

CHAPTER 18

ZONING

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ARTICLE I. TITLE AND SCOPE

Sec. 18.1 Title

This Chapter shall be known and may be cited as “The Zoning Ordinance of the Village of Brimfield, Illinois.”

Sec. 18.2 Scope

It is not intended by this Chapter to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws, ordinances, or resolutions, except those specifically repealed by this Chapter or amendments hereto, or with private restrictions placed upon property by covenant, deed, or other private agreement or with respective covenants running with the land to which the Village of Brimfield is a party. Where this Chapter imposes a greater character restriction upon land, buildings, or structures than is imposed or required by such existing provisions of law, ordinance, resolution, contract or deed, the provisions of this Chapter shall control.

Sec. 18.3 Purpose

The zoning regulations and standards herein adopted and established have been made for the purpose of: conserving the value of land, buildings, and structures throughout the Village; lessening and avoiding congestion in the public streets; promoting the public health, safety, comfort, morals, and general welfare; regulate and limit the height and bulk of buildings and structures hereafter to be erected; establishing, limiting, and regulating the building or setback line or lines on or along any street, traffic-way, drive or parkway regulating and limiting the intensity of use of lot areas, and regulating and determining the area of open spaces within and surrounding buildings and structures; classifying, regulating and restricting the location of trades and industries and the location of buildings, structures and land designed for specified industrial, commercial, residential, and other uses; dividing the entire Village into districts of such number, shape, area, and such different classes according to the use of lot area, areas of open spaces, and other classification as may be deemed best suited to carry out the purposes of this Chapter; fixing regulations and standards to which buildings, structures or uses therein shall conform; prohibiting uses, buildings, or structures incompatible with the character of such districts; prevent additions to and alteration or remodeling of existing buildings, structures, or uses in such a way as to avoid the restrictions and limitations lawfully imposed under this Chapter; and, to supersede, with respect to territory within the corporate limits of the Village, any present or future county zoning plan or ordinances.

Sec. 18.4 – 18.9 Reserved

ARTICLE II. RULES OF CONSTRUCTION AND GLOSSARY OF TERMS

Sec. 18.10 Rules of Construction

The following rules shall apply in construction and interpretation of this Chapter and of the terms used herein:

- a. The present tense includes the future tense.
- b. The masculine gender includes the feminine and neuter.
- c. The singular number includes the plural, and vice versa.
- d. The word “shall” is always mandatory; the word “may” is always permissive.
- e. The word “person” includes a partnership, association, firm, trust, club, company or corporation as well as the individual.
- f. The word “used” or “occupied” or “located” as applied to any land, building, use, structure, or premise shall be construed to include the words “intended, arranged or designed” to be used or occupied or located.
- g. The word “lot” shall include the words “plot” and “parcel”.

Sec. 18.11 Glossary of Terms

Unless otherwise expressly stated, for the purposes of this Chapter the following terms, phrases, words and their derivations, shall have the meaning herein indicated:

- a. Governmental Units, Boards and Officials:
 - (1) *Village*: The Village of Brimfield, County of Peoria, State of Illinois.
 - (2) *Village Board*: The governing body of the Village of Brimfield.
 - (3) *Zoning Officer*: The officer designated by the Village Board to enforce this Ordinance.
 - (4) *Zoning Board*: The Zoning Board of Appeals of the Village.
- b. General Terms.
 - (1) *Accessory Structure*: A structure containing not more than 900 square feet of floor space, and having no more than 30 feet on any side, located on the same lot with the main or principal structure, or the main or principal use, and subordinate to and used

for purposes customarily incidental to the main or principal structure of the main or principal use.

- (2) *Accessory Use*: A use on the same lot with, incidental and subordinate to the main or principal use or the main or principal structure.
- (3) *Alley*: A permanent service right-of-way which affords only a secondary means of access to property abutting such right-of-way and is not intended for general traffic circulation.
- (4) *Area, Building*: The total area taken on a horizontal plane at the largest floor level of the main or principal building and all accessory buildings on the same lot exclusive of uncovered porches, terraces, steps, or awnings, marquees, and non-permanent canopies and planters.
- (5) *Areas, Floor*: The sum of the gross horizontal areas of the several stories of a building excluding cellar and basement floor areas not devoted to residential use, but including the area of walled-in and roofed porches and terraces. All dimensions shall be measured between exterior faces of walls.
- (6) *Boarding or Lodging House*: A dwelling containing at least three (3) dwelling units or lodging units in whatever combination. Meals are provided within such house to the residents of the lodging units.
- (7) *Building*: An enclosed structure having a roof supported by columns, walls, arches, or other devices and used for the housing, shelter or enclosure of persons, animals, and chattels.
- (8) *Building, Main or Principal*: The building in which is conducted the main or principal use of the lot on which it is located.
- (9) *Coverage*: The percentage of the lot area covered by the building area.
- (10) *Dwelling*: A building designed for residential living purposes and containing one (1) or more dwelling units and/or lodging units, but not including a trailer coach.
- (11) *Dwelling Unit*: One (1) or more rooms constituting all or part of a dwelling which are used exclusively as living quarters for one (1) family and not more than two (2) roomers or boarders, and which contains a stove, sink, and other kitchen facilities.
- (12) *Dwelling, One-Family*: A dwelling containing one (1) dwelling unit.
- (13) *Dwelling, Multi-Family*: A dwelling containing two (2) or more dwelling units.

- (14) *Family*:
 - (a) An individual; or
 - (b) Two (2) or more persons related by blood, marriage, or adoption; or
 - (c) Maximum of five (5) persons not so related; together with his/her or their domestic servants and gratuitous guests maintaining common household in a dwelling unit.
- (15) *Garage, Public*: A building in which, and/or lot on which, for compensation, one (1) or more vehicles are parked.
- (16) *Height*: The vertical measurement from the average level of the surface of the ground immediately surrounding a structure to the highest point of such structure. (Ordinance No. 2002-2; 5/6/02)
- (17) *Home Occupation*: A gainful occupation or profession conducted entirely within a dwelling and carried on by the residents therein, provided such occupation or profession is clearly incidental and secondary to the use of the dwelling for residential living purposes.
- (18) *Hotel*: A building containing separate accommodations for use by primarily transient persons. A hotel may contain restaurants, barber shops, and other accessory services for serving primarily its residents and only incidentally the public.
- (19) *Junk Yard*: A lot, land, building, or structure, or part thereof used primarily for the collecting, storage and/or sale of waste paper, rags, scrap metal, or discarded material, or for the collecting, dismantling, storage, and salvaging of machinery or vehicles not in running condition and for the sale of parts therefrom.
- (20) *Livestock*: Swine, cattle (dairy or beef), poultry, fowl, horses, ponies, sheep, rabbits, rats, mice, fur bearing animals, and similar species.
- (21) *Lot Area*: The total area within the lot lines.
- (22) *Lot Corner*: A lot located:
 - (a) At the junction of an abutting two (2) or more intersecting streets; or
 - (b) At and abutting the point or abrupt change of a single street where the interior angle is less than one hundred and thirty-five (135) degrees and the radius of the street is less than one hundred feet.
- (23) *Lot Depth*: The average distance from the front to the rear lot lines measured in the general direction of the side lot lines.

- (24) *Lot, Interior:* A lot other than a corner lot.
- (25) *Lot Lines:* The lines bounding a lot.
- (26) *Lot Width:* The horizontal distance between the side lot lines, measured along a straight line between them at points in the side lot lines which are distant from the front lot line the required front yard depth.
- (27) *Lot, Zoning Lot:* A single unified tract of land located within a single block which at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed or built upon as a unit under single or unified ownership or control. Such lot shall have frontage on a street; shall be of at least sufficient size to meet minimum zoning requirements for use, coverage and area; shall provide such yards and other open spaces as herein required; and may consist of: (1) A single lot of record; (2) A portion of a lot of record; (3) A combination of complete lots of record; (4) A parcel of land described by a metes and bounds description; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this Chapter.
- (28) *Lot of Record:* A lot which is part of a subdivision, the map of which has been recorded in the Office of the County Recorder of Deeds, or a lot described by metes and bounds, the description of which has been recorded in the Office of the County Recorder of Deeds.
- (29) *Motel:* A building or group of buildings, whether detached, semi-detached, or attached, containing accommodations for primarily transient automobile travelers. The term motel includes such buildings designed as tourist courts, tourist cabins, motor lodges, and other similar terms.
- (30) *Non-Conforming Lot, Structure or Use:* A lot, sign, structure, building, or use which does not conform to the regulations and standards of the District in which it is located at the time of adoption of this Chapter or subsequent amendments hereto.
- (31) *Nursing or Sheltered Care Home:* A building containing sleeping rooms where persons are housed or lodged and are furnished with meals and nursing care for hire.
- (32) *Parking Lot:* A lot, court, yard, or portion thereof used for the parking of vehicles.
- (33) *Parking Space:* A space accessory to a use or structure for the parking of one (1) vehicle, the size of which shall not be less than ten (10) by twenty-one (21) feet, exclusive of access drives, ramps, columns, or pedestrian aisles.
- (34) *Sign:* Any structure or device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge, or insignia of any government or governmental agency, of any civic,

charitable, religious, patriotic, fraternal or similar organization, or any sign indicating address. Each display surface of a sign shall be considered a sign.

