

CHAPTER 20
SWANSEA ZONING CODE

PART 1
GENERAL PROVISIONS

- SECTION 20-101. TITLE.**
- SECTION 20-102. PURPOSE AND INTENT.**
- SECTION 20-103. REGULATORY POWERS.**
- SECTION 20-104. GENERAL PROHIBITION.**
- SECTION 20-105. JURISDICTION.**
- SECTION 20-106. INTERPRETATION.**
- SECTION 20-107. CONFLICTING LAWS.**
- SECTION 20-108. EXISTING AGREEMENTS.**
- SECTION 20-109. EXISTING VIOLATIONS.**
- SECTION 20-110. EXISTING BUILDING PERMITS.**
- SECTION 20-111. EXISTING ZONING PERMITS.**
- SECTION 20-112. CONTIGUOUS PARCELS.**
- SECTION 20-113. MINIMUM REQUIREMENTS.**
- SECTION 20-114. COMPLIANCE.**
- SECTION 20-115. EXEMPTIONS.**
- SECTION 20-116. DISCLAIMER OF LIABILITY.**
- SECTION 20-117. SEPARABILITY.**
- SECTION 20-118. EXPIRATION.**

SECTION 20-101. TITLE.

This Chapter shall be known, cited and referred to as the "Swansea Zoning Code".

SECTION 20-102. PURPOSE AND INTENT.

This Chapter is adopted so that:

- (A) Adequate light, pure air, and safety from fire and other dangers may be secured;
- (B) The taxable value of land and buildings throughout the Village may be conserved;
- (C) Congestion in public streets may be lessened;
- (D) Hazards to persons and damage to property resulting from the accumulation or runoff of storm or floodwaters may be lessened;
- (E) The preservation of sites, areas and structures of historical, architectural and esthetic importance may be facilitated; and
- (F) The public health, safety, comfort, morals, and welfare may otherwise be promoted. (Ch. 65, Sec. 5/11-13-1 Ill. Com. Stat. 1992)

SECTION 20-103. REGULATORY POWERS.

In order that the aforementioned purpose and intent may be achieved, the provisions of this Chapter support the following regulatory powers:

- (A) To divide the entire Village into districts of such number, shape, area and of such different causes as may be deemed best suited to carry out the provisions of this Chapter;
- (B) To fix standards, to which buildings or structures thereon shall conform;
- (C) To prohibit uses, buildings, or structures incompatible with the character of such districts;
- (D) To establish, regulate and limit the height and bulk of buildings to be erected;
- (E) To establish, regulate and limit the building or set back lines on or along any street, traffic way, drive, parkway, or storm or floodwater runoff, channel or basin;

- (F) To regulate and limit the intensity of the use of lot areas;
- (G) To regulate and determine the area of open spaces, within and surrounding buildings or structures;
- (H) To classify, to regulate, and to restrict the use of property on the basis of family relationship;
- (I) To prevent additions to, and alteration or remodeling of, existing buildings or structures in such a way as to avoid the restrictions and limitations lawfully imposed under this chapter.
- (J) To provide for the gradual elimination of uses, buildings and structures which are incompatible with the character of the districts in which they are made or located; and
- (K) To encourage the direction of building development to the best advantage of the entire Village.

SECTION 20-104. GENERAL PROHIBITION.

It shall be unlawful within the Village of Swansea, Illinois, to create, occupy, erect, or otherwise develop, any lot or structure, or any part of any lot or structure, except in conformity with the provisions of this chapter.

SECTION 20-105. JURISDICTION.

This chapter shall be applicable only within the corporate limits of the Village of Swansea, Illinois, except where otherwise provided by law.

SECTION 20-106. INTERPRETATION.

Every provision of this Chapter shall be construed liberally in favor of the Village, and every regulation set forth herein shall be considered the minimum requirement for the promotion of the public health, safety, and welfare.

SECTION 20-107. CONFLICTING LAWS.

Where the conditions imposed by any provisions of this Chapter are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall govern.

SECTION 20-108. EXISTING AGREEMENTS.

This Chapter is not intended to repeal any easement, covenant or other private agreement, provided that where the regulations of this Chapter are more restrictive or impose higher standards or requirements than such easements, covenants or other private agreements, the requirements of this Chapter shall govern.

SECTION 20-109. EXISTING VIOLATIONS.

(A) No building, structure or use, not lawfully existing on April 30, 1988, shall become or be made lawful solely by reason of the adoption of this Chapter and to the extent that, in any manner, the unlawful buildings, structure or use is in conflict with the requirements of this Chapter, the building, structure or use remains unlawful hereunder.

(B) Any building, structure or use established or altered in violation of the provisions of the ordinance which was in effect at the time of establishment or alteration of such building, structure or use shall not be validated by the adoption of this Chapter.

SECTION 20-110. EXISTING BUILDING PERMITS.

Any building permit for a building or structure that does not conform with the provisions of this Chapter that was issued prior to May 1, 1988, shall only be valid for a period of six (6) months from the date of issuance, and no extension or re-issuance of a building permit for such buildings or structures shall be granted unless the construction has begun and is partially completed or the proposed building or structure or use is in full compliance with the provisions of this Chapter.

SECTION 20-111. EXISTING ZONING PERMITS.

Any zoning permit, including those for special uses and variations, which was issued prior to May 1, 1988, but was not implemented by that date, shall be invalid one (1) year from the date of issuance or six (6) months from the effective date of this Chapter, unless substantially implemented by the applicant prior to such time.

SECTION 20-112. CONTIGUOUS PARCELS.

When two (2) or more parcels of land, each of which lacks adequate area and dimensions to qualify for a permitted use under the requirements of the zoning district in which they are located, are contiguous and are held in one (1) ownership, at the time of construction, such lots shall be considered a single lot.

SECTION 20-113. MINIMUM REQUIREMENTS.

In their interpretation and application, the provisions of this Chapter shall be held to be the minimum requirements for the promotion and protection of the public, health, safety, morals and welfare.

SECTION 20-114. COMPLIANCE.

- (A) No building or structure or part thereof shall be erected, constructed, reconstructed, enlarged, moved or structurally altered; and no building structure or land shall hereafter be used, occupied or arranged or designed for use or occupancy; nor shall any excavating or grading be commenced in connection with any of the above matters, except as permitted by the regulations herein which are applicable to the zoning district in which such building, structure or land is located.
- (B) Except as may otherwise be provided, all structural alterations or relocations of existing buildings occurring hereafter, and all enlargements of or additions to existing uses occurring hereafter, shall be subject to all regulations herein which are applicable to the zoning district in which such buildings, uses or land shall be located.
- (C) Where a structure and use thereof of land lawfully exists on April 30, 1988, and is classified by this Chapter as a special use in the district where it is located, such use shall be considered a lawful special use. A special use permit issued in accordance with procedures herein set forth shall be required only for any expansion or major alteration of any such existing special use. If an existing special use ceases for a period of more than six (6) months, the special use can only be re-established under the provisions of Section 20-1542 through Section 20-1550 of this Chapter.
- (D) Any legally established building, structure, or use may continue subject to the provisions of Part 12 of this Chapter.
- (E) Any lot of record existing on April 30, 1988 which is unable to meet the requirements of this Chapter as to lot area, lot width and yard requirements shall only be used in accordance with the provisions of Part 12.

SECTION 20-115. EXEMPTIONS.

- (A) As required by statute the type or location of any poles, towers, wires, cables, conduits, vaults, laterals or any other similar distributing equipment of a public utility is exempt from the requirements of this Chapter.

- (B) The provisions of this Chapter shall not be enforced so as to impose regulations or required permits with respect to land within a conservation district used strictly for agricultural purposes or with respect to the erection, maintenance, repair or extension of buildings or structures used or to be used entirely for agricultural purposes, except that all such buildings shall conform to the yard requirements, lot size requirements and building bulk limitations and sign provisions of this Chapter. All non-agricultural uses of the conservation district shall be in full compliance with the provisions of this Chapter.
- (C) Pipelines and other underground installations, to the extent that the same are completely buried beneath the surface of the soil, are exempt from the requirements of this Chapter, provided that any incidental or associated structures, installations or equipment except markers used in connection with such pipe lines are subject to the provisions of this Chapter.
- (D) Chimneys, parapet walls, skylights, steeples, flag poles, smokestacks, cooling towers, elevator bulkheads, fire towers, monuments, water towers, stacks, stage towers, or scenery lofts, tanks, ornamental towers and spires, wireless towers, radio transmission towers, radar installations, telescopes, military installations of the U.S. Government, necessary mechanical appurtenances and television or other antennas may exceed the height limitations of this chapter.
- (E) No building or structure including those listed in subsection (d) above, which are subject to notice under Federal Aviation Regulations par. 77, shall be constructed until approved by the Federal Aviation Administration.

SECTION 20-116. DISCLAIMER OF LIABILITY.

- (A) Except as may be provided otherwise by statute or ordinance, no official, board member, agent or employee of the Village shall render himself personally liable for any damage that may occur to persons or property as a result of any act required or permitted in the discharge of his duties under this Chapter.
- (B) Any suit brought against any official, board member, agent, or employee of the Village, as a result of any act required or permitted in the discharge of his duties under this Chapter shall be defended by the Village Attorney until the final determination of the legal proceedings.

SECTION 20-117. SEPARABILITY.

If any court of competent jurisdiction shall judge invalid any provision of this Chapter, such judgment shall not affect any other provision hereof not specifically included in said judgment.

Further, if such court shall adjudge invalid the application of any provision hereof to a particular property, such judgment shall not affect the application of said provision to any other property not specifically included in said judgment.

SECTION 20-118. EXPIRATION.

This Chapter shall automatically expire and be without effect ten (10) years after its effective date, unless, following comprehensive review by the Village Planning Commission and subsequent public hearings, it has been replaced or reenacted prior to that date by the Board of Trustees.

CHAPTER 20
SWANSEA ZONING CODE

PART 2
DEFINITIONS

SECTION 20-201. RULES OF CONSTRUCTION.
SECTION 20-202. SELECTED DEFINITIONS.

SECTION 20-201. RULES OF CONSTRUCTION.

The following rules shall be observed and applied in the interpretation of this Chapter except when the text clearly indicates otherwise:

- (A) Words and phrases shall have the meanings respectively ascribed to them in Section 20-202 unless the context clearly indicates otherwise; terms not defined in Section 20-202 shall have their standard English dictionary meanings.
- (B) Words denoting the masculine gender shall include the feminine and neuter genders.
- (C) Words used in the present tense shall include the future tense.
- (D) Words used in the singular number shall include the plural number, and the plural the singular.
- (E) The term "shall" is mandatory; the term "may" is discretionary.
- (F) All distances shall be measured to the nearest integral foot. Six inches (6") or more shall be deemed one foot (1').
- (G) Captions (i.e., titles of sections, subsections, etc.) are intended to merely facilitate general reference and in no way limit the substantive application of the provisions set forth thereunder.
- (H) References to sections shall include all subsections within that section; but a reference to a particular subsection designates only that subsection.
- (I) A general term that follows or is followed by enumerations of specific terms shall not be limited to the enumerated class unless expressly limited.
- (J) The word "lot" shall include plot and parcel.

(K) The words "building and/or structures" shall include all non-living improvements upon the land.

(L) The phrase "used for" shall include the phrases "designed for", "intended for", "occupied for or by" and "maintained for".

SECTION 20-202. SELECTED DEFINITIONS.

Abutting: To have a common property line or district.

Access way: A curb cut, ramp, driveway, or other means for providing vehicular access to an off-street parking or loading area.

Accessory building or use: A building or use which:

- (1) Is subordinate to and serves a principal building or principal use.
- (2) Is subordinate in area, extent or purpose to the principal building or principal use served.
- (3) Contributes to the comfort, convenience or necessity of occupants of the principal building or principal use served.
- (4) Is located on the same zoning lot as the principal building or potential use served with the single exception of such accessory off street parking facilities as are permitted to locate elsewhere than on the same zoning lot with the building or use served.

Adjacent: Lying near of in the immediate vicinity.

Adjoining: Touching or contiguous, as distinguished from lying near.

Administrator: See "Zoning Administrator"

Advertising: See "Sign"

Aerials or Antennas: Structures or devices used to detect or radiate electromagnetic waves; specifically that part of a radar or of a radio-sending or radio-receiving set that consists of that apparatus that radiates waves or receives them.

Agriculture: The use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, and animal and poultry husbandry, and the necessary accessory uses for packing, treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities. Included are truck-farming, poultry farming, bee-keeping, raising of fruit and berries, and the selling of agricultural products, but shall not include mechanized industrial animal farms. "Agriculture" shall not include the commercial feeding of garbage to swine or other animals.

Agricultural Building or Structure: Any building or structure existing or erected on land used principally for agricultural purposes, with the exception of dwelling units.

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

Alley: A public or private way, at the rear or side of property, permanently reserved as a means of secondary vehicular access to abutting property.

Alteration: Any change in size, shape, character, occupancy or use of a building or structure.

Amendment: A change in the provisions of this Chapter, including the district map, properly effected in accordance with State law and the procedures set forth herein.

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

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

Apartment: See "Dwelling Unit".

Apartment Building: See "Dwelling, Multi-Family".

Asphalt: A mixture of petroleum by-products and gravel used for paving to form an impermeable, all-weather, and dustless surface.

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

Auditorium: A room, hall or building made a part of a church, theatre, school, recreation building, or

building assigned to the gathering of people as an audience to hear lectures, plays and other presentations.

Automobile Laundry: A building or portion thereof containing facilities for washing more than two (2) automobiles, providing space, water, equipment or soap for washing of automobiles by the operator or customer. Production line methods using mechanical devices are permitted.

Automobile repair, major: The general repair, engine rebuilding or reconditioning of motor vehicles, collision service; such as body, frame, and fender straightening and repair and painting of motor vehicles.

Automobile repair, minor: Incidental repairs, replacement of parts and motor service of automobiles but excluding any operation specified under "automobile repair, major".

Automobile Service Station: Any building or premises used for the dispensing, sale or offering for sale at retail to the public, automobile fuels stored only in underground tanks located wholly within the lot lines; lubricating oil or grease for the operation of automobiles; and the sale and installation of tires, batteries, other minor accessories, and minor automobile repair, but not including a bulk plant, conduct of major automobile repairs, automobile wrecking, automobile sales or automobile laundries; provided, however, that the washing of individual's automobiles where no chain conveyer is employed may be included.

Awning: A roof-like cover, temporary in nature, which projects from the wall of a building and may overhang the public way.

Banquet Hall: A building, or portion thereof, primarily intended to accommodate large groups of diners on special occasions.

Basement: That portion of a building having more than one-half of its height below lot grade.

Basement, Subgrade: That portion of a building, which is partly underground but has at least one-half of its average height above lot grade.

Billboard: See "Sign, Billboard".

Block: A track of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, municipal boundary lines, township lines, or county lines.

Board of Appeals: The Planning and Zoning Board of the Village of Swansea.

Buffer Strip: An area of land undeveloped, except for landscaping, fences, or other similar uses intended to protect a use situated on one (1) lot from the injurious effects of the use on the adjacent lot.

Buildable Area: The area of a lot remaining after the minimum open space and/or yard requirements of this Chapter have been complied with.

Building: Any structure built, used, designed, or intended for the support, shelter, protection, or enclosure of persons, animals, chattels, or property of any kind, and which is permanently affixed to the land. When a building is divided into separate parts by unpierced fire or party walls extending continuously from the ground through all stories to and above the roof, each part shall be deemed a separate building. See also "Uniplex".

Building, Accessory: See "Accessory Building or Use".

Building, Detached: A building surrounded by an open space on the same lot.

Building Height: The vertical distance from the sidewalk level, or its equivalent established grade opposite the center of the front of a building to the highest point of the underside of the ceiling beams, in the case of a flat roof; to the deck line of a mansard roof; and to the mean level of the underside of the rafters between the eaves and the ridge of a gable, hip or gambrel roof. Where no sidewalk level has been established the height of a building may be measured from the mean elevation of the finished lot grade at the front of the building.

Building Permit: A permit issued by the Building Code Administrator for the construction, erection, or alteration of a structure or building.

Building, Principal: A non-accessory building in which a principal use of the lot on which it is located is conducted.

Building, Residential: Any building that is used exclusively for permitted residential uses.

Building, Service: As applied to the manufactured home regulations of the land development code, a building in which laundry facilities or other such service facilities are provided.

Building Setback Line: The minimum distance between a street right-of-way and the nearest supporting member of any structure on the lot.

Bulk: A term used to indicate the size and setbacks of buildings or structures and their location with respect to one another, including:

- (1) Height and area of buildings.

- (2) Location of exterior walls in relation to lot lines, streets, or other buildings.

- (3) All open space allocated to buildings.

- (4) Amount of lot area required for each dwelling unit.

Business: An occupation, employment, or enterprise, which occupies time, attention, labor and materials; or wherein merchandise is exhibited or sold or where services are offered.

Canopy: A roof-like structure projecting from a wall and supported in whole or in part by vertical supports to the ground, and erected primarily to provide shelter from the weather.

Canopy, Service Station: A roof-like structure, usually self-supporting and detached, and erected primarily to provide shelter from the weather at self-service gas pumps.

Carport: An open-sided, roofed automobile shelter, usually formed by extension of the roof from the side of a building.

Centerline:

- (1) The centerline of any right-of-way having a uniform width;
- (2) The original centerline, where the right-of-way has been widened irregularly;
- (3) The new centerline, whenever a road has been relocated.

Car Title Loan Establishment – An establishment whose primary business is to offer short term loans in exchange for the borrower's title to his or her vehicle as security. (Ord 1533, 11/17/08)

Certificate of Zoning Compliance, Initial: A permit issued by the Zoning Administrator indicating that a proposed lot, structure, or use is in conformity with the requirements of this Chapter.

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

Child Care Center: State licensed day care centers, which receive preschool or school age children, or both, for short-term or extended hours of care, or out-of-school hours, and which provide essential personal care, protection, supervision, training, and programs to meet the needs of the children served.

Clinic, Medical or Dental: An organization of specializing physicians or dentists, or both, who have their offices in a common building. A clinic shall not include inpatient care.

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

Commercial Use/Establishment: Any use or establishment wherein goods are purchased or sold, whether to the consuming public (retail) or to other businesses (wholesale).

Common Open Space: Land unoccupied by structures, buildings, streets, right-of-ways, and automobile parking lots and designed and intended for the use or enjoyment of residents of a planned unit development. Common open space may contain structures for recreational use.

Condominium: A form of cooperative ownership, which permits individual ownership of a specific part of a building, with common ownership of all spaces beyond the specific apartments. Each apartment can be owned in fee simple, with no restrictions on the sale, rental or transfer of same, other than restrictions on all real estate. Condominiums must meet requirements of the Illinois Law.

Condominiums, Business: A form of cooperative ownership, which permits individual ownership of a specific part of a building, with common ownership of all spaces beyond the specific units. Each unit can be owned in fee simple, with restrictions on the sale, rental or transfer of same, other than the restrictions on all real estate. Business Condominiums must meet the requirements of Illinois Law and Section 20-908 of the Swansea Zoning Code.

Conforming Building or Structure: Any building or structure which complies with all the regulations of this Chapter or of any amendment hereto governing bulk for the zoning district in which such building or structure is located.

Conforming Use: Any use which occupies a building, structure, or lot and which complies with the regulations of this Chapter or of any amendment hereto governing permitted and special uses for the zoning district, in which such use are located.

Convalescent Home: See "Nursing Home", "Home for the Aged", "Homes for Ill or Physically Infirm Persons", and related definitions; "Hospital," "Intermediate Care Facility," "Sheltered Care Facility," "Sheltered Care House" and "Skilled Nursing Facility."

Corner Lot: See Lot, Corner.

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

Court: An open unoccupied space other than a yard on the same lot with a building, which is totally or partially enclosed by building or buildings and is completely open to the sky.

Curb Level: The level of the established curb in front of the building measured at the center of such front. Where a building faces on more than one street, the "curb level" shall be the average of the levels of the curbs at the center front of each street. Where no curb elevation has been established, the level of the centerline of the street shall be considered the "curb level".

Day Care Center: Any state licensed child day care facility receiving more than eight (8) children for daytime care during all or part of the day. The term "day care centers" includes facilities called "child care centers", "day nurseries", "nursery schools", "kindergartens", "play groups", and "centers or workshops for mentally or physically handicapped" without stated educational purposes. The term does not include:

- (1) 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.
- (2) Facilities operated in connection with a shopping center or service, or other similar facility, where transient children are cared for temporarily while parents or custodians of the children are occupied on the premises, or in the immediate vicinity and readily available;
- (3) Any type of day care center that is conducted on federal government premises; or
- (4) Special activities programs, including athletics, crafts instruction, and similar activities conducted on an organized and periodic basis by civic, charitable, or governmental organizations.

Day Care Home: Any state licensed child day care facility receiving eight (8) or fewer children for daytime care during all or part of the day, and within the residential premises of the person so licensed. Such homes must meet the requirements of a home occupation in order to be a permitted or special use in some districts.

Day Nurseries: State licensed day care centers, which receive preschool age children for short-term or extended hours of care, and which provide essential personal care, protection, supervision, training, and

programs to meet the needs of the individual children served.

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

Develop: To erect any structure or to install any improvements on a tract of land, or to undertake any activity, such as grading, in preparation therefore.

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

Drive-in Establishments: An establishment which is designed to provide, either wholly or in part, service to customers while in their automobiles parked upon the premises.

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

Duplex: A dwelling, which has accommodations for two families.

Dwelling: A building or portion thereof, but not including a house trailer, mobile home or manufactured home, designed or used exclusively for residential occupancy, including single-family dwelling units, two-family dwelling units, and multiple-family dwelling units, but not including hotels, boarding of lodging houses.

Dwelling Unit: One (1) or more rooms in a dwelling designed for occupancy by one (1) family for living purposes and having its own permanently installed cooking and sanitary facilities.

Dwelling, Attached: A dwelling containing two (2) or more dwelling units and adjoined to other dwellings by party wall or walls, originally constructed for said purposes.

Dwelling, Converted: Any building which was originally designed and constructed as a one, two or three-family dwelling, but which has been changed or altered by the construction of additional dwelling units to provide for more families than the original building.

Dwelling, Detached: A dwelling unit, which is surrounded on all sides by open space on the same lot.

Dwelling, Multiple-Family: A dwelling containing three (3) or more dwelling units, originally constructed for said purpose, and not including converted dwellings.

Dwelling, Semi-Attached: A dwelling, which is jointed to another dwelling by a garage, carport, recreational structure, or other non-residential facility.

Dwelling, Single-Family: A dwelling containing accommodations for occupancy only by one (1) family.

Dwelling, Two-Family: A building designed exclusively for occupancy by two (2) families, each living independently of the other.

Easement: A right to use another person's real property for certain limited purpose.

Educational Institution: A public, parochial, charitable or nonprofit junior college, or university, other than trade or business schools, including instructional and recreational uses, with or without living quarters, dining rooms, restaurants, heating plants and other incidental facilities for students, teachers and employees.

Efficiency Unit: A dwelling unit consisting of one (1) principal room, exclusive of bathroom, kitchen, hallway, closet or dining alcove directly off the principal room.

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

Enlarge: To increase the size (floor area, height, etc.) of an existing principal structure or accessory use, or to devote more land to an existing use.

Erect: To build, construct.

Essential Services: Services provided by public and private utilities necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface or overhead gas, electrical, water, sanitary sewerage, storm water drainage, and communication systems and accessories thereto, such as poles, towers, wires, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, hydrants, etc., but not including buildings that do not need to be in the immediate area of the uses they service.

Establishment: Either of the following:

- (1) An institution, business, commercial, or industrial activity that is the sole occupant of one (1) or more buildings; or

(2) An institution, business, commercial or industrial activity that occupies a portion of a building such that;

(a) The activity is a logical and separate entity from the other activities within the building and to a department of the whole; and

(b) The activity has either a separate entrance from the exterior of the building, or a separate entrance from a common and clearly defined entry way that has direct access to the exterior of the building.

Excavation: Any act by which organic matter, earth, sand, gravel, rock or any other similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated, or bulldozed and shall include the conditions resulting there from.

Existing: Actually constructed or in the operation on the effective date of this Chapter.

Existing Grade: The vertical location of the existing ground surface prior to excavation or filling.

Family: An individual, or two (2) or more persons related by blood, marriage or adoption, or a group of not more than four (4) persons, not related by blood, marriage or adoption, living together as a single housekeeping unit in a dwelling unit, but not including sororities, fraternities or other similar organizations.

Farm: Land being used for agricultural purposes.

Farm Homestead: The building located on a farm that is the residence of the farm owner or tenant operator.

Fast-Food Restaurant: See "Restaurant, Fast-Food".

Fence: Any construction of wood, metal, wire mesh, masonry, or other material erected for the purpose of assuring privacy, protection or restraining animals.

Fence, Decorative: A fence intended primarily for aesthetic purposes.

Fill: Earth, gravel, small rock or rubble (not to exceed three inches (3") in diameter) used to build up a piece of land.

Flood Base Elevation: That elevation of the highest flood of record, determined by the Village engineer's record of the elevations of the highest flood at locations as indicated on the floodplain map of the Village on file in the office of the Village Clerk. Flood base elevations at intermediate locations shall be interpolated along the watercourse between the two (2) nearest flood base elevations, one for each

upstream and downstream. The controlling flood base elevation for any building site shall be the same as the flood base elevation at the nearest point of the watercourse.

Floodplain: The area of land adjoining a watercourse or other body of water, which has been or may be hereafter covered by floodwater.

Floodplain Map: Any accepted engineering standards or mapping used to delineate the minimum flood base elevations for the Village, and may include the following:

(1) The National Flood Insurance Program Flood Insurance Rate Map for the Village, as amended from time to time.

(2) Geologic maps prepared by the Illinois State Geologic Survey.

(3) Mapping and/or source information from the United State Department of Agriculture, Soil Conservation Service;

(4) Mapping and/or source information from the St. Clair County Soil and Water Conservation District; and

(5) Maps of groundwater conditions prepared by the state water survey.

Flood Proofing: A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, intended primarily for the reduction or elimination of flood damages to properties, water and sanitary facilities, structures, and contents of buildings in a flood hazard area.

Floodway: The channel of the stream or body of water and those portions of the adjoining floodplains designated by the Village as necessary to carry and discharge the floodwater flow of any such river, stream, or other body of water.

Floor Area: (For determining off-street parking and loading requirements): The sum of the gross horizontal areas of the several floors of a building, or portion thereof, devoted to such use, including accessory storage areas located within selling or working space such as counters, racks or closets and any floor area devoted to retailing goods, or to business or professional offices.

However, "Floor Area" for the purposes of measurement for off street parking spaces shall not include: floor area devoted primarily to storage purposes (except as otherwise noted herein); floor area devoted to off street parking or loading facilities, including aisles, ramps and maneuvering space, or mechanical or storage floor area other than area devoted to retailing activities, to the production of goods, or to business or professional offices.

Freeway: A traffic way providing at least two (2) lanes going each direction with a median strip preventing crossover between the two (2) lanes. Freeways are characterized by high-speed travel, limited access to adjoining property owners and generally serve as vehicle transportation routes within an urbanized area or between urban areas or states.

Frontage: That portion of a lot or parcel directly abutting a dedicated street.

Garage, Private: An accessory building or an accessory portion of the principal building which is intended and used to store not more than four (4) private motor vehicles owned by members of the family or families residing upon the premises, may be rented for the storage of private motor vehicles of persons not residing on the premises, except that all the space in a garage of one or two-car capacity may be so rented. Such a garage may be used for the storage of not more than one (1) commercial truck having a load capacity of three-fourths of a ton or less.

Garage, Public: Any building other than a private or storage garage where motor vehicles are equipped, repaired, serviced, hired, sold or stored.

Garage, Storage: Any building used for the storage only of motor vehicles pursuant to previous arrangements and not to transients, and where no equipment, parts, fuel, grease or oil is sold and vehicles are not equipped, serviced, repaired, hired, or sold. No commercial motor vehicle exceeding two (2) tons capacity shall be stored in any storage garage.

Grade: The average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

Grade, Street: This term shall have the same meaning as the term "curb level."

Grading: Excavation or fill or any combination thereof and shall include the conditions resulting from any excavation or fill.

Guarantee of Improvements: A guarantee to the Village that the requirements of this Chapter will be met in full by a specified date. Such guarantee can be in the form of a certificate of deposit, irrevocable letter of credit, performance bond or other form that will enable the Village to obtain and use funds provided by the permittee to complete the required improvements in the event the permittee fails to do so.

Hardship: A condition that would result from the strict application of the terms of this Chapter, provided the following criteria are met:

- (1) The condition is unique to the property and is not applicable generally to other property within the district;
- (2) The situation was not created by anyone having an interest in the property;
- (3) The request for a hardship variation is not based exclusively on a desire to make more money out of the property;
- (4) The hardship exists due to the particular physical characteristics of the property in question.

Home for the Aged: Any home operated not-for-profit under the auspices of a religious, fraternal, charitable, or other not-for-profit organization, or by a county pursuant to (Ill. Com. Stat. Ch. 55, Sec. 5/5-22001), as heretofore, or hereafter amended, or operated not-for-profit under an endowment, which through its ownership or management, and its principal objective, provides maintenance, personal care, nursing, or sheltered care to aged persons, and in the conduct of which provides such service or services to three (3) or more persons over sixty (60) years of age.

Home for Ill or Physically Infirm Persons: A home providing meals, shelter, assistance with personal functions, general supervision and professional nursing assistance for persons because of age or physical or mental disability is incapable of maintaining their own residence and caring for their own needs.

Home Occupation: An occupation or profession, practiced by a member of the family residing on the premises in connection with which there is no indication from the exterior that the building is being utilized in part for any purpose other than that of a dwelling, provided that a professional person may use his residence for consultation, emergency treatment or performance of religious rites.

Hospital or Sanitarium: An institution devoted primarily to the maintenance and operation of facilities of the diagnosis, treatment or care for not less than twenty-four (24) hours in any week of three (3) or more non-related individuals suffering from illness, disease, injury, deformity or other abnormal physical conditions.

Hotel: An establishment which is open to transient guests in contradistinction to a boarding, rooming, or lodging house, and is commonly known as a hotel in the community in which it is located; and which provides customary hotel services such as maid service, the furnishing and laundering of linen, telephone and secretarial or desk service, the use and upkeep of furniture, and bellboy service.

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

Independent Living Facility: A private boarding home, institution, building, residence or other place in which its ownership or management provides living accommodations for elderly tenants without providing medical or nursing care. Said accommodations are typically independently leased apartments or rooms that include individual sanitary, but not full cooking facilities, thus differentiating said accommodations from multi-family dwelling units as defined. Meals, maintenance and other services are typically included in the monthly lease rate. The intent of Independent Living Facilities is to provide an alternative to nursing care for elderly residents who still desire to live independently, do not require medical supervision, but could benefit from the social interaction of living with other people of similar age and interests.

Intermediate Care Facility: Basic nursing care and other restorative services under periodic medical direction. Many of these services may require skills in administration. Such facilities are for patients who have long-term illness or disabilities which may have reached a relatively stable plateau.

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

Junk Yard: A tract of land, including any accessory structures thereon, that is used for buying, selling, exchanging, storing, baling, packing, disassembling or handling waste or scrap materials. Such scrap materials include vehicles, machinery, and equipment not in operable condition (or part thereof), and metals, glass, paper, plastics, rags, and rubber tires. A lot on which three (3) or more inoperable vehicles are stored shall be deemed a junk yard. A "junk yard" includes an automobile wrecking yard.

Kennel: ~~Any structure or premises or portion thereof on which more than three (3) dogs, cats, or other household domestic animals over four (4) months of age are kept. An establishment providing boarding or day care services for dogs, cats and/or other household pets, with indoor and outdoor play areas. Except for standard vaccinations, no medical treatment shall be provided to the animals at this facility. Animals may be groomed, trained, exercised and socialized, but not bred or sold. As an accessory to the standard boarding/day care services, a kennel may also be engaged in the business of retail sales of pet food and supplies. Facilities of this nature may also be known as Animal Day Care Facility or Dog Day Care Facility. (Ord. 1473, 11/6/2006).~~

Kindergarten: State licensed day care centers which receive children between the ages of four (4) and six (6) years, and which are established and professionally operated primarily to conduct

educational programs for early childhood development.

Laboratory, Research: A building or group of buildings in which are located facilities for scientific research, investigation, testing or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

Livable Floor Area: All internal floor area of a dwelling unit excluding basements, garages, and utility rooms.

Loading and Unloading Space or Berth, Off-Street: An open, hard-surfaced area of land other than a street or public way, the principal use of which is for the standing, loading and unloading of motor vehicles, tractors and trailers, to avoid undue interference with public streets and alleys.

Lot: A tract of land intended for the purpose, whether immediate or future, of transfer of ownership or development. A "lot" may be a "zoning lot" and may or may not coincide with a "lot of record".

Lot Area, Gross: The area of a horizontal plane bounded by the front, side, and rear lot lines, but not including any area occupied by the waters of a duly recorded lake or river.

Lot, Corner: A lot situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding one hundred thirty-five (135) degrees.

Lot Depth: The mean horizontal distance between the front lot line and the rear lot line of a lot, measured within the lot boundaries. For the fronting of the radius of a cul-de-sac, or fronting on a "partial cul-de-sac" as a "bump out" on the outside radius of a roadway curve, lot depth shall be measured along a line perpendicular to a tangent on any point of the outside radius of the front lot line. Ord 1438, 02/08/2006)

Lot Interior: A lot other than a corner or reversed corner lot.

Lot Line: An imaginary line at the edge or boundary of a zoning lot, or a line at the boundary of a lot of record.

Lot Line, Corner Side: The boundary of a corner lot that abuts a dedicated street other than the front lot line.

Lot Line, Front: The lot line abutting a dedicated street. In the case of a corner lot, the lot line abutting the street having the least length shall be the front lot line. In the case of a through lot the Zoning Administrator shall establish the front lot line.

Lot Line, Rear: That boundary of a lot, which is most distant from, and is, or is most nearly, parallel to, the front lot line.

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

Lot of Record: A lot, which is part of a subdivision, the plat of which has been recorded in the office of the County Recorder of Deeds, or a parcel of land, the deed to which was recorded in the office of the County Recorder of Deeds, in accordance with state law.

Lot, Reversed Corner: A corner lot the street side lot line of which is substantially a continuation of the front lot line of the first lot to its rear.

Lot, Through (double frontage): A lot having a pair of opposite lot lines along two (2), more or less, parallel dedicated streets, and which is not a corner lot.

Lot Width: The horizontal distance between the side lot lines of a lot, measured at the narrowest width within the first twenty-five feet (25') of lot depth immediately in back of the front yard setback line.

Lot, Zoning: A single tract of land located within a single, block, which (at the time of filing for a building permit) is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. Therefore, a "zoning lot or lots" may or may not coincide with a lot of record.

