



# WILLIAMSVILLE, ILLINOIS ZONING ORDINANCE 1964 AS AMENDED

PREPARED BY  
SPRINGFIELD-SANGAMON COUNTY REGIONAL PLANNING COMMISSION  
**WILLIAMSVILLE ZONING ORDINANCE**

**1964**  
**AMENDED 1971, 1981, 1986, 2002, 2007, 2008**

**2008 AMENDMENTS APPROVED AND ADOPTED BY THE  
PRESIDENT AND BOARD OF TRUSTEES APRIL 28, 2008**

**PUBLIC HEARING BEFORE THE WILLIAMSVILLE PLAN  
COMMISSION FEBRUARY 28, 2008**

**WILLIAMSVILLE, ILLINOIS**

**WILLIAMSVILLE BOARD OF TRUSTEES**

**William McCarty, Village President**  
**John Swinford**  
**Larry Barregarye**  
**Mark Esker**  
**Norval Melton**  
**Janice Beyer**  
**Valerie Patterson**  
**Carol Beal, Clerk**  
**Heidi Dowell, Treasurer**

**WILLIAMSVILLE PLAN COMMISSION**

**Phil Koeberlein, Chairperson**  
**Paul Osman**  
**Bill Davis**  
**Gary Durchholz**  
**Kevin Traeger**  
**Josh Carter**

**PREPARED BY**  
**SPRINGFIELD-SANGAMON COUNTY REGIONAL PLANNING COMMISSION**

# Table of Contents

	<u>Page</u>
Preamble.....	1
 <b><u>SECTION</u></b>	
I <b><u>TITLE</u></b> .....	1
II <b><u>INTENT AND PURPOSE</u></b> .....	1
III <b><u>GENERAL PROVISIONS</u></b> .....	2
A. Control Over Use.....	2
B. Conditional Permitted Uses.....	2
C. Procedure for Zoning Territory to be Annexed or Annexed Territory.....	2
D. Interpretation of Provisions.....	2
E. Application of Overlapping Regulations.....	3
F. Control Over Bulk.....	3
G. Building on Lot.....	3
H. Accessory Buildings, Structures and Uses.....	3
I. Yards, General.....	3
J. Permitted Obstructions in Required Yards.....	4
K. Mobile Home Parks.....	5
L. Tents.....	7
M. Exemptions.....	7
N. Flood Plain Area.....	7
O. Separability.....	7
P. Effective Date.....	7
IV <b><u>CONSTRUCTION OF LANGUAGE AND DEFINITIONS</u></b>	8
A. Rules for the Construction of Language.....	8
B. Definitions.....	9
V <b><u>NON-CONFORMING BUILDINGS, STRUCTURES AND USES</u></b>	17
A. Statement of Purpose.....	17
B. Authority to Continue Non-Conforming Buildings, Structures and Uses.....	17
C. Exempted Buildings, Structures and Uses.....	17
D. Restrictions of Non-Conforming Uses.....	18
E. Elimination of Non-Conforming Uses.....	18
VI <b><u>ZONING DISTRICTS</u></b> .....	19
A. Establishment of Districts.....	19
B. Incorporation of Maps.....	19
C. Boundaries of Districts.....	19

<b><u>SECTION</u></b>	<b><u>Page</u></b>	
VII	<b><u>RESIDENCE DISTRICT REGULATIONS</u></b> .....	20
	A. General Purposes of Residence Districts.....	20
	B. Purposes of Specific Residence Districts.....	21
VIII	<b><u>BUSINESS DISTRICT REGULATIONS</u></b> .....	25
	A. Purposes of Business Districts.....	25
	B. Purposes of Specific Business Districts.....	26
	C. B-2 Highway Service Business District.....	31
	D. Provisions Applying to Both Business Districts.....	33
	E. Supplementary Regulations.....	35
IX	<b><u>INDUSTRIAL DISTRICT REGULATIONS</u></b> .....	35
	A. General Purposes of the Industrial District.....	35
	B. Industrial I-1 District.....	35
	C. Industrial I-2 District.....	37
	D. Provisions Applying to Both Industrial Districts.....	38
	E. Floor Area Ratio.....	38
	F. Sign Regulations.....	39
	G. Supplementary Regulations Applying to I-District.....	39
X	<b><u>OFF-STREET PARKING AND LOADING REGULATIONS</u></b>	46
	A. General Purposes.....	46
	B. Required Off-Street Parking Spaces.....	47
	C. Required Off-Street Loading Spaces.....	49
	D. Restrictions on Location and Use of Off-Street Parking and Loading Facilities.....	50
	E. Additional Regulations for Required Off-Street Parking and Loading Facilities	51
	F. Other Regulations for Off-Street Parking and Loading Facilities.....	54
XI	<b><u>ADMINISTRATION</u></b> .....	55
	A. Building and Occupancy Permits.....	55
	B. Duties of the Office of the Director of Building and Zoning.....	56
	C. Zoning Board of Appeals.....	56
	D. Plan Commission.....	58
	E. Appeals.....	58
	F. Variations.....	59
	G. Amendments.....	61
	H. Conditional Permitted Uses.....	63
	I. Schedule of Fees, Charges, and Expenses.....	64
	J. Violation, Penalty, Enforcement.....	65
	K. When Effective.....	65

This ordinance is adopted in order to promote and protect public health, safety, comfort, convenience, prosperity, and other aspects of the general welfare. These general goals include, among others, the specific purposes set forth in the statements of legislative intent for the respective districts and groups of districts.

**SECTION I**  
**TITLE**

This ordinance shall be known as and may be cited as:

THE ZONING ORDINANCE FOR THE VILLAGE OF WILLIAMSVILLE, ILLINOIS.

**SECTION II**  
**INTENT AND PURPOSE**

- 1) To promote and protect the public health, safety, morals, comfort, convenience, and general welfare of the people.
- 2) To conserve the value of land and buildings within the corporate limits of Williamsville.
- 3) To zone all properties within the corporate limits of Williamsville in such a manner as to reflect the best use and to enhance their value.
- 4) To protect residential, business, and manufacturing uses alike from harmful encroachment by incompatible uses and to insure that land allocated to a class of uses shall not be usurped by other inappropriate uses.
- 5) To fix reasonable zoning standards to which buildings and structures shall conform.
- 6) To encourage a more rational pattern of relationships between residential, business, and manufacturing uses for the mutual benefit of all.
- 7) To isolate or control the location of unavoidable nuisance producing uses.
- 8) To provide protection against fire, explosion, noxious fumes, and other hazards in the interest of the public health, safety, comfort, and general welfare.
- 9) To define the powers and duties of the administrative bodies as provided hereinafter.
- 10) To prescribe penalties for the violation of the provisions of this ordinance or any amendments thereto.

**SECTION III**  
**GENERAL PROVISIONS**

**A) CONTROL OVER USE**

In all districts, after the effective date of this ordinance

- 1) Any tract of land may be used, and
- 2) Any lawfully existing or new building or other structure may be used, relocated, enlarged, converted, reconstructed or structurally altered, and
- 3) The use of any lawfully established existing building or other structure or any tract of land may be continued, changed, extended or enlarged for any use or conditional permitted use allowed by the regulations for the district in which such building or other structure or tract of land is located and for no other purpose.

**B) CONDITIONAL PERMITTED USES**

- 1) To provide for the location of certain uses with unique characteristics herein specified which are deemed appropriate within a given district or districts, but which might have an unusual impact upon surrounding properties or the community or adversely affect the future development of a district or the community, a classification of conditional permitted uses is hereby established. The location, design, and conditions of operation of these uses require special administrative review. Such uses may be developed in the districts specified if special permits are granted after findings are made that the special standards and conditions have been met.
- 2) Where a use exists on the effective date of this ordinance and it is classified as a conditional use in the district in which it is located by said ordinance, it shall be considered to be a lawful conditional use.

**C) PROCEDURE FOR ZONING OF TERRITORY TO BE ANNEXED OR ANNEXED TERRITORY**

All land which may hereafter become a part of the Village of Williamsville, Illinois as a result of annexation shall be automatically classified in the R-1 Single-Family Residence District until otherwise classified by amendment to this ordinance.

**D) INTERPRETATION OF PROVISIONS**

Provisions are minimum requirements.

In their interpretation and application, the provisions of this ordinance shall be considered as minimum requirements to promote and to protect the public health, safety, comfort, convenience, prosperity, and all other aspects of the general welfare.

**E) APPLICATION OF OVERLAPPING REGULATIONS**

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

**F) CONTROL OVER BULK**

All new buildings shall conform to the bulk regulations established herein for the district in which each building is located. Further, no existing building shall be enlarged, reconstructed, structurally altered, converted or relocated in such manner as to conflict or further conflict with the bulk regulations of this ordinance for the district in which such building shall be located.

**G) BUILDING ON LOT**

In single-family residence districts, every single-family dwelling hereafter erected or structurally altered shall be located on a lot and in no case shall there be more than one principal building on one lot.

**H) ACCESSORY BUILDINGS, STRUCTURES, AND USES**

- 1) Accessory buildings, structures, and uses shall be compatible with the principal uses and shall not be established prior to the establishment of the principal use.
- 2) No accessory building or structure shall be erected, altered or moved to a location within ten feet of the nearest wall of the principal building, nor within the required area of a front or side yard. An accessory building, structure or use in a rear yard shall not be less than seven and one-half feet from the rear property line. Except that on a corner lot, a reversed corner lot or a through lot, such accessory building, structure or use shall be set back from the property line adjoining a street the distance required for a front yard.
- 3) Where a rear property line adjoins an alley, an accessory building or structure may be within 3 feet of the rear property line but not within the required side yard.

**I) YARDS, GENERAL**

- 1) All yards and other open spaces allocated to a building (or group of buildings comprising one principal use) shall be located on the same lot as such building. The maintenance of yards and other open space and minimum lot area legally required for a building shall be a continuing obligation of the owner of such

building or of the property on which it is located, as long as the building is in existence. Furthermore, no legally required yards, other open space or minimum lot area allocated to any building shall, by virtue of change of ownership or for any other reason, be used to satisfy yard, other open space, or minimum lot area requirements for any other building.

- 2) No improved lot shall hereafter be divided into two or more lots and no portion of any improved lot shall be sold unless all improved lots resulting from each such division or sale shall conform with all the applicable bulk regulations of the zoning district in which the property is located.
- 3) No yards, now or hereafter provided for a building existing on the effective date of this ordinance, shall subsequently be reduced below or further reduced if already less than the minimum yard requirements of this ordinance for equivalent new construction.

**J) PERMITTED OBSTRUCTIONS IN REQUIRED YARDS**

The following shall not be considered to be obstructions when located in the required yards specified:

- 1) **In Any Yards:** Marquees and awnings adjoining the principal building, overhanging roof eaves, solar energy systems provided they do not exceed 25 percent of the depth of the required yard, chimneys, if they do not exceed ten percent of the depth of the required yard, and ornamental light standards, flag poles, arbors, trellises, trees, shrubs, coin operated telephones, permitted signs and outdoor fuel dispensing equipment. In a required front yard, for purposes of visibility, fences shall be at least fifty (50) percent open and no fence erected in a required front yard may exceed four feet in height. On corner lots, obstructions not higher than 30 inches above curb level, if located in that portion of a required front yard or side yard situated within 20 feet of the lot corner formed by the intersection of any two street lines.
- 2) **In Side Yards:** Fences and screens not exceeding six (6) feet above the ground, open accessory off-street parking spaces, except in a side yard abutting a street.
- 3) **In Rear Yards:** Enclosed, attached or detached off-street parking spaces; open off-street parking spaces; accessory sheds, tool rooms or any similar structures customarily accessory to the principal use; and balconies, breezeways and open porches; fences and screens not exceeding six (6) feet above the ground.

**K) MOBILE HOME PARKS**

The following regulations shall apply to mobile homes:

- 1) A mobile home shall not be considered to be permissible as an accessory building.
- 2) No mobile home shall be occupied for living purposes except in accord with the following:
  - a) That the mobile home is in an approved mobile home park of at least 5 acres, provided that public or community sewer and water facilities are available for each mobile home and that each mobile home lot contains at least 4,500 square feet of lot area and 2 off-street parking spaces.
  - b) Open Space. All mobile home parks shall provide an overall site area of 1,000 square feet per mobile home for access roads, utility structure, parking space, and other community facilities. This space is to be in addition to the minimum 4,500 square feet of lot area mentioned in subsection (a) above. In addition, 10 percent of the gross area of the mobile home park shall be set aside for recreational use.
  - c) Spacing. Mobile homes shall be so located on each space so that there shall be at least a 20 foot clearance between mobile homes on all 4 sides. No mobile home shall be located closer than 15 feet to any building within the park or within 5 feet of any storage shed.
  - d) Buffer Strips. A buffer strip at least 20 feet wide shall be provided along the entire periphery of the mobile home park. Within the 20 foot buffer strip, except at entrances/exits, continuous rows of densely planted shrubbery shall be provided that can be expected to reach a height of at least 10 feet when full grown. The buffer strip must be kept free of weeds and maintained in a neat condition at all times.
  - e) Setback. Mobile homes shall be set back at least 25 feet from public streets or alleys within the park.
  - f) Plans. The developer/builder must present a physical development plan to the Planning Commission concurrently with the request for zoning, for review and recommendation to the Village Board. The

physical development plans may be submitted on one or more sheets of paper at a scale of 50 or 100 feet to the inch and must clearly indicate the following:

- 1) on site vehicular circulation
- 2) on site pedestrian circulation
- 3) vehicular parking
- 4) sewer and water distribution systems
- 5) site grading
- 6) storm drainage
- 7) the location of structures
- 8) the location of fire hydrants
- 9) the location of recreational areas
- 10) lot lines

g) Standards. All of the above improvements must be designed, engineered, and constructed according to the specifications set out in the Minimum Design and Layout Standards and Required Improvement Sections of the Williamsville Subdivision Regulations except with respect to the following regulations:

1) Pavement widths for private streets may be decreased in accord with the following:

no parking on street	1 way	18 feet
	2 way	24 feet
parallel parking one side	1 way	24 feet
	2 way	32 feet
parallel parking both sides	1 way	30 feet
	2 way	36 feet

Public streets shall be constructed in accord with the Land Subdivision Regulations.