- (35) *Street*: All property dedicated for public or private street, highway, or roadway purposes.
- (36) *Structure*: Anything erected, designed, built or occupied, the use of which requires, more or less, permanent location on the ground, whether permanently attached to the ground or not, or attached to something having a permanent location on the ground; including but not limited to tents, trailers, or other supports used for residential, business, mercantile, storage, commercial, industrial, institutional, assembly, educational, or recreational purposes; and, also including, among other things, buildings, walls, fences, billboards, swimming pools, and signs.
- (37) *Structure, Main or Principal*: The structure in or on which is conducted the main or principal use of the lot on which it is located.
- (38) *Traditional Picnics and Festivals*: Any public gathering of people which may reasonably be expected to number one hundred (100) or more and which can reasonably be expected to continue for at least five (5) hours, and which are conducted and sponsored by recognized established organizations having a continual existence in the Village for five (5) years or more; or the traditional public gathering known as the “Old Settlers Picnic”.
- (39) *Trailer Coach*: Any portable or mobile vehicle used for residential living purposes by a family. For the purpose of this Chapter such vehicle shall be classified as a trailer coach whether or not its wheels, rollers, skids or other rolling equipment have been removed, or whether or not any addition thereto has been built on the ground.
- (40) *Trailer Coach Park*: A tract of land meeting the standards established by the county health authorities and by the Illinois State Department of Public Health.
 - (a) Where two (2) or more inhabited trailer coaches are parked, or
 - (b) Which is used by the public as parking space for two (2) or more inhabited trailer coaches.
- (41) *Use*: The specific purpose for which land, a structure or premises, is designed, arranged, intended, or for which it is or may be occupied or maintained. The term “permitted use” or its equivalent shall not be deemed to include any non-conforming use.
- (42) *Yard*: An open space, other than a court, of uniform width or depth on the same lot with a structure, lying between the structure and the nearest lot line and is unoccupied and unobstructed from the surface of the ground upward except as may be specifically provided by the regulations and standards herein.

- (43) *Yard, Front:* A yard extending the full width of a lot and situated between the front lot line and the nearest line of a structure located on said lot. Where a lot is located such that its rear and front lot lines each abut a street right-of-way line, both such yards shall be classified as front yards. Each yard of a corner lot facing a street right-of-way line shall be classified as a front yard.
- (44) *Yard, Rear:* A yard extending the full width of a lot situated between the rear lot line and the nearest line of a structure located on said lot.
- (45) *Yard, Side:* A yard situated between the side lot line and the nearest line of a structure located on said lot and extending from the rear line of the required front yard to the front line of the required rear yard.
- (46) *Zoning Map:* The Village of Brimfield, Illinois, Official Zoning Map.

Sec. 18.12 – 18.19 Reserved

ARTICLE III. ESTABLISHMENT OF DISTRICTS AND OFFICIAL ZONING MAP

Sec. 18.20 Establishment of Districts

For the purpose of promoting the public health, safety, morals and general welfare, the Village is hereby divided in the following zoning districts:

- A Agriculture District
- R-1 One Family Residential District
- R-2 Multiple Family Residential District
- C-1 Central Business District
- C-2 Commercial District
- I Industrial District

Sec. 18.21 Official Zoning Map

The location and boundaries of the Districts established by this Chapter are as shown on the Zoning Map prepared as provided by statute and identified by the title, "Village of Brimfield, Illinois Official Zoning Map". All explanatory matter thereon is hereby adopted and made a part of this Chapter.

Sec. 18.22 Annexed Territory

All territory which may hereafter be annexed to the Village shall be classified and placed in the R-1 One Family Residential District.

Sec. 18.23 Zoning of Streets, Alleys, Public Ways and Railroad Rights-of-Way

All streets, alleys, public ways and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting. Where the center line of a street, alley, public way or railroad right-of-way serves as a district boundary, the zoning of such areas, when not otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such center line.

Sec. 18.24 Rules and Interpretation of Districts and Boundaries

When uncertainty exists as to the boundaries of districts shown on the Zoning Map, the following rules shall apply:

- a. Streets and Alleys. Boundaries indicated as approximately following the center-line of streets or alleys shall be construed to follow such center-lines.
- b. Lot Lines. Boundaries indicated as approximately following recorded lot lines shall be construed as following such lot lines.

- c. Village Limits. Boundaries indicated as approximately following Village limits shall be construed as following such Village limits.
- d. Railroad Lines. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- e. Parallels or Extensions of Above. Boundaries indicated as parallel to or extensions of features indicated in subsections a through d above shall be so construed. Distance not specifically indicated on the Zoning Map shall be determined by the scale of the map.
- f. Other. Where physical or cultural features existing on the ground are at variance with those shown on the Zoning Map or in other circumstances not covered by subsections a through d above, the Zoning Board shall interpret the district boundaries.

Sec. 18.25 – 18.29 Reserved

ARTICLE IV. DISTRICT REGULATIONS AND STANDARDS

Sec. 18.30 Uniformity of Application

The regulations and standards set by this Chapter with each District shall be minimum regulations and standards and shall apply uniformly to each class, kind or type of structure, or use of land, except as hereinafter provided.

Sec. 18.31 Conformity with District Regulations and Standards

No structure upon land shall hereinafter be used or occupied and no structure or part thereof shall hereafter be constructed, erected, altered, remodeled, extended or removed unless in conformity with all the regulations and standards herein specified of the District in which it shall be located.

Sec. 18.32 Structures

No structure shall hereafter be constructed, erected, altered, remodeled, extended, moved or removed:

- a. To exceed the heights;
- b. To occupy or house a greater number of families;
- c. To occupy a greater percentage of the lot area;
- d. To exceed the floor area ratio;
- e. To have smaller or less habitable floor area per dwelling unit or lodging unit;
- f. To exceed the maximum floor area;

than hereafter required or in any manner contrary to the regulations and standards of the District in which it is located.

Sec. 18.33 Accessory Uses and Structures

No accessory use shall be established prior to the establishment of the main or principal use, and no accessory structure shall be constructed, erected, altered, remodeled, extended, or moved prior to the establishment of construction of the main or principal structure, except those accessory uses and structures of a temporary nature required for the establishment of the main or principal use, or for the construction of the main or principal structure or use.

Sec. 18.34 Access

No structure shall be constructed or erected on a lot or tract of land or moved to a lot or tract of land which does not abut a public street at least fifty (50) feet in width unless said street on the date of passage of this Chapter had a lesser width.

Sec. 18.35 Existing Structures

Nothing in this Chapter shall be deemed to require any change in the plans, construction, or designated use of any structure existing or upon which construction was lawfully begun prior to the effective date of this Chapter, provided that such structure shall be completed within one calendar year from the effective date of this Chapter.

Sec. 18.36 Application of Standards, Etc

The performance standards, regulations and standards, rules, requirements, provisions, and restrictions set by this Chapter shall apply to all structures, uses, lots and tracts of land created or established after the effective date of this Chapter, and shall not be deemed to require any change in the structures, uses, lots, and/or tracts of land, lawfully existing on the effective date of this Chapter, except as expressly specified hereinafter.

Sec. 18.37 Uses Permitted

The uses permitted in one (1) District shall not be permitted in any other District unless specifically stated.

Sec. 18.38 Open Spaces

- a. No part of a yard, buffer strip, or other open space, off-street parking space or loading berth, or lot area required about or in connection with any structure or use for the purpose of complying with the regulations and standards of this Chapter shall be included as part of a yard, buffer strip or other open space, off-street parking or loading berth or lot area similarly required for any other structure or use.
- b. No yard, buffer strip, or other open space, off-street parking space or loading berth, or lot shall be reduced in dimension or area below the requirements set forth hereinafter. Yards, buffer strips, or other open spaces, off-street parking, spaces or loading berths, or lots created or established after the effective date of this Chapter shall meet at least the minimum requirements established by this Chapter.
- c. Lots hereinafter platted or created shall have adequate lot area, width and lot depth to provide for off-street parking spaces and loading berths, yards, buffer strips, and other spaces required.

Sec. 18.39 Height

- a. The height of any main or principal structure may exceed the maximum permitted height by one (1) foot for each additional foot by which the width of each yard exceeds the minimum yard dimension for the District in which such structure is located.
- b. Height regulations and standards shall not apply to spires, belfries, penthouses or domes not used for human occupancy, nor to chimneys, ventilators, sky-lights, water tanks, bulkheads, utility poles and silos, grain elevators and other necessary mechanical appurtenances provided their location shall conform where applicable to the regulations and standards of the Federal Communications Commission, the Federal Aviation Administration and other public authorities having jurisdiction.

Sec. 18.40 Depth

No lot hereinafter platted or created shall be less than one hundred (100) feet in depth.

Sec. 18.41 Regulations and Standards Applicable to Structures

The following yard regulations and standards shall apply to all lots or tracts of land on which a structure is located.

- a. Yards shall be kept unobstructed for their entire depth except specified hereinafter.
- b. Private driveways, surfaced drives, easements, sidewalks, flag poles, hydrants, patios, accessory signs, and other decorative recreational and utility devices and equipment may be placed in any yard.
- c. Notwithstanding any other provisions of this Chapter, the following visibility regulations and standards shall apply:
 - (1) (a) Unless otherwise specifically provided, the maximum height for fences, walls and/or hedges, shall be six (6) feet from grade level, and may be located only in the rear yard, and may extend from the rear line of the principal structure to the rear lot line. (Ordinance No. 2002-2; 5/6/02)
 - (b) Side yard fences may be a height of up to four (4) feet from grade level, and may extend from the rear line of the principal structure to the front line of the principal structure. Only a fence with a uniform free space density of 50% or more may be used to connect a fence in the side yard from the front corner of the principal structure. (Ordinance No. 2002-2; 5/6/02)
 - (c) Wrought iron decorative fences (without sharp points) or two rail fences of not more than 2 ½ feet in height, that can be seen through by neighbors, passing traffic, and passersby may be placed in the front yard from the front line of the principal structure to the front of the lot. (Ordinance No. 2002-2; 5/6/02)

- (d) Hazardous fencing such as barbed wire, electrically charged fencing, glass-topped wall, or similar hazardous fencing is prohibited. (Ordinance No. 2002-2; 5/6/02)
 - (e) In special use considerations, a greater maximum fence requirement may be recommended by the Zoning Board and approved by the Village Board. (Ordinance No. 2002-2; 5/6/02)
- (2) Corner Lot. On a corner lot nothing shall be constructed, erected, placed, planted or allowed to grow in such a manner as to materially impede vision between a height of two and one-half (2 ½) feet above the center line grades of the intersecting streets in an area bounded by the street right-of-way lines fifty (50) feet from the nearest point of intersection. Beyond such fifty (50) foot limits, Section 18.41 c. (1) shall apply.
- (3) Notwithstanding the provisions of Paragraphs 1 and 2 of this paragraph c., no fence, wall, hedge or similar structure shall be located within 3 feet of any rear lot line on alley or within 3 feet of any lot line having gas, water, sewer, telephone, electric or other utility easements within 10 feet thereof. (Ordinance No. 2001-8; 12/10/01)

Sec. 18.42 Trailer Coaches

Except as permitted under the provisions of Section 18.61 no occupied trailer coach shall be permitted on any lot or tract of land outside of a trailer coach park, except the trailer coach of a bonafide guest of the occupant of a dwelling located on such lot or tract of land. Such location of a trailer coach of a bonafide guest of the occupant of a dwelling located on such lot or tract of land shall not exceed thirty (30) consecutive days and two (2) such thirty (30) day periods within one (1) calendar year.