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

Major Thoroughfare: A traffic way with at least two (2) lanes in each direction. A major thoroughfare may or may not be a freeway, arterial street, secondary arterial street, or collector street.

Manufactured Home: A structure, transportable in one or more sections, which is built on a permanent chassis in accordance with the National Manufactured Home Construction and Safety Standards, and designed to be used as a dwelling by one (1) family, including the plumbing, heating, air conditioning, and electrical systems contained therein.

Manufactured Home, Dependent: A manufactured home, which does not have a toilet and bath or shower facilities.

Manufactured Home, Independent: A manufactured home with self-contained toilet and bath and shower facilities.

Manufactured Home Park: An area of land under unified ownership and control on which two or more occupied manufactured homes are harbored, either free of charge or for revenue purposes, and shall include any building, structure, tent, vehicle or enclosed use or intended use as part of the equipment of such manufactured home park.

Manufactured Home Space: Any portion of a manufactured home park designed for the use or occupancy by one (1) manufactured home.

Manufactured Office: A detached structure, transportable in one or more sections, which is built on a permanent chassis, and is designed and intended to be used as an office. Such offices shall fully comply with the Village's Manufactured Home Code.

Massage, Therapeutic: Any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating the external soft parts of the human body with the hands, or other parts of the body, or with the aid of any mechanical or electrical device, apparatus or appliance, with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments or other similar preparations commonly used in this practice, and performed by a massage therapist (as defined).

Massage Therapist: Any person who has obtained the minimum number of hours of education as required by the State of Illinois from a recognized school training in therapeutic massage, and is properly licensed by the State, and who, for any consideration whatsoever, engages in the practice of therapeutic massages, as defined. Exception: Chiropractors, Physical Therapists, and other licensed medical professionals.

Massage Establishment – Any establishment having a fixed place of business where any person, firm, association or corporation engages in, or carries on, or permits to be engaged in or carried on, any of the activities of therapeutic massage, as defined. Exception: Chiropractor offices, Physical Therapy facilities and offices of other licensed medical professionals.

Massage Service, On Call – Any business, the function that is to engage in or carry on therapeutic massages at a location designated by the customer or client rather than at a therapeutic massage establishment.

Marquee: A roof-like structure of a permanent nature, which projects from the wall of a building and overhangs the public way.

Mezzanine: An intermediate story between the floor and ceiling of a main story and extending over only part of the main floor.

Mobile Classroom, Temporary: A detached structure, built on a permanent chassis so that it is transportable in one or more sections, but specifically designed for use as a temporary accessory classroom for an established educational facility. Such classrooms must fully comply with the Village's building codes.

Mobile Home: A structure, transportable in one or more sections, which was built on a permanent chassis prior to the enactment of the National Manufactured Home Construction and Safety Standards, and is designed to be used as a dwelling by one (1) family, including the plumbing, heating, air conditioning, and electrical systems contained therein. (See "Manufactured Home".)

Mobile Home Park: A parcel not less than five (5) acres in area in single ownership/control, developed with facilities for accommodating occupied mobile homes in accordance with the requirements of this Chapter.

Mobile Home Space: A portion of a mobile home park designed and improved for the placement of one (1) mobile home and the private use of the occupants thereof.

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

Mobile/Manufactured Office: A detached structure, transportable in one or more sections, which is built on a permanent chassis, and is designed and intended to be used as an office. Such offices must fully comply with the Village's Manufactured Home Code.

Mobile or Portable Marquee: A term used to describe any sign designed to be moved from place to place, including, but not limited to, signs attached to wood or metal frames designed to be self-supporting and movable; or paper, cardboard, or canvas signs wrapped around supporting poles.

Modular Home: Any detached single-family dwelling that is transported to the site where it will be permanently located in assembled or non-assembled form, and that fully complies with the adopted building code.

Motel: An establishment consisting of a group of attached or detached living or sleeping accommodations with bathroom and closet space, located on a single zoning lot and designed for use by transient automobile tourist. A motel furnishes customary hotel services such as maid service, and laundering of linen, telephone and secretarial or desk service and the use and upkeep of furniture. In a motel less than fifty (50) percent of the living and sleeping accommodations are occupied or designed

for occupancy by person other than transient persons.

Motor Vehicle: Any passenger, vehicle, truck, tractor, tractor-trailers, truck-trailer, trailer or semi-trailer propelled or drawn by mechanical power.

Motor Vehicle Repair, Major and Minor: See "Auto Repair", major and minor.

Nonconforming Building or Structure: A building or structure or portion thereof lawfully existing on the effective date of this Chapter or at the time of adoption of any amendment thereto, which:

- (1) Was designed, erected or structurally altered for a use that does not conform to the use regulations of the district in which it is located.
- (2) Does not comply with the bulk and other requirements of this Chapter in the zoning district in which the building or structure is located.

Nonconforming Use: A use which lawfully occupies a building or land on the effective date of this Chapter or at the time of adoption of any amendment thereto, and which does not conform with the use regulations of the district in which it is located.

Nonconforming Vacant Lots of Record: Vacant lots of record which lawfully existed on the effective date of this Chapter or at the time of adoption of any amendment thereto, and which do not meet the lot size requirements of the district in which they are located.

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

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

Nursery Schools: State licensed day care centers which receive children between the ages of two (2) and six (6) years and which are established and professionally operated primarily for educational purposes to meet the children served.

Nursing Home: A private home, institution, building, residence, or other place whether operated for profit or not, or a county home for the infirm and chronically ill operated pursuant to Ill. Com. Stat. Ch. 55, Sec. 5/5-21001), as now or hereafter amended, or any similar institution operated by a political subdivision of the state which provides, through its ownership or management, maintenance, personal care, or nursing for three (3) or more persons, not related to the

applicant or owner by blood or marriage, or any similar facility in which maintenances is provided to three (3) or more persons who by reason of illness or physical infirmity require person care or nursing.

Occupied Land Area: (For computing off-street parking and loading space requirements): That area of a lot occupied by all buildings, structures and accessory uses which in combination encompass the operation of the principal use. Occupied land area is normally used in computing required parking for uses, which typically are not completely enclosed. Examples are vehicle sales lots and outdoor recreational facilities.

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

Off-Street Loading: See "Loading and Unloading Space".

Open Sales Lot: A lot or parcel of land used or occupied for the purpose of buying, selling, or trading of all goods and commodities and including the storage of same prior to sale of exchange.

Open Space: Any land developed as yards, parks, recreational areas including community centers, and landscaped green areas and exclusive of areas developed for off-street parking.

Owner: Any individual, corporation, partnership or other legal entity having possessory interest entitled to exclusive possession in land, buildings or possessions.

Overlay District: A zoning district superimposed over one (1) or more standard (primary) zoning districts or portions thereof for the purpose of controlling developmental problems caused by such factors as steep slopes, wet soils, flooding, etc.

Parcel: Contiguous land in one (1) ownership

Park: Land used for active or passive recreation owned or controlled by a local park district ~~school district~~, county forest preserve district, homeowner's association, the Village or another governmental entity or not-for-profit organization, including, but not limited to, playgrounds, nature trails, walking paths, swimming pools, athletic fields, basketball and tennis courts, baseball and soccer fields, or similar public land within the Village. (Ord. 1494, 08/08/2007)

Parking Area, Private: An open, hard surfaced area, other than a public way or street, designed, arranged and made available for the storage of private passenger automobiles only of occupants of the building of buildings for which the parking area is developed and is necessary.

Parking Lot: Public or private land intended for the use as a facility of parking motor vehicles. Parking may be with or without fee.

Parking Space, Automobile: Space within a public or private parking area exclusive of access drives, for the storage of one-passenger automobiles or commercial vehicles under one and one-half (1 1/2) tons capacity.

Party Wall: A fire wall on an interior lot line used for or adapted for a joint service between two buildings, or two units within the same building.

Pawn Shop – An establishment whose primary business is to offer monetary loans in exchange for an item of value. (Ord 1533, 11/17/08)

Payday Loan Establishment – An establishment whose primary business is to offer small, short term loans to cover the borrower's expenses until his or her next payday. (Ord 1533, 11/17/08)

Performance Bond: See "Guarantee of Improvements".

Performance Standard: A criterion established to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, or glare or heat generated by, or inherent in, uses of land or buildings. The more frequently used performance criteria include the following:

- (1) Active intense burning, which is the rate of combustion described by material that burns with a high degree of activity and is consumed rapidly. Examples include sawdust-powdered magnesium and pyroxylin.
- (2) Closed cup flash point, which is the lowest temperature at which a combustible liquid, under prescribed conditions, will give off a flammable vapor, which will burn momentarily.
- (3) Decibel, which is a unit, which describes the sound pressure level or intensity of sound. A sound level meter is calibrated in decibels.
- (4) Detonable material, which is a material, which decomposes by detonation. Such material includes explosives, unstable compounds and fissionable matter.
- (5) Earthborne vibration, which is the periodic displacement, measured in inches of earth.
- (6) Fireproof container, which is an enclosure of steel or concrete but not lead or other low-melting metals or alloys, unless the lead or low-melting metals are completely encased in steel.

- (7) Flash point, which is the lowest temperature at which flammable liquid will momentarily burn under the prescribed conditions. The tag flash point testers shall be authoritative.
- (8) Foot candle, which is a unit of illumination; technically, the illumination at all points one foot distance from a uniform point source of one (10 candle power).
- (9) Free burning, which implies a rate of combustion described by a material, which burns actively, and easily supports combustion.
- (10) Frequency, which signifies the number of oscillations per second in a sound wave and is an index of the pitch of the resulting sound.
- (11) Impact noise, which is a short duration sound such as those from a foregoing hammer or punch press.
- (12) Impulsive noise, which is a sound which is no longer than two (2) seconds in duration, followed by no less than a two (2) second rest.
- (13) Intense burning, which implies a rate of combustion described by a material that burns with a high degree of activity and is consumed rapidly.
- (14) Microcurie, which is a one-millionth of a curie, which is a standard unit of radioactivity.
- (15) Moderate burning, which implies a rate of combustion described by material which supports combustion and is consumed slowly as it burns.
- (16) Noxious matter, which is a material which is capable of causing injury to living organisms by chemical reaction and is capable of causing detrimental effects upon the physical or economic well being of individuals.
- (17) Octave band, which is a prescribed interval of sound frequencies, which classifies sound according to its pitch.
- (18) Odor threshold, which is the lowest concentration of odorous matter in air that will produce an olfactory response in a human being.
- (19) Odorous matter, which is any matter or material that yields an odor which is offensive in any way.
- (20) Particulate matter, which is material other than water, which is suspended in or discharged into the atmosphere in a finely divided form as a liquid or solid.
- (21) Preferred frequency octave bands, which are a standardized series of octave band prescribed by the U.S.A.S.I. in SI.6-1967, Preferred Frequencies for Acoustical Measurements.
- (22) Ringelmann chart, which is a chart on which is described in the U.S. Bureau of Mines Information Circular 6888 or its successor, and on which are illustrated graduated shades of gray for use in estimating the light-obscuring capacity of smoke.
- (23) Ringelmann number, which is the shade of smoke as it appears on the standard Ringelmann Chart published by the U.S. Bureau of Mines Information Circular No. 8333 (1967).
- (24) SCF (Standard Cubic Feet), which is the measure of the volume of a gas, at any other conditions, reduced to one thousand four hundred seventy-three (1,473) pounds per square inch absolute and sixty (60) degrees Fahrenheit.
- (25) Slow burning or incombustible, which implies materials, which do not in themselves constitute an active fuel for the spread of combustion. A material which will not ignite, not actively support combustion during an exposure for five (5) minutes to a temperature of one thousand two hundred (1,200) degrees Fahrenheit, shall be designed "incombustible".
- (26) Smoke, which is a small gas-borne particles, other than water, that form a visible plume in the air.
- (27) Sound level of an operation or use, which is the intensity of sound measured in
- (28) Sound level meter, which is an electronic instrument, which includes a microphone, an amplifier and an output meter which, measures noise and sound pressure levels in a specified manner. It may be used with the octave band analyzer that permits measuring the sound pressure level in discrete octave bands.
- (29) Sound pressure level, which is the intensity of a sound measured in decibels mathematically described as twenty times the logarithm to the base ten (10) of the ratio of the pressure of the sound to a reference pressure of 0.0002 microbar.
- (30) Toxic matter, which is material, which is capable of causing injury to living organisms by chemical means when present in relatively small amounts.
- (31) Threshold limit value, which is the maximum allowable airborne concentration of toxic material, as established by the American conference of Governmental Industrial Hygienists.

(32) United States of American Standards Institute (U.S.A.S.I.) which is a national organization promulgating authoritative standards in any technical field. Formerly American Standards Association.

(33) Vibration, which is the period displacement of oscillation of the earth.

Permanent Open Space: A contiguous land area that is designed for educational, religious, recreational or institutional purposes, or such land which is recommended for such designation by the Village at or before the time of approval of a subdivision or planned development.

Permitted Use: A use which may be lawfully established in a particular district or districts provided it conforms with all requirements, regulations and standards of such district.

Permittee: The person to whom a zoning certificate is issued.

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

Planned Unit Development: A parcel of land or contiguous parcels of land of a size sufficient to create its own environment, controlled by a single landowner or by a group of landowners in a common agreement as to control, to be developed as a single entity, the environment of which is compatible with adjacent parcels, and the intent of the zoning district of districts in which it is located; the developer may be granted relief from specific land-use regulations and design standards and may be awarded certain premiums in return for assurances of an overall quality of development, including any specific features which will be of exceptional benefit to the community as a whole and which would not otherwise be required by this Chapter.

Pole Banner: A sign attached to a utility pole that commemorates an event or a matter of significant public interest. Examples of pole banners may be the publicizing of the anniversary of a major public or private institution, or the identifying of a particular neighborhood or area.

Porch: A roofed over structure projecting out from the walls of a main structure and commonly open to the weather in part.

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

Principal Use: The main use of land or building as distinguished from a subordinate or accessory use. A principal use may be "permitted" or "special".

Property Line: An imaginary line at the edge or boundary of a zoning lot or line at the boundary of a lot of record.

Public Open Space: A publicly-owned area; including, but not limited to the following: parks, playgrounds, forest preserves, waterways, parkways and streets.

Public Utility: Any person, firm or corporation duly authorized to furnish under regulation to the public, electricity, gas, steam, telephone, telegraph, transportation, water or sewerage systems.

Public Way: Any sidewalk, street, alley, highway or other public thoroughfare.

Railroad Right-of-Way: A strip of land with tracks and auxiliary facilities for track operation, but not including freight depots, or stations, loading platforms, train sheds, warehouses, car or locomotive shops or car yards.

Reconstruct: As applied to nonconforming structures, "reconstruct" means to rebuild after damage of destruction.

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

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

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

Rent-to-Own Establishment – An establishment that offers furniture, appliances, computers, jewelry and other home products and electronic goods for rental with an option of ownership. (Ord 1533, 11/17/08)

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

Reservoir Parking: Off-street parking spaces or lot areas allocated to temporary standing motor vehicles awaiting entrance to a particular establishment.

Restaurant: A business where the dispensing of edible foodstuff and/or beverage on the premises is the principal business operation; including a cafeteria, coffee shop, lunch room, tearoom and dining room, but not including a drive-in or fast-food restaurant.

Restaurant, Drive-In: A restaurant that dispenses foodstuff and/or beverages to persons in parked or stopped motor vehicles.

Restaurant Fast-Food: A restaurant whose principal business is the dispensing of edible foodstuffs and/or

beverages in disposable containers to be eaten on the premises or taken out. This type of restaurant is usually self-service and may include a drive-thru service window.

Restrictive: Tending to keep within prescribed limits.

Retail, retail store: Sale to the ultimate consumer for direct consumption and not for resale.

Right-of-Way: Land dedicated for street purpose.

School: A public or private institution which offers instruction in any of the branches of learning and study comparable to that taught in the public schools under the Illinois school laws, including, pre-schools, kindergarten, elementary school, and junior and senior high schools, special education schools, vocational schools, junior colleges or colleges and universities, excluding trade, business or commercial schools. School shall include all school grounds. (Ord. 1494, 08/08/2007)

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

Semi-Finished Materials: Materials, which have been sufficiently processed at heavy industrial facilities so that they are no longer in their raw state, but are readily usable by light industry of assembly or manufacture into consumer goods.

Service Building: See "Building, Service".

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

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

Setback: The distance between the exterior lot lines and any structure on the lot.

Sheltered Care Facility: A facility, which provides care and assistance, supervision overnight and a suitable activities program. Provisions are made for medical care as necessary. Such facilities are for individuals who do not need nursing care, but do need personal care assistance, supervision, and/or oversight in meeting their daily personal needs.

Sheltered Care Home: Any county sheltered care home or a sheltered care home operated as part of a county nursing home pursuant to (Ill. Com. Stat. Ch. 55 Sec. 5/5-21001) or a private boarding home, institution, building, residence or other place, whether operated for profit or not which,

through its ownership or management, provides sheltered care to three (3) or more persons who are not related to the applicant or owner by blood or marriage, or any similar facility in which maintenance is provided to three (3) or more persons who by reason of physical infirmity require personal care.

Sign: A name, identification, description, display or illustration which is affixed to or painted or represented directly or indirectly upon a building, structure, or piece of land and which directs attention to an object, product, place, activity, person, institution, organization or business.

Sign, Billboard: Any single or double-faced sign displaying messages or advertising not associated with the premises on which said sign is located or to which it is fixed, subject to the exceptions of Section 20-1414 hereof.

Sign, Canopy, Marquee: Any sign affixed to, painted on, or suspended from an awning, canopy, marquee, or similar overhang.

Sign, Flush-Mounted: Any sign mounted in such a way that the plane of its face is parallel to the plane of the wall to which it is attached, including those signs integrated into the surface of the wall itself.

Sign, Freestanding: Any sign permanently mounted on a pole, pedestal, standard or base which stands apart from and is not attached to any building or structure.

Sign, Identification: A sign indicating the name and address of building, or the name of an occupant thereof, and the practice of a permitted occupation therein.

Sign, Illuminated: A sign having its own light source.

Sign, Projecting: Any sign which is attached to a building or structure but which projects from the plane of the wall to which it is attached by more than eighteen (18) inches.

Sign, Public Interest: A temporary sign erected on private property which publicizes an event of general public interest that is to be held in the near future.

Sign, Window: Any sign visible from the exterior of the building or structure, which is painted directly on the surface of a window or affixed to or suspended immediately behind the window for the purpose of informing the passerby of the identity of the proprietor or business, or of the product of service which can be obtained on the premises.

Sign Area: The area within an imaginary rectangle which, when drawn, would completely enclose all the letters, parts or symbols of a sign. Sign supports and poles, unless intrinsic to the advertising contained on the sign, are not included as part of the sign area.

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

Special Use: 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 location, such use may or may not be granted, subject to the terms of this Chapter.

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

Specialized Living Accommodation: A living accommodation for individuals needing special assistance, care, supervision, support, or treatment including community living facilities and community residential alternatives as defined by statute and including Homes for the Aged.

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

Storage, Outdoor: The outdoor accumulation of vehicles, equipment or products, or materials for permanent or temporary holding.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it. Any portion of a story exceeding fourteen (14) feet in height shall be considered as an additional story for each fourteen (14) feet or fraction thereof.

Story, Half: That portion of a building under a gable, hip or mansard roof, the wall plates of which, on at least two (2) opposite exterior walls, are not more than four and one-half (4 1/2) feet above the finished floor of such story. In the case of one-family dwellings, two-family dwellings, and multiple-family dwellings, less than three (3) stories in height, a half-story in a sloping roof shall not be counted as a story for the purposes of this Chapter. In the case of multiple-family dwellings three (3) or more stories in height, half-story shall be counted as a story.

Street Banner: A temporary sign spanning over the width of a public street, which publicizes an event of general public interest that is to be held in the near future. An example of a street banner may be the publicizing of a local festival.

Street: An improved strip of land designed for the conveyance of motor vehicles, and including any unimproved right-of-way, or any strip of land on which

such improvements are planned. Any of the following may be termed a street: Freeway, arterial street, secondary street, collector street, dedicated street, residential street, business street, industrial street. For the purposes of this Chapter freeways, arterial streets, secondary arterial streets, collector streets, major thoroughfares, residential streets, business streets, and industrial streets may meet the requirement for dedicated streets.

Street, Arterial: A traffic-way generally providing two (2) lanes going each direction. A median strip may or may not be present. Arterial streets are characterized by moderate to high speed travel, possible limitations on access to adjoining property owners and generally serve as vehicle transportation routes within a region.

Street, Secondary Arterial: A traffic-way providing one or two (2) lanes in each direction. A median strip is rarely present. Secondary arterial streets are characterized by moderate speed travel (higher speeds may be allowed in sparsely populated areas), residential access is discouraged and the length of such streets is limited.

Street, Business: A street within a business district or on the boundary of a business district. A business street may also be an arterial street, secondary arterial street, or collector street or major thoroughfare.

Street, Collector: A street which performs the function of linking the various points of vehicular access along its route and delivering such traffic to an arterial or secondary arterial street.

Street, Dedicated: A street designated for public use and for which the responsibility of maintenance has been accepted by federal, state, county, township or village governments.

Street, Industrial: A street developed to serve an industrial district.

Street, Private: A traffic-way not maintained or owned by a governmental entity.

Street, Residential: A dedicated street within a residential zoning district, excluding freeways, arterial streets and secondary arterial streets.

Street Line: The division line between private property and a dedicated street.

Stringent: Binding, exacting.

Structural Alteration: Any change, other than incidental repairs which would prolong the life of the supporting members of a building, such as the addition, removal, or alteration of bearing walls, columns, beams, girders, or foundations.

Structure: Anything constructed or erected which requires location on the ground or is attached to something having location on the ground including a fence or freestanding wall. A sign, billboard or other advertising medium, detached or projecting, shall be construed to be a structure.

Structure, Temporary: A movable structure not designed for human occupancy nor for the protection of goods or chattels and not forming an enclosure. A sign, billboard or other advertising device detached or projecting shall be construed to be a temporary structure.

Swimming Pool, Private: A swimming pool and the apparatus and equipment pertaining to the swimming pool, maintained by an individual for the sole use of his household and guests without charge for admission, and not for the purpose of profit or in connection with any business operated for profit, located on a lot as an accessory use to a residence.

Swimming Pool, Public: A swimming pool and the apparatus and equipment pertaining to the swimming pool, maintained and operated by a private party for gain; or by a municipality or other unit of government for the general public whether or not an admission fee is charged.

Tavern, Lounge, or Bar: A building or portion thereof where liquors are sold to be consumed on the premises but not including restaurants where the principal business is serving food.

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

Tow Storage Lot: Shall mean any premises where vehicles are stored by the tow company on a temporary basis for retrieval by owner or legally authorized person entitled to the vehicle. (Ord 1525, July 21, 2008)

Towing and Storage Company: Shall mean any person, firm, partnership or corporation engaged in towing and temporary storage of vehicles whether wrecked, abandoned, inoperable or for any other purpose. (Ord 1525, July 21, 2008)

Townhouse: A type of multi-family dwelling, one (1) or two (2) stories in height, in which typically the living room, dining room and kitchen are on the ground floor with sleeping rooms on the second floor. Dwelling units typically have a common sidewall and are owner occupied.

Trailer: A vehicle without motive power used or adaptable for living, sleeping, business or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses or skirting, and has been reasonable may be equipped with wheels or other devices for transporting the structure from place to

place. The term "trailer" shall include "camp car" and "house car". A permanent foundation shall not change its character unless the entire structure is erected in accordance with the adopted building code.

Travel Trailer: A manufactured home eight feet (8') or less in width and less than twenty-five feet (25') in length which is designed for temporary occupancy, generally for recreation or vacation purposes. Travel trailers shall include camping trailers within the limits of said dimensions, mounted on a motor vehicle or otherwise. Travel trailers shall not be considered a manufactured home pursuant to the provisions of the Village of "Swansea Manufactured Home Code".

Unified Control: The combination of two (2) or more tracts of land wherein each owner has agreed that his tract of land shall be developed as part of a planned unit development and shall be subject to the control applicable to the planned unit development.

Uniplex: A dwelling which has accommodations for two families, divided by a common or party wall, in which each family area is separately owned.

Use: The purpose for which land or a building thereon is designed, arranged or intended or for which it is occupied, maintained, let or leased.

Use, Lawful: The use of any structure of land that conforms with all of the regulations of this Chapter 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 Chapter or any amendment thereto, for the structure or land that is being examined.

Use, Nonconforming: See "Nonconforming Use."

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

Vacant: As applied to a lot, "vacant" means that no structure is situated thereon.

Value: Valuation of a building shall be the assessed valuation, or where no assessed valuation exists, its appraised valuation as converted to assessed valuation.

Variation: A relaxation of the strict application of setbacks, specific parking requirements, specific signage regulations, or specific flood plain regulations, for a particular lot or structure where such variations will not be contrary to the public interest and where, due to conditions peculiar to the property and the result of the actions of the applicant, a literal enforcement of those provisions of this Chapter would result in unnecessary hardship or practical difficulties. A variation, as herein defined,

shall not be granted by the Planning And Zoning Board of Appeals unless said request is in compliance with one or more of the subparagraphs of Section 20-1534.

Wholesale Establishment: A business establishment engaged in selling to retailers or jobbers rather than consumers.

Yard: An open space on the same zoning lot with a building a structure, unoccupied and unobstructed from its lowest level to the sky, except as otherwise permitted in this chapter yard extends along a lot line, and to a depth or width specified in the yard requirements for the zoning district in which such zoning lot is located.

Yard, Corner Side: A side yard, which adjoins a public street.

Yard, Front: A yard extending along the full length of the front lot line between the side lot lines.

Yard, Interior Side: A side yard, which is located immediately adjacent to another zoning lot or to an alley separating such side yard from another zoning lot.

Yard, Rear: A yard extending along the full length of the rear lot line between the side lot lines.

Zoning Administrator: The person designated by the president and board of trustees as the officer responsible for enforcing and administering all requirements of this chapter.

Zoning District: See "District".

Zoning Lot: See "Lot" zoning.

Zoning Map: The map incorporated into this Chapter as part hereof, designating zoning districts.

This Page Intentionally Left Blank

CHAPTER 20

SWANSEA ZONING CODE

PART 3
ZONING DISTRICTS AND MAP

- SECTION 20-301. ESTABLISHMENT OF DISTRICTS.
- SECTION 20-302. MINIMUM AREA REQUIREMENT FOR DISTRICTS.
- SECTION 20-303. ZONING MAP.
- SECTION 20-304. DISTRICT BOUNDARIES.
- SECTION 20-305. ZONING OF ANNEXED LAND.
- SECTION 20-306. ZONING SUBJECT TO PRE-ANNEXATION.

SECTION 20-301. ESTABLISHMENT OF DISTRICTS.

In order to implement the regulatory scheme of this Chapter so as to achieve the objectives enumerated in Section 20-102, the entire Village is hereby divided into the following zoning districts:

ZONING DISTRICT		MINIMUM AREA
C	Conservation	None
SR-1	Single-Family Residential	5 acres
SR-2	Single-Family Residential	5 acres
SR-3	Single-Family Residential	5 acres
SR-4	Single-Family Residential	5 acres
MR-1	Two-Family Residential	3 acres
MR-2	Multi-Family Residential	3 acres
MH-1	Manufactured Home Residential	3 acres
MH-2	Manufactured Home Residential (Park)	3 acres
HB	Highway Business	2 acres
PB	Planned Business	1 acre
LI	Light Industrial	3 acres
HI	Heavy Industrial	5 acres
FPO	Flood Plain Overlay	None

SECTION 20-302. MINIMUM AREA REQUIREMENT FOR DISTRICTS.

In meeting the minimum area requirement, which is intended to prevent spot zoning, zoning districts shall be comprised only of contiguous parcels and not of numerous non-contiguous parcels the acreage of which, when aggregated, happens to equal or exceed the required minimum area for that district.

SECTION 20-303. ZONING MAP.

- (A) The boundaries of the zoning districts designated above are established as shown on the map entitled "Official Zoning Map for the Village of Swansea, Illinois", dated, ~~December 31, 2006, December 31, 2007, December 31, 2008, December 31, 2009, December 31, 2010, December 31, 2011, December 31, 2012, December 31, 2013, December 31, 2014,~~ December 31, 2015, which is attached hereto and made a part hereof as ~~Illustration 20-A~~ Illustration 20-C, and shall have the same force and effect as if the zoning map, together with all notations, references, and other information shown thereon were fully set forth and described herein. (Ord 1509, 03/17/2008) (Ord 1543, 3/16, 2009) (Ord 1570, 04/08/2010) (Ord 1605, 03/21/2011) (Ord 1642, 04/02/2012)(Ord 1674, 03/18/2013)(Ord 1697, 03/17/2014) (Ord 1720, 04/06/2015)(Ord 1743, 03/21/2016) Bids and Draft Resolution – Asphalt Project on Munie Road
- (B) The official zoning map, along with any notations, references, and information indicating changes and modifications, shall be kept on file in the office of the Zoning Administrator.
- (C) If any changes are made in the zoning districts or regulations during any calendar year, the Village Clerk shall cause a revised "Official Zoning Map for the Village of Swansea, Illinois" to be published not later than March thirty-first (31st) of the following year.(Ch. 65 Sec. 5/11-13-19, Ill. Com. Stat. 1992)

SECTION 20-304. DISTRICT BOUNDARIES.

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

- (A) District boundary lines are either the centerline of railroads, highways, streets, alleys, or easements, or the boundary lines of sections, divisions of sections, tracts or lots, or such lines extended, unless otherwise indicated.
- (B) In areas not subdivided into lots or blocks, wherever a district is indicated as a strip adjacent to and paralleling a street or highway, the depth of such strips shall be in accordance with the divisions shown on the map, measured at right angles from the centerline of the street or highway, and the length of frontage shall be in accordance with dimensions shown on the map from section, quarter section or division lines, or railroad right-of-way, unless otherwise indicated.
- (C) All streets, alleys, public ways, waterways and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zoning district as the property immediately abutting on such alleys, streets, public ways, waterways, and railroad rights-of-way.
- (D) Where the centerline of a street, alley, public way, waterway, or railroad right-of-way serves as a district boundary, the zoning of such areas, unless otherwise indicated, shall be deemed to be the same as that of the abutting property up to such center line.

SECTION 20-305. ZONING OF ANNEXED LAND.

The zoning classification of any land annexed to the Village of Swansea, shall be determined by the Board of Trustees at the time of annexation and specified in the annexation ordinance.

SECTION 20-306. ZONING SUBJECT TO PRE-ANNEXATION.

- (A) Where a pre-annexation agreement is in effect that precludes the changing of zoning district classifications on the subject property, the provisions of the zoning ordinance in effect on the date of annexation and the zoning district classifications specified in the pre-annexation agreement shall apply.
- (B) The provisions of this Chapter, or any subsequent amendments hereto, shall not apply until such time as the term of the pre-annexation agreement has expired or the owner has agreed to the application of such provisions.
- (C) Within six (6) months prior to the expiration of any such annexation agreement, the Planning And Zoning Board of Appeals shall initiate an amendment to apply the appropriate zoning classifications to the subject property once the agreement expires. Such amendments shall be in accordance with Section 20-1558.

CHAPTER 20

SWANSEA ZONING CODE

PART 4

GENERAL ZONING REGULATIONS - ALL DISTRICTS

- SECTION 20-401. UNLISTED USES PROHIBITED.
- SECTION 20-402. REGISTRATION REQUIRED FOR NON-RESIDENTIAL USE.
- SECTION 20-403. MEETING MINIMUM AREA/BULK REQUIREMENTS.
- SECTION 20-404. EXCEPTIONS TO HEIGHT LIMITS.
- SECTION 20-405. EXCEPTIONS TO SETBACK REQUIREMENTS.
- SECTION 20-406. ALLOWABLE INTRUSIONS INTO YARDS.
- SECTION 20-407. AREA/BULK RESTRICTIONS - ACCESSORY USES.
- SECTION 20-408. ACCESS TO LOTS REQUIRED.
- SECTION 20-409. SEWERS AND PRIVATE SEWERAGE SYSTEMS.
- SECTION 20-410. ADDITIONAL RESTRICTIONS - SPECIFIC USES.

SECTION 20-401. UNLISTED USES PROHIBITED.

Whenever any use is not specifically listed as permitted or special within a particular zoning district, such use shall be deemed prohibited in that district, unless the Board of Trustees determines that the unlisted use is similar to and compatible with the listed uses, and allows such use by amending this Chapter in accordance with Section 20-1551.

(6) The number of any and all certificates of registration required under the Retailers Occupation Tax Act, Service Occupation Tax Act, Use Tax Act, and any similar acts of the State of Illinois.

(B) Fees for such registration shall be assessed as stated in Section 16-103 of the Village of Swansea Business Code.

SECTION 20-402. REGISTRATION REQUIRED FOR NON-RESIDENTIAL USE.

In order to assure that the purpose and intent of this Chapter is achieved, every non-residential use of property in any zoning district in the Village of Swansea, shall be registered with the Zoning Administrator each year during the month of April.

(A) Forms for such registration shall be provided by the Zoning Administrator and shall request, but not be limited to, the following information:

- (1) The name of the owner or operator of the non-residential use;
- (2) The location of the use;
- (3) The nature of any services or products to be offered to the public whether sold at retail, wholesale, or without charge;
- (4) The average number of any employees to be employed at the location;
- (5) The nature of any toxic or flammable compounds, chemicals, or other such substances stored or used at said location;

SECTION 20-403. MEETING MINIMUM AREA/BULK REQUIREMENTS.

Every lot must meet the minimum area/bulk requirements of the zoning district in which it is located, as those requirements relate to lot area, dimensions, and setbacks, so that requirements are met independent of, and without utilizing any portion of, any abutting lot.

SECTION 20-404. EXCEPTIONS TO HEIGHT LIMITS.

(A) **Necessary Appurtenances.** Chimneys, church spires, parapet walls, cooling towers, elevator bulkheads, fire towers, antennas, or other necessary appurtenances commonly constructed above the roof line shall be permitted to exceed the maximum height limitations of the district in which they are located if they comply with all other pertinent ordinances of the Village.

(B) **Intersections.** On corner lots, in the triangular portion of land bounded by intersecting street lines and a line joining these street lines at points thirty feet (30') from the point of intersection, no obstruction, whether natural or man-made, shall intrude into the air space that is between two feet

(2') and ten feet (10') above the level of the adjacent street.

(C) **Accessory Uses.** Provided that there shall be no height restriction on agriculture-related accessory structures, no accessory use in any zoning district shall be higher than:

- (1) Fifteen feet (15') in a conservation or any residential zoning district; or
- (2) Twenty-Five feet (25') in any other zoning district.

SECTION 20-405. EXCEPTIONS TO SETBACK REQUIREMENTS.

(A) **Corner Lots and Through Lots.** Every building or structure constructed on a "corner lot" or a "through lot", as defined, shall meet the minimum front setback requirement of the district in which it is located, for every yard area that fronts a dedicated street, unless otherwise indicated.

