

CHAPTER 12 ZONING^{1,2}

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¹ See administration, [chapter 2](#) of this code; business regulations, [chapter 3](#) of this code; planning and development, [chapter 8](#) of this code; streets, sidewalks, driveways and parking lots, [chapter 10](#) of this code; utilities, [chapter 11](#) of this code; zoning board of appeals § [2-526](#) et seq. of this code; home occupations, § [3-36](#) et seq. of this code; location of retail alcoholic liquor establishments, § [3-97](#) of this code; location of shooting galleries and rifle ranges, § [7-212](#) of this code; flood control, § [8-341](#) et seq. of this code; amended Ord. 2016-15, 4-25-2016.

² 65 ILCS 5/11-31-1 et seq.

ARTICLE I. IN GENERAL

Sec. 12-1. Rules of construction; definitions.

The following rules and definitions shall apply in this chapter except when the context clearly indicates otherwise:

Accessory building or use means a subordinate building or portion of the main building, the use of which is incidental to that of the main building.

Adult-use cannabis craft grower means a facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis

and perform other necessary activities to make cannabis available for sale at an adult-use dispensing organization or use at an adult-use processing organization, per the Cannabis Regulation and Tax Act, as amended, and regulations promulgated thereunder.

Adult-use cannabis cultivation center means a facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed adult-use cannabis business establishments, per the Cannabis Regulation and Tax Act, as amended, and regulations promulgated thereunder.

Adult-use cannabis dispensing organization means a facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to adult-use purchasers, per the Cannabis Regulation and Tax Act, as amended, and regulations promulgated thereunder.

Adult-use cannabis organization means an adult-use cannabis cultivation center, adult-use cannabis craft grower, adult-use cannabis processing organization, adult-use cannabis infuser organization, adult-use cannabis dispensing organization or adult-use cannabis transporting organization.

Adult-use cannabis industrial organization means an adult-use cannabis cultivation center, adult-use cannabis craft grower, adult-use cannabis processing organization, adult-use cannabis infuser organization, or adult-use cannabis transporting organization.

Adult-use cannabis infuser organization means a facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Cannabis Regulation and Tax Act, as amended, and regulations promulgated thereunder.

Adult-use cannabis processing organization or processor means a facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act, as it may be amended from time-to-time, and regulations promulgated thereunder.

Adult-use cannabis transportation organization means an organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of an adult-use cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act, as amended, and regulations promulgated thereunder.

Alley means the same as the word "easement" and shall have no other meaning.

Alteration means any change in size, shape, character, occupancy or use of a building or structure.

Apartment house means a building used or intended to be used as a home or residence for two (2) or more families living in separate apartments.

Auto laundry means any land, building or a portion thereof used to wash, clean or detail motor vehicles by hand and/or through mechanized means, whether or not that use constitutes a principal or accessory use.

Block means the property abutting on one (1) side of a street and lying between the two (2) nearest intersecting or intercepting streets or nearest intersecting or intercepting street and a railroad right-of-way or other natural boundary.

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

Cannabis dispensing organization means any adult-use cannabis dispensing organization or medical cannabis dispensing organization.

Cannabis industrial organization means any facility operated by an adult-use cannabis cultivation center, adult-use cannabis craft grower, adult-use cannabis processing organization, adult-use cannabis infuser organization, adult-use cannabis transporting organization, medical cannabis cultivation center, medical cannabis craft grower, medical cannabis processing organization, medical cannabis infuser organization, or medical cannabis transporting organization.

Cannabis organization means any adult-use cannabis organization or medical cannabis organization.

Condominium means all the land, property and space comprising the parcel, all improvements and structures erected, constructed or contained therein or thereon, including the building and all easements, rights and appurtenances belonging thereto, and all fixtures and equipment intended for the mutual use, benefit or enjoyment of the unit owners.

District means a section or sections of the Village for which the regulations governing the use of the land are uniform.

Drive-in establishment means an establishment which accommodates the patron's automobiles, from which occupants may be served.

Dwelling means a building or portion thereof, but not an automobile house trailer designed or used exclusively for residential occupancy, including single-family dwellings, two-family dwellings and multiple-family dwellings, but not including hotels or lodging houses.

Easement means a portion of a lot or tract of land designated for the use and convenience of public utilities, for the installations, maintenance and care of service equipment therein.

Eleemosynary institution means a building or group of buildings devoted to and supported by charity.

Family means one (1) or more persons each related to the other by blood or adoption, together with such blood relatives' respective spouses, who are living together in a single dwelling and

maintaining a common household. A family includes any domestic servants and not more than one (1) gratuitous guest.

Frontage means all the property of a lot fronting on a street and measured between side lines.

Grade means the average of the finished surface of the ground adjacent to the exterior walls of the building or structure.

Grade level (building). The height of the top of the foundation wall shall be set at a maximum of eighteen (18) inches over the crown of the street at the front of the property. Where there are existing buildings in the block, foundation grades shall be set to equalize the height of all buildings in the block where practicable, unless the existing buildings in the block are set too low in relation to the existing or proposed curb elevations where it then becomes necessary to place a new building foundation grade higher than the existing buildings in the block. Provisions shall then be made to protect the lower elevation buildings from the water runoff of the new buildings. Parts of the foundation which are placed at a higher elevation for architectural effect shall not extend for more than forty (40) percent of the perimeter of the building.

Hereafter means after the effective date of the ordinance containing such term.

Hotel means an establishment which provides customary hotel services, such as maid service, furnishing and laundering of linen, and secretarial or desk service, the use and upkeep of furniture and/or bell boy service.

Junkyard means an open area where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to scrap iron and other metals, papers, rags, rubber tires and bottles. A junkyard includes an auto wrecking yard, but does not include uses established entirely within closed buildings.

Kennel means any premises on which dogs and cats, or each separately, are maintained, bred or cared for, in return for remuneration, or are kept for the purpose of sale or resale.

Lot means a subdivided parcel of land so recorded in the Office of the Recorder of Deeds of the County, intended for occupancy by one (1) main building and its accessory buildings. The word "lot" shall include the words "piece" and "parcel"; the word "building" includes all structures of every kind and the phrases "arranged for", "designed for", "intended for" and "occupied for" shall have the same meaning as the phrase "used for".

Lot depth means the mean horizontal distance between the front lot line and the rear lot line of a lot measured between the boundaries.

Lot line, front means that boundary of a lot which is along an existing or dedicated public street or, where no public street exists, is along a public way; where such public way is not a dedicated street, the right-of-way of such public way shall be deemed to be sixty-six (66) feet, unless otherwise provided. The owner of a corner lot may select either street lot line as the front lot line.

Lot line, rear means that boundary of a lot which is most distant from, and is or is most nearly parallel to, the front lot line.

Lot line, side means any boundary of a lot which is not a front lot line or rear lot line.

Lot width means the mean horizontal distance between the side lot lines of a lot, measured within the lot boundaries.

Medical cannabis cultivation center means a facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed medical cannabis dispensing organizations, per the Compassionate Use of Medical Cannabis Program Act, as it may be amended from time-to-time, and regulations promulgated thereunder.

Medical cannabis dispensing organization means a facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to registered qualifying patients, per the Compassionate Use of Medical Cannabis Program Act, as it may be amended from time-to-time, and regulations promulgated thereunder.

Medical cannabis facilities means both medical Cannabis Cultivation Centers and Medical Cannabis Dispensing Organizations.

Medical cannabis organization means a medical cannabis cultivation center, medical cannabis processing organization, medical cannabis infuser organization, medical cannabis dispensing organization, or medical cannabis transporting organization.

Medical cannabis industrial organization means a medical cannabis cultivation center, medical cannabis processing organization, medical cannabis infuser organization, or medical cannabis transporting organization.

Medical cannabis infuser organization means a facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Compassionate Use of Medical Cannabis Program Act, as amended, and regulations promulgated thereunder.

Medical cannabis processing organization means a facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Compassionate Use of Medical Cannabis Program Act, as amended, and regulations promulgated thereunder.

Medical cannabis transporting organization means an organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a medical cannabis business establishment, per the Compassionate Use of Medical Cannabis Program Act, as it may be amended from time-to-time, and regulations promulgated thereunder.

Nonconforming building, structure or use means any building or structure or any use of buildings, structures or land which does not comply with all the regulations of this chapter or of any amendment hereto governing use for the zoning district where such building or use is located.

Number of buildings on a lot. Every building hereafter erected or structurally altered shall be located on a lot as herein defined, and in no case shall there be more than one (1) main building on one (1) lot unless otherwise specified and provided in this Code.

Professional offices, when incidental to the residential use of the premises, shall include only the office of doctor, practitioner, clergyman, dentist, architect, lawyer, author, artist, musician or other professional occupations customarily conducted within a residence.

Rest home or nursing home means a private home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders, and contains no equipment for surgical care or for the treatment of disease or injury.

Setback means the minimum horizontal distance between the front line of the building or structure and the front property line.

Street means a public or private right-of-way which affords a primary means of access to abutting property, but, excepting driveways to buildings.

Street level, for any building, means the level of the established street in front of such buildings measured at the center of such front. Where no street level has been established, the mean elevation of the finished lot grade immediately adjacent to a building shall be considered the street level.

Tract of land means a parcel of land used for or suitable for occupancy by one (1) main building or use with its accessory buildings.

Trailer means any vehicle, house car or mobile vehicle on wheels, skids, rollers or blocks, either self-propelled or propelled by any other means, which is used or designed to be used for residential living, sleeping or commercial purposes and herein referred to as a trailer.

Trailer House Park means any area or premises on which space for trailers is rented or on which free occupancy is permitted to trailer owners or users for the purpose of securing their trade, but not including automobile or trailer sales lots on which unoccupied trailers are parked for purposes of inspection and sale.

Truck Terminal means a building or area in which freight brought by motor truck is assembled or stored for routing in intrastate or interstate shipment by motor truck.