2) Sidewalk width shall be 4 feet.

h) Each mobile home shall be provided with a portland cement concrete stand or pads and a paved outdoor patio of at least 180 square feet located at the main entrance to the mobile home.

I) A separate way of ingress and egress to a public street shall be provided for each 100 mobile homes contained in every mobile home park.

**L) TENTS**

No tents shall be erected, used or maintained for living quarters except in approved recreation areas.

**M) EXEMPTIONS**

The following uses are exempted by this ordinance and permitted in any district:

- 1) Poles, towers, wires, cables, conduits, vaults, laterals, pipes, mains, valves or any other similar distributing equipment owned by public utilities
- 2) Steeple of churches and other houses of worship.
- 3) Solar energy systems.

**N) FLOOD PLAIN AREA**

No building or structure shall be erected with elevation of the lowest floor, including a basement floor, lower than one (1) foot above the base flood elevation as identified on the Sangamon County Flood Insurance Rate Map. Where no base flood elevation exists, the developer must provide a base flood elevation as determined by a registered professional engineer.

**O) SEPARABILITY**

If any of the provisions of this ordinance or amendments thereto, or the application thereof to any lot, building or other structure or tract of land are declared by a court of competent jurisdiction to be invalid or ineffective in whole or in part or to be inapplicable to any person or situation, the effect of such decision shall be limited to the provision or provisions which are expressly stated in the decision to be invalid or ineffective, or to the lot, building or other structure or tract of land immediately involved in the controversy. The remaining provisions of this Ordinance shall nevertheless remain in full force and effect.

**P) EFFECTIVE DATE**

This ordinance shall be in full force and effect immediately after passage and approval by the Williamsville Village Board of Trustees and publication in book form according to law.

**SECTION IV**  
**CONSTRUCTION OF LANGUAGE AND DEFINITIONS**

**A) RULES FOR THE CONSTRUCTION OF LANGUAGE**

Rules Applying to Text of Ordinance

The following rules of construction apply to the text of this ordinance

- 1) The particular shall control the general.
- 2) In case of any difference of meaning or implication between the text of this ordinance and any caption or illustration, the text shall control.
- 3) The word “shall” is always mandatory, whereas the word “may” is permissive.
- 4) Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- 5) A “building” or “structure” includes any part thereof.
- 6) The phrase “used for” includes “arranged for”, “designed for”, “intended for”, “maintained for”, or “occupied for”.
- 7) The word “person” includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- 8) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction “and”, “or”, or “either...or”, the conjunction shall be interpreted as follows:
  - a) “And” indicates that all the connected items, conditions, provision, or events shall apply.
  - b) “Or” indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
  - c) “Either...or” indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
- 9) All measured distances shall be to the nearest 1/10 of a foot.
- 10) The masculine gender includes the feminine and neuter.

**B) DEFINITIONS**

The following words, phrases and terms, wherever they occur in this ordinance, shall be interpreted as herein defined:

Adult Uses. See the Adult Use Ordinance adopted by the Village Board on December 3, 2001.

Agricultural Uses. The growing, harvesting, and storing of crops, including legume, hay, grain, fruit and truck or vegetable crops, floriculture, horticulture, mushroom growing, nurseries, orchards, forestry and greenhouses; the keeping, raising and feeding of livestock or poultry, including dairying, poultry, rabbit, swine, beef cattle, pony and horse production, fur farms, and fish and wildlife farms; farm buildings used for growing, harvesting, and preparing crop products for market, or for use on the farm; roadside stands, farm buildings for storing and protecting farm machinery and equipment from the elements, dwellings occupied by farm owners, operators, tenants or seasonal or year-round hired farm workers. It is intended that this definition include all types of agricultural operations, but to exclude therefrom industrial operations such as a grain elevator, canning or slaughterhouse, wherein agricultural products produced primarily by others are stored and/or processed. An activity, structure, or parcel of land shall be determined to be an agricultural use if a majority of the total cash income of the applicant is or shall be derived from pursuit of the occupations enumerated herein, on the premises involved.

Automotive Service Station. Any building or portion thereof or premises to which the motoring public is invited for automotive refueling from underground storage tanks through fixed equipment and for replenishment of automotive supplies and where any of the following services to the motoring public is permissive: replacement, adjustment or repair of lights, tires, batteries, accessories and minor parts; and, when rendered wholly within a building, brake adjustments, engine tuning, drainage and replacement of crank and gear case lubricant, chassis lubrication, washing and cleaning, (but not automotive laundry); all rendered wholly within lot lines.

Automobile Wrecking Yard. Any area of land where two or more motor vehicles, not in running condition, or parts thereof, are stored in the open and are not being restored to operation; or any land, building, or structure used for the wrecking or storing of such motor vehicles, or parts thereof, not in running condition.

Block. A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-ways, bulkhead lines or shore lines of waterways, or corporate boundary lines.

Buildable Area. The specified portion of lot immediately in back of the front yard setback.

Building. Any structure which is built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind and which is permanently affixed to the land.

Building, Accessory - Structure or Use. A subordinate building structure or a portion of a principal building, the use of which is incidental and customary to that of the principal building. Where an accessory use is located in a portion of the principal building, such accessory building shall comply in all respects with the requirements of this ordinance applicable to the principal building. Examples of accessory buildings include, but are not limited to garages, storage sheds, swimming pools, with a capacity of two (2) feet or greater, portable sheds, and satellite receiving dishes. Solar energy systems are not considered to be accessory uses.

Building Area. The area bounded by the exterior dimensions of the outer walls at the ground line.

Building, Completely Enclosed. A building separated on all sides from the adjacent open space or from other buildings or other structures, by a permanent roof and by exterior or party walls, pierced only by windows and normal entrance or exit doors.

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

Building, Temporary. Any building not designed to be permanently located in the place where it is, or where it is intended to be placed or affixed.

Bulk. The term used to indicate the size and setbacks of buildings or structures and the location of same with respect to one another, and including the following:

- a) Size and height of buildings;
- b) Location of exterior walls at all levels in relation to lot lines, streets or to other buildings;
- c) Gross floor area of building in relation to lot area (floor area ratio);
- d) All open space allocated to buildings;
- e) Amount of lot area provided per dwelling unit.

Carport. A roofed accessory building or structure attached to the principal building providing space for the parking of motor vehicles and containing no more than two enclosing walls, screens, lattice, or other material. A carport shall be considered a part of the principal building and subject to all applicable bulk regulations for the district in which it is located.

Club or Lodge, Private. A non-profit association of persons who are bona-fide dues paying members, which owns, hires, or leases a building or portion thereof, the use of those premises being restricted to club authorized nonprofit activities.

Club, non-business. A non-profit organization, of bona-fide members, associated for a common purpose, paying annual dues, organized for social, educational, or recreational purposes.

Conditional Permitted Use. Uses herein listed for a given district which are deemed appropriate within a given district or districts, but which might have an unusual impact upon surrounding properties or the community, or adversely affect the future development of a district or the community.

Condominium. A multiple dwelling or development containing individually owned dwelling units and jointly owned and shared areas and facilities.

Director of Building and Zoning. The official appointed by the President of the Village of Williamsville to administer this ordinance and whose duties are outlined in Section XI of this ordinance.

Dwelling Unit. A group of rooms constituting all of part of a dwelling, which are arranged, designed, used or intended for use exclusively as living quarters for one family and not more than an aggregate of two roomers, and which includes complete kitchen facilities permanently installed.

Dwelling, Single-Family. A residential building containing one dwelling unit.

Dwelling, Two-Family (Duplex). A residential building containing two dwelling units.

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

Family. One or more persons related by blood, marriage or adoption, or a group of not more than five persons not so related, together with his or their domestic servants or gratuitous guests, maintaining a common household in a dwelling unit.

Floor Area, Gross. For the purpose of determining floor area ratio, the floor area of a building or buildings shall be the sum of the gross horizontal areas of the several floors of such building or buildings - measured from the exterior faces of exterior walls or from the center line of party walls separating two buildings.

Floor Area for Parking, Gross. For the purpose of determining requirements for off-street parking and off-street loading, the floor area shall mean the sum of the gross horizontal areas

of the several floors of the 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 basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices.

Floor Area Ratio. The numerical value obtained through dividing the gross floor area of a building or buildings by the total area of the lot or parcel of land on which such building or buildings are located.

Height, Building. Height with reference to a building or structure is the vertical distance measured in feet from the average grade to the highest point of the roof adjacent to the street wall for flat roofs, to the deck of mansard roofs and to the crown for gable, hip, gambrel or pent roofs.

Home Occupation. Any gainful occupation or profession engaged in by the occupant of a dwelling at or from such dwelling. Permissible home occupation further may permit the employment of one additional person in the performance of such services. There shall be no exterior storage of equipment or materials used in the home occupation. Permissible home occupations include, but are not limited to the following: day care, art studio, dressmaking, professional offices of a clergyman, lawyer, physician, dentist, architect, engineer, or accountant, when located in a dwelling unit occupied by the same; and teaching, with musical, dancing and other instruction limited to four pupils at a time. However, home occupations shall not be construed to include uses such as the following: clinic or hospital, public stable or dog kennel, or restaurant. In addition, no home occupation shall be permitted which results in noise and traffic so as to create a nuisance to surrounding property.

Hotel. A building containing lodging rooms, a general kitchen and dining room, a common entrance lobby, halls and stairway; where each lodging room does not have a doorway opening directly to the outdoors, except for emergencies; and where more than 50 percent of the lodging rooms are for rent to transient guests, with or without meals, for a continuous period of less than 30 days.

Junk Yard. An open area of fenced-in enclosure, where used or second-hand materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles. A junk yard includes an auto wrecking yard, but does not include uses established entirely within enclosed buildings.

Lot. A parcel of land, whether legally described or subdivided as one or more lots or parts of lots, located within a single block; and which is occupied or intended for occupancy by one principal building or principal use, together with any accessory buildings and such open spaces as are required by this ordinance; and having its principal frontage upon a street.

Lot Area. The area of a horizontal plane bounded by the vertical planes through front, side and rear lot lines.

Lot, Corner. A lot situated at the junction of and abutting on two or more intersecting streets; or a lot at the point of deflection in alignment of a single street, the interior angle of which is 135 degrees or less.

Lot, Depth. The mean horizontal distance between the front lot line and the rear lot line of a lot measured within the lot boundaries.

Lot, Interior. An “interior lot” is any lot that is neither a corner lot nor a through lot.

Lot Line. A property boundary line of any lot held in single or separate ownership; except that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the street or alley right-of-way line.

Lot Line, Front. That boundary of a lot which is along an existing or dedicated street. The owner of a corner lot may select either street lot line as the front lot line.

Lot Line, Rear. That boundary of a lot which is most distant from and is, or is approximately, parallel to the front lot line. If the rear lot line is less than ten feet in length, or if the lot forms a point at the rear, the rear lot line shall be deemed to be a line ten feet in length within the lot; parallel to and at the maximum distance from the front lot line.

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

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

Lot, Through. A lot which has a pair of opposite lot lines along two, more or less, parallel public streets, and which is not a corner lot. On a through lot both street lines shall be deemed front lot lines.

Lot Width. The horizontal distance between the side lot lines of a lot measured at the required setback line.

Mobile Home. A dwelling unit designed as a portable structure which upon fabrication may be transported on streets and highways, arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, location on jacks or permanent foundations, connection to utilities and the like. A mobile home (manufactured after July 1, 1976) shall be identified by its Federal mobile home seal, which is a red metal seal attached to the rear left roadside portion of the mobile home, stating that the unit has been inspected and is constructed in conformance with

the Federal mobile home construction and safety standards. Mobile homes manufactured prior to July 1, 1976 shall be identified by a visual inspection. A mobile home shall not be considered a conventional single family home even if placed on a permanent foundation. If the Federal law is changed and a new method of identification of a mobile home is established, the new method of identification shall apply.