(B) **Built-up areas.** In all residential zoning districts, where lots having fifty percent (50%) or more of the frontage on one (1) side of a street between intersections are developed with buildings, and the front setbacks of those lots do not differ by more than ten feet (10'), the minimum required front setback between those intersections, shall be the average of the existing front setbacks; provided, however, that in any such area, no front setback greater than fifty feet (50') shall be required.

(C) **Accessory uses.** Any accessory use in any residential or conservation district, unless specifically indicated otherwise, may be located as close as five feet (5") to any side or rear lot line; provided, however, that any accessory use attached to a principal structure shall be considered to be part of that structure and must meet the setback requirements of the district in which it is located, as those requirements apply to the principal structure.

SECTION 20-406. ALLOWABLE INTRUSIONS INTO YARDS.

To the extent indicated below, the following features of principal buildings may intrude into required yards without thereby violating the minimum setback requirements:

FEATURES	MAXIMUM INTRUSIONS
----------	--------------------

1. Cornices, chimneys, planters, or similar architectural features	Two Feet
2. Fire Escapes	Four feet (4').
3. Patios	No limit.
4. Porches, if not enclosed and at ground level	Six Feet (6')
5. Balconies	Four Feet (4')
6. Attached canopies, roof overhangs	Four Feet (4')
7. Service station canopies which are at least ten feet (10') high	To within ten feet (10') of any lot line

SECTION 20-407. AREA/BULK RESTRICTIONS - ACCESSORY USES.

Any "accessory use", as defined, shall be deemed permitted in a particular zoning district if such use is accessory to a principal structure or use which is allowed in that particular zoning district as either a permitted or special use, is not used as a dwelling, and complies with the following restrictions:

(A) **Front Yard Restriction.** No accessory use in any zoning district shall be located in any part of any front yard that is required as a result of the setback regulations of such district.

(B) **Lot Coverage Restriction.** All accessory uses on any one lot in any zoning district, shall not occupy more than thirty percent (30%) of the rear yard area that is required as a result of setback regulations of such district.

SECTION 20-408. ACCESS TO LOTS REQUIRED.

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

(A) Frontage on an alley shall not be deemed as satisfying the requirement above.

SECTION 20-409. SEWERS AND PRIVATE SEWERAGE SYSTEMS.

In all zoning districts, the property owner of any building or place where people live, work or assemble, shall provide for the sanitary disposal of all sewage in accordance with the following requirements:

(A) Requirement for Public Sewer Connection.

Whenever the distance from the property in question to the nearest public sewer with available capacity does not exceed two hundred feet (200'), and such sewer is reasonably accessible, all sewage shall be discharged into such system, whether or not a private sewerage system already exists or is more convenient.

(B) Allowance for Private Sewerage System.

Whenever the public sewerage system is not reasonably accessible, a private sewerage system shall be installed and used. All private sewerage system shall be designed, constructed, operated, and maintained in conformity with the following requirements:

- (1) Illinois Private Sewage Disposal Licensing Act, Illinois Compiled Statutes, Chapter 225, Section 225/1 through 225/23, as amended from time to time.
- (2) Illinois Private Sewage Disposal Code No. 4.002, promulgated by the Director of the Illinois Department of Public Health, as amended from time to time;
- (3) Pertinent, current regulations issued by the Illinois Environmental Protection Agency; and
- (4) Applicable codes and ordinances of the Village, particularly those regulating subdivisions.

(C) Issuance of Certificate of Compliance. The Zoning Administrator shall not issue any initial certificate of zoning compliance unless, following consultation with the Village Engineer, he is satisfied that the requirements of this Section will be met.

SECTION 20-410. ADDITIONAL RESTRICTIONS - SPECIFIC USES.

Because of the nature of certain specific uses, which require additional regulations in order to assure that the purpose and intent of this Chapter is achieved, the following additional restrictions are applicable to the uses listed below.

(A) Kennels.

- (1) Any lot upon which a kennel is situated shall have a minimum area of 3 acres.
- (2) Every kennel shall be located at least two hundred feet (200') from the nearest dwelling, and at least one hundred feet (100') from any lot line.

(B) Nursing Homes.

- (1) Any lot upon which a nursing home is situated shall have a minimum width and depth of two hundred feet (200') and a minimum area of two (2) acres.
- (2) The principal building of any nursing home shall be located at least twenty-five (25') from all lot lines.

(C) Recreational Vehicles

- (1) No more than two (2) recreational vehicles shall be parked on any lot in any zoning district; provided that no restriction shall be placed upon the allowable number of recreational vehicles that may be parked on the lot of a permitted business which sells such vehicles.
- (2) No recreational vehicle shall be used as a dwelling in any zoning district.
- (3) No recreational vehicle shall be used as an office or for any other commercial purpose in any zoning district.

(D) Services Stations

- (1) All gasoline pumps and other such service facilities shall be located at least twenty-five feet (25') from any street, right-of-way line, side lot line, or rear lot line.
- (2) Every access way to a service station shall be located at least two hundred feet (200') from the principal building of any fire station, school, public library, church, park, or playground, and at least thirty feet (30') from the intersection of any public streets.

(E) Swimming Pools

- (1) No swimming pool, in any district, whether public or private, shall be located in any front yard or intrude into any part of any side or rear yard that is required because of the setback regulations in that district; provided, however, that in any residential district a swimming pool may be located as close as ten (10') feet to any side or rear lot line, inclusive of corner lots.
 - (a) When, in the case of a corner lot, a pool is installed in a side yard area normally restricted by setback regulations, the required wall or fence shall be a separate wall or fence, regardless of whether the pool is installed in-ground or above ground.

- (b) When, in the case of a corner lot, a pool is installed in a side yard area normally restricted by setback regulations, the provisions of Section 20-403 must be followed.
- (2) Every in-ground swimming pool which is more than two feet (2') deep shall be enclosed by a wall or fence at least four feet (4') in height.
 - (a) Any passage through such wall or fence, shall be equipped with a gate, the latch of which can be secured and locked.
- (3) Every above ground swimming pool which is more than two feet (2') deep shall be enclosed by a separate wall or fence at least four feet (4') in height; provided, however, that a separate wall or fence shall not be required (unless otherwise indicated by Section 20-415(A)(1) if every point of the pool wall is at least four feet (4') above the ground.
 - (a) Any passage through a separate wall or fence shall be equipped with a gate the latch of which can be secured and locked.
 - (b) Access to a pool, the wall of which is at least four feet (4') above the ground and which is not protected by a separate wall or fence, shall be restricted by a ladder that is raised or removed when the pool is not in use.

(F) Utility Substations

Every electrical substation, gas regulator station, telephone exchange facility, private sewage treatment plant, private water storage facility, or similar facility shall be deemed a special use and shall conform to the following regulations in addition to any regulations required by said special use:

- (1) Every lot on which any such facility is situated shall meet the minimum area and dimensions requirements of the district in which it is located and every building, structure, or use of any such facility shall be located at least twenty-five feet (25') from all lot lines, or shall meet the district setback requirements, whichever is greater.
- (2) In any residential district, every such facility shall be designed, constructed and operated so that it is compatible with the residential character of the area.

- (3) Screening at least ten feet (10') in height and of sufficient density to block the view from adjacent property shall be installed around every such facility.
- (4) If the installed screening is not a fence and the zoning administrator determines that such a facility poses a safety hazard, he shall require that a secure fence at least ten (10') feet in height be installed behind the required screening.

(G) Home Occupations, as a Permitted Use

Every home occupation allowed as a permitted use in the Village, shall meet the following criteria:

- (1) No alterations shall be made to the dwelling to accommodate the home occupation which are in any way observable from outside the dwelling.
- (2) The total area devoted to the home occupation shall not exceed twenty-five percent (25%) of the gross floor area of the dwelling, or three hundred (300) square feet, whichever is less.
- (3) No area outside the dwelling shall be used for the storage of equipment or materials used in connection with the home occupation.
- (4) Vehicular traffic to and from the site of the home occupation and occurring as a result of said activity, shall not exceed two (2) vehicles at any one interval, on a regular, continuing basis.
- (5) No offensive noise, vibration, smoke, dust, odor, heat, glare, or electrical interference, which is noticeable at or beyond the lot lines, shall be generated.
- (6) At least two (2) off-street parking spaces, in addition to those required for the residential use of the property, shall be provided for those home occupations generating vehicular traffic to and from the site of the home occupation as a result of said activity.
- (7) Any sign erected in connection with a home occupation, shall conform with the provisions of Section 20-1405.(J).
- (8) Only members of the family residing in the dwelling shall be employed in connection with the home occupation.
- (9) No home occupation shall be established unless the owner has first registered the non-residential use of the property with the

Zoning Administrator, and in accordance with Section 20-402.

(H) Home Occupations, as a Special Use

Every home occupation allowed as a special use in the Village, shall meet the following criteria:

- (1) In any residential or conservation district, no alterations shall be made to the dwelling to accommodate the home occupation which materially change the residential character of the building.
- (2) The total area devoted to the home occupation shall not exceed twenty-five percent (25%) of the gross floor area of the dwelling, or five hundred (500) square feet, whichever is less.
- (3) In any residential or conservation district, no unenclosed area shall be used for the storage of equipment or materials used in connection with the home occupation. For the purpose of this Section, enclosed shall mean within the dwelling, a storage building, or a detached garage.
- (4) No offensive noise, vibration, smoke, dust, odor, heat, glare, or electrical interference, which is noticeable at or beyond the lot lines, shall be generated.
- (5) At least two (2) off-street parking spaces, in addition to those required for the residential use of the property, shall be provided.
- (6) Any sign erected in connection with a home occupation, shall conform with the provisions of Section 20-1405.(J).
- (7) Only members of the family residing in the dwelling shall be employed in connection with the home occupation.
- (8) No home occupation shall be established unless the owner has first registered the non-residential use of the property with the Zoning Administrator, and in accordance with Section 20-402.
- (9) Vehicular traffic to and from the site of the home occupation and occurring as a result of said activity, shall not exceed four (4) vehicles at any one interval, on a regular, continuing basis.

(I) Agricultural Activities

- (1) No barn, stable, shed, or other structure intended to shelter farm animals, shall be erected closer than three hundred feet (300') from any existing dwelling, or closer than two

hundred feet (200') from any lot line of any residential property, whichever distance is greater.

(a) Fences shall be erected, or other means taken, to prevent farm animals from approaching closer than three hundred feet (300') from any existing dwelling or two hundred feet (200') from any residential lot line, whichever distance is greater.

(2) No agricultural equipment or commodities, including, but not limited to baled crops, fertilizer, pesticides, or herbicides, shall be stored outdoors and closer than three hundred feet (300') from any existing dwelling or two hundred feet (200') from any residential lot line, whichever distance is greater.

(a) Such equipment or commodities which are stored completely within an enclosed structure, shall not be located closer than one hundred feet (100') from any residential lot line.

(J) Fences, Walls

- (1) No barbed wire fence or electrically charged fence shall be erected in any zoning district in the Village; provided, however, that such fences may be allowed by the Board of Trustees in a conservation district, in accordance with the special use provisions of Section 20-1542.
- (2) No fence, wall, or other such obstruction shall be erected within any public right-of-way, except by written permission of the Zoning Administrator.
- (3) No fence, wall, or other such obstruction shall be erected in any zoning district in violation the Illinois Drainage Code.

(K) Junk Yards

- (1) No part of any junk yard, including any lot on which three (3) or more inoperable vehicles are stored, shall be located closer than five hundred feet (500') from the any residential lot line.
- (2) All vehicles, parts, and equipment shall be stored completely within an enclosed structure, or within an area screened by a wall, solid fence, or closely-planted shrubbery at least ten feet (10') high and of

sufficient density to block the view from adjacent property.

(L) Aerials and Antennas

- (1) In any residential or business district, no aerial or antenna shall be located in any front or side yard.
- (2) In any zoning district, no aerial or antenna shall exceed the height limit regulation of the Federal Communication Commission.

(M) Special Regulations for Aerials, Antennas, and Telecommunications Facilities

(1) Selected Definitions

- (a) Co-Location (Co-Use) - The location of two or more antenna or other telecommunication devices on a single telecommunications tower or other supporting structure.
- (b) Telecommunications Facility - An unmanned facility consisting of a telecommunication tower and any accessory structures required to provide support services.
- (c) Telecommunication Tower - A structure, excluding buildings, of at least forty feet in height, which supports telecommunication antenna or other wireless communication equipment for either transmitting or receiving. Design examples of telecommunication towers are described as follows: (1) monopoles; (b) self-supporting lattice; (c) guyed. The term shall not include equipment used by amateur radio operators, which meet the requirement of (C) below.

(2) Purpose and Intent

- (a) To direct the installation of aerials, antennas and telecommunications facilities within the Village of Swansea.
- (b) To protect the public health and safety.
- (c) To protect residential areas and land uses from the potential adverse impacts of aerials, antennas and telecommunication towers.
- (d) 4. To minimize adverse visual impacts and avoid potential damage to adjacent properties from tower failure, through careful engineering, design, siting, and screening.

(e) To accommodate the growing need for telecommunication facilities.

(f) To encourage and promote co-location of existing and new telecommunication facilities as a primary option rather than construction of single-use facilities.

(3) Special Regulations

- (a) The distance from the base of an aerial, antenna, or telecommunication tower to the nearest property line shall not be less than the height of the aerial, antenna or tower.
- (b) Exception - "Monopole" towers will not be required to meet the setback requirements as mentioned above when designed to fail at a point equal to no more than one-third of the height of the tower when measured from the top.
- (c) Six feet (6') high security fencing shall be installed around the base and guy anchors of all telecommunication facilities.
- (d) Closely planted evergreen trees or shrubs at least six feet (6') high shall be planted around the exterior of any security fencing and around the base and guy anchors of a telecommunication facility.
- (e) Additional deciduous trees at least two inches (2") in girth, plus evergreen trees at least six feet (6') in height, shall be planted around the perimeter of the property (near the property lines) upon which a telecommunication facility is located in order to provide additional screening of the tower from passers by.
- (f) Any person, firm or corporation wishing to construct a telecommunication tower shall seek permission to co-locate or co-use an existing tower. No person, firm or corporation shall refuse co-location of other equipment.
- (g) Any person, firm or corporation wishing to construct a telecommunication tower and/or facility, shall provide a bond to the Village of Swansea in the amount of twenty thousand dollars (\$20,000) or 20 percent of the construction costs, whichever is less. Said bond shall be kept in full force during the time the tower and/or communication facility is in operation. The Bond shall be conditioned upon full indemnity to the Village of Swansea should the facility

become obsolete and the owner fails to remove said tower and/or facility within six (6) months of becoming obsolete, or in the event the tower of facility falls into a state of disrepair.

(N) Therapeutic Massage Establishments

No Therapeutic Massage Establishment shall be established, operated or maintained within the Village of Swansea unless the establishment complies with the following minimum requirements:

- (1) Licenses of all therapeutic massage therapists operating within a therapeutic massage establishment shall be posted in plain site at all times in the establishment.
- (2) No person other than licensed massage therapists (as defined) shall engage in the practice of performing massages for commercial purposes. All walls, ceilings, floors, pools, showers, bathtubs, steam rooms and all other facilities shall be kept in good repair and maintained in a clean and sanitary condition at all times. Wet and dry heat rooms, steam or vapor cabinets, shower compartments, pool areas, and toilet areas shall be thoroughly cleaned at the end of each business day.
- (3) Oils, creams, lotions, and other preparations used in administering therapeutic massages shall be kept in clean, closed containers.
- (4) Closed cabinets shall be provided and used for the storage of clean linens, towels and other materials used in connection with administering therapeutic massages.
- (5) All therapeutic massage establishments shall provide clean, laundered sheets and towels in sufficient quantity, which shall be laundered after each use.
- (6) The main entrance door utilized by the general public, serving a therapeutic massage establishment, shall remain unlocked at all times during business hours.
- (7) Business hours of operation for therapeutic massage establishments shall be between 6:00 A.M. and 10:00 P.M.
- (8) No person other than licensed massage therapists (as defined) shall engage in the practice of performing massages for commercial purposes.
- (9) Only massage therapists (as defined) may own, operate, or be employed to engage in

the practice of therapeutic massage by, an On Call Massage Service.

(10) The sexual or genital areas of patrons shall be covered by clothes, undergarments or towels.

(11) It shall be unlawful for any person in a therapeutic massage establishment to knowingly place his or her hand(s) upon, or to touch with any part of his or her body, to fondle in any manner, or to massage the genital area of any person.

(12) No massage therapist, employee, or operator shall perform, offer, or agree to perform any act which would require the touching of a patron's genital area. (Ord 1482, 03/05/2007)

(O). Pawn Shops, Car Title Loan, Payday Loan, and Rent-to-Own Establishments.

(a) Purpose

(1) The purpose of this Part is to regulate Pawn Shops, Car Title Loan, Payday Loan, and Rent-to-Own Establishments in order to promote the health, safety and general welfare of the citizens of the village. These types of businesses usually are directed towards people with minimal financial reserves who need funds quickly, and are not able to access other types of financing like bank loans, charge cards or family members who can lend them the needed cash. Or, they are directed towards those who are not able to purchase certain consumer goods, (such as televisions, furniture, etc.) through standard purchasing methods. Therefore, it is in the best interest of the Village to regulate these businesses and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of these uses within the village.

(2) The provisions of this Part have neither the purpose nor effect of imposing a limitation or restriction on these uses, or to deny access by these uses to their intended market.

(b) Findings

(1) Pawn Shops, Car Title Loan, Payday Loan, and Rent-to-Own establishments, as defined herein, should be regulated.

(2) They should be segregated from one another and from houses of worship, schools, parks, and residential neighborhoods to protect the public health, welfare and safety because, inter alia, these uses, as a category of commercial uses, are associated with a wide variety of adverse secondary effects, including but not limited to,

personal and property crimes, illicit drug use, decreased desirability of and negative impacts on the use of surrounding properties, blight and litter.

(3) The village has a substantial government interest in preventing each of the aforementioned adverse effects.

(c) Location

1). The property line of any pawn shop, car title loan shop, payday loan shop or rent-to-own establishment shall be no less than ~~three hundred feet (300')~~ two hundred ninety feet (290') from the nearest property line of any residentially zoned property, school, park, church, synagogue or other place of worship.
(Ord 1647, 05/21/2012)

2). The property line of any pawn shop, car title loan shop, payday loan shop or rent-to-own establishment shall be no less than six hundred and fifty feet (650') from the nearest property line of any other pawn shop, car title loan shop, payday loan shop or rent-to-own establishment.
(Ord 1533, 11/17/08)

CHAPTER 20

SWANSEA ZONING CODE

PART 5
SPECIFIC REGULATIONS FOR CONSERVATION DISTRICTS

- SECTION 20-501. "C" - CONSERVATION DISTRICT.
- SECTION 20-502. PERMITTED USES.
- SECTION 20-503. SPECIAL USES.
- SECTION 20-504. AREA/BULK RESTRICTIONS.
- SECTION 20-505. PARKING REGULATIONS.
- SECTION 20-506. SIGN REGULATIONS.
- SECTION 20-507. SUPPLEMENTAL REGULATIONS.

SECTION 20-501. "C" - CONSERVATION DISTRICT.

The "C" - Conservation District encompasses areas that are presently undeveloped or sparsely developed and that, for various reasons, should remain so for the foreseeable future. Tracts of land in this district, which provide the Village with valuable natural resources, open space, and aid in maintaining the stability of the natural environment, should be preserved and protected. Tracts of land in this district, which are fertile and relatively level, may best be suited for agricultural pursuits. Other tracts in this district may have such poor soils, steep slopes, inadequate natural drainage, or other problems, so that the provision and maintenance's of roads, utilities, and storm water drainage systems would present an impractical or burdensome expensive to the tax-paying public.

SECTION 20-502. PERMITTED USES.

The following shall be considered permitted uses in the "C" district:

- (A) Agriculture, including all uses commonly classified as such, in accordance with the requirements of Section 20-419.
- (B) Nurseries, greenhouses, temporary produce stands.
- (C) Cemeteries.
- (D) Government uses of the Village of Swansea.
- (E) Single-family dwellings, conventionally constructed.
- (F) Public libraries, playgrounds, parks, and recreational or community centers or grounds.

(G) Temporary buildings or trailers for construction purposes and for a period not to exceed the period of construction.

(H) Accessory uses, buildings, and structures in accordance with Section 20-406.

SECTION 20-503. SPECIAL USES.

The following shall be considered special uses in the "C" district and allowed only in accordance with Section 20-1542:

- (A) Agricultural implements sales.
- (B) Amusement facilities such as go-cart tracks and miniature golf courses.
- (C) Animal Hospitals.
- (D) Churches and related religious facilities.
- (E) Clubs or lodges, private; but not those which have as their chief activity a service customarily carried on as a business.
- (F) Golf courses of regulation size.
- (G) Government uses other than those of the Village of Swansea.
- (H) Home Occupations in accordance with Section 20-417.
- (I) Institutions such as convents, retreat houses, and seminaries.
- (J) Kennels in accordance with Section 20-411.
- (K) Nursing homes in accordance with Section 20-412.

- (L) Telecommunication Facilities, Telecommunication Towers.
- (M) Trucking/Hauling Services (*Ord 1411, 05/02/05*)
- (N) Utility substations in accordance with Section 20-416.

SECTION 20-504. AREA/BULK RESTRICTIONS.

The following area/bulk restrictions shall apply to all buildings or structures in the "C" district:

(A) Minimum Lot Size.

- | | |
|---------------|--------------------|
| (1) Lot area | 62,500 square feet |
| (2) Lot width | 250 feet |
| (3) Lot depth | 250 feet |

(B) Minimum Setbacks.

- | | |
|-------------------------------|---------|
| (1) From front lot line | 50 feet |
| (2) From either side lot line | 20 feet |
| (3) From rear lot line | 50 feet |

(C) Maximum Building Height.

- (1) 35 feet; provided, however, that there shall be no height restriction on agriculture-related accessory structures.

SECTION 20-505. PARKING REGULATIONS.

Off-street parking shall be provided for every use in the "C" district in accordance with the provisions of Part 13 of this Chapter.

SECTION 20-506. SIGN REGULATIONS.

Any sign erected in the "C" district shall conform to the provisions of Part 14 of this Chapter.

SECTION 20-507. SUPPLEMENTAL REGULATIONS.

- (A) **One Dwelling Per Lot.** Only one (1) dwelling shall be situated on any lot in the "C" district.

CHAPTER 20

SWANSEA ZONING CODE
PART 6

SPECIFIC REGULATIONS FOR SINGLE-FAMILY RESIDENTIAL DISTRICTS

- SECTION 20-601. "SR-1" - SINGLE-FAMILY RESIDENTIAL DISTRICT.
SECTION 20-602. PERMITTED USES
SECTION 20-603. SPECIAL USES.
SECTION 20-604. AREA/BULK RESTRICTIONS.
SECTION 20-605. PARKING REGULATIONS.
SECTION 20-606. SIGN REGULATIONS.
SECTION 20-607. SUPPLEMENTAL REGULATIONS.
- SECTION 20-608. "SR-2" - SINGLE-FAMILY RESIDENTIAL DISTRICT.
SECTION 20-609. PERMITTED USES.
SECTION 20-610. SPECIAL USES.
SECTION 20-611. AREA/BULK RESTRICTIONS.
SECTION 20-612. PARKING REGULATIONS.
SECTION 20-613. SIGN REGULATIONS.
SECTION 20-614. SUPPLEMENTAL REGULATIONS.
- SECTION 20-615. "SR-3" - SINGLE-FAMILY RESIDENTIAL DISTRICT.
SECTION 20-616. PERMITTED USES.
SECTION 20-617. SPECIAL USES.
SECTION 20-618. AREA/BULK RESTRICTIONS.
SECTION 20-619. PARKING REGULATIONS.
SECTION 20-620. SIGN REGULATIONS.
SECTION 20-621. SUPPLEMENTAL REGULATIONS.
- SECTION 20-622. "SR-4" - SINGLE-FAMILY RESIDENTIAL DISTRICT.
SECTION 20-623. PERMITTED USES.
SECTION 20-624. SPECIAL USES.
SECTION 20-625. AREA/BULK RESTRICTIONS.
SECTION 20-626. PARKING REGULATIONS.
SECTION 20-627. SIGN REGULATIONS.
SECTION 20-628. SUPPLEMENTAL REGULATIONS.

SECTION 20-601. "SR-1" - SINGLE-FAMILY RESIDENTIAL DISTRICT.

The "SR-1" - Single-Family Residential District is designed to provide for larger single-family residential development and is intended to create an environment of homes on larger lots than might be typical for urbanized residential areas. The regulations for this district are intended to stabilize and preserve existing single-family neighborhoods, and to promote similar residential development in the future.

SECTION 20-602. PERMITTED USES.

The following shall be considered permitted uses in the "SR-1" district:

- (A) Single-family dwellings.
- (B) Government uses of the Village of Swansea.
- (C) Temporary buildings or trailers for construction purposes and for a period not to exceed the period of construction.
- (D) Accessory uses, buildings, and structures in accordance with Section 20-407.

- (E) Playgrounds, parks, and recreational or community centers or grounds.
- (F) Home Occupations in accordance with Section 20-417.
- (G) Schools, Elementary and Junior High.

SECTION 20-603. SPECIAL USES.

The following shall be considered special uses in the "SR-1" district and allowed only in accordance with Section 20-1542.:

- (A) Government uses other than those of the Village of Swansea.
- (B) Utility substations in accordance with Section 20-416.
- (C) Home Occupations in accordance with Section 20-418.
- (D) Schools, High School

SECTION 20-604. AREA/BULK RESTRICTIONS.

The following area/bulk restrictions shall apply to all buildings or structures in the "SR-1" district:

(A) Minimum Lot Size.

- (1) Lot area 12,000 square feet
 - (2) Lot width 100 feet
 - (3) Lot depth 120 feet
- 100 feet – for lots fronting on the radius of cul-de-sacs, or fronting on a "partial cul-de-sac" as a "bump out" on the outside radius of a roadway curve. (Ord 1438, 02/08/2006)

(B) Minimum Setbacks.

- (1) From front lot line 25 feet
- (2) From either side lot line 10 feet
- (3) From rear lot line 25 feet

(C) Maximum Building Height.

- (1) The lesser of 35 feet or 2 1/2 stories

SECTION 20-605. PARKING REGULATIONS.

Off-street parking shall be provided for every use in the "SR-1" district in accordance with the provisions of Part 13 of this Chapter.

SECTION 20-606. SIGN REGULATIONS.

Any sign erected in the "SR-1" district shall conform to the provisions of Part 14 of this Chapter.

SECTION 20-607. SUPPLEMENTAL REGULATIONS.

- (A) **One Structure Per Lot.** Only one (1) principal structure shall be situated on any lot in the "SR-1" district.
- (B) **Mobile and Manufactured Homes Restricted.** Mobile and manufactured homes shall be restricted in the "SR-1" district in accordance with the following:
 - (1) No mobile or manufactured homes shall be brought into or placed anywhere in the "SR-1" district.
 - (2) No existing mobile or manufactured home in the "SR-1" district shall be immobilized.
 - (3) It shall be unlawful to replace any existing mobile or manufactured home located in the "SR-1" district.

SECTION 20-608. "SR-2" - SINGLE-FAMILY RESIDENTIAL DISTRICT.

The "SR-2" - Single-Family Residential District is designed to provide for prime single-family residential development and is intended to stabilize and preserve existing single-family neighborhoods, and to promote similar residential development in the future.

SECTION 20-609. PERMITTED USES.

The following shall be considered permitted uses in the "SR-2" district:

- (A) Single-family dwellings.
- (B) Playgrounds, parks, and recreational or community centers or grounds.
- (C) Government uses of the Village of Swansea.
- (D) Temporary buildings or trailers for construction purposes and for a period not to exceed the period of construction.
- (E) Accessory uses, buildings, and structures in accordance with Section 20-407.
- (F) Home occupations in accordance with Section 20-417.
- (G) Schools, Elementary and Junior High.

SECTION 20-610. SPECIAL USES.

The following shall be considered special uses in the "SR-2" district and allowed only in accordance with Section 20-1542.:

- (A) Churches and related religious facilities.
- (B) Government uses other than those of the Village of Swansea.
- (C) Schools, High School.
- (D) Home Occupations in accordance with Section 20-418.
- (E) Utility substations in accordance with Section 20-416.
- (F) Mobile Classrooms, Temporary.

SECTION 20-611. AREA/BULK RESTRICTIONS.

The following area/bulk restrictions shall apply to all buildings or structures in the "SR-2" district:

- (A) Minimum Lot Size.
 - (1) Lot area 9,600 square feet
 - (2) Lot width 80 feet
 - (3) Lot depth 120 feet

100 feet – for lots fronting on the radius of cul-de-sacs, or fronting on a "partial cul-de-sac" as a "bump out" on the outside radius of a roadway curve. (Ord 1438, 02/08/2006)

- (B) Minimum Setbacks.
 - (1) From front lot line 25 feet
 - (2) From either side lot line 10 feet
 - (3) From rear lot line 25 feet

- (C) Maximum Building Height.
 - (1) The lesser of 35 feet or 2 1/2 stories

SECTION 20-612. PARKING REGULATIONS.

Off-street parking shall be provided for every use in the "SR-2" district in accordance with the provisions of Part 13 of this Chapter.

SECTION 20-613. SIGN REGULATIONS.

Any sign erected in the "SR-2" district shall conform to the provisions of Part 14 of this Chapter.

SECTION 20-614. SUPPLEMENTAL REGULATIONS.

- (A) **One Structure Per Lot.** Only one (1) principal structure shall be situated on any lot in the "SR-2" district.
- (B) **Mobile and Manufactured Homes Restricted.** Mobile and manufactured homes shall be restricted in the "SR-2" district in accordance with the following:
 - (1) No mobile or manufactured homes shall be brought into or placed anywhere in the "SR-2" district.
 - (2) No existing mobile or manufactured home in the "SR-2" district shall be immobilized.
 - (3) It shall be unlawful to replace any existing mobile or manufactured home located in the "SR-2" district.

SECTION 20-615. "SR-3" - SINGLE-FAMILY RESIDENTIAL DISTRICT.

The "SR-3" - Single-Family Residential District is designed to provide for single-family residential development and is intended to stabilize and preserve existing single-family neighborhoods, and to promote similar residential development in the future.

SECTION 20-616. PERMITTED USES.

The following shall be considered permitted uses in the "SR-3" district:

- (A) Single-family dwellings.
- (B) Playgrounds, parks, and recreational or community centers or grounds.
- (C) Government uses of the Village of Swansea.
- (D) Temporary buildings or trailers for construction purposes and for a period not to exceed the period of construction.
- (E) Accessory uses, buildings, and structures in accordance with Section 20-407.
- (F) Home occupations in accordance with Section 20-417.
- (G) Schools, Elementary and Junior High.

SECTION 20-617. SPECIAL USES.

The following shall be considered special uses in the "SR-3" district and allowed only in accordance with Section 20-1542:

- (A) Churches and related religious facilities.
- (B) Government uses other than those of the Village of Swansea.
- (C) Schools, High School.
- (D) Home Occupations in accordance with Section 20-418.
- (E) Utility substations in accordance with Section 20-416.
- (F) Manufactured Homes in accordance with Section 20-621(B).
- (G) Mobile Classrooms, Temporary.

SECTION 20-618. AREA/BULK RESTRICTIONS.

The following area/bulk restrictions shall apply to all buildings or structures in the "SR-3" district:

(A) Minimum Lot Size.

- (1) Lot area 8,400 square feet
- (2) Lot width 70 feet
- (3) Lot depth 120 feet
100 feet – for lots
fronting on the radius of cul-de-sacs, or
fronting on a "partial cul-de-sac" as a "bump
out" on the outside radius of a roadway
curve. (Ord 1438, 02/08/2006)

(B) Minimum Setbacks.

- (1) From front lot line 25 feet
- (2) From either side lot line 10 feet
- (3) From rear lot line 25 feet

(C) Maximum Building Height.

- (1) The lesser of 35 feet or 2 1/2 stories

SECTION 20-619. PARKING REGULATIONS.

Off-street parking shall be provided for every use in the "SR-3" district in accordance with the provisions of Part 13 of this Chapter.

SECTION 20-620. SIGN REGULATIONS.

Any sign erected in the "SR-3" district shall conform to the provisions of Part 14 of this Chapter.

SECTION 20-621. SUPPLEMENTAL REGULATIONS.

- (A) **One Structure Per Lot.** Only one (1) principal structure shall be situated on any lot in the "SR-3" district.
- (B) **Mobile and Manufactured Homes Restricted.** Mobile and manufactured homes shall be restricted in the "SR-3" district in accordance with the following:
 - (1) No mobile or manufactured home shall be brought into or placed in the "SR-3" district unless replacing an existing mobile or manufactured home.
 - (2) Replacement of any existing mobile or manufactured home located in the "SR-3" district shall only be allowed by special use permit and only when the replacement home is new.
 - (3) No mobile or manufactured home in the "SR-3" district shall be immobilized.

SECTION 20-622. "SR-4" - SINGLE-FAMILY RESIDENTIAL DISTRICT.

The "SR-4" - Single-Family Residential District is designed to provide for single-family residential development in neighborhoods of older homes on smaller lots, typical of residential areas urbanized prior to zoning regulations. The regulations for this district are intended to stabilize and preserve existing neighborhoods while promoting the development and rehabilitation of affordable single-family dwellings.

SECTION 20-623. PERMITTED USES.

The following shall be considered permitted uses in the "SR-4" district:

- (A) Single-family dwellings.
- (B) Public libraries, playgrounds, parks, and recreational or community centers or grounds.
- (C) Government uses of the Village of Swansea.
- (D) Temporary buildings or trailers for construction purposes and for a period not to exceed the period of construction.
- (E) Accessory uses, buildings, and structures in accordance with Section 20-407.
- (F) Home occupations in accordance with Section 20-417.

~~(G) Manufactured homes in accordance with Section 20-628(B). (Ord 1619, 07/05/2011)~~

(H) Modular homes in accordance with Section 20-628(C).

(I) Schools, Elementary and Junior High.

SECTION 20-624. SPECIAL USES.

The following shall be considered special uses in the "SR-4" district and allowed only in accordance with Section 20-1542:

- (A) Churches and related religious facilities.
- (B) Government uses other than those of the Village of Swansea.
- (C) Schools, High School.
- (D) Home Occupations in accordance with Section 20-418.
- (E) Utility substations in accordance with Section 20-416.
- (F) Manufactured Homes in accordance with Section 20-628 (D).
- (G) Mobile Classrooms, Temporary.

SECTION 20-625. AREA/BULK RESTRICTIONS.

The following area/bulk restrictions shall apply to all buildings or structures in the "SR-4" district:

(A) Minimum Lot Size.