Use Of Property, means the purpose or activity for which the land or buildings thereon is designed, arranged or intended for, or for which it is occupied or maintained, and shall include any manner of performance of activity with respect to the use permitted by this chapter.

Use Permitted means a use which may be lawfully established in a particular district or districts, provided it conforms with the requirements and regulations if any, of such district.

Yard, Corner Side means a side yard which faces a public street.

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

Yard Interior Side means a side yard which is located immediately adjacent to another zoning lot or to an easement separating such side yard from another zoning lot.

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

Yard, Side means a yard extending along the side lot line from the front yard to the rear yard.

Zoning District means a section or sections of the Village for which the regulations and requirements governing use, lot and bulk of buildings and premises are uniform.

(Ord. of 9-21-61; Ord. 62-13, 8-2-62; Code 1972, § 10-1-2; Ord. 79-25, 10-4-79; Ord. 79-34, 12-6-79; Ord. 2014-01, §1, 1-24-2014; Ord. 2016-15, §1, 4-25-2016; Ord. 2019-35, §1, 11-25-2019)

Sec. 12-2. Intent and Purpose:

This chapter is adopted for the following purposes:

- (1) To promote and protect public health, safety, morals, comfort, convenience and the general welfare of people;
- (2) To zone all properties in such a manner as to reflect their best use and conserve and enhance their values;
- (3) To ensure maximum living and working conditions and prevent blight and slums;
- (4) To protect residential, business and manufacturing areas alike from encroachment by incompatible uses;
- (5) To affix reasonable standards to which buildings or structures shall conform;
- (6) To prevent such additions to, and alterations or remodeling of, existing buildings or structures as would not comply with the restrictions and limitations imposed hereinafter;
- (7) To ensure high standards of light, air and open spaces in areas where people live and work;
- (8) To relieve street congestion through adequate requirements for off street parking and loading facilities;
- (9) To isolate or control the location of unavoidable uses;
- (10) To define the powers and duties of the administrative officers;
- (11) To prescribe penalties for the violations of the provisions of this Chapter or any amendment thereto.

(Code 1972 § 10-1-1; Ord. 2016-15, §1, 4-25-2016)

Sec. 12-3. Interpretations:

(a) No building, structure or use which was not lawfully existing at the time of the adoption of the Ordinance from which this section derives shall become or be made to be lawful solely by reason of such adoption, to the extent that in any manner such building, structure or use is in conflict with the requirements of this Chapter, such building, structure or use remains unlawful under this Chapter.

(b) The following rules shall apply with respect to the boundaries of the districts as shown on the zoning district map: District boundary lines are centerlines of highways, streets or easements or right-of-way lines of railroads and expressways or section, division of section, tract and lot lines, or such lines extended unless otherwise indicated.

(c) Subdivision shall be completed pursuant to the requirements of Chapter 8, [Article VIII](#), of this code.

(Code 1972 § 10-2-1; Ord. 2016-15, §1, 4-25-2016)

 **Sec. 12-4. Scope:**

(a) All buildings erected under this Chapter, all uses of lands or buildings established hereafter, all structural alteration or relocation of existing buildings occurring hereafter, and all enlargements or additions to existing uses occurring hereafter, shall be subject to all regulations of this Chapter which are applicable to the zoning districts in which such buildings, uses or land shall be located.

(b) All fences constructed on any nonresidentially zoned property adjacent to residentially zoned property shall be constructed pursuant to the requirements of section [8-251\(b\)](#) of this Code.

(c) For all buildings and structures erected and all uses of land established after the effective date of the Ordinance from which this Chapter derives, accessory parking and loading facilities shall be provided as required by the regulations of the districts in which such buildings or uses are located.

(d) Except as provided by this Chapter and except after obtaining written permission from the Building Commissioner, it shall be unlawful within the limits of the Village:

(1) To establish any use of a building, structure or land, either by itself or in addition to another use;

(2) To expand, change or reestablish any nonconforming use;

(3) To erect a new building or structure or part thereof;

(4) To rebuild, structurally alter, add to or relocate any building or structure or part thereof;

(5) To reduce the open space or plot area required for a building or structure, or to include any part of such open space or plot area as that required for an adjoining building or structure;

(6) To provide or connect onto water supply or sewerage disposal facilities.

(e) The number of buildings on a lot and accessory buildings shall be restricted as follows:

(1) *Number Of Buildings On A Lot:* Every building hereafter erected or structurally altered shall be located on a lot as herein defined, and in no case shall there be more than one (1) main building on one (1) lot unless otherwise specified and provided in this code.

(2) *Accessory Buildings:* No accessory buildings shall be constructed upon a lot until the construction of the main building has been actually commenced.

(Ord. 9-21-61; Code 1972, § 10-2-2; Ord. No. 79-35, 12-6-79; Ord. No. 85-20, 10-1-85; Ord. 2016-15, §1, 4-25-2016)

Sec. 12-5. Water, Sewage and Garbage:

Every residence, business, trade or industry hereafter established and requiring water supply, sewerage disposal facilities or garbage disposal shall provide such facilities as shall conform to standards and requirements of the Village Building and Sanitation Codes. Plot plans accompanying building permit applications shall show clearly the proposed sewerage disposal system and well locations if any. Where Village sewerage and water facilities are available, connections must be made thereto.

(Ord. of 9-21-61; Code 1972, § 10-15-1; Ord. 2016-15, §1, 4-25-2016)

Cross reference-Utilities, [Ch. 11](#).

Sec. 12-6. Authority and Jurisdiction:

The Zoning Board of Appeals is hereby vested with the following authority and jurisdiction:

(1) To hear and decide appeals from and review any order, requirement, decision or determination made by an administrative official charged with the enforcement of any planning or zoning ordinance.

(2) To hear and pass upon all applications for variations in respect to the classification, regulation, prohibition or restriction of the location of trades and industries and the location of buildings designed for public, industrial, business and residential and other uses. Variations shall be permitted by the Zoning Board of Appeals only when they are in harmony with the general purpose and intent of the zoning chapter and only in cases where there are particular difficulties or hardships in the way of carrying out the strict letter of any of these recommendations. In its consideration of the standards of particular difficulties or hardships, such board shall require evidence that:

(a) The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zone;

(b) The plight of the owner is due to unique circumstances; and

(c) The variation, if granted, will not alter the essential character of the locality.

(3) To hear and decide all matters referred to it or upon which it is required to pass under the zoning chapter as prescribed by statute.

(Code 1972, § 2-2-5; Ord. 2012-24, § 28, 9-24-2012; Ord. 2016-15, §1, 4-25-2016)

State law references—Zoning enforcement officers, board of appeals, 65 ILCS 5/11-13-3; variations, 65 ILCS 5/11-13-4, 11-13-5.

Sec. 12-7. Appeal Or Application For Variation; Hearing:

Any person seeking to appeal or apply for a variation shall file a notice of appeal or petition for a variation with the Zoning Board of Appeals, in writing, identifying the grounds for the requested

relief. In the case of an appeal, the notice of appeal shall be filed with the officer whose decision is to be reviewed. Upon receipt of a notice of appeal, the officer shall prepare and forward to the Zoning Board of Appeals a record of the underlying proceedings. The Zoning Board of Appeals shall consider the appeal or application at a public hearing, which shall take place no sooner than fifteen (15) days and no later than thirty (30) days after the notice of the hearing has been published and/or delivered by such other means as required by law. The notice to be published shall identify the location of the property, the nature of the request, and such other information as may be deemed pertinent to adequately apprise the public of the proceeding.

(Code 1972, § 2-2-6; Ord. 2012-24, § 28, 9-24-2012; Ord. 2014-17, § 1, 10-13-2014; Ord. 2016-15, §1, 4-25-2016)

State law references—Variations authorized, 65 ILCS 5/11-13-5; notice and hearing, 65 ILCS 5/11-13-6; appeals, 65 ILCS 5/11-13-12.

Sec. 12-8. Notice To Record Owner:

An applicant for variation or special use shall, not more than thirty (30) days before filing an application for variation with the Zoning Board of Appeals, serve written notice, either in person or by registered mail, return receipt requested, on the owners, as recorded in the office of the recorder of deeds or the registrar of titles of the county in which the property is located and as appears from the authentic tax records of such county, of all property within two hundred fifty (250) feet in each direction of the location for which the variation is requested; provided, the number of feet occupied by all public roads, streets, alleys and other public ways shall be excluded in computing the two-hundred fifty (250) foot requirement. The notice herein required shall contain the address of the location for which the variation is requested, a brief statement of the nature of the requested variation, the name and address of the legal and beneficial owner of the property for which the variation is requested, a statement that the applicant intends to file an application for variation and the approximate date on which the application will be filed. If, after a bona fide effort to determine such address by the applicant for variation, the owner of the property on which the notice is served cannot be found at his or her last known address, or the mailed notice is returned because the owner cannot be found at the last known address, the notice requirements of this section shall be deemed satisfied. In addition to serving the notice herein required, at the time of filing application for variation, the applicant shall furnish to the Zoning Board of Appeals a complete list containing the names and last known addresses of the owners of the property required to be served, the method of service and the names and addresses of the persons so served. The applicant shall also furnish a written statement certifying that he or she has complied with the requirements of this section. The Zoning Board of Appeals shall hear no application for variation or special use unless the applicant for variation or special use furnishes the list and certificate herein required. The Zoning Board of Appeals shall, not more than thirty (30) days nor less than fifteen (15) days before the hearing at which the application for variation is to be considered, send written notice to the persons appearing on the list furnished by the applicant, which notice shall contain the time and place of the hearing, the address of the location for which the variation is requested and the name and address of the applicant for variation and a brief statement of the nature of the variation requested.