Mobile Home Park. Any premises on which two or more mobile homes are parked or any premises used or held out for the purpose of supplying to the public a parking space for two or more mobile homes. Does not include sales lots on which automobiles or unoccupied mobile homes, new or used, are parked for purposes of inspection or sale.

Modular Home. A dwelling unit designed as a portable structure which upon fabrication may be transported on streets and highways, arriving at the site where it is to be occupied as a dwelling, complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, location on jacks or permanent foundations, connection to utilities and the like. A modular home shall be identified by its Illinois Modular seal, which is yellow and bears the outline of the State of Illinois. The seal is affixed to the electrical panel box in each modular home and states that the unit has been manufactured in accordance with Illinois Codes and the Illinois Mobile Home and Manufactured Housing Safety Act. If Illinois law is changed and a new method of identification of a modular home is established, the new method of identification of a modular home is established, the new method of identification shall apply.

Motel. A building containing lodging rooms having adjoining individual bathrooms; where each lodging room has a doorway opening directly to the outdoors; and where more than 50 percent of the lodging rooms are for rent to transient tourists for a continuous period of less than 30 days.

Motor Freight Terminal. A building or premises in which freight is received or dispatched by motor vehicle.

Non-Conforming Building Structures and Uses. A “non-conforming” building or other structure is any lawful use of a building or other structure or a tract of land, which does not conform to the applicable use regulations for the district, either on the effective date of this ordinance or as a result of a subsequent amendment thereto.

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

Planning Commission. The term “plan commission or planning commission” when used in this ordinance, refers to the Williamsville Planning Commission.

Rest Home (Nursing Home). A private home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders. Such a home does not contain equipment for surgical care or the treatment of disease or injury, nor does it include maternity care or mental illnesses or infirmities.

Rooming House (Tourist Home). A building, or portion thereof, containing lodging rooms which accommodate three or more persons who are not members of the keeper's family, and where lodging rooms, or meals, or both, are provided for compensation.

Setback, Front Yard. The minimum horizontal distance permitted between the front line or side line of the building and nearest the street line, disregarding steps and unroofed porches.

Sign. A name, identification, description, display or illustration which is affixed to or painted or represented directly or indirectly upon a building or other outdoor surface or piece of land; and which directs attention to an object, product, place, activity, person, institution, organization or business. However, a sign shall not include any display of official court or public office notices nor shall it include a sign located completely within an enclosed building unless the context shall be exposed to view from a street. Each display surface of a sign shall be considered to be a sign.

Sign, Advertising. A sign which directs attention to a business, commodity, service, or entertainment not necessarily sold upon the premises where such sign is located, or to which it is affixed. A double face or V type sign, erected on a single supporting structure where the interior angle does not exceed 135 degrees shall, for the purpose of computing square foot area, be considered and measured as a single face sign.

Sign, Business. A sign which directs attention to a business or profession conducted, or to a commodity, service, or entertainment sold or offered, upon the premises where such sign is located, or to which it is affixed.

Sign, Flashing. Any illuminated sign on which the artificial light is not maintained stationary and/or constant in intensity and color at all times when such sign is in use. For the purpose of this ordinance, any moving, illuminated sign shall be considered a flashing sign.

Sign, Gross Surface Area Of. The entire area within a single continuous perimeter enclosing the extreme limits of such sign and in no case passing through or between any adjacent elements of same. However, such perimeter shall not include any structural elements lying outside the limits of such sign and not forming an integral part of the display.

Solar Energy. Radiant energy received from the sun at wave lengths suitable for heat transfer, photosynthetic use or photovoltaic use.

Solar Energy System. A complete assembly, structure, or design of a solar collector, or a solar storage mechanism, which uses solar energy for generating electricity or for heating or cooling gases, solids, liquids or other materials.

Story. That portion of a building included between the surface of any floor and the surface of the floor next above, or if there is no floor above, the space between the floor and the ceiling next above, the space between the floor and the ceiling next above. A basement shall be counted as a story for the purpose of this ordinance when more than one-half of such basement height is above the established curb level.

Street (Avenue, Place, Drive, Road, Terrace, Parkway, Boulevard or Court). A right-of-way of a required width, which affords a primary means of access to abutting property.

Street Line. The dividing line between a lot and a contiguous street.

Structural Alterations. Any change, other than incidental repairs, in the supporting members of a building or structure, such as bearing walls or partitions, columns, beams or girders; or any substantial change in the roof or exterior walls.

Structure. Anything constructed or erected on the ground or which is attached to something located on the ground. A sign, billboard or other advertising medium detached or projecting shall be construed to be a structure.

Townhouse. A single-family attached dwelling consisting of two or more units with each dwelling designed and erected as a unit, separated from another by a common wall, and capable of being subdivided into separate lots.

Sideyard requirement. 0 for adjoining townhouses.

Use. The purpose or activity for which the land, or building thereon, is designed, arranged or intended, or for which it is occupied or maintained.

Use, Accessory. A subordinate use which is clearly and customarily incidental to the principal use of a building or premises and which is located on the same lot as the principal building or use except for such accessory parking facilities as are specifically authorized to be located elsewhere.

Village Board. The Village Board of Trustees of Williamsville, Illinois

Weigh Stations/Scales. A weigh station is a publicly or privately owned facility designed to weigh motor vehicles, trucks carrying commodities that operate on public highways. The purpose of weigh stations is to monitor the weights of trucks operating on public highways to insure trucks are operating in accordance with the weight restrictions established by the highway authorities. Weigh scales are used to determine the amount of grain, aggregate or other materials delivered to or shipped from a terminal.

Yard. An open space on a lot which is unoccupied and unobstructed from its lowest level to the sky. A yard extends along a line and at right angles to such lot line to a depth or width specified in the yard regulations for the zoning district in which such lot is located.

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

Yard, Rear. The portion of the yard on the same lot with the principal building, located between the rear line of the building and the rear lot line and extending for the full width of the lot.

Yard, Side. A yard extending along a side lot line between the front and rear yards.

Zero Lot Line. A common lot line on which a wall of a structure may be constructed.

**SECTION V**  
**NON-CONFORMING BUILDINGS, STRUCTURES AND USES**

**A) STATEMENT OF PURPOSE**

It is the purpose of this SECTION to provide for the regulation of non-conforming uses, buildings, and structures. It is not the purpose of this SECTION to deprive the owner of any existing property of its use or maintenance for the purpose to which it is lawfully devoted at the time of the adoption of this ordinance but to provide for the regulation and, if necessary, the gradual elimination of uses, buildings or structures which are incompatible with the character of the districts in which they are located.

**B) AUTHORITY TO CONTINUE NON-CONFORMING BUILDINGS, STRUCTURES AND USES**

Any non-conforming building, structure or use which existed lawfully at the time of the adoption of this ordinance and which remains non-conforming and any such building, structure or use which shall become non-conforming upon the adoption of this ordinance or of any subsequent amendment thereto may be continued in accordance with the regulations which follow.

**C) EXEMPTED BUILDINGS, STRUCTURES AND USES**

A non-conforming building, structure or use lawfully established on the effective date of this ordinance shall not be subject to the provisions of this SECTION solely by reason of being non-conforming with respect to the standards prescribed in this ordinance for:

- 1) Floor area ratio;
- 2) Yards (front, side or rear);

- 3) Lot area per dwelling unit;
- 4) Lot width;
- 5) Ground floor area;
- 6) Off-street parking and loading spaces.  
No building designed and used as a dwelling which was legally established on the effective date of this ordinance in any district shall be subject to elimination because of the provisions of this section.

**D) RESTRICTIONS OF NON-CONFORMING USES**

Any lawful existing use which does not conform with the regulations of the district in which it is located shall be subject to the following provisions:

- 1) A non-conforming use shall not be enlarged, nor shall it be extended to occupy an area greater than the area occupied by such use on the effective date of this ordinance.
- 2) A non-conforming use shall not be moved in whole or in part to any other position of the lot or parcel occupied by such use on the effective date of this ordinance.
- 3) If a non-conforming use of land ceases for a period of six (6) months, or more, and if the building or structure thereon is adaptable to a use permitted in the district in which it is located, then a subsequent use of land must conform to the regulations specified by this ordinance for the district in which it is located.
- 4) Should a non-conforming use of structure or building, which is designed or intended for a use which is not permitted in the district in which it is located be damaged or destroyed by fire or other casualty or Act of God to the extent that the cost of restoration to the condition in which it was before the occurrence will exceed 50% of the cost of the restoration of the entire building new, then it shall not be restored unless said building or structure or use shall conform to all of the regulations of the district in which it is located.
- 5) A non-conforming use shall not be changed to another non-conforming use when such non-conforming use is located in a building or structure, all or substantially all of which building or structure is designed or intended for a use permitted in the district in which it is located.

**E) ELIMINATION OF NON-CONFORMING USES**

A non-conforming use shall be discontinued and cease in accordance with the following:

- 1) Where no buildings or structures are employed in connection with such use, it shall be discontinued within one year;
- 2) Where only buildings or structures or other physical improvements employed are accessory or incidental to such use and have an assessed valuation of not more than \$2,000, they shall be discontinued within two years;
- 3) Where a non-conforming use of land is accessory to the non-conforming use of a building or structure, it shall be discontinued on the same date on which the non-conforming use or building or structure is discontinued;

**SECTION VI**  
**ZONING DISTRICTS**

**A) ESTABLISHMENT OF DISTRICTS**

In order to carry out the purposes and provisions of this ordinance, the following districts are hereby established.

- 1) Residence Districts  
R-1 Single-Family Residence District  
R-2 Single-Family and Duplex Residence District  
R-3 Multiple-Family Residence District
- 2) Business Districts  
B-1 General Business District  
B-2 Highway Service Business District
- 3) Industrial District  
I-1 Industrial District  
I-2 Heavy Industrial District

**B) INCORPORATION OF MAPS**

The location and boundaries of the districts established by this ordinance are shown upon the "zoning maps, dated June, 2000", as amended, which are hereby incorporated as a part of this ordinance.

**C) BOUNDARIES OF DISTRICTS**

When uncertainty exists with respect to the boundaries of the various districts as shown on the ZONING DISTRICT MAP, the following rules shall apply:

- 1) District boundary lines are either the center lines of railroads, highways, streets,

alleys or easements; and lot lines and tract lines, or such lines extended, unless otherwise indicated.

- 2) Wherever a district is indicated as a strip adjacent to and paralleling a railroad, highway or street, the depth of such strips shall be in accordance with dimensions shown on the township maps measured at right angles from the center line of a railroad, street or highway, and the length of frontage shall be in accordance with dimensions shown on the map from center lines of railroad, highway or street rights-of-way unless otherwise indicated.
- 3) Where a district boundary line divides a lot in single ownership, the regulations for the lot shall be determined by the largest area.

**SECTION VII**  
**RESIDENCE DISTRICT REGULATIONS**

**A) GENERAL PURPOSES OF RESIDENCE DISTRICTS**

- 1) To provide sufficient space in appropriate locations for residential development to meet the housing needs of the Village's present and expected future population with due allowance for the need of a choice of sites;
- 2) To protect residential areas against fire, explosions, toxic and noxious matter, radiation and other hazards, and against offensive noise, vibration, smoke and other particulate matter, odorous matter, heat, humidity, glare, and other objectionable influences;
- 3) To protect residential areas, as far as possible, against heavy traffic;
- 4) To protect residential areas against congestion as far as possible, by regulating the density of population and the bulk of buildings in relation to the land around them and to one another, by providing for open space on the same zoning lot with residential development, and by providing for off-street parking spaces;
- 5) To provide for access of light and air to windows and for privacy, as far as possible, by controls over the spacing and height of buildings and other structures;
- 6) To provide appropriate space for those public and private educational, recreational, health, and similar facilities which serve the needs of the nearby residents or which generally perform their own activities more effectively in a residential environment without creating objectionable influences;
- 7) To provide freedom of architectural design in order to encourage the development of more attractive and economic building forms;

- 8) To promote the most desirable use of land in accordance with a well -considered plan, to promote stability of residential development, to protect the character and established pattern of desirable development in each area, to conserve the value of land and buildings, and to protect the Village's tax revenues.

**B) PURPOSES OF SPECIFIC RESIDENCE DISTRICTS**

1) R-1 Single-Family and R-2 Single-Family and Duplex Residence Districts

These districts are designed to provide a suitable open character for single-family and duplex dwellings at low densities. These districts also include community facilities and public open space uses which serve the residents of these districts or which are benefited by an open residential environment.

a) Permitted Uses

The following uses are permitted in the R-1 Residence District:

- 1) Single-family detached residences.
- 2) Agricultural uses.
- 3) Churches - when located at least 20 feet from adjoining lot lines in a residence district.
- 4) Community centers.
- 5) Home occupations.
- 6) Nursery schools.
- 7) Parish houses.
- 8) Parks, non-commercial, and other public open space.
- 9) Rectories.
- 10) Schools - public, denominational or private, to be used for nursery, elementary, junior and senior high, with adjacent space for playgrounds, athletic fields, dormitories and other accessory uses required for operation.
- 11) Temporary buildings for construction purposes for a period not to exceed duration of construction.

