$500.00) for each offense, and a separate offense shall be deemed committed upon each and every day such violation continues. In the event a person is found guilty of violating this section, the Village Board of Trustees may revoke the right of the property owner to further engage in beekeeping upon his or her property. These remedies are in addition to any other remedies available at law or equity.

(b) Livestock: Existing lots as of the date of this Ordinance with existing livestock yarded or stabled not in conformance with the provisions of this ordinance, may maintain the livestock until the first of either of the following to occur:

1. Subdivision of the lot;
2. Sale of or transfer of ownership of the real estate;
3. Sale or transfer of the Business.

A transfer due to a death of a joint tenant, a tenant in entirety, a tenant in common or of an immediate family member shall not be considered a transfer, reconfiguration or change of ownership under this section.

**C. Permitted Accessory Uses, Setbacks and Size Restrictions:**

- (1) Structures and uses accessory to the principal structure and use, including private garages, carports, storage sheds and buildings, free standing decks, greenhouses, playhouses, and other similar accessory structures and uses determined to be compatible by the Zoning Enforcement Officer.
- (2) Private swimming pools and tennis courts (unlighted), in rear yards only, and subject to the setback regulations of ten (10) feet to a side or rear property line. Swimming pools are required to have a four (4) foot high barrier fence as defined and further clarified in the Village of Big Rock's *Property Maintenance and Building Codes*. In the event the pool is at least 4 feet high, a locking access device is a permissible alternative to the barrier fence.
- (3) All accessory structures shall maintain a minimum setback of ten (10') feet from the rear and rear side yards. No accessory structure shall be permitted in the front yard or corner side yard abutting a street. All accessory structures shall be located at least ten (10) feet from a principal structure and any other accessory structures.
- (4) No more than three (3) roofed accessory structures are permitted on any one zoning lot.
- (5) The combined square footage of all roofed accessory structures on a zoning lot is limited according to lot size as listed below:



Less than 1 acre	900 ft2	at least 2.5 acres	2,400 ft2
at least 1 acre	1,200 ft2	at least 3.0 acres	2,700 ft2
at least 1.5 acres	1,500 ft2	at least 3.5 acres	3,000 ft2
at least 2.0 acres	1,800 ft2	at least 4.0 acres	3,600 ft2

#### **D. Special Uses:**

(1) **Residential:**

- (a) Congregate care facilities.
- (b) Convalescent centers and nursing homes.
- (c) Group homes.
- (d) Model homes.
- (e) Planned developments,

(2) **Institution/Governmental:**

- (a) Churches, temples or synagogues.
- (b) Civil buildings, including governmental
- (c) Community center buildings.
- (d) Hospitals and/or medical clinics.
- (e) Libraries.
- (f) Museums and galleries.
- (g) Public utility and service facilities, as defined in Article III.
- (h) Religious retreats.
- (i) Schools; boarding.
- (j) Schools; high school, college, university, and trade, public or private.

(3) **Service:**

- (a) Bed and breakfast guest houses.
- (b) Day care centers and nursery schools, public or private.
- (c) Inns.

(4) **Recreation:**

- (a) Club or lodge building.
- (b) Golf course.
- (c) Swim and/or tennis clubs.

#### **E. Lot Size Regulations:**<sup>4</sup>

(1) **Minimum Lot Size** - Not less than one acre.

(2) **Minimum Lot Width** - Not less than seventy-five (75) feet shall be maintained at the building setback line.

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<sup>4</sup> The lot, yard, setback and height limitations for the R District are summarized in Appendix A to this Zoning Ordinance.

**F. Yard and Setback Regulations:** Every principal structure hereafter erected or enlarged in this District shall provide and maintain the following setbacks:

- (1) Setback from Major Highways - Unless otherwise approved as part of a planned development or pursuant to a variance:
  - (a) All structures shall be set back at least sixty (60) feet from the following major highways, as measured from the nearest right-of-way:
    - (i) U.S. Highway 30.
    - (ii) Granart Road.
    - (iii) Jericho Road
  - (b) If property is located along U.S. Highway 30, between Davis Road and three thousand (3,000) linear feet to the east, the allowable setback as measured from the nearest right-of-way shall be at least thirty (30) feet.
- (2) Minimum Front and Corner Yard - Not less than thirty (30) feet from a front or corner lot line.
- (3) Minimum Interior Side Yards - Not less than ten (10) feet from an interior side lot line.
- (4) Minimum Rear Yards - Not less than thirty (30) feet from a rear lot line.
- (5) Maximum Lot Coverage - Not more than one-quarter (25 percent) of a lot can be occupied with the principal and accessory structures and/or impervious surfaces.

**G. Bulk Regulations:**

- (1) Structure Height: All permitted and special uses shall maintain a structure height of not more than thirty-five (35) feet.
- (2) Floor Area - Floor areas which follow are exclusive of garages, basements or porches:
  - (a) Single-Family Detached Residence:
    - (i) One-story, single-family residence - Not less than 1,300 square feet.
    - (ii) Two-story, single-family residence - Not less than 1,650 square feet.
  - (b) Other Uses - No minimum floor area shall apply to other permitted and special uses within this District.

**H. Legal Non-Conforming Single-Family and Double-Family Residential Structures:**

Any single-family and double-family residential structure existing as of the date of approval of this Zoning Ordinance shall be considered a permitted, conforming structure, subject to

the provisions of this section. Any such structure may be rebuilt or repaired if damaged or destroyed by more than fifty (50%) percent, provided such structure does not exceed the original footprint of the original structure. Any such structure may be expanded, provided the bulk requirements of the R District are met, and provided that any existing non-conformity is not enlarged.

## **7.5 R-1, TOWN CENTER RESIDENTIAL DISTRICT**

**A. Purpose:** The purpose of this zone is to provide for existing single-family and double family residences in order to continue the strong sense of community that exists throughout the Village. Existing R-1 lots as of the date of this Ordinance that meet the criteria listed in this District shall have the right to subdivide, but no other lots, existing or annexed, in any other zoning district may be changed to the R-1 district.

### **B. Permitted Uses:**

- (1) Residential:
  - (a) Home occupations, according to Section IV.
  - (b) Single-family dwellings.
- (2) Recreation/Open Space:
  - (a) Greenbelts.
  - (b) Public parks, forest preserves, playgrounds and playfields.
- (3) Institutional:
  - (a) Elementary schools, public or private, non-boarding.
  - (b) Junior high schools, public or private, non-boarding.
- (4) Governmental: fire and police stations
- (5) Livestock: Existing lots as of the date of this Ordinance with existing livestock, may maintain the livestock until the first of either of the following to occur:
  - (a) subdivision of the lot;
  - (b) sale of or transfer of ownership of the real estate;
  - (c) sale or transfer of the Business.

A transfer due to a death of a joint tenant, a tenant in entirety, a tenant in common or of an immediate family member shall not be considered a transfer, reconfiguration or change of ownership under this section.

**C. Permitted Accessory Uses, Setbacks and Size Restrictions:** As of the date of this Ordinance and any subsequent amendment, existing Accessory structures and uses are conforming, however, in the event of a teardown, foundation change or the addition of any other accessory structure added to the lot, the following standards shall be maintained:

- (1) Structures and uses accessory to the principal structure and use, including private garages, carports, storage sheds and buildings, free standing decks,

greenhouses, playhouses, and other similar accessory structures and uses determined to be compatible by the Zoning Enforcement Officer.

- (2) Private swimming pools and tennis courts (unlighted), in rear yards only, and subject to the setback regulations of ten (10') feet to a side or rear property line. Swimming pools are required to have a four (4') foot high barrier fence as defined and further clarified in the Village of Big Rock's *Property Maintenance and Building Codes*. In the event the pool is at least 4 feet high, a locking access device is a permissible alternative to the barrier fence.
- (3) All accessory structures shall maintain a minimum setback of three (3') feet from the rear and rear side yards. No accessory structure shall be permitted in the front yard or corner side yard abutting a street. All accessory structures shall be located at least ten (10) feet from a principal structure and any other accessory structures.
- (4) No more than three (3) roofed accessory structures are permitted on any one zoning lot.
- (5) The combined square footage of all roofed accessory structures on a zoning lot is limited according to lot size as listed below:

Less than 1 acre	900 ft <sup>2</sup>	at least 2.5 acres	2,400 ft <sup>2</sup>
at least 1 acre	1,200 ft <sup>2</sup>	at least 3.0 acres	2,700 ft <sup>2</sup>
at least 1.5 acres	1,500 ft <sup>2</sup>	at least 3.5 acres	3,000 ft <sup>2</sup>
at least 2.0 acres	1,800 ft <sup>2</sup>	at least 4.0 acres	3,600 ft <sup>2</sup>

#### **D. Special Uses:**

##### **(1) Residential:**

- (a) Congregate care facilities.
- (b) Convalescent centers and nursing homes.
- (c) Group homes.
- (d) Model homes.
- (e) Planned developments,

##### **(2) Institution/Governmental:**

- (a) Churches, temples or synagogues.
- (b) Civil buildings, including governmental
- (c) Community center buildings.
- (d) Hospitals and/or medical clinics.
- (e) Libraries.
- (f) Museums and galleries.
- (g) Public utility and service facilities, as defined in Article III, above.
- (h) Religious retreats.
- (i) Schools; boarding.
- (j) Schools; high school, college, university, and trade, public or private.

##### **3. Service:**

- (a) Bed and breakfast guest houses.
- (b) Day care centers and nursery schools, public or private.
- (c) Inns.

4. Recreation:

- (a) Club or lodge building.
- (b) Golf course.
- (c) Swim and/or tennis clubs.

**E. Lot Size Regulations:**<sup>5</sup> All lots existing as of the date of this Ordinance are conforming, however upon the subdivision of any R lot, the following standards shall be met:

- (1) Minimum Lot Size - Not less than .24 acres where the property has access to the public sewer system; three-quarters of an acre where the property does not have access to the public sewer system.
- (2) Minimum Lot Width - Not less than fifty (50) feet shall be maintained at the building setback line.

**F. Yard and Setback Regulations:** Every principal structure hereafter erected or foundation enlarged in this District after the date of this Ordinance shall provide and maintain the following setbacks:

- (1) Setback from Major Highways - Unless otherwise approved as part of a planned development or pursuant to a variance:
  - (a) All structures shall be set back at least sixty (60) feet from the following major highways, as measured from the nearest right-of-way:
    - (i) U.S. Highway 30.
    - (ii) Granart Road.
    - (iii) Jericho Road
  - (b) If property is located along U.S. Highway 30, between Davis Road and three thousand (3,000) linear feet to the east, the allowable setback as measured from the nearest right-of-way shall be at least thirty (30) feet.
- (2) Minimum Front and Corner Yard - Not less than twenty (20) feet from a front or corner lot line.
- (3) Minimum Interior Side Yards - Not less than five (5) feet from an interior side lot line.
- (4) Minimum Rear Yards - Not less than ten (10) feet from a rear lot line.

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<sup>5</sup> The lot, yard, setback and height limitations for the R-1 District are summarized in Appendix A to this Zoning Ordinance.

- (5) Maximum Lot Coverage - Not more than thirty three percent of a lot can be occupied with the principal and accessory structures and/or impervious surfaces.

**G. Bulk Regulations:**

- (1) Structure Height - All permitted and special uses shall maintain a structure height of not more than thirty-five (35) feet.
- (2) Floor Area - Floor areas which follow are exclusive of garages, basements or porches:
  - (a) Single-Family Detached Residence:
    - (i) One-story, single-family residence - Not less than 700 square feet.
    - (ii) Two-story, single-family residence - Not less than 1100 square feet.
  - (b) Other Uses - No minimum floor area shall apply to other permitted and special uses within this District.

**H. Legal Non-Conforming Single-Family and Double-Family Residential Structures:**

Any single-family and double-family residential structure existing as of the date of approval of this Zoning Ordinance shall be considered a permitted, conforming structure, subject to the provisions of this section. Any such structure may be rebuilt or repaired if damaged or destroyed by more than fifty (50%) percent, provided such structure does not exceed the original footprint of the original structure. Any such structure may be expanded, provided the bulk requirements of the R-1 District are met, and provided that any existing non-conformity is not enlarged.

**7.6 R-2, DOUBLE-FAMILY RESIDENTIAL DISTRICT**

**A. Purpose:** The purpose of this zone is to provide for single-family and two family residences in areas served by public sewer and water.

**B. Permitted Uses:**

- (1) Residential:
  - (a) Home occupations, according to Article IV.
  - (b) Single-family detached dwellings.
  - (c) Two-family dwellings.
- (2) Recreation/Open Space:
  - (a) Greenbelts.
  - (b) Parks, forests, public or playgrounds or playfields.
- (3) Institutional:
  - (a) Elementary schools, public or private, non-boarding.

- (b) Junior high schools, public or private, non-boarding.
- (4) Governmental: fire and police stations.

**C. Permitted Accessory Uses, Setbacks and Size Restrictions:**

- (1) Structures and uses accessory to the principal structure and use, including private garages, carports, storage sheds and buildings, free standing decks, greenhouses, playhouses, and other similar accessory structures and uses determined to be compatible by the Zoning Enforcement Officer.
- (2) Private swimming pools and tennis courts (unlighted), in rear yards only, and subject to the setback regulations of ten (10) feet to a side or rear property line. Swimming pools are required to have a four (4) foot high barrier fence as defined and further clarified in the Village of Big Rock's *Property Maintenance and Building Codes*. In the event the pool is at least 4 feet high, a locking access device is a permissible alternative to the barrier fence.
- (3) All accessory structures shall maintain a minimum setback of ten (10') feet from the rear and rear side yards. No accessory structure shall be permitted in the front yard or corner side yard abutting a street. All accessory structures shall be located at least ten (10) feet from a principal structure and any other accessory structures.
- (4) No more than three (3) roofed accessory structures are permitted on any one zoning lot.
- (5) The combined square footage of all roofed accessory structures on a zoning lot is limited according to lot size as listed below:

Less than 1 acre	900 ft <sup>2</sup>	at least 2.5 acres	2,400 ft <sup>2</sup>
at least 1 acre	1,200 ft <sup>2</sup>	at least 3.0 acres	2,700 ft <sup>2</sup>
at least 1.5 acres	1,500 ft <sup>2</sup>	at least 3.5 acres	3,000 ft <sup>2</sup>
at least 2.0 acres	1,800 ft <sup>2</sup>	at least 4.0 acres	3,600 ft <sup>2</sup>

**D. Special Uses:**

- (1) Residential:
  - (a) Congregate care facilities.
  - (b) Convalescent centers and nursing homes.
  - (c) Group homes.
  - (d) Model homes.
  - (e) Planned developments,
  - (f) Townhomes.
- (2) Institution/Governmental:
  - (a) Churches, temples or synagogues.
  - (b) Civil buildings, including governmental, police and fire.
  - (c) Community center buildings.

- (d) Hospitals and/or medical clinics.
- (e) Libraries.
- (f) Museums and galleries.
- (g) Public utility and service facilities, as defined in Article III, above.
- (h) Religious retreats.
- (i) Schools; boarding.
- (j) Schools; high school, college, university, and trade, public or private.

(3) Service:

- (a) Bed and breakfast guest houses.
- (b) Day care centers and nursery schools, public or private.

(4) Recreation:

- (a) Club or lodge building.
- (b) Golf course.
- (c) Swim and/or tennis clubs.

**E. Lot Size Regulations:**<sup>6</sup>

- (1) Minimum Lot Size - Not less than one and one-half acres.
- (2) Minimum Lot Width - Not less than seventy-five (75) feet shall be maintained at the building setback line.
- (3) Maximum Gross Density - Not more than 2 dwelling units per one and one-half acres.

**F. Yard and Setback Regulations:** Every principal structure hereafter erected or enlarged in this District shall provide and maintain the following setbacks:

- (1) Setback from Major Highways - Unless otherwise approved as part of a planned development or pursuant to a variance:
  - (a) All structures shall be set back at least sixty (60) feet from the following major highways, as measured from the nearest right-of-way:
    - (i) U.S. Highway 30.
    - (ii) Granart Road.
    - (iii) Jericho Road
  - (b) If property is located along U.S. Highway 30, between Davis Road and three thousand (3,000) linear feet to the east, the allowable setback as measured from the nearest right-of-way shall be at least thirty (30) feet.

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<sup>6</sup> The lot, yard, setback and height limitations for the R-2 District are summarized in Appendix A to this Zoning Ordinance.



- (2) Minimum Front and Corner Yard - Not less than thirty (30) feet from a front or corner lot line.
- (3) Minimum Interior Side Yards - Not less than ten (10) feet from an interior side lot line.
- (4) Minimum Rear Yards - Not less than thirty (30) feet from a rear lot line.
- (5) Maximum Lot Coverage - Not more than one-quarter (25 percent) of a lot can be occupied with the principal and accessory structures and/or impervious surfaces.

**G. Bulk Regulations:**

- (1) Structure Height: All permitted and special uses shall maintain a structure height of not more than thirty-five (35) feet.
- (2) Floor Area - Floor areas which follow are exclusive of garages, basements or porches:
  - (a) Single-Family Detached Residence:
    - (i) One-story - Not less than 1,300 square feet.
    - (ii) Two-story - Not less than 1,650 square feet.
  - (b) Two-Family Residences:
    - (i) One-story - Not less than 2,400 square feet total.
    - (ii) Two-story - Not less than 3,200 square feet total.
  - (c) Other Uses - No minimum floor area shall apply to other permitted and special uses within this District.

**7.7 R-3, MULTIPLE-FAMILY RESIDENTIAL DISTRICT**

**A. Purpose:** The purpose of this zone is to provide for low-density, multi-family development that is compatible in scale with traditional, single-family homes, in areas served by public sewer and water.

**B. Permitted Uses:**

- (1) Residential:
  - (a) Home occupations, according to Article IV.
  - (b) Single-family detached dwellings.
  - (c) Two-family dwellings.
  - (d) Townhomes.
  - (e) Quadraplexes.
- (2) Recreation/Open Space:
  - (a) Greenbelts.
  - (b) Parks, forests, public or playgrounds or playfields.

- (3) Institutional:
  - (a) Elementary schools, public or private, non-boarding.
  - (b) Junior high schools, public or private, non-boarding.
- (4) Governmental: fire and police stations

**C. Permitted Accessory Uses, Setbacks and Size Restrictions:**

- (1) Structures and uses accessory to the principal structure and use, including private garages, carports, storage sheds and buildings, free standing decks, greenhouses, playhouses, and other similar accessory structures and uses determined to be compatible by the Zoning Enforcement Officer.
- (2) Private swimming pools and tennis courts (unlighted), in rear yards only, and subject to the setback regulations of ten (10) feet to a side or rear property line. Swimming pools are required to have a four (4) foot high barrier fence as defined and further clarified in the Village of Big Rock's *Property Maintenance and Building Codes*. In the event the pool is at least 4 feet high, a locking access device is a permissible alternative to the barrier fence.
- (3) All accessory structures shall maintain a minimum setback of ten (10') feet from the rear and rear side yards. No accessory structure shall be permitted in the front yard or corner side yard abutting a street. All accessory structures shall be located at least ten (10) feet from a principal structure and any other accessory structures.
- (4) No more than three (3) roofed accessory structures are permitted on any one zoning lot.
- (5) The combined square footage of all roofed accessory structures on a zoning lot is limited according to lot size as listed below:

Less than 1 acre	900 ft <sup>2</sup>	at least 2.5 acres	2,400 ft <sup>2</sup>
at least 1 acre	1,200 ft <sup>2</sup>	at least 3.0 acres	2,700 ft <sup>2</sup>
at least 1.5 acres	1,500 ft <sup>2</sup>	at least 3.5 acres	3,000 ft <sup>2</sup>
at least 2.0 acres	1,800 ft <sup>2</sup>	at least 4.0 acres	3,600 ft <sup>2</sup>

**D. Special Uses**

- (1) Residential:
  - (a) Congregate care facilities.
  - (b) Convalescent centers and nursing homes.
  - (c) Group homes.
  - (d) Model homes.
- (2) Institution/Governmental:

- (a) Churches, temples or synagogues.
  - (b) Civil buildings, including governmental
  - (c) Community center buildings.
  - (d) Hospitals and/or medical clinics.
  - (e) Libraries.
  - (f) Museums and galleries.
  - (g) Public utility and service facilities, as defined in Article III, above.
  - (h) Religious retreats.
  - (i) Schools; boarding.
  - (j) Schools; high school, college, university, and trade, public or private.
- (3) Service:
- (a) Bed and breakfast guest houses.
  - (b) Day care centers and nursery schools, public or private.
- (4) Recreation:
- (a) Club or lodge building.
  - (b) Golf course.
  - (c) Swim and/or tennis clubs.

**E. Lot Size Regulations:<sup>7</sup>**

- (1) Minimum Lot Size: Two-family, townhomes, and quadraplexes - Not less than 32,670 square feet per dwelling unit.
- (2) Minimum Lot Width: Two-family, townhomes and quadraplexes - Not less than eight (80) feet shall be maintained at the setback line.
- (3) Maximum Gross Density - Not more than one (1) dwelling unit per  $\frac{3}{4}$  acre.

**F. Yard and Setback Regulations:** Every principal structure hereafter erected or enlarged in this District shall provide and maintain the following setbacks:

- (1) Setback from Major Highways - Unless otherwise approved as part of a planned development or pursuant to a variance:
  - (a) All structures shall be set back at least sixty (60) feet from the following major highways, as measured from the nearest right-of-way:
    - (i) U.S. Highway 30.
    - (ii) Granart Road.
    - (iii) Jericho Road

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<sup>7</sup> The lot, yard, setback and height limitations for the R-3 District are summarized in Appendix A to this Zoning Ordinance.

- (b) If property is located along U.S. Highway 30, between Davis Road and three thousand (3,000) linear feet to the east, the allowable setback as measured from the nearest right-of-way shall be at least thirty (30) feet.
- (2) Minimum Front and Corner Yard - Not less than thirty (30) feet from a front or corner lot line.
- (3) Minimum Interior Side Yards - Not less than fifteen (15) feet from an interior side lot line.
- (4) Minimum Rear Yards - Not less than thirty (30) feet from a rear lot line.
- (5) Maximum Lot Coverage - Not more than one-third (33 percent) of a lot can be occupied with the principal and accessory structures and/or impervious surfaces.
- (6) Building Separation Standards:
  - (a) Front to Front - Not less than seventy-five (75) feet.
  - (b) Rear to Rear - Not less than one and one-half (1-1/2) times the building height or fifty (50) feet, whichever is greater.
  - (c) Front or Rear to Side - Not less than forty (40) feet.
  - (d) Side to Side - Not less than thirty (30) feet.
  - (e) Corner to Corner - Not less than twenty (20) feet at the closest point between building corners.

**G. Bulk Regulations:**

- (1) Structure Height - All permitted and special uses shall maintain a structure height of not more than thirty-five (35) feet.
- (2) Number of Units - Not more than six (6) dwelling units per townhome structure.

**7.8 R-4, HIGH-DENSITY MULTIPLE-FAMILY RESIDENTIAL DISTRICT**

**A. Purpose:** The purpose of this zone is to provide for high density multi-family residences in areas served by public sewer and water.

**B. Permitted Uses:**

- (1) Residential:
  - (a) Apartments.
  - (b) Condominiums.
  - (c) Home occupations, according to Article IV.
- (2) Recreation/Open Space:

- (a) Greenbelts.
  - (b) Parks, forests, public or playgrounds or playfields.
- (3) Institutional:
- (a) Elementary schools, public or private, non-boarding.
  - (b) Junior high schools, public or private, non-boarding.
- (4) Governmental: fire and police stations.