(Ord. 2012-24, § 28, 9-24-2012; Ord. 2014-17, § 2, 10-13-2014; Ord. 2016-15, §1, 4-25-2016)

State law references—Similar provisions, 65 ILCS 5/11-13-7; administrative review, 735 ILCS 110/3-101 et seq.

📖 Sec. 12-9. Expenses of Hearings:

(a) Any and all expenses associated with the publication of a notice of public hearing shall be the responsibility of the applicant. No hearing shall commence until such time as the Village is reimbursed, in full, for the costs associated therewith.

(b) Any and all additional expenses incurred by the Village as a result of any delay or rescheduling caused or requested by the applicant shall be the applicant's responsibility, including:

- (1) Salaries of board members;
- (2) Publication costs;
- (3) Attorney and engineering fees;
- (4) Incidental expenses.

(c) The salaries for the Zoning Board of Appeals chairman, Board members and secretary shall be in accordance with Section [2-34](#) of this chapter.

(Ord. 2012-24, § 28, 9-24-2012; Ord. 2014-17, § 3, 10-13-2014; Ord. 2016-15, §1, 4-25-2016)

📖 Sec. 12-10. Report of Hearing; Action Taken:

The chairman of the Zoning Board of Appeals shall submit to the Board of Trustees a report of the hearing, together with its findings and recommendation. The Board of Trustees, no later than thirty (30) days after receipt of the Zoning Board of Appeals' findings and recommendation, shall:

- (1) Approve the requested relief by ordinance as is, or as modified;
- (2) Deny the requested relief; or
- (3) Refer the matter back to the Zoning Board of Appeals for further consideration.

(Code 1972, § 2-2-7; Ord. 2012-24, § 28, 9-24-2012; Ord. 2014-17, § 4, 10-13-2014; Ord. 2016-15, §1, 4-25-2016)

State law reference—Variations by corporate authorities, 65 ILCS 5/11-13-5, 11-13-10.

📖 Sec. 12-11. Duties of the Boards:

The Zoning Board of Appeals and Economic Development Planning Board are hereby vested to:

(1) Prepare and recommend to the President and Board of Trustees a comprehensive plan of public improvements looking to the present and future development of the Village. This plan may include reasonable requirements with reference to streets, alleys and public grounds in un-subdivided land situated within the corporate limits or in contiguous territory not more than one and one-half (1½) miles beyond the corporate limits and not included in any municipality.

(2) Prepare and recommend to the President and Board of Trustees, from time to time, plans for specific improvements in pursuance of the plan.

(3) Give aid to the municipal officials charged with the direction of projects for improvements embraced within the plan, to further the making of these projects and generally to promote the realization of the plan.

(4) Review and recommend to the President and Board of Trustees all requests for a subdivision of any lot or parcel, including a variation of lot size.

(5) Exercise such powers germane to the powers granted herein and by statute¹ as may be conferred from time to time hereafter by the President and Board of Trustees.

(Code 1972, § 2-2-8; Ord. 2012-24, § 28, 9-24-2012; Ord. 2016-15, §1, 4-25-2016)

Sec. 12-12. Appeals To Court²:

(a) Within thirty-five (35) days after the filing of any order, decision or variation of the Board of Trustees, any person or persons, jointly or severally aggrieved by such order, decision or variation, or any officer, department, board or bureau of the Village, may appeal to a court of record in the manner prescribed by law.

(b) Wherein a parcel of property has been rezoned by order of the Village Board of Trustees, that particular rezoned property shall be used for the type of business specified in such order, and if no building permit is applied for and issued for the rezoned parcel within a period of one (1) year from the date of the rezoning, the rezoning shall automatically revert back to the original zoning existing prior to the application for rezoning, except in cases where property has been upgraded to R-1 residence (single-family).

(Code 1972, § 2-2-9; Ord. 2012-24, § 28, 9-24-2012; Ord. 2016-15, §1, 4-25-2016)

2. 65 ILCS 5/11-13-13 and 735 ILCS 5/3-101 et seq.

Sec. 12-13. Zoning Amendments:

The provisions of the zoning chapter³ and the districts created therein and as shown on the zoning map may from time to time be amended by ordinance after a duly advertised public hearing in the manner as prescribed by statute⁴. The Zoning Board of Appeals shall serve as the committee or commission prescribed by statute to hold public hearings on all proposed amendments.

(Code 1972, § 2-2-10; Ord. 83-10, 7-7-1983; Ord. 2012-24, § 28, 9-24-2012; Ord. 2016-15, §1, 4-25-2016)

3. See Ch. 12 of this code.

4. 65 ILCS 5/11/13-14.

Sec. 12-14. Application Fees:

No application for an amendment, variance or subdivision shall be processed until such time as a non-refundable application fee in the amount of two thousand two hundred dollars (\$2,200.00) is tendered to the Village.

(Ord. 2012-24, § 28, 9-24-2012; Ord. 2014-17, § 5, 10-13-2014; Ord. 2016-15, §1, 4-25-2016)

📖 **Sec. 12-15 Special Uses:**

(a) Special uses are those uses having some special impact or uniqueness that require a careful review of their location, design, configuration, and special impact to determine, against fixed standards, the desirability of permitting their establishment on any given site. They are uses that may or may not be appropriate in a particular location depending on a weighing, in each case, of the public need and benefit against the local impact and effect.

(b) The following procedure shall govern the submission, review and approval of any use identified as a special use in a zoning district:

(1) *Application.* Applications for special use permits shall be filed with the Zoning Board of Appeals.

(2) *Public Hearing.* A public hearing shall be set, noticed, and conducted by the Zoning Board of Appeals.

(3) *Action by Zoning Board of Appeals.* Within sixty (60) days after the conclusion of the public hearing, the Zoning Board of Appeals shall transmit to the Board of Trustees its recommendation either granting the application for a special use permit; granting the application subject to conditions, or denying the application. The failure of the Zoning Board of Appeals to act within such sixty (60) days, or such further time to which the applicant may agree, shall be deemed a recommendation for the denial of the proposed special use permit.

(4) *Action by Board of Trustees.* Within forty-five (45) days after the receipt of the recommendation of the Zoning Board of Appeals, or its failure to act as above provided, the Board of Trustees shall either deny the application or, by ordinance duly passed, shall grant the special use permit, with or without modifications or conditions. The failure of the Board of Trustees to act within such forty-five (45) days, or such further time to which the applicant may agree, shall be deemed a decision denying the special use permit.

(c) No special use permit shall be granted unless the applicant shall establish that:

(1) *Code and Plan Purposes.* The proposed use and development will be in harmony with the general and specific purposes for which this chapter was enacted and for which the regulations of the district in question were established.

(2) *No Undue Adverse Impact.* The proposed use and development will not have a substantial or undue adverse effect upon adjacent property, the character of the area, or the public health, safety, and general welfare.

(3) *No Interference with Surrounding Development.* The proposed use and development will be constructed, arranged, and operated so as not to dominate the immediate vicinity or to interfere with the use and development of neighboring property in accordance with the applicable district regulations.

(4) *Adequate Public Facilities.* The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools, or the applicant will provide adequately for such services.

(5) *No Traffic Congestion.* The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through streets.

(6) *No-Destruction of Significant Features.* The proposed use and development will not result in the destruction, loss, or damage of any natural, scenic, or historic feature of significant importance.

(7) *Compliance with Standards.* The proposed use and development complies with all standards imposed on that use and any district where it is a permitted use.

(d) In determining whether the applicant's evidence establishes that the foregoing standards have been met, the Zoning Board of Appeals shall consider:

(1) *Public Benefit.* Whether, and to what extent, the proposed use and development at the particular location requested is necessary or desirable to provide a service or a facility that is in the interest of the public convenience or that will contribute to the general welfare of the neighborhood or community.

(2) *Alternative Locations.* Whether, and to what extent, such public goals can be met by the location of the proposed use and development at some other site or in some other area that may be more appropriate than the proposed site.

(3) *Mitigation of Adverse Impacts.* Whether and to what extent, all steps possible have been taken to minimize any adverse effects of the proposed use and development on the immediate vicinity through building design, site design, landscaping, and screening.

(e) The Zoning Board of Appeals may recommend and the Board of Trustees may impose such conditions and limitations concerning use, construction, character, location, landscaping, screening, and other matters relating to the purposes and objectives of this chapter upon the premises benefited by a special use permit as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject property or upon public facilities and services; provided, however, that such conditions shall not be used as a device to grant a permit for a special use that is intended to be temporary in nature. Such conditions shall be expressly set forth in the ordinance granting the special use. Violation of any such condition or limitation shall be a violation of this chapter and shall constitute grounds for revocation of the special use permit.

(f) Whenever any special use permit granted pursuant to this section is made subject to conditions or limitations to be met by the applicant, the applicant shall, upon meeting such conditions, file an affidavit with the Building Commissioner so stating. Such affidavit shall be accompanied by a nonrefundable fee, to be fixed in each case by the Building Commissioner, to recover the Village's actual direct cost of an inspection to verify that such conditions and limitations have been met.

(g) The grant of a special use permit shall not authorize the establishment or extension of any use, nor, the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of applications for any permits or approvals that may be required by the codes and ordinances of the Village.

(h) Subject to an extension of time granted by the Building Commissioner, no special use permit shall be valid for a period longer than one year unless a building permit is issued and construction has actually begun within that period, and is thereafter diligently pursued to completion or unless a Certificate of Occupancy is issued and a use commenced within that period.

(i) A special use permit shall be deemed to authorize only the particular use for which it was issued, and such permit shall automatically expire and cease to be of any force or effect if such use shall, for any reason, be discontinued for a period of six (6) consecutive months or more.

(j) Except when otherwise provided in the ordinance granting a special use permit, a special use permit shall be deemed to relate to, and be for the benefit of, the use and property in question rather than the owner or operator of such use or property

(k) A special use permit may be amended, varied, or altered only pursuant to the procedures and subject to the standards and limitations provided in this section for its original approval.