- b) Permitted Uses  
All of the uses permitted in the R-1 District are permitted in the R-2 District as well as the following uses:

- 1) Two family dwelling units.
- 2) Condominiums maximum of 2 units

- c) Conditional Permitted Uses  
The following conditional permitted uses are permitted in the R-1 and R-2 Districts:

- 1) Cemeteries.
- 2) Communications towers
- 3) Electric and gas substations serving a distribution area.
- 4) Fire stations.
- 5) Police stations.
- 6) Pumping stations, water or sewerage.
- 7) Utility sub-stations

2) R-3 GENERAL RESIDENCE AND OFFICE DISTRICT

The district is designed to provide for all types of residential buildings in order to permit a broad range of housing types, with appropriate standards on density, open space, and spacing of buildings. This district also includes community facilities and public open space uses which serve the residents of this district or which are benefited by an open residential environment. This district is also designed to provide for administrative, professional, and business offices that are located on major streets.

- a) Permitted Uses  
All of the uses permitted in the R-1 and R-2 Districts as well as the following uses are permitted in the R-3 Residence District:

- 1) Apartment hotels.
- 2) Art galleries, non-commercial.

- 3) Auditoriums, civic.
- 4) Boarding houses.
- 5) Clubs, non-business.
- 6) Condominiums multi-units
- 7) Funeral homes.
- 8) Institutions, fraternal, philanthropic or for the children and the aged.
- 9) Libraries, public.
- 10) Non-commercial personal use towers less than 65 feet
- 11) Residences, multiple-family and all other.
- 12) Rooming houses

b) Conditional Permitted Uses

All of the conditional permitted uses permitted in the R-1 and R-2 Districts as well as the following conditional permitted use are permitted in the R-3 Residence District:

- 1) Mobile home parks.
- 2) Non-commercial personal use towers more than 65 feet

c) Floor Area Ratio

R-1 District - Not to exceed 0.25

R-2 District - Not to exceed 0.50

R-3 District - Not to exceed 1.00

d) Required Minimum Lot Area Per Dwelling Unit

R-1 District - 10,000 square feet

R-2 District - Single-family - 7,200 square feet

R-2 District - Two-family - 7,200 square feet

R-3 District - Single-family - 6,000 square feet

R-3 District - Two-family - 6,000 square feet

R-3 District - Multi-family - 2,000 square feet per dwelling unit

- e) Minimum Lot Width  
 R-1 District - 80 feet  
 R-2 District - 72 feet  
 R-3 District - 60 feet

- f) Yard Regulations  
 1) Front Yards (Minimum)  
 R-1 District - 30 feet  
 R-2 District - 25 feet  
 R-3 District - 20 feet

2) Side Yard

	No. Required	Required Total Min. Width (ft.)	Required Min. Width of Any Side Yard
R-1 District	2	20	10
R-2 District	2	15	5
R-3 District	2	12	4

b) Zero lot line  
 A two-unit residential structure may be constructed on two adjacent lots provided; 1) the two lots are in an R-2 zoning district and 2) the common wall between the two units is on the common lot line. This common lot line is known as a zero lot line. The required minimum side yard shall be 10 feet on each end of the structure.

- 3) Rear Yards (Minimum)  
 R-1 District - 20 feet  
 R-2 District - 20 feet  
 R-3 District - 20 feet

g) Height Regulations (Maximum Allowable)

	Building Height In Feet
R-1 District	35
R-2 District	35
R-3 District	50

h) Sign Regulations Applying to the R-1, R-2 and R-3 Districts  
Illuminated Nameplate and Identification Signs

	Number	Area	Content	Projection	Height
Residential Uses	1, (2 on a corner lot, 1 facing each street)	4 sq ft	Name, Address, Permitted Home Occupation	To property line	1 story or 10 ft above curb level, whichever is lower

	<u>Number</u>	<u>Area</u>	<u>Content</u>	<u>Projection</u>	<u>Height</u>
Non-Residential Uses	1, (2 on a corner lot, 1 facing each street)	9 sq ft	Name and Address of the Bldg.	To property line	1 story or 10 ft above curb level, whichever is lower

Unilluminated “For Sale” and “For Rent” Signs

	<u>Number</u>	<u>Area</u>	<u>Content</u>	<u>Projection</u>	<u>Height</u>
Residential or Non-Residential Uses	1, (2 on a corner lot, 1 facing each street)	12 sq ft	“For Sale” or “For Rent”	To property line when contiguous with public right-of-way and no closer Than 8 ft to any lot line	1 story or 10 ft above curb level, whichever is lower

Unilluminated Accessory Parking Signs

	<u>Number</u>	<u>Area</u>	<u>Content</u>	<u>Projection</u>	<u>Height</u>
Non-Residential Uses	One for each exit or entrance 2 on a corner lot, 1 facing each street of such parking area	9 sq ft	The designation of the conditions of use or identity	To property line	7 ft above curb level

Illuminated Non-flashing Church Bulletins and Institutional Signs

	<u>Number</u>	<u>Area</u>	<u>Content</u>	<u>Projection</u>	<u>Height</u>
	1, (2 on a corner lot, 1 facing each street)	24 sq ft	The name and address of the church or institution and other salient information concerning the activities of the aforementioned organizations	To property line	1 story or 10 ft above curb level, whichever is lower

**SECTION VIII**  
**BUSINESS DISTRICT REGULATIONS**

**A) PURPOSE OF BUSINESS DISTRICTS**

The Business Districts established in this ordinance are designed to promote and protect public health, safety, comfort, convenience, prosperity, and other aspects of the general welfare. These

general goals include among others, the following specific purposes:

- 1) To provide sufficient space, in appropriate locations in proximity to residential areas, for local retail development catering to the daily shopping needs of nearby residents;
- 2) To protect retail and commercial development in the shopping districts as well as nearby residential areas against fire, explosions, toxic and noxious matter, radiation and other hazards, and against offensive noise, vibration, smoke and other particulate matter, odorous matter, heat, humidity, glare, and other objectionable influences.
- 3) To protect retail and commercial development, as well as nearby residential areas, against congestion by limiting the bulk of buildings in relation to the land around them and to one another, by restricting those types of establishments which generate heavy traffic and by providing adequate off-street parking and off-street loading facilities.
- 4) To promote the most desirable use of land in accordance with the Comprehensive Village Plan, to promote stability of business development, to strengthen the economic base of the Village, to conserve the value of land and buildings and to protect the Village's tax revenues.

**B) PURPOSES OF SPECIFIC BUSINESS DISTRICTS**

**(1) B-1 GENERAL BUSINESS DISTRICT**

This district is designed to provide the wide variety of goods and services that will meet the wants and desires of the residents of Williamsville and the surrounding area.

**(A) PERMITTED USES**

The following uses are permitted in the B-1 Business District:

- 1) Dwelling unit and lodging rooms. Above the first floor only
- 2) Antique Shops
- 3) Art and school supply stores
- 4) Amusement establishments – bowling alleys, pool halls, dance halls, gymnasiums, indoor swimming pools, and skating rinks

- 5) Art galleries, museums, auction rooms and libraries (public)
- 6) Bakeries (not more than 50% of the floor area to be devoted to processing)
- 7) Banks and financial institutions
- 8) Barber shops
- 9) Beauty shops
- 10) Bicycle stores – sales, rental and repair
- 11) Book and stationary stores
- 12) Bowling alleys
- 13) Building material sales without outdoor storage
- 14) Camera and photographic supply stores
- 15) Candy and ice cream stores
- 16) Carpet and rug stores
- 17) Catering establishments
- 18) Clothes pressing establishments
- 19) Clubs and lodges – private, fraternal and religious
- 20) Custom dressmaking
- 21) Department stores
- 22) Drug stores
- 23) Dry cleaning establishments – retail only – having no more than  
(5) employees and dry cleaning equipment not to exceed 80 pounds capacity
- 24) Dry cleaning and laundry receiving establishments without processing
- 25) Dry goods stores

- 26) Electrical and household appliance stores
- 27) Feed stores
- 28) Flower shops, conservatories, and greenhouses
- 29) Food stores, grocery stores, meat markets, and delicatessens
- 30) Furniture stores
- 31) Garden supply and seed stores
- 32) Gift shops
- 33) Gymnasiums
- 34) Hardware stores
- 35) Hobby shops
- 36) Hospitals, Medical Center, Mental Health Facilities, except animal hospitals
- 37) Hotels
- 38) Jewelry stores
- 39) Job printing shops
- 40) Laundries – automatic self-service type, retail or hand
- 41) Medical and dental clinics
- 42) Meeting halls
- 43) Museums, public.
- 44) Newspaper office including printing
- 45) Nursing homes.
- 46) Office services.
- 47) Offices, business, professional or governmental.

- 48) Offices, dental, medical or osteopathic.
- 49) Office devoted to business, professional and public activities
- 50) Offices or group medical clinics.
- 51) Offices, wholesale with storage restricted to samples.
- 52) Optician and optometrist offices
- 53) Paint and wallpaper stores
- 54) Pet shops
- 55) Photo studio
- 56) Plumbing showrooms and shops
- 57) Post offices
- 58) Radio and television service and repair shops
- 59) Recreation buildings and community centers
- 60) Restaurants without entertainment or dancing
- 61) Schools devoted to music or dance
- 62) Shoe stores
- 63) Shoe and hat repair shops
- 64) Skating rinks
- 65) Small repair shops
- 66) Sporting good stores
- 67) Swimming pools
- 68) Tailor shops
- 69) Telegraph offices

- 70) Telephone booths, outdoor
- 71) Temporary buildings for construction purposes, for a period not to exceed the duration of the active construction
- 72) Theaters, excluding drive-ins
- 73) Tourist center
- 74) Undertaking establishments and funeral parlors
- 75) Variety stores
- 76) Vending machines
- 77) Wearing apparel shops
- 78) Wholesale establishments, with storage of merchandise limited to samples only

**(B) CONDITIONAL PERMITTED USES**

The following conditional permitted uses are permitted in the B-1 Business District.

- 1) Animal hospital
- 2) Car wash
- 3) Bakeries, wholesale
- 4) Churches and other religious institutions
- 5) Frozen food lockers
- 6) Mail order houses and service stores
- 7) Mini storage
- 8) Outdoor amusement establishments – fairgrounds, permanent carnivals, kiddie park, golf driving ranges, and other similar amusement centers
- 9) Parking lots and garages for automobiles

10) Public service uses:

- a. Utility Distribution Centers
- b. Fire and police stations
- c. Communication Towers
- d. Filtration plants, pumping stations, and water reservoirs
- e. Other similar uses

11) Recreation buildings and community centers

12) Theaters, drive in

C) **B-2 HIGHWAY SERVICE BUSINESS DISTRICT**

This district is designed to provide highway service facilities for the residents of Williamsville and environs and for those who are traveling on Interstate 55.

(A) **PERMITTED USES**

The following uses are permitted in the B-2 Business District.

- 1) All permitted uses in the B-1 General Business District are permitted in the B-2 Highway Service Business District
- 2) Automobile sales
- 3) Automotive service stations and allied facilities that are normally found with this type of operation
- 4) Bakeries, wholesale
- 5) Bowling alley
- 6) Building material sales without outdoor storage
- 7) Car wash
- 8) Cartage and express facilities providing for storage of goods, motor trucks and other equipment in an enclosed structure
- 9) Churches, and other religious institutions
- 10) Contractor's and construction offices

- 11) Frozen food lockers
- 12) Fuel and ice sales
- 13) Garages; public, servicing automotive vehicles, but not to include auto body repair or painting
- 14) Machinery sales establishments
- 15) Miniature golf courses
- 16) Mobile and Modular Home Sales
- 17) Motels and lodging houses. Dwelling units may be located on the ground level
- 18) Motor vehicles and motor vehicle equipment sales
- 19) Parking lots and garages for automobiles
- 20) Golf Courses
- 21) Restaurants
- 22) Theaters
- 23) Travel trailers and recreation vehicles
- 24) Truck and trailer sales
- 25) Weigh stations

(B) **CONDITIONAL PERMITTED USES**

- 1) Outdoor amusement establishments including fairgrounds, permanent carnivals, kiddie parks, golf driving ranges, miniature golf courses, skating rinks, swimming pools, and other similar centers
- 2) Public service uses:
  - a. Utility Distribution Centers
  - b. Fire and Police stations
  - c. Communication Towers
  - d. Filtration plants, pumping stations and water reservoirs
  - e. Other similar uses
- 3) Recreation buildings and community center

- 4) Skating rinks
- 5) Swimming pools
- 6) Theaters, drive in
- 7) Parking lots and garages for automobiles

**D) PROVISIONS APPLYING TO BOTH BUSINESS DISTRICTS**

1) Floor Area Ratio

Not to exceed 2.5

2) Lot Area

Not less than 2,500 square feet

3) Yard Regulations

A) Front Yard

-None

B) Side Yard

-None

C) Rear Yard

Not less than 20 feet in depth, except that in the case where off street parking and off street loading facilities are provided and where the building does not exceed one story in height and where the floor area ratio does not exceed .25, the rear yard may be reduced to five feet.