**C. Permitted Accessory Uses, Setbacks and Size Restrictions:**

- (1) Structures and uses accessory to the principal structure and use, including private garages, carports, storage sheds and buildings, free standing decks, greenhouses, playhouses, and other similar accessory structures and uses determined to be compatible by the Zoning Enforcement Officer.
- (2) Private swimming pools and tennis courts (unlighted), in rear yards only, and subject to the setback regulations of ten (10) feet to a side or rear property line. Swimming pools are required to have a four (4) foot high barrier fence as defined and further clarified in the Village of Big Rock's *Property Maintenance and Building Codes*. No above ground pools are permissible.
- (3) All accessory structures shall maintain a minimum setback of ten (10') feet from the rear and rear side yards. No accessory structure shall be permitted in the front yard or corner side yard abutting a street. All accessory structures shall be located at least ten (10) feet from a principal structure and any other accessory structures.
- (4) No more than three (3) roofed accessory structures are permitted on any one zoning lot.
- (5) The combined square footage of all roofed accessory structures on a zoning lot is limited according to lot size as listed below:

Less than 1 acre	900 ft2	at least 2.5 acres	2,400 ft2
at least 1 acre	1,200 ft2	at least 3.0 acres	2,700 ft2
at least 1.5 acres	1,500 ft2	at least 3.5 acres	3,000 ft2
at least 2.0 acres	1,800 ft2	at least 4.0 acres	3,600 ft2

**D. Special Uses:**

- (1) Residential:
  - (a) Congregate care facilities.
  - (b) Convalescent centers and nursing homes.
  - (c) Group homes.
  - (d) Model home parks, according to standards set forth in Section 7.7H, Regulations for Mobile Home Parks, below.
  - (e) Model homes.
  - (f) Townhomes.

- (g) Two-family dwellings.
- (h) Quadraplexes.

(2) Institution/Governmental:

- (a) Churches, temples or synagogues.
- (b) Civil buildings, including governmental
- (c) Community center buildings.
- (d) Hospitals and/or medical clinics.
- (e) Libraries.
- (f) Museums and galleries.
- (g) Public utility and service facilities, as defined in Article III.
- (h) Religious retreats.
- (i) Schools; boarding.
- (j) Schools; high school, college, university, and trade, public or private.

(3) Service:

- (a) Bed and breakfast guest houses.
- (b) Day care centers and nursery schools, public or private.

(4) Recreation:

- (a) Club or lodge building.
- (b) Golf course.
- (c) Swim and/or tennis clubs.

**E. Lot Size Regulations:<sup>8</sup>**

- (1) Minimum Lot Size - Not less than three quarters (3/4) acre per dwelling unit.
- (2) Minimum Lot Width - Not less than eighty (80) feet shall be maintained at the building setback line.
- (3) Maximum Gross Density - Not more than one (1) dwelling units per three quarters (3/4) acre.

**F. Yard and Setback Regulations:** Every principal structure hereafter erected or enlarged in this District shall provide and maintain the following setbacks:

- (1) Setbacks from Major Highways - Unless otherwise approved as part of a planned development or pursuant to a variance:
  - (a) All structures shall be set back at least sixty (60) feet from the following major highways, as measured from the nearest right-of-way:
    - (i) U.S. Highway 30.
    - (ii) Granart Road.

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<sup>8</sup> The lot, yard, setback and height limitations for the R-4 District are summarized in Appendix A to this Zoning Ordinance.

(iii) Jericho Road

- (b) If property is located along U.S. Highway 30, between Davis Road and three thousand (3,000) linear feet to the east, the allowable setback as measured from the nearest right-of-way shall be at least thirty (30) feet.
- (2) Minimum Front and Corner Yards - Not less than thirty (30) feet from a front or corner lot line.
- (3) Minimum Interior Side Yards - Not less than fifteen (15) feet from an interior side lot line.
- (4) Minimum Rear Yards - Not less than thirty (30) feet from a rear lot line.
- (5) Maximum Lot Coverage - Not more than thirty three (33) percent of a lot can be occupied with principal and accessory structures and/or impervious surfaces.
- (6) Building Separation Standards:
  - (a) Front to Front - Not less seventy-five (75) feet.
  - (b) Rear to Rear - Not less than one and one-half (1-1/2) times the building height or fifty (50) feet, whichever is greater.
  - (c) Front or Rear to Side - Not less than forty (40) feet.
  - (d) Side to Side :- Not less than thirty (30) feet.
  - (e) Comer to Corner - Not less than twenty (20} feet at the closest point between building corners.

**G. Bulk Regulations:**

- (1) Structure Height - All permitted and special uses shall maintain a structure height of not more than thirty five (35) feet.
- (2) Number of Units - Not more than six (6) dwelling units per townhome structure, unless otherwise approved by the Village Board as part of a special use or planned development.

**H. Regulations for Mobile Home Parks:**

- (1) Processing:
  - (a) Mobile home parks shall be permitted only as a special use in the R-4 District, and shall be processed as a planned development.
  - (b) Mobile homes shall be permitted only within approved mobile home parks.

- (2) Mobile Home Park Area: - Not less than six (6) acres.
- (3) Lot Size Regulations:
  - (a) Minimum Lot Size - Not less than three quarters (3/4) acre.
  - (b) Minimum Lot Width - Not less than seventy five (75) feet, as measured at the building setback line.
  - (c) Maximum Gross Density - Not more than one (1) unit per three quarter (3/4) of an acre.
- (4) Yard and Setback Regulations - Every mobile home shall provide and maintain a setback in accordance with the following:
  - (a) Minimum Front and Corner Side Yards - Not less than thirty (30) feet.
  - (b) Minimum Interior Side Yards - Not less than ten (10) feet.
  - (c) Minimum Rear Yard - Not less than thirty (30) feet.
- (5) Perimeter Yard Requirements
  - (a) A landscaped yard, not less than forty (40) feet wide, shall be provided around the perimeter of a Mobile Home Park.
  - (b) The perimeter yard shall be landscaped according to criteria set forth in the Village's Landscape Ordinance.
  - (c) The landscaped yard shall be continuously maintained by the owner, with landscaping repaired or replaced as necessary.
- (6) Recreation - A recreational area, not less than ten (10) percent of the gross site area, shall be provided. Recreational areas shall include, but not be limited to, the following:
  - (a) Community buildings.
  - (b) Landscaping, fencing and benches.
  - (c) Open space.
  - (d) Playgrounds and tot lots.
- (7) Tornado Shelters – A tornado shelter sufficient to protect all residents of the mobile home park is required for all mobile home parks.



## **ARTICLE VIII BUSINESS DISTRICTS**

### **8.1 GENERAL PROVISIONS**

**A. Purpose:** The B-1 and B-2 Districts set forth herein are established to protect the public health, promote public safety, comfort, convenience and the general welfare; and to protect the economic base of, and property values within, the Village of Big Rock. These general purposes include, among others, the following objectives:

- (1) To promote the most-desirable use of land, in accordance with a well-considered plan so that adequate space is provided in appropriate locations for the various types of business uses, thereby protecting and strengthening the economic base of the Village.
- (2) To place in separate districts, those businesses which may create noise, odors, hazards, unsightliness, or which may generate excessive traffic.
- (3) To encourage the grouping of compatible business uses which will tend to draw trade that is mutually interchangeable, and so promote public convenience and business prosperity, and contribute to the alleviation of traffic and pedestrian congestion by encouraging the use of a common ingress and egress.
- (4) To promote the establishment of off-street parking facilities so as to alleviate traffic congestion and so promote shopping convenience and business prosperity.
- (5) To promote design appearance, style and construction of structures in the business districts which will be essentially compatible with the residential character of the Village of Big Rock.

**B. Enclosed Operations:** All uses and operations conducted within any business district shall be fully enclosed, except for off-street parking and loading, and except for those outdoor uses (such as outdoor storage) allowed in the underlying district as a special use and for which a special use permit is issued.

**C. Open Burning Restrictions:** Open burning on properties zoned in any business district is limited to the burning of natural vegetation generated from the property itself. Open burning of natural vegetation or any other materials brought to the property from off-site, and open burning as a part of regular business operations on property is strictly prohibited. All open burning shall comply with the requirements of the Amended Nuisances and Property Maintenance Code.

### **8.2 B-1, GENERAL BUSINESS DISTRICT**

**A. Purpose:** The B-1, General Business District, is intended to provide areas to be used as the primary shopping, services, office, and general commercial areas for residents of Big Rock and other nearby towns. This district permits most all types of business and commercial enterprises, offices and service establishments. The district should be centrally located with respect to the shopping service area, and located at the convergence of, or along major thoroughfares of Big Rock.

## **B. Permitted Uses:**

- (1) Retail Uses: Uses involving the sale, lease, or rental of new or used goods to the ultimate consumer within an enclosed structure, and with no outdoor sales, storage, or displays.
- (2) Business Services: Uses that provide consumer and business services, repairs, restaurants, lodging, ~~warehousing (without distribution)~~, and studios within an enclosed building and without outdoor sales, storage, or displays.
- (3) Offices: Uses conducted in an enclosed office that focus on executive, management, administrative, professional, medical, or veterinarian services, and without outdoor sales, storage, or displays.
- (4) Institutional/Governmental: Uses that provide public government facilities, with or without outdoor storage, and libraries.
- (5) Limited Manufacturing: Uses that engage in small manufacturing/assembly, with the principal building housing such use limited to no more than 20,000 square feet of gross floor area.

## **C. Special Uses:**

- (1) Automobile car washes.
- (2) Automobile sales or rentals, with or without repairs (includes boats, motorcycles, farm equipment, RV's, snowmobiles and trucks).
- (3) Automobile service stations (includes boat, motorcycle, farm equipment, RV, snowmobile, and truck service).
- (4) Cemeteries.
- (5) Clubs and lodges, private; fraternal or religious, and other non-theater assembly uses.
- (6) Daycare centers, nursery schools, preschools.
- (7) Drive-through facilities.
- (8) Gas dealers/sales (i.e., bottled gas).
- (9) Live entertainment venues, including auditoriums and dance clubs.
- (10) Outdoor animal boarding, kenneling, sheltering, and recreation.
- (11) Outdoor storage or display of equipment, products, or vehicles which is ancillary to a permitted or special use (excludes cartage and express establishments, motor freight terminals, bulk fuel storage centers, and similar industrial uses).
- (12) Planned developments.
- (13) Public utility stations or facilities.
- (14) Railroad passenger stations.
- (15) Recreational uses, including amphitheaters, archery/shooting ranges, commercial stables, golf courses, parks, resorts, and sports fields.
- (16) Religious assemblies/churches.

- (17) Residential apartments or condominiums, when located above a ground-floor commercial use.
- (18) Schools, public or private (including commercial or trade schools).
- (19) Theaters.

**D. Lot Requirements**<sup>9</sup>

- (1) Minimum lot Size - Not less than one & one half (1-1/2) acres.
- (2) Minimum lot Width - Not less than one hundred (100) feet.

**E. Yard and Setback Regulations:** Every principal structure in this District shall provide and maintain a setback according to the following:

- (1) Setback from Major Highways - Unless otherwise approved as part of a planned development or pursuant to a variance:
  - (a) All structures shall be set back at least sixty (60) feet from the following major highways, as measured from the nearest right-of-way:
    - (i) U.S. Highway 30.
    - (ii) Granart Road.
    - (iii) Jericho Road
  - (b) If property is located along U.S. Highway 30, between Davis Road and three thousand (3,000) linear feet to the east, the allowable setback as measured from the nearest right-of-way shall be at least thirty (30) feet.
- (2) Minimum Front and Corner Side Yards - Not less than fifty (50) feet from a front or corner side lot line.
- (3) Minimum Interior Side Yards - Not less than ten (10) feet from an interior side lot line.
- (4) Minimum Rear Yards - Not less than thirty (30) feet from a rear lot line.
- (5) Maximum Lot Coverage - Not more than fifty percent of a lot can be occupied with the principal and accessory structures and/or impervious surfaces.
- (6) Transition Yards - Where a side or rear lot line coincides with a side or rear lot line in a residential or institutional use, the interior side or rear yard requirements for a commercial lot shall be increased as follows:
  - (a) Interior Side Yard - 20 feet.
  - (b) Rear Yard - 40 feet.

**F. Height Limitations:** Thirty five (35) feet.

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<sup>9</sup> The lot, yard, setback and height limitations for the B-1 District are summarized in Appendix A to this Zoning Ordinance.

**G. Permitted Accessory Uses, Setbacks, and Size Restrictions:** Accessory structures and uses shall be allowed when compatible with and customarily incidental to the primary permitted or special use on the property, and shall be subject to the following regulations:

- (1) All accessory structures shall maintain a minimum setback of ten (10') feet from the side and rear property lines, and shall not be located in front yards or front corner yards. However, where a side or rear lot line coincides with a side or rear lot line in a residential or institutional use, the "Transition Yard" requirements shall govern accessory structure setbacks.
- (2) No more than two (2) roofed accessory structures are permitted on any one zoning lot, and the combined square footage of all roofed accessory structures on a zoning lot shall not exceed five hundred (500) square feet.
- (3) All accessory structures must be separated from a principal structure and any other accessory structure by at least ten feet (10').

**H. Legal Non-Conforming Single-Family Residential Structures:** Any single-family residential structure existing as of the date of approval of this Zoning Ordinance shall be considered a permitted, conforming structure, subject to the provisions of this section. Any such structure may be rebuilt or repaired if damaged or destroyed by more than fifty (50%) percent, provided such structure does not exceed the original footprint of the original structure. Any such structure may be expanded, provided the bulk requirements of the B-1 District are met, and provided that any existing non-conformity is not enlarged. New single-family residential structures and uses are otherwise not permitted in the B-1 District.

**I. Legal Non-Conforming Principal Uses:** A legal non-conforming principal use may be continued if the structure enclosing that use is damaged or destroyed once the structure enclosing the principal use is re-built as a conforming structure or as otherwise provided for in this Ordinance. Any legal non-conforming principal use may be expanded in conformity with all other requirements of this Zoning Ordinance and other codes and ordinances of the Village.

### **8.3 B-2, TOWN CENTER BUSINESS DISTRICT**

**A. Purpose:** This District provides for the conversion of dwellings and the construction of new buildings along U.S. Highway 30 and Rhodes Ave. to limited retail, office and business service uses, consistent with Big Rock's adopted Land Use Plan. The reclassification of properties to B-2, Town Center Business District is intended to stabilize and enhance property values by encouraging restoration, renovation, and rehabilitation of existing buildings in the vicinity of the downtown, without the loss of landmark buildings and residential character, typical of Big Rock.

**B. Permitted Uses:**

- (1) Retail Uses: Uses involving the sale, lease, or rental of new or used goods to the ultimate consumer within an enclosed structure, and with no outdoor sales, storage, or displays.

- (2) Business Services: Uses that provide limited consumer and business services, repairs, restaurants, bed and breakfast lodging, and studios within an enclosed building and without outdoor sales, storage, or displays.
- (3) Automotive service stations (repairs only; excluding fuel sales), provided:
  - i. The use is conducted completely indoors;
  - ii. No products or materials are stored outside;
  - iii. No vehicles awaiting service or pick-up are parked in the public right-of-way, and all such vehicles are parked on the property where the use is located;
  - iv. No outdoor parking or storage of unlicensed or inoperable vehicles is allowed;
  - v. No vehicle awaiting service or pick-up shall be parked outside for more than 30 days;
  - vi. No vehicles parked outside shall be advertised for sale.
  - vii. No operations shall occur between 10:00 p.m. and 6:00 a.m.
- (4) Offices: Uses conducted in an enclosed office that focus on executive, management, administrative, professional, medical, or veterinarian services, and without outdoor sales, storage, or displays.
- (5) Institutional/Governmental: Uses that provide public government facilities, with or without outdoor storage, and libraries.
- (6) Residential: Single-family uses and single-family residences also used as a commercial establishment, provided the commercial establishment is permitted in the B-2 District.

### **C. Special Uses:**

- (1) Residential: Multi-unit residential apartment or condominium units above a ground-floor commercial use, processed as a planned development.
- (2) Clubs and lodges, private; fraternal or religious, and other non-theater assembly uses.
- (3) Daycare centers, nursery schools, preschools.
- (4) Drive-through facilities.
- (5) Outdoor animal boarding, kenneling, sheltering, and recreation.
- (6) Outdoor storage or display of equipment, products, or vehicles which is ancillary to a permitted or special use (excludes cartage and express establishments, motor freight terminals, bulk fuel storage centers, and similar industrial uses).
- (7) Planned developments.
- (8) Public utility stations or facilities.
- (9) Railroad passenger stations.
- (10) Religious assemblies/churches.
- (11) Residential apartments or condominiums, when located above a ground-floor commercial use.
- (12) Schools, public or private (including commercial or trade schools).
- (13) Warehouse/Storage: Such use is subject to the following special conditions:

- (i) All operations shall occur within a completely enclosed structure.
  - (ii) No outdoor storage allowed, except for storage of road salt by the
  - (iii) No outdoor overnight parking of vehicles allowed.
  - (iv) No warehousing/storage of flammable or hazardous materials.
  - (v) The property must provide clearly accessible and visible MSDS sheets for the products warehoused/stored
  - (vi) All operations shall occur between the hours of 6:00 a.m. to 6:00 p.m. or sunset, whichever is later.
  - (vii) No individual building used for warehousing/storage shall exceed 3,000 square feet.
  - (viii) No warehouse/storage shall occur on property containing more than 31,000 square feet in total lot area.
  - (ix) No outdoor portable toilets are allowed, except during the initial construction process or any construction expansion process.
  - (x) A photometric plan for outdoor lighting may be required to ensure compliance with the Village's lighting standards.
  - (xi) A traffic study may be required for the proposed use demonstrating that the proposed use will cause no appreciable traffic congestion or hazard to pedestrian safety.
  - (xii) Landscaping or fencing may be required to screen the proposed use.
  - (xiii) The failure to adhere to these special conditions and any other special conditions imposed in an ordinance approving a specific special use shall be grounds for revoking the special use.
  - (xiv) No retail sales allowed.
  - (xv) No bulk storage of any type (i.e. grain, salt, fertilizer).
  - (xvi) No office use allowed.
- (14) Wind Turbines: Wind turbines as an accessory use to the principal use of a school, on school-owned property consisting of not less than 9 acres, and limited to 1 wind turbine per 9 acres.
- (i) Bulk restrictions for this special use:
    - Wind turbines shall be located only in rear yards.
    - Two hundred (200) feet setback from a front, corner side, or rear property line.
    - One hundred (100) feet setback from a side property line.
    - Two hundred (200) feet setback from any principal or roofed accessory structure adjacent to the site.
    - The pole or tower shall not exceed fifty (50) feet.
    - Blades shall not exceed fifteen (15) feet in diameter.

**D. Lot Requirements:**<sup>10</sup>

- (1) Minimum Lot Size:
  - (a) None, except that minimum setbacks shall be met for any new construction.
  - (b) Any newly created lot shall maintain a minimum lot size of not less than ½ acre.
- (2) Minimum Lot Width – Fifty feet (50')
- (3) Maximum Lot Coverage - Not more than fifty percent of a lot can be occupied with the principal and accessory structures and/or impervious surfaces.

**E. Yard and Setback Regulations:** Every principal structure in this District shall provide and maintain a setback according to the following:

- (1) Minimum Front and Corner Side Yards - Not less than thirty (30) feet, as measured from the right-of-way.
- (2) Interior Side Yards - Not less than ten (10) feet from an interior side lot line.
- (3) Minimum Rear Yards - Not less than thirty (30) feet from a rear lot line.

**F. Height Limitations:** Thirty-five (35) feet.

**G. Permitted Accessory Uses, Setbacks, and Size Restrictions:** Accessory structures and uses shall be allowed when compatible with and customarily incidental to the primary permitted or special use on the property, and shall be subject to the following regulations:

- (1) All accessory structures shall maintain a minimum setback of five (5') feet from the side and rear property lines, and shall not be located in front yards or front corner yards.
- (2) No more than two (2) roofed accessory structures are permitted on any one zoning lot, and the combined square footage of all roofed accessory structures on a zoning lot shall not exceed five hundred (500) square feet.
- (3) All accessory structures must be separated from a principal structure and any other accessory structure by at least ten feet (10').

**H. Legal Non-Conforming Principal Structures:** Principal structures in this District existing as of the date of approval of this Zoning Ordinance shall be considered a permitted, conforming structure, subject to the provisions of this section. Any such structure may be rebuilt or repaired if damaged or destroyed by more than fifty (50%) percent, provided such structure does not exceed the original footprint of the original structure. Any such structure

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<sup>10</sup> The lot, yard, setback and height limitations for the B-3 District are summarized in Appendix A to this Zoning Ordinance.

may be expanded, provided the bulk requirements of the B-3 District are met, and provided that any existing non-conformity is not enlarged.

**I. Legal Non-Conforming Principal Uses:** A legal non-conforming principal use may be continued if the structure enclosing that use is damaged or destroyed once the structure enclosing the principal use is re-built as a conforming structure or as otherwise provided for in this Ordinance. Any legal non-conforming principal use may be expanded in conformity with all other requirements of this Zoning Ordinance and other codes and ordinances of the Village.

**J. Second Street Business Parking:** Businesses located on the north side of 2<sup>nd</sup> Street, bounded by Rhodes Road to the west and Jefferson Street to the east, are within the Central Business District Parking Overlay District and are subject to the off-street parking regulations listed in Article XIII, "Off-Street Parking and Loading," Section 13.2B of this Zoning Ordinance.

**K. Special Conditions:**

- (1) Use - Every reasonable effort shall be made to provide a compatible use for a property that requires minimal alteration of the structure or site.
- (2) Existing Buildings:
  - (a) Distinctive stylistic features or examples of skilled craftsmanship which characterize a structure or site shall be treated with sensitivity.
  - (b) Deteriorated exterior architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material shall match the material being replaced in composition, design, color, texture, and other architectural features, based on historically accurate duplications of said features.
  - (c) Contemporary design for alterations and additions to existing properties shall be allowed when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood, or environment.
  - (d) Wherever possible, new additions or alterations to existing structures shall be done in such a manner that, if such additions or alterations were to be removed in the future; the essential form and integrity of the structure would be unimpaired.
- (3) New Structures - New structures shall be consistent with the architectural character of residential dwellings and commercial buildings along U.S. Highway 30 and Rhodes Road, and shall be compatible with the size, scale, color material and character of the surrounding neighborhood.



## **ARTICLE IX - OFFICE, RESEARCH, INDUSTRIAL & MANUFACTURING**

### **9.1 ORI – OFFICE, RESEARCH, AND LIGHT INDUSTRIAL DISTRICT**

#### **A. Purpose:**

The ORI Office, Research, and Light Industrial District is intended to provide a zone for high quality, nuisance-free office, research, light industrial and light assembly, wholesaling, servicing, testing, repair or storage of materials, good or products, and business offices and uses related thereto, provided the operations are conducted within a completely enclosed structure and that operations conform with the performance standards of the Village and other applicable requirements of this Zoning Ordinance.

#### **B. Permitted Uses:**

##### **(1) Office:**

- (a) Administrative
- (b) Business
- (c) Construction
- (d) Contractor's
- (e) Corporate
- (f) Dental
- (g) Educational
- (h) Executive
- (i) Medical
- (j) Professional
- (k) Research

##### **(2) Research:**

- (a) Engineering and testing facilities
- (b) Medical clinics and laboratories
- (c) Research clinics and laboratories including accessory pilot plant operations

##### **(3) Light Industry and Light Assembly (refer to definitions in Article III)**

##### **(4) Business Services:**

- (a) Banks and financial institutions
- (b) Blueprint and photo-copying shops.
- (c) Broadcasting stations.
- (d) Catering establishments
- (e) Cleaning and laundering shops
- (f) Computer sales and service
- (g) Data processing centers
- (h) Electrical repair shops.
- (i) Electronic repair shops.