- (1) Lot area 6,000 square feet
 - (2) Lot width 50 feet
 - (3) Lot depth 120 feet
- 100 feet – for lots fronting on the radius of cul-de-sacs, or fronting on a "partial cul-de-sac" as a "bump out" on the outside radius of a roadway curve. (Ord 1438, 02/08/2006)

(B) Minimum Setbacks.

- (1) From front lot line 25 feet
- (2) From either side lot line 10 feet
- (3) From rear lot line 25 feet

(C) Maximum Building Height.

- (1) The lesser of 35 feet or 2 1/2 stories

SECTION 20-626. PARKING REGULATIONS.

Off-street parking shall be provided for every use in the "SR-4" district in accordance with the provisions of Part 13 of this Chapter.

SECTION 20-627. SIGN REGULATIONS.

Any sign erected in the "SR-4" district shall conform to the provisions of Part 14 of this Chapter.

SECTION 20-628. SUPPLEMENTAL REGULATIONS.

(A) **One Structure Per Lot.** Only one (1) principal structure shall be situated on any lot in the "SR-4" district.

(B) **Manufactured Homes.** Every manufactured home erected in the "SR-4" district shall:

- (1) Be comprised of two (2) sections joined at the site and placed on a permanent foundation;
- (2) Be located on a single lot of record;
- (3) Meet all applicable Department of Housing and Urban Development Codes;
- (4) Be eligible for long-term mortgage financing;
- (5) Be taxed as real property; and
- (6) Be visually compatible with other single-family residential dwellings.

(C) **Modular Homes.** Every modular home erected in the "SR-4" district shall:

- (1) Be placed on a permanent foundation;
- (2) Be located on a single lot of record;
- (3) Meet all adopted building codes and comply with all building inspection requirements;
- (4) Be eligible for long-term mortgage financing;
- (5) Be taxed as real property; and
- (6) Be visually compatible with other single-family residential dwellings.

(D) Replacement of any existing mobile or manufactured home located in the "SR-4" district, shall only be allowed by special use permit, and only when the replacement home is new.

This page intentionally left blank.

CHAPTER 20

SWANSEA ZONING CODE

PART 7

SPECIFIC REGULATIONS FOR MULTI-FAMILY RESIDENTIAL DISTRICTS

SECTION 20-701. "MR-1" - TWO-FAMILY RESIDENTIAL DISTRICT.
SECTION 20-702. PERMITTED USES.
SECTION 20-703. SPECIAL USES.
SECTION 20-704. AREA/BULK RESTRICTIONS.
SECTION 20-705. AREA/BULK RESTRICTIONS FOR A UNIPLEX.
SECTION 20-706. PARKING REGULATIONS.
SECTION 20-707. SIGN REGULATIONS.
SECTION 20-708. SUPPLEMENTAL REGULATIONS.

SECTION 20-709. "MR-2" - MULTI-FAMILY RESIDENTIAL DISTRICT.
SECTION 20-710. PERMITTED USES.
SECTION 20-711. SPECIAL USES.
SECTION 20-712. AREA/BULK RESTRICTIONS.
SECTION 20-713. PARKING REGULATIONS.
SECTION 20-714. SIGN REGULATIONS.
SECTION 20-715. SUPPLEMENTAL REGULATIONS.

SECTION 20-701. "MR-1" - TWO-FAMILY RESIDENTIAL DISTRICT.

The "MR-1", Two-Family Residential District is designed to provide areas suitable for single family dwellings, duplexes and uniplexes, and to stabilize and preserve such areas for similar residential development in the future.

SECTION 20-702. PERMITTED USES.

The following shall be considered permitted uses in the "MR-1" district:

- (A) Two-family dwellings, as defined.
- (B) Single-family dwellings.
- (C) Playgrounds, parks, and recreational or community centers or grounds.
- (D) Government uses of the Village of Swansea.
- (E) Temporary buildings or trailers for construction purposes and for a period not to exceed the period of construction.
- (F) Accessory uses, buildings, and structures in accordance with Section 20-407.
- (G) Home occupations in accordance with Section 20-417.

SECTION 20-703. SPECIAL USES.

The following shall be considered special uses in the "MR-1" district and allowed only in accordance with Section 20-1542:

- (A) Churches and related religious facilities.
- (B) Government uses other than those of the Village of Swansea.
- (C) Schools.
- (D) Home Occupations in accordance with Section 20-418.
- (E) Utility substations in accordance with Section 20-416.
- (F) Nursing homes in accordance with Section 20-412.
- (G) Mobile Classrooms, Temporary.

SECTION 20-704. AREA/BULK RESTRICTIONS.

The following area/bulk restrictions shall apply to all buildings or structures in the "MR-1" district, except those defined as a uniplex:

(A) Minimum Lot Size.

- (1) Lot area 12,000 square feet
- (2) Lot width 100 feet
- (3) Lot depth 120 feet

(B) Minimum Setbacks.

- (1) From front lot line 25 feet
- (2) From either side lot line 10 feet
- (3) From rear lot line 25 feet

(C) Maximum Building Height.

- (1) The lesser of 35 feet or 2 1/2 stories

SECTION 20-705. AREA/BULK RESTRICTIONS FOR A UNIPLEX.

The following area/bulk restrictions, rather than those stipulated above, shall apply to all uniplex structures, as defined, in the "MR-1" district:

(A) Minimum Lot Size.

- (1) Lot area 6,000 square feet
- (2) Lot width 50 feet
- (3) Lot depth 120 feet

(B) Minimum Setbacks.

- (1) From front lot line 25 feet
- (2) From either side lot line 10 feet
- (3) From party wall lot line none
- (4) From rear lot line 25 feet

(C) Maximum Building Height.

- (1) The lesser of 35 feet or 2 1/2 stories

SECTION 20-706. PARKING REGULATIONS.

Off-street parking shall be provided for every use in the "MR-1" district in accordance with the provisions of Part 13 of this Chapter.

SECTION 20-707. SIGN REGULATIONS.

Any sign erected in the "MR-1" district shall conform to the provisions of Part 14 of this Chapter.

SECTION 20-708. SUPPLEMENTAL REGULATIONS.

(A) **One Building Per Lot.** Only one (1) principal building shall be situated on any lot in the "MR-1" district.

(B) **Mobile and Manufactured Homes Restricted.** Mobile and manufactured homes shall be restricted in the "MR-1" district in accordance with the following:

- (1) No mobile or manufactured homes shall be brought into or placed anywhere in the "MR-1" district.
- (2) No existing mobile or manufactured home in the "MR-1" district shall be immobilized.
- (3) It shall be unlawful to replace any existing mobile or manufactured home located in the "MR-1" district.

SECTION 20-709. "MR-2" - MULTI-FAMILY RESIDENTIAL DISTRICT.

The "MR-2" Multi-Family Residential District is designed to provide areas suitable the creation and maintenance of stable and enduring multiple-family housing by establishing limitations on the use, character, and density of such land development so as to avoid conflicts with natural topography, existing development, or the arrangement and location of existing or planned community facilities and the social needs of the community.

SECTION 20-710. PERMITTED USES.

The following shall be considered permitted uses in the "MR-2" district:

- (A) Multiple-Family dwellings, as defined.
- (B) Condominiums.
- (C) Townhouses.
- (E) Single-family dwellings.
- (F) Playgrounds, parks, and recreational or community centers or grounds.
- (G) Government uses of the Village of Swansea.
- (H) Specialized Living Accommodations, as defined.
- (I) Temporary buildings or trailers for construction purposes and for a period not to exceed the period of construction.
- (J) Accessory uses, buildings, and structures in accordance with Section 20-407.

(K) Home occupations in accordance with Section 20-417.

SECTION 20-711. SPECIAL USES.

The following shall be considered special uses in the "MR-2" district and allowed only in accordance with Section 20-1542.:

- (A) Two-family dwellings, as defined.
- (B) Churches and related religious facilities.
- (C) Government uses other than those of the Village of Swansea.
- (D) Schools.
- (E) Home Occupations in accordance with Section 20-418.
- (F) Utility substations in accordance with Section 20-416.
- (G) Nursing homes in accordance with Section 20-412.
- (H) Mobile Classrooms, Temporary.

SECTION 20-712. AREA/BULK RESTRICTIONS.

The following area/bulk restrictions shall apply to all buildings or structures in the "MR-2" district:

- (A) Minimum Lot Area.
 - (1) The greater of 12,000 square feet, or 2,000 square feet per dwelling unit.
- (B) Minimum Lot Width.
 - (1) The greater of 100 feet, or 10 feet per dwelling unit, whichever is greater.
- (C) Minimum Lot Depth.
 - (1) 120 feet
- (D) Minimum Setbacks.
 - (1) From front lot line 25 feet
 - (2) From either side lot line 10 feet
 - (3) From rear lot line 25 feet
- (E) Maximum Building Height.
 - (1) The lesser of 35 feet or 2 1/2 stories

SECTION 20-713. PARKING REGULATIONS.

Off-street parking shall be provided for every use in the "MR-2" district in accordance with the provisions of Part 13 of this Chapter.

SECTION 20-714. SIGN REGULATIONS.

Any sign erected in the "MR-2" district shall conform to the provisions of Part 14 of this Chapter.

SECTION 20-715. SUPPLEMENTAL REGULATIONS.

- (A) **Refuse Containers.** All refuse containers jointly serving residents of multi-family dwellings within this district shall be tightly-covered and placed in visually-screened areas in accordance with the following provisions:
 - (1) The owner of every building, structure, or premises, shall provide and maintain in good condition and repair, a sufficient number of refuse containers for the temporary storage of all refuse accumulating between collections.
 - (2) It shall be the duty of the owner of every building, structure, or premises, to cause to be removed, at his own cost and expense, at least once each week, all refuse deposited in such containers.
- (B) **Mobile and Manufactured Homes Restricted.** Mobile and manufactured homes shall be restricted in the "MR-2" district in accordance with the following:
 - (1) No mobile or manufactured homes shall be brought into or placed anywhere in the "MR-2" district.
 - (2) No existing mobile or manufactured home in the "MR-2" district shall be immobilized.
 - (3) It shall be unlawful to replace any existing mobile or manufactured home located in the "MR-2" district.

This Page Intentionally Left Blank

CHAPTER 20

SWANSEA ZONING CODE

PART 8

SPECIFIC REGULATIONS FOR MOBILE HOME RESIDENTIAL DISTRICTS

SECTION 20-801. "MH-1" - MOBILE HOME RESIDENTIAL DISTRICT.
SECTION 20-802. PERMITTED USES.
SECTION 20-803. SPECIAL USES.
SECTION 20-804. AREA/BULK RESTRICTIONS.
SECTION 20-805. PARKING REGULATIONS.
SECTION 20-806. SIGN REGULATIONS.
SECTION 20-807. SUPPLEMENTAL REGULATIONS.

SECTION 20-808. "MH-2" - MOBILE HOME RESIDENTIAL DISTRICT.
SECTION 20-809. PERMITTED USES.
SECTION 20-810. SPECIAL USES.
SECTION 20-811. AREA/BULK RESTRICTIONS.
SECTION 20-812. PARKING REGULATIONS.
SECTION 20-813. SIGN REGULATIONS.
SECTION 20-814. SUPPLEMENTAL REGULATIONS.

SECTION 20-801. "MH-1" - MOBILE HOME RESIDENTIAL DISTRICT.

The "MH-1" Mobile Home District is primarily intended to provide areas suitable for the placement of mobile homes on individual and privately owned lots.

SECTION 20-802. PERMITTED USES.

The following shall be considered permitted uses in the "MH-1" district:

- (A) Mobile homes or manufactured homes, in accordance with all applicable requirements of this section and this chapter.
- (B) Playgrounds, parks, and recreational or community centers or grounds.
- (C) Government uses of the Village of Swansea.
- (D) Temporary buildings or trailers for construction purposes and for a period not to exceed the period of construction.
- (E) Accessory uses, buildings, and structures in accordance with Section 20-407.
- (F) Home occupations in accordance with Section 20-417.

SECTION 20-803. SPECIAL USES.

The following shall be considered special uses in the "MH-1" district and allowed only in accordance with Section 20-1542:

- (A) Mobile home parks, in accordance with all applicable regulations of this section and this Chapter.
- (B) Multiple-family dwellings, as defined.
- (C) Churches and related religious facilities.
- (D) Government uses other than those of the Village of Swansea.
- (E) Schools.
- (F) Home Occupations in accordance with Section 20-418.
- (G) Utility substations in accordance with Section 20-416.
- (H) Nursing homes in accordance with Section 20-412.
- (I) Mobile Classrooms, Temporary.

SECTION 20-804. AREA/BULK RESTRICTIONS.

The following area/bulk restrictions shall apply to all buildings or structures in the "MH-1" district:

(A) Minimum Lot Size.

- (1) Lot area 6,000 square feet
- (2) Lot width 50 feet
- (3) Lot depth 120 feet

(B) Minimum Setbacks.

- (1) From front lot line 25 feet
- (2) From either side lot line 10 feet
- (3) From rear lot line 25 feet

(C) Maximum Building Height.

- (1) The lesser of 35 feet or 2 1/2 stories

SECTION 20-805. PARKING REGULATIONS.

Off-street parking shall be provided for every use in the "MH-1" district in accordance with the provisions of Part 13 of this Chapter.

SECTION 20-806. SIGN REGULATIONS.

Any sign erected in the "MH-1" district shall conform to the provisions of Part 14 of this Chapter.

SECTION 20-807. SUPPLEMENTAL REGULATIONS.

(A) One Building Per Lot. Only one (1) principal building or structure shall be situated on any lot in the "MH-1" district, and no mobile home or manufactured home shall be placed on a lot upon which another principal building exists.

(B) Compliance with Manufactured Home Code. Every mobile home or manufactured home in the "MH-1" district shall conform to the provisions of Chapter 18, "Swansea Manufactured Home Code".

SECTION 20-808. "MH-2" - MOBILE HOME RESIDENTIAL DISTRICT.

The "MH-2" Mobile Home Residential District is designed to provide areas suitable the creation and maintenance of mobile home parks. Although "lots" in a mobile home park may not be classified as "lots

of record", for the purpose of establishing bulk/area regulations, all mobile home parks shall be developed in a manner so that zoning lots are designated for each manufactured or mobile home. For the purpose of enforcement, the restrictions in Section 20-811 shall apply.

SECTION 20-809. PERMITTED USES.

The following shall be considered permitted uses in the "MH-2" district:

- (A) Mobile homes or manufactured homes, in accordance with all applicable requirements of this section and this Chapter.
- (B) Playgrounds, parks, and recreational or community centers or grounds.
- (C) Government uses of the Village of Swansea.
- (D) Temporary buildings or trailers for construction purposes and for a period not to exceed the period of construction.
- (E) Accessory uses, buildings, and structures in accordance with Section 20-407.
- (F) Home occupations in accordance with Section 20-417.

SECTION 20-810. SPECIAL USES.

The following shall be considered special uses in the "MH-2" district and allowed only in accordance with Section 20-1542:

- (A) Home Occupations in accordance with Section 20-418.
- (B) Manufactured Offices, as defined, and the uses therein, but only when new.

SECTION 20-811. AREA/BULK RESTRICTIONS.

The following area/bulk restrictions shall apply to all buildings or structures in the "MH-2" district:

- (A) Minimum Lot Area.
 - (1) For those Parks established and approved prior to January 1, 1980 the minimum lot area shall be two thousand one hundred (2,100) square feet.
 - (2) For those Parks established and approved after January 1, 1980 the minimum lot area shall be Forty-five hundred (4,500) square feet.

- (B) Minimum Lot Frontage.
 - (1) Lots on a cul-de-sac 30 feet, at the pavement
 - (2) All other lots 50 feet, at the pavement

- (C) Minimum Setbacks - Parks Established and Approved Before Jan. 1, 1980
 - (1) From any park property line as established
 - (2) From any park street 5 feet
 - (3) Open space between sides of mobile homes 10 feet
 - (4) Open space between ends of mobile homes 5 feet
 - (5) From any detached accessory building or structure 10 feet

- (D) Minimum Setbacks - Parks Established and Approved After Jan. 1, 1980
 - (1) From any park property line 25 feet
 - (2) From any park street 15 feet
 - (3) From another mobile home 20 feet
 - (4) From any detached accessory building or structure 10 feet

- (E) Maximum Building Height.
 - (1) The lesser of 35 feet or 2 1/2 stories

SECTION 20-812. PARKING REGULATIONS.

Off-street parking shall be provided for every use in the "MH-2" district in accordance with the provisions of Part 13 of this Chapter.

SECTION 20-813. SIGN REGULATIONS.

Any sign erected in the "MH-2" district shall conform to the provisions of Part 14 of this Chapter.

SECTION 20-814. SUPPLEMENTAL REGULATIONS.

- (A) **One Building Per Lot.** Only one (1) principal building or structure shall be situated on any lot in the "MH-2" district, and no mobile home or manufactured home shall be placed on a lot upon which another principal building exists.

- (B) **Compliance with Manufactured Home Code.** Every mobile home or manufactured home in the "MH-2" district shall conform to the provisions of Chapter 18, "Swansea Manufactured Home Code".

This Page Intentionally Left Blank

CHAPTER 20

SWANSEA ZONING CODE

PART 9
SPECIFIC REGULATIONS FOR BUSINESS DISTRICTS

- SECTION 20-901. "HB" - HIGHWAY BUSINESS DISTRICT.
- SECTION 20-902. PERMITTED USES.
- SECTION 20-903. SPECIAL USES.
- SECTION 20-904. AREA/BULK RESTRICTIONS.
- SECTION 20-905. PARKING REGULATIONS.
- SECTION 20-906. SIGN REGULATIONS.
- SECTION 20-907. SUPPLEMENTAL REGULATIONS.
- SECTION 20-908. SPECIAL REGULATIONS, BUSINESS CONDOMINIUMS.
- SECTION 20-909. "PB" - PLANNED BUSINESS DISTRICT.
- SECTION 20-910. PERMITTED USES.
- SECTION 20-911. SIGN REGULATIONS.
- SECTION 20-912. SPECIAL PROCEDURES FOR THE "PB" DISTRICT.
- SECTION 20-913. ISSUANCE OF PERMITS.

SECTION 20-901. "HB" - HIGHWAY BUSINESS DISTRICT.

The "HB" - Highway Business District is intended to accommodate and regulate strip commercial developments and compatible uses, both retail and wholesale, which draw their patrons primarily from the motoring public. Such uses typically require direct access to major streets and large off-street parking and loading facilities.

SECTION 20-902. PERMITTED USES.

Provided all the use restrictions of this district are observed, the following shall be considered permitted uses in the "HB" district:

- (1) Accounting, bookkeeping and auditing services
- (2) Agricultural implements; sales and service
- (3) Ambulance and Paramedic Services
- (4) Animal hospitals and clinics
- (5) Antique stores
- (6) Apparel stores
- (7) Appliance stores
- (8) Architectural and planning services
- (9) Art galleries, commercial
- (10) Art and school supply stores
- (11) Auction rooms or barns
- (12) Auto accessory stores
- (13) Auto dealers, new or used
- (14) Auto driving instruction
- (15) Auto laundries and car washing facilities
- (16) Auto renting facilities
- (17) Auto service stations
- (18) Auto undercoating and rustproofing services
- (19) Bakeries
- (20) Banks, Savings and Loans, and other financial institutions
- (21) Bars, taverns, and lounges
- (22) Barber and hairstyling shops
- (23) Beauty parlors
- (24) Bicycle stores; sales, rental and repair
- (25) Boat sales
- (26) Book and stationery stores
- (27) Bowling alleys
- (28) Building materials and products; sales and storage
- (29) Building trades showrooms and shops
- (30) Business and office machine sales and services
- (31) Bus passenger stations
- (32) Camera stores
- (33) Camper sales
- (34) Candy and confectionery stores
- (35) Catering establishments
- (36) China and glassware stores
- (37) Churches, chapels, temples and synagogues
- (38) Clothing and costume rental
- (39) Clubs and lodges
- (40) Convenience stores
- (41) Dairy products stores
- (42) Dance/Performing Arts Studios
(Ord. 1475, 11/6/2006)

- (43) Department stores
- (44) Detective agencies (44) Drapery stores
- (45) Dressmaking
- (46) Dry cleaners and laundromats
- (47) Dry goods stores
- (48) Drug stores
- (49) Dwelling, single-family
- (50) Electrical repair services
- (51) Employment agencies
- (52) Engineering and surveying services
- (53) Equipment rental and leasing services
- (54) Extermination services
- (55) Fast-food or drive-in restaurants
- (56) Floor covering stores
- (57) Floral shops
- (58) Funeral parlors
- (59) Furniture stores
- (60) Gift shops
- (61) Governmental uses of the Village of Swansea
- (62) Grocery stores
- (63) Gymnasiums, health clubs, and spas
- (64) Hardware stores
- (65) Hobby shops
- (66) Home appliance stores
- (67) Ice cream stores
- (68) Indoor movie theaters
- (69) Indoor tennis or racquetball clubs
- (70) Insurance agencies
- (71) Jewelry stores
- (72) Laboratories; medical, dental, or optical
- (73) Landscaping services
- (74) Lithographers
- (75) Leather goods and luggage stores
- (76) Locksmiths
- (77) Machinery sales and services
- (78) Mail order houses
- (79) Martial Arts Studios
(Ord. 1475, 11/6/2006)
- (80) Meat markets
- (81) Medical and dental clinics
- (82) Messenger and telegraph services
- (83) Mobile and manufactured home sales
- (84) Model homes and garage displays
- (85) Monument sales
- (86) Motor vehicle repair and servicing facilities
- (87) Motorcycle sales
- (88) Music stores
- (89) Newspaper and periodical publishers
- (90) Notions stores
- (91) Nurseries and greenhouses
- (92) Office supply and stationery stores
- (93) Offices including medical, dental, legal, philanthropic, charitable, fraternal, not-for-profit, and other such services.
- (94) Package liquor stores
- (95) Paint and wallpaper stores
- (96) Painting and decorating businesses
- (97) Parking lots and garages
- (98) Parks and playgrounds
- (99) Pet shops
- (100) Photography, commercial studio
- (101) Police or fire stations

- (102) Post offices
- (103) Public libraries, art galleries, and museums
- (104) Radio and television stations
- (105) Radio, television, and stereo sales
- (106) Real estate agencies
- (107) Record stores
- (108) Recording or sound studios
- (109) Recreational and community centers
- (110) Recreational vehicle sales
- (111) Rectories, parsonages, and parish houses
- (112) Repair shops; shoes and clothing
- (113) Restaurants
- (114) Sharpening and grinding businesses
- (115) Shoe stores
- (116) Sporting goods stores
- (117) Swimming pools, public or private
- (118) Tailors
- (119) Taxicab garages
- (120) Telephone exchange and equipment buildings
- (121) Tennis clubs and courts, outdoors
- (122) Tire, battery, and other motor vehicle accessory services
- (123) Tobacco shops
- (124) Toy stores
- (125) Travel agencies
- (126) Variety stores
- (127) Video Stores, rental and sales
- (128) Temporary buildings or trailers for construction purposes and for a period not to exceed the period of construction.
- (130) Accessory uses, buildings, and structures in accordance with Section 20-407.
- (131) (129) Business Condominiums, provided all the requirements of Section 20-908 are met.

SECTION 20-903. SPECIAL USES.

Provided all the use restrictions of this district are observed, the following shall be considered special uses in the "HB" district and allowed only in accordance with Section 20-1542:

- (1) Amusement establishments
- (2) Athletic fields
- (3) Arboretums or botanical gardens
- (4) Arcades or amusement halls
- (5) Archery ranges
- (6) Billiard and pool halls
- (7) Business, art, dance or commercial schools
- (8) Colleges, junior colleges, and universities
- (9) Convalescent homes, nursing homes, homes for the aged, homes for the ill or physically infirm, intermediate care facilities, sheltered care facilities, skilled nursing homes, and specialized living accommodations
- (10) Dance halls

- (11) Day care centers, nursery schools, and pre-schools
- (12) Dormitories
- (13) Dwelling, multiple-family
- (14) Elementary and Jr. High schools
- (15) Fairgrounds and exhibition grounds
- (16) Federal, state, county or municipal garages
- (17) Forest preserves
- (18) Golf courses; public and private
- (19) Golf driving ranges
- (20) Governmental uses other than those of the Village
- (21) High schools
- (22) Historic sites
- (23) Hospitals
- (24) Hotels
- (25) Indoor skating rinks
- (26) Independent Living Facility
- (27) Kennels (Ord. 1473, 11/6/2006)
- (28) Kiddie parks
- (29) Meeting halls
- (30) Massage Establishments (as defined), in accordance with Sec. 20-423
- (31) Miniature golf courses
- (32) Mobile Classrooms, Temporary.
- (33) Motels
- (34) Racetracks
- (35) Seminaries, monasteries, convents, and retreat houses
- (36) Shooting ranges
- (37) Stadiums and auditoriums
- (38) Telecommunication Facilities
- (39) Towing services
- (40) Transit or transportation facilities
- (41) Utility substations in accordance with Section 20-416.
- (42) Vocational schools
- (43) Warehousing and storage

SECTION 20-904. AREA/BULK RESTRICTIONS.

The following area/bulk restrictions shall apply to all buildings or structures in the "HB" district:

(A) Minimum Lot Size.

- (1) Lot area 18,000 square feet
- (2) Lot width 120 feet
- (3) Lot depth 150 feet

(B) Minimum Setbacks.

- (1) From front lot line 30 feet
- (2) From either side lot line 20 feet
- (3) From rear lot line 25 feet

(C) Maximum building height: 3 Stories, with a maximum height of 50 feet

SECTION 20-905. PARKING REGULATIONS.

Off-street parking shall be provided for every use in the "HB" district in accordance with the provisions of Part 13 of this Chapter.

SECTION 20-906. SIGN REGULATIONS.

Any sign erected in the "HB" district shall conform to the provisions of Part 14 of this Chapter.

SECTION 20-907. SUPPLEMENTAL REGULATIONS.

Purpose and Intent. – The purpose of this section is to provide visual buffers and reduce the negative effects associated with accessory functions of business establishments, which may be detrimental to other property values in the immediate area. Accessory functions can include, but not be limited to, outside storage, outside repairs and outside displays of merchandise. Proper screening of refuse containers and outside storage areas can reduce the unsightliness associated with these areas. Also, visual screening between commercial and residential districts helps ease the transition from one district to the next. Overall, these regulations are intended to make commercial properties more aesthetically pleasing to all adjacent properties and the motoring public.

(A) **Repairs Indoors.** All repair and maintenance services shall be conducted completely within enclosed structures.

(B) **Outside Storage.** Outside storage areas may be open to the sky, but shall be enclosed by a wall or solid fence at least eight feet (8') high.

(C) **Outside Display of Merchandise.** Merchandise displayed outside of any structure within any business district, whether placed on the ground, on a platform, or on or in a vehicle, shall be displayed no less than thirty feet (30') from the front property line.

Exceptions:

- 1) Automobile, truck, motorcycle, RV, and boat dealerships
- 2) Merchandise displayed between gasoline dispenser pumps at auto service stations
- 3) Lumber Yards

(D) **Refuse Containers.** All refuse generated by facilities located within this district shall be stored in tightly-covered containers placed in visually-screened areas and in accordance with the following provisions Exception: Containers used for paper recycling are not required to be placed within visually screened areas: (Ord 1464, 08/07/2006)

- (1) The standard refuse container required by this Code shall be a receptacle of impervious material and sturdy construction, with a tight-fitting cover, and equipped with handles properly placed to facilitate handling.
- (2) The occupant of every building, structure, or premises used or maintained in connection with any business or occupation, shall provide and maintain in good condition and repair, a sufficient number of refuse containers for the temporary storage of all refuse accumulating between collections.
- (3) It shall be the duty of the occupant of every building, structure, or premises used or maintained in connection with any business or occupation, to cause to be removed, at his own cost and expense, at least once each week, all refuse produced therein.
- (4) Every person owning or controlling any hotel, restaurant, cafe, or retail food establishment where more than thirty-two (32) gallons of refuse is normally produced each week, shall cause all garbage to be placed in sanitary refuse containers and shall cause all substances deposited in such containers to be removed daily from his premises and to be disposed of at his own expense.

- (E) **Screening.** Along the side and rear lot lines of any business use which abut a residential district, screening shall be installed in the form of a wall, solid fence, or closely-planted shrubbery, which is at least six feet (6') high and which completely blocks the view from the adjacent residential property.

SECTION 20-908. SPECIAL REGULATIONS, BUSINESS CONDOMINIUMS

- (A) Business condominiums shall be required to conform to all of the area bulk restrictions contained in Section 20-904. The minimum lot size shall be determined by measurements of the lot upon which the structure shall be situated. Minimum setbacks shall be determined from the location of the building structure upon the building lot. Private ownership of individual portions of a building shall in no way effect minimum setback requirements for that lot.
- (B) All uses which occupy a building condominium unit must be in conformity with Section 20-902, reflecting permitted uses in a highway business district or may be special uses permitted under Section 20-903 provided, however, that all procedures and requirements of the Land Development Code with regard to special uses have been complied with.

- (C) The developer of a business condominium unit shall submit a maintenance agreement, which shall be signed by each individual owner of any unit within the condominium complex. Said maintenance agreement shall provide for cooperative maintenance of all common areas including parking areas so as to ensure for the future maintenance of the business condominium.

SECTION 20-909. "PB" - PLANNED BUSINESS DISTRICT.

The "PB" - Planned Business District is intended to provide for maximum commercial site design and utilization in areas favorable for commercial growth, but which may experience a variety of developmental problems. These problems may relate to existing or future traffic patterns, land acquisition, topography, utilities, and related areas. The "PB" district provides maximum flexibility for the developer to create an attractive, profitable, commercial enterprise while allowing the Village to maximize vehicular and pedestrian safety, reduce potential capital expenditures for public improvements, and create a more attractive community.

Although the primary intent of the "PB" district is to provide for commercial development, the district also provides for the combination of different types of uses into a Planned Unit Development. As an example, a parcel of property could be utilized as a Planned Unit Development and contain a restaurant, retail shops, offices, and multiple-family housing, all coexisting as an integrated complex.

SECTION 20-910. PERMITTED USES.

The following uses shall be permitted in the "PB" district provided they are approved by the Board of Trustees and conform to such conditions and restrictions as the Board of Trustees may deem reasonably necessary or appropriate for the health, safety and welfare of the public.

- (1) Accounting, bookkeeping and auditing services
- (2) Agricultural implements; sales and service
- (3) Ambulance and Paramedic Services
- (4) Amusement establishments
- (5) Animal hospitals and clinics
- (6) Antique stores
- (7) Apparel stores
- (8) Appliance stores
- (9) Arcades or amusement halls
- (10) Architectural and planning services
- (11) Art galleries, commercial
- (12) Art and school supply stores
- (13) Auction rooms or barns
- (14) Auto accessory stores
- (15) Auto dealers, new or used

- (16) Auto driving instruction
- (17) Auto laundries and car washing facilities
- (18) Auto renting facilities
- (19) Auto repair, major
- (20) Auto repair, minor
- (21) Auto service stations
- (22) Auto undercoating and rustproofing services
- (23) Bakeries
- (24) Banks, Savings and Loans, and other financial institutions
- (25) Bars, taverns, and lounges
- (26) Barber and hairstyling shops
- (27) Beauty parlors
- (28) Bicycle stores; sales, rental and repair
- (29) Boat sales
- (30) Book and stationery stores
- (31) Bowling alleys
- (32) Building materials and products; sales and storage
- (33) Building trades showrooms and shops
- (34) Business and office machine sales and services
- (35) Bus passenger stations
- (36) Camera stores
- (37) Camper sales
- (38) Candy and confectionery stores
- (39) Catering establishments
- (40) Child care centers
- (41) China and glassware stores
- (42) Churches, chapels, temples and synagogues
- (43) Clothing and costume rental
- (44) Clubs and lodges
- (45) Condominiums
- (46) Convalescent homes, nursing homes, homes for the aged, homes for the ill or physically infirm, intermediate care facilities, skilled nursing homes, and specialized living accommodations (Ord 1455, 06/05/06)
- (47) Convenience stores
- (48) Dairy products stores
- (49) Dance/Performing Arts Studios (Ord. 1475, 11/6/2006)
- (50) Department stores
- (51) Detective agencies
- (52) Drapery stores
- (53) Dressmaking
- (54) Dry cleaners and laundromats
- (55) Dry goods stores
- (56) Drug stores
- (57) Dwelling, multiple-family, conventionally constructed
- (58) Dwelling, single-family, conventionally constructed
- (59) Dwelling, two-family, conventionally constructed
- (60) Electrical repair services
- (61) Employment agencies
- (62) Engineering and surveying services
- (63) Equipment rental and leasing services
- (64) Extermination services
- (65) Fast-food or drive-in restaurants
- (66) Floor covering stores
- (67) Floral shops
- (68) Funeral parlors
- (69) Furniture stores
- (70) Gift shops
- (71) Governmental uses of the Village of Swansea
- (72) Grocery stores
- (73) Gymnasiums, health clubs, and spas
- (74) Hardware stores
- (75) Hobby shops
- (76) Home appliance stores
- (77) Ice cream stores
- (78) Independent/Supportive Living Facilities (Ord 1455, 06/05/06)
- (79) Indoor movie theaters
- (80) Indoor tennis or racquetball clubs
- (81) Insurance agencies
- (82) Jewelry stores
- (83) Kennels (Ord. 1473, 11/6/2006)
- (84) Laboratories; medical, dental, or optical
- (85) Landscaping services
- (86) Libraries
- (87) Lithographers
- (88) Leather goods and luggage stores
- (89) Locksmiths
- (90) Martial Arts Studios (Ord. 1475, 11/6/2006)
- (91) Machinery sales and services
- (92) Mail order houses
- (93) Meat markets
- (94) Medical and dental clinics
- (95) Messenger and telegraph services
- (96) Massage Establishments (as defined), in accordance with Sec. 20-423
- (97) Miniature Golf Courses
- (98) Mobile and manufactured home sales
- (99) Mobile Classrooms, Temporary
- (100) Model homes and garage displays
- (101) Monument sales
- (102) Motor vehicle repair and servicing facilities
- (103) Motorcycle sales
- (104) Music stores
- (105) Newspaper and periodical publishers
- (106) Notions stores
- (107) Nurseries and greenhouses
- (108) Office supply and stationery stores
- (109) Offices including medical, dental, legal, philanthropic, charitable, fraternal, not-for-profit, and other such services.
- (110) Package liquor stores
- (111) Paint and wallpaper stores
- (112) Painting and decorating businesses
- (113) Parking lots and garages
- (114) Parks and playgrounds
- (115) Payday Loan Establishments (Ord. 1749, 04/25/2016)
- (116) Pet shops
- (117) Photography, commercial studio
- (118) Planned Unit Developments
- (119) Post offices

- (120) Public libraries, art galleries, and museums
- (121) Radio and television stations
- (122) Radio, television, and stereo sales
- (123) Real estate agencies
- (124) Record stores
- (125) Recording or sound studios
- (126) Recreational and community centers
- (127) Recreational vehicle sales
- (128) Rectories, parsonages, and parish houses
- (129) Repair shops; shoes and clothing
- (130) Restaurants
- (131) Sharpening and grinding businesses
- (132) Shoe stores
- (133) Sporting goods stores
- (134) Swimming pools, public or private
- (135) Tailors
- (136) Taxicab garages
- (137) Telephone exchange and equipment buildings
- (138) Telecommunication Facilities
- (139) Tennis clubs and courts, outdoors
- (140) Tire, battery, and other motor vehicle accessory services
- (141) Tobacco shops
- (142) Townhouses
- (143) Toy stores
- (144) Travel agencies
- (145) Variety stores
- (146) Video Stores, rentals and sales
- (147) Temporary buildings or trailers for construction purposes and for a period not to exceed the period of construction.