D) Transitional Yard

1) Where a side lot line coincides with a side or rear lot line in an adjacent residence district, a yard shall be provided along such a side lot line. Such yard shall be not less than 20 feet in width.

2) Where a rear lot line coincides with a side lot line in an adjacent residence district, a yard shall be provided along such a rear lot line. Such a yard shall be not less than 25 feet in depth.

3) Height Regulations

No structure shall exceed 65 feet in height

4) Sign Regulation

Business signs and advertising devices are permitted, subject to the following conditions:

A) General Application:

1) No sign shall be permitted within 20 feet of any residential district boundary line

2) No free standing business or advertising sign shall be erected or relocated within 15 feet of any street or highway, within 3 feet of any driveway or parking area, or within 25 feet of the intersection of two or more streets.

3) Signs on awnings shall be exempted from the limitations imposed by this ordinance on the projection of signs from the face of the wall on any building or structure, provided that any sign located on an awning shall be affixed flat to the surface thereof, and shall indicate only the name and/or address of the establishment. No such sign shall extend vertically or horizontally beyond the limits of the said awning.

B) Spacing:

Advertising signs on any controlled access route must be spaced at least 330 feet apart on either side of the road. All advertising signs must be kept at least 500 feet away from an entrance or exit to a controlled access route.

C) Illumination:

Signs may have constant or flashing illumination, provided that any such signs that are located in direct line of vision or any traffic control signal shall not have contrasting or flashing intermittent illumination of red, green or amber color. Where a sign is illuminated by light reflected upon it, direct rays of light shall not beam upon any part of any existing residential building, nor into a residential district or into a street.

D) Area:

The gross surface area in square feet of all signs on a lot shall not exceed 10 times the lineal feet of frontage of such lot. Each side of the lot that abuts upon a street may be included as separate frontage.

E) Projection:

No sign shall project more than 8 feet from the face of the wall of any building or structure nor project higher than the building height. Free-standing sign structures shall be located not less than 15 feet from a lot line adjoining a street.

**E) SUPPLEMENTARY REGULATIONS APPLYING TO THE B-1 AND B-2 DISTRICTS**

- 1) Parking shall be in accordance with Section X, Off-Street Parking Loading Regulations herein.
- 2) All business, service, storage, merchandise, display and, where permitted repair and processing, shall be conducted wholly within an enclosed building, except for the off-street automobile parking, off-street loading, and open sales lots in districts where permitted.

**SECTION IX**  
**INDUSTRIAL DISTRICT REGULATIONS**

**A) GENERAL PURPOSES OF THE INDUSTRIAL DISTRICTS**

The Industrial Districts established in this ordinance are designed to promote and protect the public health, safety, comfort, convenience, prosperity, and other aspects of the general welfare. The specific goals of the Industrial Districts include, but are not necessarily limited to, the following:

- 1) To provide adequate space, in appropriate locations, to meet the needs of the villages' expected future economy for manufacturing and industrial activities with due allowance for the need for a choice of sites;
- 2) To provide, so far as possible, that space will be available for manufacturing and industrial activity, and to protect residences by separating them from such activities, and by prohibiting the use of industrial space for new residential development;
- 3) To protect industrial development against congestion, so far as feasible, by limiting the bulk of buildings in relation to the land around them and to one another, and by providing space off public streets for parking and loading facilities associated with such activities;
- 4) To promote the most desirable use of land in accordance with the Official Village Plan, to promote stability of industrial activities, to strengthen the economic base of the village, to protect the character and established pattern of desirable development in each area, to conserve the value of land and buildings and other structures, and to protect the villages' tax revenues.

**B) I-1 INDUSTRIAL DISTRICT**

This district is designed to provide areas for Industrial Development that are more compatible with commercial/business uses.

1) **PERMITTED USES**

The following uses are permitted in the I-1 Industrial District

- a. Any establishment engaged in production, processing, cleaning, servicing, testing, repair or storage of materials, goods, or products, provided operations conform with the General Requirements set forth in this section.

The following additional uses are also permitted in the I-1 Industrial District:

- b. Accessory uses incidental to and on the same lot and in the same zoning district as the principal use
- c. All the permitted uses under the B-1 General Business and B-2 Highway Service Business Districts are permitted in the I-1 Industrial District
- d. Building material sales with outside storage
- e. Cartage and express facilities
- f. Contractor's offices, shops or yards
- g. Fertilizer storage
- h. Grain storage elevators
- i. Greenhouses, wholesale
- j. Highway maintenance shops and yards
- k. Mail order houses
- l. Motor freight terminals
- m. Printing
- n. Public Utility and service uses as follows:
  - 1. Bus stations, bus terminals, bus garages and bus lots
  - 2. Fire stations
  - 3. Police stations
  - 4. Radio and television towers
  - 5. Railroad passenger or freight terminal

- 6. Telephone exchanges, telephone transmission equipment buildings and microwave relay towers
- 7. Towers less than 65 feet
- 8. Utility distribution centers
- 9. Waterworks – pumping stations and filtration plants
  
- o. Publishing establishments
  
- p. Radar installations and towers
  
- q. Radio and television stations and towers for receiving and transmitting
  
- r. Temporary building for construction purposes for a period not to exceed the duration of such construction activities
  
- s. Weighing stations

2) **CONDITIONAL PERMITTED USES:**

The following conditional permitted uses are permitted in the I-1 Industrial District

- 1) Accessory uses incidental to and on the same lot and in the same zoning district as the principal use
- 2) Any radio, TV, cellular, telephone tower or antenna used exceeding 65 feet for transmitting or receiving signal.
- 3) Institutions for the care or treatment of alcoholics, drug addicts or the mentally ill or retarded
- 4) Parks and playgrounds
- 5) Penal and correctional institutions
- 6) Race tracks
- 7) Railroad switching and classification yards and repair shops
- 8) Sewage treatment plants, municipal
- 9) Theaters – automobile drive-ins

C) **I-2 HEAVY INDUSTRIAL DISTRICT:**

This district is designed to provide areas for Industrial development and other uses that are

not compatible with residential and commercial/business uses.

The following uses are permitted in the I-2 Heavy Industrial District.

**A) PERMITTED USES:**

- 1) All permitted uses in the I-1 Industrial District are permitted in the I-2 Heavy Industrial District
- 2) Adult facilities
- 3) Asphalt plant
- 4) Manufacturing plant
- 5) Ready mix concrete

**B) CONDITIONAL PERMITTED USES:**

- 1) Automobile wrecking yard
- 2) Junk yards

**D) PROVISIONS APPLYING TO BOTH INDUSTRIAL DISTRICTS:**

- 1) Yard Regulations

a) Front Yards

Not less than 30 feet in depth

b) Side Yards

On a corner lot, a side yard shall not be less than 30 feet in depth.

c) Rear Yards

Not less than 20 feet in depth, except that in the case where off-street parking and off-street loading facilities are provided and where the building does not exceed one story in height and where the floor ratio does not exceed .25, the rear of the yard may be reduced to 5 feet.

d) Transitional Yards

- 1) Where a side lot line coincides with a side or rear lot line in an adjacent residence district, a yard of not less than 30 feet in width shall be provided.
- 2) Where a rear lot line coincides with a side lot line in an adjacent residence district, a yard shall be provided along such rear lot line that shall be not less than 50 feet in depth.
- 3) Where a rear lot line coincides with a rear lot line in an adjacent residence or business district, a yard shall be provided that is not less than 50 feet in depth.
- 4) Where an extension of a front or side lot line coincides with a front lot line of an adjacent lot located in a residential district, a yard equal in depth to the minimum front yard required by this ordinance on such adjacent residential lot shall be provided along such front or side lot lines for a distance of at least 20 feet, including the width of an intervening alley from such residential lot.

2) **Floor Area Ratio**

Not to exceed 1.7

3) **Sign Regulation**

Signs shall be permitted subject to the following conditions:

- a) Area. The gross area in square feet of all signs on a lot shall not exceed 20 times the lineal frontage of such lot.
- b) Projections. No sign shall project more than 8 feet from the face of the wall of any building or structure.
- c) Spacing. Advertising signs on any controlled access route must be spaced at least 330 feet apart on either side of the road. All advertising signs must be kept at least 500 feet away from an entrance or exit to a controlled access route.

G) **Supplementary Regulations Applying to the I-1 and I-2 Industrial Districts**

- 1) Parking shall be in accordance with Section X, Off-Street Parking and Loading Regulations herein.

- 2) In the I-1 and I-2 Industrial Districts, on properties or portions thereof located directly across a street from a business or residence district, if any point on the exterior surface of any building or structure is at a greater height than 35 feet above curb level, such point projected vertically upon the ground shall, in no case, be nearer to a business or residence district boundary line than the horizontal distance equal to one and one half times the height of such point from curb level. However, stacks, tanks, bulkheads, or ventilating equipment, including towers enclosing same, shall be exempt from such limitations if not exceeding the aggregate 25 feet in lineal dimension parallel to the street for any 100 feet of street frontage. Parapets not exceeding three feet in height shall also be exempt from such limitations.
- 3) In the I-1 and I-2 Industrial Districts, on properties or portions thereof located adjacent to a side or rear property line in a business or a residence district, if any point on the exterior surface of any building or structure is at a greater height than 35 feet above curb level, the vertical projection of such point upon the ground shall, in no case, be nearer to the side or rear lot of any property in the adjacent business or residence district than a horizontal distance equal to the height of such point above curb level. However, stacks, tanks, bulkheads, or ventilating equipment, including towers enclosing same, shall be exempt from such height limitations, if not exceeding in the aggregate 25 feet in lineal dimension parallel to such business or residential lot line for any 100 feet of length of such lot line. Parapets not exceeding three feet in height shall also be exempt from such limitations.

**H) PERFORMANCE STANDARDS FOR I-1 AND I-2 DISTRICTS**

1) Applicability – certification of compliance required when.

- A) Any new industrial use established in I-1 and I-2 Districts after the effective date of this ordinance shall be so operated as to comply with the performance standards governing:
  - 1) noise
  - 2) vibration
  - 3) smoke and particulate matter
  - 4) toxic and noxious matter
  - 5) odorous matter
  - 6) fire and explosive hazards
  - 7) glare and heat, as set forth hereinafter for the district in which such use shall be located. No use already established on the effective date of this ordinance shall be so altered or modified as to conflict with, or further conflict with, the applicable performance standards established hereinafter for the district in which such use is located.
- B) Certification from an engineer, registered with the State, or scientific testing laboratory approved by the Village Board, indicating that the use of the land and all processing either does or will comply with the applicable performance standards, shall accompany

application for a zoning certificate.

2) Noise – Sound level limitations – Standards applicable.

- A) Sound levels shall be measured with a sound level meter and associated octave band filter manufactured according to the standards prescribed by the American Standards Association. Measurements shall be made using the flat network of the sound level meter. Impulsive type noises shall be subject to the performance standards hereinafter prescribed, provided that such noises shall be capable of being accurately measured with such equipment. Noises capable of being so measured, for the purpose of this ordinance, shall be those noises which cause rapid fluctuations of the needle of the sound level meter with a variation of no more than plus or minus two decibels. Noises incapable of being so measured, such as those of an irregular and intermittent nature, shall be controlled so as not to become a nuisance to adjacent uses.
- B) At no point on the boundary of a residence or business district shall the sound pressure level of any operation or plant (other than background noises not directly under the control of the manufacturer) exceed the decibel limits in the octave bands designated below:

OCTAVE BAND FREQUENCY (cycles per second)	ALONG RESIDENCE DISTRICT BOUNDARIES	ALONG BUSINESS DISTRICT BOUNDARIES
0 to 75	72	79
75 to 150	67	74
150 to 300	59	66
300 to 600	52	59
600 to 1,200	46	53
1,200 to 2,400	40	47
2,400 to 4,800	34	41
over 4,800	32	39

3) Vibration.

- A) Vibrations within a district shall be controlled so as not to become a nuisance to adjacent uses.

- B) No industrial operation or activity (except those not under the direct control of the manufacturer) shall cause at any time ground transmitted vibrations in excess of the limits set forth below. Vibrations shall be measured at any point along a residence district boundary line with a three-component measuring instrument approved by the Director Building and Zoning and shall be expressed as displacement in inches.