(Ord. 2014-01, § 2, 1-27-2014; Ord. 2016-15, §1, 4-25-2016)

Secs. 12-16–12-20. Reserved:

📖 **ARTICLE II. DISTRICTS; MAP**

📖 **DIVISION 1. GENERALLY**

📖 **Sec. 12-21. Districts designated.**

For the purpose of this chapter all lands lying within the Village are hereby divided and classified into the following districts, listed from the highest class to the lowest class and designated as follows:

R-1 residence

R-2 residence

R-3 residence

B-1 business

C-1 planned commercial and office development

I-1 light industry

I-1-R restricted industrial

I-2 heavy industry

(Ord. 62-13, 8-2-1962; Ord. 72-32, 11-2-1972; Code 1972, § 10-3-1; Ord. 75-10, 4-3-1975; Ord. 98-43, § 1, 11-9-1998; Ord. 2016-15, §1, 4-25-2016)

Sec. 12-22. Boundaries; Map:

The boundaries of districts as established in this chapter are shown on a zoning plan map, which is hereby made a part of this chapter by reference. All notations, dimensions and references pertaining to such district boundaries as are shown there shall be as much a part of this chapter as if the full legal description were incorporated herein.

(Code 1972, § 10-3-2; Ord. 2016-15, §1, 4-25-2016)

Sec. 12-23. Annexations:

All areas hereafter annexed to the Village shall be classified as in the district permitting the lawful use allowed by the county zoning ordinance at the time of application for annexation.

(Ord. 62-13, 8-2-1962; Code 1972, § 10-3-3; Ord. 2016-15, §1, 4-25-2016)

Sec. 12-24. Adoption of Comprehensive Plan In Phases:

(a) *Phase One:* The review of all Village zoning regulations and an official comprehensive plan for the Village of Justice and the unincorporated territory within one and one-half (1½) miles of the boundaries of the Village of Justice, as compiled and subsequently recommended by the Village of Justice Zoning Board of Appeals beginning on July 27, 2004, shall be adopted, and amended from time to time, by the Zoning Board of Appeals and Economic Development Planning Board as follows:

(1) For single-family homes south of 79th Street, there shall be a maximum of a twenty percent (20%) square footage footprint based on the property size, not to exceed two thousand five hundred (2,500) square feet of living space, excluding the attached garage.

(2) For single-family homes north of 79th Street, there shall be a maximum of a twenty five percent (25%) square footage footprint based on the property size, not to exceed four thousand (4,000) square feet of living space, excluding the attached garage.

(3) In all residential or multiple-family districts within the Village limits as stated herein, there shall be a minimum green space requirement of thirty five percent (35%) of the lot size unless limited by floodplain designation or other state or federal restrictions.

(4) In all residential or multiple-family districts within the Village limits as stated herein, wherein there is a request to subdivide an existing, developed lot of record into two (2) or more lots, no such subdivision shall be allowed unless each subdivided lot meets the minimum requirements of this code and adheres to the minimum green space requirements herein, whether such subdivided lot is developed or not.

(b) *Phase Two:*

(1) The south side of 79th Street from Roberts Road (80th Avenue) to I-294 shall be zoned B-1. All property on the north side of Archer Road with an Archer Road address in the Village limits shall be zoned B-1.

(2) All property on the south side of Archer Road in the Village boundary limits shall be zoned B-1.

- (3) All cemetery property shall be rezoned B-1.
- (4) The property on the east and west sides of Roberts Road shall be zoned B-1.
- (5) The property on the east of 88th Avenue (Cork Avenue) from 79th Street to the I-294, shall be zoned B-1.
- (6) The property on the east side of 88th Avenue from I-294 to 83rd Street shall remain as currently zoned.
- (7) The property along the east side of 88th Avenue from 83rd Street to 87th Street shall remain as currently zoned.
- (8) The property on the west side of 88th Avenue from 79th Street to I-294 shall be zoned B-1.
- (9) The property on the west side of 88th Avenue from I-294 to 83rd Street shall remain as currently zoned.
- (10) The property on the west side of 88th Avenue from 83rd Street to 86th Street shall be zoned B-1.
- (11) The property along the north side of 80th Street between 82nd Avenue and the east Village limits shall be zoned B-1.

(c) *Phase Three:*

- (1) The property adjacent to the east side of 88th (Cork) Avenue between 83rd Street and 87th Street, currently zoned other than B-1 as of the effective date of this amendments, shall be zoned B-1;
- (2) The property adjacent to the north side of 87th Street, between 88th (Cork) Avenue and 86th Avenue, shall be zoned B-1; and
- (3) The property adjacent to the north side of 87th Street between Roberts Road (80th Avenue) and the eastern Village of Justice boundary (east north/south lot line of property between 78th Court and 78th Avenue, perpendicular to 87th Street), shall be zoned B-1.

(Ord. 2004-24, § 2, 10-25-2004; Ord. 2005-13, § 2, 5-23-2005; Ord. 2010-04, § 3, 2-22-2010; Ord. 2016-15, §1, 4-25-2016)

Secs. 12-25–12-35. Reserved:

DIVISION 2. RESIDENCE DISTRICTS

Sec. 12-36. R-1 Residence District-Permitted Uses:

In the R-1 district the uses which may hereafter be established are:

(1) Single-family dwellings:

- (a) General. One (1) single-family dwelling on a lot or tract of land not less than eight thousand one hundred twenty-five (8,125) square feet and having a minimum width of not less than sixty-five (65) feet; and,
- (b) Special. Within an area bounded by Roberts Road on the west, the corporate boundaries of the Village of Justice on the east, 87th Street on the south, and 83rd Street on the north, one (1) single-family dwelling on a lot or tract of land not less than six thousand two hundred fifty (6,250) square feet and having a minimum width of lot less than fifty (50) feet and a minimum depth of not less than one hundred twenty-five (125) feet.

(2) Churches, eleemosynary and public educational institutions, but with a minimum of not less than one (1) acre of land per institution;

(3) Public libraries; and,

(4) Public and community parks.

(Code 1972, § 10-4-1; Ord. 2016-15, §1, 4-25-2016; Ord. 2020-27, §1, 07-13-2020)

 **Sec. 12-37. R-1 Residence District Building Regulations:**

In the R-1 district, easement requirements shall be ten feet (10') from the rear lot line of each lot or tract of land; the setback line shall be thirty feet (30') from the front lot line and not less than ten percent (10%) of the lot width or a minimum of five feet (5'), whichever is greater, from the side lot lines, except where an easement exists along the side lot lines the setback shall be not less than ten feet (10') from the side lot line. The street side setback on a corner lot shall be not less than twenty feet (20'). Attached garages shall be set not less than five feet (5') from the side lot line; detached garages shall be set not less than five feet (5') from the side lot line and be not less than ten feet (10') from the rear lot line. The height limit for single-family residence shall be thirty feet (30') from grade level. The height limit for public buildings shall be a maximum of forty five feet (45') from grade level.

(Code 1972, § 10-4-2; Ord. 78-32, 8-3-1978; Ord. 96-24, § 1, 8-12-1996; Ord. 2007-12, § 2, 8-27-2007; Ord. 2016-15, §1, 4-25-2016)

 **Sec. 12-38. R-1 Residence District Special Uses:**

The following uses shall be permitted in the R-1 Residence District, but only if specifically authorized pursuant to the procedures of Section [12-15](#) of this chapter.

(1) Private or professional schools, except those of an industrial nature.

(Ord. 2016-15, §1, 4-25-2016)

 **Sec. 12-39. R-2 Residence District Permitted Uses:**

In the R-2 district the uses which may hereafter be established are those permitted in the R-1 district and, in addition, apartments or duplex dwellings at the rate of not more than one two-family apartment house or duplex per lot or tract of land having a minimum width of sixty five feet (65') and a minimum depth of one hundred twenty five feet (125').

(Code 1972, § 10-5-1; Ord. 2016-15, §1, 4-25-2016)

Sec. 12-40. R-2 Residence District Building Regulations:

In the R-2 district, easement requirements shall be ten feet (10') from the rear lot line of each lot or tract of land; the setback line shall be thirty feet (30') from the front lot line and not less than ten percent (10%) of the lot width or a minimum of five feet (5'), whichever is greater, from the side lot lines, except where an easement exists along the side lot line the setback shall be not less than ten feet (10') from the side lot line. The street side setback on a corner lot shall be not less than twenty feet (20'); attached garages shall be not less than five feet (5') from the side lot line; detached garages shall be set not less than five feet (5') from the side lot line and be not less than ten feet (10') from the rear lot line. The height limit for public buildings shall be a maximum of forty five feet (45') from grade level; the height limit for single-family residential buildings (R-1 residence) or one two-family apartment house or duplex (R-2 residence) shall not exceed thirty feet (30') from grade level. There shall be three and one-half (3 1/2) parking spaces per unit.

(Code 1972, § 10-5-2; Ord. 78-33, 8-3-1978; Ord. 96-24, § 2, 8-12-1996; Ord. 2007-12, § 2, 8-27-2007; Ord. 2016-15, §1, 4-25-2016)

Sec. 12-41. R-3 Residence District-Permitted Uses:

In the R-3 residence district the uses which may be hereafter established are those permitted in the R-2 district and the minimum lot width for single- or two-family dwellings shall be sixty five feet (65') and the minimum depth of one hundred twenty five feet (125') and, in addition:

(1) For designated "senior citizens only" multiple-units as defined by Illinois Compiled Statutes there shall be a rate of three thousand (3,000) square feet of lot or tract of land per unit. For nonage restricted multiple-units there shall be rate of three thousand five hundred (3,500) square feet of lot or tract of land per unit.

(2) Rest homes.

(3) Health and medical institutions on a lot or tract of land not less than one acre.