- (j) Exterminating shops.
- (k) Food storage.
- (l) Publishing houses.
- (m) Recording studio.
- (n) Rental shops.
- (o) Restaurants (providing day-time service to other businesses).

(5) Governmental/Institutional:

- (a) Auditoriums
- (b) Cultural facilities
- (c) Government buildings and uses, including fire and police.
- (d) Libraries.
- (e) Public utility garages and storage.

(6) Commercial:

- (a) Animal clinics (boarding for medical purposes only).
- (b) Business machine sales and service
- (c) Furnace and air-conditioning sales and service.
- (d) Furniture sales and warehousing.
- (e) Hospital and medical supplies.
- (f) Janitorial supplies and service.
- (g) Mail order houses.
- (h) Plumbing sales and service.
- (i) Showroom space

(7) Wholesale:

- (a) Wholesale establishments.

(8) Agricultural:

- (a) Permitted uses as listed in the Agricultural District with the stabling, yarding, or keeping of livestock limited by the following restriction per acre of land:

No more than 2 horses and no domestic animals; or, no more than 1 horse and up to 3 domestic animals; or, no horses and up to 6 domestic animals. Additionally, any lot may contain up to 12 poultry animals regardless of the number of horses or domestic animals, however no guinea fowl are permitted.

**C. Special Uses:** Due to the unique concerns of water resources, waste and stormwater management, and deteriorating infrastructure, the following uses will be strictly limited by the intensity of water usage, wastewater flows, power consumption, emissions, freight traffic, and impervious surface area.

(1) Light Industrial:

- (a) Food processing.

- (b) Metal stamping and spinning.
  - (c) Photo processing (non-retail).
- (2) Business Services:
  - (a) Hotels and motels
- (3) Governmental/Institutional:
  - (a) Public Utility and governmental service uses, including, but not limited to:
    - (i) Essential services, including: fully automated gas regulating stations; telephone exchanges; and electric substations.
    - (ii) Tower and antennas, commercial, for radio, television and telephone transmitting, receiving or relay stations.
    - (iii) Wastewater treatment plant.
    - (iv) Water works, reservoirs, pumping stations, filtration plants and wells.
  - (b) Recreational uses including: skating rinks, parks, health facilities, family fitness clubs.
  - (c) Schools; vocational, technical, business, data processing, electronic and corporate training centers, commercial or trade schools.
- (4) Commercial:
  - (a) Commercial uses located within permitted and special uses including: barbershops and beauty salons; daycare centers and preschools; drugstores; dry cleaning and laundry establishments; food stores; florists; gift shops; letter and parcel mailing services; shoe repair shops and tailor shops.

**D. Legal Non-Conforming Principal Uses:** A legal non-conforming principal use may be continued if the structure enclosing that use is damaged or destroyed once the structure enclosing the principal use is re-built as a conforming structure or as otherwise provided for in this Ordinance. Any legal non-conforming principal use may be expanded in conformity with all other requirements of this Zoning Ordinance and other codes and ordinances of the Village.

**E. Lot Requirements:<sup>11</sup>**

- (1) Minimum Lot Size - Not less than one and one half (1-1/2) acre.
- (2) Minimum Lot Width - Not less than one-hundred (100) feet.

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<sup>11</sup> The lot, yard, setback and height limitations for the OR-I District are summarized in Appendix A to this Zoning Ordinance.

**F. Yard and Setback Regulations:**

Every principal structure hereafter erected or enlarged in this District shall provide and maintain a setback in accordance with the following:

- (1) Setback from Major Highways: Minimum building setback sixty (60) feet and a parking setback of at least forty (40) feet from the following major highways, as measured from the street right-of-way:
  - (a) U.S. Highway 30.
  - (b) Granart Road
  - (c) Jericho Road
- (2) Minimum Front and Corner Side Yards: Not less than forty (40) feet from a front or corner side lot line.
- (3) Minimum Interior Side Yards: No less than twenty (20) feet from an interior side lot line.
- (4) Minimum Rear Yards: Not less than twenty (20) feet from a rear lot line.
- (5) Transition Yards: Where a side or rear lot line coincides with a side or rear lot line in a residential or institutional use, the interior side or rear yard requirements for a commercial lot shall be increased as follows:
  - (a) Interior Side Yard - Thirty (30) feet
  - (b) Rear Yard - Forty (40) feet.

**G. Maximum Lot Coverage:**

No more than fifty (50) percent of a lot can be occupied with the principal and accessory structures and/or impervious surfaces.

**H. Height Limitations:**

No more than thirty-five (35) feet.

**I. Permitted Accessory Uses, Setbacks, and Size Restrictions:** Accessory structures and uses (including those listed below) shall be allowed when compatible with and customarily incidental to the primary permitted or special use on the property, and shall be subject to the following regulations:

- (1) Permitted Accessory Uses:

- (a) **Business Services:** Uses ancillary to permitted and special uses including: meeting and conference facilities, churches, lodging facilities, restaurants and recreational facilities primarily for the private use of the employees of the owner, its subsidiaries, affiliates, franchisees and other business invitees; storage, service and maintenance buildings and areas; central heating and air conditioning plants; dwellings for caretakers, watchmen and operators.
- (b) **Commercial:** Accessory retail sales and display of merchandise produced on the premises.
- (2) **Setbacks:** All accessory structures shall maintain a minimum setback of ten (10') feet from the side and rear property lines, and shall not be located in front yards or front corner yards. However, where a side or rear lot line coincides with a side or rear lot line in a residential or institutional use, the "Transition Yard" requirements shall govern accessory structure setbacks. All accessory structures shall be located at least ten (10) feet from a principal structure and any other accessory structures.
- (3) **Size Restrictions:** No more than two (2) roofed accessory structures are permitted on any one zoning lot, and the combined square footage of all roofed accessory structures on a zoning lot shall not exceed five hundred (500) square feet.

## 9.2 M – MANUFACTURING

### A. **Purpose:**

The M Manufacturing District is intended to provide a zone for manufacturing, servicing, testing, repair or storage of materials, good or products, and business offices and uses related thereto, provided the operations are conducted within a completely enclosed structure and that operations conform with the performance standards of the Village and other applicable requirements of this Zoning Ordinance.

### B. **Permitted Uses:**

- (1) **All ORI Permitted Uses:**
- (2) **Business Services:**
  - (a) Packing and crating
- (3) **Commercial:**
  - (a) Building material sales and storage
- (4) **Warehousing:**

- (a) Warehousing and storage
- C. **Special Uses:** Due to the unique concerns of water resources, waste and stormwater management, and deteriorating infrastructure, the following uses will be strictly limited by the intensity of water usage, wastewater flows, power consumption, emissions, freight traffic, and impervious surface area.
  - (1) All ORI Special Uses
  - (2) Freight:
    - (a) Cartage and express establishments
    - (b) Motor freight terminals
    - (c) Truck parking, storage, washing, and enclosed truck repair
  - (3) Light Industrial:
    - (a) Monument establishments, including accessory open sales lots
  - (4) Business Services:
    - (a) Parking lots and storage garages
    - (b) Pawnbrokers/Pawnshops
  - (5) Governmental/Institutional:
    - (a) Bus Terminals
  - (6) Commercial:
    - (a) Adult business uses, including: book and video stores; motion picture theaters; entertainment use; and massage parlors, as defined in Article III, "Definitions," provided however that these uses are:
      - (i) Not less than two thousand, five hundred (2,500) feet from the property line of a residential, church, park, or institutional use or districts.
      - (ii) Separated not less than two thousand, five hundred (2,500) feet from one another.
    - (b) Greenhouses
  - (7) Manufacturing:
    - (a) Manufacturing

**D. Lot Requirements**<sup>12</sup>

- (1) Minimum lot size – Not less than one & one half (1-1/2) acres.
- (2) Minimum lot width – Not less than one hundred (100) feet.

**E. Yard and Setback Regulations.**

Every principal structure hereafter erected or enlarged in this District shall provide and maintain a setback in accordance with the following:

- (1) Setback from Major Highways – All structures shall be setback at least sixty (60) feet from the following major highways, as measured from the nearest right-of-way:
  - (a) U.S. Highway 30
  - (b) Granart Road
  - (c) Jericho Road
- (2) Minimum Front and Corner Side Yards - Not less than fifty (50) feet from a front or corner side lot line.
- (3) Minimum Interior Side Yards - No less than twenty (20) feet from an interior side lot line.
- (4) Minimum Rear Yards - Not less than thirty (30) feet from a rear lot line.
- (5) Transition Yards - Where a side or rear lot line coincides with a side or rear lot line in a residential use, the interior side or rear yard requirements for a commercial lot shall be increased as follows:
  - (a) Interior Side Yard - Thirty (30) feet
  - (b) Rear Yard - Fifty (50) feet.

**F. Maximum Lot Coverage:**

No more than fifty (50) percent of a lot can be occupied with the principal and accessory structures and/or impervious surfaces.

**G. Height Limitations:**

Not more than thirty-five (35) feet.

**H. Permitted Accessory Uses, Setbacks, and Size Restrictions: Accessory**

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<sup>12</sup> The lot, yard, setback and height limitations for the M District are summarized in Appendix A to this Zoning Ordinance.

structures and uses shall be allowed when compatible with and customarily incidental to the primary permitted or special use on the property, and shall be subject to the following regulations:

- (1) All accessory structures shall maintain a minimum setback of ten (10') feet from the side and rear property lines, and shall not be located in front yards or front corner yards. However, where a side or rear lot line coincides with a side or rear lot line in a residential or institutional use, the "Transition Yard" requirements shall govern accessory structure setbacks. All accessory structures shall be located at least ten (10) feet from a principal structure and any other accessory structures.
- (2) No more than two (2) roofed accessory structures are permitted on any one zoning lot, and the combined square footage of all roofed accessory structures on a zoning lot shall not exceed five hundred (500) square feet.
- (3) No manufacturing is permitted in any accessory structure.



## **ARTICLE X – PLANNED DEVELOPMENTS**

### **10.1 PURPOSE**

**A. Goal:** The purpose of the planned development provisions which follow is to promote efficient land patterns which preserve trees, wetlands and other natural resources; provide site amenities; and secure large parcels of permanent open space characteristic of Big Rock's existing semi-rural environment.

**B. Intent:** Implementation of this Article will result in efficient land patterns and, therefore, more economical land development, that:

- (1) Promotes more efficient land patterns, which not only preserve open space and natural resources, but also provide for more economical networks of utilities, streets and other facilities;
- (2) Promotes diverse, high-quality, residential environments, which include a mixture of dwelling unit types;
- (3) Promotes a land use pattern with a mixture of residential and non-residential uses that will mutually support each other;
- (4) Provides for the permanent preservation of open space for the continued use and enjoyment of residents of each subdivision and the Village;
- (5) Provides for usable and suitably located, public and private recreational facilities;
- (6) Encourages developers to provide amenities that enhance the quality of life, both within the planned development, as well as within the community as a whole; and
- (7) Encourages a land use pattern which promotes the public health, safety, comfort, morals and welfare.

### **10.2 DEFINITIONS**

The following definitions shall apply to planned developments:

**Business:** For the purpose of this Article, business shall be defined as retail, commercial, office or service uses.

**Density, Gross:** The number of dwelling units per-acre devoted to residential land development, including streets, street rights-of-way, or open space.

**Density, Net:** For the purpose of determining the number of units per acre in a planned development for the net density calculations, lot area shall be included, but not streets, street rights-of-way, or open space.

**Development**

- Ordinance:** An ordinance adopted by the Village Board, upon completion of both preliminary and final development plan or subdivision approvals, which includes graphics and other support documentation upon which Village Board approval is based. The development ordinance may specify conditions of approval established by the Village Board.
- Plan:** A drawing of a tract of land that contains information related to a proposed development.
- Planned Development:** A parcel of land under single ownership or unified control, for which the specific requirements of the underlying zoning district may be modified when:
- (1) The proposed development offers benefits to the neighborhood and/or community beyond those required by the provisions of this Zoning Ordinance; and/or
  - (2) The proposed use of land incorporates substantial amenities not otherwise required. This includes, but is not limited to:
    - (a) Open space and greenbelts;
    - (b) Recreational facilities;
    - (c) Specific design, engineering, architectural, site planning or landscape features; and
    - (d) Lots of more than minimum lot size.
- A planned development includes a program for the provision, operation and maintenance of such areas, facilities and improvements which will be for the use of the residents of the planned development and/or community.
- (3) Multiple buildings or uses are provided for a single lot.

### 10.3 SPECIAL USE

**A. Applicability:** Planned developments are of such substantially different character from conventional subdivisions or development on individual zoning lots and, therefore, require administrative processing as special uses, under the provisions of Article XIV "Administration and Enforcement," of this Zoning Ordinance.

**B. Specific Provisions:** Because planned developments are complex and of a different character than other special uses, the Village has established more specific procedures and standards, and criteria for exceptions from regulations of the underlying zoning district than those included in Article XIV, "Administration and Enforcement," Section 14.13. Procedures, standards and criteria for exceptions which follow are intended to guide the recommendations of the Planning and Zoning Commission and Village Board during their review of preliminary and final plans.

### 10.4 PERMITTED USES

Planned developments may include uses and structures not otherwise permitted in the underlying zoning district, provided landscape screening is provided between dissimilar land uses where possible, and the petitioner shows that the planned development accomplishes the standards set forth in this Article; achieves the planning goals and objectives of the Village of Big Rock, as defined in the Comprehensive Land Use Plan; and is compatible with adjacent land uses.

**A. Residential Planned Developments:**

- (1) A residential planned development may be processed for only one type of dwelling unit, but is intended to also allow a mixture of dwelling unit types, thereby offering a choice in lifestyle to residents of the development. Non-residential land uses of a religious, institutional, cultural, recreational, or commercial character may be permitted in a residential planned development, to the extent that they can be integrated with the residential land use. Where provided, non-residential uses in a residential planned development shall:
  - (a) Not exceed fifteen (15) percent of the total developable acreage of the development, excluding lakes, streams, floodplains, wetlands and other natural features that will be set aside as open space.
  - (b) Be compatible in appearance and scale with the residential structures. They shall not be established prior to construction of residential developments, unless specifically authorized the Village Board.
- (2) Residential developments shall be processed as planned developments when any of the following apply:
  - (a) More than one dwelling unit is proposed on a single lot.
  - (b) More than one land use is proposed for the development.
  - (c) A cluster subdivision; as defined in this Article, or zero lot line subdivision is proposed.
  - (d) A multi-family development in the R-3 District consisting of ten (10) or more acres is proposed.
  - (e) A multi-family development in the R-4 District consisting of ten (10) or more acres is proposed.
  - (f) Upon the determination of the Village Board that the proposed residential development accomplishes the standards set forth in this Article.

**B. Commercial Planned Developments:**

- (1) Commercial planned developments may include any of the permitted or special uses listed in Article VIII, "Business Districts," provided it can be demonstrated that the uses proposed are compatible with one another and with adjacent land

uses. Commercial developments shall be encouraged to be processed as planned development in order to:

- (a) Promote cooperative development of business centers with adequate off-street parking, controlled access to highways and other thoroughfares.
  - (b) Separate pedestrian and vehicular traffic.
  - (c) Aid in stabilizing property values.
  - (d) Develop centers of size and location compatible with the market potential.
  - (e) Buffer adjacent residential areas with landscape screening.
  - (f) Foster harmonious architecture between adjacent commercial structures, and between homes and commercial structures.
  - (g) Promote unified signage.
- (2) Commercial developments shall be processed as planned developments when any of the following apply:
- (a) More than one building is proposed on a zoning lot.
  - (b) Uses listed as permitted or special uses in the ORI, Office, Research, and Light Industrial or the M, Manufacturing District are proposed in addition to permitted and special uses listed in the B-1, B-2 and B-3 Business Districts.
  - (c) Development is three (3) or more acres in area, and includes more than one type of business use, such as retail, office and/or service uses.
  - (d) A commercial development includes residential dwelling units.
  - (e) Upon the determination of the Village Board that the proposed commercial development accomplishes the standards set forth in this Article.
- (3) Commercial planned developments shall comply with all standards of development identified in Article XI, "Site Development Requirements," of this Ordinance.

### **C. Industrial Planned Developments:**

- (1) An industrial planned development may include any of the permitted or special uses listed in Article IX, "Office, Research, Industrial & Manufacturing" provided it can be demonstrated that the uses proposed are compatible with one another and with adjacent land uses. Industrial developments shall be encouraged to be processed as planned developments in order to:

- (a) Promote the establishment of industrial parks.
  - (b) Permit the grouping of industrial buildings with integrated design and a coordinated development plan.
  - (c) Buffer adjacent residential areas with landscape screening.
- (2) A proposed industrial development shall be processed as a planned development when any of the following apply:
  - (a) The development consists of ten (10) or more acres.
  - (b) More than one building is proposed on a zoning lot.
  - (c) Uses listed as permitted or special uses in the ORI, Office, Research, and Light Industrial District or the M, Manufacturing District are proposed.
  - (d) The planned development includes other commercial or other support services that warrant special consideration by the Board to assure that potential hazards associated with integrating large trucks and customers or employees in motor vehicles are minimized.
  - (e) Upon the determination of the Village Board that the proposed industrial development accomplishes the standards set forth in this Article.
- (3) Industrial planned developments shall comply with all standards of development identified in Article XI, "Site Development Requirements," Section 11.3 of this Zoning Ordinance.

## 10.5 GENERAL PROVISIONS

### A. General:

- (1) Planned developments shall conform to the existing Comprehensive Land Use Plan and Zoning Ordinance.
- (2) These provisions are not intended, and shall not be used, as a means to circumvent the procedures or standards of the Zoning and Subdivision Control Ordinances, and thereby allow a lower standard of development than otherwise permitted under the strict interpretation of these codes. Rather, they are intended to take advantage of particular site characteristics, to increase the flexibility and originality of design in large scale projects, to provide more open space and recreational opportunities that would otherwise be required, to promote the protection of high-quality natural resources, to minimize light and noise pollution, and to establish better transitions between dissimilar land uses.

**B. Standards:** Unless otherwise recommended by the Planning and Zoning Commission and approved by the Village Board, the following standards shall apply. The Planning and Zoning Commission may recommend exceptions from these standards when determined appropriate to achieve one of the objectives of Section 10.1, above:

- (1) Ownership - The proposed planned development shall be under the unified control of the petitioner.
- (2) Comprehensive Plan - The proposed planned development shall conform to the land uses, intent, and spirit of the Comprehensive Land Use Plan and other planning objectives established for the Village of Big Rock.
- (3) Compatibility - Uses permitted in a planned development shall be compatible with surrounding land uses.
- (4) Subdivided - Unless otherwise approved by the Village Board, only one principal structure shall be constructed per parcel. Preliminary and final plats of subdivision shall be required in accordance with procedures set forth in the Village's Subdivision Code, as may be amended from time to time.
- (5) Yards - The required yards along the periphery of a planned development should be at least equal in depth to those of the underlying zoning district, or the adjacent zoning district, whichever is greater. The Planning and Zoning Commission may recommend greater setbacks from the boundary line of a planned development when determined necessary to protect the privacy of residents in both existing and proposed subdivisions.
- (6) Landscaping - At a minimum, the proposed planning development shall conform to the landscaping requirements set forth in the Village's Landscape Ordinance . The Planning and Zoning Commission may recommend landscaping in excess of these minimum standards when determined necessary to achieve the objectives set forth in this Article.
- (7) Sidewalks - Sidewalks shall be constructed on both sides of all streets in residential, commercial and industrial developments. In addition, walks shall be provided for convenient access for pedestrians between residential blocks and cul-de-sacs, as well as between differing land uses.
- (8) Public Streets - All streets shall be publicly dedicated, and constructed in accordance with applicable standards contained in the Village's Subdivision Code and the Village's Standard Specifications, as may be amended from time to time.
- (9) Vehicular Access - Points of vehicular ingress and egress to the site shall be minimized to maintain the safety and operational efficiency of Big Rock's arterials and collector roadways. Where possible, cross-access between properties shall be provided.
- (10) Screening - Where a non-residential use abuts, or is across the street from a residential or institutional use, screening shall be provided according to Article XI, "Site Development Requirements."
- (11) Underground Utilities - All utilities (including electric, telephone, gas and cable TV) shall be installed underground.

- (12) Tree Replacement - Where determined appropriate by the Planning and Zoning Commission, trees greater than six (6) inches in diameter, as measured twelve (12) inches above grade, which are identified to be removed for construction shall be replaced in accordance with the Village's Landscape Ordinance.
- (13) Performance Standards - All activities associated with a business, office, or mixed use planned development shall conform with the performance standards established by Article XII, "Performance Standards," of this Ordinance and the Village's Exterior Lighting Ordinance.
- (14) Preliminary Approval - Preliminary approval of a planned development by the Village Board shall be null and void, in the event that the petitioner has failed to obtain final planned unit development approval for at least the first phase of the development within eighteen (18) months of the date of the preliminary approval.
- (15) Completion - The planned development shall be substantially completed within the period of time specified by the petitioner and set forth in the development ordinance prepared for the project, unless an extension is requested by the petitioner and approved by the Village Board. All planned development phases shall be completed within two (2) years of final planned unit development approval for that phase, except when the size or complexity dictates a longer period, as may be granted by the Village Board, upon request by the petitioner.
- (16) Compliance with Zoning – Where there is a conflict, or difference between the provisions of this Article and those of other Articles of this Ordinance, or other codes and ordinances, the provisions of this Article shall prevail. Except as otherwise set forth herein, all other applicable Village Code provisions and ordinances shall apply.
- (17) Exceptions - The Planning and Zoning Commission may recommend, and the Village Board approve, exceptions to standards and criteria when determined necessary to achieve the planning objectives set forth in this Article.

## **10.6 RESIDENTIAL STANDARDS**

**A. Open Space/Greenbelt:** Open space shall be provided for Village residents in the form of parks, greenbelts, open space and recreational facilities, consistent with regulatory and policy directives of Big Rock and the provisions of this Article.

- (1) Unless otherwise recommended by the Planning and Zoning Commission and approved by the Village Board, not less than twenty-five (25) percent of the land within a residential planned development shall be reserved and designated as open space, greenbelt and/or recreational facilities.
- (2) This land may be dedicated or otherwise provided in addition to land or cash otherwise required for schools and parks in the future of the Village's Subdivision Control Ordinance.
- (3) Where parks and greenbelts illustrated on the Land Use Plan pass through a proposed residential subdivision, land, in lieu of cash, shall be provided.

- (a) The Board of Trustees has determined that the dedication of land in these areas is essential for implementing the continuous greenbelt and open space system adopted as part of the Village's Comprehensive Land Use Plan.
  - (b) Article VII, "Residential Districts," includes standards, minimum requirements and standards that are applicable to planned developments which incorporate greenbelts.
- (4) Designated open space, greenbelts or public recreational facilities reserved under a planned development shall be held and maintained by a homeowners' association, unless conveyed to a public authority approved by the Village Board.
- (5) All designated open space, greenbelts and/or recreational facilities shall be dedicated as open space in perpetuity, and shall be so designated in the development ordinance and final plat of subdivision(s) recorded for the planned development.
- (6) The cost for improving open space or greenbelts, or constructing recreational facilities proposed as part of a planned development shall be included in the letter of credit or other surety required for the public or quasi-public improvements as more fully described in the Village's Subdivision Code.
- (7) Open space shall be suitably improved for its intended use. However, open space containing natural features worthy of preservation, including traditional agricultural uses, may be left unimproved.
  - (a) Agricultural lands may continue to be farmed.
  - (b) Where provided, structures and improvements approved for construction shall be compatible in design with dwellings approved for the planned development.
- (8) No portion of a planned development shall be conveyed or dedicated as public open space, greenbelt or recreation to any public body until such conveyance or dedication is reviewed by the Planning and Zoning Commission and approved by the Village Board.
- (9) For the purpose of this article, recreational facilities and open space provided as part of the planned development shall include, but not be limited to, the following:
  - (a) Parks
  - (b) Greenbelts
  - (c) Golf course
  - (d) Swimming pools
  - (e) Community center
  - (f) Health clubs
  - (g) Tennis courts
  - (h) Jogging trails
  - (i) Physical fitness courses



- (10) Wetlands, floodplain and retention/detention ponds generally shall not be acceptable as land donations; since these will either be regulated by the Village by applicable ordinances or by regulatory agencies, such as U.S. Army Corps of Engineers, Illinois Environmental Agency, or Illinois Department of Transportation, Division of Water Resources.
- (11) However, the Village Board may agree to accept land donations consisting of not more than fifty (50) percent of such areas, provided the Planning and Zoning Commission recommends, and the Village Board concurs, that wetlands, floodplain and retention/detention ponds can, and will be suitably improved with trails and other substantial landscape features in order to meet the intended purposes of this Article.