<u>FREQUENCY</u> (cycles per second)	<u>MAXIMUM PERMITTED DISPLACEMENT</u> ALONG RESIDENCE DISTRICT BOUNDARIES (inches)
0 to 10	.0008
10 to 20	.0005
20 to 30	.0002
30 to 40	.0002
40 and over	.0001

- 4) Smoke and particulate matter – Restrictions generally.
- A) Any use already established on the effective date of this ordinance shall be permitted to be altered, enlarged, expanded, or modified, provided that new sources of smoke and/or particulate matter conform to the performance standards established hereinafter for the district in which such use is located. The total emission weight of particulate matter from all sources within the boundaries of the lot shall not exceed the net amount permitted in the district in which the use is located after such alteration, enlargement, expansion or modification.
- B) In addition to the performance standards specified hereinafter, the emission of smoke or particulate matter in such manner or quantity as to be detrimental to or endanger the public health, safety, comfort, or welfare is hereby declared to be a public nuisance and shall henceforth be unlawful.
- C) For the purpose of grading the density of smoke, the Ringelmann Chart, published and used by the United States Bureau of Mines, shall be employed. The emission of smoke or particulate matter of a density equal to No. 2 on the Ringelmann Chart is prohibited at all times, except as otherwise provided hereinafter.
- D) The emission, from all sources within any lot area, of particulate matter containing more than five percent by weight of particulates having a particle diameter larger than 44 microns is prohibited.
- E) Dust and other types of air pollution, borne by the wind from such sources as storage areas, yards, roads, and so forth within lot boundaries, shall be kept to a minimum by appropriate landscaping, paving, oiling, or other acceptable means. Emission of particulate matter from such sources in excess of the weight limitations specified hereinafter for the district in which such use shall be located is prohibited.

5) Smoke and particulate matter – I-1 Industrial District restrictions. In the I-1 Industrial District, the following additional regulations apply:

- A) The emission of more than 12 smoke units per stack in any 30 minute period is prohibited, including smoke in excess of Ringelmann No. 2. However, once during any three hour period, each stack shall be permitted up to 20 smoke units (not to exceed Ringelmann No. 2) in 30 minutes for soot blowing and fire cleaning. Only during fire cleaning shall smoke of Ringelmann No. 3 be permitted, and then for not more than six minutes.
- B) The rate of particulate matter emission from all sources within the boundaries of any lot shall not exceed a net figure of three pounds per acre of lot area during any one hour period, after deducting from the gross hourly emission per acre the correction factor set forth in the following table:

ALLOWANCE FOR HEIGHT OF EMISSION *	
HEIGHT OF EMISSION ABOVE GRADE (Feet)	CORRECTION (pounds per hour per acre)
50	0.0
100	0.5
150	0.8
200	1.2
300	2.0
400	4.0
*Interpolate for intermediate values not shown in table.	

Determination of the total net rate of emission of particulate matter within the boundaries of any lot shall be made as follows:

- 1) Determine the maximum emission in pounds per hour from each source of emission and divide this figure by the number of acres of lot area - thereby obtaining the gross hourly rate of emission in pounds per acre.
- 2) From each gross hourly rate of emission derived in (a), above, deduct the correction factor (interpolating as required) for height of emission set forth in the table - thereby obtaining the net rate of emission in pounds per acre per hour from each source of emission.

- 3) Add together the individual net rate of emission derived in (b), above, to obtain the total net rate of emission from all sources of emission within the boundaries of the lot; such total shall not exceed three pounds per acre of lot area during any one hour.

6) Smoke and particulate matter – I-2 Heavy Industrial District restrictions. In the I-2 Heavy Industrial District, the following additional regulations shall apply:

- C) The emission of more than 16 smoke units per stack in any 30 minute period is prohibited, including smoke in excess of Ringelmann No. 2. However, once during any two hour period, each stack shall be permitted up to 24 smoke units (not to exceed Ringelmann No. 2) in 30 minutes for soot blowing and cleaning fires. Only during fire cleaning shall smoke of Ringelmann No. 3 be permitted, and then for not more than eight minutes.
- D) The rate of particulate matter emission from all sources within the boundaries of any lot shall not exceed a net figure of three pounds per acre of lot area during any one hour period, after deducting from the gross hourly emission per acre the correction factor set forth in the following table:

ALLOWANCE FOR HEIGHT OF EMISSION *	
HEIGHT OF EMISSION ABOVE GRADE (feet)	CORRECTION (pounds per hour per acre)
50	0.0
100	0.5
150	1.5
200	2.4
300	4.0
400	8.0
* Interpolate for intermediate values not shown in table.	

Determination of the total net rate of emission of particulate matter within the boundaries of any lot shall be made as follows:

- 1) Determine the maximum emission in pounds per hour from each source of

emission and divide this figure by the number of acres of lot area - thereby obtaining the gross hourly rate of emission in pounds per acre.

- 2) From each gross hourly rate of emission derived in (a), above, deduct the correction factor (interpolating as required) for height of emission set forth in the table - thereby obtaining the net rate of emission in pounds per acre per hour from each source of emission.
  - 3) Add together the individual net rate of emission derived in (b), above, to obtain the total net rate of emission from all sources of emission within the boundaries of the lot; such total shall not exceed eight pounds per acre of lot area during any one hour.
- 7) Toxic and noxious matter. No activity or operation shall cause, at any time, the discharge of toxic or noxious matter across lot lines in such concentration as to be detrimental to or endanger the public health, safety, comfort, or welfare or cause injury or damage to property or business. Determination of such adverse effects shall be made by the Director of Building and Zoning or duly appointed agent.
- 8) Odorous matter.
- A) The emission of odorous matter in such manner or quantity as to be detrimental to or endanger the public health, safety, comfort, or welfare is hereby declared to be a public nuisance and shall henceforth be unlawful.
  - B) No activity or operation shall cause, at any time, the discharge of odorous matter in such concentration as to be detectable without the use of instruments at any point along lot lines.
- 9) Fire and explosive hazards – Specifications applicable.
- A) The manufacture, utilization, or storage of pyrophoric and explosive dusts shall be in accordance with the safety codes of the National Fire Protection Association. Such dusts include, but are not limited to: aluminum, bronze and magnesium powder, powdered coal, powdered plastics, flour and feed, spices, starches, sugar, cocoa, sulphur, grain (storage), and wood flour.
  - B) In the I-1 Industrial District, the following additional regulations shall apply:
    - 1) The storage, utilization, or manufacture of solid materials or products ranging from incombustible to moderate burning is permitted.
    - 2) The storage, utilization, or manufacture of solid materials or products ranging from free or active burning to intense burning is permitted provided the following condition is met: Said material shall be stored, utilized, or manufactured within

manufactured within completely enclosed buildings having incombustible exterior walls, or protected throughout by an automatic fire extinguishing system; or said materials may be stored outdoors in conformance with the regulations of the Village Board, and such storage shall have 50 feet clearance from all property lines.

- 3) The storage and utilization of flammable liquids or materials which produce flammable or explosive vapors or gases shall be permitted in accordance with the rules and regulations of the Department of Safety of the State of Illinois.
- C) In the I-2 Heavy Industrial District, the following additional regulations shall apply:
  - 1) The storage, utilization or manufacture of solid materials, ranging from incombustible to intense burning are permitted, subject to applicable rules and regulations of the Village Board for the Village of Williamsville, Illinois.
  - 2) The storage and utilization of flammable liquids or materials, which produce flammable or explosive vapors or gases, shall be permitted in accordance with the regulations of the Department of Safety of the State of Illinois.
- 10) Glare and heat. Any operation producing intense glare or heat shall be performed within a completely enclosed building in such manner as not to create a public nuisance or hazard along lot lines. Exposed sources of light shall be shielded so as not to create a nuisance across lot lines. Determination of the nuisance factor in regard to glare or heat intensity shall be made by the Zoning Administrator or duly appointed agent.

**SECTION X**  
**OFF-STREET PARKING AND LOADING REGULATIONS**

**A. GENERAL PURPOSES**

- 1) The regulations of this section are adopted for the following purposes:
  - A) To provide necessary off-street parking and loading spaces in connection with all new residential, commercial, and industrial development, including the enlargement and/or the extension of existing residential, commercial or industrial development in Williamsville, and within 1-1/2 mile.
  - B) To provide for higher standards of all types of development within Williamsville and the surrounding one and one-half miles territory.
  - C) To reduce traffic congestion resulting from the use of public streets as places for storage or private vehicles.
  - D) To alleviate substantial amounts of vehicular traffic that circulates through parks

within residential area of access to and from commercial and industrial development.

2) Terms closely associated with this section include, and shall be taken to mean:

- A) Off-Street Parking Space – An on-the-property space of not less than 180 square feet, of appropriate dimensions for parking an automobile, exclusive of the access drives or aisles thereto.
- B) Off-Street Loading Space – An on-the-property space for the temporary parking of a commercial motor vehicle while loading or unloading merchandise or materials, which has direct access to a street, alley or other appropriate means of access.
- C) Accessory – Subordinate or incidental to the principal use.
- D) Extensions, Major Repairs or Substantial Alterations – Reconstruction activities increasing the floor area, seating capacity, number of dwelling units or some other factor affecting the off-street parking or loading requirements established hereinafter when the cost thereof, including all material and labor, is found to be in an amount equal to or in an excess of twenty-five (25%) of the last tax valuation of the pertinent buildings or structures by the Sangamon County Assessor’s Office, as equalized by the Department of Revenue, State of Illinois.

**B) REQUIRED OFF-STREET PARKING SPACES**

In all districts, no building or structure shall be erected, and no extension, major repairs or substantial alterations shall be made to an existing building or structure, unless there is already in existence upon the lot, or unless provisions is made for the location on the lot concurrently with such erection or change, off-street parking space in accordance with regulations and requirements set forth hereinafter.

**REQUIRED OFF-STREET PARKING SPACES**

<u>USE</u>	<u>MINIMUM SPACES</u>	<u>SPECIAL REQUIREMENTS</u>
1) Single Family Dwelling	2 Per Dwelling Unit	
2) Two Family Dwelling	2 Per Dwelling Unit	
3) Multiple-family Dwelling	2 Per Dwelling Unit	
4) Rooming or Lodging Houses	1 Per Dwelling Unit	
5) Hotels, motels, cabins, transient trailer parks, and	1 for each Lodging Room or Dwelling Unit	

<u>USE</u>	<u>MINIMUM SPACES</u>	<u>SPECIAL REQUIREMENTS</u>
all other places offering similar overnight accommodations		
6) Mobile Home Parks	2 for each Mobile Home	
7) Art Galleries, libraries and museums	1 for each 100 square feet of floor area	
8) Auditoriums, assembly halls, churches or other similar places of worship	1 for each 4 seats	Or 1 space for each 100 lineal inches of seating
9) Civic, cultural or historical Institutions	1 for each 800 sq. feet of floor area used or intended to be used by the public	
10) Clubs or Lodges	2 per Club or Lodge	plus 1 additional space for each 4 seats in accordance with the design capacity of the main meeting rooms
11) Community Center or Recreational buildings	1 for each 2 employees	plus at least 1 for each 400 sq. ft. of floor area used or intended to be used by the public
12) Hospitals, mental health, facilities and institutions for the care of children or the aged	1 for each 2 beds	plus 1 for each 2 employees (other than staff doctors) 1 for each staff doctor
13) School, auditoriums, gymnasiums and stadiums	1 for each 100 lineal inches	
14) Schools, elementary or Jr. High	1 for each full time employee	
15) Schools, High or Senior High	1 for each 5 students	
16) Tennis Court	1 for each court	
17) Amusement Facilities (theaters, Indoor Gyms, Swimming Pools)	1 for each 4 spectator seats	
18) Automotive services, drive-in Retail establishments	1 for each 2 employees	

<u>USE</u>	<u>MINIMUM SPACES</u>	<u>SPECIAL REQUIREMENTS</u>
19) Public Utility or Public service Facilities	1 for each 2 employees	
20) Office building and retail or service establishments		
a) Professional, Governmental, Wholesale, and Business offices and Retail Service establishments	1 for each 2 employees	Plus 1 for each 100 sq. ft. of floor area used or intended to be used by the public
b) Dental, Medical Chiropractic or Osteopathic clinics	1 for each examining or treatment room	Plus 1 for each doctor and employee in the building
21) Wholesale, manufacturing and industrial plants	1 for each 2 employees, as related to the working period when the maximum number of persons are working	

**C. REQUIRED OFF-STREET LOADING SPACES**

In all districts, no building or structure shall be erected and no extensions, major repairs or substantial alterations shall be made to an existing building or structure in any district unless there is already in existence upon the lot, or unless provision is made for the location on the lot concurrently with such erection or change, off-street loading space in accordance with minimum requirements set forth hereinafter.