SECTION 20-911. SIGN REGULATIONS.

Any sign erected in the "PB" district shall conform to the provisions of Part 14 of this Chapter.

SECTION 20-912. SPECIAL PROCEDURES FOR THE "PB" DISTRICT.

The provisions of this Section shall apply to new construction and to those additions, alterations, and accessory uses exceeding fifteen percent (15%) of the area of any existing structure.

(A) Required Site Plan Submissions. The developer shall submit a site plan containing the following pertinent information to the Zoning Administrator:

- (1) The existing natural topographic features of the project area and its immediate surroundings.
- (2) The number of any proposed dwelling units by type and gross density per acre.

- (3) The location, size, character, and number of all proposed buildings, structures and uses.
- (4) The location and size of proposed off-street parking, loading and pedestrian and vehicular traffic circulation; and its relationship to the adjacent circulation system.
- (5) Landscaping, erosion and sedimentation control features.
- (6) Location of public and/or private utilities and facilities proposed to serve the subject area, including water supply, sewage and drainage facilities.
- (7) Proposed finished grade of the site.
- (8) Perspective or such other drawings as are necessary to indicate the relative character and compatibility of the different land uses of the proposed development with the immediate area as well as within the project area.

(B) Required Narrative Submissions. The developer shall submit a written narrative containing at least the following pertinent information to the Zoning Administrator:

- (1) A development schedule providing guidelines and sequence for the completion of the proposed development.
- (2) A description of the economic viability of the development may be required to include a market analysis, cash flow projections and expected types of funding.
- (3) The nature and extent of clearing and grading.
- (4) A statement of the present ownership of all land within the subject area. Unified control after construction shall include homeowner associations, trust indentures, deed restrictions and other building agreements for assuring operation and maintenance of common land and improvements.

(C) Required Impact Statement. Unless specifically exempted, the developer shall submit an impact statement containing at least the following pertinent information to the Zoning Administrator:

- (1) Anticipated kinds of commercial and industrial development and the projected employment.
- (2) Volume and nature of projected traffic.

- (3) Sewage generation and treatment.
- (4) Drainage facility and system requirements.

- 1) Automobile, truck, motorcycle, RV, and boat dealerships
- 2) Merchandise displayed between gasoline dispenser pumps at auto service stations
- 3) Lumber Yards

SECTION 20-913. ISSUANCE OF PERMITS.

(A) The Zoning Administrator shall not issue any permit for any proposed development restricted by the special procedures listed under Section 20-912 until:

- (1) The developer has submitted all pertinent information listed in Section 20-912.; and
- (2) The Planning Commission has reviewed the proposed development and has found that said proposed development complies with the provisions of Section 20-912.; and
- (3) The Village Board of Trustees has acted on the Planning Commission's recommendation, and has imposed any necessary conditions on a development proposal in order to assure compliance with the provisions of Section 20-912; and
- (4) The developer has revised his proposal as necessary to conform to the conditions imposed by the Board of Trustees.

(B) **Issuance of Certificate of Occupancy.** The Zoning Administrator shall not issue a certificate of occupancy for a development in the "PB" district until such development has been substantially completed in accordance with the approved development plan.

(C) **Minor Changes to Approved Plans.** Minor changes in approved development plans may be made provided that said plans are reviewed by the Planning Commission to assure compliance with the terms of Section 20-912 hereof.

(D) **Duration of Approval.** The approval of any proposed development within the Planned Business District shall be invalid one (1) year after approval by the Board of Trustees unless the development, as submitted and approved, has been substantially implemented by the developer. (Ord 1545, 04/20/09)

SECTION 20-914. Outside Display of Merchandise.

(A) Merchandise displayed outside of any structure within any business district, whether placed on the ground, on a platform, or on or in a truck, shall be displayed no less than thirty feet (30') from the front property line.

Exceptions:

This Page Intentionally Left Blank

CHAPTER 20

SWANSEA ZONING CODE

PART 10
SPECIFIC REGULATIONS FOR INDUSTRIAL DISTRICTS

SECTION 20-1001. "LI" - LIGHT INDUSTRIAL DISTRICT.
SECTION 20-1002. PERMITTED USES.
SECTION 20-1003. SPECIAL USES.
SECTION 20-1004. AREA/BULK RESTRICTIONS.
SECTION 20-1005. PARKING REGULATIONS.
SECTION 20-1006. SIGN REGULATIONS.
SECTION 20-1007. SUPPLEMENTAL REGULATIONS.

SECTION 20-1008. "HI" - HEAVY INDUSTRIAL DISTRICT.
SECTION 20-1009. PERMITTED USES.
SECTION 20-1010. SPECIAL USES.
SECTION 20-1011. AREA/BULK RESTRICTIONS.
SECTION 20-1012. PARKING REGULATIONS.
SECTION 20-1013. SIGN REGULATIONS.
SECTION 20-1014. SUPPLEMENTAL REGULATIONS.

SECTION 20-1001. "LI" - LIGHT INDUSTRIAL DISTRICT.

The "LI" Light Industrial District is intended to provide for areas where light industry, research facilities, warehouses, and wholesale businesses may locate without detriment to the remainder of the community. In these areas, a satisfactory correlation of factors required by such uses exists or can be readily achieved.

SECTION 20-1002. PERMITTED USES.

Provided all the use restrictions of this district are observed, the following shall be considered permitted uses in the "LI" district:

- (1) Assembly of semi-finished materials
- (2) Auto repair, major
- (3) Auto repair, minor
- (4) Auto service stations
- (5) Auto undercoating and rustproofing services
- (6) Auto laundries and car washing facilities
- (7) Building materials and products; sales and storage
- (8) Building trades showrooms and shops
- (9) Bus passenger stations
- (10) Concrete mixing plants
- (11) Contractor or construction yards
- (12) Equipment rental and leasing services
- (13) Federal, state, county or municipal garages

- (14) Governmental uses
- (15) Laboratories; research and testing
- (16) Landscaping services
- (17) Microwave and radar tower installations
- (18) Monument manufacturing and sales
- (19) Motor vehicle repair and servicing facilities
- (20) Printing, publishing, and lithography establishments
- (21) Public Utility companies
- (22) Sharpening and grinding businesses
- (23) Telecommunication Facilities, Telecommunication Towers
- (24) Towing services
- (25) Transit or transportation facilities
- (26) Warehousing and wholesaling establishments
- (27) Utility substations

SECTION 20-1003. SPECIAL USES.

Provided all the use restrictions of this district are observed, the following shall be considered special uses in the "LI" district and allowed only in accordance with the Section 20-1542.

- (1) Junk Yards.
- (2) Towing and Storage Companies
- (3) Tow Storage Lots
(Ord 1525, July 21, 2008)

SECTION 20-1004. AREA/BULK RESTRICTIONS.

The following area/bulk restrictions shall apply to all buildings or structures in the "LI" district:

(A) Minimum Lot Size.

- (1) Lot area 18,000 square feet
- (2) Lot width 120 feet
- (3) Lot depth 150 feet

(B) Minimum Setbacks.

- (1) From front lot line 30 feet
- (2) From either side lot line 20 feet
- (3) From rear lot line 25 feet

(C) Maximum building height. 60 feet

SECTION 20-1005. PARKING REGULATIONS.

Off-street parking shall be provided for every use in the "LI" district in accordance with the provisions of Part 13.

SECTION 20-1006. SIGN REGULATIONS.

Any sign erected in the "LI" district shall conform to the provisions of Part 14 of this Chapter.

SECTION 20-1007. SUPPLEMENTAL REGULATIONS.

- (A) No Nuisances.** No production, processing, cleaning, servicing, testing, repair, sale or storage of goods, materials, or equipment shall unreasonably interfere with the use, occupancy, or enjoyment of neighboring properties or the community as a whole. Unreasonable interferences shall include, but are not limited to, excessive traffic congestion, loud or shrill noises, excessive emission of smoke, emission of toxic gases, excessive glare, and noxious odors.
- (B) Activities Enclosed.** All production, processing, cleaning, servicing, testing, or repair activities shall be conducted completely within enclosed buildings.
- (C) Outside Storage.** Outside storage areas may be open to the sky, but shall be enclosed by a solid wall or fence, at least eight feet (8') high.
- (D) Buffer Strips.** Wherever any industrial use located in this district abuts any residential or conservation district, the owner shall install a

twenty-foot (20') wide buffer strip consisting of densely planted shrubbery that is at least five feet (5') high when planted and that can be expected to reach a height of ten feet (10') when full grown.

- (E) Dangerous Materials.** No building, structure or use within the "LI" district shall contain or utilize explosives, flammable gases or liquids, or live animals, without prior approval from the Zoning Administrator.

SECTION 20-1008. "HI" - HEAVY INDUSTRIAL DISTRICT.

The "HI" Heavy Industrial District is intended to provide for areas where heavy industries may locate without detriment to the remainder of the community. In these areas, a satisfactory correlation of factors required by such uses exists or can be readily achieved.

SECTION 20-1009. PERMITTED USES.

- (1) Manufacturing and industrial activities, including fabrication, processing, assembly, disassembly, repairing, cleaning, servicing, testing, packaging, and storage of materials, products and goods that can be conducted wholly within enclosed buildings.
- (2) Assembly of semi-finished materials
- (3) Auto repair, major
- (4) Auto repair, minor
- (5) Auto service stations
- (6) Auto undercoating and rustproofing services
- (7) Auto laundries and car washing facilities
- (8) Building materials and products; sales and storage
- (9) Building trades showrooms and shops
- (10) Concrete mixing plants
- (11) Contractor or construction yards
- (12) Equipment rental and leasing services
- (13) Federal, state, county or municipal garages
- (14) Governmental uses
- (15) Laboratories; research and testing
- (16) Landscaping services
- (17) Microwave and radar tower installations
- (18) Monument manufacturing and sales
- (19) Motor vehicle repair and servicing facilities
- (20) Printing, publishing, and lithography establishments
- (21) Public Utility companies
- (22) Sharpening and grinding businesses
- (23) Telecommunication Facilities, Telecommunication Towers
- (24) Towing services
- (25) Transit or transportation facilities
- (26) Warehousing and wholesaling establishments
- (27) Utility substations

SECTION 20-1010. SPECIAL USES.

- (1) Junk Yards.
- (2) Towing and Storage Companies
- (3) Tow Storage Lots
(Ord 1525, July 21, 2008)

SECTION 20-1011. AREA/BULK RESTRICTIONS.

The following area/bulk restrictions shall apply to all buildings or structures in the "HI" district:

(A) Minimum Lot Size.

- (1) Lot area 62,500 square feet
- (2) Lot width 250 feet
- (3) Lot depth 250 feet

(B) Minimum Setbacks.

- (1) From front lot line 50 feet
- (2) From either side lot line 20 feet
- (3) From rear lot line 50 feet

(C) Maximum building height. 60 feet

SECTION 20-1012. PARKING REGULATIONS.

Off-street parking shall be provided for every use in the "HI" district in accordance with the provisions of Part 13 of this Chapter.

SECTION 20-1013. SIGN REGULATIONS.

Any sign erected in the "HI" district shall conform to the provisions of Part 14 of this Chapter.

SECTION 20-1014. SUPPLEMENTAL REGULATIONS.

(A) No Nuisances. No production, processing, cleaning, servicing, testing, repair, sale or storage of goods, materials, or equipment shall unreasonably interfere with the use, occupancy, or enjoyment of neighboring properties or the community as a whole. Unreasonable interferences shall include, but are not limited to, excessive traffic congestion, loud or shrill noises, excessive emission of smoke, emission of toxic gases, excessive glare, and noxious odors.

(B) Activities Enclosed. All production, processing, cleaning, servicing, testing, or repair activities shall be conducted completely within enclosed buildings.

(C) Outside Storage. Outside storage areas may be open to the sky, but shall be enclosed by a solid wall or fence, at least eight feet (8') high.

(D) Buffer Strips. Wherever any industrial use located in this district abuts any residential or conservation district, the owner shall install a twenty-foot (20') wide buffer strip consisting of densely planted shrubbery that is at least five feet (5') high when planted and that can be expected to reach a height of ten feet (10') when full grown.

(E) Dangerous Materials. No building, structure or use within the "HI" district shall contain or utilize explosives, flammable gases or liquids, or live animals, without prior approval from the Zoning Administrator.

This Page Intentionally Left Blank

CHAPTER 20

SWANSEA ZONING CODE

PART 11

SPECIFIC REGULATIONS FOR FLOOD PLAIN OVERLAY DISTRICT

SECTION 20-1101.	"FPO" - FLOOD PLAIN OVERLAY DISTRICT.
SECTION 20-1102.	PERMITTED AND SPECIAL USES.
SECTION 20-1103.	SUPPLEMENTAL REGULATIONS.

SECTION 20-1101. "FPO" - FLOOD PLAIN OVERLAY DISTRICT.

The "FPO" - Flood Plain Overlay District delineates areas that, in the absence of flood protection measures, are subject to periodic flooding which may result in injury to or loss of life and property, disruption of private and governmental services, impairment of the Village tax base, and the need for extraordinary relief measures. The regulations of this Part are intended to restrict permitted development in flood plains to uses which have inherently low flood damage potential, and to other uses whose flood damage potential can be lessened by appropriate protective measures.

SECTION 20-1102. PERMITTED AND SPECIAL USES.

The "FPO", as a secondary overlay district, has no affect on permitted, special or prohibited uses in a primary zoning district, but rather imposes additional restrictions on any development in any zoning district which also falls within the boundaries of the flood plain.

SECTION 20-1103. SUPPLEMENTAL REGULATIONS.

(A) All uses, whether permitted or special, that are located within the boundaries of the "FPO" district, shall not only meet all the requirements of the primary zoning district, but shall also be adequately protected against flood damage.

(B) To assure such protection, the Zoning Administrator, after consultation with the Village Engineer and other technically qualified persons, may require the developer to:

(1) Provide anchorage or additional weight to structures to resist flotation;

- (2) Install water tight doors and bulkheads;
- (3) Use special paints, membranes or mortars to reduce seepage through walls;
- (4) Install pumps to lower water levels in structures or to relieve external foundation wall flood pressure;
- (5) Reinforce walls to resist rupture or collapse caused by water pressure or floating debris;
- (6) Install valves or controls on sanitary and storm drains so that the drains can be closed to prevent backup of sewerage or storm runoff into structures;
- (7) Locate electrical equipment and appliances above the level of the regulatory flood elevation;
- (8) Locate storage facilities for materials such as chemicals, explosives, flammable liquids, and toxic substances above the regulatory flood level;
- (9) Fill and grade property in order to raise the level of the proposed building site above the regulatory flood elevation; and/or
- (10) Any other reasonable flood protection measures.

(C) All development in a flood plain or floodway, shall conform to the provisions of Chapter 17, "Swansea Flood Plain Code".

This Page Intentionally Left Blank

CHAPTER 20

SWANSEA ZONING CODE

PART 12
NONCONFORMITIES

SECTION 20-1201.	PURPOSE AND INTENT.
SECTION 20-1202.	NONCONFORMING BUILDINGS AND STRUCTURES.
SECTION 20-1203.	NONCONFORMING USES.
SECTION 20-1204.	NONCONFORMING VACANT LOT OF RECORD.
SECTION 20-1205.	TWO (2) OR MORE LOTS IN COMMON OWNERSHIP.
SECTION 20-1206.	NONCONFORMITIES UNDER PERMIT AUTHORITY.
SECTION 20-1207.	CERTIFICATES OF NONCONFORMANCE.

SECTION 20-1201. PURPOSE AND INTENT.

The requirements imposed by this Chapter are designed to secure adequate light, pure air, and safety from fire and other damages, to guarantee that the taxable value of land and building throughout the village may be conserved, to prevent or lessen hazards to persons and damage to property resulting from the accumulation of run-off storm or flood water, to preserve the sights, areas and structures of historical, architectural and aesthetic importance and that the public health, safety, comfort, morals and welfare may otherwise be promoted. Lots, structures and uses of land are structures that do not conform to the requirements of the district in which they are located tend to impede appropriate development. The regulations of this Part are intended to alleviate such existing or potential problems by encouraging the gradual elimination of non-conformities.

SECTION 20-1202. NONCONFORMING BUILDINGS AND STRUCTURES.

Any otherwise lawful nonconforming building or structure which exists on the effective date of this Chapter may lawfully remain, subject to the following provisions:

- (A) **Maintenance.** A nonconforming structure may be maintained by ordinary repairs.
- (B) **Enlargement, Alterations.** A nonconforming building or structure shall not be altered or enlarged in any way which would increase its nonconformity by:
 - (1) Adding an addition to an existing building or adding a separate building; or
 - (2) Increasing in the area of lot used; or

- (3) Changing business methods or the provision of new accessory facilities.

- (C) **Relocation.** A nonconforming building or structure shall not be moved unless, after relocation, it will conform to all of the regulations of the district in which it will be situated.

- (D) **Reconstruction.** A nonconforming building or structure which is destroyed by any means shall not be reconstructed if the Zoning Administrator determines that the cost of such reconstruction exceeds 100% of the structure's replacement value at the time of loss, unless, after reconstruction, the structure will conform to all applicable regulations of the district in which it is located.

- (1) In the event the Zoning Administrator determines the estimated cost of reconstruction is equal to or less than 100% of the structure's replacement value at the time of loss, repairs or reconstruction shall be permitted, provided such work begins within six (6) months from the date the damage occurred and is completed within one (1) year after construction begins.

- (2) The Zoning Administrator may require that the reconstruction cost estimate be made by a bona fide construction contractor, and that the structure's market value at the time of loss be determined by a licensed real estate appraiser.

- (3) The owner of the damaged structure shall be responsible for obtaining these estimates on behalf of the Zoning Administrator.

SECTION 20-1203. NONCONFORMING USES.

Any nonconforming use, otherwise lawfully existing on the effective date of this Chapter, may lawfully continue, subject to the following provisions:

- (A) No nonconforming business use shall be extended or intensified so that the character of the commercial activity changes and creates a greater adverse impact on the zoning district in which it is located.
- (B) A nonconforming use shall not be changed except to a use that is permitted or special under the applicable zoning regulations.
- (C) When a nonconforming use is discontinued for a period of twelve (12) consecutive months, it shall not thereafter be resumed, and any subsequent use of the land shall conform to the applicable district regulations.

SECTION 20-1204. NONCONFORMING VACANT LOT OF RECORD.

Any nonconforming vacant lot of record may, nonetheless, be developed for any use permitted in that district if such vacant lot:

- (A) Was recorded in the County Recorder of Deeds office prior to the effective date of this Chapter, or any pertinent amendment thereto;
- (B) Is at least 30 feet wide.

SECTION 20-1205. TWO (2) OR MORE LOTS IN COMMON OWNERSHIP.

- (A) If two (2) or more lots, or combination of lots and portions of lots, with continuous frontage, were of record and in common ownership on the effective date of this Chapter, and if one or more of those lots does not meet the minimum width, depth, or area requirements of the district in which it is located, the land involved shall be considered an undivided parcel.
- (B) No portion of any such parcel shall be developed except in compliance with this Chapter, nor shall any such parcel be divided so as to create a lot that does not meet the requirements of this Chapter.

SECTION 20-1206. NONCONFORMITIES UNDER PERMIT AUTHORITY.

The regulations of this Article shall not effect the terms of any permit issued prior to the effective date of this Chapter, or any pertinent amendment thereto, provided that the work authorized by such permit is completed within a reasonable time.

SECTION 20-1207. CERTIFICATES OF NONCONFORMANCE.

At the request of the applicant, and following a thorough review of the specific building, structure, lot, or use, the Zoning Administrator, upon determining that said building, structure, lot, or use is legally nonconforming, shall issue a Certificate of Nonconformance in accordance with the provisions of Section 20-1521 through Section 20-1524 of this Chapter.

CHAPTER 20

SWANSEA ZONING CODE

PART 13
OFF-STREET PARKING AND LOADING REGULATIONS

SECTION 20-1301.	PURPOSE AND INTENT.
SECTION 20-1302.	GENERAL PROVISIONS.
SECTION 20-1303.	PARKING LOT DESIGN STANDARDS.
SECTION 20-1304.	REQUIREMENTS FOR PARKING SPACES.
SECTION 20-1305.	REQUIREMENTS FOR PARKING LOT AISLES.
SECTION 20-1306.	REQUIREMENTS FOR ACCESS.
SECTION 20-1307.	REQUIREMENTS FOR CONSTRUCTION.
SECTION 20-1308.	LIGHTING.
SECTION 20-1309.	LANDSCAPING.
SECTION 20-1310.	LOCATION OF REQUIRED PARKING.
SECTION 20-1311.	LOADING AREA DESIGN STANDARDS.
SECTION 20-1312.	REQUIREMENTS FOR LOADING SPACES.
SECTION 20-1313.	REQUIREMENTS FOR ACCESS.
SECTION 20-1314.	REQUIREMENTS FOR CONSTRUCTION.
SECTION 20-1315.	REQUIREMENTS FOR BUFFER STRIPS.
SECTION 20-1316.	LOCATION OF REQUIRED LOADING SPACES.
SECTION 20-1317.	COMPUTATION OF REQUIRED SPACES.
SECTION 20-1318.	TABLE OF PARKING SPACES, BY CLASSIFICATION.
SECTION 20-1319.	TABLE OF LOADING SPACES, BY CLASSIFICATION.

SECTION 20-1301. PURPOSE AND INTENT.

In order to reduce congestion in public streets, off-street parking and loading facilities shall be provided in accordance with this Part for all buildings, structures and uses erected or established after May 1, 1988.

SECTION 20-1302. GENERAL PROVISIONS.

- (A) The provisions of this Part shall apply to all zoning districts.
- (B) The duty to provide and maintain off-street parking and loading facilities shall be the joint and shared responsibility of the operator and the owner of the use or uses for which the off-street parking is required.
- (C) The parking spaces in any off-street parking or loading facility which already existed on May 1, 1988, shall not be reduced below the requirements and standards for the use or uses for which the off-street parking is required.
- (D) If the parking spaces in an off-street parking or loading facility which already exists on the effective date of this Chapter do not conform to

the requirements of this Part, the existing facilities shall not be further reduced below the requirements and standards for the use or uses for which the off-street parking is required.

- (E) If an existing building, structure, or use is damaged or destroyed and subsequently repaired or rebuilt, off-street parking and loading facilities equivalent to those maintained at the time of such damage or destruction, shall be restored, but additional spaces need not be provided.
- (F) If any building, structure, or use is enlarged or expanded, the owner of such use shall provide additional off-street parking and loading facilities, as required by the provisions of this section; provided, however, that if the Zoning Administrator determines that such compliance is clearly not possible, the owner shall be required to provide only the amount of additional parking such enlargement or expansion would require as a separate use.
- (G) If the existing use of a lot, building or structure is changed to a different use, the owner of such use shall provide off-street parking and loading facilities as required by the provisions of this section.

(H) All off-street parking and loading facilities, whether provided in accordance with this Chapter, or in accordance with the provisions of any previous ordinance, shall be maintained as required by this Section.

SECTION 20-1303. PARKING LOT DESIGN STANDARDS.

With the exception of parking spaces required for single-family and two-family residences, every off-street parking lot hereafter established, shall be designed in accordance with the standards listed herein. Typical parking configurations are depicted in Illustrations 20-A and 20-B.

SECTION 20-1304. REQUIREMENTS FOR PARKING SPACES.

Every parking space, designed for one (1) vehicle, shall conform to the requirements below and shall be designated by markings which clearly delineate each space, and which are laid and restored as often as necessary to maintain such delineation:

(A) Minimum Parking Space Width.

- (1) 90 degree parking 10 feet
- (2) 60 degree parking 9 feet
- (3) Parallel parking 8 feet
- (4) Handicapped parking 16 feet

(B) Minimum Parking Space Length.

- (1) 90 degree parking 20 feet
- (2) 60 degree parking 20 feet
- (3) Parallel parking 22 feet
- (4) Handicapped parking 20 feet

(C) Minimum Parking Space Vertical Clearance.

- (1) All types 7 feet

(D) MINIMUM NUMBER OF ACCESSIBLE PARKING SPACES

The minimum number of accessible parking spaces shall be in accordance with the following table. Accessible parking spaces shall be located on the shortest accessible route of travel to an accessible building entrance.

ACCESSIBLE PARKING SPACES

Total parking spaces provided	Required Minimum Number of accessible space
1 to 5	1 (See Note A)
6 to 25	1

26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
More than 1,000	20 plus one for each 100 over 1,000

Note A. The accessible space shall be provided, but is not required to be designated as reserved for physically disabled.

SECTION 20-1305. REQUIREMENTS FOR PARKING LOT AISLES.

(A) The aisles of every parking lot hereafter established shall conform to the requirements below:

- (1) 90 degree parking 22 feet
- (2) 60 degree parking 18 feet
- (3) Parallel parking 22 feet

(B) Aisles between two rows of 60 degree parking shall be limited to one-way traffic.

(C) Aisles between other types of parking, or between rows of mixed types, may allow two-way traffic but shall conform to the more restrictive minimum aisle width.

SECTION 20-1306. REQUIREMENTS FOR ACCESS.

(A) Every access way in any residential or conservation zoning district, which is less than one hundred feet (100') in length and serves a parking lot containing eight (8) or fewer parking spaces, shall be at least ten feet (10') wide.

(B) Every access way in any residential or conservation zoning district, which is more than one hundred feet (100') in length or serves a parking lot containing more than eight (8) parking spaces, shall be at least twenty feet (20') wide; provided, however, that when separate drives, each one-way, are designed for ingress and egress, the minimum required width for each drive shall be reduced to ten feet (10').

(C) Every access way for a parking lot located in any business or industrial zoning district, shall be at least twenty-four feet (24') wide; provided, however, that when separate drives, each one-way, are designed for ingress and egress, the

minimum required width for each drive shall be reduced to twelve feet (12').

- (D) Every parking lot shall be designed so that ingress to or egress from any parking space is by way of an aisle or driveway, and not directly from a street or public right-of-way.
- (E) No access way to any parking lot shall be located within thirty feet (30') of any corner formed by the intersection of the right-of-way of two (2) or more streets; provided, however, that when an intersection is regulated by traffic control devices, the Zoning Administrator may increase this requirement in order to reduce traffic hazards.
- (F) Every parking lot ingress and egress shall be aligned so that it forms, as closely as is possible, a right angle with the intersecting street.
- (G) Curb cuts for the purpose of providing ingress or egress are subject to all relevant state, county and Village requirements and approvals.

SECTION 20-1307. REQUIREMENTS FOR CONSTRUCTION.

Every off-street parking area including access ways and aisles, shall be graded and improved with a compacted gravel base at least four inches (4") thick, surfaced with at least two inches (2") of asphalt or similar impermeable, all weather, dustless surface.

SECTION 20-1308. LIGHTING.

- (A) Every off-street parking lot regularly used during night time hours, shall be lighted to enable safe access to parked vehicles.
- (B) Lighting used to illuminate any parking lot shall be arranged or shielded so as to confine direct light rays, to the greatest extent practicable, within the lot lines of the parking lot.

SECTION 20-1309. LANDSCAPING.

In order to reduce heat and glare and minimize the loss of natural vegetation common to the construction of parking facilities, landscaping shall be provided and maintained in accordance with the following provisions, for every parking lot property that contains ~~twenty (20)~~ ten (10) or more parking spaces.

- (A) A landscaping plan, either as a separate document or as an element of a more inclusive development plan, shall accompany every

application for an initial certificate of zoning compliance, in which the applicant would be required to ~~construct a parking lot containing twenty (20)~~ provide ten (10) or more spaces. (Ord 1552, 06/1/09)

- (B) Every landscaping plan shall at least include the following information:
 - (1) The proposed type, amount, size, and spacing of all plantings, including trees, shrubbery and ground cover;
 - (2) The proposed size, construction materials, and drainage of landscaped islands;
 - (3) A sketch indicating the proposed spatial relationships of landscaped areas, parking spaces, automobile circulation, and pedestrian movement.
- (C) Any portion of every parking space is required to be located within 55 feet of a landscaped island containing a minimum of one (1) shade tree. Shade trees must be a canopy type and be no less than 3 inch caliper size at the time of installation. Shade trees located within ten (10) feet of perimeter area parking spaces may define the perimeter edge of the parking space nearest the perimeter shade tree as a landscaped island. Existing significant shade trees on said property may be used to satisfy the requirement of a shade tree.

Exceptions:

- (1) Accessible parking spaces are not required to be located within 55 feet of a landscaped island containing a minimum of one (1) shade tree.
- (2) Interior parking rows of properly maintained existing parking lots are not required to be located within 55 feet of a landscaped island containing a minimum of one (1) shade tree. (Ord 1555, 10/05/09)

(D) All plant materials specified in landscape plans required under this section that are dead or diseased shall be replaced in conformity with the approved plan with identical or like species in the size required by the plan. (Ord 1560, 01/19/10)

SECTION 20-1310. LOCATION OF REQUIRED PARKING.

Every off-street parking lot shall be located in conformity with the following requirements:

- (A) **Single-family and Two-family Dwellings.** Parking spaces accessory to any single-family or two family dwelling shall be located on the same lot as the dwelling, and with the exception of a driveway, shall not be in the front yard.
- (B) **Multiple-family Dwellings.** Parking spaces accessory to any multiple-family dwelling shall be

located on the same lot as the dwelling, or on a commonly owned lot of the multiple-family buildings such parking spaces are accessory to, and constructed so that no vehicle shall be required to be moved in order to allow another vehicle to enter or exit the parking area.

(C) Business and Industrial Uses.

- (1) Every off-street parking space accessory to any business or industrial use shall be located within five hundred feet (500') of the use served; provided, however, that no portion of any parking lot for a non-residential use shall extend into any residential or conservation district except by written permission of the Zoning Administrator.
- (2) In any business or industrial district, off-street parking facilities for different buildings or uses may be provided collectively, if the total number of spaces collected together is not less than the sum of the separate requirements for each use, and if all other pertinent regulations are observed.

SECTION 20-1311. LOADING AREA DESIGN STANDARDS.

Every off-street loading space hereafter established, shall be designed in accordance with the following standards.

SECTION 20-1312. REQUIREMENTS FOR LOADING SPACES.

Every loading space, designed for one (1) vehicle, shall conform to the requirements below, exclusive of any aisle or maneuvering area that may be required, and shall be designated by markings which clearly delineate each space, and which are laid and restored as often as necessary to maintain such delineation.

- (A) Minimum loading space width 12 feet
- (B) Minimum loading space length 50 feet
- (C) Minimum vertical clearance 14 feet

SECTION 20-1313. REQUIREMENTS FOR ACCESS.

Every access way between an off-street loading space and a street or alley, shall be at least twelve feet (12') wide.

SECTION 20-1314. REQUIREMENTS FOR CONSTRUCTION.

Every off-street loading area shall be graded and improved with a compacted gravel base at least seven inches (7") thick, surfaced with at least two inches (2") of asphalt or similar impermeable, all weather, dustless surface.

SECTION 20-1315. REQUIREMENTS FOR BUFFER STRIPS.

No loading space designed for vehicles exceeding a two ton cargo capacity, shall be developed closer than fifty feet (50') from the lot line of any lot located in a residential or conservation district, unless such loading space is completely enclosed by a wall, a solid fence, or closely-planted shrubbery, at least ten feet (10') in height and of sufficient density to block the view from residential property.

SECTION 20-1316. LOCATION OF REQUIRED LOADING SPACES.

Every off-street loading space shall be located on the same parcel of land as the use served, and not closer than fifty feet (50') to the intersection of the rights-of-way of two (2) or more streets.

SECTION 20-1317. COMPUTATION OF REQUIRED SPACES.

In computing the number of parking and loading spaces required by this chapter, the Zoning Administrator shall apply the following rules:

- (A) In computing the parking spaces required for a building or structure containing mixed uses, the Zoning Administrator shall calculate the required number of parking spaces for each use, and add the sums of those calculations in order to determine the total number of spaces required for the building. For example, a lodge with a dance hall would require parking spaces for each use.
- (B) If, in computing the number of parking or loading spaces required by this Section, the calculation results in the requirement of a fractional space, a fraction of less than one-half may be disregarded, while a fraction of one-half or more shall be counted as one (1) space.
- (C) If, in computing the number of parking spaces required by this Section, the gross floor area for a specific use is less than that identified in the calculation formula, the Zoning Administrator shall divide the gross floor area by the area indicated in the calculation formula and multiply the result by the required number of spaces. For example, if a fast food restaurant has a gross floor area of 800 square feet, the Zoning Administrator shall divide 800 by 1,000 and

multiple the resulting .80 by 30, thereby requiring 24 parking spaces for this specific use.

- (D) If, in reviewing the classifications below, a particular use is not found, the Zoning Administrator shall classify the use with other similar uses and calculate parking space requirements according to the provisions for that classification.

SECTION 20-1318. TABLE OF PARKING SPACES, BY CLASSIFICATION.

This section divides specific uses of property into classification groups.

The minimum number of off-street parking spaces required for each use of a specific parcel of property, shall be determined by identifying the classification group to which each use belongs, and performing the calculation identified for that specific group.

- (A) **Class 1.** The following uses shall be required to provide two (2) parking spaces per dwelling unit.

- (1) Dwelling, single-family
- (2) Dwelling, two-family
- (3) Dwelling, multiple-family, two or more bedrooms
- (4) Mobile and manufactured homes

- (B) **Class 2.** The following uses shall be required to provide one and one-half (1 1/2) parking spaces per dwelling unit.

- (1) Dwelling, multiple-family, one bedroom
- (2) Dwelling, multiple-family, efficiency units

- (C) **Class 3.** The following uses shall be required to provide one (1) parking space per dwelling unit, lodging room or room for rent.

- (1) Hotels
- (2) Motels
- (3) Dormitories
- (4) Private clubs and lodges with sleeping facilities
- (5) Apartments for the elderly

- (D) **Class 4.** The following uses shall be required to provide one (1) parking space per 1,000 square feet of gross floor area, as defined.