**B. Design:** Dwellings in a Residential Planned Development shall be designed to blend with the landscape of which they are a part. Both visual and acoustical privacy for residents shall be provided by means of site and architectural design. The Planning and Zoning Commission may require architectural and environmental controls to set guidelines and standards for planned developments.

## **10.7 APPLICATION AND APPROVAL**

### **A. Administrative:**

- (1) Application - Applications for planned developments shall be made on forms provided by the Zoning Enforcement Officer, and shall be accompanied by plans, drawings, documents and other information required by this Article or listed on the application form. Applications and other required documentation shall be reviewed by the Zoning Enforcement Officer for compliance with submittal requirements set forth herein for concept , preliminary or final plan review, before forwarding to the Planning and Zoning Commission or Village Board.
- (2) Development Ordinances:
  - (a) Planned developments shall be controlled by means of development ordinances prepared by the Village Attorney, and adopted by the Village Board subsequent to approval of preliminary and final plans. Said development ordinance shall include graphics and other support documentation upon which Village Board approval is based. The development ordinance shall specify any conditions of approval established by the Village Board.
  - (b) Ordinances approving preliminary and final plans may provide for exceptions from district regulations governing use, density, area, bulk, parking, and subdivision design standards, provided such exceptions are consistent with the standards and criteria contained in this Article.

**B. Pre-Application Meeting:** All applicants are encouraged to schedule a pre-application meeting as detailed in the Pre-Application Meeting section of the Site Development Requirements article.

**C. Concept Plan Meeting (Mandatory):** All applicants will follow the procedures and required submittals for the concept, preliminary, and final plans and meetings listed in the corresponding sections of the Site Development Requirements article except as otherwise noted below.

**D. Preliminary Plan:**

(1) Required Submittals:

- (a) Development Schedule - A development schedule shall be submitted which addresses:
  - (i) Approximate dates for initiating project construction.
  - (ii) Phasing, and anticipated date of completion for each phase.
  - (iii) The area and location of open space and/or greenbelt areas that will be provided with each phase.
  - (iv) The mix of uses proposed for implementation within each phase of a mixed use planned development.
- (b) Protective Covenants - Proposed covenants shall be prepared and submitted which include:
  - (i) Architectural controls for residential dwellings, including:
    - Minimum floor area, excluding garages, basements, porches and patios.
    - Maximum lot coverage.
    - Materials.
    - Anti-monotony code.
    - Required landscaping for individual lots.
  - (ii) Gross floor area and maximum lot coverage for all other structures.
  - (iii) Provisions for dedication and maintenance of all open space, greenbelt and recreation areas.
- (c) Traffic Impact Study - A traffic study, prepared by a traffic engineer, shall be prepared when determined necessary by the Planning and Zoning Commission to:
  - (i) Identify anticipated volumes of traffic to be generated by each phase of the planned development.

- (ii) Includes required public roadway improvements and/or traffic regulation devices needed to insure the proper safety or traffic circulation to, through and around the planned development.
- (d) Written Statement - A written statement shall be submitted by the petitioner which describes:
  - (i) How the proposed planned development meets the objectives of the Comprehensive Land Use Plan.
  - (ii) How the project is compatible with adjacent development or planned land uses.
  - (iii) How the project will economically benefit or otherwise affect Big Rock, including information regarding additional public facilities and/or services that will be needed as a result of the proposed project.
  - (iv) The mix of land uses proposed for the development.
  - (v) The type and number of dwelling units for any residential land uses.
  - (vi) Proposed phasing, and estimated dates of project initiation and completion.
- (e) School/Park/Fire - The petitioner shall prepare an estimate of land and/or cash that will be required for the development, based on formula included in the adopted Land/Cash Ordinance for Parks, Schools, Public Areas and Fire District, as may be amended from time to time.
- (2) Planning and Zoning Commission Review: The public hearing shall be scheduled according to procedures set forth in Article XIII, "Administration and Enforcement," below.
  - After the close of the public hearing, the Planning and Zoning Commission shall recommend to the Village Board the approval or denial of the proposed planned development. The recommendation may include conditions of approval intended for incorporation into final plans and supporting documentation.
  - The Planning and Zoning Commission shall prepare a written Statement of Findings of Fact, which shall be submitted to the Village Board with the Planning and Zoning Commission's recommendation:
- (a) The Planning and Zoning Commission's Statement of Findings of Fact shall include but not be limited to:
  - (i) Name and address of the petitioner, and the petitioner's attorney.

- (ii) The petitioner's request.
  - (iii) A description of the project.
  - (iv) A list of requested exceptions from zoning or planned development standards, if any, and the basis for recommending approval or denial of each exception.
  - (v) A list of exhibits upon which the Planning and Zoning Commission's recommendation is based.
  - (vi) Recommendation of the Planning and Zoning Commission, including conditions of approval, if any.
- (b) The Statement of Findings of Fact shall also specify in what respects the proposed plan would, or would not be in the public interest, and shall, at a minimum, address:
- (i) The extent to which the proposed planned development departs from the zoning and subdivision regulations otherwise applicable to the subject property, including, but not limited to density, setbacks, lot area, bulk and use, and the reasons why such departures are, or are not in the public interest.
  - (ii) The extent to which the proposed planned development meets the requirements and standards of the planned development regulations, and the reasons why such departures are, or are not deemed to be in the public interest.
  - (iii) The physical design of the proposed planned development, and the manner in which said design does, or does not:
    - Make adequate provision for public services;
    - Provide adequate control over vehicular traffic; and
    - Furnish the amenities of light and air, recreation and visual enjoyment.
  - (iv) Compatibility of the proposed planned development with adjacent properties and neighborhoods.
  - (v) The desirability of the proposed planned development, or lack thereof, for the Village's tax base and economic well-being.
  - (vi) The adequacy of the methods by which the proposed planned development:
    - Provides control over pedestrian and vehicular traffic;
    - Makes provision of landscaping and open space;

- Provides adequate parking, loading and lighting; and
- Furnishes the amenities of light, air and visual enjoyment.
- (vii) Compatibility with the Comprehensive Land Use Plan and the goals and policies for planning within the Village of Big Rock.

(3) Village Board Review:

- (a) The preliminary plan may be disapproved by the motion of the Board.
- (b) If the preliminary plan is approved, the Village Board shall authorize the Village Attorney to prepare a development ordinance for the preliminary plan. The ordinance shall identify all applicable exhibits and support documentation upon which Village Board action is based, and shall include any conditions of approval.

**E. Final Plan:**

(a) Required Submittals and Processing:

- (i) Final plan approval may be obtained in phases, in accordance with the petitioner's development schedule.
- (ii) Final plans of subdivision may be processed along with the final plan submittal in accordance with the Village's Subdivision Control Ordinance, as may be amended from time to time.

Required submittals shall include, but not necessarily be limited to the following, as applicable.

- (i) An accurate legal description of the entire area under immediate development within the planned development.
- (ii) A final site plan which includes:
  - Identification of all use areas, including open space greenbelts and recreation areas;
  - Approved building setbacks and separations;
  - Footprints of all non-residential buildings.
- (iii) An accurate legal description of each separate unsubdivided use area, such as open space and greenbelts.
- (iv) Tabulations of each use area, including land area, and number of dwelling units per acre, if any.

- (v) Final agreements, by-laws, provisions, or covenants which govern the use, maintenance, and continued protection of the planned development and its open space, greenbelts, or other recreational facilities.
- (vi) Final development and construction schedule.
- (vii) Detailed elevations of buildings, excluding custom homes.
- (b) Planning and Zoning Commission Review:
  - (i) With a recommendation of approval, the Planning and Zoning Commission shall submit to the Village Board, a written Statement of Findings of Fact and Recommendations which:
    - Confirms that final plan submittals are in conformity with or substantial conformity with the preliminary plan development ordinance; and
    - Identifies any additional conditions of approval.
  - (c) Village Board Review: If the Board of Trustees decides to approve the final development plan, it shall authorize the Village Attorney, to prepare the final plan development ordinance. If the Village Board determines that the final development plan shall be disapproved, it shall do so by a motion of the Board. In lieu of denial, the Village Board may grant the petitioner additional time to remedy any deficiencies.
  - (d) No plats shall be recorded, and no building permits issued, until final plan submittals have been approved by the Village Board.
  - (e) Final plats shall be recorded by the petitioner within 30 days of the date of the adoption of the final planned development ordinance.

**F. Guarantees:** In all cases where special use permits for a planned development are granted, the Village Board shall require such evidence and guarantees as it may determine necessary as proof that the conditions stipulated in connection with the planned development are being, and will be complied with.

## **10.8 CHANGES IN THE PLANNED DEVELOPMENT**

**A. Recorded Final Plats:** The planned development shall be implemented only according to the approved final plan development ordinance and recorded final plat of subdivision for the planned development. The recorded final plats and supporting data; together with all recorded documents and amendments, if any, shall be binding on the owners, successors, heirs, and assigns.

**B. Changes:** Changes to a planned development may be made as follows:

- (1) Major Changes:

- (a) Changes which alter the concept or intent of the planned development may be approved by the Village Board only by submission of a new final plan and final plats of subdivision for the planned development. All revisions shall be reviewed by the Planning and Zoning Commission at a public hearing, in accordance with procedures set forth in Article XIV, "Administration and Enforcement," of the Zoning Ordinance.
- (b) Major changes include, but are not limited to, the following:
  - (i) Increases in density or setbacks.
  - (ii) Increases in the heights of buildings.
  - (iii) Reduction in approved open space, greenbelts, or preservation areas.
  - (iv) Modifications to approved uses, and for a change in the acreage allocated to each use.
  - (v) Rearrangement of lots, blocks, and building tracts.
- (2) Minor Changes – Minor changes may be approved by the Village Board, after review and recommendation by the Planning and Zoning Commission, provided said changes do not alter the spirit and intent of the approved planned development. Minor changes include but are not limited to:
  - (a) Minor modifications to the location of structures, provided all setbacks established for the planned development are met.
  - (b) Minor changes to the location and configuration of streets and rights-of-way, which are made to preserve natural features.
  - (c) Minor changes to the location and configuration and size of approved open space, greenbelts and recreational facilities, due to circumstances that were not foreseen at the time the final plans were approved.
- (3) Incidental Field Change – Incidental field changes may be approved by the Zoning Enforcement Officer after review by Village staff.
- (4) Recording – Major changes which are approved for the final planned development shall be recorded as amendments to the recorded copy of the final plat of subdivision(s).

## **ARTICLE XI - SITE DEVELOPMENT REQUIREMENTS**

### **11.1 PURPOSE**

The purpose of this Article is to:

- Promote the public health, safety, comfort, convenience and general welfare of the Village of Big Rock.
- Enhance the aesthetic qualities, and economic values within areas developed for business and industrial purposes in Big Rock.
- Establish a reasonable transition between business, industrial, and residential land uses in the Village.
- Ensure the safe and efficient movement of vehicular traffic and pedestrians.
- Protect and preserve environmental resources.
- Implement the Village's adopted Comprehensive Land Use Plan, as may be amended from time to time.
- Ensure that all development meets the requirements of the Zoning Ordinance.

### **11.2 APPLICABILITY**

#### **A. Building Permits:**

- (1) All Applicants for building permits for a single-family residence, addition(s), and/or accessory structure(s) in any zoning district must submit a basic site plan showing the information requested on the application for a zoning review, accompanying application and required application fees to the Village Clerk, who shall forward such materials to the Zoning Enforcement Officer for review and approval. No construction shall commence until an applicant has received site plan approval from the Zoning Enforcement Officer and a building permit.
- (2) All other applicants for building permits for new buildings, building additions, and/or accessory structure(s) (including but not limited to driveways, off-street parking areas, enclosed or covered storage areas) for the following zoning districts, and those districts which may hereafter be created, shall comply with the site plan requirements and standards for development set forth in this Article:
  - A-1 Agricultural
  - R-E Residential Estate – special uses and multiple resident construction only
  - R Single Family Residential – special uses and multiple resident construction only
  - R-1 Town Center Residential – special uses and multiple resident construction only



R-2	Two-Family Residential
R-3	Multi-Family Residential
R-4	High-Density Multi-Family Residential
B-1	Central Business
B-2	General Business
B-3	Town Center Business
B-4	Commercial Recreational/Institutional
ORI	Office, Research, and Light Industrial
M	Manufacturing

**B. Minor Modifications:** This Article shall not, however, apply to minor interior or exterior modifications which do not affect the type or intensity of use, or substantially alter the facade of the building.

### 11.3 STANDARDS OF DEVELOPMENT

All site plans and site development associated with permitted and special uses in the Districts specified under this Article, Section 11.2 A, above, shall comply with the Zoning Ordinance and with the standards set forth below.

#### **A. Vehicular Access:**

- (1) Points of vehicular ingress and egress to the site shall be limited to maximize the safety and operational efficiency of Big Rock's public streets.
- (2) The location, number and design of access drives shall be reviewed by the Village Engineer, and coordinated with adjacent uses and properties, to provide for safe and efficient movement of vehicles. Where possible, cross-easements between properties shall be provided to minimize the number of drives required on adjacent public streets.

#### **B. Pedestrian Access:**

- (1) Sidewalks, not less than five (5) feet wide, may be required along all streets and access drives to provide safe pedestrian access to, through and from Big Rock's multiple-family, business and industrial districts.
- (2) Where parking is proposed to be located perpendicular to sidewalks, walks may be increased to a minimum of seven (7) feet in width.

**C. Off-Street Parking and Loading:** Parking and loading spaces and drive aisles shall be provided in accordance with Article XIII, "Off-Street Parking and Loading".

#### **D. Screening:**

- (1) *Buffer Screening* - Where a non-residential use abuts a residential or institutional use; screening shall be provided in accordance with the following:
  - (a) Screening shall be accomplished through the provision of landscaped berms, a compact hedge, fence, wall or combination thereof and installed to provide year-round screening of opacity of not less than 75%.

Placement of screening shall not impair the safety of pedestrian or vehicular traffic.

- (b) Where off-street parking is visible from a public right-of-way, screening shall not be less than three (3) feet high upon installation.
  - (c) Where off-street parking or loading abuts a residential or institutional use, screening shall not be less than five (5) feet high upon installation.
  - (d) Screening shall be continuously maintained and repaired or replaced as necessary.
  - (e) Screening shall be incorporated into the landscape plan prepared by a qualified landscape architect. The plan shall require review and recommendation of approval by the Village Zoning Enforcement Officer and shall follow the provisions set forth in the Village's Landscape Ordinance.
- (2) *Mechanical Equipment* - All roof-mounted mechanical equipment including, but not limited to, heating, ventilating and air-conditioning units (HVAC) shall be fully screened from public view on all sides of the building:
- (a) Screening shall be accomplished by the roof-structure or parapet walls, unless otherwise recommended by the Planning and Zoning Commission and approved by the Village Board.
  - (b) Screening shall be designed to blend with, and complement the architecture of the building.
  - (c) The height of the parapet walls, roof structure, or other approved method of screening shall equal the height of the tallest roof-top unit installed on the building.
- (3) *Utility Meters/Transformers* - If visible to the public, meters and transformers shall be screened by landscaping which, upon installation, shall equal the height of the tallest meter or transformer.
- (4) *Trash Enclosure* -
- (a) Trash receptacles shall be enclosed by masonry walls or quality wood fencing, designed to match the building.
  - (b) Enclosures shall be constructed to be equal or taller than the tallest bin proposed for use.
  - (c) Trash enclosures shall be provided with gates to contain blowing trash, and a concrete pad and approach apron to bear the weight of trash bins.

**E. Landscaping:** A landscape plan shall be provided in accordance with the requirements of the Village Landscape Ordinance.

**F. Lighting:** All exterior lighting shall comply with the Village's Exterior Lighting Ordinance and shall be indicated on the site plan.

#### **G. Outdoor Storage/Display:**

- (1) All business, services, and manufacturing or light assembly shall be conducted entirely within an enclosed structure, with the exception of:
  - (a) Off-street parking and loading areas.
  - (b) Open sales lots and outdoor storage/displays when allowed as a permitted use or special use in a particular zoning district.
  - (c) Seasonal outdoor display of seasonal accessory products, not to exceed thirty (30) days.
- (2) Unless otherwise approved by the Village Board, all outdoor storage areas shall be enclosed by a fence, wall or plant materials adequate to conceal such products from adjacent properties and public rights-of-way.

#### **11.4 PRE-APPLICATION MEETING**

**A. Applicability:** A petitioner may request a pre-application meeting with the Zoning Enforcement Officer and other Village staff (as determined by the Village) prior to filing an application for site plan review. The purpose of this pre-application review is to review any draft plans for development of property, explain the zoning regulations applicable to the underlying district in which the property is located, explain the procedures and fees for site plan review and review by any other governmental entities having jurisdiction over the property, discuss any other zoning relief ancillary to site plan review that may be necessary or desirable, and highlight any potential areas of concern for development based on an initial review of draft plans or based on the property and/or its location. Any statements of opinion expressed by the Zoning Enforcement Officer or other Village staff about the positives or negatives of any proposed development shall not be binding statements, approvals or disapprovals of the Village.

**B. Fees:** Although a petitioner need not file a site plan application for this pre-application meeting, a petitioner must pay a pre-application meeting fee to the Village as set forth in the Village's Fee Schedule.

#### **11.5 CONCEPT PLAN MEETING**

**A. Applicability & Fees:** A concept plan meeting is required for all petitioners seeking site plan approval. Petitioners shall complete a site plan application and Fee Reimbursement Agreement and pay all required fees as a precondition to proceeding to the concept plan meeting.

**B. Purpose:** The purpose of the concept plan meeting is to discuss how the proposed development is consistent with Big Rock's planning and zoning objectives, as expressed in the Comprehensive Land Use Plan, and this Ordinance.

**C. Required Submittals/Processing:** At least fifteen (15) business days prior to the concept plan meeting, petitioner shall file twelve (15) copies (twenty (23) copies for joint concept review) of a concept site plan with the Village Clerk showing, at a minimum, the following information relating to the proposed development:

- (1) The concept site plan shall be drawn at a scale appropriate to describe the proposed development and surrounding area.
- (2) North arrow, scale and date of preparation.
- (3) The total acreage of the site.
- (4) Proposed land use.
- (5) The general footprint of all proposed structures and related improvements.
- (6) The general layout of lots and blocks.
- (7) Proposed land use(s)
- (8) Adjacent land uses and zoning.
- (9) Any proposed location of public uses; i.e. schools, parks, greenbelts.
- (10) Natural features and environmentally sensitive areas, if any, known or readily identifiable to petitioner, including:
  - (i) Major stands of trees.
  - (ii) Wetlands.
  - (iii) Floodplains and flood ways.
  - (iv) Surface waters, including lakes, ponds, streams and drainage swales.
- (11) Information on proposed sanitary treatment, water distribution, and storm water management.
- (12) Name and address of the owner of the property.
- (13) Name and address of the person who prepared the plan.
- (14) Other data determined by the Zoning Enforcement Officer to be necessary to provide an accurate overview of the proposed development.

**D. Staff Report:** Village staff or its consultants shall prepare a written report, which shall be forwarded to the Planning and Zoning Commission and Village Board. The report shall:

- (1) Evaluate the compatibility of the development with Big Rock's Comprehensive Plan
- (2) Identify and comment on variances or waivers from applicable codes and ordinances which have been requested by the petitioner.
- (3) Summarize recommendations by the Village Staff or its consultants.

- (4) Summarize the petitioner's proposed schedule for submitting preliminary and final plans according to procedures set forth herein.
- (5) Include such other information as may guide the Planning and Zoning Commission and Village Board in their review of the proposed development.

Village staff shall also forward a copy of the Concept Plan to the Commissioners of any Drainage District having jurisdiction over the property or lands adjacent to the property for their comments on the proposed Concept Plan.

**E. Planning & Zoning Commission Concept Meeting:** Petitioner shall appear before the Planning and Zoning Commission on a date determined by the Zoning Enforcement Officer after all required information and payments listed above are provided. The Planning and Zoning Commission shall review the concept site plan and any accompanying material submitted by petitioner, and shall hear any testimony provided by petitioner regarding the proposed development. The Planning and Zoning Commission shall evaluate the proposed concept plan and other documentation and shall advise the petitioner as to the compatibility of the development with the Comprehensive Land Use Plan, the Zoning Ordinance, Subdivision Control Ordinance, and the goals and policies for planning of the Village of Big Rock. Recommendations relative to a concept plan review are advisory only, and shall not constitute a waiver from the requirements contained in applicable codes and ordinances. The Planning and Zoning Commission may, at its discretion, require plans and support documentation to be revised before future meetings and may require additional concept plan meetings between the petitioner and the Planning and Zoning Commission, to assure that the proposed development conforms, to the maximum extent possible, with applicable code provisions, goals and policies of Big Rock.

**F. Joint Concept Meeting:** In the event that the proposed development involves property determined to be located in a crucial development area, or in the event the size and scope of the proposed development is sufficiently large or intense, according to factors established by the Village Board of Trustees, then the concept plan meeting shall be a joint meeting between the Planning and Zoning Commission and the Village Board of Trustees and shall follow the same procedures set forth in subsection 11.5 above.

## **11.6 PRELIMINARY SITE PLAN**

**A. Purpose:** The purpose of the preliminary plan is to obtain a recommendation from the Planning and Zoning Commission and preliminary approval by the Village Board that all plans and programs which the petitioner intends to build and follow are acceptable, and that the petitioner can reasonably proceed with preparation of detailed architecture, engineering, site and landscape plans.

The preliminary plan is more detailed than the concept plan. This plan is meant to assure the petitioner that final plans will be approved by the Village Board, provided these plans substantially conform to the approved preliminary plans.

**B. Required Submittals/Processing:** At least twenty-one (21) business days prior to the preliminary plan meeting, petitioner shall file twenty (23) copies of the preliminary site plan with the Village Clerk, who shall forward said copies to the Zoning Enforcement Officer and other Village staff and consultants for review, as necessary.

Preliminary and final plans must be filed and processed consecutively, and not simultaneously, unless the Zoning Enforcement Officer specifically exempts a petitioner from this requirement.

Preliminary plans of subdivision may be processed along with the preliminary plan submittal, according to procedures and submittal requirements set forth in the Village's Subdivision Ordinance, as may be amended from time to time.