<u>Use</u>	<u>Spaces</u>	<u>Sq. Ft. of Floor Area</u>	<u>SpecialRequirements</u>
1) Rooming/lodging houses	1	10,000 to 100,000	1 space for each additional 100,000 sq. ft. of floor area or fraction thereof
2) Multiple family residences, hotels, motels, private clubs tourist's homes and cabins and transient trailer parks	2	10,000 to 150,000	1 space for each additional 150,000 sq ft. of floor area or fraction or thereof
3) Community facilities uses	2	10,000 to 150,000	1 space for each additional 150,000 sq. ft. of floor area or fraction thereof
4) Amusement facility uses	1	10,000 to 150,000	1 space for each

<u>Use</u>	<u>Spaces</u>	<u>Sq. Ft. of Floor Area</u>	<u>Special Requirements</u>
			additional 150,000 sq. ft. of floor area or fraction thereof
5) Public utility and public service facility uses			
a. Railroad passenger and freight stations, public transit – bus and motor freight terminals and post offices	1	10,000 to 50,000	1 space for each additional 50,000 sq. ft. of floor area fraction thereof
b. Gas or electric sub stations, police and fire stations, telephone exchanges and water and sewer pumping stations	1	10,000 to 150,000	1 space for each additional 150,000 sq. ft. of floor area fraction thereof
6) Banks and business offices (non-retail) including professional and governmental offices and medical clinics	1	10,000 to 100,000	1 space for each additional 100,000 sq. ft. of floor area or fraction thereof
7) Retail or service establishments and eating places	1 2 3 4	5,000 to 10,000 10,000 to 25,000 25,000 to 40,000 40,000 to 100,000	
8) Wholesale, warehousing, storage, research labs, manufacturing and industrial plants	1 2	5,000 to 40,000 40,000 to 100,000	1 space for each additional 100,000 sq. ft. of floor area or fraction thereof

**D) RESTRICTIONS ON LOCATION AND USE OF OFF-STREET PARKING AND LOADING FACILITIES**

2) Restrictions on Off-Street Parking Facility’s Location and Use

In connection with any building or structure which is to be erected or substantially altered and which requires off-street parking spaces, such off-street parking space shall be provided in accordance with the following restrictions:

A) Location

Parking spaces required for single or two-family dwelling units shall be located on the same lot as the dwelling served. Parking spaces required for all other uses which are

established after the effective date of this ordinance shall be located on the same lot as the use served. Uses other than single or two-family dwellings which are in existence on the effective date of this ordinance and which are subsequently altered or enlarged and new uses in the incorporated area of Williamsville may be served in accordance with requirements of this ordinance, by off-street parking facilities located on land other than the lot on which the building or use served is located, provided such facilities are located within 300 feet walking distance from the main entrance to the use served.

B) Use

Except as may otherwise be provided for parking trucks or in connection with special uses, off-street parking facilities, required as accessory to uses listed herein, shall be solely for the parking of passenger automobiles of patrons, clients, occupants or employees.

2) Restrictions on Off-Street Loading Facility's Location and Use

In connection with any building or structure which is to be erected or substantially altered and which requires the receipt or distribution of materials or merchandise by trucks or other similar motor vehicles, off-street loading spaces shall be provided with not less than the minimum requirements specified herein.

A) Location

All required off-street loading spaces shall be located on the same lot as the use to be served and no portion of the vehicles shall project into a street, alley or other public right-of-way. In industrial districts, no off-street loading space for vehicles of more than two ton capacity shall be located less than fifty (50) feet from any residential district, nor shall it be located in a required front yard or side yard. No entrance or point of access to permitted or required off-street loading space shall be located within fifty (50) feet of the nearest point of intersection of any two streets.

B) Use

Except as may otherwise be provided for parking trucks or in connection with special uses, off-street loading facilities, required as accessory to uses listed herein, shall be solely for the receipt or distribution by private, public or commercial motor trucks of materials or merchandise.

**E) ADDITIONAL REGULATIONS FOR REQUIRED OFF-STREET PARKING AND LOADING FACILITIES**

In connection with any building or structure which is to be erected or substantially altered and which requires off-street parking and loading spaces, such off-street parking and loading spaces shall be provided in accordance with the additional regulations hereinafter specified.

1) Additional Off-Street Parking Regulations

A) Size

A required off-street parking space shall be at least nine (9) feet in width and at least twenty (20) feet in length, exclusive of access drives, aisles, ramps, columns and office or work area. Such space shall have a vertical clearance of at least seven (7) feet.

B) Access

Each required off-street parking space shall open directly upon an aisle or a driveway of such width and design as is determined satisfactory by the Village Engineer to provide safe and efficient means of vehicular access to such parking space. All off-street parking facilities shall be provided with appropriate means of vehicular access to a street, alley or driveway in a manner which will least interfere with traffic movements. Said means of access shall be reviewed by the Village Engineer. A parking area containing four or more off-street parking spaces shall have vehicular access to it over a street, alley or driveway containing all-weather, hard-surfaced pavement. The location and route of access to such a parking area shall be identified. No driveway access to public property shall have a width exceeding thirty-five (35) feet, exclusive of curbs.

C) Repair and Service

No motor vehicle repair work of any kind shall be permitted in an off-street parking area. No gasoline or motor oil shall be sold in conjunction with any accessory parking facilities unless such facilities are located within a completely enclosed building, in which case gasoline and motor oil may be sold to the users of such facilities within such building, provided that no advertising sign is visible from outside the building and provided further that all gasoline pumps shall be effectively screened from view from the street.

D) Computation

When determination of the number of off-street parking spaces required by this ordinance results in a requirement of a fractional space, any fraction of one-half or less may be disregarded, while a fraction in excess of one-half shall be counted as one off-street parking space.

E) In Yards

Off-street parking spaces may be located in yards, except in required front yards and side yards adjoining a street.

F) Collective Provisions for Non-Residential Uses

Off-street parking facilities for separate uses may be provided collectively if the total number of spaces so provided is not less than the sum of the separate requirements of each such use and, if all regulations governing the location of accessory parking spaces in relation to the use served are observed. However, no

off-street parking space, or portion thereof, shall serve as the required space for more than one unless otherwise authorized in accordance with this ordinance.

G) Design and Maintenance

- 1) Surfacing. Except for single-family dwellings, all open off-street parking areas shall be improved with a compacted aggregate base not less than six (6) inches thick, with a three (3) inch asphalt concrete surface or a comparable hard-surfaced, all weather material.
- 2) Open and enclosed parking spaces. Off-street parking spaces, located on the same lot as occupied by the principal use, may be open to the sky or enclosed in a building.
- 3) Screening and Landscaping. All open off-street parking spaces containing more than four (4) parking spaces shall be effectively screened on each side and adjoining or fronting on any residential or institutional property by a wall or fence not less than five (5) feet high or more than seven (7) feet high, or a densely-planted compact hedge not less than five (5) feet in height, and shall have wheel stops of masonry, steel or heavy timber placed not nearer than five (5) feet from the street line in districts where a front yard is not required or from side lot lines.
- 4) Lighting, Illumination of an off-street parking area shall be arranged so as not to reflect rays of light into adjacent residential districts and streets. All lighting in parking lots shall be extinguished not later than 9:30 p.m., or thirty minutes after the close of business of the principal use being served, whichever is later.

(B) Additional Off-Street Loading Regulations

A) Size

A required off-street loading space shall be at least ten (10) feet in width and at least fifty (50) feet in length, exclusive of aisle and maneuvering space, and shall have vertical clearance of at least seventeen (17) feet.

B) Access

Each required off-street loading space shall be designed with means of motor vehicular access to a street or alley in a manner which will least interfere with traffic movements.

C) Repair and Service

Neither storage of any kind nor repair work or service of any kind on motor vehicles shall be permitted within any required loading space.

D) Design and Maintenance

- 1) Surfacing. All open off-street loading spaces shall be improved with a compacted aggregate base not less than eight (8) inches thick, with not less than three (3) inches of asphalt concrete surfacing or a comparable all weather, dustless material.
- 2) Allocated Spaces. Space allowed to any off-street loading space shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.

F) **OTHER REGULATIONS FOR OFF-STREET PARKING AND LOADING FACILITIES**

1) A plan for Required Off-Street Parking and Loading Facilities

For the purpose of converting parking and loading areas into required off-street parking and loading spaces, plans must be submitted to and approved by the Williamsville Planning Commission to indicate how the required off-street parking and loading spaces shall be arranged in the area and to indicate sufficient space for parking maneuvers, as well as adequate access to the area.

2) Continuing Character of Obligation

The schedule of requirements for off-street parking spaces and off-street loading spaces applicable to newly erected or substantially altered structures shall be a continuing obligation of the owners of the real estate on which any such structure is located so long as the structure is in existence and its use requiring vehicle parking or vehicle loading facilities continues. It shall be unlawful for an owner of any building affected by this ordinance to discontinue or change or dispense with, or to cause the discontinuance or change of the required vehicle parking or loading space apart from the sale, transfer or discontinuance of such structure, without establishing alternative vehicle parking or loading space which meets the requirements of, and is in compliance with, this ordinance or for any person, partnership, firm or corporation to use such building without obtaining the use of sufficient land for vehicular parking or loading spaces to meet the requirements of this ordinance.

3) Changes in Requirements

The number of off-street parking or loading spaces required upon the erection or substantial alteration of a building shall not be reduced, except upon written approval of the Village Board after proof that, by reason of diminution in floor area, seating, number of employees, or change in other factors controlling the requirements for off-street parking or loading spaces, the proposed reduction is consistent with the provisions of this article.

Whenever, after the date of this ordinance, an increase in floor area, seating, number of employees or other factors of change in the use of a building or structure creates a need for an increase of more than twenty-five (25%) of the number of off-street parking or loading space as determined by the requirements of this article, more off-street parking or loading facilities shall be provided within a reasonable time.

## **SECTION XI - ADMINISTRATION**

### **A) BUILDING AND OCCUPANCY PERMITS**

#### 1) Building Permits

Application for a building permit shall be made prior to the construction of any building or structure including accessory buildings or structures and fences. No permit pertaining to the use of land or buildings shall be issued unless the Director of Building and Zoning has certified, after examination, that it complies with all the provisions of the ordinance. Application for a building permit shall be in such form as prescribed by the Director of Building and Zoning and shall be accompanied by a drawing of the affected parcel, drawn to scale, showing the lot area, height, and bulk of the building or other structure, the building lines in relation to lot lines, and such other information as may be required by the Director of Building and Zoning to make a determination as to whether the proposed construction or alteration is in compliance with this ordinance. If any change is made by the applicant with regard to the proposed construction after issuance of the building permit, the applicant shall reapply for a new permit in order that the Director of Building and Zoning may determine if the proposed change complies with all provisions of this ordinance.

#### 2) Occupancy Permits

No land shall be occupied or used and no building hereafter erected or substantially altered, as determined by the Director of Building and Zoning, shall be occupied or used in whole or part for any purpose whatsoever until a certification of occupancy shall have been issued by the Director of Building and Zoning stating that the building complies with all the building and health laws and ordinances and with the provisions of these regulations. No change of a principal use, as set forth in this ordinance, shall be made in any building or part thereof now or hereafter erected or altered without a permit having been issued to make such change unless it is in conformity with the provisions of this ordinance and amendments thereto.

Nothing in this section shall prevent the continuance of the present occupancy or use of any existing building, except as may be necessary for safety of life and property.

Occupancy permits shall be applied for and shall be issued within ten days after the erection or alteration of such building has been completed. A record of all certificates shall be kept on file in the office of the Director of Building and Zoning, and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected.

**B) DUTIES OF THE OFFICE OF THE DIRECTOR OF BUILDING AND ZONING**

The Director of Building and Zoning of the Village of Williamsville, or other official, that have been or shall be duly appointed by the Village President, shall enforce this ordinance and, in addition thereto and in furtherance of said authority, shall:

- 1) Examine and approve certificates of occupancy that conform with this ordinance and maintain records thereof.
- 2) Conduct inspections of buildings, structures, and uses of land to determine compliance with the terms of this ordinance.
- 3) Maintain permanent and current records of the ordinance, including, but not limited to, all maps, amendments and special uses, variations, appeals, and applications therefore.
- 4) Receive, file, and forward to the Zoning Board of Appeals all applications for appeals, variations, and other matters on which the Zoning Board of Appeals is required to decide under this ordinance.
- 5) Provide such clerical and technical assistance as may be required by the Zoning Board of Appeals in the exercise of its duties.

**C) ZONING BOARD OF APPEALS**

1) Creation

A Zoning Board of Appeals is hereby created for the Village of Williamsville, Illinois. The Board of Appeals shall consist of seven members who shall serve for a term of five years, provided that the members first appointed after the enactment of this ordinance shall serve terms as follows; one shall serve a term of one year; one for two years; one for three years; one for four years; one for five years; one for six years; and one for seven years; the successor to each member so appointed to serve a term of five years. One of the members so appointed shall be named as Chairman at the time of his appointment. The terms of the members shall commence on the date of their appointment. All of the members of said board shall serve without compensation and they shall be subject to removal by the President and Board of Trustees of the Village for good cause after public hearing. Members of the Zoning Board of Appeals shall have the powers and duties assigned to the Zoning Board of Appeals by Statute and Ordinance.