(Code 1972, § 10-7-1; Ord. 2001-36, § 1, 10-8-2001; Ord. 2004-24, § 3, 10-25-2004; Ord. 2016-15, §1, 4-25-2016)

Sec. 12-42. R-3 Residence District-Building Regulations:

In the R-3 district, easement requirements shall be ten feet (10') from the rear lot line of each lot or tract of land; the setback line shall be thirty feet (30') from the front lot line and not less than ten percent (10%) of the lot width or a minimum of five feet (5'), whichever is greater, from the side lot lines, except where an easement exists along the side lot line the setback shall be not less than ten feet (10') from the side lot line. The street side setback on a corner lot shall be not less than twenty feet (20'); attached garages shall be set not less than five feet (5') from the side lot line;

detached garages shall be set not less than five feet (5') from the side lot line and be not less than ten feet (10') from the rear lot line. The height limit for public buildings shall be a maximum forty five feet (45') from grade level; the height limit for single-family residential buildings (R-1 residence) or one two-family apartment house or duplex (R-2 residence) shall not exceed thirty feet (30') from grade level. The height limit for all other residential buildings shall be thirty-five feet (35') from grade level. No building shall contain more than three (3) stories including a basement used for residential purposes.

(Code 1972, § 10-7-2; Ord. 78-35, 8-3-1978; Ord. 96-24, § 3, 8-12-1996; Ord. 2007-12, § 2, 8-27-2007; Ord. 2016-15, §1, 4-25-2016)

Sec. 12-43. R-3 Residence District Off Street Parking Regulations:

In the R-3 district, parking spaces shall be provided as follows:

For designated "senior citizens only" multiple-units as defined by Illinois Compiled Statutes there shall be two (2) designated parking spaces per unit plus one-half (½) auxiliary parking space per unit in addition to any added garage not attached or not primarily part of the original building.

For nonage restricted multiple-units there shall be three (3) designated parking spaces per unit plus one-half (½) auxiliary parking space per unit in addition to any added garage not attached or not primarily part of the original building.

(Code 1972, § 10-7-3; Ord. 84-27, 9-6-1984; Ord. 2004-24, § 4, 10-25-2004; Ord. 2016-15, §1, 4-25-2016)

Sec. 12-44. Condominiums and Common Interest Community Associations ¹

¹The Provisions of the Illinois Condominium Property Act, 765 ILCS 605, and the Illinois Common Interest Community Association Act, 765 ILCS 160 shall take Precedence.

(Ord. 2016-15, §1, 4-25-2016)

Sec. 12-44.1. Definitions.

For the purpose of this division, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Condominium Property means all the land, property and space comprising the parcel, all improvements and structures erected, constructed or contained therein or thereon, including the building and all easements, rights and appurtenances belonging thereto, and all fixtures and equipment intended for the mutual use, benefit or enjoyment of the unit owners, submitted to the provisions of the Condominium Property Act. Illinois Condominium Property Act.¹

Common Interest Community means real estate other than a condominium or cooperative with respect to which any person by virtue of his or her ownership or a partial interest or a unit therein is obligated to pay for the maintenance, improvement, insurance premiums or real estate taxes of common areas described in a declaration which is administered by an association. "Common Interest Community" may include, but not be limited to, an attached or detached townhome, villa, or single-family home. A "Common Interest Community" does not include a master association.¹

(Ord. 2016-15, §1, 4-25-2016)

Sec. 12-44.2. Discrimination.

No person shall be denied the right to purchase or lease a unit because of race, color, sex, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military discharge status, source of income, gender identity, or housing status, or the actual or perceived association with such a person.

(Code 1972, § 10-6-4; Ord. 2016-15, §1, 4-25-2016)

State law reference-Illinois Human Rights Act, Ill. Rev. Stat. Ch. 68, § 1-101 et seq.

Sec. 12-44.3. Compliance required; enforcement.

The rights, obligations and remedies set forth in this division shall be cumulative and in addition to any other available at law or in equity. The Village or any prospective purchaser, purchaser or owner of a unit may seek compliance of any provision of this division; provided, however, that only the Village may enforce any provisions of section [12-44.4](#). In any action brought to enforce provisions of this division except section [12-44.4](#), the prevailing plaintiff shall be entitled to recover, in addition to any other remedy available, his reasonable attorney's fees.

(Code 1972, § 10-6-10; Ord. 2016-15, §1, 4-25-2016)

Sec. 12-44.4. Penalty.

Any person found guilty of violating any of the provisions of this division, upon conviction thereof, shall be punished by a fine of not less than one hundred dollars (\$100.00) nor more than three hundred dollars (\$300.00) for the first offense and not less than three hundred dollars (\$300.00) nor more than five hundred dollars (\$500.00) for the second and each subsequent offense in any one-hundred-eighty-day (180) period; provided, however, that all actions seeking the imposition of fines only shall be filed as quasi-criminal actions subject to the provisions of the Illinois Code of Civil Procedure. Repeated offenses in excess of three (3) within any one-hundred-eighty-day (180) period may also be punishable as a misdemeanor or by incarceration in the county jail for a term not to exceed six (6) months under the procedure set forth in section 1-2-1.1 of the Illinois Municipal Code and under the provisions of the Illinois Code of Criminal Procedure of 1963 in a separate proceeding. Each failure to comply with the provisions of this division with respect to each person shall be considered a separate offense. A separate and distinct offense shall be regarded as committed each day on which such person shall continue or permit any such violations. In addition to such fines and penalties, violations of any provision of this division shall be cause for revocation of any license issued to such violator or offending party by the Village. Nothing herein shall be construed to preclude the revocation of any license for violation of any other provision of this Code.

(Code 1972, § 10-6-11; Ord. 2016-15, §1, 4-25-2016)

State law references-Ordinances making violation misdemeanor, Ill. Rev. Stat. Ch. 24, § 1-2-1.1; Code of Criminal Procedure of 1963, Ill. Rev. Stat. Ch. 38, § 100-1 et seq.; Code of Civil Procedure, Ill. Rev. Stat. Ch. 110, § 1-101 et seq.; Civil Practice Law, Ill. Rev. Stat. Ch. 110, § 2-101 et seq.

Sec. 12-44.5. Severability.

If any provision, clause, sentence, paragraph, section, or part of this division, or application thereof to any person or circumstance, shall, for any reason, be adjudged to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this division and the application of such provision to other persons, firms, corporations, public agencies or circumstances, but shall be confined in its operation to the provisions, clause, sentence, paragraph, section, or part thereof, directly involved in the controversy in which such judgment shall have been rendered and to the person, firm, corporation, public agency, or circumstances involved. It is hereby declared to be the legislative intent of the Board of Trustees that this division would have been adopted had such unconstitutional or invalid provision, clause, sentence, paragraph, section or part thereof, not been included.

(Code 1972, § 10-6-12; Ord. 2016-15, §1, 4-25-2016)

📖 Sec. 12-44.6. Inspections; Code Compliance Certificate.

(a) A developer submitting a property to the provisions of the Illinois Condominium Property Act or the Common Interest Community Association Act shall file a notice of intent to convert with the Building Commissioner of the Village within three (3) business days from the date the notice is given to the tenants of the property. A code inspection of the property, including all projected condominium or common interest units and common elements and facilities, shall be scheduled by agreement between the developer and the Building Commissioner when the notice of intent to convert is received by the Building Commissioner.

(b) Any code violations and deficiencies detected during an inspection of projected condominium or common interest units and common elements and facilities shall be corrected by the developer at least thirty (30) days prior to the closing of a sales contract on any condominium or common interest unit. The correction shall be evidenced by a code inspection report and certificate of code compliance, except as provided in subsection (c) of this section, issued by the Building Commissioner.

(c) If substantial rehabilitation is being performed as part of a conversion to condominium or common interest units, the Building Commissioner may issue a partial certificate of code compliance to permit the closing of sales contracts for those condominium or common interest units in which rehabilitation is complete and all code violations are corrected. Partial certificates also may be issued for common elements and facilities on which rehabilitation is complete and all code violations are corrected. However, prior to the issuance of a certificate of code compliance for the entire property, a re-inspection shall be made on all common elements and facilities and units for which sales contracts have not been closed. Any recurrence of code violations in the common elements and facilities covered by a partial certificate of code compliance shall be corrected by the developer at the developer's expense unless control of the building has passed to the board of managers.

(d) Until such time as all units in a condominium property or a common interest community association are sold, the Building Commissioner shall conduct annual building inspections of all common elements and common facilities, and at least ten (10) percent of the unsold units. Once all units are sold, the Building Commissioner shall conduct annual building inspections on all common elements and facilities. After the initial purchase of each condominium or common interest unit, said unit(s) must comply with the provisions of section [8-54](#) of this code.

(e) Subsequent to the sale of all condominium or common interest units, the Building Commissioner shall conduct an annual inspection of all the common elements and facilities of a condominium or common interest property. The condominium or common interest building shall be subject to all applicable Village ordinances which may be enforced as to the developer, unit owners, board of managers or any other person to whom the ordinances are applicable.

(f) A developer shall be required to provide a prospective purchaser with a copy of a code inspection report and a certificate or partial certificate of code compliance prior to or at the closing of a condominium or common interest unit sales contract¹.

(g) Inspections will require fees as covered in this Code.

(Code 1972, § 10-6-14; Ord. 2016-15, §1, 4-25-2016)

¹ 765 ILCS 605/30.

Sec. 12-44.7. Off Street Parking Regulations:

Parking spaces shall be provided as follows: There shall be three (3) designated parking spaces per unit plus one-half (1/2) auxiliary parking space per unit in addition to any added garage not attached to or not primarily part of the original building.

(Code 1972, § 10-6-15; Ord. 84-27, 9-6-1984; Ord. 2016-15, §1, 4-25-2016)

Sec. 12-44.8. Area:

Each and every condominium and townhouse shall have an area of at least two thousand five hundred (2,500) square feet of lot or tract of land per unit. The minimum width of each lot or tract of land shall be eighty feet (80') and a minimum depth of one hundred twenty five feet (125'). The minimum frontage of each lot or tract of land shall be eighty feet (80').