The preliminary site plan, drawn to scale, shall show or include the following information, as applicable, unless waived or postponed by the Zoning Enforcement Officer:

- (1) Site information, including all information required on the concept plan and the following:
  - (a) Name and address of the owner, applicant, attorney, planner, architect, engineer, and landscape architect.
  - (b) Date, scale, and north arrow.
  - (c) Total acreage of the site.
  - (d) Title by which the property or project is to be referred.
  - (e) Proof of ownership.
  - (f) Acreage of each proposed lot, outlot, and open space, greenbelt or recreation areas.
  - (g) Acres and percent of the development devoted to each land use
  - (h) Percent of land dedicated to streets and public rights-of-way
  - (i) percent of impervious surface
  - (j) Percent of the site devoted to usable open space
  - (k) Net residential densities (if any)
  - (l) Minimum lot size
- (2) A copy of a survey, prepared by a registered land surveyor including a legal description of the subject property.
- (3) Location Map
- (4) Municipal and school district boundaries
- (5) Utility easements

- (6) Maximum lot coverage by structures and other impervious surfaces, for all residential and non-residential areas within the development.
- (7) Configuration and acreage of all land proposed to be dedicated as open space or greenbelts, and all sites to be conveyed, dedicated, or reserved for parks, playgrounds, school sites, public buildings, and similar public and quasi-public uses.
- (8) Greenbelt or other open space systems, and submittal requirements for these systems are set forth in this Ordinance.
- (9) Existing and proposed zoning of the subject property.
- (10) Existing zoning of adjacent parcels.
- (11) Adjacent development, including structures, wells and septic, drives, fences, walls, parking lots, etc., within a minimum of one hundred (100) feet of the subject property.
- (12) Location and size of all structures, both existing and proposed.
- (13) Topographic elevations of the property, both existing and proposed.
- (14) Locations of floodplain, floodway, wetlands and existing vegetation.
- (15) Soil analysis, proposed or existing well and septic.
- (16) Building setbacks from street rights-of-way and all property lines.
- (17) Yards and spaces between all structures.
- (18) Locations and dimensions of all fences and walls.
- (19) A landscape plan, prepared by a qualified landscape architect, which includes spot elevations, or is superimposed on a half-toned grading plan to show the relationship between proposed plantings and final grades and shall include:
  - (a) Any proposed fences, walls, berms and entry monuments
  - (b) Contours for any landscaped berms
  - (c) One or more sections through the site to illustrate the relationship between the landscape materials, the land form, proposed structures, and nearby properties.
  - (d) Location of all trees and shrubs, keyed into a plant list, which identifies species, sizes and quantities for proposed plantings.
  - (e) Method of screening the items listed under the Screening section of the Standards of Development article.

- (20) Identification of vehicular, pedestrian and service access, including:
- (a) Distance from the driveway opening at the curb to the prolongation of the property line of the nearest intersecting street.
  - (b) Width of proposed access drive and drives aisles.
  - (c) Identification and location of:
    - (i) Curb lines.
    - (ii) Property lines.
    - (iii) Sidewalks.
    - (iv) Existing driveways, if any.
    - (v) Parking regulations and signs.
    - (vi) Traffic signals.
    - (vii) Utility poles.
    - (viii) Light standards.
    - (ix) Fire hydrants.
- (21) Off-street parking and loading facilities, including the numbers of spaces and dimensions of spaces, drive aisles and loading zones.
- (22) Location, area and height of all free standing signs, including proposed directional signage.
- (23) Architectural drawings which depict, to scale, all elevations of the proposed structure(s) or addition(s), and which include:
- (a) Proposed materials and colors for all elements of the structure(s) and front, side and rear elevations.
  - (b) Proposed building heights
  - (c) Gross floor area for all non-residential structures
  - (d) Minimum habitable floor areas for residential structures, excluding garages, basements, porches and patios.
  - (e) Cross-sections of the structure, showing the relationship between all roof-mounted mechanical equipment and the top of the parapet walls and/or roof structure.
  - (f) Roof plans for all non-residential structures, which shows the proposed location of all roof-mounted mechanical equipment and proposed method of screening.
  - (g) Location of utility meters and ground supported transformers, and proposed method of screening these elements when visible to the public.
  - (h) Location, area, and dimensions for all wall-mounted signs.



- (24) Photometric plan, superimposed on the site plan, showing:
  - (a) Point-by-point foot-candle intensities, extended to all property lines and 10 feet beyond.
  - (b) Locations and height of light standards.
  - (c) Average-maintained footcandle intensities.
  - (d) Method of illumination.
  - (e) Catalogue cuts and specifications for light standards and luminaries.
- (25) Outdoor storage areas, if any, and proposed method of screening of these areas from public view.
- (26) Waste disposal facilities, including trash bins, compactors, etc. and provision for screening these elements from public view.
- (27) Preliminary engineering, drainage, and grading plans, if required by the Village Engineer. Final Engineering plans shall, however, be approved by the Village Engineer prior to the issuance of a building permit.
- (28) Utility Plan - A proposed utility plan shall be superimposed on the proposed site plan, and shall:
  - (i) Show the approximate location and dimensions of all septic, sanitary sewer, storm sewer, well and water lines for all proposed land uses.
  - (ii) Show drainage ditches, culverts, water retention areas, flood plains, and any utility easements.
  - (iii) Be accompanied by a statement from the petitioner's engineer attesting to the capability of existing water and sewer systems to service the proposed development.
- (29) Other - The Planning and Zoning Commission may require preparation and submittal of the following for review and evaluation:
  - (i) Tax impact study, detailing the estimated cost which the planned development will have on all taxing bodies, and anticipated revenues which will be realized from each phase of development.
  - (ii) A school demographic study.
  - (iii) Other information that may be required by the Planning and Zoning Commission.

**C. Staff Report:** Upon the receipt of any reports from other Village staff and consultants, the Zoning Enforcement Officer shall prepare a report detailing his review of the preliminary site plan and evaluating the proposed development for compliance with applicable codes, ordinances and the Comprehensive Land Use Plan, and shall forward his report, the reports of any other Village staff and consultants and copies of the preliminary site plan to the Planning and Zoning Commission and Village Board for review.

Village staff shall also forward a copy of the Preliminary Site Plan to the Commissioners of any Drainage District having jurisdiction over the property or lands adjacent to the property for their comments on the proposed Preliminary Site Plan.

**D. Planning and Zoning Commission Review:** The Planning and Zoning Commission shall hold a public meeting (or public hearing for a planned development) to review the preliminary site plan and accompanying reports, which meeting shall occur no more than forty-five (45) days after receipt of the preliminary site plan by the Village Clerk. The petitioner shall be present at this meeting. The Planning and Zoning Commission may continue this meeting from time to time, and may request additional information or documentation from petitioner. Once the review of the Planning and Zoning Commission is complete, the Planning and Zoning Commission shall make its recommendations on approval or disapproval of the preliminary site plan, and shall forward its recommendations to the Village Board of Trustees.

**E. Village Board Review:** No more than thirty (30) days after the recommendation of the Planning and Zoning Commission, the Village Board of Trustees shall review the preliminary site plan, all accompanying reports and the recommendations of the Planning and Zoning Commission. The petitioner shall be present at this meeting. The Village Board of Trustees may continue this meeting from time to time, may request additional information or documentation from petition, or may refer this matter back to the Planning and Zoning Commission for further consideration and recommendation. Once the Village Board of Trustees has all information necessary to make a decision, the Village Board of Trustees shall vote whether to adopt an ordinance approving the preliminary site plan and/or development ordinance. Approval by the Village Board of Trustees shall require a majority vote.

## **11.7 FINAL SITE PLAN**

**A. Required Submittals/Processing:** After receiving preliminary site plan approval, a petitioner shall take all necessary steps to obtain final engineering approval from the Village, Kane County Water Resources and any other governmental entity exercising jurisdiction over the proposed development. Final site plans shall address all conditions of approval that are set forth in the ordinance approving preliminary plans and/or development ordinance. Once all such final approvals are obtained, petitioner shall seek final site plan approval from the Village.

Petitioner shall file twenty (20) copies of the final site plan with the Village Clerk, who shall forward said copies to the Zoning Enforcement Officer and other Village staff and consultants for review, as necessary.

Final plan submittals shall demonstrate compliance with the preliminary plan approvals and shall include, but not necessarily be limited to the following, as applicable unless waived or postponed by the Zoning Enforcement Officer:

- (1) Final landscape plan, superimposed on a grading plan.
- (2) Final utilities and drainage plan
- (3) Final engineering drawings
  
- (4) A certificate from the County which documents that no delinquent taxes exist, and that all special assessments constituting a lien on the whole or any part of

- the property of the development have been paid.
- (5) Current title commitment for areas to be dedicated as open space showing that there are no liens or encumbrances.

**B. Staff Report:** Upon the receipt of any reports from other Village staff and consultants, the Zoning Enforcement Officer shall prepare a report detailing his review of the final site plan, and shall forward his report, the reports of any other Village staff and consultants and copies of the final site plan to the Planning and Zoning Commission and Village Board for review.

**C. Planning & Zoning Review:** The Planning and Zoning Commission shall hold a public meeting to review the final site plan and accompanying reports, which meeting shall occur no more than forty-five (45) days after receipt of the final site plan by the Village Clerk. The petitioner shall be present at this meeting. The Planning and Zoning Commission may continue this meeting from time to time, and may request additional information or documentation from petitioner. Once the review of the Planning and Zoning Commission is complete, the Planning and Zoning Commission shall make its recommendations on approval or disapproval of the final site plan, and shall forward its recommendations to the Village Board of Trustees.

If the final plan varies from the approved preliminary plan, the Planning Zoning Commission shall either:

- Recommend approval of the final plan submitted if the variations are minor in nature and do not involve any increase in previously approved variances or waivers to the Zoning Ordinance or other regulations and codes of the Village; or
- Recommend disapproval of the final plan submittal; or
- Recommend that a new meeting be held according to procedures established for preliminary plan approval.

**D. Village Board Review:** No more than thirty (30) days after the recommendation of the Planning and Zoning Commission, the Village Board of Trustees shall review the final site plan, all accompanying reports and the recommendations of the Planning and Zoning Commission. The petitioner shall be present at this meeting. The Village Board of Trustees may continue this meeting from time to time, may request additional information or documentation from petition, or may refer this matter back to the Planning and Zoning Commission for further consideration and recommendation. Once the Village Board of Trustees has all information necessary to make a decision, the Village Board of Trustees shall vote whether to adopt an ordinance approving the final site plan and/or final development plan. Approval by the Village Board of Trustees shall require a majority vote.

## **ARTICLE XII - PERFORMANCE STANDARDS**

### **12.1 NOISE**

**A. Applicability:** At no point on or beyond the boundary of any zoning lot shall the sound pressure level resulting from any use or activity not hereafter specifically exempted, whether open or enclosed, exceed the maximum permitted decibel levels for the designated octave band as set forth by this Ordinance.

**B. Standards:** Sound levels should be measured with a sound level meter and associated octave band analyzer manufactured according to standards prescribed by the American Standards Association. The flat network "slow" meter response of the sound meter should be used. Impulsive type noises shall be measured with an Impact Noise Analyzer, and the peak values so measured shall not exceed the maximum permitted pressure levels by more than three (3) decibels. The reference level for the decibel is 0.0002 microbar.

<u>Octave Band Center Frequency (Hertz)</u>	<u>Maximum Permitted Sound level Pressure in Decibels</u>
31.5	72
63	71
125	65
250	57
500	51
1000	45
2000	39
4000	34
8000	32

**C. Exemptions:** The following uses and activities shall be exempt from the noise level regulations:

- (1) Noises not directly under the control of the property user.
- (2) Between the hours of 7:00 A.M; and sunset, noises customarily resulting from construction and the maintenance of grounds.
- (3) The noise of safety signals, warning devices, aircraft and railroads, snow plowing, and mosquito abatement.
- (4) Church bells, chimes and carillons.

### **12.2 VIBRATION**

**A. Applicability:** No operation or activity under the control of the property user other than railroad train operations shall cause or create vibration in excess of the limits provided below.

**B. Established Limits:** Vibration levels may not exceed those shown in either column of the following table when measured at the lot line, or at any point in a residential or institutional district:

	Maximum Particle Velocity at <u>Lot Line</u>	Maximum Particle Velocity in <u>District</u>
Steady Vibrations	0.015	0.003
Impulsive Vibrations	0.03	0.006
Intermittent Vibrations	0.075	0.015

**C. Measurement Standards:** Vibration displacements shall be measured with an instrument capable of simultaneously measuring in three mutually perpendicular directions. Particle velocity is to be determined by the formula:  $(8.28) \times (F) \times (A)$ , where F equals the frequency or the vibration in cycles per-second and A equals the maximum single amplitude of the vibration in inches. For purpose of this Ordinance:

Steady Vibrations:	Vibrations in discrete impulses more frequent than one-hundred (100) per minute.
Impulsive Vibrations:	Vibrations in discrete impulses which do not exceed one-hundred per minute, but exceed eight (8) per twenty-four (24) hours.
Intermittent Vibrations:	Vibrations in discrete impulses which do not exceed eight (8) per twenty-four (24) hour period.

### 12.3 ODOR

The emission of odors or odor-causing substances which constitute a nuisance are prohibited.

### 12.4 SMOKE AND PARTICULATE MATTER

**A. Applicability:** The emission, from all sources in a commercial, commercial manufacturing, or manufacturing zoning lot of particulate matter-containing more than five (5) percent by weight, or particles having a particle-diameter larger than forty-four (44) microns is prohibited.

**B. Established Limits:** The rate of emission of particulate matter from all sources within the boundaries of any lot shall not exceed a net figure of one-half (1/2) pound per acre of lot size during any one hour.

**C. Displacement Mitigation:** Dust and other types of air pollution borne by the wind from such sources as storage areas, yards, and roads within the boundaries of any lot shall be kept to a minimum by appropriate landscaping, paving, oiling, wetting or other acceptable means.

**D. Measurement Standards and Exceptions:** The emission of smoke or particulate matter of a density greater than NO.1 on the Ringelmann Chart as published by the U.S. Bureau of Mines is prohibited, except that Ringelmann No.2 will be permitted for five (5) minutes or Ringelmann No.3 for three minutes during any eight hour period, for the purpose of building fires or soot blowing.

### 12.5 TOXIC AND NOXIOUS MATTER

**A. Applicability:** Excepting county approved well and septic systems or other forms of county approved sewage disposal systems, no emission which would be demonstrably injurious to human health, animals or plant life common to the region, on the ground at or beyond any lot line will be permitted.

**B. Safeguards:** Where such emission could be produced as a result of accident or equipment malfunction, adequate safeguards considered standard for safe operation in the industry involved shall be taken. This shall not be construed to prohibit lawful spraying of pesticides on public or private property.

## 12.6 FIRE AND EXPLOSIVE HAZARDS

**A. Free or Active to Intense Burning Materials:** The storage, utilization or manufacture of solid materials or products with the potential for free or active burning to intense burning (excluding household items in quantities customarily found in the home) is prohibited unless storage, utilization and manufacture takes place within completely enclosed structure having incombustible exterior walls. All such structures shall be set back at least forty (40) feet from all lot lines or in lieu thereof, shall be protected throughout by an automatic fire extinguisher installed in accordance with the standards and regulations of the Village of Big Rock and the National Fire Protection Association.

**B. Prohibition:** Activities involving the transportation, storage or utilization of materials or products which decompose by detonation are prohibited unless specifically licensed by the Village of Big Rock.

**C. Flammable materials:** The storage or utilization of flammable liquids or materials which are flammable or produce flammable or explosive vapors, shall be permitted in accordance with the following limitation, exclusive of storage in underground tanks and exclusive of storage of finished products in original sealed containers.

- (1) Solid materials or products shall be stored or utilized within completely enclosed structures having incombustible exterior walls and handled in accordance with the standards and regulations of the Village of Big Rock and the National Fire Protection Association.
- (2) All such structures shall be set back at least forty (40) feet from all lot lines or in lieu thereof, shall be protected throughout by an automatic fire extinguishing system installed in accordance with the standards and regulations of the Village of Big Rock and the National Fire Protection Association.
- (3) The capacity of flammable liquids in excess of the following quantities shall not be permitted:

<u>Closed Cup Flash</u>	<u>Quantity (gallon)</u>
Less than 24 degrees F	1,000
24 degrees F to less than 105 degrees F	10,000
105 degrees F to less than 187 degrees F	10,000

Total of all flammable  
Liquids permitted

50,000

#### **12.7 EXTERIOR LIGHTING**

All exterior lighting shall comply with the regulations of the Village's Exterior Lighting Ordinance.

## **ARTICLE XIII - OFF-STREET PARKING AND LOADING**

### **13.1 PURPOSE**

The purpose of these regulations is to alleviate or prevent the congestion of public streets, and so promote the safety and welfare of the public by establishing minimum requirements for the off-street parking and loading and unloading of motor vehicles in accordance with the use to which property is put.

### **13.2 GENERAL PROVISIONS**

**A. Scope of Regulations:** Off-street parking and loading provisions of this Article shall apply as follows:

- (1) For all structures erected and all uses of land established after the effective date hereof, accessory parking and loading facilities shall be provided as required by the regulations of the district in which such structures or uses are located (except within the Central Business Parking Overlay District at 13.2.B below). However, where a building permit has been issued prior to the effective date hereof, and provided that construction is begun within one year of such effective date, and diligently prosecuted to completion, parking and loading facilities as required hereinafter need not be provided.
- (2) When the intensity of use of any building, structure or premises is increased through gross floor area, seating capacity or other unit of measurement specified herein for required parking or loading facilities, parking and loading facilities as required shall be provided for such increase in intensity of use (except within the Central Business Parking Overlay District at 13.2.B below).
- (3) Whenever the existing use of a building or structure is changed to a new use, parking or loading facilities shall be provided as required for such new use (except within the Central Business Parking Overlay District at 13.2.B below).

**B. Central Business Parking Overlay District:** The boundaries of the overlay district will be as follows:

- (1) Properties within the B3 District only.
- (2) North and south sides of Second Street from Jefferson to Lincoln.
- (3) North side of First Street from Jefferson to Lincoln.
- (4) North and south side of Route 30 from Davis to Rhodes Road.

Off-street parking and loading provisions of this Article shall be modified within the Central Business Parking Overlay District as follows:

- (1) All existing businesses' parking facilities will be considered legal non-conforming after providing as many parking spaces as possible under their current configuration without double parking (not in excess of those required by this Article for equivalent new uses or construction).



- (2) For all uses of land established after the effective date hereof in existing structures which do not increase the parking deficiency by more than 4 spaces, the established parking facilities will be considered legal non-conforming after providing as many parking spaces as possible under their current configuration without double parking (not in excess of those required by this Article for equivalent new uses or construction).
- (3) For all uses established in a newly erected structure which increase the parking deficiency by more than 4 spaces established after the effective date hereof, off-street parking and loading provisions of this Article shall apply unless the applicant seeks a variance under the procedures set forth in Article XIV, "Administration and Enforcement", Section 14.13 of this Zoning Ordinance.
- (4) Double parking will not be allowed under any circumstances. Only a single row of parking along any street frontage is permitted.

**C. Damage or Destruction:**

- (1) For any conforming or legally nonconforming structure or use which is in existence on the effective date hereof which is-damaged or destroyed by fire, collapse, explosion or other cause and which is reconstructed, re-established or repaired, off-street parking or loading facilities, not less than that which existed at the time of such damage or destruction shall be provided.
- (2) In no case shall it be necessary to restore or maintain parking or loading facilities in excess of those required by this Article for equivalent new uses or construction.

**D. Submission of Site Plan:** Any application for a building permit, or for a certificate of occupancy where no building permit is required, shall include a site plan, drawn to scale and fully dimensioned, showing parking or loading facilities to be provided in compliance with this Article.

**E. Time of Completion:** Off-street parking and loading facilities required by this Article shall be constructed at the time of construction, establishment, alteration, or enlargement of the structure or use of land for which they are required to serve.

### **13.3 OFF-STREET PARKING, REGULATIONS AND REQUIREMENTS**

**A. Location of Parking Facilities:** Unless otherwise approved as part of a special use permit, all required off-street parking and loading facilities, which serve a structure or land uses, which are erected, established, altered, enlarged, or intensified after the effective date of this Ordinance, and all such parking facilities which are established or increased voluntarily pursuant to this Ordinance, shall be located on the same lot as the structure, or use of land to be served.

**B. Joint Parking Facilities:**

- (1) Collective off-street parking facilities for different structures or uses, for mixed uses, may be permitted by the Village as a special use, according to procedures set forth in Article XIV, "Administration and Enforcement", Section 14.13 of this

Zoning Ordinance.

- (2) The total number of spaces provided may be less than the sum of the separate parking requirements specified in Article XIII, " Schedule Of Off-Street Parking Requirements", Section 13.5 of this Ordinance, for each structure or use, provided that:
  - (a) The parking to be provided for individual land uses shall reflect the actual peak demand for parking as defined by Ordinance.
  - (b) The land uses and the shared parking facility shall be located close enough to one another, so that individuals would be willing to walk to each use from most points in the parking facility.
  - (c) Parking spaces to be shared shall not be reserved for certain individuals or groups on a 24-hour basis.
  - (d) Any subsequent change in land uses within the shared parking area shall require a new special use permit, and proof that sufficient parking shall be made available.

**C. Yard Requirements:**

- (1) Single-Family Dwellings and Duplexes:
  - (a) Driveways may be constructed in any yard, provided they maintain a setback of five (5) feet from any interior side or rear lot line. This section is not intended, however, to preclude access from the street to a driveway that may be constructed parallel to that street.
  - (b) For purposes of this Ordinance, single-family dwellings and duplexes are required to maintain at least two (2) off-street parking spaces which may be located within a private garage or on a private, improved driveway or on a stand-alone parking space. No more than five (5) motor vehicles (including licensed trailers) may be parked at any one time on a driveway or off-street parking space on a single-family dwelling (excluding guest parking). Guests may park in the unimproved right-of-way immediately adjacent to the single-family dwelling for up to twelve (12) consecutive hours.
- (2) All Other Districts - Perimeter yards for off-street parking and off-street loading facilities shall be as set forth in Article XI, "Site Development Requirements", Section 11.3G.

**D. Access:**

- (1) Each required off-street-parking-space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space. Off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movements.

- (2) All areas providing for off-street parking facilities shall open directly upon an aisle or driveway not less than nine (9) feet wide for single-family, and twelve (12) feet wide for all others, or such additional width and design as shown in Article XIV, "Off-Street Parking Chart", Section 14.4 of this Ordinance.

**E. Floor Area:** For the purpose of determining off-street parking and off-street loading requirements, floor area shall be calculated as the sum of the gross horizontal area of the several floors of the building or buildings, excluding:

- (1) Areas used for off-street parking and loading facilities.
- (2) The horizontal areas of the basement and cellar floors that are devoted exclusively to uses accessory to the operation of the entire building.
- (3) The horizontal areas of boiler and mechanical rooms used for heating ventilating and air conditioning equipment, whether located on the roof or within the building.

**F. Computation:**

- (1) When determination of the number of off-street parking spaces required by this Article results in a requirement of a fractional space, any fraction of one-half (1/2) or less may be disregarded while a fraction in excess of one-half (1/2) shall be counted as one parking space.
- (2) If a particular use is not listed in Article XIII, "Schedule of Off-Street Parking Requirements", Section 13.5 below, the Zoning Enforcement Officer shall determine the loading requirements of said use by assigning the same loading facility requirements as another use which is deemed to be similar in nature to, and compatible with, said unlisted use.

**G. Size:**

- (1) Required parking for single-family residential uses, including single-family detached, attached or duplex dwellings, shall be at least 9' x 21'.
- (2) Required parking for all other uses shall be at least nine (9) feet in width and at least eighteen (18) feet in length, exclusive of access drives or aisles, ramps, or columns.
- (3) The number and dimension of parking spaces set aside for the handicapped shall be provided in accordance with standards of the Illinois Capitol Development Board, as set forth in "Accessibility Standards Illustrated", dated May 1, 1988, as may be amended from time to time, and shall comply with the Illinois Accessibility Code and Americans with Disabilities Act, as may be amended from time to time.