2) Procedure

In accordance with the applicable Statutes of the State of Illinois, as follows:

- A) All appointments to the Zoning Board of Appeals shall be made by the Village President subject to approval of the Village Board. One of the members so appointed shall be named as Zoning Board of Appeals Chairman at the time of his appointment. Vacancies shall be filled as soon as possible for the unexpired term of any member whose place has become vacant. In the event that the office of the Zoning Board of Appeals Chairman is vacated for any reason, the Village Board shall immediately appoint at its option either one of the remaining members on the Zoning Board of Appeals, or any member who is appointed to fill such vacancy on the Zoning Board of Appeals as the new Zoning Board of Appeals Chairman.
- B) All meetings of the Zoning Board of Appeals shall be held at the call of the Chairman, and at such other times as the board may determine. All testimony by witnesses at any hearing provided for in this ordinance shall be given under oath. The Chairman, or in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Zoning Board of Appeals shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact, and shall also keep records of its examinations and other official actions. Every rule, regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the Zoning Board of Appeals shall immediately be filed in the office of the Village Clerk and shall be of public record.

3) Jurisdiction and Authority

A) The Zoning Board of Appeals is hereby vested with the powers as granted by the Statutes of the State of Illinois and this ordinance, as follows:

- 1) To hear and decide appeals from any order, requirement, decision, or determination made by the Director of Building and Zoning pertaining to conformance with requirements of this ordinance, but not including the Building Code;
- 2) To hear and decide variations from the terms provided in this ordinance in the manner and subject to the standards set forth in this section; and
- 3) To hear and decide all matters referred to it or upon which it is required to pass under this ordinance

4) Decisions

A) All final decisions arrived at by the Zoning Board of Appeals shall require a majority vote of all its members.

B) All final decisions of the Zoning of Appeals on variations shall be subject to judicial review in accordance with applicable Statutes of the State of Illinois.

C) All decisions of the Zoning Board of Appeals on appeals from decisions of the Director of Building and Zoning shall, in all instances, be final administrative determinations subject to judicial review in accordance with applicable Statute of the State of Illinois.

**D) PLANNING COMMISSION**

1) Creation

The Planning Commission of the Village of Williamsville is the Planning Commission as created by the Village President and the Village Board of Trustees as of March 17, 1962.

2) Jurisdiction

The Planning Commission is hereby vested with the following powers and duties in the administration of this ordinance:

A) To post or publish notices of public hearings, and to hold such hearings as required by the applicable Statutes of the State of Illinois, pertaining to proposed amendments to the regulations imposed and districts created by this ordinance and to proposed conditional uses as established in this ordinance.

B) To make a written report and recommendations to the Village Board on any such proposed amendments or proposed special uses;

C) To initiate, direct, and review, from time to time, studies of the provisions of this ordinance and to make reports of its recommendations to the Village Board not less frequently than once a year; and

D) To hear and decide all matters which it is required to act upon under this ordinance.

**E) APPEALS**

1) Authority

The Zoning Board of Appeals shall hear and decide appeals from an administrative order, requirement, decision, or determination made by the Director of Building and Zoning or other authorized official of the Village of Williamsville relating to the regulations of this ordinance.

2) Initiation

An appeal may be taken to the Zoning Board of Appeals by any person, firm, or

corporation or by any office, department, board, bureau, or commission, aggrieved by an administrative order, requirement, decision, or determination under this ordinance by the Director of Building and Zoning or other authorized official of the Village of Williamsville.

3) Processing

An appeal shall be filed with the Village Clerk. The Village Clerk shall forward such appeal to the Zoning Board of Appeals for processing in accordance with the applicable Statutes of the State of Illinois.

4) Decisions

All decisions, after hearing before the Zoning Board of Appeals on appeals from an administrative order, requirement, decision or determination relating to this ordinance, of the Director of Building and Zoning or other authorized official of the Village of Williamsville shall, in all instances, be final administrative determinations and shall be subject to judicial review in accordance with applicable Statutes of the State of Illinois.

**F) VARIATIONS**

1) Authority

The Zoning Board of Appeals shall decide variations of the provisions of this ordinance in harmony with its general purpose and intent, and shall vary them only in the specific instances hereinafter set forth where the Zoning Board of Appeals shall have made a finding of fact based upon the standards hereinafter prescribed that there are practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of this ordinance.

2) Initiation

An application for a variation may be made by any person, firm, or corporation or by any office, department, board, bureau, or commission, requesting or intending to request application for a building permit.

3) Processing

A) An application for a variation shall be filed with the Director of Building and Zoning. The Director of Building and Zoning shall forward such application to the Zoning Board of Appeals for processing in accordance with applicable Statutes of the State of Illinois.

B) No variation shall be made by the Zoning Board of Appeals except after a public hearing before the Zoning Board of Appeals, of which there shall be a notice of time and place of the hearing published at least once -- not more than 30 nor less than 15 days before the hearing -- in one or more newspapers with a general circulation within the Village of Williamsville and a written notice is served at least 15 days before the

hearing on the owners of the properties located adjacent to the location for which the variation is requested.

4) Decisions

All decisions of the Zoning Board of Appeals on variations arrived at after the hearing shall require a majority vote of all its members, and such decisions shall be final, subject only to judicial review in accordance with applicable Statutes of the State of Illinois.

5) Standards

A) The Zoning Board of Appeals shall not vary the provisions of this ordinance as authorized in this section unless it shall have made findings based upon the evidence presented to it in the following specific cases:

1) That the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located;

2) That the plight of the owner is due to unique circumstances;

3) That the variation, if granted, will not detract from the essential character of the locality; or

4) That the variation is necessary for the efficient operation of a solar energy system.

B) For the purpose of supplementing the above standards, the Zoning Board of Appeals, in making this determination whenever there are practical difficulties or particular hardship, shall also take into consideration the extent to which the following facts, favorable to the applicant, have been established by the evidence:

1) That the particular physical surroundings, shape, or topographical conditions of the specific property involved would bring a particular hardship upon the owner as distinguished from a mere inconvenience if the strict letter of the regulation were to be carried out;

2) That the conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoning classification;

3) That the purpose of the variation is not based exclusively upon a desire to make more money out of the property;

4) That the alleged difficulty or hardship has not been created by any person presently having an interest in the property;

5) That the granting of the variation will not be detrimental to the public welfare

or injurious to other property or improvements in the neighborhood in which the property is located; or

- 6) That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood.

C) The Zoning Board of Appeals shall require such conditions and restrictions upon the premises benefited by a variation as may be necessary to comply with the standards set forth in this section to reduce or minimize the injurious effect of such variation upon other property in the neighborhood, and to implement the general purpose and intent of this ordinance.

6) Authorized Variations

Variations from the regulations of this ordinance may be decided by the Zoning Board of Appeals only in accordance with the standards set forth in this section and only in the following instances and no others:

- A) To permit a yard less than the yard required by the applicable regulations;
- B) To permit the use of a lot not of record on the effective date of this ordinance for a use otherwise prohibited solely because of the insufficient area of the lot, but in no event shall the area of the lot be less than 90 percent of the required lot area;
- C) To permit parking lots to be illuminated between the hours of 9:30 p.m. and 7:00 a.m.
- D) To permit the same off-street parking spaces to qualify as required spaces for two or more uses, provided that the maximum use of such facility by each user does not take place during the same hours on the same days of the week;
- E) To increase by not more than 25 percent the maximum distance that required parking spaces are permitted to be located from the use served; and
- F) To allow any permitted non-residential use in a residence district to exceed the floor area ratio imposed by the applicable regulations.

**G) AMENDMENTS**

1) Authority

The regulations imposed and the districts created under the authority of this ordinance may be amended from time to time by ordinance in accordance with applicable Statutes of the State of Illinois. An amendment shall be granted or denied by the Village Board only after a public

hearing before the Planning Commission and a report of its findings and recommendations has been submitted to the Village Board.

2) Initiation of Amendment

Amendments may be proposed by the Village Board, by the Planning Commission, or by a resident of or owner of property in the Village of Williamsville.

3) Processing

An application for an amendment to the zoning ordinance shall be filed with the Village Clerk. Such application shall be forwarded to the Planning Commission with a request to hold a public hearing in accordance with applicable Statutes of the State of Illinois, and thereafter to submit a report of its findings and recommendations to the Village Board. There shall be a notice of the time and place of the hearing published at least once - not more than 30 nor less than 15 days before the hearing - in one or more newspapers with a general circulation within the Village of Williamsville. A written notice shall be served at least 15 days before the hearing on the owners of the properties located adjacent to the location for which the amendment is requested. In addition, at least 15 days prior to each hearing, notice of such hearing shall be posted on the street frontage of the land proposed to be reclassified by the amendment.

4) Findings of fact

The Planning Commission shall make written findings of fact and transmit said findings to the Village Board based on evidence presented to it in each specific case with respect to, but not to limited, to the following matters:

- 1) Existing uses of property within 500 feet of the property in question.
- 2) The zoning classification of property contiguous to the property in question.
- 3) The zoning classification of property within 500 feet of the property in question.
- 4) The suitability of the property in question to the uses permitted under the existing zoning classifications.
- 5) 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.
- 6) The relationship of the uses allowed under the proposed zoning classification to the Comprehensive Plan.
- 7) If the Commission finds that both existing zoning classification and the zoning classification requested in the proposed amendment are inappropriate, the

Commission shall make a finding on the appropriate zoning classification for the property.

5) Decisions

The Village Board, after receiving the report of the Planning Commission, and without further public hearing, may grant or deny any proposed amendment in accordance with applicable Statutes of the State of Illinois, or may refer it back to the Planning Commission for further consideration.

**H) CONDITIONAL PERMITTED USES**

1) Purpose

The development and execution of the zoning ordinance is based upon the division of the village into districts, within any one of which the use of land and buildings, and the bulk and location of buildings or structures, as related to the land, is essentially uniform. It is recognized, however, that there are conditional permitted uses which, because of their unique character, cannot be properly classified in any particular district or districts without consideration, in each case, of the impact of those uses upon neighboring lands and upon public need for the particular use of the particular location. Such conditional permitted uses fall into two categories:

- A) Uses operated by a public agency or publicly-regulated utilities, or uses traditionally affected with a public interest.
- B) Uses entirely private in character, but of such a nature that the operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.

2) Authority

Conditional permitted uses shall be authorized or denied by the Village Board in accordance with the regulations and conditions set forth in this ordinance for conditional permitted uses.

No application for a conditional permitted use shall be acted upon by the Village Board until after:

- A) A written report is prepared and forwarded to the Village Board by the Planning Commission in a manner prescribed herein for amendments to this ordinance; and
- B) A public hearing has been held by the Planning Commission after due notice by publication as provided by the applicable Statutes of the State of Illinois for amendments, and the findings and recommendations of the Planning Commission have been reported to the Village Board.

3) Initiation

An application for a conditional permitted use may be made by any person, firm, or corporation or by any office, department, board, bureau, or commission, requesting or intending to request a building permit.

4) Processing

An application for a conditional permitted use, in such form and accompanied by such information as shall be established from time to time by the Planning Commission, shall be filed with the Village Clerk. Such application shall be forwarded to the Planning Commission with a request to hold a public hearing in accordance with the applicable Statute of the State of Illinois, and thereafter to submit a report of its findings and recommendations to the Village Board. There shall be a notice of the time and place of the hearing published at least once - not more than 30 nor less than 15 days before the hearing - in one or more newspapers with a general circulation within the Village of Williamsville. In addition, a written notice shall be served at least 15 days before the hearing to the owners of the properties located adjacent to the location for which the conditional use is requested.

5) Decisions

The Village Board, upon report of the Planning Commission and without further hearing, may authorized or deny an application for a conditional use in accordance with the Statutes of the State of Illinois applicable to amendments, or may refer it back to the Planning Commission for further consideration.

No conditional permitted use shall be authorized by the Village board unless the conditional permitted use:

- A) Is deemed necessary for the public convenience at the location;
- B) Is so designed, located, and proposed to be operated that the public health, safety and welfare will be protected; and
- C) Would not cause substantial injury to the value of other property in the neighborhood in which it is located.

6) Restrictions on Conditional Permitted Uses

If a conditional permitted use of land ceases or is vacated for a period of six (6) months, or more, and if the building, structure or land is adaptable to a permitted use in the district in which it is located, then a subsequent use of land must conform to the regulations specified by this ordinance for the district in which it is located.

**I) SCHEDULE OF FEES, CHARGES, AND EXPENSES**

The Village Board shall establish a schedule of fees, charges and expenses and a collection

procedure for building permits, occupancy permits, amendments, variations, conditional permitted uses, appeals and other matters pertaining to this ordinance. The schedule of fees shall be posted in the office of the Director of Building and Zoning and may be altered or amended by the Village Board.

Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

**J) VIOLATION, PENALTY, AND ENFORCEMENT**

Any person, firm, or corporation, who violates, omits, neglects, or refuses to comply with, or who resists the enforcement of any of the provision of this ordinance shall, upon conviction, be fined not less than \$50.00 nor more than \$200.00 for each offense. Each day that a violation is permitted to exist shall constitute a separate offense. The Director of Building and Zoning is hereby designated and authorized to enforce this ordinance.

**K) EFFECTIVE DATE**

This ordinance shall be in full force and effect \_\_\_\_\_.

Adopted by the President and the Village Board of the Village of Williamsville on the \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_.

\_\_\_\_\_  
President of the Village Board

Approved \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Village Clerk