(Code 1972, § 10-6-16; Ord. 2016-15, §1, 4-25-2016)

Sec. 12-44.9. Building Regulations:

Easement requirements shall be ten feet (10') from the rear lot line of each lot or tract of land; the setback line shall be thirty feet (30') from the front lot line and not less than ten percent (10%) of the lot width or a minimum of five feet (5'), whichever is greater, from the side lot lines, except where an easement exists along the side lot line the setback shall be not less than ten feet (10') from the side lot line. The street side setback on a corner lot shall be not less than twenty feet (20'), attached garages shall be set not less than five feet (5') from the side lot line; detached garages shall not be set less than five feet (5') from the side lot line and be not less than ten feet (10') from the rear lot line. The height limit for public buildings shall be a maximum forty five feet (45') from grade level; the height limit for single-family residential buildings (R-1 residence) or one 2-family apartment house or duplex (R-2 residence) shall not exceed thirty feet (30') from grade level. The height limit for all other residential buildings shall be thirty five feet (35') from grade level. No building shall contain more than three (3) stories including a basement used for residential purposes.

(Code 1972, § 10-6-17; Ord. 96-24, § 4, 8-12-1996; Ord. 2007-12, § 2, 8-27-2007; Ord. 2016-15, §1, 4-25-2016)

📖 Sec. 12-45. Reserved

📖 Sec. 12-46. Exclusion of Certain Areas:

The square footage of drainage easements, retention ponds and detention ponds is excluded from the minimum square footage requirements of residential lots located in R-1, R-2, and R-3 residence districts.

(Ord. 96-11, § 2, 5-13-1996; Ord. 2016-15, §1, 4-25-2016)

📖 Sec. 12-47. Garage Requirements, Corner Lots:

(a) In all residential, multi-family, business and commercial districts a garage door setback of twenty five feet (25') from the side lot line and thirty feet (30') from the front lot line is hereby established.

(b) In all residential districts, only one garage shall be permitted per lot.

(Ord. 96-23, § 1, 8-12-1996; Ord. 2001-20, § 1, 5-14-2001; Ord. 2016-15, §1, 4-25-2016)

📖 Sec. 12-48. Limit of One Storage Facility for Vehicles:

Storage facilities for vehicles are limited to one per lot, in all residential districts, whether attached to the dwelling unit or freestanding.

(Ord. 93-39, § 1, 10-25-1993; Ord. 2016-15, §1, 4-25-2016)

📖 Sec. 12-49–12-65. Reserved

📖 DIVISION 3. RESERVED

Secs. 12-66–12-85. Reserved:

📖 DIVISION 4. BUSINESS DISTRICTS

📖 Sec. 12-86. B-1 Business District Permitted Uses:

In the B-1 district the uses which may hereafter be established are:

- (1) Motels and hotels.
- (2) Retail business or service establishment, excluding those permitted only in the I-1, I-1-R and I-2 districts.

- (3) Restaurants.
- (4) Professional and business offices.
- (5) Private music, dancing, business and vocational schools and colleges.
- (6) Lodge halls.
- (7) Municipal buildings, waterworks, police and fire stations.
- (8) Theaters.
- (9) The permissive use of a liquor license upon the Board of Trustees' approval to allow a business licensed in the Village to sell alcohol.
- (10) Cemeteries and related uses.
- (11) Taverns.
- (12) Nightclubs.
- (13) Dance halls.
- (14) Picnic groves.
- (15) Temporary carnivals and circuses operating not more than ten (10) consecutive days in any one year.

(Code 1972, § 10-9-1; Ord. 2005-13, § 3, 5-23-2005; Ord. 2007-23, § 2, 10-8-2007; Ord. 2013-04, § 5, 3-25-2013; Ord. 2016-15, §1, 4-25-2016)

 **Sec. 12-87. B-1 Business District Building Regulations:**

(a) In the B-1 district there shall be no rear lot setback requirements from the rear lot line of each lot or tract of land, unless there exists a recorded and dedicated easement agreement for the rear of the property, then the rear set back shall not encroach on said easement. The front setback line shall be thirty feet (30') from the front lot line. There shall be no side lot setback required, except on corner lots, setback shall be thirty feet (30') from street side lot lines. Building height limit shall be thirty five feet (35') from grade level, except for hotels as defined in Section [8-42.1](#) of this code.

(b) Building height for hotels shall be not less than forty (40) feet above grade nor higher than federal aviation administration (FAA) regulations allow for this area.

(c) *Minimum Lot Size:* No hotel shall be constructed on a lot less than two (2) acres in size without a special use permit in accordance with the terms and provisions of this title. Hotels may be constructed on lots less than two (2) acres if they are part of a larger, master planned project, provided the sum of all contiguous lots within the master planned project is greater than ten (10) acres.

(d) All utilities for hotels and motels shall be placed underground in easements established for the utilities.

(Code 1972, § 10-9-2; Ord. 2013-04, § 6, 3-25-2013; Ord. 2016-15, §1, 4-25-2016)

📖 Sec. 12-88. B-1 Business District Parking Regulations:

(a) Any business establishment permitted in the B-1 district, except hotels and motels, shall provide parking space at the rate of one (1) square foot of parking area for each one (1) square foot of building ground floor area plus one (1) square foot of parking space for each five (5) square feet of building floor area above the first floor. No overnight parking shall be permitted in the B-1 district of any truck, bus, road equipment or other vehicle on any lot or tract of land, vacant or improved, whether an established permitted use exists thereon or not, unless such truck, bus, road equipment or other vehicle is part and parcel of the establishment wherein such parking takes place and is used by such establishment as a necessary and needful adjunct to the conduct of its permitted use therein; shopping centers with multiple establishments shall provide parking area of not less than the ground floor area of the building.

(b) Parking spaces for hotels and motels shall be provided at the rate of one (1) space per guest room and one space for every two (2) employees; plus any spaces required for restaurant, lounge, banquet areas, and meeting rooms as required under Section [12-88\(a\)](#) of this code. Handicapped parking spaces shall be provided in accordance with the most current edition of the American with Disability Act (ADA). Parking of vehicles, including but not limited to trucks, buses, road equipment, or other vehicles in parking lots of hotels and motels, where vehicle owners/operators are not patrons of the hotel or motel, is prohibited.

(c) Any person violating the provisions of this section shall be fined no less than one hundred dollars (\$100.00) and not more than seven hundred fifty dollars (\$750.00) for each offense. A separate and distinct offense shall be deemed to have been committed each day a violation occurs, exists or continues.

(Code 1972, § 10-9-3; Ord. 78-37, 8-3-1978; Ord. 98-6, § 2, 2-9-1998; Ord. 98-12, § 2, 3-23-1998; Ord. 2013-04, § 7, 3-25-2013; Ord. 2016-15, §1, 4-25-2016)

📖 Sec. 12-89. Manufactured Home Community:

The B-1 business zoning district shall make provisions for manufactured homes in a manufactured home community, which will not be subdivided into individual lots, in an appropriate, safe, sanitary and attractive environment. Permitted uses are manufactured homes in a manufactured home community and the sales of manufactured homes.

(Ord. 98-43, § 1, 11-9-1998; Ord. 2016-15, §1, 4-25-2016)

📖 Sec. 12-89.1. Definitions:

Unless the context clearly requires otherwise, the words and phrases set forth below inclusive, shall have the meanings set forth in this section. Additionally, words and phrases not defined in this section shall have the meaning indicated by common dictionary definition.

Dependent Mobile Home: A mobile home which does not have a toilet and bath or shower facilities.

Front: The end of the mobile or manufactured home to which the hitch is or was attached and used for towing or for delivery to the site. When a mobile home is placed in a mobile home park and the hitch is removed, the Village of Justice shall make a determination as to what constitutes the front.

Independent Mobile Home: A mobile home which has a self-contained toilet and bath or shower facilities.

License: Mobile home park operator's license.

Manufactured Home Accessory Buildings Or Structures: An assembly of materials forming a construction for use which contributes to the comfort, convenience or necessity of the principal building or structure served, including, among other things, awnings, cabanas, garages, storage structures, sheds, decks, carports, fences, windbreaks, porches or other like appurtenances.

Manufactured Home And Mobile Home: A structure designed for permanent habitation, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty feet (40') or more in length, or when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation, with wheels, tongue, lug bolts and hitch permanently removed, when connected to the required utilities, including plumbing, heating, air conditioning, and electrical systems. Any structure defined in this section [12-89](#) as a "mobile home" shall also be considered a "manufactured home". For purposes of this section [12-89](#), the terms "mobile home" and "manufactured home" are used interchangeably.

Manufactured Home Community And Mobile Home Park: A tract of land or two (2) or more contiguous tracts of land that contain sites with the necessary utilities for five (5) or more independent manufactured homes for permanent habitation either free of charge or for revenue purposes, and shall include any building, structure, vehicle, or enclosure used or intended for use as a part of the equipment of such manufactured home community. Separate ownership of contiguous tracts of land shall not preclude the tracts of land from common licensure as a manufactured home community if they are maintained and operated jointly. Neither an immobilized manufactured home nor a motorized recreational vehicle shall be construed as being part of a manufactured home community. Any community defined as a "mobile home park" shall also be considered a "manufactured home community". For the purposes of this section [12-89](#) the terms "mobile home park", and "manufactured home community", are used interchangeably.

Permanent Habitation: A period of one (1) or more months.

School District: Any district created or operated under the provisions of the school code, approved May 1, 1945, as amended.

Site: The lot on which the mobile home is located for permanent habitation.

Village: The Village of Justice, Illinois.