- (1) Convalescent homes, nursing homes, homes for the aged, homes for the ill or physically infirm, intermediate care facilities, sheltered care facilities, skilled nursing homes, and specialized living accommodations
- (2) Independent /Supportive Living Facilities
(Ord 1455, 06/05/06)

- (3) Seminaries, monasteries, convents, and retreat houses
- (4) Rectories, parsonages, and parish houses

- (E) **Class 5.** The following uses shall be required to provide two (2) parking spaces per 1,000 square feet of gross floor area.

- (1) Day care centers, nursery schools, and pre-schools
- (2) Extermination services
- (3) Federal, state, county or municipal garages
- (4) Historic sites
- (5) Hospitals
- (6) Machinery sales and services
- (7) Mail order houses
- (8) Philanthropic and charitable institutions
- (9) Public libraries, art galleries, and museums
- (10) Radio and television stations

- (F) **Class 6.** The following uses shall be required to provide four (4) parking spaces per 1,000 square feet of gross floor area.

- (1) All professional, commercial, organizational and government offices not specifically listed herein
- (2) Animal hospitals and clinics
- (3) Art galleries, commercial
- (4) Auto driving instruction, excluding storage of vehicles
- (5) Auto renting facilities, excluding storage of vehicles
- (6) Banks or savings and loans, without drive-in facilities
- (7) Business and office machine sales and services
- (8) Bus passenger stations
- (9) Catering establishments
- (10) Clothing and costume rental
- (11) Clubs and lodges, without sleeping facilities
- (12) Detective agencies
- (13) Dressmaking
- (14) Employment agencies
- (15) Financial institutions and uses
- (16) Governmental administration buildings, without garages
- (17) Gymnasiums, health clubs, and spas
- (18) Indoor tennis or racquetball clubs
- (19) Laboratories; medical, dental, or optical
- (20) Laboratories; research and testing
- (21) Lithographers
- (22) Loan companies
- (23) Locksmiths
- (24) Medical and dental clinics
- (25) Not-for-profit corporations, service organizations, or fraternal organizations
- (26) Painting and decorating businesses
- (27) Police or fire stations
- (28) Post offices

- (29) Recording or sound studios
- (30) Recreational and community centers
- (31) Repair shops; shoes and clothing
- (32) Sharpening and grinding businesses
- (33) Tailors
- (34) Taxicab garages, excluding storage of vehicles
- (35) Telephone exchange and equipment buildings
- (36) Towing services, excluding storage of vehicles
- (37) Transit or transportation facilities
- (38) Travel agencies

(G) Class 7. The following uses shall be required to provide five (5) parking spaces per 1,000 square feet of gross floor area.

- (1) Auto service stations
- (2) Auto undercoating and rustproofing services
- (3) Bowling alleys
- (4) Furniture stores
- (5) Leather goods and luggage stores
- (6) Photography, commercial studio

(H) Class 8. The following uses shall be required to provide six (6) parking spaces per 1,000 square feet of gross floor area.

- (1) Antique stores
- (2) Apparel stores
- (3) Appliance stores
- (4) Art and school supply stores
- (5) Auto accessory stores
- (6) Bakeries
- (7) Barber and hairstyling shops
- (8) Beauty parlors
- (9) Bicycle stores; sales, rental and repair
- (10) Book and stationery stores
- (11) Camera stores
- (12) Candy and confectionery stores
- (13) China and glassware stores
- (14) Department stores
- (15) Drapery stores
- (16) Dry cleaners and laundromats
- (17) Dry goods stores
- (18) Drug stores
- (19) Floor covering stores
- (20) Floral shops
- (21) Funeral parlors
- (22) Gift shops
- (23) Grocery stores
- (24) Hardware stores
- (25) Hobby shops
- (26) Home appliance stores
- (27) Ice cream stores
- (28) Jewelry stores
- (29) Meat markets
- (30) Music stores
- (31) Notions stores
- (32) Office supply and stationery stores
- (33) Package liquor stores

- (34) Paint and wallpaper stores
- (35) Pet shops
- (36) Radio, television, and stereo sales
- (37) Record stores
- (38) Shoe stores
- (39) Sporting goods stores
- (40) Tobacco shops
- (41) Toy stores
- (42) Variety stores

(I) Class 9. The following uses shall be required to provide ten (10) parking spaces per 1,000 square feet of gross floor area.

- (1) Auction rooms or barns
- (2) Arcades or amusement halls
- (3) Billiard and pool halls
- (4) Bars, taverns, and lounges
- (5) Convention and exhibition halls
- (6) Dance halls
- (7) Meeting halls
- (8) Restaurants, excluding fast-food or drive-in
- (9) Indoor skating rinks

(J) Class 10. The following uses shall be required to provide thirty (30) parking spaces per 1,000 square feet of gross floor area, plus six (6) car holding spaces for every drive-in bay.

- (1) Fast-food or drive-in restaurants

(K) Class 11. The following uses shall be required to provide one (1) parking space per 1,000 square feet of gross floor area, plus one (1) parking space per every 2,000 square feet of occupied land area.

- (1) Agricultural implements; sales and service
- (2) Archery ranges
- (3) Golf driving ranges
- (4) Nurseries and greenhouses

(L) Class 12. The following uses shall be required to provide three (3) parking spaces per 1,000 square feet of gross floor area, plus one (1) parking space per every 3,000 square feet of occupied land area.

- (1) Amusement establishments
- (2) Boat sales
- (3) Camper sales
- (4) Equipment rental and leasing services
- (5) Kiddie parks
- (6) Miniature golf courses
- (7) Mobile and manufactured home sales
- (8) Model homes and garage displays
- (9) Monument sales
- (10) Motor vehicle repair and servicing facilities
- (11) Motorcycle sales
- (12) New or used car dealers
- (13) Recreational vehicle sales
- (14) Shooting ranges

(15) Tire, battery, and other motor vehicle accessory services
(M) Class 13. The following uses shall be required to provide one (1) parking space per 5,000 square feet of occupied land area.

- (1) Athletic fields
- (2) Arboreturns or botanical gardens
- (3) Forest preserves
- (4) Grounds of non-commercial recreational clubs
- (5) Public parks and playgrounds
- (6) Swimming pools; provided, however, that when a swimming pool is an isolated use, parking shall be computed at a rate of one (1) space per 75 square feet of water area.
- (7) Tennis clubs and courts, outdoors

(N) Class 14. The following uses shall be required to provide five (5) parking spaces per every washing bay.

- (1) Auto laundries and car washing facilities

(O) Class 15. The following uses shall be required to provide five (5) car handling spaces per every drive-up teller window, plus four (4) parking spaces per every 1,000 square feet of gross floor area.

- (1) Drive-in banks, savings and loans, and financial services

(P) Class 16. The following uses shall be required to provide one (1) parking space per every five (5) students based on design capacity.

- (1) Elementary and Jr. High schools

(Q) Class 17. The following uses shall be required to provide one (1) parking space per every three (3) students based on design capacity.

- (1) Colleges, junior colleges, and universities
- (2) Business, art, dance or commercial schools
- (3) High schools
- (4) Vocational schools

(R) Class 18. The following uses shall be required to provide one (1) parking space per every four (4) seats provided.

- (1) Churches, chapels, temples and synagogues
- (2) Fairgrounds and exhibition grounds
- (3) Racetracks
- (4) Stadiums and auditoriums

(S) Class 19. The following uses shall be required to provide one (1) parking space per every two and one-half (2 1/2) seats provided.

- (1) Indoor movie theaters

(T) Class 20. The following uses shall be required to provide two (2) parking spaces per every one (1) employee.

- (1) Building materials and products; sales and storage
- (2) Building trades showrooms and shops
- (3) Concrete mixing plants
- (4) Contractor or construction yards
- (5) Landscaping services
- (6) Microwave and radar tower installations

(U) Class 21. The following uses shall be required to provide two (2) parking spaces per every three (3) employees.

- (1) All industrial uses not specifically mentioned otherwise
- (2) All essential services and public services not specifically mentioned otherwise
- (3) Warehousing and wholesaling establishments

(V) Class 22. The following uses shall be required to provide one hundred (100) parking spaces per nine (9) holes.

- (1) Golf courses; public and private

SECTION 20-1319. TABLE OF LOADING SPACES, BY CLASSIFICATION.

The minimum number of off-street loading spaces required for each use of a specific parcel of property, shall be determined by reviewing the table below, identifying the classification group to which each use belongs, and performing the calculation identified for that specific group.

(A) Class 1. The following uses shall be required to provide one (1) loading space for every building containing between ten thousand (10,000) and one hundred thousand (100,000) square feet of gross floor area, plus one additional loading space per each additional one hundred thousand (100,000) square feet of gross floor area or fraction thereof.

- (1) Amusement and recreational facilities
- (2) Banks and other financial institutions
- (3) Business and other professional offices
- (4) Convention and exhibition halls
- (5) Health and medical institutions
- (6) Hotels and motels containing retail shops, business or professional offices,

convention or exhibition halls, or auditoriums

- (7) Public and administrative buildings
- (8) Radio and television studios
- (9) Recording studios
- (10) Heaters, indoor
- (11) Funeral parlors and mortuaries

(B) Class 2. The following uses shall be required to provide one (1) loading space for every building containing between ten thousand (10,000) and twenty thousand (20,000) square feet of gross floor area, plus one additional loading space per each additional two hundred thousand (200,000) square feet of gross floor area or fraction thereof.

- (1) Apartment hotels
- (2) Auditoriums
- (3) Charitable institutions
- (4) Clubs and lodges
- (5) Hotels and motels containing no retail shops, business or professional offices, convention or exhibition halls, or auditoriums
- (6) Meeting halls
- (7) Religious institutions
- (8) Multiple-family dwellings
- (9) Research and testing institutions
- (10) Schools and educational facilities

(C) Class 3. The following uses shall be required to provide one (1) loading space for every building containing between five thousand (5,000) and forty thousand (40,000) square feet of gross floor area, and two (2) loading spaces for every building containing between forty thousand (40,000) square feet and one hundred thousand (100,000) square feet of gross floor area, plus one additional loading space per each additional one hundred thousand (100,000) square feet of gross floor area or fraction thereof.

- (1) Assembly, manufacturing, and fabricating establishments
- (2) Cartage, express, and motor freight facilities
- (3) Cleaning, repairing, servicing and testing facilities
- (4) Laundries and dry cleaning facilities
- (5) Mail order businesses
- (6) Printing and publishing establishments
- (7) Warehousing, storage and wholesaling establishments

(D) Class 4. For all other uses, including but not limited to retail stores and restaurants and other establishments handling the sale or consumption of food or beverages on the premises, loading spaces shall be provided in accordance with the gross floor areas:

- | | |
|---|----------|
| (1) 5,000 - 20,000 square feet | 1 space |
| (2) 20,000 - 60,000 square feet | 2 spaces |
| (3) 60,000 - 100,000 square feet | 3 spaces |
| (4) For every additional one hundred thousand (100,000) square feet or fraction thereof | 1 space |

CHAPTER 20

SWANSEA ZONING CODE

PART 14
SIGN REGULATIONS

<u>SECTION 20-1401</u>	<u>PURPOSE AND INTENT</u>
<u>SECTION 20-1402</u>	<u>GENERAL PROHIBITION</u>
<u>SECTION 20-1403</u>	<u>STRICTLY PROHIBITED SIGNS</u>
<u>SECTION 20-1404</u>	<u>SIGNS PERMITTED IN ANY ZONING DISTRICT</u>
<u>SECTION 20-1405</u>	<u>GENERAL RESTRICTIONS</u> <u>(A) ALLOWABLE SIGN AREA</u> <u>(B) SIGN ILLUMINATION</u> <u>(C) SIGN MOVEMENT</u> <u>(D) SIGN LOCATION AND MAINTENANCE</u>
<u>SECTION 20-1406</u>	<u>SPECIAL RESTRICTIONS</u> <u>(A) CONSERVATION DISTRICTS</u> <u>(B) RESIDENTIAL DISTRICTS</u> <u>(C) BUSINESS AND INDUSTRIAL DISTRICTS</u>
<u>SECTION 20-1407</u>	<u>FREESTANDING SIGNS</u>
<u>SECTION 20-1408</u>	<u>OFF-PROPERTY FREESTANDING SIGNS</u>
<u>SECTION 20-1409</u>	<u>PROJECTING SIGNS</u>
<u>SECTION 20-1410</u>	<u>FLUSH MOUNTED SIGNS</u>
<u>SECTION 20-1411</u>	<u>CANOPY, AWNING AND MARQUEE SIGNS</u>
<u>SECTION 20-1412</u>	<u>CERTIFICATE OF SIGN COMPLIANCE</u>
<u>SECTION 20-1413</u>	<u>NONCONFORMING SIGNS</u>
<u>SECTION 20-1414</u>	<u>VIOLATIONS</u>

SECTION 20-1401 PURPOSE AND INTENT

Attractive and integrated urban design features tend to improve the image of the community, raise property values within the community, attract new business and residents to the community, and improve the overall quality of life of the community. Attention to urban design features, therefore, is determined by the Board of Trustees of the Village of Swansea to be in the best economic interest of the citizens and business owners of the Village of Swansea.

Signs, due to their inherent visibility and incursion upon the urban landscape, represent a prominent urban design feature. The regulations contained in Part 14 of Chapter 20 were prepared in recognition of the impact of signs as a prominent urban design feature and are intended to regulate type, area, height, number, location, illumination, design and construction of signs permitted in the various zoning districts throughout the Village of Swansea. The intent of the Sign Regulations of this Ordinance is, in part: to encourage the effective use of signs as a means of communication in the Village of Swansea; to create a more attractive economic and business climate; to minimize the possible adverse effects of signs on nearby public and private property; to foster and improve the economic vitality of the community

by enhancing and protecting the physical appearance of the community; and, to preserve, protect and promote the public health, safety and general welfare of the community.

SECTION 20-1402 GENERAL PROHIBITION

Any sign not expressly permitted in this Part shall be deemed prohibited.

SECTION 20-1403 STRICTLY PROHIBITED SIGNS

Except as specifically noted otherwise, the following signs and street graphics are strictly prohibited throughout the Village:

(A) Pole Mounted Signs. Any sign with exposed structural supports such as poles, braces, posts, or other such supports.

(B) Billboards. Any single or double-faced sign displaying messages or advertising not associated with the premises on which said sign is located or to which it is fixed, subject to the exceptions of Section 20-1408 hereof.

(C) Signs in the public right of way. Temporary or permanent signs located in the public right of way except those listed in Sections 20-1404(G) and 20-1404(H).

(D) Mobile Marquee Signs. Freestanding signs, allowing changeable copy, typically through the use of individual plastic characters, and which are also typically illuminated internally and/or feature flashing or alternating lights, and designed to be transported or transportable on a frame with wheels, with permanent or changeable copy, illuminated or non-illuminated, which are portable, with or without wheels, either continuously placed at a specific location or periodically moved in or on a vehicle or trailer. (Ord 1637, 03/05/2012)

(E) Roof Mounted Signs. Any sign erected or maintained on the roof of any building.

(F) Signs attached to trees. Signs attached to trees, fences, or public utility poles, other than warning signs posted by government officials or public utilities, and pole banners as specified in Section 20-1404(F).

SECTION 20-1404 SIGNS PERMITTED IN ANY ZONING DISTRICT

Notwithstanding Section 20-1406 and its subsections, any sign or other street graphic enumerated below that complies with the indicated requirements is permitted in any district of the Village. Such signs or street graphics shall not be debited against the displaying establishment's sign area allowance.

(A) Construction signs. Construction signs identifying the architects, engineers, contractors, and other individuals or firms involved with the construction, and/or announcing the character or purpose of the building, but not advertising any product. Such signs shall not exceed five (5) square feet in any Conservation or Residential District, or thirty-two (32) square feet in other districts, shall be confined to the site of the construction, and shall be removed within fourteen (14) days after the issuance of the final occupancy permit for the project.

(B) Real estate signs. Real estate signs indicating the sale, rental or lease of the premises on which they are located. Such signs in Residential Districts shall not exceed five (5) square feet. In other districts such signs shall not exceed sixteen (16) square feet except that when a parcel of property exceeds ten (10) acres, a sign as large as thirty-two (32) square feet shall be allowed. Not more than one (1) real estate sign per street front shall be erected on any lot. Such signs shall be removed within seven (7) days of the sale, rental or lease.

(C) Real estate directional signs. Real estate directional signs indicating an open house or the sale, rental or lease of property under development. Such signs shall be located on private property, with permission from the owner of said property, and shall not exceed four (4) square feet. Open house signs shall not be erected more than five (5) days prior to the scheduled showing and shall be removed within twenty-four (24) hours following.

(D) Temporary signs. Temporary signs are signs erected on private property for a limited period of time. Except for signs further regulated under Subsection (F) in this Section, temporary signs shall not exceed four (4) square feet, shall be limited to not more than three (3) such signs on any lot or premises. Temporary signs shall be permitted only for fourteen days before and three (3) days after the specified event.

(E) Garage sale signs. Garage sale signs advertising a garage or yard sale to be held on private residential property. Such signs shall not exceed four (4) square feet, shall not be erected more than two (2) days prior to the scheduled sale and shall be removed immediately following.

(F) Public interest signs, commercial banners, street banners and pole banners. (Ord 1637, 03/05/2012)

(1) Public interest signs are temporary signs erected on private property which publicize an event of general public interest that is to be held in the near future. Freestanding public interest signs shall not exceed thirty-two (32) square feet. Freestanding public interest signs and street banners shall be permitted only for fourteen (14) days before and three (3) days after the specified event.

(2) Commercial banners, which are erected on a wall or roof edge of any building to advertise a store opening, sales event or similar activity, shall not exceed thirty-two (32) square feet. Commercial banners shall be displayed no more than fourteen (14) days before and three (3) days after the specified event.

(2) (3) Street banners are temporary signs spanning over the width of a public street, which publicize an event of general public interest that is to be held in the near future. Street banners shall not exceed thirty (30) feet in length and four (4) feet in height. Private advertising shall be limited to a maximum of twenty (20) percent of the gross area of the sign.

(3) (4) Pole banners are signs attached to a utility pole that commemorate an event or a matter of significant public interest. Pole banners mounted on public utility poles shall not exceed thirty (30) inches wide by sixty-six (66) inches tall. No more than two (2) banners may be attached to any utility pole at a given time. Pole banners shall be permitted for a time period as approved by the Board of Trustees.

(4) (5) All public interest signs, commercial banners, street banners and pole banners require a Certificate of Sign Compliance in accordance with the provisions of Section 20-1525. (Ord 1637, 03/05/2012)

(G) Governmental, public and directional signs. Governmental, public and directional signs such as traffic control signs, railroad crossing signs, legal notices, signs indicating the location of underground cables, no trespassing signs, no parking signs, signs indicating the entrances and exits of parking lots, signs welcoming visitors to the Village, and signs indicating the location of public telephones and restrooms.

(H) Institutional signs. Institutional signs identifying a public, charitable, or religious institution. Such signs located on the premises of such institutions shall adhere to the size restrictions in Section 20-1405(A). Such signs located off premises require a Certificate of Sign Compliance in accordance with the provisions of Section 20-1525 and shall conform to Illinois Department of Transportation regulations.

(I) Integral signs. Integral signs carved into stone or inlaid so as to become part of the building, and containing such information as date of erection, name of building, and memorial tributes.

(J) Subdivision entrance signs. Subdivision entrance signs are permanent signs identifying a residential subdivision, office park, or apartment complex. Such signs shall be located on private property, contain no commercial advertising, and shall not exceed forty (40) square feet.

(K) House numbers and/or name of occupant signs. House numbers and/or name of occupant signs located on the lot to which the sign applies. Such signs shall contain no commercial advertising, and shall not exceed four (4) square feet.

(L) Interior signs. Signs located in the interior of any building or within an enclosed lobby or court of any building or group of buildings, provided such signs are designed and located to be

viewed exclusively by the patrons or residents of such buildings.

(M) Human Signs. Temporary signs or placards carried or supported by individuals. Such signs promoting a commercial activity or business shall be considered peddling or hawking and shall meet the requirements of Chapter 16 Part 2.

(N) Political Signs. Political signs announcing candidates seeking public/political office and/or political issues and other pertinent information. Political signs are permitted under this Part as such signs are permitted under the laws of the state of Illinois and the United States. ~~No political sign shall be erected more than sixty (60) days prior to the election and shall be removed within three (3) days following an election.~~ (Ord 1637, 03/05/2012)

SECTION 20-1405 GENERAL RESTRICTIONS

In order to accomplish the purpose of this Part, the following general restrictions apply.

(A) Allowable Sign Area

(1) Sign area shall be calculated as the area within an imaginary rectangle which, when drawn, would completely enclose all the letters, parts or symbols of the sign.

(2) Freestanding and Projecting Signs. Within the limitations and restrictions as further provided in this Part, the total sign area of any freestanding and/or projecting signs which any establishment is permitted to display, shall be computed in accordance with the following formula:

(a) One and one-half (1 1/2) square feet of sign area per every one (1) foot of street frontage for the first one hundred (100) feet of such frontage; plus one (1) square foot of sign area per each additional one (1) foot of such frontage in excess of one hundred (100) feet; provided, however, that no establishment in any district shall display more than two hundred fifty (250) square feet of sign area on any street front with the exception of those listed in Section 20-1405(A)(1)(b).

(b) Properties on which particularly large buildings are constructed shall be allowed a maximum sign area subject to the following:

(i) Buildings that are fifty thousand (50,000) to one hundred thousand (100,000) square feet in size shall be allowed a maximum sign area of two hundred and fifty (250) square feet plus ten (10) percent, or two hundred and seventy-five (275) square feet.

(ii) Buildings that are one hundred thousand (100,000) to one hundred fifty thousand (150,000) square feet in size shall be allowed a maximum sign area of two hundred and fifty (250) square feet plus twenty (20) percent, or three hundred (300) square feet.

(iii) Buildings that are over one hundred and fifty thousand (150,000) square feet in size shall be allowed a maximum sign area of two hundred and fifty (250) square feet plus thirty (30) percent, or three hundred and twenty-five (325) square feet.

(c) In calculating the sign area of a proposed sign that contains more than two (2) faces, the Zoning Administrator shall determine the sum of the areas of each face and divide by two (2), assuring that the result does not exceed the allowable sign area for the property.

(d) The total allowable sign area shall include the sum of the areas of all freestanding and projecting signs.

(3) Flush Mounted Signs. Within the limitations and restrictions as further provided in this Part, the total sign area of any flush mounted, wall, or window sign which any establishment is permitted to display shall be computed in accordance to the following formula:

(a) Single Tenant Buildings: One (1) square foot of sign area per every one (1) linear foot of primary street frontage; provided, however, that no establishment in any district shall display more than three hundred seventy-five (375) square feet of sign area.

(b) Multi-Tenant Buildings: For multi-tenant retail (strip centers) or mixed-use buildings one (1) square foot of sign area per every one (1) linear foot of primary store frontage. For multi-tenant office buildings, one (1) square foot of sign area per every one (1) linear foot of street frontage, provided however, that no multi-tenant office building in any district shall display more than three hundred seventy five (375) square feet of sign area. (Ord1564, 02/16/10)

(c) The total allowable sign area shall include the sum of the areas of all flush mounted, wall, and window signs.

(B) Sign Illumination

Unless restricted otherwise in this Chapter, illumination of signs is permitted, subject to the following requirements:

(1) No sign shall employ red, yellow or green lights in such a manner as to confuse or interfere with vehicular traffic.

(2) Electronic message boards shall only use lights of a single color on a contrasting background.

(3) No sign shall have blinking, flashing, or fluttering lights or any other illuminating device which has a changing light intensity, brightness or color.

(3) The light from any illuminated sign shall be shaded, shielded, or directed so that it creates neither a nuisance to adjacent property nor a traffic hazard.

(C) Sign Movement

Any sign that revolves, rotates, or mechanically moves in any manner is strictly prohibited.

(D) Sign Location and Maintenance

(1) No sign shall be erected, relocated or maintained so as to prevent free access or egress from any door, window, fire escape, or driveway.

(2) No sign shall be erected or maintained in such a manner that it interferes with, obstructs the view of, or is likely to be confused with any authorized traffic control device.

(3) Every sign shall be designed and constructed in conformity with any applicable provisions of the adopted building codes.

(4) Every sign shall be maintained in a safe, neat and attractive condition by its owner.

(5) ~~Defunct (S)igns at vacant businesses, including the posts or other supports therefore, that advertise or identify an activity, business, product or service no longer conducted on the premises where such sign is located are strictly prohibited.~~ thereof, may remain, but shall be maintained in a safe and neat condition, free of loose parts and peeling paint. (Ord 1637, 03/05/2012)

SECTION 20-1406 SPECIAL RESTRICTIONS

In order to accomplish the purpose of this Part, the following special restrictions apply.

(A) Conservation Districts

No sign other than those permitted by Section 20-1404 shall be erected in any Conservation District.

(B) Residential Districts

No sign other than those permitted by Section 20-1404 shall be erected in any Residential District.

(D) The maximum height of any freestanding sign shall not exceed fifteen (15) feet above the curb line.

(C) Business and Industrial Districts

No establishment located in any business district or in any industrial district shall display on any street front a total area of sign in excess of the allowance derived by application of the provisions and formula set forth in Section 20-1405(A). Additionally, signs in any Business or Industrial District shall conform to the requirements indicated in the following Sections.

SECTION 20-1408 OFF-PROPERTY FREESTANDING SIGNS

Notwithstanding the restriction contained in Section 20-1403(C), any establishment which lacks frontage on a public street, may erect a freestanding sign at the intersection of the closest public street with the access way to the establishment, subject to all the regulations of this Chapter and the following provisions:

SECTION 20-1407 FREESTANDING SIGNS

Any sign permanently mounted which stands apart from and is not attached to any building or structure. Freestanding signs shall comply with the following regulations:

(A) Said establishment shall secure an easement for the sign from a property owner possessing frontage to the public street.

(B) Any freestanding sign erected pursuant hereto, shall be considered to be a freestanding sign of the establishment owning said property and shall further be calculated against the limitations contained in Sections 20-1405(A) (1) and 20-1406(C).

(A) Freestanding signs shall be limited to one (1) per lot in those districts where said signs are allowed, provided, however, that any establishment on a lot with frontage on two (2) streets shall be allowed to erect one (1) freestanding sign on each of the two (2) street frontages if each sign meets all other provisions of this code, including the total allowable sign area for such signs.

(B) No part of any freestanding sign shall be located closer than ten feet (10') from the public right-of-way or obstruct motorists' view.

~~(C) All freestanding signs shall be monument style, which is defined as any sign placed upon or supported by the ground, independent of the principal structure on the property, which is displayed on a decorative feature of brick, wood, metal, or other material that is no less than fifty percent (50%) of the width of the sign. A monument style sign has no exposed structural supports, such as poles, posts or other supports. Signs attached to poles, posts or other supports are strictly prohibited. (Ord 1564, 02/16/10)~~

(C) It is preferred that all freestanding signs shall be monument style unless an issue of particular physical surroundings, shape, or topographical conditions of the specific property involved would result in an excessive structure or contribute to an unsafe condition.

Signs attached to poles, posts, or other supports are strictly prohibited unless beneficial in an issue of particular physical surroundings, shape, or topographical conditions. (Ord 1631, 12/5/2011)

SECTION 20-1409 PROJECTING SIGNS

Any sign which is attached to a building or structure but which projects from the plane of the wall to which it is attached by more than eighteen (18) inches. Projecting signs shall comply with the following regulations:

(A) No establishment shall display more than one (1) projecting sign on any street front.
(B) No projecting sign shall:

(1) Extend above the roof line of the building to which it is attached; or

(2) Extend below a point eight feet (8') above the center of the frontage pavements; Or

(3) Project over a driveway or beyond the curb line of any public street; or

(4) Project more than four feet (4') from the building to which it is attached; or

(5) Exceed four (4) square feet in area.

SECTION 20-1410 FLUSH MOUNTED SIGNS

Any sign mounted in such a way that the plane of its face is parallel to the plane of the wall to which it is attached, including those integrated into the surface of the wall itself. Flush mounted signs also include window signs, which are defined as any sign visible

from the exterior of the building or structure, which is painted directly on the surface of a window or affixed to or suspended immediately behind the window for the purpose of informing the passerby of the identity of the proprietor or business, or of the product or service which can be obtained on the premises. Flush mounted, wall, and window signs shall comply with the following regulations:

(A) No flush-mounted, wall, or window sign shall:

(1) Project more than eighteen inches (18") from the wall or surface to which it is attached; or

(2) Extend above the roof line of the building to which it is attached.

~~(B) Flush mounted, wall, or window signs are limited to those sides of the building that have public street frontage.~~

(B) Flush mounted wall or window signs may be placed on any side or sides of a building except the rear, but signs on side walls that lack street frontage shall not be illuminated. (Ord 1648, 05/21/2012)

SECTION 20-1411 CANOPY, AWNING, AND MARQUEE SIGNS

(A) Signs mounted flush on any canopy, awning, marquee, or similar overhang shall be considered flush-mounted or wall signs, and shall meet the requirements of Section 20-1410.

(B) Signs suspended beneath a canopy, awning, marquee, or similar overhang shall be considered projecting signs, and shall meet the requirements of Section 20-1409.

SECTION 20-1412 CERTIFICATE OF SIGN COMPLIANCE

Any person, firm or corporation wishing to erect any sign other than those expressly permitted by Section 20-1404, shall first secure a Certificate of Sign Compliance in accordance with the provisions of Section 20-1525.

SECTION 20-1413 NONCONFORMING SIGNS

Any otherwise lawful nonconforming sign which exists on the effective date of this Part may lawfully remain, subject to the following provisions:

(A) Maintenance. A nonconforming sign may be maintained by ordinary repairs.

(B) Alterations, Enlargement. A nonconforming sign shall not be altered or enlarged in any way which would increase its nonconformity by: except as follows:

~~(1) Adding an addition to, increasing the area of, or adding a separate sign;~~

(1) Exception: Re-facing the sign to change the name of the business is permitted. (Ord 1578, 06/07/10) (Ord 1637, 03/05/2012)

~~(2) Changing the existing business name;~~

(2) Enlargement of a sign is permitted, provided that the enlargement complies with the allowable sign area and sign illumination regulations of this Part. (Ord 1637, 03/05/2012)

(C) Relocation. A nonconforming sign shall not be moved unless, after relocation, it will conform to all of the regulations of this Part.

(D) Reconstruction. A nonconforming sign which is destroyed by any means shall not be reconstructed unless, after reconstruction, the sign will conform to all applicable regulations of this Part.

Exception: A nonconforming sign which is destroyed by any means shall not be reconstructed if the Zoning Administrator determines that the cost of such reconstruction exceeds 50% of the sign's replacement value at the time of loss, unless, after reconstruction, the sign will conform to all applicable regulations of the district in which it is located.

1. In the event the Zoning Administrator determines the estimated cost of reconstruction is equal to or less than 50% of the sign's replacement value at the time of loss, repairs or reconstruction shall be permitted, provided such work begins within six (6) months from the date the damage occurred and is completed within one (1) year after construction begins.

2. The Zoning Administrator may require that the reconstruction cost estimate be made by a bona fide sign contractor, and that the sign's value at the time of loss be determined by a licensed real estate appraiser.

3. The owner of the damaged sign shall be responsible for obtaining these estimates on behalf of the Zoning Administrator. (Ord 1564, 02/16/10)

~~(E) Vacant/Discontinued Businesses. When a business with a nonconforming sign is discontinued or remains vacant for a period of twelve (12) consecutive months, the nonconforming sign shall not thereafter be reused, and any subsequent use of the sign shall conform to the applicable regulations of this Part. Signs in place at vacant businesses may remain and be reused. (Ord 1637, 03/05/2012)~~

(F) Nonconformities Under Permit Authority. The regulations of this Article shall not effect the terms of any permit issued prior to the effective date of this Part, or any pertinent amendment thereto, provided that the work authorized by such permit is completed within a reasonable time.

SECTION 20-1414 VIOLATIONS

(A) The Zoning Administrator or his designee shall order the removal of any sign erected or maintained in violation of this Part, by giving seven (7) days notice in writing to the owner of such sign, or to the owner of the building, structure or premises on which such sign is located.

(B) Such notice shall require the owner to remove the sign or to bring it into compliance, at the owner's expense.

(C) The Zoning Administrator or his designee may remove a sign immediately, without notice, and at the owner's expense, if said sign is attached to a public utility pole, street sign, or located on the public right-of-way; or if said sign is in violation of this Part and is advertising an event which is set to occur before the provisions of this Section could normally be enforced; or if, in his opinion, the condition of the sign presents an immediate threat to the safety of the public.

Reconstruction. A nonconforming sign which is destroyed by any means shall not be reconstructed if the Zoning Administrator determines that the cost of such reconstruction exceeds 50% of the sign's replacement value at the time of loss, unless, after reconstruction, the sign will conform to all applicable regulations of the district in which it is located.

1. In the event the Zoning Administrator determines the estimated cost of reconstruction is equal to or less than 50% of the sign's replacement value at the time of loss, repairs or reconstruction shall be permitted, provided such work begins within six (6) months from the date the damage occurred and is completed within one (1) year after construction begins.

2. The Zoning Administrator may require that the reconstruction cost estimate be made by a bona fide sign contractor, and that the sign's value at the time of loss be determined by a licensed real estate appraiser.

3. The owner of the damaged sign shall be responsible for obtaining these estimates on behalf of the Zoning Administrator.

(Ord 1479, 01/22/2007)

This page intentionally left blank.

CHAPTER 20

SWANSEA ZONING CODE

PART 15
ADMINISTRATION AND ENFORCEMENT

SECTION 20-1501.	PENALTIES.
SECTION 20-1502.	APPLICATION FEES.
SECTION 20-1503.	AUTHORITY.
SECTION 20-1504.	ZONING ADMINISTRATOR.
SECTION 20-1505.	APPOINTMENT AND TERM OF OFFICE.
SECTION 20-1506.	COMPENSATION.
SECTION 20-1507.	DUTIES AND RESPONSIBILITIES.
SECTION 20-1508.	COMPLAINTS.
SECTION 20-1509.	CORRECTIVE ACTION ORDERS.
SECTION 20-1510.	CONTENTS OF ORDER.
SECTION 20-1511.	SERVICE OF ORDER.
SECTION 20-1512.	STOP WORK ORDERS.
SECTION 20-1513.	EMERGENCY MEASURES.
SECTION 20-1514.	INITIAL CERTIFICATES OF ZONING COMPLIANCE.
SECTION 20-1515.	ISSUANCE.
SECTION 20-1516.	APPLICATION.
SECTION 20-1517.	DURATION OF CERTIFICATE.
SECTION 20-1518.	RELATIONSHIP TO BUILDING PERMITS.
SECTION 20-1519.	FINAL CERTIFICATES OF ZONING COMPLIANCE.
SECTION 20-1520.	ISSUANCE.
SECTION 20-1521.	CERTIFICATES OF NON-CONFORMANCE.
SECTION 20-1522.	ISSUANCE.
SECTION 20-1523.	APPLICATION.
SECTION 20-1524.	DURATION OF CERTIFICATE.
SECTION 20-1525.	CERTIFICATES OF SIGN COMPLIANCE.
SECTION 20-1526.	ISSUANCE.
SECTION 20-1527.	APPLICATION.
SECTION 20-1528.	DURATION OF CERTIFICATE.
SECTION 20-1529.	APPEALS.
SECTION 20-1530.	HEARING.
SECTION 20-1531.	DECISIONS.
SECTION 20-1532.	STAY OF PROCEEDINGS.
SECTION 20-1533.	VARIATIONS.
SECTION 20-1534.	AUTHORITY TO RECOMMEND VARIATION.
SECTION 20-1535.	STANDARDS FOR ISSUANCE.
SECTION 20-1536.	APPLICATION.
SECTION 20-1537.	HEARING.
SECTION 20-1538.	FINDINGS OF FACT, RECOMMENDATION.
SECTION 20-1539.	ACTION BY THE BOARD OF TRUSTEES.
SECTION 20-1540.	EFFECT OF DENIAL.
SECTION 20-1541.	DURATION OF VARIATION.