Sec. 18.43 Location of Parking Spaces

All parking spaces servicing buildings or uses shall be located on the same zoning lot as the building or use served, except that parking spaces to serve business, commercial, industrial and office buildings may be located within 100 feet of such use if said spaces are located within a Commercial or Industrial District.

Sec. 18.44 Exemptions from Regulations and Standards

The following structures and uses are exempted from the application of the District regulations and standards and are permitted in any District: poles, towers, wires, cables, conduits, vaults, laterals, pipes, mains, valves, or similar distributing equipment for telephone or other communications, electric power, gas, water, and sewer lines, provided that the installation shall conform where applicable with the rules and regulations of the Illinois Commerce Commission, the Federal Aviation Administration, other public authorities having jurisdiction, and the ordinances of the Village. A Zoning Permit shall be obtained for any above-ground electric substation or switching station, gas regulator station, water pump station, telephone exchange or similar utility structure.

Sec. 18.45 – 18.59 Reserved

ARTICLE V. A AGRICULTURE DISTRICT

Sec. 18.60 Purpose

The Agriculture District is designed to accommodate agriculture uses of all types. None of the regulations and standards herein except those relating to building or setback lines shall apply to land used or to be used for agricultural purposes, nor shall permits be required for such uses.

Sec. 18.61 Uses Permitted

- a. Agriculture.
- b. Single family detached dwellings, provided each such dwelling shall be located on a lot at least 2 acres in area, 330 feet in width if an interior lot or 400 feet in width if a corner lot. The floor area ratio shall not exceed 0.10, and the coverage shall not exceed 8%. R-1 District regulations and standards for dwellings shall apply. Any structure within this District may be converted into a single family detached dwelling, subject to the requirements of the above paragraph.
- c. Trailer Coaches. As an accessory use to agriculture, one trailer coach occupied as a permanent residence. No other occupied trailer coaches shall be permitted on any lot or tract of land outside of a trailer camp, except the trailer coach of a bonafide guest of the occupant of a dwelling located on such lot or tract of land. Such temporary location of a trailer coach shall not exceed thirty (30) consecutive days and two (2) such thirty (30) day periods within one (1) calendar year.
- d. Camps, private clubs, private lodges, country clubs, riding academies, public stables.
- e. Elementary, Jr. High and High Schools.
- f. Governmental Buildings, publicly owned athletic fields, golf courses, parks, campgrounds and community centers.
- g. Sewage treatment facilities.
- h. Customary access uses, including home occupations permitted in the R-1 District.

Sec. 18.62 Setback Line

The following setback line regulations and standards shall apply to all main or principal structures, all buildings, and all detached accessory structures except such as are permitted in yards.

- a. Where the lot abuts a highway as designated on the Zoning Map: minimum one hundred fifty (150) feet from center line of right-of-way, but not less than sixty (60) feet from the right-of-way line.

- b. Where the lot abuts a major street or a minor street as designated on Zoning Map, the minimum setback line shall be one hundred (100) feet measured from the center line of such right-of-way, but not less than sixty (60) feet from the right-of-way line.

Sec. 18.63 Height

No structure other than farm structures shall exceed the following heights:

- a. Main or principal structure: Maximum thirty-five (35) feet.
- b. Detached accessory structure: Maximum fifteen (15) feet.

Sec. 18.64 Yards

The following yards shall be provided in connection with any building or structure hereafter erected, built, or moved onto a lot, other than farm buildings:

- a. Main or principal structure:
 - (1) Front Yard. The minimum front yard shall be determined according to the setback line, Section 18.52 a.
 - (2) Side Yard. Minimum thirty feet, and for each additional story above the first two stories; add ten (10) feet.
 - (3) Rear Yard. Minimum one hundred (100) feet.
- b. Detached accessory building:
 - (1) Front Yard. The minimum front yard shall be determined according to the setback line, Section 18.52 a.
 - (2) Side Yard. No detached accessory building shall be located less than fifteen (15) feet from any side lot line.
 - (3) Rear Yard. No detached accessory building shall be located less than twenty-five (25) feet from any rear lot line.

Sec. 18.65 – 18.69 Reserved

ARTICLE VI. R-1 ONE FAMILY RESIDENTIAL DISTRICT

Sec. 18.70 Purpose

The R-1 One Family Residential District is intended to include those portions of the Village developed predominantly with one-family dwellings on individual lots where it is deemed desirable to maintain and encourage this pattern of development, and for those undeveloped portions of the Village in which it is deemed desirable to encourage this pattern of predominant land usage and density of population.

Sec. 18.71 Use Permitted (Ordinance No. 2002-3; 5/6/02)

Within the R-1 One Family Residential District no building or premises shall be used and no building shall be hereafter erected or altered, unless otherwise provided for in this Ordinance, except for the following uses:

- a. One-family detached dwellings.
- b. Agricultural uses on tracts containing 2 acres or more; but not including the raising, housing, pasturing or keeping of bees, fowl, or livestock, or uses other than the raising and harvesting of grain and garden plots.
- c. Customary accessory uses, including private garages.
- d. Customary home occupations, subject to the following regulations and standards:
 - (1) It must be carried on solely by a resident or residents of the premises, and not more than one employee not residing on the premises; and
 - (2) The total floor area devoted to such use shall not exceed 25% of the area of one floor of the dwelling; and
 - (3) It shall be located only in the dwelling and not in any structure accessory thereto; and
 - (4) No article may be sold or offered for sale except as such may be produced on the premises or which is incidental to the part of the service rendered; provided, however, that the conduct of a retail, wholesale or manufacturing business is prohibited; and
 - (5) No exterior evidence of such home occupation is visible except a name plate not more than two square feet in area which may set forth the name, home occupation and hours of operations; and
 - (6) The following home occupations are permitted: clergyman, dressmaker, milliner, seamstress, musical instructor (limited to single pupil at a time), beautician/beauty shop/barber shop (limited to one chair and owner operator); and

- (7) Home occupation shall not include: group musical instruction, tearooms, tourist homes, boarding houses, real estate offices, insurance offices, investment offices, the repair or servicing of automotive vehicles.
- e. Conversion of an existing building to a permitted use.
- f. Other uses customarily accessory and incidental to a principal use enumerated above.

Sec. 18.72 Regulations and Standards

- a. Lot Size. Every building hereafter erected shall be on a lot having an area of at least 8,000 square feet with a depth of at least 100 feet and a width of at least 72 feet; provided, however, that where a lot is smaller than herein required, and was of record at the time of the passage of this Ordinance, said lot may be occupied by not more than one family.
- b. Building Coverage. All principal and accessory buildings shall in the aggregate occupy no more than 30% of the lot area.
- c. Required Yards. On every interior lot one front yard, one rear yard, and two side yards are required. On every corner lot, a front yard for each side abutting a street, one side yard, and one rear yard are required. Yard dimensions shall be equal to or greater than the following:

Front Yard	25 feet
Side Yard	8 feet
Rear Yard	25 feet

No principal or accessory structure (except fences, walls, hedges, or similar structures conforming with the requirements of Section 18.41) may be placed within the front or side yards, nor shall they protrude beyond the extended line of the front edge of the principal structure, or be within 3 feet of any lot line. Accessory structures only may be erected within the rear yard; provided, they are at least 3 feet from any lot line, and provided further that together with the principal building the maximum lot coverage is not exceeded. On a corner lot, no accessory structure (except fences, walls, hedges or similar structures conforming with the requirements of Section 18.41) may protrude beyond the extended line of the front edge of the principal structure, or be within 3 feet of any lot line. Notwithstanding the above, swimming pools, above or below ground, shall be located only within the rear yard, and shall not be located within 8 feet of the side or rear yard lines.

- d. Maximum Building Height. Except as provided in Section 18.39, no principal building shall exceed 30 feet in height, and no accessory building shall exceed 15 feet in height.
- e. Off-Street Parking Space. All uses shall be provided with off-street parking spaces in accordance with the following:
 - (1) Dwelling Units. Two (2) off-street parking spaces per unit, and such parking spaces shall be located on the same lot or tract as the dwelling unit served.

- (2) Churches and School Auditoriums. One off-street parking space for every five (5) individual seats located within the building or auditorium are required.
 - (3) Other Permitted Uses. One (1) off-street parking space per person normally employed on the lot or tract of land, or in the case of places of assembly without fixed seating, one (1) off-street parking space per 75 square feet of gross floor area, and any such off-street parking space or spaces shall not be located in the required front yard.
- f. Habitable Floor Area. No one-story dwelling shall hereafter be erected with a habitable floor area of less than 700 square feet. No two-story dwelling shall hereinafter be erected with a habitable floor area of less than 1,300 square feet.