(Ord. 98-43, § 1, 11-9-1998; Ord. 2005-22, § 2, 10-24-2005; Ord. 2016-15, §1, 4-25-2016)

Sec. 12-89.2. General Requirements:

Every manufactured home community shall comply with the following provisions:

(1) *Attendant*: Every mobile home park shall be in the charge of a responsible attendant or caretaker whose name shall be on file at all times with the Village and the Village Building Commissioner and whose duty it shall be to maintain the park, its facilities and equipment in a clean, orderly and sanitary condition, and it shall be the responsibility of the licensee, for any violation of the provisions of this section [12-89](#).

(2) *Drainage*: No mobile home park shall be located such that the drainage of the property will endanger any water supply. All mobile home parks shall be well drained and free of any ponding, except in properly engineered and approved detention or retention areas. No wastewater shall be deposited on the surface of the ground within the mobile home park. The Village shall require the owner of the mobile home park to provide a report, at the expense of the mobile home park, by an Illinois state licensed engineer concerning drainage, overland water flow and compensatory storage requirements, calculated on the basis of the 100-year frequency rainfall for the area and the amount of impervious surfaces within the mobile home park. Section [11-11](#) of this code shall also apply.

(3) *Area*: The total minimum area for each manufactured home community shall be ten (10) acres.

(4) *Maximum Density of Units Per Acre*: The total density of any manufactured home park shall not exceed ten and one-half (10½) manufactured home sites per acre.

(5) *Minimum Lot Size*: Each site on which a mobile home is accommodated shall have a minimum area of two thousand five hundred (2,500) square feet, except that sites existing in parks or approved by the Village for construction prior to August 21, 1967, shall contain an area of not less than one thousand (1,000) square feet. Not more than one (1) manufactured home shall be placed on a space or site. Each manufactured home shall contain not less than four hundred eighty (480) square feet of floor space nor more than two thousand one hundred twenty eight (2,128) square feet of floor space.

(6) *Manufactured Home Sites*: The exclusive space or site reserved for the placement of each manufactured home shall conform to the following standards:

a. *Placement*: No mobile home, or permitted accessory structure, shall be located closer than five feet (5') to the side lot lines of a mobile home park, or closer than ten feet (10') to a public street, alley or building. Each individual site shall abut or face on a private or public driveway or roadway of not less than twenty four feet (24') in width, which driveway or roadway shall have unobstructed access to a public highway or alley. There shall be an open space of at least ten feet (10') adjacent to the sides of every mobile home and at least five feet (5') adjacent to the ends of every mobile home for mobile homes placed on a site prior to the effective date hereof. For mobile homes placed on a site after the effective date hereof, no portion of a mobile home, excluding the tongue, shall be closer than ten feet (10') side to side, eight feet (8') end to side, and six feet (6') end to end horizontally from any other mobile home or community building. Compliance with the setback and separation requirements shall be adhered to whenever an owner of a mobile home community enlarges or expands a concrete pad used to support a mobile home, installs a new mobile home, or replaces an existing mobile home on or after the effective date hereof.

For new mobile home parks constructed and licensed after the effective date hereof, no mobile home shall be located closer than ten feet (10') to a private street.

In the instance where an owner of a mobile home community enlarges or expands a concrete pad in an existing community used to support a mobile home, installs a new mobile home in an existing community, or replaces an existing mobile home in an existing community, on or after the effective date hereof, the mobile home shall be no closer than ten feet (10') to a public or private street.

b. *Foundation:* No manufactured home shall be occupied unless it is placed on and attached to a permanent concrete foundation, concrete pad or runners; connected to utilities; with wheels, tongues, and hitch removed, and provided with skirting, from the bottom of the walls to the ground, made of vinyl or other durable material. A manufactured home shall be secure to its foundation in such a manner as to withhold winds of eighty (80) miles per hour.

(7) *Utilities:*

a. *Water:* An adequate supply of water of safe, sanitary quality, approved by the Village shall be furnished at each mobile home park. Where water from other sources than that supplied by the Village is proposed to be used, the source of such supply shall first be approved by the Village. Each site shall be provided with a cold water tap located in accordance with regulations of the Village. Connections to the water mains shall be made in accordance with the Village codes and regulations and the fees and charges therein provided shall apply.

b. *Sewer:* All sewage and other water carried wastes shall be disposed of into a municipal sewerage system whenever the interceptor or sewer main of such system is adjacent to the mobile home park. In mobile home parks in which such connections are not available, disposal shall be into a private system which includes a sanitary means of disposal, the operation of which creates neither a nuisance nor a menace to health.

c. *Combined Waste Outlet:* When a water carriage system of sewage is used each site shall be provided with a sewer connection for the combined liquid waste outlet or outlets of each mobile home. It shall be the duty of the owner or operator of said park to provide an approved type of water and odor tight connection from the mobile home water drainage to the sewer connection, and it shall be the duty of said owner or operator to make such connection and keep all occupied mobile homes connected to said sewer while located in the park. Sewer connections in unoccupied sites shall be closed such that they will emit no odors or cause a breeding place for flies. No water or waste shall be allowed to fall on the ground from a mobile home. Connections to the mains shall be made in accordance with the Village codes and regulations and the fees and charges therein provided shall govern.

d. *Gas Mains:* Natural gas shall be provided for each manufactured home site.

(8) *Garbage and Rubbish:* A sufficient number of adequate vermin, pest resistant and watertight containers in accordance with the rules and regulations adopted by the Village shall be supplied for the storage of garbage. Grass, trees and shrubbery shall be maintained in a safe, sanitary and attractive condition, which creates neither a nuisance nor menace to public health. Garbage containers shall be emptied at least once a week and shall not be filled to overflowing, or allowed to become foul smelling or a breeding place for insects. Garbage and rubbish shall be disposed of in a manner which creates neither a nuisance nor a menace to health and which is approved by the Village.

(9) *Insect, Rodent Control:* Adequate insect and rodent control measures shall be employed. All buildings shall be vermin and pest resistant and rodent harborages shall not be permitted to exist in the mobile home park or pathways.

(10) *Fire Protection:* The authority having jurisdiction (AHJ) shall require for any mobile home or manufactured home that is: 1) newly constructed; or 2) all mobile homes brought into a mobile home park after March 13, 2006, the installation of such approved automatic sprinkler equipment throughout the entire structure as mandated by NFPA-13D. In addition, one (1) fire sprinkler head at and in each heating plant area of a mobile home, with the sprinkler head to be located within five feet (5') of a furnace and the hot water heater; and one (1) fire sprinkler head within any attached garage. Additionally, a smoke detector in working order, shall be installed by the tenant in each bedroom in the mobile home, and one (1) carbon monoxide detector shall be installed in the mobile home, in accordance with standards approved by the fire prevention bureau having jurisdiction in the Village. The space under manufactured homes and accessory buildings and structures shall not be used for the storage of combustible materials or for the storage or placement of flammable liquids, gases or liquid or gas fuel powered equipment.

(11) *Fire Hydrants:* If a mobile home community has fire hydrants, the fire hydrant valves shall be tested annually and the flow rates documented by the local fire protection district, water department or other entity capable of analyzing the available flow from the hydrants. Such test results shall be available to the Village upon request.

The licensee shall provide notification in writing to the local fire protection authority of the hydrants that have been deemed unsatisfactory, which includes an agreement to either remove the hydrants, reverse the top of the hydrant, or provide some other identification acceptable to the fire protection district to indicate that the hydrant is not acceptable. The licensee shall then take immediate, affirmative steps to either eliminate the defective hydrants or restore them to working order.

The residents of the mobile home community shall be advised in writing by the licensee within thirty (30) days when a mobile home community licensee becomes aware that one (1) or more hydrants in the community is inadequate. The location of these fire hydrants shall be specified in writing along with a plan to correct the situation and an anticipated date for completion. A copy of such notification shall be provided to the Village.

All new mobile home parks created and licensed after the date of adoption hereof, must be provided with fire hydrants at least every five hundred feet (500') of any structure. At a minimum, the hydrants within the community must be linked to a six inch (6") water main that generates one thousand (1,000) to one thousand five hundred (1,500) gallons per minute, with a static pressure of thirty five (35) psi.

Within five (5) years after the adoption hereof, all mobile home parks must implement one of the following fire protection systems:

a. A manufactured home community based system, connected to the local fire protection district, with fire hydrants at least every five hundred feet (500') of any structure. At a minimum, the hydrants within the mobile home park must be connected to a six inch (6") water main that generates one thousand (1,000) to one thousand five hundred (1,500) gallons per minute, with a static pressure of thirty five (35) psi; or

b. An adequate and reliable water supply system that meets fire mitigation needs, if approved by the Village in consultation with the local fire protection district. Examples include, but are not limited to, the following:

1. A mobile home park based system, connected to the local water distribution system, with fire hydrants strategically placed. At a minimum, the hydrants within the system must be connected to a six inch (6") water main that generates one thousand (1,000) to one thousand five hundred (1,500) gallons per minute, with a static pressure of thirty five (35) psi;

2. An on-site water reservoir, with a distribution system meeting the minimum requirements of subsection [11\(b\)\(1\)](#) of this section.

(12) *Lighting*: Streetlights of a standard kind and quality approved by the Village shall be installed on the streets at intervals as approved by the Village.

(13) *Electric Power*: All electric distribution wiring shall be underground. All service lines to each manufactured home space shall be underground.

(14) *Storage Tanks*: No storage facilities for gasoline, oil, natural gas, liquefied gas or other fuels shall be permitted within the manufactured home community. This prohibition is not intended to apply to individual storage containers for small gas powered engines or for outdoor cooking grill uses.

(15) *Playgrounds*: A recreational area shall be provided, of a size approved by the Building Commissioner, generally in a central location, and shall include suitable landscaping, fencing and benches. In larger communities, decentralization will be allowed. Recreation areas shall include space for community buildings and community use facilities, such as adult recreation, child playgrounds and natural open space.