SECTION 20-1542.	SPECIAL USE PERMITS.
SECTION 20-1543.	AUTHORITY TO GRANT SPECIAL USE PERMITS.
SECTION 20-1544.	STANDARDS FOR ISSUANCE.
SECTION 20-1545.	APPLICATION.
SECTION 20-1546.	HEARING.
SECTION 20-1547.	FINDINGS OF FACT, RECOMMENDATION.
SECTION 20-1548.	ACTION BY THE BOARD OF TRUSTEES.
SECTION 20-1549.	EFFECT OF DENIAL.
SECTION 20-1550.	DURATION OF PERMIT.
SECTION 20-1551.	AMENDMENTS TO THE TEXT.
SECTION 20-1552.	INITIATION.
SECTION 20-1553.	STANDARDS FOR AMENDMENT TO THE TEXT.
SECTION 20-1554.	APPLICATION.
SECTION 20-1555.	HEARING.
SECTION 20-1556.	FINDINGS OF FACT, RECOMMENDATION.
SECTION 20-1557.	ACTION BY THE BOARD OF TRUSTEES.
SECTION 20-1558.	AMENDMENTS TO THE OFFICIAL ZONING MAP.
SECTION 20-1559.	INITIATION.
SECTION 20-1560.	STANDARDS FOR AMENDMENT TO THE MAP.
SECTION 20-1561.	APPLICATION.
SECTION 20-1562.	HEARING.
SECTION 20-1563.	FINDINGS OF FACT, RECOMMENDATION.
SECTION 20-1564.	ACTION BY THE BOARD OF TRUSTEES.
SECTION 20-1565.	EFFECT OF DENIAL.
SECTION 20-1566.	DURATION OF REZONING.

SECTION 20-1501. PENALTIES.

- (A) Any person who violates, disobeys, omits, neglects, refuses to comply with, or who resists enforcement of any provisions of this Chapter, shall be subject to a fine of not less than twenty dollars (\$20.00), nor more than five hundred dollars (\$500.00), plus costs, for each offense.
- (B) Each day that a violation continues after notification is given thereof, shall be considered a separate offense.
- (C) Notification shall be by regular mail from the Village to the last known mailing address of the violator.
- (D) Nothing contained in this Section shall prevent the Village from taking any other lawful action that may be necessary to secure compliance with this Chapter.

Application For	Fee
Certificate of Zoning Compliance (Initial and Final)	\$ 20.00
Certificate of Nonconformance	\$ 20.00
Certificate of Sign Compliance	\$ 12.00
Appeal	\$400.00 \$225.00
Variation	\$400.00 \$225.00
Special Use Permit	\$400.00 \$225.00
Amendment to the Text	\$400.00 \$225.00
Amendment to the Map (Rezoning)	\$400.00 \$225.00.

(Ord 1551, 05/18/09)

- (B) Until such fees have been paid, no application for any of the above shall be deemed to have been filed and no action shall be taken on such application.

SECTION 20-1502. APPLICATION FEES.

- (A) The following schedule establishes application fees for the various certificates, permits and procedures listed in this Chapter, which are intended to defray the administrative costs connected with the processing of such applications, and as such do not constitute a tax or other revenue-raising device:

SECTION 20-1503. AUTHORITY.

- (A) The primary authority for administration and enforcement of the provisions of this Chapter shall be vested in the following:
 - (1) Zoning Administrator;
 - (2) Planning and Zoning Board
 - (3) Board of Trustees.

(B) In addition to the above, other officials, appointees, or employees of the Village may be required and authorized to perform functions authorized in this Chapter.

SECTION 20-1504. ZONING ADMINISTRATOR.

There is hereby created the position of Zoning Administrator who is hereby authorized and directed to administer and enforce the provisions of this Chapter.

SECTION 20-1505. APPOINTMENT AND TERM OF OFFICE.

- (A) The Zoning Administrator shall be appointed annually by the President of the Board of Trustees, with the advice and consent of the Board of Trustees.
- (B) The Zoning Administrator's term shall commence each May with the first regular meeting of the Board of Trustees, and continue for one (1) year or until his successor is appointed and has qualified.

SECTION 20-1506. COMPENSATION.

The Zoning Administrator shall receive a salary or compensation such as is provided by the President and the Board of Trustees.

SECTION 20-1507. DUTIES AND RESPONSIBILITIES.

The Zoning Administrator, or his authorized representative, shall administer and enforce the provisions of this Chapter. This broad responsibility encompasses, but is not limited to, the following specific duties:

- (A) To provide information to the general public on matters related to this Chapter, assist them in understanding its provisions, and assist them in any application process;
- (B) To review all applications for initial and final certificates of zoning compliance, determine compliance with the provisions of this Chapter, notify the applicant of any matters of noncompliance, and issue initial and final certificates of zoning compliance when appropriate;
- (C) To review all applications for certificates of nonconformance and issue such certificates when appropriate;

(D) To review the provisions of this Chapter and render decisions on matters relative to those provisions;

(E) To review and forward to the Planning and Zoning Board, all applications for variation and appeals;

(F) To review and forward to the Planning And Zoning Board, all applications for special use permits, amendments to the text, and amendments to the official zoning map;

(G) To provide technical support to the Planning and Zoning Board;

(H) To issue certificates or permits for all variations, special uses, planned businesses, and planned unit developments, as approved by the Board of Trustees;

(I) To inspect lots, structures, and uses to determine compliance with this Chapter, and where there are violations, to initiate appropriate corrective action;

(J) To maintain up-to-date records of matters related to this Chapter including, but not limited to, district maps, certificates of zoning compliance, special use permits, variances, interpretative decisions of the Board of Zoning Appeals, amendments, and all applications/documents related to any of these items;

(K) To prepare and cause to be published, on or before March 31st of each year, a map showing the existing zoning district classifications and divisions in effect on the preceding December 31st, if those classifications have been amended during the preceding calendar year; and

(L) To keep the President and Board of Trustees advised of zoning activities by written report presented at the second regular meeting each month, and to perform such other duties as the Board of Trustees may, from time to time, prescribe.

SECTION 20-1508. COMPLAINTS.

Whenever any person alleges that a violation of the provisions of this Chapter has occurred, that person shall file a written complaint on forms provided by the Zoning Administrator. The Zoning Administrator shall record such complaints, promptly investigate, and, if necessary, institute appropriate corrective action.

SECTION 20-1509. CORRECTIVE ACTION ORDERS.

Whenever the Zoning Administrator finds, by complaint, inspection or otherwise, that any lot,

structure, or use, or work thereon, is in violation of this Chapter, he shall so notify the responsible party, and shall order appropriate corrective action.

SECTION 20-1510. CONTENTS OF ORDER.

- (A) Every order to take corrective action shall be issued in writing and shall at least include:
- (1) A description of the premises sufficient for identification;
 - (2) A statement indicating the nature of the violation;
 - (3) A statement of the corrective action necessary to effect compliance;
 - (4) The date by which the violation must be corrected;
 - (5) A statement that the alleged violator is entitled to a conference with the Zoning Administrator if he so desires;
 - (6) The date by which an appeal of the corrective action order must be filed, and a statement of the procedure for so filing; and
 - (7) A statement that failure to obey a corrective action order shall result in revocation of an issued certificate of zoning compliance and may result in the imposition of fines.

SECTION 20-1511. SERVICE OF ORDER.

- (A) A corrective action order shall be deemed properly served upon the owner, occupant or operator of the offending lot, structure, or use if it is:
- (1) Served upon him personally;
 - (2) Sent by certified mail to his last known address; or
 - (3) Posted in a conspicuous place on or about the affected premises.

SECTION 20-1512. STOP WORK ORDERS.

Whenever any work is being done in violation of an initial certificate of zoning compliance, the Zoning Administrator's corrective action order may state that the violation must cease immediately, in which case, the corrective action order is equivalent to a stop work order.

SECTION 20-1513. EMERGENCY MEASURES.

Notwithstanding any other provisions of this Chapter, whenever the Administrator determines that any violation of this Chapter poses an imminent peril to life or property, he may institute, without notice or hearing, any necessary proceedings to alleviate the perilous condition.

SECTION 20-1514. INITIAL CERTIFICATES OF ZONING COMPLIANCE

An Initial Certificate of Zoning Compliance is issued by the Zoning Administrator and indicates that he has reviewed all plans for a proposed development and found those plans to be in compliance with the provisions of this Chapter, thereby authorizing the applicant to proceed with securing all required building permits.

SECTION 20-1515. ISSUANCE.

- (A) Upon the effective date of this Chapter, no lot shall be created, no land shall be developed, no new use or structure shall be established or erected, and no existing use or structure shall be enlarged, extended, altered, relocated, or reconstructed, until an initial certificate of zoning compliance has been applied for and issued.
- (B) The Zoning Administrator shall not issue an initial certificate of zoning compliance, unless, following consultation with technically qualified persons as necessary, he determines that the proposed activity conforms to the applicable provisions of this Chapter.

SECTION 20-1516. APPLICATION.

- (A) Any person seeking an initial certificate of zoning compliance, shall file an application for such certificate on forms provided by the Zoning Administrator who shall review such application and determine if the proposed plans conform to the provisions of this Chapter.
- (1) If the Zoning Administrator finds that the plans, as submitted, comply with all provisions of this chapter, he shall issue an initial certificate of zoning compliance, thereby authorizing the applicant to proceed with securing all required building permits.
 - (2) If the Zoning Administrator should find that the plans, as submitted do not conform to the provisions of this Chapter, he shall promptly notify the applicant of the deficiencies, and identify corrections that are

necessary in order to bring the plans into compliance.

(B) In addition to the required application form, the applicant shall submit the following:

- (1) A site plan, drawn to scale, showing the proposed ground area, height and bulk of the building or structure, the lot lines and dimensions, the location of building lines to lot lines, the location of any signs, easements, underground utilities, septic tanks, tile fields, and water wells; the names and location of adjoining streets; and the location of driveways and off-street parking areas in relation to those streets;
- (2) A copy of the legal description of the property in question; and
- (3) Detailed drawings and plans for any and all proposed buildings and structures.

SECTION 20-1517. DURATION OF CERTIFICATE.

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

SECTION 20-1518. RELATIONSHIP TO BUILDING PERMITS.

Upon the effective date of this Chapter, no building permit for the erection, enlargement, extension, alteration, or reconstruction of any structure shall be issued until the applicant for such permit has properly obtained an initial certificate of zoning compliance pertaining to such work.

SECTION 20-1519. FINAL CERTIFICATES OF ZONING COMPLIANCE

A Final Certificate of Zoning Compliance is issued by the Zoning Administrator and indicates that he has reviewed the actual construction of a proposed development and found that construction to be in compliance with plans submitted at the time of application, and therefore in compliance with the provisions of this Chapter.

SECTION 20-1520. ISSUANCE.

(A) No lot, or part thereof, recorded or developed after the effective date of this Chapter, and no

structure or use, or part thereof, that has been erected, enlarged, altered, relocated, or reconstructed after the effective date of this Chapter, shall be used, occupied, or put into operation until a final certificate of zoning compliance has been issued.

(B) The Zoning Administrator shall not issue a final certificate of zoning compliance until it has been determined, by inspection, that the work authorized by the initial certificate of zoning compliance has been completed in accordance with approved plans. Failure to obtain a final certificate of zoning compliance shall constitute a separate violation of this Chapter.

SECTION 20-1521. CERTIFICATES OF NONCONFORMANCE.

A Certificate of Nonconformance is issued by the Zoning Administrator and indicates that he has reviewed a specific building, structure, lot, or use, at the request of the applicant, and has determined that the building, structure, lot, or use lawfully existed prior to the effective date of this Chapter, and though not in conformance with all provisions of this Chapter, shall be allowed to remain within the provisions of Part 12.

SECTION 20-1522. ISSUANCE.

The Zoning Administrator shall not issue a certificate of nonconformance, unless, following consultation with technically qualified persons as necessary, he determines that the building, structure, lot, or use lawfully existed prior to changes in the zoning regulations which created the nonconformity.

SECTION 20-1523. APPLICATION.

(A) Any person seeking a certificate of nonconformance shall file an application for such certificate on forms provided by the Zoning Administrator who shall review such application and determine if the building, structure, lot, or use lawfully existed prior to changes in the zoning regulations, which created the nonconformity.

(1) If the Zoning Administrator finds that the building, structure, lot, or use lawfully existed prior to changes in the zoning regulations, which created the nonconformity, he shall issue a certificate of nonconformance, thereby authorizing the building, structure, lot, or use to continue within the provisions of Part 12 of this Chapter.

(2) If the Zoning Administrator should find that the building, structure, lot, or use did not lawfully exist prior to changes in the zoning

regulations, which created the nonconformity, he shall promptly notify the applicant of his findings, and identify corrections that are necessary in order to bring the building, structure, lot, or use into compliance with this Chapter.

(B) In addition to the required application form, the applicant shall submit the following:

(1) A site plan, drawn to scale, showing the actual ground area, height and bulk of all buildings and structures, the lot lines and dimensions, the location of building lines to lot lines, the location of any signs, easements, underground utilities, septic tanks, till fields, and water wells; the names and locations of adjoining streets; and the location of driveways and off-street parking areas in relation to those streets;

(2) A copy of the legal description of the property in question; and

(3) Detailed documentation, which supports the claim of lawful existence prior to changes in the zoning regulations, which created the nonconformity.

SECTION 20-1524. DURATION OF CERTIFICATE.

Certificates of nonconformance shall be valid from the date of issue, provided that no amendment to the provisions of this Chapter occurs which would invalidate such certificate, and provided that no alteration to the building, structure, lot, or use occurs which would invalidate the information originally submitted on the application for certificate of nonconformance.

SECTION 20-1525. CERTIFICATES OF SIGN COMPLIANCE.

A Certificate of Sign Compliance is issued by the Zoning Administrator and indicates that he has reviewed all plans for a proposed sign and found those plans to be in compliance with the provisions of this Chapter, thereby authorizing the applicant to proceed with securing any required building permits and with sign installation.

SECTION 20-1526. ISSUANCE.

(A) Upon the effective date of this Chapter, no sign shall be installed, erected, enlarged, extended, altered, relocated, or reconstructed, until a certificate of sign compliance has been applied for and issued.

(B) The Zoning Administrator shall not issue a certificate of sign compliance, unless, following consultation with technically qualified persons as necessary, he determines that the proposed activity conforms to the applicable provisions of this Chapter.

SECTION 20-1527. APPLICATION.

(A) Any person seeking a certificate of sign compliance, shall file an application for such certificate on forms provided by the Zoning Administrator who shall review such application and determine if the proposed plans conform to the provisions of this Chapter.

(1) If the Zoning Administrator finds that the plans, as submitted, comply with all provisions of this chapter, he shall issue a certificate of sign compliance, thereby authorizing the applicant to proceed with securing any required building permits and with sign installation.

(2) If the Zoning Administrator should find that the plans, as submitted do not conform to the provisions of this Chapter, he shall promptly notify the applicant of the deficiencies, and identify corrections that are necessary in order to bring the plans into compliance.

(B) In addition to the required application form, the applicant shall submit, if not previously submitted, the following:

(1) A site plan, drawn to scale, showing the proposed ground area, height and bulk of all signs, the lot lines and dimensions, the location of building lines to lot lines, the location of any easements, underground utilities, septic tanks, tile fields, and water wells, the names and locations of adjoining streets; and the location of access ways and off-street parking areas in relation to those streets;

(2) A copy of the legal description of the property in question; and

(3) Detailed drawings and plans for all proposed signs.

SECTION 20-1528. DURATION OF CERTIFICATE.

Certificates of sign compliance shall be valid for one (1) year from the date of issue, or until revoked for failure to abide by a corrective action order.

SECTION 20-1529. APPEALS.

- (A) The Planning And Zoning Board shall hear and decide appeals from any order, requirement or determination made by the Planning And Zoning Administrator or other administrative official.
- (B) An appeal, in which it is alleged that there is an error in any decision made by the Planning And Zoning Administrator under this Chapter, may be taken to the Planning and Zoning Board by any person or governmental agency aggrieved by such decision.
- (C) Every appeal shall be filed by the applicant in the office of the Planning And Zoning Administrator and mailed directly to the Chairman of the Planning And Zoning Board, on a form provided by the Planning And Zoning Administrator, who shall thereafter forward to all members of the Planning And Zoning Board, without delay, a copy of the appeal, together with all of the information constituting the record upon which the decision to appeal was made.

SECTION 20-1530. HEARING.

- (A) The Planning and Zoning Board shall promptly schedule a public hearing following notice of the appeal, and shall thereafter give notice of said hearing to the parties involved, including the applicant and the Planning And Zoning Administrator.
- (B) Notice of the time and place for said hearing shall be published at least once in a newspaper of general circulation in the Village, not more than thirty (30) days nor less than fifteen (15) days before said hearing.

SECTION 20-1531. DECISIONS.

- (A) The Planning and Zoning Board shall render a written decision on the appeal within a reasonable time, but in no event shall that decision be rendered more than ninety (90) days after the filing of the notice of appeal by the Clerk.
 - (1) Any member of the Planning and Zoning Board who was absent from the public hearing but certifies that he has read the transcript of the proceedings before the Board, may vote upon any question before the Board.
- (B) The board shall promptly forward a copy of the decision to the applicant, Planning And Zoning Administrator, and Village Clerk.
- (C) The board may affirm, or may, upon the concurring vote of five (5) members, reverse,

wholly or in part, or modify, the decision of the Planning And Zoning Administrator, as in its opinion ought to be done, and to that end shall have the powers of the Planning And Zoning Administrator.

- (D) All decisions, rendered by the Planning and Zoning Board on any administrative order, requirement, decision, or determination of the Planning And Zoning Administrator, shall, in all instances, be final administrative determinations, and shall be subject to judicial review only in accordance with applicable law.

SECTION 20-1532. STAY OF PROCEEDINGS.

- (A) An appeal shall stay all proceedings in furtherance of the decision appealed, unless the Planning And Zoning Administrator certifies to the Planning and Zoning Board, after the notice of the appeal has been filed with him, that by reason of the facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property.
- (B) In such a case, the proceedings shall not be stayed, unless by a restraining order, which may be granted by the Board of Trustees or by a court of record on application, on notice to the Planning And Zoning Administrator, and on due cause shown.

SECTION 20-1533. VARIATIONS.

In specific cases, where practical difficulties or a particular hardship would be incurred by the strict applications of the provisions of this Chapter, the Planning And Zoning Board, ~~er, in the case of a request for a variation pertaining to signs, the Architectural & Signage Review Board,~~ after conducting a public hearing, may recommend to the Board of Trustees that a variation of the regulations of this Chapter be granted in accordance with this Section. (Ord 1409, 04/18/05) (Ord 1663, 10/01/12)

SECTION 20-1534. AUTHORITY TO RECOMMEND VARIATION.

The Planning and Zoning Board shall have the authority to recommend variation to the provisions of this Chapter only in accordance with the standards outlined in Section 20-1535, and only in instances (A), (B), (C), (D) and (F) and (G) listed below. ~~The Architectural & Signage Review Board shall have the authority to recommend variations to the provisions of Part 14 of this Chapter (Sign Regulations) and only in the instance of Item (E) listed below:~~ (Ord 1409, 04/18/05) (Ord 1663, 10/01/12)

- (A) To permit any minimum setback less than that required by the applicable regulations;

(B) To permit the same off-street parking facility to qualify for two (2) or more uses, provided that substantial use of such facility by each user does not take place at approximately the same hours of the same days of the week;

(C) To reduce the required off-street parking or loading facilities by not more than one (1) parking or loading space, or twenty-five percent (25%) of the required spaces, whichever is greater;

(D) To increase by not more than twenty-five percent (25%) the maximum distance that required parking spaces are permitted to be located from the use served;

(E) To permit a variation, in all districts, for signs:

- (1) Relative to the maximum height above-grade or the minimum height above-grade; or
- (2) Relative to the minimum setback requirements; or
- (3) Relative to the maximum projection.

(F) To permit a variation of the regulations as listed in Section 17-104 of the Swansea Flood Plain Code.

(G) In a re-subdivision, to reduce the minimum lot dimension by no more than five (5) per cent in any dimension of any lot in a single family residential district platted prior to January 1, 1980. (Ord 1660, 09/04/12)

SECTION 20-1535. STANDARDS FOR ISSUANCE.

The Planning and Zoning Board ~~or the Architectural & Signage Review Board~~ shall not make a recommendation to the Board of Trustees to vary any regulation to this Chapter unless, in each specific case, the Planning And Zoning ~~particular~~ Board has found that: (Ord 1409, 04/18/05) (Ord 1663, 10/01/12)

(A) The proposed variation is in harmony with the general purposes and intent of this Chapter;

(B) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a practical difficulty or particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out;

(C) The conditions upon which the application for a variation are based are unique to the property for which the variation is sought, and are not generally applicable to other property within the same zoning classification;

(D) The property in question cannot yield a reasonable return if permitted to be used under the conditions allowed by the regulations of the zoning classification; provided, however that the variation is not based exclusively upon a desire to increase financial gain;

(E) The alleged difficulty or hardship is caused by this Chapter and has not been created by any persons presently having an interest in the property;

(F) 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; and

(G) The proposed variation will not:

- (1) Impair an adequate supply of light and air to the adjacent property; or
- (2) Substantially increase the congestion of public streets; or
- (3) Increase the danger of fire; or
- (4) Endanger the public safety; or
- (5) Impair property values within the neighborhood.

SECTION 20-1536. APPLICATION.

(A) Every application for a variation shall be filed on forms provided by the Planning And Zoning Administrator, who shall review said application and initiate a permanent record thereof.

(B) In addition to the required application form, the Planning And Zoning Administrator shall require the applicant to submit the following:

- (1) A site plan, drawn to scale, showing the actual ground area, height and bulk of all existing and proposed buildings and structures, the lot lines and dimensions, the location of building lines to lot lines, the location of any signs, easements, underground utilities, septic tanks, tile fields, and water wells; the names and locations of adjoining streets; and the location of driveways and off-street parking areas in relation to those streets; and

(2) Any and all documentation, which supports the claim of practical difficulty or specific hardship.

(C) The Planning And Zoning Administrator shall promptly forward copies of the application form and all attachments and relative documentation to the Chairman and members of the Planning and Zoning Board, ~~or, for applications for variations to signs as listed in Sec. 20-1534(E)~~

~~above, the Architectural & Signage Review Board~~
(Ord 1409, 04/18/05) (Ord 1663, 10/01/12)

- (D) The Planning And Zoning Administrator shall also file every application for variation with the St. Clair County Soil and Water Conservation District, as per state law. (Ill. Com. Stat. Ch. 70 Sec. 405/22.02 (a))

SECTION 20-1537. HEARING.

- (A) The Planning And Zoning Board ~~or the Architectural & Signage Review Board~~ shall schedule and hold a public hearing within sixty (60) days after the application for variation is filed. (Ord 1409, 04/18/05) (Ord 1663, 10/01/12)
- (B) Notice indicating the time, date, and place of the hearing, and the nature of the proposed variation, shall be given not more than thirty (30) nor less than fifteen (15) days before said hearing:
- (1) By first class mail to the applicant; and
 - (2) By publication in a newspaper of general circulation, within the Village.
- (C) Any interested party, at any such hearing, may appear and testify either in person or by duly authorized agent or attorney. (Ill. Com. Stat. Ch. 65 Sec. 5/11-13-6)
- (1) Every applicant shall have the right to present witnesses on their behalf and to request that the Chairman subpoena persons to appear.

SECTION 20-1538. FINDINGS OF FACT, RECOMMENDATION.

- (A) The Planning And Zoning Board may recommend approval or denial of the application for variation, upon the concurring vote of five (5) members. ~~The Architectural & Signage Review Board may recommend approval or denial of the application for variation, upon the concurring vote of four (4) members.~~ (Ord 1409, 04/18/05) (Ord 1663, 10/01/12)
- (B) The Planning And Zoning Board ~~or the Architectural & Signage Review Board~~ shall submit such recommendation in writing to the Board of Trustees within a reasonable time, but in no event shall that recommendation be submitted more than thirty (30) days after the

public hearing on the application for variation.
(Ord 1409, 04/18/05) (Ord 1663, 10/01/12)

- (C) The recommendation so submitted, shall be accompanied by findings of fact specifying the reason or reasons for the recommendation, and referring to any exhibits containing plans and specifications for the proposed variation, copies of which shall remain a part of the permanent record of the Planning And Zoning Board ~~or the Architectural & Signage Review Board.~~ (Ord 1409, 04/18/05) (Ord 1663, 10/01/12)
- (D) The terms of relief, if any, shall be contained within the recommendation, but clearly set forth in a conclusion or a statement separate from the Planning And Zoning Board's ~~or the Architectural & Signage Review Board's~~ findings. (Ill. Com. Stat. Ch. 65 Sec. 5/11-13-11) (Ord 1409, 04/18/05) (Ord 1663, 10/01/12)

SECTION 20-1539. ACTION BY THE BOARD OF TRUSTEES.

- (A) The Board of Trustees shall not act upon a proposed variation to this Chapter until it has received and reviewed a written recommendation and findings of fact from the Planning And Zoning Board ~~or the Architectural & Signage Review Board.~~ (Ord 1409, 04/18/05) (Ord 1663, 10/01/12)
- (B) The Board of Trustees may grant or deny any variation for which an application has been submitted, and on which a public hearing has been held, regardless of the recommendation from the Planning And Zoning Board ~~or the Architectural & Signage Review Board~~; provided, however, that any variation which fails to receive the approval of the Planning And Zoning Board ~~or the Architectural & Signage Review Board~~, shall not be passed, except by the favorable vote of at least two-thirds (2/3) of the members of the Board of Trustees. (Ord 1409, 04/18/05) (Ord 1663, 10/01/12)
- (C) The Board of Trustees, having voted to grant any variation, shall adopt said variation in ordinance form, at their next regularly scheduled meeting.
- (D) If an application for a proposed variation is not acted upon finally by the Board of Trustees within ninety (90) days of the date the Board of Trustees received the Planning And Zoning Board ~~or the Architectural & Signage Review Board's~~ recommendation, and such time is not extended by mutual consent of the Board of Trustees and the applicant, the variation shall be deemed to have been denied. (Ord 1409, 04/18/05) (Ord 1663, 10/01/12)

SECTION 20-1540. EFFECT OF DENIAL.

No application for a variation which has been denied by the Board of Trustees shall be resubmitted for a period of one (1) year from the date of the order of denial, except on the grounds of new evidence or proof that conditions then exist which did not exist prior to the submission of the application and which are found to be valid by the Board of Trustees.

SECTION 20-1541. DURATION OF VARIATION.

Any ordinance varying the provisions of this Chapter shall be invalid one (1) year from the date of its passage and approval by the Board of Trustees, unless the variation, as permitted, has been substantially implemented by the applicant.

SECTION 20-1542. SPECIAL USE PERMITS.

This Chapter is based upon the division of the Village into districts, within which the uses of land, and the uses and bulk of buildings and structures are substantially uniform. It is recognized, however, that there are special uses which, because of their unique characteristics, can only be classified in any particular district upon consideration in each case of the impact of those uses upon neighboring land and uses, and for the public need for the particular uses at the particular location. Such uses fall into three (3) categories:

- (A) Uses publicly operated or traditionally affected with public interest;
- (B) Uses entirely private in character, but of such an unusual nature that their operation may give to unique problems with respect to their impact upon neighboring property, public facilities, or the Village as a whole;
- (C) Uses, either public or private, that because of past or present conditions, need special consideration.

SECTION 20-1543. AUTHORITY TO GRANT SPECIAL USE PERMITS.

- (A) The Planning And Zoning Board shall have the authority to recommend granting of a special use permit only in accordance with the standards outlined in Section 20-1535.
- (B) A special use permit shall authorize only such uses as are listed on the permit and only under the conditions of this Chapter and any other conditions that may be made part of said permit.

SECTION 20-1544. STANDARDS FOR ISSUANCE.

The Planning And Zoning Board shall not make a recommendation to the Board of Trustees to grant any special use permit unless, in each specific case, the Planning And Zoning Board has found that:

- (A) The establishment, maintenance or operation of the special use will not be detrimental to or endanger the public's health, safety, morals, comfort or general welfare;
- (B) The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
- (C) The establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
- (D) Adequate utilities, access roads, drainage and/or other necessary facilities have been or are being provided;
- (E) Adequate measures have been or will be taken to provide ingress and egress so designated as to minimize traffic congestion in the public streets;
- (F) Adequate measures have been taken or will be taken to protect any facilities near the proposed special use, such as a school or nursing homes, that may require special protection.
- (G) The special use shall in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the Board of Trustees pursuant to the recommendation of the Planning And Zoning Board.

SECTION 20-1545. APPLICATION.

- (A) Every application for a special use shall be filed on forms provided by the Planning And Zoning Administrator, who shall review said application and initiate a permanent record thereof.
- (B) In addition to the required application form, the Planning And Zoning Administrator shall require the applicant to submit the following:
 - (1) A site plan, drawn to scale, showing the actual ground area, height and bulk of all existing and proposed buildings and structures, the lot lines and dimensions, the location of building lines to lot lines, the location of any signs, easements, underground utilities, septic tanks, tile fields, and water wells; the names and locations of adjoining streets; and the location of

driveways and off-street parking areas in relation to those streets.

- (C) The Planning And Zoning Administrator shall promptly forward copies of the application form and all attachments and relative documentation to the Chairman and members of the Planning And Zoning Board.

SECTION 20-1546. HEARING.

- (A) The Planning And Zoning Board shall schedule and hold a public hearing within sixty (60) days after the application for special use permit is filed.
- (B) Notice indicating the time, date, and place of the hearing, and the nature of the proposed special use, shall be given not more than thirty (30) nor less than fifteen (15) days before said hearing:
 - (1) By first class mail to the applicant; and
 - (2) By publication in a newspaper of general circulation, within the Village.
- (C) Any interested party, at any such hearing, may appear and testify either in person or by duly authorized agent or attorney. (Ill. Com. Stat. Ch. 65 Sec. 5/11-13-6)
 - (1) Every applicant shall have the right to present witnesses on their behalf and to request that the Chairman subpoena persons to appear.

SECTION 20-1547. FINDINGS OF FACT, RECOMMENDATION.

- (A) The Planning And Zoning Board may recommend approval or denial of the application for special use permit, upon the concurring vote of five (5) members.
- (B) The Planning And Zoning Board shall submit such recommendation, including the reason or reasons for the recommendation, in writing to the Board of Trustees within a reasonable time, but in no event shall that recommendation be submitted more than thirty (30) days after the public hearing on the application for special use permit.
- (C) The recommendation so submitted, shall be accompanied by findings of fact referring to any exhibits containing plans and specifications for the proposed special use, copies of which shall remain a part of the permanent record of the Planning And Zoning Board, and specifying the following:

- (1) The extent to which the proposed special use departs from the zoning and subdivision regulations of the Village;
 - (2) The conformance or nonconformance of the proposed special use with the Standards for Issuance listed under Section 20-1535.;
 - (3) The relationship and the compatibility of the proposed special use to adjacent properties and neighborhoods;
 - (4) The effect of the proposed special use on the development pattern, tax base, and economic well being of the Village.
- (D) Special conditions, if any, shall be contained within the recommendation, but clearly set forth in a conclusion or a statement separate from the Planning And Zoning Board's findings.
 - (1) In recommending that a special use permit be granted, the Planning And Zoning Board shall stipulate if the permit is transferable to successive owners of the property in question, or if the permit is not transferable to any other person or any other property.

SECTION 20-1548. ACTION BY THE BOARD OF TRUSTEES.

- (A) The Board of Trustees shall not act upon a proposed special use permit application until it has received and reviewed a written recommendation and findings of fact from the Planning And Zoning Board.
- (B) The Board of Trustees may grant or deny any special use permit for which an application has been submitted, and on which a public hearing has been held, regardless of the recommendation from the Planning And Zoning Board.
- (C) The Board of Trustees, having voted to grant any special use permit, shall adopt said permit in ordinance form, at their next regularly scheduled meeting.
- (D) If an application for a proposed special use is not acted upon finally by the Board of Trustees within ninety (90) days of the date the Board of Trustees received the Planning And Zoning Board's recommendation, and such time is not extended by mutual consent of the Board of Trustees and the applicant, the special use shall be deemed to have been denied.

SECTION 20-1549. EFFECT OF DENIAL.

No application for a special use permit which has been denied by the Board of Trustees shall be resubmitted for a period of one (1) year from the date of the order of denial, except on the grounds of new evidence or proof that conditions then exist which did not exist prior to the submission of the application and which are found to be valid by the Board of Trustees.

SECTION 20-1550. DURATION OF PERMIT.

Any ordinance granting a special use permit shall be invalid one (1) year from the date of its passage and approval by the Board of Trustees, unless the special use, as permitted, has been substantially implemented by the applicant.

- (A) The Board of Trustees shall require any special use permit which is issued, to stipulate the conditions of its duration if the property is sold to another person.

SECTION 20-1551. AMENDMENTS TO THE TEXT.

The regulations established by this Chapter may be amended from time to time by the Board of Trustees through the enactment of an amending ordinance; provided, however, that the Planning And Zoning Board ~~or, for proposed amendments to the sign regulations listed in Part 14 of this Chapter, the Architectural & Signage Review Board~~ shall first conduct a public hearing to consider such amendment, and thereafter submit its recommendation and findings of fact to the Board of Trustees. (Ord 1409, 04/18/05) (Ord 1663, 10/01/12)

SECTION 20-1552. INITIATION.

Amendments to the text may be proposed by the Board of Trustees, the Planning And Zoning Administrator, the Planning and Zoning Board, ~~the Architectural & Signage Review Board~~, or any other party in interest. (Ord 1409, 04/18/05) (Ord 1663, 10/01/12)

SECTION 20-1553. STANDARDS FOR AMENDMENT TO THE TEXT.