Sec. 18.73 – 18.79 Reserved

ARTICLE VII. R-2 MULTIPLE FAMILY RESIDENTIAL DISTRICT

Sec. 18.80 Purpose

It is the intent of the R-2 Multiple Family Residential District to provide for the continued growth of the Village in total population through intensification of density within the prescribed areas of the Village.

Sec. 18.81 Used Permitted

No building or premises shall be used and no building shall be hereafter erected or altered within any R-2 Multiple Family Residential District, unless otherwise provided for in this Chapter, except for the following uses:

- a. Any use permitted in the R-1 One Family Residential District, subject to the restrictions of that District.
- b. Two-family dwellings.
- c. Multi-family residences.
- d. Sheltered case homes.
- e. Nursing homes.
- f. Upon approval of the Zoning Board, one or more of the following uses may be established clearly incidental to a multi-family residence, sheltered care home or nursing home; restaurant, office of doctor, dental or similar practitioner in the healing arts. Such incidental use shall be allowed only if it is primarily for the use and benefit of the occupants of the principal use.

Sec. 18.82 Regulations and Standards

- a. Lot Size, Density.
 - (1) Every building hereafter erected shall be on a lot having an area of at least 8,000 square feet with a depth of at least 100 feet and a width of at least 72 feet; provided, however, that where a lot is smaller than herein required and was of record at the time of the passage of this Ordinance said lot may be occupied by not more than one family.
 - (2) The maximum allowable number of dwelling units shall be determined in the following manner: one dwelling unit for the first 5,000 square feet of lot area, plus one additional dwelling unit for each additional 3,000 square feet of lot area. No additional dwelling unit shall be allowed for any remaining lot area of less than 3,000 square feet.

- b. Building Coverage. The requirements of Section 18.72 b. shall apply.
- c. Required Yards. The requirements of Section 18.72 c. shall apply.
- d. Maximum Building Height. The requirements of Section 18.72 d. shall apply.
- e. Off-Street Parking Spaces. The requirements of Section 18.72 e. shall apply.
- f. Habitable Floor Area.
 - (1) The requirements of Section 18.72 f. shall apply to one family dwellings, and to attached or semi-detached one-family dwelling units (i.e., duplexes, four-plexes, town-houses).
 - (2) No multi-family dwelling shall be erected with a habitable floor area of less than 600 square feet per dwelling unit.

Sec. 18.83 – 18.89 Reserved

ARTICLE VIII. C-1 CENTRAL BUSINESS DISTRICT

Sec. 18.90 Purpose

It is the intent and purpose of this Article to provide regulations for the central business district extending along Knoxville from Madison Street on the East and Washington Street on the West to provide space for those retail businesses, service businesses, and office uses serving the Brimfield area.

Sec. 18.91 Permitted Uses

No building or premises shall be used and no building shall be hereafter erected or altered within any C-1 Central Business District, unless otherwise provided in this Chapter, except for the following uses:

- a. Retail stores and shops, governmental office buildings, parks and playgrounds operated by a unit of government, libraries, residential uses in existence prior to December 1, 1972.
- b. Banks, post office, medical or dental clinics, business or professional offices.
- c. Service-type businesses, such as barber shops, beauty parlors, music, dancing, art or photography studios, servicing or repair of home appliances and similar uses.
- d. Automobile service stations and public garages.
- e. Boarding or lodging houses and dwelling units located on the same lot with such a permitted use.
- f. Agricultural uses on tracts containing 2 acres or more, but not including the raising, housing, pasturing or keeping of bees, fowls, or livestock, or uses other than the raising and harvesting of grain.
- g. Clubs, lodges, public meeting halls, theaters, bowling alleys, and similar places of assembly or recreation.
- h. Customary accessory uses, located on the same or adjacent lots with a permitted use. Signs advertising a business, service or product available on the premises shall be permitted, provided the total area of such signs shall not exceed two (2) times the lineal feet of frontage on the zoning lot.
- i. Parks or playgrounds operated by a unit of government.
- j. Government buildings, but not including public or private schools.

Sec. 18.92 Regulations and Standards

- a. Minimum Lot Size. None.

- b. Maximum Coverage. The amount of the total lot area which may be covered by all principal and accessory buildings shall not exceed 80%.
- c. Required Yards. None.
- d. Maximum Building Height. Except as provided in Section 18.39, no principal building shall exceed 30 feet in height, and no accessory building or structure shall exceed 30 feet in height.
- e. Off-Street Parking Space. None.

Notwithstanding any of the above requirements, buildings used in whole or part for residential purposes shall conform to the yard, floor area ratio and density restrictions for such buildings in Article VII for multi-family dwellings.

Sec. 18.93 – 18.99 Reserved

ARTICLE IX. C-2 COMMERCIAL DISTRICT

Sec. 18.100 Purpose

The C-2 Commercial District is primarily a highway commercial district, and the establishment permitted in this District are those which are primarily dependent on vehicle transported customers. Establishments of the “Drive-In” type are permitted in this District.

Sec. 18.101 Permitted Uses

No building or premises shall be used and no building shall be hereafter erected or altered within any C-2 Commercial District, unless otherwise permitted in this Chapter, except for the following uses:

- a. Any use permitted in the C-1 Central Business District.
- b. Hotels and motels.
- c. Business or professional offices.
- d. Drive-in type businesses, excluding car washes.
- e. New or used farm equipment sales areas, but not including the storage of wrecked vehicles or farm equipment.
- f. Road-side markets, landscape nursery sales yard, building materials sales yard.
- g. Water storage, purification, intake or pumping station, sewer lift station, waste water treatment facilities.
- h. Food lockers, but not including meat packing or processing unless as an accessory use.
- i. Servicing and repair of farm equipment, but not including the storage of wrecked vehicles or farm equipment.
- j. Trailer coach and trailer sales or service, but not including trailer coach parks.
- k. New or used car sales, but not including storage of wrecked vehicles.
- l. Parks and recreation areas operated by a unit of government.

Sec. 18.102 Regulations and Standards

- a. Minimum Lot Size. 8,000 square feet.

- b. Maximum Coverage. The amount of the total lot area which may be covered by all principal and accessory buildings shall not exceed 50%.
- c. Required Yards. A front yard is required for each lot side abutting a street as shown on the Zoning Map. Front yard depth shall be seventy (70) feet from the center line of such major streets, but not less than thirty (30) feet from the right-of-way line.
- d. Maximum Building Height. Except as provided in Section 18.39, no principal building shall exceed 30 feet in height, and no accessory building or structure shall exceed 30 feet in height.
- e. Off-Street Parking Spaces. Off-street parking spaces shall be provided as follows:
 - (1) One off-street parking space shall be provided per dwelling unit, and such parking space shall be located on the same lot or tract of land as the dwelling or lodging unit served.
 - (2) One off-street parking space per person normally employed on the lot or tract.
 - (3) One off-street parking space for each one hundred (100) square feet of retail sales floor area of the establishment being served.

Sec. 18.103 – 18.109 Reserved

ARTICLE X. I INDUSTRIAL DISTRICT

Sec. 18.110 Purpose

It is the purpose of the I Industrial District regulations to protect established residential and commercial areas from nearby industrial activities which may create offensive noise, vibration, smoke, dust, odors, heat, glare, fire hazards, and other objectionable influences.

Sec. 18.111 Permitted Uses

No building or premises shall be used and no building shall hereafter be erected or altered within any I Industrial District, unless otherwise provided in this Chapter, except for the following:

- a. Any use permitted in the C-1 or C-2 Districts.
- b. Grain storage, feed mills, fertilizer storage.
- c. Wholesale storage and warehouse facilities, except those specifically prohibited.
- d. Railroad yards, siding and switching facilities.
- e. Public utility substations, distribution centers, gas regulator stations.
- f. Fuel storage, lumber yards, building material storage yard or similar storage yards, but not including salvage or junk yards.
- g. The manufacture or processing of goods or products, except the processing of fertilizer, subject to the performance standards of the Illinois Pollution Control Board, and the Illinois Environmental Protection Agency as to noise, water and air pollution, presently adopted or which may be hereafter adopted, which standards are hereby adopted by reference.
- h. Offices, display rooms and customary accessory uses to any of the above permitted uses.
- i. Signs, provided that the gross area of signs shall not exceed six (6) times the lineal feet of frontage of the lot on which such signs are located.

Sec. 18.112 Regulations and Standards

- a. Minimum Lot Size. None.
- b. Maximum Coverage. The amount of the total lot area may be covered by all principal and accessory buildings shall not exceed 50%.
- c. Required Yards and Open Spaces. On every lot in the I Industrial Districts, yards shall be required as follows: a front yard on each lot line abutting a street, side and rear yards,

except in the case where three lot sides abut a street, there shall be required in addition to three front yards, a side yard.