**H. Design:**

- (1) Surface:
  - (a) All open off-street parking lots and driveways for single-family dwellings

and duplexes shall be improved with a hard surface or gravel. The Village Engineer may require modifications to the standards listed below for asphalt and concrete pavements, depending upon the intended use of the driveway or parking lot:

- (i) Asphalt - Compacted crushed aggregate base, not less than six (6) inches thick, and surfaced with asphaltic concrete not less than two (2) inches thick.
- (ii) Concrete - Not less than five (5) inches thick for residential driveways, and six (6) inches thick for all other off-street parking lots.
- (iii) Pavers - As approved by the Village Engineer.

- (b) The surface of a parking lot shall be striped to clearly define spaces and drive aisles. Proposed striping shall be subject to approval by the Village Engineer.

(2) Screening and Landscaping:

Screening of required off-street parking and off-street loading spaces shall be provided according to standards set forth in Article XI, "Site Development Requirements", of this Zoning Ordinance and the Village's Landscaping Ordinance.

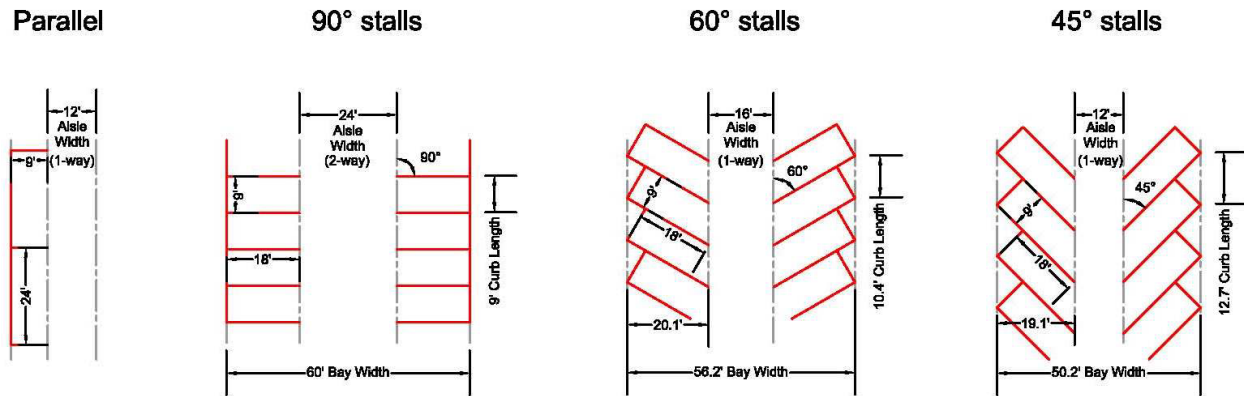
(3) Access Control and Signage:

- (a) There shall be no more than one (1) entrance and one (1) exit or one (1) combined entrance and exit along any street unless additional entrance/exit is approved by the Village Board for the alleviation of traffic congestion and interference of traffic movement along the street:
  - (i) One-way driveways shall be clearly marked with appropriate entrance and exit signs.
  - (ii) If, in the opinion of the Village Engineer, traffic in the vicinity of the site warrants the restriction of turning movement or access to and from a parking facility, signs or driveway modifications necessary to accomplish said restrictions shall be provided.
- (b) Accessory, or directional signs may be double-sided, but shall be limited to four (4) square feet of sign area per sign face. Signs shall not be greater than four (4) feet in height. The Village Engineer may, however, approve exceptions to these requirements if additional height and area is necessary to include essential informational copy.
- (c) Accessory or directional signs shall be reflective, not electrically powered.

(4) Repair and Service - No motor vehicle work or service of any kind, other than temporary repairs, shall be permitted in any off-street parking facility.

- (5) Parking Utilization – No long term storage of non-operative vehicles. Parked vehicles must have legal, current license.

#### 13.4 OFF-STREET PARKING DIAGRAM



#### 13.5 SCHEDULE OF OFF-STREET PARKING REQUIREMENTS

Accessory off-street parking spaces shall be provided as required for the following uses:

##### A. Residential:

Congregate care housing:	1 space per each 2 bedrooms, plus spaces for accessory uses according to this Ordinance.
Group housing:	1 space per dwelling unit.
Mobile home parks:	2.25 spaces per mobile home.
Senior citizen housing:	1.5 spaces per dwelling unit.
Single-family residential:	2 spaces per dwelling unit.
Townhomes, duplexes and multiplexes:	2.25 spaces per dwelling unit.
Two- and three-story apartments:	2 spaces per dwelling unit.

##### B. Retail and Service Use:

Arcade and game rooms:	10 spaces per 1,000 square feet of floor area.
Automobile sales:	2.5 spaces per each 1,000 square feet of

	floor area plus space per each 2,000 square feet of outdoor sales area.
Banks and financial institutions:	5 spaces per 1,000 square feet of floor area, plus 6 stacking spaces for each drive-up window provided.
Bed and breakfast:	1 space per sleeping room, plus 2 spaces for each 2 permanent residents.
Boat dealers:	5 spaces per 1,000 square feet of floor area, plus 1 space per 3000 square feet of outdoor sales area.
Convenience food store:	6 spaces per 1,000 square feet of floor area.
Delicatessens:	6 spaces per 1000 square feet of floor area.
Drug store and pharmacies:	5 spaces per 1,000 square feet of floor area.
Farm and garden supply:	5 spaces per 1,000 square feet of floor area, 1 space per each 1,000 square feet of outdoor sales area, plus 1 space per each two employees.
Funeral parlors:	15 spaces per parlor, 1 space per employee, plus 1 space or vehicle owned, leased or rented.
Furniture store:	4 spaces per 1,000 square feet of floor area.
Grocery store:	6 spaces per 1,000 square feet of floor area.
Hair styling salons:	2 spaces per chair, plus 1 space per employee.
Hotels/motels/inns:	1 space per room; 1 space per employee, plus additional spaces for accessory use required by this Ordinance. .
Kennels:	1 space per 400 square feet of floor area, but no fewer than four spaces.
Laundromat:	1 space per two washing machines.
Lumber yards:	3 spaces per 1,000 square feet of floor area, plus 1 space per 3,000 square feet of outdoor sales area.

Mobile home dealers:	5 spaces per 1,000 square feet of floor area, plus 1 space per each 2,000 square feet of outdoor sales area.
Nursery retail sales:	5 spaces per 1,000 square feet of floor area, plus 1 space per 3,000 square feet of outdoor sales area.
Photography studio:	4 spaces per 1, 000 square feet of floor area.
Plumbing and heating supply:	4 spaces per 1,000 square feet of floor area.
Printing and publishing:	3 spaces per 1,000 square feet of floor area.
Private clubs and lodges:	6 spaces per 1,000 square feet of floor area.
Produce stand:	6 spaces per 1,000 square feet of both covered & uncovered retail floor area.
Repair shop:	4 spaces per 1,000 square feet of floor area.
Restaurants, fast food:	13 spaces per 1,000 square feet of floor area, plus seven stacking spaces for each drive-up window through which food and drink is dispensed.
Restaurants, sit-down:	13 spaces per 1,000 square feet of floor area.
Restaurants, with live entertainment/dancing:	15 spaces per 1,000 square feet of floor area.
Retail stores:	5 spaces per 1,000 square feet of floor area.
Shoe repair shops:	4 spaces per 1,000 square feet of floor area.
Snowmobile sales/service:	5 spaces per 1,000 square feet of floor area, plus 1 space per 3,000 square feet of outdoor sales area.
Veterinary clinics and Animal hospitals/shelters:	4 spaces per 1,000 square feet of floor area.
Video rentals:	6 spaces per 1,000 square feet of floor area.

### **C. Offices:**

Offices (business, professional and

governmental):  
3 spaces per 1,000 square feet of floor area for buildings with 5,000 square feet or more of floor area.

5 spaces per 1,000 square feet of floor area, for building with less than 5,000 square feet of floor area, and development occurs on an individual zoning lot.

**D. Automotive/Service:**

Car Wash (automatic):  
1 space per each employee, plus stacking spaces equal to 5 times the capacity of the wash bays.

Car Wash (manual):  
1 space per employee, plus 4 spaces per washing bay (includes bay), 1 of which shall be located directly in front, of each bay.

Oil change shop:  
3 spaces per service bay (NOTE: This requirement does not include the service bay as a parking space)

Repair:  
4 spaces per repair stall (including repair stall, 5 spaces per 5,000 square feet of floor area devoted to office and/or retail sales, plus 1 space per each vehicle owned, leased or rented.

Service station (full service):  
1 space per each gasoline service bay (not including bay), 1 space per repair service bay (not including bay), 1 space per employee, plus 1 space per vehicle owned or leased.

Service station (self service):  
1 space per each gasoline service bay (not including 1 space-per-employee plus 5 spaces per 1,000 square feet of floor area devoted to retail sales.

Service station (Mini-Mart):  
1 space per each gasoline service bay (not including 1 space-per-employee plus 5 spaces per 1,000 square feet of floor area devoted to retail sales.

**E. Religious/Institutional:**

Ambulance services:  
1 space per each two employees or volunteers, plus 1 space per each vehicle



	owned, leased or rented.
Cemetery:	1 space per full-time employee.
Child care centers:	1 space per each employee, plus 2 spaces per each 15 children.
College or University:	1 space per each employee, plus 1 space per each 4 students
Church or synagogue:	1 space per each 4 seats, or 1 space per each 90 lineal inches seating capacity in main chapel or auditorium, based on design capacity.
Convalescent center:	1 space per each 4 beds, plus 1 space per each employee.
Elementary school:	1 space per each full time employee, plus 1 space per each 2 classrooms.
High school:	1 space per each full time employee, plus one space per each 7 students, based on capacity.
Hospitals or clinics:	1 space per each 2 beds, 1 space per each 2 employees, plus 1 space per each 2 doctors on the staff.
Library:	1 space per 300 square feet of floor area.
Police or fire station:	1.5 spaces per each employee or volunteer.
Post office:	4 spaces per 1,000 square feet of floor area, plus 2 spaces per each 3 employees.
Religious retreats:	1 space per 5 residents plus 1 space per non-resident employee, plus visitor parking as recommended by the Village Board.
Trade school:	1 space per each 5 students, plus 1 space per each two employees.
<b>F. <u>Recreational/Civic:</u></b>	
Art gallery:	4 spaces per 1,000 square feet of floor area.
Auditorium/assembly hall	1 space for each four seats or 1 space per each 50 square feet of floor area, where

	there is no fixed seating.
Ball fields:	1 space per 4,000 square feet of playing field.
Billiard/pool halls:	5 spaces per 1,000 square feet of floor area.
Bowling alley:	5 spaces per lane, plus additional spaces for accessory uses as required by this Ordinance.
Community center:	4 spaces per 1,000 square feet of floor area, plus 1 space per employee.
Game rooms:	5 spaces per 1,000 square feet of floor area.
Golf course:	65 spaces per 18 holes; 45 spaces per 9 holes; 1 space for each employee, plus additional spaces for accessory uses as required by this Ordinance.
Golf driving range:	2 parking spaces per tee, plus one parking space per employee, plus additional parking for accessory uses as required by this Ordinance.
Government building:	5 spaces per 1,000 square feet of floor area, plus 1 space for each vehicle leased, owned or rented by the Village.
Gymnasium/health club:	3 spaces per each 1,000 square feet of floor area.
Indoor racquet courts:	3 spaces per court, plus one space per 200 square feet of floor area.
Miniature golf course:	2 spaces per hole, plus 5 spaces per 1,000 square feet of floor area.
Museum:	4 spaces per 1,000 square feet of floor area.
Recreational buildings:	Spaces equal to 30 percent of capacity, but not less than 5 spaces per 1,000 square feet of floor area, plus 1 space for each 2 employees.
Riding academies and stables:	2 spaces per each horse stall.
Swimming pool:	10 spaces per 1,000 square feet of pool surface area (not including wading pools or whirlpool baths) plus 5 spaces per 1,000

square feet of floor area devoted to accessory uses:

Tennis courts:	2 spaces per court, 1 space per employee, plus additional parking for accessory uses as required by this Ordinance.
Skating rinks:	7 spaces per each 1,000 square feet of floor area.
Theaters (indoor):	1 space per each 4 seats.

**G. Light Industrial:**

Light Industrial: 1 space per each 1,000 square feet of floor area, or 1 space per 1.25 employees (whichever is greater).

Research and development facility: 3.3 spaces per 1,000 square feet of floor area up to 50,000 square feet, and an additional 2.5 spaces per each resident mgr., plus 1 space per each 50 storage units.

Mini-warehouse facility: 4 spaces per 1,000 square feet of floor area devoted to office space, 1 space per employee, 2 spaces per each resident mgr., plus 1 space per each 50 storage units.

Warehouse: 1 space per each 2,000 square feet of floor area, or 1 space per 1.25 employees (whichever is greater).

**H. Other:** Uses not listed in this schedule of parking requirements shall be provided according to the most similar use, as determined by the Zoning Enforcement Officer.

**13.6 OFF-STREET LOADING, REGULATIONS AND REQUIREMENTS**

Every structure which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles, shall be required to have off-street loading zones in accordance with requirements of this Ordinance.

**A. Location of Off-Street Loading Facilities:** With the exception of single-family dwellings, two-family dwellings, townhomes and quadraplexes, all required off-street loading facilities which serve a structure or use of land erected, established, altered, enlarged or intensified after the effective date of this Ordinance shall be located on the same lot as the structure or use of land to be served, unless established in accordance with the following provisions:

- (1) Central Loading Facilities - Central loading facilities, which serve more than one lot, may be established in accordance with the following requirements:

- (a) Each lot to be served shall have direct access to the central loading facility without crossing streets or alleys.
  - (b) The total number of off-street loading zones provided is not less than the sum of the separate requirements for each use as specified below, in the Schedule of Off-Street loading Requirements, Section 13.7 of this Ordinance.
  - (c) Each lot to be served shall be no more than three hundred (300) feet, including streets, drives and alleys, from the central loading facility.
- (2) Control of Central Loading Facilities - Whenever the required off-street loading is collectively provided in central loading areas, written covenants and easements running with the land assuring the retention, maintenance, and use of said central loading facility shall be executed by the parties concerned. Such covenants and easements shall be reviewed by the Zoning Enforcement Officer and Village Attorney, approved as to content and form by the Village Board, and filed in the Office of the Recorder of Deeds of Kane County, Illinois.

**B. Yard Requirements:**

- (1) Required loading areas shall not be located in any front yard or required corner side yard, unless the zone is intended to accommodate small delivery trucks and is not larger than 10' x 20' in size. This section is not, however, intended to preclude access from the street to a loading zone that is constructed parallel to that street.
- (2) Minimum yard requirements for all other loading facilities shall be as set forth in Article XI, "Site Development Requirements", Section 11.3 of this Ordinance.

- C. **Floor Area:** For the purpose of determining off-street loading requirements, floor area shall be calculated as defined for off-street parking, Section 13.3 E, above.

**D. Computation:**

- (1) The total number of off-street loading spaces required for any structure or use shall be based upon standards set forth in the Schedule of Off-Street Loading Requirements, Section 13.7, below.
- (2) If, in determining the number of off-street loading zones required, the computation results in a requirement of a fractional zone, any fraction of less than one-half (1/2) may be disregarded, while a fraction of one-half (1/2) or more shall be counted as one (1) loading area.
- (3) If a particular use is not listed in the Schedule of Off-Street Loading Requirements, the Zoning Enforcement Officer shall determine the loading requirements of said use by assigning the same loading facility requirements as another use which is deemed to be similar in nature to, and compatible with, said unlisted use.

**E. Design:**

(1) Surfacing:

- (a) Unless otherwise approved by the Village Engineer, all off-street loading areas shall be improved with a compacted crushed aggregate base, not less than eight (8) inches thick, and shall be surfaced with asphaltic concrete not less than two (2) inches thick.
- (b) Loading areas shall be striped to clearly define these areas, and discourage automobile parking. Proposed striping shall be subject to approval by the Village Engineer.

(2) Curbing - All loading areas shall be improved with concrete curbing, as approved by the Village Engineer.

(3) Screening:

- (a) Landscape screening shall be provided for all unenclosed loading areas that are adjacent to a residential or institutional use, or, are visible from a public right-of-way according to standards set forth in Article XI, "Site Development Requirements", Section 11.3E.
- (b) Landscaping shall be permanently maintained in good condition with at least the same quality of landscaping as initially installed.

(4) Accessory Signs - Accessory signs for loading facilities shall be subject to review and approval by the Village Engineer.

**F. Minimum Loading Facilities:**

- (1) Structures or parcels of land which require off-street loading facilities, but which have less area than the minimum prescribed for such required facilities, shall be provided with not less than one (1) 9' x 18' loading area to accommodate delivery and other service vehicles.
- (2) The loading zone shall not be less than 9' x 18' in size, and shall be exclusive of required parking spaces or drive aisles, and shall be signed and striped to discourage automobile parking.

**13.7 SCHEDULE OF LOADING REQUIREMENTS**

Off-Street loading berths shall be provided on the basis of gross floor area in accordance with the following:

**Required Number and**

<b><u>Use</u></b>	<b><u>Gross Floor Area In Square Feet</u></b>	<b><u>Minimum Horizontal Dimensions of Berths</u></b>
Multiple-family dwellings:	30,000 to 200,000 For each additional 200,000 or fraction thereof	1 (12' x 60') 1 additional (12' x 60')
Hospital, sanitariums, nursing homes, convalescent centers, etc.:	10,000 to 100,000 For each additional 100,000 or fraction Thereof	1 (12' x 60') 1 additional (12' x 60')
Auditoriums, bowling alleys, and civil buildings:	10,000 to 100,000 For each additional 100,000 or fraction thereof	1 (12' x 60') 1 additional (12' x 60')
Hotel, motel and inns:	10,000 to 100,000 For each additional 100,000 or fraction thereof	1 (12' x 60')\n1 additional (12' x 60')
Hotels, clubs and lodges When containing any of the following: retail shops, convention halls, auditoriums, exhibition halls or business or professional office:	10,000 to 20,000 20,000 to 150,000 For each additional 150,000 or fraction thereof	1 (12' x 60') 2 (12' x 60') 1 additional (12' x 60')
Theaters (indoor):	8,000 to 25,000 For each additional 50,000 or fraction thereof	1 (12' x 60') 1 additional (12' x 60')
Retail/wholesale store and business service uses:	5,000 to 10,000 10,000 to 25,000 25,000 to 40,000 40,000 to 100,000 For each additional 150,000 or fraction thereof	1 (12' x 60') 2 (12' x 60') 3 (12' x 60') 4 (12' x 60') 1 additional (12' x 60')
Establishments dispensing food or beverages for consumption on the premises:	5,000 to 10,000 10,000 to 25,000 25,000 to 40,000 40,000 to 100,000	1 (12' x 60') 2 (12' x 60') 3 (12' x 60') 4 (12' x 60')

	For each additional 100,000 or fraction thereof	1 additional (12' x 60')
Banks and offices - business, professional and governmental:	10,000 to 100,000 For each additional 100,000 or fraction thereof	1 (12' x 60') 1 additional (12' x 60')
Industrial use:	5,000 to 40,000 40,000 to 100,000 For each additional 100,000 or fraction thereof	1 (12' x 60') 2 (12' x 60') 1 additional (12' x 60')
Other:	Uses not listed in this schedule of parking requirements shall provide according to the most similar use, as determined by the Zoning Enforcement Officer.	

## **ARTICLE XIV - ADMINISTRATION AND ENFORCEMENT**

### **14.1 ORGANIZATION**

**A. Administration:** The administration of this Zoning Ordinance is hereby vested in the following:

- (1) Zoning Enforcement Officer.
- (2) Planning and Zoning Commission.
- (3) Village Board of Trustees.

**B. Scope of this Article:** This Article outlines the authority of each of the administrative officers, elected officials and appointed commissioners identified above, and describes the procedures and substantive standards with respect to the following administrative functions:

- (1) Issuance of Zoning Certificates.
- (2) Appeals.
- (3) Variations.
- (4) Amendments.
- (5) Special Use.
- (6) Planned Developments.
- (7) Site Plan Reviews.
- (8) Fees.
- (9) Enforcement and Penalties.

### **14.2 ZONING ENFORCEMENT OFFICER**

**A. Appointment:** The Zoning Enforcement Officer, or such individual that has been, or shall be duly appointed by the Village Board, shall be in charge of the administration and enforcement of this Article, and shall perform the following duties:

**B. Jurisdiction:**

1. Issue all zoning certificates, and make and maintain records thereof.
2. Issue all certificates of occupancy, and make and maintain records thereof.
3. Conduct inspections of structures and use of land to determine compliance with the terms of this Zoning Ordinance.
4. Maintain permanent and current records of this Zoning Ordinance including, but not limited to, all maps, amendments, special uses, site plan approvals, planned developments, variances, appeals, and applications therefore, and hearings thereof.
5. Receive, file and forward for action, all appeals and applications for appeals, variations, amendments, special uses, planned developments, annexations and site plan reviews, all of which shall be filed initially with the Village Clerk.
6. Provide clerical and technical assistance that may be required by the Planning and Zoning Commission in the exercise of their duties.



7. Initiate, as may be required, a study of the provisions of this Zoning Ordinance and make reports of recommendations for change to the Planning and Zoning Commission.
8. Inform the Village Board of all violations of this Ordinance and all other matters requiring prosecution or legal action.
9. Discharge such other duties as may be required by this Article.

#### **14.3 PLANNING AND ZONING COMMISSION**

**A. Establishment:** The Planning and Zoning Commission of the Village of Big Rock has been heretofore duly established, according to Illinois Compiled Statutes, Chapter 65.

**B. Jurisdiction:** The Planning and Zoning Commission is hereby vested with the following jurisdiction and authority with reference to this Zoning Ordinance:

- (1) To establish a time for, conduct public hearings on, and prepare written findings of fact, where required, and recommendations to the Village Board on the following matters:
  - (a) Application for amendments to the Zoning District Map or the text of this Zoning Ordinance.
  - (b) Special use permits.
  - (c) Variations.
  - (d) Special use permits for planned developments, including any requests for exceptions from required standards of this Zoning Ordinance.
  - (e) Zoning requests pertaining to newly annexed property, including review of all plats and plans in connection therewith.
  - (f) Site plan review for development proposals.
  - (g) Plats of subdivisions, including review of such plats for conformance to the Comprehensive Land Use Plan, this Zoning Ordinance, and the Subdivision Regulations of the Village of Big Rock, as may be amended from time to time.
- (2) To review the recommendations of the Zoning Enforcement Officer as to the effectiveness of this Zoning Ordinance, and report its conclusions and recommendations to the Village Board, from time to time.
- (3) To review the Zoning District Map for accuracy on an annual basis, so that the Zoning District map may be updated annually, and published in the manner required by the Illinois Revised Statutes.
- (4) To hear and decide appeals of administrative determinations as set forth in Section 14.7.

- (5) To hear, decide, and consider all other matters referred by the Village Board, or upon which the Planning and Zoning Commission is required to act pursuant to the provisions of this Zoning Ordinance, or as prescribed by applicable provisions of the Big Rock Village Code or the Illinois Revised Statutes.
- (6) To review and recommend stand alone ordinances related to any of the work of the Planning and Zoning Commission.

#### **14.4 VILLAGE BOARD OF TRUSTEES**

The Village Board of Trustees is the elected legislative authority of the Village of Big Rock, and has reserved unto itself the final authority on site plan review, special uses, planned developments, amendments, and variations, to be exercised pursuant to its legislative discretion.