The Planning And Zoning Board ~~and/or the Architectural & Signage Review Board~~ shall not make a recommendation to the Board of Trustees to grant any amendment to the text unless, in each specific case, the ~~particular~~ Planning And Zoning Board has found that: (Ord 1409, 04/18/05) (Ord 1663, 10/01/12)

- (A) The proposed amendment is in harmony with the general purposes and intent of this Chapter;

- (B) The granting of the amendment will not be detrimental to the public welfare or injurious to other property or improvements in the Village.

SECTION 20-1554. APPLICATION.

- (A) Every application for an amendment to the text shall be filed on forms provided by the Planning And Zoning Administrator, who shall review said application and initiate a permanent record thereof.
- (B) The Zoning Administrator shall promptly forward copies of the application form and all attachments and relative documentation to the Chairman and members of the Planning And Zoning Board, ~~or for proposed amendments to the sign regulations listed in Part 14 of this Chapter, the Architectural & Signage Review Board.~~ (Ord 1409, 04/18/05) (Ord 1663, 10/01/12)

SECTION 20-1555. HEARING.

- (A) The Planning And Zoning Board ~~and/or the Architectural & Signage Review Board~~ shall schedule and hold a public hearing within sixty (60) days after the application for amendment to the map ~~text~~ is filed. (Ord 1409, 04/18/05) (Ord 1663, 10/01/12)
- (B) Notice indicating the time, date, and place of the hearing, and the nature of the proposed amendment, shall be given not more than thirty (30) nor less than fifteen (15) days before said hearing:
- (1) By publication in a newspaper of general circulation, within the Village;
 - (2) By first class mail to the applicant.
- (C) Any interested party, at any such hearing, may appear and testify either in person or by duly authorized agent or attorney. (Ill. Com. Stat. Ch. 65 Sec. 5/11-13-6)
- (1) Every applicant shall have the right to present witnesses on their behalf and to request that the Chairman subpoena persons to appear.
- (D) Any school district within which the property in question, or any part of the property in question, is located, shall have the right to appear and present evidence at such hearings.

SECTION 20-1556. FINDINGS OF FACT, RECOMMENDATION.

(A) The Planning And Zoning Board may recommend approval or denial of the proposed amendment to the text, upon the concurring vote of five (5) members. ~~The Architectural & Signage Review Board may recommend approval or denial of the proposed amendment to the text of the sign regulations upon the concurring vote of four (4) members.~~ (Ord 1409, 04/18/05) (Ord 1663, 10/01/12)

(B) The Planning And Zoning Board ~~and/or the Architectural & Signage Review Board~~ shall submit such recommendation, including the reason or reasons for the recommendation, in writing to the Board of Trustees within a reasonable time, but in no event shall that recommendation be submitted more than thirty (30) days after the public hearing on the application for amendment. (Ord 1409, 04/18/05) (Ord 1663, 10/01/12)

(C) The recommendation so submitted, shall be accompanied by findings of fact, copies of which shall remain a part of the permanent record of the Planning And Zoning Board ~~or the Architectural & Signage Review Board.~~ (Ord 1409, 04/18/05) (Ord 1663, 10/01/12)

SECTION 20-1557. ACTION BY THE BOARD OF TRUSTEES.

(A) The Board of Trustees shall not act upon a proposed amendment to the text until it has received and reviewed a written recommendation and findings of fact from the Planning And Zoning Board ~~or the Architectural & Signage Review Board.~~ (Ord 1409, 04/18/05) (Ord 1663, 10/01/12)

(B) The Board of Trustees may grant or deny any proposed amendment to the text for which an application has been submitted, and on which a public hearing has been held, regardless of the recommendation from the particular **Planning And Zoning Board**; provided, however, that when a written protest against any proposed special use is filed with the Village Clerk, and signed and acknowledged by the owners of twenty percent (20%) of the frontage proposed to be altered, or by the owners of twenty percent (20%) of the frontage immediately adjoining or across an alley therefrom, or by the owners of twenty percent (20%) of the frontage directly opposite the frontage proposed to be altered, the amendment shall not be enacted except by a favorable vote of two-thirds (2/3) of the Board of Trustees. (Ord 1409, 04/18/05)

(1) In such cases, a copy of the written protest shall be served by the protestor or protestors, on the applicant for the proposed amendment, and a copy upon the

applicant's attorney, if any, by certified mail at the address of such applicant and attorney shown in the application for the proposed amendment.

(C) The Board of Trustees, having voted to grant any amendment, shall adopt said amendment in ordinance form, at their next regularly scheduled meeting.

(D) If an application for an amendment to the text is not acted upon finally by the Board of Trustees within ninety (90) days of the date the Board of Trustees received the Planning And Zoning Board ~~and/or the Architectural & Signage Review Board's~~ recommendation, and such time is not extended by mutual consent of the Board of Trustees and the applicant, the amendment shall be deemed to have been denied. (Ord 1409, 04/18/05) (Ord 1663, 10/01/12)

SECTION 20-1558. AMENDMENTS TO THE OFFICIAL ZONING MAP.

The zoning districts established by this Chapter, and depicted on the Official Zoning Map of the Village of Swansea, may be amended, or rezoned, from time to time by the Board of Trustees through the enactment of an amending ordinance; provided, however, that the Planning And Zoning Board shall first conduct a public hearing to consider such amendment, and thereafter submit its recommendation and findings of fact to the Board of Trustees.

SECTION 20-1559. INITIATION.

Amendments to the map may be proposed by the Board of Trustees, the Planning And Zoning Administrator, the Planning and Zoning Board, the Planning And Zoning Board, and by any other person having a freehold interest, a possessory interest entitled to exclusive possession, a contractual interest which may become a freehold interest, an option to purchase, or any exclusive possessory interest which is specifically enforceable on the land which is described in the application for amendment to the map.

SECTION 20-1560. STANDARDS FOR AMENDMENT TO THE MAP.

The Planning And Zoning Board shall not make a recommendation to the Board of Trustees to grant any amendment to the map unless, in each specific case, the Planning And Zoning Board has found that:

(A) The proposed amendment is in harmony with the general purposes and intent of this Chapter;

- (B) The proposed amendment is in the public interest and is not solely for the interest of the applicant;
- (C) The conditions upon which the application for an amendment is based are generally applicable to other property within the same zoning classification, and are not unique to a specific property; and
- (D) The granting of the amendment will not be detrimental to the public welfare or injurious to other property or improvements in the Village.

SECTION 20-1561. APPLICATION.

- (A) Every application for an amendment to the map shall be filed on forms provided by the Planning And Zoning Administrator, who shall review said application and initiate a permanent record thereof.
- (B) In addition to the required application form, the Planning And Zoning Administrator shall require the applicant to submit the following:
 - (1) A site plan, drawn to scale, showing the actual ground area, height and bulk of all existing and proposed buildings and structures, the lot lines and dimensions, the location of building lines to lot lines, the location of any signs, easements, underground utilities, septic tanks, tile fields, and water wells; the names and locations of adjoining streets; and the location of driveways and off-street parking areas in relation to those streets.
- (C) The Planning And Zoning Administrator shall promptly forward copies of the application form and all attachments and relative documentation to the Chairman and members of the Planning And Zoning Board.
- (D) The Planning And Zoning Administrator shall also file every application for amendment to the map with the St. Clair County Soil and Water Conservation District, as per state law. (Ill. Com. Stat. Ch. 70 Sec. 405/22.02 (a))

SECTION 20-1562. HEARING.

- (A) The Planning And Zoning Board shall schedule and hold a public hearing within sixty (60) days after the application for amendment to the text is filed.
- (B) Notice indicating the time, date, and place of the hearing, and the nature of the proposed amendment, shall be given not more than thirty

(30) nor less than fifteen (15) days before said hearing:

- (1) By publication in a newspaper of general circulation, within the Village;
- (2) By first class mail to the applicant, and all parties affected, including those property owners whose property would be directly effected by the proposed amendment and rezoning.
- (C) Any interested party, at any such hearing, may appear and testify either in person or by duly authorized agent or attorney. (Ill. Com. Stat. Ch. 65 Sec. 5/11-13-6)
 - (1) Every applicant shall have the right to present witnesses on their behalf and to request that the Chairman subpoena persons to appear.
 - (D) Any school district within which the property in question, or any part of the property in question, is located, shall have the right to appear and present evidence at such hearings.

SECTION 20-1563. FINDINGS OF FACT, RECOMMENDATION.

- (A) The Planning And Zoning Board may recommend approval or denial of the proposed amendment to the text, upon the concurring vote of five (5) members.
- (B) The Planning And Zoning Board shall submit such recommendation, including the reason or reasons for the recommendation, in writing to the Board of Trustees within a reasonable time, but in no event shall that recommendation be submitted more than thirty (30) days after the public hearing on the application for amendment.
- (C) The recommendation so submitted, shall be accompanied by findings of fact referring to any exhibits containing plans and specifications for the proposed amendment, copies of which shall remain a part of the permanent record of the Planning And Zoning Board, and specifying the following:
 - (1) The existing uses of property within the general area of the property in question;
 - (2) The zoning classification of the property within the general area of the property in question;
 - (3) The suitability of the property in question for the uses permitted under the existing zoning classification;

(4) The trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place since the day the property in question was placed in its present zoning classification;

within ninety (90) days of the date the Board of Trustees received the Planning And Zoning Board recommendation, and such time is not extended by mutual consent of the Board of Trustees and the applicant, the amendment shall be deemed to have been denied.

(5) The conformance or nonconformance of the proposed amendment with the Standards for Amendment listed under Section 20-1560., and the officially adopted plans of the Village.

(C) The Planning And Zoning Board may also recommend the enactment of an amendment changing the zoning classification of the property in question to a classification other than that requested by the applicant.

SECTION 20-1564. ACTION BY THE BOARD OF TRUSTEES.

(A) The Board of Trustees shall not act upon a proposed amendment to the map until it has received and reviewed a written recommendation and findings of fact from the Planning And Zoning Board.

(B) The Board of Trustees may grant or deny any proposed amendment to the map for which an application has been submitted, and on which a public hearing has been held, regardless of the recommendation from the Planning And Zoning Board; provided, however, that when a written protest against any proposed special use is filed with the Village Clerk, and signed and acknowledged by the owners of twenty percent (20%) of the frontage proposed to be altered, or by the owners of twenty percent (20%) of the frontage immediately adjoining or across an alley therefrom, or by the owners of twenty percent (20%) of the frontage directly opposite the frontage proposed to be altered, the amendment shall not be enacted except by a favorable vote of two-thirds (2/3) of the Board of Trustees.

(1) In such cases, a copy of the written protest shall be served by the protestor or protestors, on the applicant for the proposed amendment, and a copy upon the applicant's attorney, if any, by certified mail at the address of such applicant and attorney shown in the application for the proposed amendment.

(C) The Board of Trustees, having voted to grant any amendment, shall adopt said amendment in ordinance form, at their next regularly scheduled meeting.

(D) If an application for an amendment to the map is not acted upon finally by the Board of Trustees

SECTION 20-1565. EFFECT OF DENIAL.

No application for an amendment to the map which has been denied by the Board of Trustees shall be resubmitted for a period of one (1) year from the date of the order of denial, except on the grounds of new evidence or proof that conditions then exist which did not exist prior to the submission of the application and which are found to be valid by the Board of Trustees.

SECTION 20-1566. DURATION OF REZONING.

In any case where the boundary lines of the Official Zoning Map of the Village of Swansea have been amended, and no development has occurred on the property in the two (2) years following enactment of the amending ordinance, the Planning And Zoning Board may hold a public hearing, after proper notice has been given, and recommend to the Board of Trustees that such zoning be affirmed, or repealed and rezoned to its most appropriate district classification.

CHAPTER 20
SWANSEA ZONING CODE

PART 16
SPECIFIC REGULATIONS FOR ADULT USES

SECTION 20-1601.	PURPOSE AND INTENT.
SECTION 20-1602.	DEFINITIONS.
SECTION 20-1603.	LOCATION.
SECTION 20-1604.	MEASUREMENT OF DISTANCES.
SECTION 20-1605.	LICENSING.
SECTION 20-1606.	ISSUANCE AND REVOCATION OF LICENSE.
SECTION 20-1607.	LICENSE FEES AND DISPLAYING OF LICENSE.
SECTION 20-1608.	ENTERTAINER'S LICENSE.
SECTION 20-1609.	EMPLOYEES/PATRONS.
SECTION 20-1610.	PERIODIC INSPECTION.
SECTION 20-1611.	EXPIRATION OF LICENSE.
SECTION 20-1612.	SUSPENSION OF LICENSE.
SECTION 20-1613.	REVOCATION OF LICENSE.
SECTION 20-1614.	HEARING ON LICENSE DENIAL, SUSPENSION OR REVOCATION.
SECTION 20-1615.	HOURS OF OPERATION.
SECTION 20-1616.	SIGNAGE AND WINDOW DISPLAYS.
SECTION 20-1617.	EXHIBITION OF SEXUALLY EXPLICIT FILMS OR VIDEOS.
SECTION 20-1618.	EXHIBITION OF NUDE ENTERTAINER PROHIBITED.
SECTION 20-1619.	CULPABLE MENTAL STATE REQUIRED
SECTION 20-1620.	FAILURE OF OFFICIAL TO MEET TIME FRAME
SECTION 20-1621.	PENALTY

SECTION 20-1601 PURPOSE AND FINDINGS

(A) Purpose

(1) The purpose of this Part is to regulate adult businesses in order to promote the health, safety and general welfare of the citizens of the village, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of adult uses within the village.

(2) The provisions of this Part have neither the purpose nor effect of imposing a limitation or restriction on the content of, or reasonable access to, any communicative materials, including adult-oriented materials.

(3) Similarly, it is neither the intent nor effect of this Part to restrict or deny access by adults to adult-oriented materials protected by the First Amendment to the United States Constitution or Article I, § 4, of the Illinois Constitution, or to deny access by the distributors and exhibitors of adult-oriented entertainment to their intended market.

(4) Neither is it the intent nor effect of this chapter to condone or legitimize the distribution of obscene material.

(B) Findings

(1) Adult and adult-oriented businesses, as defined herein, should be regulated.

(2) They should be segregated from one another and from houses of worship, schools, parks, and residential neighborhoods to protect the public health, welfare and safety because, inter alia, adult-oriented businesses, as a category of commercial uses, are associated with a wide variety of adverse secondary effects, including but not limited to, personal and property crimes, illicit and unsanitary sexual activity, illicit drug use, decreased desirability of and negative impacts on the use of surrounding properties, blight, litter, and sexual assault and exploitation.

(3) The village has a substantial government interest in preventing each of the aforementioned adverse effects.

SECTION 20-1602 DEFINITIONS:

Adult Business/Adult-Oriented Business: Any establishment having as a substantial or significant portion of its stock in trade or business activity in a use such as, but not limited to, the following: adult book stores, adult motion picture theaters, adult entertainment centers, adult nightclubs or adult spas, where specific anatomical areas are displayed, explicit sexual conduct is depicted and/or sexual activity is explicitly or implicitly encouraged or tolerated.

Adult Entertainer: Any individual who engages in the activities defined below under "adult nightclub," and who receives a salary, wages, tips, gratuities or other remuneration (either from patrons of a business, or from the owner, operator and/or his or her assigns, partners, employees or agents of that business) for engaging in such activities.

Adult Entertainment Business: See "Adult Business".

Adults-Only: Any items or activities for persons eighteen (18) years of age or older emphasizing, depicting, describing or relating to nudity, explicit sexual conduct (whether auto-erotic, heterosexual, homosexual or otherwise), bestiality or sadomasochistic activities or specified anatomical areas.

Adult Book/Video Store: An establishment having twenty percent (20%) or more of its stock in trade in books, magazines, or other periodicals, films, videos, DVDs (for rent or sale) or other visual media or viewing on premises, but not viewing booths which are prohibited below, which are distinguished or characterized by their principal emphasis on matters depicting describing, or relating to nudity, explicit sexual conduct (whether auto-erotic, heterosexual, homosexual or otherwise), bestiality or sadomasochistic activities, or specified anatomical areas.

Adult Entertainment Cabaret: See "Adult Nightclub"

Adult Motion Picture Theater: An establishment with a capacity of fifty (50) or more persons, used regularly and routinely for the viewing of motion pictures having as a dominant theme material distinguished or characterized by their principal emphasis on matters depicting, describing or relating to nudity, explicit sexual conduct or specified anatomical areas for observation by patrons therein.

Adult Nightclub: A public or private establishment, which is licensed to serve food or alcoholic beverages, which features dancers or waitresses, or strippers, go-go dancers, exotic dancers, male or

female impersonators, or similar entertainment, or where explicit sexual conduct is depicted and/or sexual activities explicitly or implicitly encouraged or implied.

Adult Novelty Store: An establishment having at least twenty percent (20%) of its stock in trade in devices, clothing, novelties, lotions and other items which are distinguished or characterized by their principal emphasis on or use for explicit sexual activities or specific anatomical areas

Adult Spa or Sauna: An establishment primarily in the business of providing massage services and/or steam baths, where explicit sexual conduct is depicted and/or sexual activity is explicitly or implicitly encouraged or tolerated. Such establishments and all masseuses employed at such establishments shall be licensed in accordance with State of Illinois regulations.

Adult Super Center: An establishment having any combination of the adult-oriented businesses defined in this part.

Body Shop or Model Studio: A public or private establishment where for any form of consideration or gratuity, models who display specified anatomical areas are provided to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by persons paying such consideration or gratuity, or where for any form of consideration or gratuity, nude or semi-nude dancing, readings, counseling sessions, body painting and other activities that present materials distinguished or characterized by an emphasis on matters depicting, describing or relating to nudity, explicit sexual conduct or specific anatomical areas are provided for observation by or communication to persons paying such consideration or gratuity.

House of Worship: Any church, synagogue, mosque, temple or building that is used primarily for religious worship and related religious activities.

Nude/Nudity: The display of the human male or female genitalia, pubic hair, perineum, anal or pubic regions, female breast with no covering or with less than fully opaque covering. Any person insufficiently clothed in any manner so that any of the following body parts are not entirely covered with a fully opaque covering (Body paint, body dyes, liquid latex and similar substances shall not be considered opaque coverings):

- (A) The male or female genitals, or
- (B) The male or female anal or pubic areas, or
- (C) Pubic hair, or

(D) The female breast (at or below the areola), or

(E) The buttocks (Attire which is considered insufficient to comply with this requirement includes, but is not limited to, G-strings, T-backs and thongs).

Rap Parlor: An establishment or place primarily in the business of providing non-professional conversation or similar services for adults, where explicit sexual conduct is depicted and/or sexual activity is explicitly or implicitly encouraged or tolerated.

Residence: Any structure used by one or more persons as a dwelling.

Sexual or Genital Area: A term used to include the genitals, pubic area, anus, or perineum of any person, or the vulva or breasts of a female.

Sexual Activity/Conduct: Any of the following conditions:

(A) Human genitals in the state of sexual stimulation or arousal.

(B) Acts or representation of acts of human masturbation, sexual intercourse, or sodomy, bestiality, oral copulation, or flagellation.

(C) Fondling or erotic touching of human genitals, anal or pubic region, buttock, or female breast.

(D) Excretory functions as part of or in connection with any activities set forth in items (1) through (3) above.

Specified Anatomical Areas: Any of the following conditions:

(1) Less than completely and opaquely covered:

(a) Human genitals, pubic region or pubic hair;

(b) Anus and/or buttock; and

(c) Female breast below a point immediately above the top of the areola; and

(2) Human male genitals in a discernibly turgid state even if completely and opaquely covered.

Viewing Booth: Any booth, cubical, room or stall within the premises of an adult oriented business used to display by audio or visual reproduction, projection or other means, any of the specified anatomical areas as defined above.

SECTION 20-1603 LOCATION

Adult business shall be permitted within the PB districts and shall be special uses within the HB, HI and LI zoning districts, and shall be subject to the following restrictions:

(1) No adult business shall be permitted within 650 feet of another existing adult business.

(2) No adult business shall be located within 650 feet of any residentially classified zoning district, including single-family residential, multi-family residential and mobile home residential.

(3) No adult business shall be located within 650 feet of an existing school, place of worship, park, library, day care center or playground

SECTION 20-1604 MEASUREMENT OF DISTANCES

For the purpose of this part, measurements shall be made in a straight line, without regard to intervening structures or objects, from the property line of the adult business to the nearest property line of a school, place of worship, park, library, playground, day care center, district zoned for residential use, or another adult use.

SECTION 20-1605 LICENSING

(A) It shall be unlawful for any person, firm, or corporation to engage in, conduct or carry on, or to permit to be engaged in, conducted, or carried on, in or upon any premise within the Village, the operation of an adult oriented business, without first having obtained a license for such adult business.

(B) Every applicant for a license to maintain, conduct, or conduct an adult business shall file an application upon the form provided by the Village Clerk furnishing the following information:

(1) The applicant's name.

(2) The applicant's permanent home address, length of residency and, if less than 3 years, previous address.

(3) The applicant's age and marital status and, if married, the name of his spouse.

(4) The name and address of the person, firm, corporation, partnership, or association with

whom the applicant is employed or represents; and the length of time of such employment or representation.

(5) Name and address of the applicant's employer during the past three (3) years, if different from the present employer.

(6) The date or approximate date, the most recent application for license for an adult business, if any, was made by the applicant.

(7) A statement of whether a license for an adult business issued to the applicant under this Section has been revoked.

(8) The name of the business, the business location and legal description of the property, and a description of the type of adult business.

(9) A sketch or diagram showing the configuration of the premises, including a statement of the total floor space occupied by the business. The sketch or diagram need not be professionally prepared, but shall be drawn to a designated scale, or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches.

(10) A statement of each and every conviction for violation of any provision of this Section or any other code of any other Illinois municipality or other local government entity regulating adult businesses.

(11) A statement of the criminal record of the applicant, excluding traffic records.

(12) A signed statement stating the name and address of the statutory agent or other agent authorized to receive service of process.

(13) Each applicant shall pay the application fee as denominated in Section 106(1) of this Code.

(C) All statements made with respect to the application or in connection therewith shall be verified and shall be made under oath by the applicant.

(D) The Chief of Police shall keep on file an accurate record of every application received and acted upon, together with all other information and data pertaining thereto and all licenses for adult businesses issued under the provisions of this Section, and of the denial of any such applications.

(E) No license for an adult business shall be issued to any person who has been convicted of the commission of any felony under the laws of this or any other state or federal law, within five (5) years prior to the date of application; nor to any person who has been convicted of a misdemeanor, in any

jurisdiction, involving misrepresentation, deceit, or an omission of any material fact in any commercial transaction; nor to any person who has been convicted of a violation of any of the provisions of this Section; nor to any person whose license for an adult business issued hereunder has previously been revoked has herein provided.

SECTION 20-1606 ISSUANCE AND REVOCATION OF LICENSE

(A) Temporary license.

(1) Upon the filing of a completed application for an adult business license, the Chief of Police shall issue a temporary license to the applicant.

(2) The temporary license shall expire upon the final administrative decision of the village to deny or grant a license.

(3) Within 30 days after the receipt of a completed application, the Chief of Police shall either issue a license or issue a written notice of intent to deny a license.

(B) **Reasons for refusal to grant a license.** The Chief of Police shall approve the application and grant an adult business license, unless one or more of the following is true:

(1) An applicant is less than 18 years of age;

(2) An applicant has failed to provide the information required by Section 20-1605 or has provided false information on the application;

(3) The premises to be used for the adult business currently are in violation of or are not in compliance with the village's health, fire or building codes, or the locational requirements of Section 20-1603;

(4) The applicant failed to pay the license application fee; or

(5) The applicant has a license under this part that has been revoked within the previous year.

(C) License term and restrictions.

(1) The granting of a license to a licensee for an adult business shall be for one year and shall begin on May 1st and continue through April 30th. Applications granted after May 1st of any given year shall be effective for less than a full year and shall continue through April 30th.

(2) The license fees of those licenses granted after May 1st of the calendar year shall be reduced in proportion to the full calendar months

which have expired in the year prior to the issuance of the license.

(3) The license is non-transferable to any other person other than the applicant(s) listed on the application, and is valid only for the location listed on the application.

(D) Renewal of license.

(1) The licensee who has been granted a license to operate an adult business, and who wishes to renew a license shall:

(a) File a renewal application of its license on the form provided by and sent to the licensee by the Village before April 30th; and

(b) Follow all conditions of Section 20-1605.

(2) Upon application for renewal, the licensee shall pay annual business registration fee and the corresponding license fee as denominated in Section 20-1607(A)

SECTION 20-1607 LICENSE FEES AND DISPLAYING OF LICENSE

(A) The following schedule of annual fees, excluding the one-time application fee, for the various procedures outlined in this Part are intended to defray administrative costs connected with such procedures, and do not constitute a tax or other revenue-raising device.

(1) Application Fee - \$100.00 - Non-refundable, to be paid upon submission of the license application.

(2) Business Registration Fee - \$25

(3) Adult Book/Video Store License - \$1,000.00

(4) Adult Motion Picture Theater License - \$1,000.00

(5) Adult Nightclub License - \$1,000.00 (plus any applicable liquor license)

(6) License for Adult Novelty Store - \$1,000.00

(7) License for Adult Spa/Sauna - \$1,000.00

(8) License for Adult Super center:

(a) \$2,250.00 for up to 2 adult businesses

(b) \$3,500.00 for up to 3 adult businesses

(c) \$5,000.00 for 4 or more adult businesses

(B) Upon issuance of a license, said license shall be prominently displayed in a conspicuous place within the adult business so that the license may be readily seen by persons entering the premises.

(C) The increased fee for a late payment of the registration fee will be the same as other business registration fees in the Village and can be found at Section 16-103.

(D) In the event a licensee fails to pay the license fee prior to April 30th of the calendar year, the license shall be suspended and all licensed business shall cease until and unless the licensee pays the license fee to the Village. The suspension of a license, as provided for in this subsection, shall be exempt from the notice and other provisions found in Section 20-1612.

SECTION 20-1608 ENTERTAINER'S LICENSE

(A) Any person who shall serve as an entertainer at a place for live adult entertainment shall apply, in writing, to the Village Clerk, upon a form to be furnished by the Village Clerk. The form shall require the following information:

(1) The name, address, telephone number, social security number and date of birth of the entertainer.

(2) The entertainer's previous addresses for the ten years prior to the filing of the application.

(3) The applicant's full criminal history, including but not limited to, misdemeanor and juvenile offenses.

(4) The entertainer's previous employers for the ten years prior to the filing of the application.

(5) The applicant must also execute a waiver and a release permitting the Village of Swansea and its investigator to secure information from the applicant's previous employers. Moreover, the applicant must appear at the Police Department for fingerprinting.

(6) The applicant's mental health history for the ten years prior to the filing of the application.

(7) The names, address and telephone numbers of any and all other live adult entertainment businesses in which the applicant is a partner, an employee, an entertainer, a stockholder, a sole proprietor, affiliated or associated as either an owner or an operator.

(8) The applicant must also present two forms of photographic identification.

(9) The applicant must provide written statements from not less than three bona fide residents of the city, setting forth that the applicant is of good moral character.

(10) A certificate from a medical doctor designating that the applicant has, within the 30 days immediately prior thereto, been examined and found to be free of any contagious or communicable diseases, including but not limited to, venereal disease, HIV, hepatitis or other such diseases.

SECTION 20-1609 EMPLOYEES/PATRONS

(A) It shall be unlawful for any person under the age of eighteen (18) years of age to be employed in any capacity within an adult business. It shall be unlawful for anyone under the age of eighteen (18) years of age to patronize or enter an adult business.

SECTION 20-1610 PERIODIC INSPECTION

(A) To ensure compliance with the specific regulations of this part, adult businesses licensees and their employees shall permit officers or agents of the village to inspect, from time to time on an occasional basis, portions of the adult business premises where patrons are permitted, during those times when the adult business is occupied by patrons or is open for business.

(B) The village shall construe this section narrowly to authorize reasonable inspections of the permitted premises pursuant to this part, but not to authorize a harassing or excessive pattern of inspections.

SECTION 20-1611 EXPIRATION OF LICENSE

(A) Each license shall expire on April 30th, and may be renewed only by filing an application as provided in Section 20-1606(D).

SECTION 20-1612 SUSPENSION OF LICENSE

(A) The village shall issue a written notice of intent to suspend a license for a period not to exceed 30 days, if a licensee has knowingly violated any section of this part, or has knowingly allowed an employee of the adult business to violate this part.

(B) The issuance of a written notice of intent to suspend shall not be a prerequisite to the issuance of a written notice of intent to revoke a license per Section 20-1613.

(C) The license shall also be suspended, for failure to pay the license fee prior to April 30th of the calendar year, as enumerated in Section 20-1607(D).

SECTION 20-1613 REVOCATION OF LICENSE

(A) The village shall issue a written notice of intent to revoke an adult business license, if a cause of suspension in Section 20-1612 occurs, and the license has been suspended within the preceding 12 months.

(B) The village shall issue a written notice of intent to revoke an adult business license, if a licensee:

(1) Provided false information in conjunction with the application for the adult business license.

(2) Allowed possession, use or sale of controlled substances on the premises.

(3) Allowed prostitution on the premises.

(4) Operated the adult business during a period of time when the licensee's license was suspended.

(5) Allowed a any act of sexual intercourse, sodomy, oral copulation, or masturbation to occur in or on the licensed premises.

(C) When, after the notice and hearing procedure described in Section 20-1614, the village revokes a license, the revocation shall continue for one year.

(D) The licensee shall not be issued a license for one year from the date the revocation becomes effective; provided that, if the conditions of Section 20-1614(D) are met, a provisional license will be granted.

SECTION 20-1614 HEARING ON LICENSE DENIAL, SUSPENSION OR REVOCATION; APPEAL

(A) Notice.

(1) If facts exist for denial, suspension or revocation of a license under this part, the Chief of Police shall notify the applicant or licensee (respondent) in writing of the intent to deny, suspend or revoke the license, including the grounds thereof, by personal delivery or certified mail.

(2) The notification shall be directed to the most current business address on file with the Chief of Police.

(3) Within five working days of receipt of such notice, the respondent may provide to the Chief of Police, in writing, a response that shall include a statement of reasons why the license should not be denied, suspended or revoked.

(4) Within three days of the receipt of respondent's written response, the Board Trustees shall notify respondent in writing of the hearing date on respondent's denial, suspension or revocation proceeding.

(B) Hearing. At the next regularly scheduled meeting of the Board of Trustees after receipt of respondent's written response, the Board of Trustees shall conduct a hearing, at which respondent shall have the opportunity to be represented by counsel, and to present evidence and witnesses on his or her behalf.

(C) Decision.

(1) The Board of Trustees shall issue a written opinion and decision within five days of the hearing.

(2)

(a) If a response is not received by the Board of Trustees in the time provided or, if after a hearing, the Board of Trustees finds that grounds as specified in this part exist for denial, suspension or revocation, then such denial, suspension or revocation shall become final five days after the Board of Trustees sends, by certified mail, written notice that the license has been denied, suspended or revoked.

(b) Such notice shall include a statement advising the applicant or licensee of the right to appeal such decision to a court of competent jurisdiction.

(3) If the Board of Trustees finds that no grounds exist for denial, suspension or revocation of a license, then within five days after the hearing, the Board of Trustees shall withdraw the intent to deny, suspend or revoke the license, and shall so notify the respondent in writing by certified mail of such action, and shall contemporaneously issue the license.

(D) Appeal and provisional license.

(1) When a decision to deny, suspend or revoke a license becomes final, the applicant or licensee (aggrieved party) whose application for a license has been denied, or whose license has been suspended or revoked, shall have the right to appeal such action to a court of competent jurisdiction.

(2) Upon the filing of any court action to appeal, challenge, restrain or otherwise enjoin the village's enforcement of the denial, suspension or revocation, the village shall immediately issue the aggrieved party a provisional license.

(3) The provisional license shall allow the aggrieved party to continue operation of the adult business or to continue employment as an adult business employee, as the case may be, and will expire upon the court's entry of a judgment on the aggrieved party's action to appeal, challenge, restrain or otherwise enjoin the village's enforcement.

SECTION 20-1615 HOURS OF OPERATION

No adult business shall be open to the public between the hours of 12:00 midnight and 8:00 a.m. of each day, including those adult businesses licensed to sell alcoholic beverages.

SECTION 20-1616 SIGNAGE AND WINDOW DISPLAYS

In addition to the sign regulations listed in Part 14 of this Chapter, all signs for adult businesses shall comply with the following: Window displays advertising adult products or depicting any adult theme shall be prohibited. All windows shall be opaque in order to prevent pedestrians and/or the motoring public from viewing any products or activities inside the establishment.

SECTION 20-1617 EXHIBITION OF SEXUALLY EXPLICIT FILMS OR VIDEOS ON PREMISES

(A) A person who operates or causes to be operated a sexually oriented business shall not exhibit on the premises, in any form, a viewing booth, as defined above.

(B) This section is not intended to prohibit adult motion picture theaters, as defined above.

SECTION 20-1618 EXHIBITION OF A NUDE ADULT ENTERTAINER, PROHIBITED

(A) Any adult entertainer performing, dancing or otherwise employed by an adult nightclub shall not be nude, as defined above. At all times shall an adult entertainer cover his or her genital area, as defined above.

SECTION 20-1619 CULPABLE MENTAL STATE REQUIRED TO ESTABLISH LIABILITY

(A) Where any provision or offense herein fails to state a necessary level of culpability to establish a violation or liability, the offense shall be established upon a showing that the person acted knowingly or recklessly with regard to the predicate act.

(B) Notwithstanding anything to the contrary, for the purposes of this part, an act by an employee shall be imputed to the adult business licensee to establish a violation of this part, or to deny, suspend or revoke

a license, only if a licensee allowed, either knowingly or recklessly, a violation of this part to occur.

(C) It shall be a defense to liability that the adult business licensee was powerless to prevent the violation.

SECTION 20-1620 FAILURE OF OFFICIAL TO MEET TIME FRAME NOT TO RISK RIGHTS OF APPLICANT OR LICENSEE

(A) In the event that a government official is required to take an act or to do a thing pursuant to this part within a prescribed time, and fails to take such act or to do such thing within the time prescribed, such failure shall not prevent the exercise of constitutional rights of an applicant or licensee.

(B) If the act required of the official under this part, but not completed in the time prescribed, includes approval of condition(s) necessary for the village's approval of an application for an adult business license (including a renewal), the applicant or licensee shall be deemed to have satisfied the condition(s) for which approval was sought.

SECTION 20-1621 PENALTY

(A) A person who violates this part shall be subject to a fine not to exceed \$2,500.

(B) Each day the violation is committed, or permitted to continue, shall constitute a separate offense and shall be fined as such.

(C) A person who violates this part is subject to a suit for injunction.

(D) Nothing in this section, and no action taken hereunder, shall be held to exclude or prevent such criminal or other civil proceedings as may be authorized by other state or local law. (Ord. 1494, 08/07/07)