- (1) Front Yard. Depth where a lot abuts a major street as designated on the Zoning Map shall be seventy (70) feet from the center line of such right-of-way, but not less than thirty (30) feet from the right-of-way line. Where a lot abuts a street other than a major street as designated on the Zoning Map, minimum depth shall be fifty-five (55) feet from the center line but not less than twenty-five (25) feet from the right-of-way line. If the building is to be constructed on an established lot where there are existing buildings, the yard depth shall be the average of the yard depths of two buildings, one on either side.
 - (2) Side Yard. Width shall be ten (10) feet or greater, no accessory buildings shall project into the required side yard space.
 - (3) Rear Yard. Depth shall not be less than twenty (20) feet. Within the required yards, or in addition thereto, there shall be sufficient space for the loading and unloading of motor vehicles off the street.
 - (4) Buffer Area. Where a lot abuts a lot in a R-1 One Family Residential District or R-2 Multiple Family Residential District, there shall be provided along such lot line a suitable buffer of plant materials, fencing or combination of both, at least ten (10) feet in width, to shield the residential areas from the industrial area. Where the transition from the industrial district to the residential district is a public street, the front yard in the industrial district shall be suitably landscaped. No buffer area is required on that portion of a lot abutting a railroad right of way.
- d. Any permitted use shall be so constructed and operated as to create no nuisance with respect to noise, vibration, emission of smoke or particulate matter, toxic, noxious or odorous matter, glare and heat or as to create fire or explosive hazards. For the purpose of this Ordinance, the performance standards as to noise, smoke and particulate matter, air and water pollution, set forth in the Standards of the Illinois Pollution Control Board and the Illinois Environmental Protection Agency, are adopted by reference and made a part of this Ordinance.
- e. Off-Street Parking Space. Off-street parking shall be provided as follows:
- (1) One off-street parking space per person normally employed on the lot or tract of land.
 - (2) One off-street parking space for each truck or vehicle incidental to the use of such lot or tract of land.

Sec. 18.113 – 18.139 Reserved

ARTICLE XI. SPECIAL USES

Sec. 18.140 Declaration of Policy

It is hereby declared the policy and purpose of this Chapter to employ the Special Use as a flexible means of permitting certain exceptions to the Districts established, the rules and regulations adopted herein, in cases where the public benefit such uses outweighs the potential harm, and under such conditions imposed as are necessary to protect the public health, safety and welfare, and individual property rights.

Sec. 18.141 Definition

A *Special Use* is a use which is necessary or desirable for the public welfare, but which is potentially incompatible with the uses normally permitted in the Districts established herein.

Sec. 18.142 Authorizing Special Use Permits

Special Use Permits may be authorized by the Village Board in accordance with the procedure set forth in Section 18.165, when it appears:

- a. That it is reasonably necessary for public convenience at that location.
- b. That it is so designed, located and proposed as to be operated so that it will not be injurious to the District in which it may be located, or otherwise detrimental to the public welfare.
- c. That it conforms to the applicable regulations and standards of, and preserves the essential character of, the District in which it may be located.
- d. That in the case of an existing non-conforming use, the granting of a Special Use will make such use more compatible with its surroundings.

Sec. 18.143 Schedule of Special Uses

Special Uses which may be authorized by the Village Board are as follows:

- a. Electric and/or gas substations, public waterworks and appurtenant structures, telephone exchanges, in all residential Districts.
- b. Churches or similar places of worship, parish houses, Sunday Schools, rectory or parsonage, in all residential Districts.
- c. Public libraries and community centers in the R-1 One Family Residential District, R-2 Multiple Family Residential District, C-1 Central Business District and C-2 Commercial District.

- d. Hospitals, nursing homes, doctors' clinics, veterinary clinics in the R-1 One Family Residential District, R-2 Multiple Family Residential District, C-1 Central Business District and C-2 Commercial District.
- e. Clubs, private clubs, private lodges, country clubs and golf courses in the R-1 One Family Residential District and R-2 Multiple Family Residential District.
- f. Cemeteries in all residential Districts.
- g. Junk dealers in the I Industrial District, provided a solid fence of at least eight (8) feet in height is provided on all sides of such use. Such fence shall conform to the District yard regulations.
- h. Sanitary fill in the I Industrial District.
- i. Self-service laundries and dry cleaning establishments; provided, however, that to grant such a use a finding shall be made that there will be adequate supervisory personnel on the premises at all times that the establishment is open to the public, and that any discharge into the sanitary sewer system will not cause an overload or hinder the treatment processes of the sanitary sewage facilities of the Brimfield Sanitary District, in the C-1 Central Business District, and the C-2 Commercial District.
- j. Trailer coach parks in the R-2 Multiple Family Residential District and C-2 Commercial District, subject to the regulations of the District and the following:
 - (1) Applicant shall submit license issued by the appropriate authority or authorities.
 - (2) Applicant shall submit a plan and specifications for the proposed trailer coach park; the site shall not contain less than six (6) acres, and not less than thirty (30) trailer coach spaces available at first occupancy, and shall have no more than ten (10) trailer coach spaces per gross acre; the minimum size of each trailer coach space shall be not less than 3,000 square feet.
 - (3) All trailer coach spaces shall be provided with a public sanitary sewer system and public water system.
 - (4) Each trailer coach park shall include frontage on a public road providing improved all-weather access to the rest of the street system so improved.
 - (5) Each trailer coach space shall be provided with two (2) paved off-street automobile parking spaces.
 - (6) A green belt planting not less than twenty (20) feet in width shall be located along all lot lines of the proposed site not bordering on a street. Such green belt shall be composed of one row of deciduous or evergreen trees, spaced not more than forty (40) feet apart, and not less than three (3) rows of shrubs spaced not more than eight

(8) feet apart and which shrubs grow to a height of five (5) feet or more after one full growing season and which shall eventually grow to a height of not less than twelve (12) feet.

- (7) Each trailer coach park shall be limited to providing no more than one sign per public road entrance, and any such signs shall be not more than eight (8) square feet in size.
- k. Home occupations in the R-1 One Family Residential District and in the R-2 Multiple Family Residential District not specifically allowed by Section 18.71 d. (6) of Article VI and not specifically prohibited by Section 18.71 d. (7) of Article VI; provided that the Zoning Board and Village Board shall find that the proposed use is a home occupation.
- l. Day care centers, child development centers, and similar uses, licensed by the State of Illinois, beauty shops/barber shops (more than one chair and/or non-owner operators), cabinet-maker, in the R-1 One Family Residential District.
- m. Flea markets and outdoor movies in the C-1 Central Business District, C-2 Commercial District and I-Industrial District.
- n. Adult uses, as defined and controlled by Article IX, Chapter 24 of the Municipal Code of Brimfield of 1961 in the I-Industrial District, subject to the requirements of said Article and Chapter.
- o. Parks or playgrounds operated by a unit of government, private or public schools offering general instruction from kindergarten through the twelfth grade level, and government buildings in all Districts.
- p. Off-street parking accommodations for non-residential uses adjacent to or across a street or alley, from such uses in all Districts, provided that no such off-street parking shall be allowed in the required yard areas for the particular District and that there shall be a solid continuous wall, fence or landscape screen a minimum of three and one-half feet in height and twenty feet in width separating the parking area from all residential area.
- q. Mini-storage facilities in the C-2 Commercial District.
- r. Off-premises (Off-site) signs (such as billboards but excluding public directional signs) in Industrial Districts and C-2 Commercial Districts along highways for lodging, food, outdoor recreational or automotive service facilities along interstate highways in conformance with the Highway Advertising Control Act of 1971 (225 ILCS 440/1 et seq.), and in accordance with the following provisions:
1. Applicants shall obtain a permit from the Illinois Department of Transportation for construction of the billboard and submit a copy of that permit as part of the application.

2. Signs shall be constructed of steel with mono-pole or uni-pole design and shall not be stacked;
3. Signs shall not exceed one hundred (100) square feet in total sign face area;
4. No sign shall exceed thirty (30) feet in height;
5. Signs shall be separated for one-quarter (¼) mile along the same road; and
6. Whenever applicable, signs shall comply with the standards of the Highway Advertising Control Act of 1971 (225 ILCS 440/1 et seq.).
7. The applicant shall comply with all of the applicable provisions of Article V (Billboards), Chapter 17, and Article VI (Outdoor Advertisers), Chapter 15, of this Code.

Sec. 18.144 Findings Required

Before a Special Use can be granted, in addition to all other requirements of this Article, the following specific findings must be made:

- a. That the entrances and exits thereto will not create any undue hazard to vehicles or pedestrians.
- b. That there will be no adverse effect upon surrounding land uses.

Sec. 18.145 – 18.149 Reserved

ARTICLE XII. NON-CONFORMING USES

Sec. 18.150 Continuance of Use

Any lawfully established use of a building or land, at the effective date of the first zoning ordinance of the Village, November 6, 1972, or of amendments thereto, that does not conform to the use regulations of the District in which it is located, shall be deemed to be a legal non-conforming use and may be continued in use provided there is no physical change other than necessary maintenance and repair, except as otherwise provided herein.

Sec. 18.151 Discontinuance of Use

- a. Whenever any part of a building, structure or land occupied by a non-conforming use is changed to or replaced by a use conforming to the provisions of this Chapter, such premises shall not thereafter be used or occupied by any non-conforming use, even though the building may have been originally designed and constructed for the prior non-conforming use.
- b. Whenever a non-conforming use of a building or structure has been discontinued for a period of one (1) year, or whenever there is evident and clear intent on the part of the owner to abandon such non-conforming use, such use shall not after being discontinued or abandoned be re-established, and the use thereafter shall be in conformity with the regulations of the District. Where the use of land without an enclosed building is involved, discontinuance of a non-conforming use for a period of sixty (60) days shall constitute abandonment. Once changed to a conforming use, no building, structure or land shall be permitted to *revert* to a non-conforming use.

Sec. 18.152 Termination and Removal of Non-Conforming Uses

The period of time during which the following non-conforming uses of buildings, structures or land may continue or remain shall be limited to two (2) years from the effective date of this Chapter, or of any amendment thereto which causes the use to be non-conforming.

- a. Any non-conforming building or structure having an assessed valuation not in excess of \$500.00 on the effective date of this Chapter, or any amendment thereto.
- b. All non-conforming signs.
- c. Junk yards.

Sec. 18.153 Repairs and Maintenance

On any structure devoted in whole or in part to any non-conforming use, or which itself is non-conforming, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, to an extent not to exceed 10% of

the then current replacement value of the structure, provided that the volume of such building or the size of such structure as it existed at the effective date of adoption, or amendment, of this Chapter shall not be increased. Nothing in this Chapter shall be deemed to prevent strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by an official charged with protecting the public safety, upon order of such official.