#### **14.5 ZONING CERTIFICATE**

**A. Compliance with Zoning Ordinance:** No permit pertaining to the use of land or structure shall be issued until the Zoning Enforcement Officer certifies in such permit that the application, with accompanying plans and specifications, conforms to:

- (1) All regulations of the Zoning Ordinance, unless varied by ordinance granted by the Village Board.
- (2) Conditions of approval which may have been required by ordinance of the Village Board.

**B. Applicability:** When a permit is not required by Big Rock's Building Code for an improvement or use, but the use or improvement requires conformance with the regulations of the Zoning Ordinance, an application for a zoning certificate shall be filed with the Zoning Enforcement Officer.

**C. Required Submittals:** All applications for zoning certificates shall be accompanied by:

- (1) Two (2) copies of the current plat of the parcel of land, lot, lots, block or blocks, or parts or portions thereof which constitute the proposed zoning lot, drawn to scale showing the actual dimensions and monuments, as certified by a registered Illinois land surveyor, as a true copy of the piece, or parcel, lot, lots, block or blocks, or portions thereof, according to the registered or recorded plat of such land. Additionally, the applicant shall provide proof that applicant or applicant's existing structure and use is in full compliance with all village rules and regulations, and applicable zoning and building codes.
- (2) Two copies of additional drawings, drawn to scale in such form as may be prescribed by the Zoning Enforcement Officer, showing the:
  - (a) Proposed zoning lot.
  - (b) Building footprint.

- (c) Height and bulk of the structure.
- (d) Building lines, in relation to lot lines.
- (e) Proposed use for structure or land.
- (f) Other information required to determine compliance with the Zoning Ordinance.

**D. Waiver of Submittal Requirement:** The Zoning Enforcement Officer may waive all or any portion of the requirements in paragraphs (1) and (2) above, where it is determined that the information is not necessary because of existing evidence in Village records, or where it is determined that a zoning certificate may be issued without all of such information due to the nature of the proposed structure or use.

**E. Revocation of Zoning Certificate:** Any permit or certificate issued under the provisions of this Ordinance may be revoked whenever there has been any false statement, misrepresentations or omission of material fact in the application, plat, plans drawings or other information on which the permit or approval was based.

#### **14.6 NOTICE REQUIREMENTS FOR VARIATIONS, AMENDMENTS, SPECIAL USE PERMITS AND PLANNED DEVELOPMENTS**

**A. Publication of Notice:** No public hearing before the Planning and Zoning Commission on any request for variation, amendment, planned development or special use shall be held unless the notice of time and place of the hearing is published at least once, in one or more newspapers published in the Village, or if none, then in one or more newspapers with a general circulation within the Village.

- (1) The notice shall be prepared by the petitioner, and submitted to the Village Clerk not less than thirty (30) business days before the scheduled hearing.
- (2) Once received, the Village Clerk shall cause said notice to be published not more than thirty (30) nor less than fifteen (15) days before the hearing.

#### **B. Notice to Adjacent Owners:**

- (1) Each application for a variation, map amendment, planned development, or special use shall be prepared by the petitioner.
- (2) Said application shall include a list of all owners, as disclosed by the records of the Kane County Recorder of Deeds, or as appears from the authentic tax records of Kane County, of all property within 250 feet in each direction of the parcel, exclusive of road rights-of-way.
- (3) Once received, the petitioner shall cause notice of the public hearing to be mailed to property owners at the addresses identified on the list, not less than fifteen (15), nor more than thirty (30) days before the hearing. Said notice shall include, at a minimum, information set forth in items 14.6 C, below. In the event of a map amendment initiated by the Village, the Village shall cause notice to be mailed as set forth herein only to those property owners whose properties are considered for

rezoning, and the Village is not required to mail this notice to owners of all properties within 250 feet of the properties considered for rezoning.

- (4) Said mailing shall be by registered mail, return receipt requested, and shall be accomplished at the expense of the petitioner.
- (5) The petitioner shall furnish a copy of the notice to adjacent property owners and a written statement certifying that he or she has complied with the requirements of this section. The Planning and Zoning Commission shall only hear a petition for variation, special use, planned development or map amendment if the applicant furnishes the list and certificate herein described.

**C. Content of Notice:** The notice of public hearing shall include at least the following information:

- (1) The address and/or location of the property for which the variation, map amendment, planned development or special use is requested.
- (2) A brief statement of the nature of the request.
- (3) Existing zoning classification.
- (4) Proposed zoning, if applicable.
- (5) The name and address of the legal and beneficial owner of the property for which the variation is requested.
- (6) A legal description of the subject property.
- (7) The time, date and location of the public hearing.

**D. Posting:**

- (1) Each petitioner for a variation, map amendment, planned development, or special use, other than the Village, shall post and maintain on the subject property for a period of not less than fifteen (15) days prior to the hearing, a sign declaring that the property is subject to an upcoming public hearing and identifying the time, place and purpose of the hearing.
- (2) The sign shall be prepared and installed by the petitioner not more than fifteen (15) feet from the front lot line and placed in such a manner as seen from the street.
- (3) The jurisdiction of the Planning and Zoning Commission to hold public hearing shall not be affected by the absence of a posted notice, if such absence is not the result of the petitioner's act or omission.

**E. Continuation of Public Hearing:** The Planning and Zoning Commission shall hold at least one public hearing on the proposed variation, amendment, planned development, or special use. However, public hearings may be continued by the Planning and Zoning Commission, from time to time, without further notices being published, subject to compliance with the Illinois Open Meetings Act.

#### **14.7 APPEALS**

**A. Purpose:**

- (1) An appeal from a final order, requirement, decision or determination of the Zoning Enforcement Officer may be taken to the Planning and Zoning Commission by any person aggrieved.
- (2) Such an appeal shall be taken within forty-five (45) days after the decision complained of, by filing with the Village Clerk a written notice of appeal specifying the grounds thereof.

**B. Authority:** The Planning and Zoning Commission shall hear and decide upon all appeals from administrative decisions or acts related to this Zoning Ordinance, or other codes and ordinances of the Village of Big Rock which establish appeal rights to the Planning and Zoning Commission, pursuant to procedures set forth herein.

**C. Processing:** An application for a Notice of Appeal shall be filed with the Village Clerk, who shall forward such application to the Planning and Zoning Commission and to the Zoning Enforcement Officer for processing in accordance with the applicable statutes of the State of Illinois and provisions of this Zoning Ordinance. The application shall be on such forms proscribed by the Village.

A Notice of Appeal shall stay all proceedings related to the action on which the appeal is based, but not limited to, plan review, processing of permits, or construction, unless it is demonstrated to the Zoning Enforcement Officer or the Planning and Zoning Commission that a stay would cause imminent peril to life and/or property.

**D. Hearing:**

- (1) The Village Clerk shall transmit the application to the Planning and Zoning Commission, who shall hold a public hearing at such time and place as shall be established by the Planning and Zoning Commission, after due notice to the applicant is provided.
- (2) The Zoning Enforcement Officer shall transmit to the Planning and Zoning Commission all papers related to the decision which led to the appeal and prepare a report on the matter at the Commission's request.
- (3) The hearing shall be conducted, and a record of such proceedings shall be preserved, in such manner as the Planning and Zoning Commission shall prescribe.

**E. Decision:** The Planning and Zoning Commission shall reach its decision within a reasonable period of time after the conclusion of the hearing on the appeal:

- (1) The Planning and Zoning Commission may affirm or may reverse, wholly or in part, or may modify the order, requirement, decision, or determination as, in its opinion, ought to be made in the premises.
- (2) Records of all actions of the Planning and Zoning Commission, relative to appeals, shall be maintained by the Village.
- (3) The decisions of the Planning and Zoning Commission shall be a final administrative decision, based on the evidence presented at the hearing of the appeal. A concurring vote of a majority of a quorum shall be required for reversal of or modification of the order, requirement, decision or determination of the Zoning Enforcement Officer.

#### **14.8 VARIATION**

**A. Purpose:** Any property owner who can demonstrate practical difficulties or particular hardships associated with his particular property in the way of carrying out the strict letter of any regulation of this Zoning Ordinance may apply for a variance.

**B. Authority:** The Village Board of Trustees shall decide variations from the provisions of the Ordinance that are in harmony with its general purpose and intent, and shall vary them only in the specific instances where the Planning and Zoning Commission has made a finding of fact based on the standards hereinafter prescribed that there are practical difficulties or particular hardships associated with the land in the way of carrying out the strict letter of any regulation of this Zoning Ordinance.

**C. Processing:** An application for a variation shall be filed with the Village Clerk, who shall forward such application to the Planning and Zoning Commission and to the Zoning Enforcement Officer for processing in accordance with the applicable statutes of the State of Illinois and provisions of this Zoning Ordinance. The application shall be on such forms proscribed by the Village.

**D. Hearing:**

- (1) The Village Clerk shall transmit the application to the Planning and Zoning Commission, who shall hold a public hearing at such time and place as shall be established by the Planning and Zoning Commission, after due notice is provided.
- (2) The Zoning Enforcement Officer shall transmit to the Planning and Zoning Commission all papers related to the variation and prepare a report on the matter at the Commission's request.
- (3) The hearing shall be conducted, and a record of such proceedings shall be preserved, in such a manner as the Planning and Zoning Commission shall prescribe.

- (4) Notice requirements for public hearings on variations are set forth in Section 14.6, above.

**E. Standards:**

- (1) The Planning and Zoning Commission shall not recommend, and the Village Board shall not vary, the provisions of this Zoning, unless it shall find that the:
- (i) Property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zoning district.
  - (ii) Plight of the owner is due to unique circumstances.
  - (iii) Variations, if granted, will not alter the essential character of the locality.
- (2) For the purpose of supplementing the above standards, the Planning and Zoning Commission, in making a recommendation that there are practical difficulties or particular hardships, shall also take into consideration the extent to which the evidence establishes or fails to establish, the following:
- (i) That the particular physical surroundings, shape or topographical condition of the specific property involved would bring particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulation were to be carried out.
  - (ii) That the conditions upon which the petition for variation is based would not be generally applicable to other property within the same zoning district.
  - (iii) That the purpose of the variation is not based exclusively upon a desire to make more money out of the property.
  - (iv) That the alleged or particular hardship has not been created by any person presently having an interest in the property, or by the applicant.
  - (v) That the granting of the variation will not be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
  - (vi) That the proposed variation will not:
    - Impair an adequate supply of light and air to adjacent properties.
    - Substantially increase the hazard from fire or other dangers to said property or adjacent properties.

- Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of Big Rock.
  - Unduly increase traffic congestion in the public streets and highways.
  - Create a nuisance.
  - Result in an increase in public expenditures.
- (vii) That the variation is the minimum variation necessary to make possible the reasonable use of the land or structure.

**F. Decision:**

- (1) Within forty-five (45) days after the close of the hearing on a proposed variation, the Planning and Zoning Commission shall prepare a written statement of findings of fact and recommendations, and shall submit the statement to the Village Board. The findings of fact shall specify the reason or reasons for recommending approval, approval with conditions, or denial of the proposed variation, and shall address how the variation does, or does not comply with standards set forth in Section 14.8 D, above.
- (2) The Planning and Zoning Commission is not required to recommend for approval the full variation requested. The Planning and Zoning Commission may recommend, and the Village Board may approve, a variation of less extent than that contained in the request.
- (3) The Planning and Zoning Commission may recommend, and the Village Board may require, such conditions and restrictions upon the premises benefited by a variation, as may be necessary in their opinion to comply with the standards set forth in this section, to reduce or minimize injurious effect of such variation upon other property in the neighborhood and/or to implement the general purpose and intent of this Zoning Ordinance.
- (4) A concurring vote of a majority of those members present at the meeting shall be required to recommend granting or denying an application for variation.
- (5) The decision of the Village Board of Trustees shall be final, and subject to judicial review only in accordance with applicable State statutes.
- (6) No variation shall be granted, except by ordinance duly passed and approved by the President and Village Board, after public hearing and written findings of fact and recommendation from the Planning and Zoning Commission. The terms of relief granted shall be specifically addressed in said ordinance.
- (7) In those instances where the Village Board of Trustees does not concur with a recommendation of the Planning and Zoning Commission to deny a variation, the favorable vote of two-thirds (2/3) of the members of the Village Board shall be necessary to grant an ordinance granting the variance.



## 14.9 AMENDMENTS

**A. Purpose:** Amendments may be proposed by the Village Board, the Planning and Zoning Commission, or any property owner or interested person or organization.

- (1) Amendments may be granted to:
  - (a) Promote the public health, safety, morals, comfort and general welfare of the Village of Big Rock.
  - (b) Conserve the value of property throughout the Village.
  - (c) Lessen or avoid congestion in the public streets and highways.
- (2) Amendments shall be classified as follows:
  - (a) Text Amendments, which are amendments to the text of this Zoning Ordinance.
  - (b) Map Amendments, which are amendments to Zoning District Map, adopted pursuant to this Zoning Ordinance.

**B. Authority:** The Village Board may after receiving a recommendation from the Planning and Zoning Commission in the manner hereinafter set forth, approve, approve with conditions, or deny a text or a map amendment, pursuant to the procedures set forth herein.

**C. Processing:** An application for an amendment shall be filed with the Village Clerk, who shall forward such application to the Planning and Zoning Commission and to the Zoning Enforcement Officer for processing in accordance with the applicable statutes of the State of Illinois and provisions of this Zoning Ordinance. The application shall be on such forms proscribed by the Village.

**D. Hearing:**

- (1) The Village Clerk shall transmit the application to the Planning and Zoning Commission, who shall hold a public hearing at such time and place as shall be established by the Planning and Zoning Commission, after due notice is provided.
- (2) The Zoning Enforcement Officer shall transmit to the Planning and Zoning Commission all papers related to the amendment and prepare a report on the matter at the Commission's request.
- (3) The hearing shall be conducted, and a record of such proceedings shall be preserved, in such a manner as the Planning and Zoning Commission shall prescribe.
- (4) Notice requirements for public hearings on amendments are set forth in Section 14.6, above.

**E. Standards:** The Planning and Zoning Commission shall not recommend, nor the Village Board grant, an amendment to alter the zoning district boundary lines, unless it shall determine, based upon the evidence presented to the Planning and Zoning Commission in each specific case, that:

- (1) The amendment promotes the public health, safety, comfort, convenience and general welfare of the Village, and complies with the policies and Comprehensive Land Use Plan and other official plans of the Village of Big Rock.
- (2) The trend of development in the area of the subject property is consistent with the requested amendment.
- (3) The requested zoning permits uses which are more suitable than the uses permitted under the existing zoning classification.
- (4) The amendment, if granted, will not alter the essential character of the neighborhood, and will not be a substantial detriment to adjacent property.
- (5) The amendment is warranted based on such other factors as permitted by law to be considered.

**F. Decision:**

- (1) Within forty-five (45) days after the close of the hearing on a proposed amendment, the Planning and Zoning Commission shall prepare a written statement of recommendations and submit this statement to the Village Board.
- (2) The Village Board of Trustees may, by ordinance, grant, or grant with modifications, a text or map amendment. If an application is not acted upon by the Village Board within six (6) months of the date upon which such application is filed, it shall be deemed to have been denied.
- (3) The Planning and Zoning Commission may recommend, and the Village Board may approve, conditions and restrictions upon the premises benefited by an amendment as may be necessary to comply with the standards set forth in Section 14.9, above. Changes in restrictions or conditions shall be processed in the manner established by this Article for amendment.
- (4) A concurring vote of a majority of those members of the Planning and Zoning Commission present at the meeting shall be required to recommend granting or denying an application for an amendment.
- (5) In those instances where the Village Board of Trustees does not concur with a recommendation of the Planning and Zoning Commission to deny a map or text amendment, the favorable vote of two-thirds (2/3) of the members of the Village Board shall be necessary to grant an ordinance granting the amendment.

**G. Written Protest:**

- (1) A map or text amendment shall not be passed except by a favorable vote of two-thirds (2/3) of the members of the Village Board in the case of a written protest against any proposed text amendment or map amendment when said protest is signed and acknowledged by the owners of twenty (20) percent of the:
  - (a) Frontage proposed to be altered.
  - (b) Frontage adjoining or across an alley from the property.
  - (c) Frontage directly opposite the frontage proposed to be altered.
- (2) The written protest shall be filed by the protestor or protestors with the Village Clerk, and a copy shall be served by certified mail on applicant and applicant's attorney at such address shown on the application for the proposed amendment.

**14.10 SPECIAL USES**

**A. Purpose:**

- (1) The development and execution of this Ordinance is based upon the division of the Village of Big Rock into districts, within any one of which the use of land and structures, and the bulk location of the structures, as related to the land, are essentially uniform.
- (2) It is recognized, however, that there are special uses which, because of their unique character, cannot be properly classified in any particular district or districts without consideration, in each case, of the potential impact of those uses upon neighboring lands and upon the public need for the particular use or particular location.
- (3) Such special uses fall into two categories:
  - (a) Uses operated by a public agency or publicly-regulated utilities, which are uses traditionally associated with a public interest, such as parks, recreation areas, public administrative buildings, or the private use of existing public buildings.
    - (i) It is stressed that public uses are associated with the public interest.
    - (ii) In the case of a request for a special use by a unit of local government, for a public use within its statutory mandate, the review shall not be based on determining the need for the publicly mandated use on the specific site but, rather for assessing the impact of the proposed public use upon neighboring lands, and upon the Village's streets or utilities.
  - (b) Uses entirely private in character, but of such a nature that the operation may give rise to unique problems or benefits with respect to their impact upon neighboring property, public facilities, the Village as a whole, or the natural environment or resources.

**B. Authority:** The Village Board may, after receiving a recommendation from the Planning and Zoning Commission in the manner hereinafter set forth, approve, approve with conditions, or deny a special use, pursuant to the procedures set forth herein.

**C. Processing:** An application for a special use shall be filed with the Village Clerk, who shall forward such application to the Planning and Zoning Commission and to the Zoning Enforcement Officer for processing in accordance with the applicable statutes of the State of Illinois and provisions of this Zoning Ordinance. The application shall be on such forms proscribed by the Village.

**D. Hearing:**

- (1) The Village Clerk shall transmit the application to the Planning and Zoning Commission, who shall hold a public hearing at such time and place as shall be established by the Planning and Zoning Commission, after due notice is provided.
- (2) The Zoning Enforcement Officer shall transmit to the Planning and Zoning Commission all papers related to the special use and prepare a report on the matter at the Commission's request.
- (3) The hearing shall be conducted, and a record of such proceedings shall be preserved, in such a manner as the Planning and Zoning Commission shall prescribe.
- (4) Notice requirements for public hearings on special uses are set forth in Section 14.6, above.

**E. Standards:**

- (1) The Planning and Zoning Commission shall not recommend, nor the Village Board approve a special use, unless it shall find, based upon the evidence presented to the Planning and Zoning Commission in each specific case, that the special use:
  - (a) Will be harmonious with and in accordance with the general objectives of the Comprehensive Land Use Plan and/or this Zoning Ordinance.
  - (b) Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not alter the essential character of the same area.
  - (c) Will not be hazardous or disturbing to existing or future neighborhood uses.
  - (d) Will be adequately served by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water, sewer and schools, or that the persons or

agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.

- (e) Will not create excessive additional requirements at public cost for public facilities and services, and will not be detrimental to the economic welfare of the Village of Big Rock.
  - (f) Will not involve uses, activities, processes, materials, equipment and/or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
  - (g) Will have vehicular approaches to the property which shall be so designed as to not create an undue interference with traffic on surrounding public streets or highways.
  - (h) Will not increase the potential for flood damage to adjacent property, or require additional public expense for flood protection, rescue or relief.
  - (i) Will not result in the destruction, loss or damage of natural, scenic or historic features of major importance to the Village of Big Rock.
- (2) The special use shall, in all respects, conform to the applicable regulations of the district in which it is located, except as such regulations may be modified, in each instance, by the Village Board of Trustees, pursuant to the recommendations of the Planning and Zoning Commission.

**F. Decision:**

- (1) Within forty-five (45) days after the close of the hearing on a proposed special use, the Planning and Zoning Commission shall prepare a written statement of findings of fact and recommendations and submit this statement to the Village Board. Said Findings of Fact shall address how the proposed special use does, or does not comply with the standards set forth in Section 14.10, above.
- (2) The Village Board of Trustees may, by ordinance, grant, or grant with modification, a requested special use. If an application is not acted upon by the Village Board within six (6) months of the date upon which such application is filed, it shall be deemed to have been denied.
- (3) The Planning and Zoning Commission may recommend, and the Village Board may approve, conditions and restrictions upon the premises benefited by a special use as may be necessary in their opinion to:
  - (a) Comply with the standards set forth in Section 14.10(E), above.
  - (b) Reduce or minimize injurious effect of such special use on other property in the neighborhood.
  - (c) Implement the general purpose and intent of the Zoning Ordinance.

- (4) A concurring vote of a majority of those members of the Planning and Zoning Commission present at the meeting shall be required to recommend granting or denying an application for a special use.
- (5) In those instances where the Village Board of Trustees does not concur with a recommendation of the Planning and Zoning Commission to deny a special use, the favorable vote of two-thirds (2/3) of the members of the Village Board shall be necessary to grant an ordinance granting the special use.
- (6) Changes in restrictions or conditions shall be processed in the manner established by this Article for special uses.

#### **14.11 TIME LIMITATIONS**

**A. Variations or Special Uses:** An approval pursuant of the provisions of this Zoning Ordinance of a variation, special use, or special use for a planned development shall become null and void should a building permit to begin construction not be applied for within eighteen (18) months of the approval of the ordinance, or should any approved use not be commenced within eighteen (18) months of the approval of the ordinance where no building permit is required, unless this time limit is expressly extended, by ordinance, by the Village Board of Trustees.

**B. Map Amendment:**

- (1) In any case where a map amendment has been granted, and no building permit for development has been applied for within eighteen (18) months, the Planning and Zoning Commission may initiate a public hearing after due notice according to Section 14.9 of this Article has been given, and written notice sent to the applicant at the address contained in the application.
- (2) Within forty-five (45) days of the close of the hearing, the Planning and Zoning Commission shall prepare and submit its recommendations to the Village Board that such map amendment shall be permanently affirmed or repealed, or that the property subject to said map amendments be reclassified by another map amendment to a more appropriate district classification. Upon receipt of this recommendation, the Village Board shall thereafter issue its decision according to the procedures set forth in Section 14.9, above.

#### **14.12 FEES**

**A. Fee Schedule Established:** The Village Board shall establish a schedule of fees, charges and expenses for zoning certificates, occupancy certificates, appeals, applications for variations, amendments, planned developments, special uses, or site plan review, and other administrative matters pertaining to this Zoning Ordinance.

**B. Fee Schedule Posted:** The approved schedule of fees shall be filed and posted in the office of the Village Clerk, and may be altered or amended by the Village Board, from time to time.

**C. Mandatory Pre-pay Policy:** No action shall be taken on any appeal, or application for variation, amendment, special use, planned development, or site plan review, until all applicable fees, charges and expenses have been paid in full.

#### **14.13 ENFORCEMENT AND PENALTIES**

**A. Fines:** Any person who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of any of the provisions of this Ordinance shall, upon conviction be fined up to seven hundred and fifty dollars (\$750.00) a day per violation or in accordance to Village of Big Rock Penalty and Fine Schedule, whichever is greater.

**B. Applicability:** A separate offense shall be deemed committed for each day a violation is permitted to exist after notification thereof.

**C. Remedies at Law:** In the event that any structure is erected, constructed, altered, repaired, converted or maintained, or any structure or land is used in violation of this Zoning Ordinance, the Village Attorney, in addition to other remedies, may institute any proper action or proceeding in the name of the Village to:

- (1) Prevent such unlawful erected, construction, reconstruction, alteration, repair, conversion, maintenance, or use.
- (2) Restrain, correct or abate such violation.
- (3) Prevent the occupancy of said structure or land.
- (4) Prevent any illegal act, conduct, business or use in, or about, said premises.
- (5) Collect reasonable attorney's fees and court costs.

#### **14.14 APPLICANT AND DISCLOSURES.**

**A. Owner Authorization:** All fee owners of the subject property must be the zoning applicants or must authorize the application. If the property is subject to a contract to purchase, the contract purchaser shall also join as an applicant. Likewise, if the fee owner is or will be purchased by a land trust, the trustee shall also be an applicant. Counsel, if any, should be identified on the application. If an agent is used, a notarized letter giving the agent authorization to act upon the application is required.

**B. Trust Beneficiary Disclosure:** When the applicant is a land trust or trustee of a land trust, the application shall identify each beneficiary of such land trust by name and address and define each beneficiary's interest therein.

**C. Corporate Disclosure:** When the applicant is a corporation or a limited liability company the applicant shall include the correct names, addresses, and percent interest of all members, stockholders or shareholders owning any interest in excess of twenty (20) percent of all outstanding stock or membership of such corporation. If the corporation has no such shareholders, a statement to that effect shall be submitted.

**D. DBA Disclosure:** When the applicant is a business entity doing business under an assumed name, the application shall include the names and addresses of all true and actual owners of such business or entity.

**E. Partnership Disclosure:** When the applicant is a partnership, limited liability partnership, joint venture, syndicate, or an unincorporated voluntary association, the application shall include names and addresses of all partners, limited liability partnership members, joint ventures, syndicate members, or members of the unincorporated voluntary association



## **ARTICLE XV - ANTENNA STRUCTURES/EARTH SATELLITE STATIONS**

### **15.1 PURPOSE AND INTENT**

**A. Intent:** It is the intent of this Article to provide rules and regulations for the size, placement and screening of antenna structures/earth satellite stations within the Village of Big Rock.

**B. Goal:** The Village finds that this Article is part of a comprehensive strategy to create an aesthetically pleasing environment through extensive regulations pertaining to signage, landscaping, screening of off-street parking and loading facilities, and screening of rooftop mechanical equipment.

**C. Objectives:** The physical characteristics of antenna structure/earth satellite stations make it necessary and essential to regulate such devices in order to further the aesthetic and safety objectives, specifically to:

- (1) Promote the public health, safety and welfare of the community.
- (2) Promote an orderly visual environment and protection of property values through screening of antenna structures/earth satellite stations from adjacent properties and public rights-of-way.

### **15.2 DEFINITIONS**

For the purpose of this Article, the following definitions shall apply:

**Antenna:** An apparatus, external to or attached to the exterior of a building, together with any supporting structure for sending or receiving electromagnetic waves.

**Earth Satellite Station:** An apparatus or devise which includes a main reflector, sub-reflector, feed, amplifier and support structure that has been designed for the purpose of transmitting and/or receiving microwave, television, radio, satellite, or other electromagnetic energy signals into or from outer space, but does not include conventional television, radio and amateur radio antenna.

**Height:** Height shall be defined as the vertical distance measured from the ground level or roof surface of the area on which an antenna structure/earth satellite station is located, up to and including the highest point of the antenna structure/earth satellite station when extended to its fullest height.

**Main Reflector:** The main reflector is that part of an earth satellite station which, absent any protective covering, is dish-shaped, parabolic, spherical or conical in configuration and design, and which has been designed for the reception and/or transmission of

microwaves, television, radio or other electromagnetic energy signals.

### 15.3 PERMIT

**A. Accessory Use:** Antenna structure/satellite station shall be permitted in any zoning district as a special use, subject to the provisions contained in this Article.

**B. Regulated Antenna Structure/Earth Satellite Structures:** Antenna structures that are attached to a building, and which extend ten feet or less above the highest point of the building to which the antenna is attached shall be exempt, and shall not require a special use permit. All other antenna structures and all earth satellite stations larger than three feet diameter shall be subject to the provisions of this Article, and shall require a special use permit.

**C. Application for a Special Use Permit:** Where required, plans for installation of an antenna structure/earth satellite station shall accompany each application for a building permit and special use, and shall include:

- (1) A copy of the manufacture's specifications for the antenna structure/earth satellite station.
- (2) Site information which shows:
  - (a) Height of the antenna structure/earth satellite station.
  - (b) Diameter, if the structure is an earth satellite station or microwave antenna.
  - (c) Setbacks.
  - (d) Foundation and mounting details.
  - (e) Landscape screening, if the structure will be installed on the ground.
  - (f) Screening by the roof or parapet wall, if the structure will be roof-mounted.

**D. Approval:** Petitioners shall submit an application for a special use permit, including all information required by this Article, which shall be processed pursuant to the procedures set forth in Article XIV.

**E. Fees:**

Applicant shall pay all fees established by the Village for special use permits, and shall pay all fees established by the Village for building permits.

## 15.4 REGULATIONS

**A. Number:** Only one antenna structure shall be allowed for each principal structure located in any residential, business, commercial manufacturing or manufacturing zoning district.

**B. Location:**

- (1) Residential Districts – Ground Mounted Antenna Structure in Residential Districts shall be located in the rear or interior side yard of a property, according to applicable setbacks below.
- (2) All Other Districts
  - (a) Antenna Structure in business, commercial manufacturing or manufacturing districts may be installed on the ground in a rear or interior side yard of a property, according to applicable setbacks below.
  - (b) Antenna Structure in business, commercial manufacturing or manufacturing districts may also be roof-mounted. However, roof-mounted earth satellite stations shall be completely screened from public view at the ground level by the roof, parapet wall, or some other type of masonry wall or screening. In no case shall the height of the roof, parapet or screen wall be less than the maximum height of the earth satellite station, when extended to the height necessary to receive or transmit signals.

**C. Landscaping:** Where practical, ground mounted antenna structures shall be screened to provide aesthetically pleasing environment.

**D. Diameter:**

- (1) The diameter of earth satellite stations shall not exceed the following:
  - (a) Residential District: Three (3) feet
  - (b) All other Districts Twelve (12) feet
- (2) The diameter of microwave relay antennas installed in the CM District shall not exceed six (6) feet.

**E. Height:**

- (1) Ground-mounted earth satellite stations shall be limited in height as follows:
  - (a) Residential District: Eleven (11) feet
  - (b) All other Districts Fifteen (15) feet
- (2) The height of all other ground-mounted antenna structures shall:
  - (a) Not extend more than ten (10) feet above the roof of the principal structure on the zoning lot in residential, business and commercial

manufacturing districts, except emergency sirens and other uses of a similar nature owned, maintained, and operated by a governmental agency.

- (b) Be erected to a maximum height of seventy (70) feet in the ORI – Office, Research, and Light Industrial or M – Manufacturing Districts.

**F. Setbacks:**

- (1) Ground-mounted antenna structure stations shall be set back a minimum of ten (10) feet from any lot line, unless the Zoning Enforcement Officer determines that additional setback is required to protect adjacent property owners from potential hazards or unobstructed views of the antenna structure.
- (2) In no case shall ground-mounted antenna structure/earth satellite stations be located closer to the front or side street of a lot or building site than the principal structure.

**G. Color:** Antenna structure/earth satellite stations shall be neutral in color and, to the maximum extent possible, compatible in character and appearance with the surrounding neighborhood.

**H. Installation:**

- (1) The installation or modification of an antenna structure/earth satellite station shall be in accordance with applicable construction and safety codes included in the manufacturer's specifications, and shall meet any applicable requirements of the Village's Building Code.
- (2) Antenna structures/earth satellite stations shall be constructed and installed so as to withstand the forces due to wind pressure, and shall be subject to the approval of the Village's Zoning Enforcement Officer.

**15.5 APPLICABILITY**

This Article shall not apply to any antenna structure that was erected prior to the effective date of this Article provided, however, that this Article shall apply if:

**A. New Site:** The location of such an antenna structure is changed.

**B. Increase in Size or Height:** An antenna structure is increased in size or height.

**C. Modification or Repair:** An antenna structure is modified or repaired, and the cost of such modification or repair exceeds fifty (50) percent of its value.

## **ARTICLE XVI. TELECOMMUNICATION TOWERS**

### **16.1 DEFINITION AND PURPOSE**

The term telecommunication ~~facility~~ towers refers to wireless cellular communication towers ~~or~~ (referred to herein as “cell towers”) and all ancillary equipment, buildings and/or structures, and antennas for said towers.

The Village of Big Rock recognizes the value in cellular communications and the public's need for its safety, convenience and productivity. The Village also recognizes the need to comply with the Telecommunications Act of 1996, as amended from time to time, and recognizes that the Village's zoning and other regulations may not prohibit or have the effect of prohibiting cell towers within the Village and may not unreasonably discriminate among providers or functionally equivalent services. However, the Village must weigh the public benefit of cell towers against the need of the Village to protect land uses from the potential adverse impacts, including but not limited to adverse visual impacts, of telecommunication towers. The Village desires to keep the erection of new cellular towers to a minimum and maximize the existing cell tower usage. To that end, the Village encourages new antennas and communication devices to be located on existing permitted structures. Additionally, the Village encourages the co-location of telecommunications antennas whenever possible.

### **16.2 ZONING DISTRICTS**

Cell towers shall be a special use in the A-1, B-1, B-2, B-4, ORI and M zoning districts. Cell towers are not permitted in any district zoned residential as cell towers are deemed incompatible with residential uses and are deemed to have an adverse impact on the aesthetics, property values, use and enjoyability of residential properties. Due to the fact that the MCU zoning district contains existing residences and due to the fact that the B-3 zoning district is located immediately adjacent to residential districts in the town center, cell towers are prohibited in the MCU and B-3 zoning districts.~~any zoning district and~~ An applicant for a special use for a cell tower must demonstrate that it complies with the requirements of this Article XVI and complies with the criteria listed in Article XIV, “Administration And Enforcement”, for special use permits. Cell towers are prohibited in designated wetlands and flood plains. Each cell tower application shall be reviewed on a case by case basis.

The co-location of antennas on existing cell towers or the placement of antennas without additional supporting structures on existing structures do not require a special use provided that such antennas comply with all other applicable provisions of this Article. Any enlargement, re-configuration or reconstruction of a cell tower or any tower or extension beyond 10 feet on an existing structure requires a special use permit and compliance with this Article.

### **16.3 ZONING REQUIREMENTS**

**A. Setbacks and Yards:** Cell towers all related antennas, equipment and buildings shall comply with the minimum setback requirements of the zoning district in which they are located. However, cell towers must be set back a distance equal to the height of the antenna structure/tower from any offsite residential structure. Cell towers and all related antennas, equipment and buildings shall be located in the rear yard or side yard only, and are prohibited in front yards.

**B. Separation Distances Between Telecommunication Towers:** Any new proposed telecommunication tower greater than 50 feet in height must maintain a separation distance of at least 1,500 feet from any other existing telecommunication tower. Any new proposed telecommunication tower that is 50 feet in height or less must maintain a separation distance of at least 500 feet from any other existing telecommunication tower.

**C. Height Limitations:** The height of a proposed cell tower must be the minimum height required to fill a significant gap in coverage, but in no event shall the height exceed one-hundred and ninety nine feet (199'). The burden is on the applicant to justify the height of the proposed cell tower. Lateral extensions or arms on cell towers are discouraged. If proven by an applicant to be necessary for co-location purposes or other valid reasons, such lateral extension or arm shall not exceed twelve feet (12') in length.

**D. Landscaping, Fencing and Equipment Structures:** Cell towers with or without equipment structures shall be screened and protected by a solid and locked six foot (6') fence. This fencing requirement shall not apply to cell towers located on existing buildings or structures, unless such cell towers include separate ground structures, buildings and/or equipment. Equipment structures shall be located at the base of the tower structure and shall not exceed one hundred forty four feet (144') in area, and shall not exceed fifteen feet (15') in height. Fences shall be screened by a hedge or shrubbery with an ultimate height of at least four feet (6') and planted at an initial height of three feet (36"). The required fencing and landscaping shall be continuously maintained and repaired or replaced as necessary.

**E. Type of Cell Tower Construction:** Cell towers (antennas) shall be located whenever possible on existing structures or co-located on existing cell towers. Where the applicant is able to demonstrate that location on existing structures or co-location on existing cell towers is not feasible, then cell towers (unless stealth towers) shall be able to accommodate at least 3 antenna arrays of separate licensed telecommunication carriers and shall consist of the following types of construction, listed in order of preference:

1. Stealth towers;
2. Monopole towers;
3. Guyed towers or lattice towers.

The applicant must demonstrate the need for the proposed type of cell tower construction and must demonstrate why preferred alternatives are not feasible.

**F. Lighting.** Cell towers (or antennas) shall not be artificially lighted except as may be required for minimum security and human safety purposes (at or around ground level) or as required by the Federal Aviation Administration.

**G. Tower and Equipment Color; Hiding of Cables and Equipment:** Cell towers shall be painted or otherwise colored a neutral color which blends as much as possible with the existing landscape and structures. All visible cables shall be painted or otherwise colored to match the tower color. All antennas and equipment on the tower, to the extent reasonably practical, shall be painted or otherwise colored to match the tower color. Where reasonably feasible based on the tower construction, all cables and equipment (excluding antennas) shall be enclosed within the tower and not visible (excluding ground equipment and structures).

**H. Signs and Advertising:** The use of any portion of a cell tower for signs or advertising purposes, including, without limitation, company name, banners, or streamers, is prohibited. However, minimal announcement signs, “no trespassing” signs, and a required sign listing the phone number to contact the owner, manager and/or licensed wireless carrier, are permitted on the fence surrounding the cell tower.

**I. Licensed Wireless Carrier Requirement:** Cell towers will only be considered when constructed for one or more specific licensed wireless carriers, who shall co-sign the Village’s zoning application, and who shall locate on the proposed cell tower. Where there is no specific licensed wireless carrier proposed for a cell tower, the cell tower is prohibited.

**J. Maintenance:** The applicant shall continuously maintain the appearance and structural integrity of the cell tower.

**K. Other Regulations:** In addition to complying with the requirements of this Article, cell towers shall also comply with all other applicable sections of this Zoning Ordinance, all other ordinances and codes of the Village, and all other applicable requirements of federal and state law. In the event of a conflict between the provisions of this Article and the other provisions of this Zoning Ordinance or other ordinances and codes of the Village, the provisions of this Article shall govern unless waived by the Village Board of Trustees. Upon approval of a special use permit, the Applicant must obtain a building permit and any other required permits before commencing construction of the cell tower.

#### **16.4 APPLICATION REQUIREMENTS**

In order to request a special use permit for a cell tower, the applicant must complete the Village’s zoning application. In addition to providing all information required by the zoning application, an applicant must also submit the following documentation and evidence:

1. A copy of the applicant’s FCC license, or if the applicant is not an FCC license holder, a copy of the FCC license of the proposed licensed wireless carrier who will utilize the cell tower.
2. A commitment of a licensed wireless carrier to locate on the proposed cell tower, signed by the licensed wireless carrier.
3. Unless co-locating on an existing cell tower or locating an antenna on an existing structure, a certification signed by the applicant and supported by evidence explaining why co-location on an existing tower or location on an existing structure cannot be reasonably accommodated. This certification shall list all existing towers, facilities and reasonably-potential structures within a 2 mile radius of the proposed site. Reasons for not co-locating on an existing cell tower or locating an antenna on an existing structure would include, but not be limited to, (a) that there are no existing towers or suitable structures within a 2 mile radius of the proposed site, (b) existing towers or structures do not have sufficient structural strength to support the proposed antenna and related equipment and modifications to such existing tower or structure are economically unfeasible or unfeasible from an engineering standpoint, (c) that location of the proposed antenna and equipment on an existing tower or structure would cause undue radio frequency interference with other existing equipment on the

tower or structure or located within the immediate vicinity which cannot be unreasonably prevented, (d) unwillingness of the owner of the existing tower or structure to entertain a reasonable co-location proposal, and (e) existing towers or structures do not provide an acceptable location for requisite coverage for the applicant's communication network.

4. A description of the type of construction of the cell tower proposed. If a preferred construction type is not being utilized (e.g., stealth tower), a certification signed by the applicant must be provided with evidence demonstrating all factors which justify the type of construction method proposed.
5. A certification supported by evidence and signed by the applicant justifying the height of the proposed cell tower. In this regard, the applicant must utilize the lowest height possible in order to obtain the requisite coverage for the applicant's communication network.
6. A site plan, drawn to scale, depicting the details of the proposed cell tower (including all antennas, cables, equipment, ground structures or buildings, and ground equipment), the site boundaries, existing structures on the site, existing structures on neighboring properties (or such other nearby properties if within the height of the proposed tower), parking and access roads, and the zoning of immediately adjacent properties.
7. A landscape plan, drawn to scale, depicting the proposed fencing and required and other proposed landscaping on the site.
8. Colored elevations of the proposed cell tower (including accessory buildings or structures, fencing, landscaping, etc.), and including a drawn color perspective or photo simulation from at least 2 locations (at 180 degree increments) from between 200 to 600 feet away from the cell tower showing the relationship of the cell tower against the massing of surrounding structures, trees, and other intervening land masses.
9. Draft findings of fact demonstrating that the proposed cell towers meets the requirements for a special use permit.
10. A certification signed by the applicant, supported by evidence, demonstrating a significant coverage gap for the proposed licensed carrier and demonstrating how the proposed cell tower at the proposed location and at the proposed height will substantially close the significant coverage gap and provided needed cellular service. In this regard, 100% coverage is not the goal and occasional dead spots or areas of non-coverage are deemed acceptable in determining whether there is substantial coverage.
11. A certification signed by the applicant that the proposed cell tower shall not interfere with any public safety communication.
12. A signed report from a structural engineer certifying that the proposed cell tower meets all of the structural loading and wind loading requirements of applicable



national standards. Included in this report, or attached as a separate report, shall be a certification that the soils of the site are suitable for the construction of the proposed cell tower.

13. Such other information, documents and evidence as reasonable required by the Village or as deemed necessary by the applicant.

The failure of the applicant to submit any of the information required herein shall be grounds for denial of the special use request.

#### **16.5. ABANDONMENT AND BOND**

A. If the use of all cellular antennas on a cell tower and/or the use of the cellular tower is discontinued/non-operational, the applicant shall immediately notify the Village of such discontinued use. If such discontinued use/non-operation continues for a consecutive period of at least 12 months, the cell tower shall be deemed abandoned and the entire cell tower and all related equipment and structures shall be promptly demolished and removed, and the site restored, at the applicant's expense. The applicant shall obtain a demolition permit within 60 days of such abandonment and shall demolish and remove the cell tower and all related equipment and structures, and restore the site, within 60 days after receiving the demolition permit. If the applicant fails to cause the timely demolition and removal of the abandoned cell tower and all related equipment and structures, and restore the site, the Village may cause such demolition, removal and site restoration pursuant to its police powers and on grounds of public safety, health and welfare and recover its costs of demolition, removal and restoration from the applicant. The Village may use any bond posted by applicant to cover its demolition, removal and restoration costs. Upon the abandonment of the cell tower, the special use for such cell tower shall automatically terminate.

B. Upon approval of a special use permit, and as a condition for issuance of a building permit, the applicant must post a bond in favor of the Village to cover the reasonable costs of demolition and removal of the cell tower upon the abandonment of the cell tower, along with site restoration costs, in the event of the failure of the applicant to demolish and remove the cell tower and restore the site within the time parameters set forth in this Article. The applicant shall submit evidence demonstrating the reasonable amount of the demolition, removal and restoration costs, and thus justifying the amount of the bond to be posted. The Village may require a bond in greater amount than proposed by applicant upon evidence justifying a greater amount. In the event that the amount of the bond is insufficient to cover the Village's demolition, removal and restoration costs, the Village may recover the deficiency from the applicant.

## **APPENDIX A**

### **Bulk and Development Standards in the Agricultural District**

	A-1
<b><i>Lot Requirements</i></b>	
Minimum Lot Size	40 acres
Minimum Lot Width	125 feet
<b><i>Yard and Setback Regulations</i></b>	
Minimum Front and Corner Side Yards	40 feet
Minimum Interior Side Yards	15 feet
Minimum Rear Yard	40 feet
<b><i>Height Limitations</i></b>	
Single Family Detached Dwellings	35 feet
Other Permitted Structures	50 feet
Agricultural Silos	125 feet

**Bulk and Development Standards in Residence Districts**

	R-E	R-R	R	R-1	R-2	R-3	R-4
<b>Lot Requirements</b>							
Minimum Lot Size	4 acres	2 acres	One acre	.24 acres if public sewer access; ¾ of an acre if no public sewer access	One and half acres	Two-family, townhomes, and quadraplexes – Not less than 32,670 sq. feet per dwelling unit	¾ of an acre per dwelling unit
Minimum Lot Width	100 feet	100 feet	75 feet	50 feet	75 feet	Two-family, townhomes and quadraplexes- Not less than 80 feet	80 feet
Maximum Density					No more than 2 dwelling units per 1 and ½ acre	No more than 1 dwelling unit per ¾ acre.	No more than 1 dwelling uni per ¾ acre
<b>Yard and Setback Regulations</b>							
Minimum Front and Corner Side Yards	40 feet	30 feet	30 feet	20 feet	30 feet	30 feet	30 feet
Minimum Interior Side Yards	15 feet	10 feet	10 feet	5 feet	10 feet	15 feet	15 feet
Minimum Rear Yard	40 feet	30 feet	30 feet	10 feet	30 feet	30 feet	30 feet
Maximum Lot Coverage	25 percent	25 percent	25 percent	33 percent	25 percent	33 percent	33percent
<b>Bulk Regulations</b>							
<b>Structure Height:</b>							
Single Family Detached Residence	35 feet	35 feet	35 feet	35 feet	35 feet	35 feet	
Apartments							35 feet
<b>Floor Area:</b>							
<b>Single Family Detached Residences</b>							
One-Story	Not less than 1450 sq. feet	Not less than 1300 sq. feet	Not less than 1300 sq. feet	Not less than 700 sq. feet	Not less than 1300 sq. feet	See ordinance	See ordinance

Two-Story	Not less than 2100 sq. feet	Not less than 1650 sq. feet	Not less than 1650 sq. feet	Not less than 1100 sq. feet	Not less than 1650 sq. feet	See ordinance	See ordinance
<b><i>Two Family Residences &amp; Townhomes</i></b>							
One Story					Not less than 2400 sq. feet	See ordinance	See ordinance
Two Story					Not less than 3200 sq. feet	See ordinance	See ordinance
Other Uses				No minimum floor area	No minimum floor area		

***Bulk and Development Standards in Business Districts***

	B-1	B-2			
<b><i>Lot Requirements</i></b>					
Minimum Lot Size	1 ½ acres	1 ½ acres			
Minimum Lot Width	100 feet	100 feet			
<b><i>Yard Requirements</i></b>					
Minimum Front and Corner Side Yards	50 feet	50 feet			
Minimum Interior Side Yards	10 feet	10 feet			
Minimum Rear Yards	30 feet	30 feet			
Maximum Lot Coverage	50 percent	50 percent			
<b><i>Height Limitations</i></b>					
Height Limitation	35 feet	35 feet			

***Bulk and Development Standards in OR-I District and M District***

	OR-1	M			
<b><i>Lot Requirements</i></b>					
Minimum Lot Size	1 ½ acres	1 ½ acres			
Minimum Lot Width	100 feet	100 feet			
<b><i>Yard Requirements</i></b>					
Minimum Front and Corner Side Yards	40 feet	50 feet			
Minimum Interior Side Yards	20 feet	20 feet			
Minimum Rear Yards	20 feet	30 feet			
Maximum Lot Coverage	50 percent	50 percent			
<b><i>Height Limitations</i></b>					

Height Limitation	35 feet	35 feet			
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