Sec. 18.154 Damages and Destruction

If a non-conforming structure is destroyed or damaged by any means to an extent of more than 50% of its replacement cost at the time of such destruction or damage, it shall not be reconstructed except in conformity with the provisions of this Chapter. If such destruction or damage is equal to or less than 50% of the replacement cost of the structure, restoration or repair of the structure must be started within a period of one year and diligently prosecuted to completion.

Sec. 18.155 Additions and Enlargements

A non-conforming use of land, premises, buildings or structures shall not be enlarged or expanded, or extended after the effective date of this Chapter, or amendment hereto, by the attachment of a structure, premises, building, or land, or additional signs intended to be seen off the premises or land, or by the addition of other uses of a nature which would be prohibited in the District involved. No structure partially occupied by a non-conforming use shall be altered in such a way as to permit the enlargement or expansion of the space occupied by such non-conforming use.

Sec. 18.156 Non-Conforming Lots of Record

In any District in which one family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Chapter, a one family dwelling and customary accessory building may be erected and any lot which is a lot of record on the effective date of this Chapter. The provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the District, provided that the yard dimensions and other requirements not involving area or width, or both, of the lots shall conform to the regulations hereinafter provided.

- a. Front Yard. The front yard regulations and standards of the District in which the lot is located shall apply.
- b. Rear Yard. The rear yard regulations and standards of the District in which such lot is located shall apply.
- c. Side Yard. Two side yards shall be provided, each at least 1/6 the width of the lot, but not wider than required for the District in which such lot is located.

Sec. 18.157 Non-Conforming Structure in Residential Districts

No non-conforming structure in any Residential District shall be so altered as to increase the number of dwelling units therein.

Sec. 18.158 – 18.159 Reserved

ARTICLE XIII. SWIMMING POOLS

Sec. 18.160 General Provisions

The purpose of the Article is to prescribe rules and regulations controlling the construction, maintenance and operation of private swimming pools in the Village to protect the public health, safety and welfare from the dangers which are often associated with a private swimming pool. It shall be the duty of the owner of a private swimming pool to comply with the provisions set forth in this private swimming pool Article as such provisions now exist or may hereinafter be amended.

Sec. 18.161 Definitions

As used in this Article, the following terms mean:

Building: Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals or property.

Dwelling Unit: A building, structure or improvement used or designed for occupancy by one (1) family.

Fence: An artificially constructed barrier of any material or combination of materials erected to enclose a private swimming pool.

Private Swimming Pool: Any structure intended for swimming or recreational bathing that is capable of containing water over 23 inches deep. This includes in-ground, above-ground or on-ground swimming pools, hot tubs, spas, and similar units. (Ordinance No. 2002-2; 5/6/02)

Private Residential Property: Any real property, building or portions thereof used for dwelling purposes.

Sec. 18.162 Location

The owner of the proposed private swimming pool or his/her representative or agent shall install the same in conformance with the applicable requirements set forth in this Chapter, including but not limited to setback, side yard and rear yard requirements. The pool shall not be constructed or installed so as to locate it beneath electrical wires.

Sec. 18.163 Permits, Plans, Fees

- a. Permits. Prior to the commencement of the construction of a private swimming pool or any alteration, addition, remodeling or improvement to a private swimming pool, the owner of the proposed pool or existing pool or his/her representative or agent shall submit an application for a permit to the Zoning Officer. The application shall be in duplicate and include two (2) copies of the plans and specifications. No construction shall begin until the Zoning Officer has granted approval of the proposed plans and specifications. The issuance

of a written permit by the Zoning Officer to the applicant shall be evidence of approval of the proposed plans and specifications.

The owner shall obtain a written permit from the Zoning Officer prior to obtaining any other permit. In addition to a permit issued by the Zoning Officer, the owner of a proposed private swimming pool shall be responsible for obtaining all other permits required by other regulatory agencies. The applicant shall not commence construction until all the required permits are issued.

The owner of a private swimming pool shall notify the Zoning Officer upon completion of the construction, addition, alteration and prior to filling the pool and upon completion of the construction of the fence. The owner shall not fill the pool until the pool and fence are inspected by the Zoning Officer and found to be in compliance with the terms of this Article.

- b. Plans. The plans and specifications required by paragraph a. of this Section shall include the following information plus such other data as may be reasonably requested by the Zoning Officer:
 - (1) A site plan drawn to scale showing the location of the private swimming pool in relation to the side and rear property lines, building line and fence location.
 - (2) A sketch of the cross section of the fence.
- c. Fees. The applicant for permit shall accompany the permit application with payment of the applicable fee.

Sec. 18.164 Fences

- a. It shall be the duty of the owner of a private swimming pool to install a fence not less than five (5) feet in height which shall completely surround the swimming pool except for those portions of the enclosure where there is a building that would serve as a five foot barrier. Such fence encompassing the entire rear yard in which the private swimming pool is located and meeting the requirements of b. below meets the requirements of the preceding sentence.
- b. The following requirements shall apply to all private swimming pool owners:
 - (1) Each fence shall be equipped with a gate with self-closing and self-latching devices placed at the top of the gate. Such self-closing and self-latching devices shall be installed at such a height as to be inaccessible to small children.
 - (2) All pool fence gates shall be closed and locked when the pool is not in use.
 - (3) There shall be no fixed objects, tree limbs, etc., adjacent to the outside of the fence that may be used by a child to climb over the top of the fence.
 - (4) The maximum vertical clearance between grade and the bottom of the barrier shall be two (2) inches.

- (5) Openings in the barrier shall not allow passage of a four-inch diameter sphere.
- (6) Solid barriers which do not have openings, such as a masonry or stone wall, shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.
- (7) Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than forty-five (45) inches, the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed one and seven-eighths ($1 \frac{7}{8}$) inches in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed one and three-quarters ($1 \frac{3}{4}$) inches in width.
- (8) Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is forty five (45) inches or more, spacing between vertical members shall not exceed four (4) inches. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed one and three-quarters ($1 \frac{3}{4}$) inches in width.
- (9) Where a chain link fence is provided, the openings between the links shall not exceed two and three-eighths ($2 \frac{3}{8}$) inches.
- (10) Where the barrier is composed of diagonal members, such as lattice fence, the maximum opening formed by the diagonal members shall be no more than one and three-quarters ($1 \frac{3}{4}$) inches.
- (11) All fencing shall comply with setback requirements as established in applicable zoning ordinances.

Sec. 18.165 Inspections and Enforcement

- a. Inspection. The Zoning Officer shall inspect or cause to be inspected all private swimming pools within the Village at such times as he or she may deem necessary to carry out the intent of this Article. The Zoning Officer is hereby authorized to enter upon any premises to perform such inspections during reasonable hours.
- b. Enforcement. In the event the Zoning Officer determines that a violation of this Article has occurred, he/she shall give written notice to the owner that such a violation exists. Whenever such pool, by violating the terms of this Article, constitutes a menace to public safety, the Zoning Officer shall have the power to require that such pool be drained to a level not to exceed eighteen (18) inches until such time as the same is in the opinion of the Zoning Officer no longer a menace or hazard to the health or safety of the public.

Sec. 18.166 **Variances**

- a. Whenever in a specified case the strict application of the regulations of this Article would result in practical difficulties or particular hardship in carrying out the strict letter of such regulations, the Zoning Board shall have the power to vary their application in harmony with their general purpose and intent.
- b. The petitioner for variance shall apply for the variance in the same manner as for variances under this Chapter.
- c. The petition shall be given a public hearing before the Zoning Board as for any other petition for variance under this Chapter.
- d. Where the petition requests a variance of ten percent (10%) or less as to location of the pool or fence, the Zoning Officer shall have the power to grant the variance if the requirements of subsection a. of this Section are met.

Sec. 18.167 **Existing Pools**

- a. Any owner of an existing unfenced private swimming pool constructed prior to the effective date of this Article shall be required to adhere to the requirements set forth in Section 18.164 of this Article. Each such owner shall obtain a permit to construct a fence around the pool area in order to bring the pool into compliance with this Article within one hundred and eighty (180) days after the effective date of this Article.
- b. If a private swimming pool is fenced as of the effective date of this Article and the fence is at least four (4) feet in height and is not determined by the Zoning Officer to be so inadequate a barrier to small children as to constitute a menace to public safety, then such fence shall not be required to adhere to the requirements as set forth in Section 18.164 of this Article. The pool owner may appeal the Zoning Officer's determination under this subsection as per Section 18.185 of this Chapter.
- c. If the owner of an existing fenced private swimming pool replaced the fence or least fifty percent (50%) thereof subsequent to the effective date of this Article, then the entire reconstructed fence shall adhere to the requirements as set forth in Section 18.164 of this Article.

Sec. 18.168 **Penalty**

- a. Any person who shall violate any of the provisions of this Article shall be subject to the penalties as set forth in this Chapter.
- b. In addition, such persons may be enjoined from continuing such violations. Each week upon which such a violation occurs shall constitute a separate violation.

Sec. 18.169 Severability

If any section, subsection, paragraph, sentence, clause or phrase of this Article should be declared invalid for any reason whatsoever, such decision shall not effect the remaining portions of this Article which shall remain in full force and effect; and to this end, the provisions of this Article are hereby declared to be severable.

Sec. 18.170 – 18.179 Reserved

ARTICLE XIV. ADMINISTRATION AND ENFORCEMENT

Sec. 18.180 Zoning Officer

This Chapter shall be administered and enforced by the Zoning Officer. No Zoning Use Permit or Certificate of Occupancy shall be issued by him/her except where the provisions of this Chapter have been complied with.

Sec. 18.181 Zoning Use Permit

- a. When Zoning Use Permit Required. A Zoning Use Permit shall be obtained from the Zoning Officer, by the owner, lessee, or other person having the right to possession, or his/her authorized agent, of any property or structure before commencing:
 - (1) To establish, occupy, or change the use of a structure or land either by itself or in addition to another use;
 - (2) To construct or erect a new structure or part thereof;
 - (3) To extend or move any structure or part thereof;
 - (4) To change a non-conforming use to a special use; provided, however, that this Section shall not apply to those persons, nor to property, structures, or uses, exempted from the regulations of this Chapter by statute or by other provisions of this Chapter, except to the extent specifically provided hereinafter;
 - (5) To conduct or hold any traditional picnic or festival;
 - (6) A home occupation.
- b. Application for Zoning Use Permit. Applications for Zoning Use Permits shall be filed in the office of the Zoning Officer on forms prescribed by him/her. Such applications shall:
 - (1) State the location, street number, lot, block and/or tract comprising the legal description of the property;
 - (2) State the name and address of the owner, the applicant, if different from the owner, and the contractor, if known;
 - (3) State the estimated costs;
 - (4) Describe the uses to be established or expanded;
 - (5) Be accompanied by a plan in duplicate, or duplicate prints thereof, drawn approximately to scale, showing the:

- (a) Actual dimensions of the lot to be built upon;
 - (b) Size, shape, and location of the use to be established or the structure to be constructed;
 - (c) Size, shape, and location of all existing structures and uses located on the lot;
 - (d) Minimum floor elevations and highest known flood level, where applicable;
 - (e) Ingress and egress;
 - (f) Off-street parking spaces and loading berths;
 - (g) Water supply and sewage disposal facilities, including a true and correct copy of any permit;
 - (h) Other information as may be necessary to provide for the proper administration and enforcement of this Chapter;
- (6) Include any accessory structure or use established or constructed at the same time the main or principal structure, or main or principal use is established or constructed.
- (7) In the case of a Zoning Use Permit for the authorization of traditional picnics and festivals, in addition to the above requirements, the Applications for Permit shall contain:
- (a) The name, age, residence, mailing address and telephone number of the promoters, a statement of the promoter's legal nature (i.e., individual, partnership, corporation, etc.), and a list of the names and addresses of all persons directly or indirectly in charge of the proposed activity;
 - (b) The purpose of the gathering;
 - (c) The time of the gathering, including the date or dates and the hours during which the activity is to be conducted;
 - (d) A detailed statement, containing plans and specifications of the applicant's program, and plans for the activity in its entirety;
 - (e) Estimate of the minimum and maximum number of persons expected to attend the activity daily as per performance;
 - (f) A statement, certified on penalty of perjury, as to the correctness of the information given the Application and in supporting documents;
 - (g) A copy of all contracts with secondary parties involved in the event;

- (h) Where applicable, the provisions to be made for water supply and sanitary facilities;
- (i) Such additional information as the Zoning Officer may require. However, all Zoning Permits issued for traditional picnics and festivals shall expire within thirty (30) days from the issuance thereof, and shall be limited to the authorization of one such event.

c. Issuance of Zoning Use Permit.

- (1) If the Zoning Officer determines that an application for Zoning Use Permit and the use applied for conform to the applicable regulations and standards of this Chapter, and if an application for a Zoning Compliance Certificate has been made, he/she shall issue a Zoning Use Permit.
- (2) Each Zoning Use Permit for a main or principal structure, or main or principal use, shall also cover any accessory structure or accessory use established or constructed at the same time on the same lot or tract of land.
- (3) The Zoning Officer shall issue an original and a duplicate copy of the Zoning Use Permit to the applicant and shall retain another duplicate copy for his/her records. The applicant's duplicate copy shall be posted in plain sight on the premises for which it is issued until the Zoning Compliance Certificate has been issued.

d. Expiration of Zoning Use Permit.

- (1) If the work described on any Zoning Use Permit shall not have begun within ninety (90) days from the issuance thereof, said permit shall expire and be cancelled by the Zoning Officer and written notice thereof shall be given to the applicant.
- (2) If the work described on any Zoning Use Permit shall have begun within ninety (90) days but shall not have been substantially completed within three hundred and sixty-five (365) consecutive days from the issuance thereof, said permit shall expire and be cancelled by the Zoning Officer, and written notice thereof shall be given to the Applicant together with notice that further work as described on the cancelled permit shall not proceed until a new permit shall have been issued; provided, however, that for commercial and industrial buildings, the permit shall extend for such period as set forth in the application for the Zoning Use Permit as the time necessary to complete the building.
- (3) If a new Zoning Use Permit is issued granting additional time for completion of the work, such new permit may require, at the discretion of the Zoning Board, a limitation on time allowed for the completion of the work and a performance bond to insure completion within the time set. Such new permit shall not, in any case, be valid after three hundred sixty-five (365) consecutive days from the date of issuance thereof.

- (4) A Zoning Use Permit, issued for the establishment of the use of land where no structure is involved, or on which land a structure is accessory to the main or principal use, such main or principal use not involving any structure, shall not expire. The land so used shall be inspected by the Zoning Officer at one year intervals from the date of issuance of such permit to insure compliance with the regulations and standards of this Chapter.

Sec. 18.182 Zoning Compliance Certificate

- a. No land shall be occupied or used and no building hereafter erected, altered or extended shall be used or changed in use until a Zoning Compliance Certificate shall have been issued by the Zoning Officer.
- b. All Zoning Compliance Certificates shall be applied for coincident with the application for a Zoning Use Permit, and said Certificate shall be issued within three (3) days after the erection or alteration shall have been approved.
- c. Zoning Compliance Certificates for the use of vacant land shall be applied for before any such land shall be occupied or used, and a Zoning Compliance Certificate shall be issued within three (3) days after the application has been made, provided such use is in conformity with the provisions of this Ordinance.
- d. The Zoning Officer shall maintain a record of all certificates and copies shall be furnished upon request to any person having proprietary or tenancy interest in the building affected.
- e. No permit for excavation for, or the erection of, or alteration or repairs to any building shall be issued until an application has been made for a Zoning Compliance Certificate.

Sec. 18.183 Fees

- a. The following fees shall be charged for the processing of applications and the issuance of Zoning Use Permits, and shall be collected by the Zoning Officer, who shall be accountable to the Village for such fees:
 - (1) Residential Structures:
 - (a) New construction of a main or principal structure of one thousand (1,000) square feet of floor area or less \$75.00
 - (b) New construction of a main or principal structure of more than one thousand (1,000) square feet of floor area: per 100 square feet of floor area or additional fraction thereof..... \$75.00
+\$3.00 for each additional 100 square feet (Ordinance No. 2002-3; 5/6/02)
 - (c) Construction of an accessory structure (no fee for structure of less than 25 square feet)..... \$15.00

- (d) Extend a major or principal structure for the first three hundred (300) square feet of floor area or less \$15.00
 - (e) Extend a main or principal structure per one hundred (100) square feet of floor area, or fraction thereof, over three hundred (300) square feet..... \$15.00
+\$3.00 for each additional 100 square feet
 - (2) Extend an accessory use \$7.50
 - (3) Establish a use of land where no structure is involved..... \$15.00
 - (4) Move a structure of over 25 square feet from one lot to another \$7.50
 - (5) For Traditional Picnic or Festival \$7.50
 - (6) Change in Use..... \$15.00
 - (7) Applications or petitions for variance, special uses or amendments \$97.50
 - (8) Construction of a swimming pool (with water depth of 4 feet or more) affixed to the real estate
 - (a) Above ground \$15.00
 - (b) Below ground..... \$37.50
 - (9) Home Occupations..... \$15.00
 - (10) Commercial and Industrial structures
 - (a) New principal structures and accessory buildings
\$1.50 per \$1,000 estimated cost (mm. of \$75.00)
 - (b) Additions and alterations to principal structures and accessory buildings
\$1.50 per \$1,000 estimate cost (mm. of \$22.50)
 - (c) If a dwelling is constructed in a commercial or industrial zone, the residential fee structure shall be used for such dwelling, but not for any commercial or industrial structure.
 - (11) Notification of findings to the Peoria County Health Department \$7.50
 - (12) Fences and walls \$15.00
- (Ordinance No. 2007-7; 9/7/07)

b. No fee shall be required for the construction of any sign.

- c. There shall be no refund of any Zoning Use Permit fees paid hereunder except that on written application the Village Board may refund, at its discretion, a portion of the fee which the Village Board determines exceeds the cost of zoning administration, provided that the work authorized by such Zoning Use Permit is completed within the original time limit.
- d. No additional fee shall be charged for a permit renewal unless there is a major change in plans as determined by the Zoning Board of Appeals, in which case the application shall be filed as a new application with proper fee.

Sec. 18.184 Zoning Board of Appeals

- a. Organization. A Zoning Board of Appeals is hereby established. Said Zoning Board shall consist of seven members appointed by the Village Board. The members of said Zoning Board shall serve respectively for the following terms: one for 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 for a term of five years. The Village Board shall designate one of the appointed members as Chairman of said Zoning Board, at the time of his/her appointment, and said appointed Chairman shall hold his/her office as Chairman until a successor is appointed. Special meetings may be held at the call of the Chairman, or as determined by the Zoning Board. Such Chairman, or in his/her absence, the Acting Chairman, may administer oaths and compel attendance of witnesses. The Zoning Board shall be open to the public. The Zoning Board shall keep minutes of its proceedings showing the vote of each member on every question. If any member is absent or fails to vote, the minutes shall indicate such a fact. The Zoning Board shall adopt its own rules of procedure not in conflict with the statute or this Chapter. Vacancies upon said Board of Appeals shall be filled by the Village Board for the unexpired term of the member whose place has become vacant. The Village Board shall have the power to remove any member of said Board of Appeals for cause and after a public hearing. The concurring vote of four members of the Zoning Board is necessary to reverse any order, requirement, decision, or determination of the Zoning Officer, or to decide in favor of the applicant any matter upon which it is required to pass under this Chapter, or to effect any variation in this Chapter, or to recommend any variation or modification in this Ordinance to the Village Board.

Sec. 18.185 Duties of the Zoning Board

The Zoning Board shall hear and decide appeals from any order, requirement, decision or determination, made by the Zoning Officer. It shall also hear and decide all matters referred to it or upon which it is required to pass under this Chapter. The Zoning Board may reverse or affirm, wholly or partly, or may modify or amend the order requirement, decision or determination appealed from to the extent and in such manner as the Zoning Board may decide to be fitting and proper in the premises, and to that end the Zoning Board shall also have all powers of the officer, from who the appeal is taken. The Zoning Board shall have the power to:

- a. Interpret the provisions of this Chapter where the street layout actually on the ground varies from the street layout as shown on the Village of Brimfield, Illinois, Official Zoning Map, fixing the several Districts;
- b. Grant a variance when it is determined in specific cases that there are practical difficulties or particular hardships in the way of carrying out the strict letter of any of the regulations and standards of this Chapter relating to the construction or alteration of structures. A variance from the terms of this Chapter shall not be granted by the Zoning Board unless and until:
 - (1) A written application for a variance is submitted demonstrating:
 - (a) That special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other lands or structures in the same District;
 - (b) That literal interpretation of the provisions of this Chapter would deprive the applicant of rights commonly enjoyed by other lands or structures in the same District under the terms of this Chapter;
 - (c) That the special conditions and circumstances do not confer on the applicant any special privilege that is denied by this Chapter to other lands or structures in the same District.

No non-conforming use of neighboring lands or structures in the same District, and no permitted use of lands or structures in other Districts shall be considered grounds for the issuance of a variance.
 - (d) That a copy of the application or petition has been furnished to the Peoria County Soil and Water Conservation District, the date on which it was so furnished and the name of the person to whom it was furnished.
 - (2) The application is in proper form and a fee as may be determined by the Village Board has been paid. The Zoning Board shall hold a public hearing on such matter in accordance with the provisions in this Chapter. Reasonable special conditions and safeguards for the protection of the public health, safety, and welfare may be imposed by the Zoning Board if it grants the application for variance.
 - (3) The applicant has submitted such plans, specifications and other information as may be required by the Zoning Board.
- c. Hear all applications for Special Uses and to make and submit to the Village Board such findings and recommendations with respect thereto as provided hereinafter:
 - (1) An application for one of the Special Uses of land specified in Section 143 shall be made by filing a written application or petition to the Zoning Board. Such application shall:

- (a) State the name and address of applicant and the owner;
 - (b) State the location of property for which the Special Use is sought;
 - (c) State the specific Special Use desired;
 - (d) State facts sufficient to demonstrate that the conditions prescribed in Section 18.142 exist, and support such statement with any plans and/or data necessary to the proper understanding of the application or such plans and/or data as are required by the Zoning Board;
 - (e) State that a copy of the application or petition has been furnished to the Peoria County Soil and Water Conservation District, the date on which it was so furnished, and the name of the person to whom it was furnished.
- (2) If the application for a Special Use is in proper form and the fee specified has been paid, the Zoning Board shall hold a public hearing on such matter. The Zoning Board shall make a report to the Village Board and in such report shall indicate their recommendation of approval or disapproval of the Special Use applied for. Such report may also recommend that and safeguards for the protection of the public health, safety, and welfare be imposed by the Village Board if it grants the application for Special Use. A Special Use Permit granted by the Village Board shall remain valid for one calendar year from the date of granting unless the use is established prior to such termination date. Such Special Use may be extended by the Village Board for periods of six months if the Village Board finds that such extensions are in conformity with this Ordinance and the general welfare of the Village.
- d. Nothing herein contained shall be construed to give or grant to the Zoning Board the power or authority to alter or change the Zoning Ordinance or the Village of Brimfield, Illinois, Official Zoning Map; such power and authority being reserved to the Village Board.

Sec. 18.186 Appeals to Zoning Board

- a. An appeal to the Zoning Board may be taken by any person aggrieved or by any office, department, board, or bureau of the municipality. The appeal shall be taken within such time as shall be prescribed by the Zoning Board by general rule by filing with the Zoning Officer from whom the appeal is taken and with the Zoning Board a notice of appeal, specifying the grounds thereof. The Zoning Officer from whom the appeal is taken shall forthwith transmit to the Zoning Board all the paper constituting the record upon which the action appealed from was taken.
- b. An appeal stays all proceedings in furtherance of the action appealed from unless the Zoning Officer from whom the appeal is taken certifies to the Zoning Board after the notice of appeal has been filed with him/her, that by reason of facts stated in the certificate a stay would, in his/her opinion, cause imminent peril to life or property. In this event the proceedings shall not be stayed otherwise than by a restraining order which may be granted

by the Zoning Board or by a court of record on application and on notice to the Zoning Officer from whom the appeal is taken, and on due cause shown.

- c. The Zoning Board shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the parties and decide the appeal within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney. The Zoning Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be made in the premises and to that end has all the power of the Zoning Officer from whom the appeal is taken.

Sec. 18.187 Appeals to Courts

All final administrative decisions of the Zoning Board rendered under the terms of this Chapter shall be subject to judicial review, pursuant to the provisions of the "Administrative Review Act", approved May 8, 1945, and all amendments and modifications thereof, and the rules adopted pursuant thereto. The party making the appeal shall pay the costs of preparing the record on appeal. Copies of any orders or proceedings ordered by the Appellee shall be furnished to the party at his/her own cost.

Sec. 18.188 Violations and Penalties

- a. Whenever a violation of this Chapter occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint shall state fully the causes and basis thereof and shall be filed with the Zoning Officer. The Zoning Officer shall record properly such complaint, immediately investigate and take action thereon as provided by this Chapter.
- b. In case any structure is erected, constructed, reconstructed, altered, converted, or any structure or land is used in violation of this Chapter:
 - (1) The Zoning Officer, or any owner or tenant of real property in the same contiguous District as the structure or land in question, in addition to other remedies, may institute an appropriate action or proceeding in any Court of Competent Jurisdiction:
 - (a) To prevent the unlawful construction, reconstruction, alteration, repair, conversion, maintenance, or use of a structure;
 - (b) To prevent the occupancy of the structure or land;
 - (c) To prevent any illegal act, conduct, business, or use in or about such structure or land;
 - (d) To restrain, correct, or abate the violation.
- c. Any person, firm or corporation, or agent, employees, or contractors of such, who violate, disobey, omit, neglect, or refuse to comply with, or who resist enforcement of any of the provisions of this Ordinance shall be subject to: a fine of not more than Five Hundred Dollars (\$500.00) or imprisonment for not more than thirty (30) days, or both for each

offense, and said person, firm or corporation shall pay all costs and expenses involved in the case. Each day a violation continues shall constitute a separate offense.

- d. Nothing herein contained shall prevent the Village from taking such lawful action as is necessary to prevent or remedy any violation.

Sec. 18.189 – 18.199 Reserved

ARTICLE XV. AMENDMENTS TO CHAPTER

Sec. 18.200 Amendments

The regulations and standards, restrictions, and District boundaries set forth in this Chapter may from time to time be amended, supplemented, changed or repealed by ordinance as provided by law. No such action may be taken unless and until:

- a. A written application is submitted to the Zoning Board. Such application may be initiated by the Village Board, the Zoning Board, or the owners of more than fifty percent (50%) of the area involved. A copy of the written application shall be furnished to the Peoria County Soil and Water Conservation District. The application shall contain a statement indicating the date on which a copy was furnished to the Peoria County Soil and Water Conservation District, and the name of the person to whom it was furnished.
- b. Each such application, except that initiated by the Village Board, shall be accompanied by the fee specified to be paid by the applicant.
- c. At least fifteen (15) days but not more than thirty (30) days notice of the time and place of the hearing of such action shall be published in an official paper or a paper of general circulation in the Village. The notice of such hearing shall contain the information relating to such action. The applicant shall pay the cost of such publication.
- d. A public hearing shall be held, any person may appear in person, or by agent or by attorney.
- e. The Zoning Board may, by majority vote, postpone or adjourn from time to time any public hearing. In the event of such postponement or adjournment further publication of such action need not be made.
- f. Within thirty (30) days after the close of the public hearing, the Zoning Board shall make a report to the Village Board.
- g. Action of the Village Board:
 - (1) In the event that the report of the Zoning Board is adverse to such action referred to it, such action shall not be passed except by the favorable vote of two-thirds of all the members of the Village Board.
 - (2) In case of a written protest against any such action:
 - (a) Signed and acknowledged by the owners of twenty percent (20%) of the frontage, the zoning classification of which is proposed to be altered; or

- (b) Signed and acknowledged by the owners of twenty percent (20%) of the frontage immediately adjoining or across an alley from the frontage, the zoning classification of which is proposed to be altered; or
- (c) Signed and acknowledged by the owners of twenty percent (20%) of the frontage directly opposite from, the frontage, the zoning classification of which is proposed to be altered;

and filed with the Village Clerk, such action shall not be passed except by the favorable vote of two-thirds of all the members of the Village Board.

Sec. 18.201 – 18.209 Reserved

ARTICLE XVI. VALIDITY OF ORDINANCE

Sec. 18.210 **Validity**

- a. If any Court of competent jurisdiction shall declare invalid the application of any provision of this Chapter to a particular property, structure, or land, such ruling shall not affect the application of said provision to any other property, structure, or land not specifically included in said ruling.

- b. Should any section, clause or provision of this Chapter be declared invalid by any Court of competent jurisdiction, the same shall not affect the validity of this Chapter as a whole, or any part thereof, other than the part so declared to be invalid.