(16) *Additions To Manufactured Homes*: Temporary porches, canvas roofed canopies and skirts may be permitted for mobile homes if in compliance with applicable local fire safety and building codes. No permanent or semi-permanent structure shall be affixed to any manufactured home as an addition to such manufactured home. Permanent or semi-permanent additions to movable structures are considered a nonconforming use and are not allowed under this code. One (1) enclosed storage shed shall be permitted on any manufactured home site as an accessory structure. No accessory structure shall be placed between the ends of two (2) manufactured homes. Manufactured home accessory buildings or structures constructed after the date of adoption hereof must maintain five foot (5') setbacks from all property lines and must be constructed entirely of noncombustible materials, provided that such buildings or structures are at least five feet (5') from an accessory building or structure on an adjacent site. Accessory buildings and structures constructed before the date of adoption hereof shall be permitted as nonconforming.

(17) *Manufactured Home Construction*: No new manufactured home shall occupy any space in a manufactured home community that does not meet the fire resistance standards of the American Insurance Association or which does not comply with national manufactured housing construction and safety act as may be amended from time to time. Nonconforming existing homes shall be permitted to remain and be relocated within the manufactured home community as legal nonconforming structures.

(18) *Height*: The height limit for all structures including community buildings, shall not exceed twenty five feet (25') from grade level.

(19) *Perimeter Yard*: A landscaped yard, not less than five feet (5') wide shall be provided around the perimeter of a manufactured home community.

(20) *Compliance with Building Regulations*: All buildings constructed in a manufactured home community; all plumbing; all electrical; and all heating installations shall be in accordance with existing ordinances, rules, and regulations of the Village.

(21) *Off Street Parking*: There shall be two (2) designated "off street" parking spaces for each manufactured home within a manufactured home community.

(22) *Certificate Of Use And Occupancy Required*: No manufactured home community shall be occupied until a certificate of use and occupancy shall have been issued by the Village Building Commissioner to the effect that the manufactured home community, or the portion thereof for which such certificate is required, is in compliance with all applicable provisions of this chapter and the Village mobile homes and mobile home park ordinance of 2005, as amended from time to time.

(Ord. 98-43, § 1, 11-9-1998; Ord. 2005-22, § 2, 10-24-2005; Ord. 2006-06, § 4, 3-13-2006; Ord. 2009-06, § 3, 3-9-2009; Ord. 2016-15, §1, 4-25-2016)

Sec. 12-90. Special Uses:

The following uses shall be permitted in the B-1 Business District but only if specifically authorized pursuant to the procedures of Section [12-15](#) of this chapter:

(1) Cannabis dispensing organizations provided they otherwise comply with and are authorized pursuant to the provisions of Article V of this Chapter, provided, however, that any medical cannabis dispensing organization operating under a special use permit on the date of the adoption of this ordinance may operate as an adult-use cannabis dispensing organization collocated with its medical cannabis dispensing organization without obtaining an additional special use permit;

(2) Automobile fuel service stations (gas stations);

(3) Automobile laundries (car washes);

(4) Bowling alleys, roller skating rinks, practice golf driving course, archeries, carnival devices such as merry-go-rounds, miniature railroads, pony riding tracks, circuses and commercial amusement establishments;

(5) Cleaning establishments where work is done elsewhere (pick-up stations only);

(6) Dress, millinery and tailor shops;

(7) Electrical appliance and/or repair shops;

(8) Health clubs;

(9) Meat markets where no stripping or slaughtering is involved;

- (10) Office equipment sales and service;
- (11) Private or professional schools of an industrial nature;
- (12) Smoke shops;
- (13) Tattoo parlors.

(Ord. 2015-07, § 1, 3-31-2015; Ord. 2016-15, §1, 4-25-2016; Ord. 2019-35, §2, 11-25-19)

 **Sec. 12-91-12-105. Reserved:**

DIVISION 5. C-1 PLANNED COMMERCIAL AND OFFICE DEVELOPMENT DISTRICT

 **Sec. 12-106. Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Below grade occupancy means any finished floor of any level used for any purpose which is below the established finished grade, office and commercial uses may be placed below grade providing a minimum ceiling height of ten (10) feet is maintained and further, that all other requirements of the building code, fire prevention code and all other applicable standards of the Village are met.

Complete preliminary building plans means elevation renderings of all sides of the proposed buildings including the type of materials, building height and design, and signs. Preliminary building plans shall include interior planned views and a site plan. All plans are to be fully dimensioned. These are not working plans but completely developed preliminary plans.

Covenant agreement means a recorded document to the Village, acceptable to the Village attorney, providing for covenants to run with the land providing for common usage of open space between two (2) or more buildings, easements and cross easements, common driveways and/or parking area agreements, maintenance agreements for common open space, and such other provisions as may be necessary to maintain the intent and purpose of this division.

Efficiency unit means a dwelling unit consisting of one (1) principal room used for living, dining and sleeping purposes with a kitchen area, either included within the room or as a separate room, and with a three (3) fixtured bathroom including a bath tub/shower combination.

Final plans means final working drawings incorporating all provisions as approved during preliminary discussion, and complying with all ordinance requirements of the Village.

Floor area, for determining floor area ratio. The floor area of a building is the sum of the gross horizontal areas of all of the floors of the building, both above and below grade, measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) buildings.

The floor area of a building shall include basements, elevator shafts, stair wells, mechanical equipment rooms, spaces and chases (except equipment located on the roof) attic space having headroom of seven (7) feet or more, interior balconies and mezzanines, enclosed porches, lobbies and corridors, and all other floor areas devoted to accessory uses. However, any space devoted to off street parking or loading for commercial or office use shall not be included in floor area.

Floor area ratio (F.A.R.) means total floor area as defined in this section divided by the total lot area after all street dedications have been made. To determine the maximum floor area allowed to be built on any lot or parcel of land regulated by this division, multiply the total lot area, after all street dedications have been made, by the floor area ratio as set forth in section [12-115](#).

Grade means the finished surface of the ground adjacent to exterior walls of the building. The finished grade shall be determined by the Village in relation to surrounding streets, curbs, sidewalks, existing buildings and other existing buildings and other existing finished grades.

Interior planned views means views setting forth the size and square foot area of all interior spaces, halls, stairways, equipment and mechanical spaces, location of elevators, indicating fire walls and fire doors where necessary. All floors of the building can be typical; however, any variations between floor designs are to be shown separately. All plans are to be fully dimensioned.

Mini-lots means public side street rights-of-way perpendicular to principal streets within commercial or office zoning districts which are developed by the developer in cooperation with the Village for additional parking areas within the commercial and/or office districts. Mini-lot development is stressed for the implementation of this division and is subject to approval by the Village as part of the overall project development.

Net commercial and/or office space means the net floor area of a commercial or office building or structure, exclusive of hallways, stairways, stairwells, elevator shafts, maintenance and mechanical spaces, lavatories, fireproof vaults, closets or monumental or other type lobbies used solely for ingress and egress through the commercial or office building structure.

Primary or ground floor, for the purpose of establishing minimum required parking percentages per floor as regulated by this division, means the first floor above grade level occupied or used as offices or commercial except that when automobile parking is placed under the building on the grade or ground level, and not a basement, then the first floor above the parking level used or occupied by offices and/or commercial shall be counted as the primary floor.

If parking is placed under the building at grade or ground level for less than thirty-five (35) percent of the entire floor area, then the remaining floor area of that level used for office and/or commercial shall be counted at eighty (80) percent of the required parking and the first floor above the combination parking, office and/or commercial level shall be counted as the primary floor at one hundred (100) percent of parking requirement.

If parking is placed under the building at grade or ground level for thirty-five (35) percent or more of the entire floor area, then the remaining floor area shall be counted at sixty-five (65) percent of the required parking and the first floor above the combination parking, office and/or commercial level shall be counted as the primary floor at one hundred (100) percent of parking requirement.

In the case of an unusual design, the Zoning Board of Appeals shall establish which level shall constitute the primary floor for purposes of computing the one hundred (100) percent parking requirement.

Site plan means a plan placing the buildings on the land, showing grades; all signs and their placement; general and parking area lighting systems; public walks, parkways; layout showing the driveways, aisles and parking spaces; screening, fences or plantings around parking areas; and the general placement of trees, shrubs, fountains and other landscaping details. The site plan shall be fully dimensioned.

(Code 1972, § 10-17-5; Ord. 2016-15, §1, 4-25-2016)

 **Sec. 12-107. Approval required.**

There are no areas of the Village specifically zoned for planned commercial or planned office as hereafter defined; planned commercial and planned office shall be permitted only upon approval of the Zoning Board of Appeals and the President and Board of Trustees of the Village upon compliance with all requirements of this chapter and other applicable ordinance provisions of the Village.

(Code 1972, § 10-17-1; Ord. 2016-15, §1, 4-25-2016)

 **Sec. 12-108. Purpose.**

The planned commercial and planned office concept as delineated in this division is intended to provide rules, regulations, requirements and procedures which offer alternative methods for development of B-1 zoned districts and to ensure compatibility with the surrounding neighborhood and with the master plan of the Village.

(Code 1972, § 10-17-2; Ord. 2016-15, §1, 4-25-2016)

 **Sec. 12-109. Goals.**

The goals of this division are to create, enhance and/or conserve the value of the land within the Village; to provide for a healthy, reasonably stable and economically sound business community; to create convenient and attractive areas for shopping; to provide for reasonable car parking areas as well as improve traffic flow; to create cooperation between public and private sectors and, in general, encourage quality development in the Village.

(Code 1972, § 10-17-3; Ord. 2016-15, §1, 4-25-2016)

 **Sec. 12-110. Scope.**

It is specifically intended that all planned commercial and planned office be regulated by this division.

(Code 1972, § 10-17-4; Ord. 2016-15, §1, 4-25-2016)

 **Sec. 12-111. Approval procedures.**

(a) All buildings, developments or proposals covered by this division shall be initiated by a preliminary hearing before the Zoning Board of Appeals prior to the submission of preliminary plans. The purpose of the preliminary meeting is informative.

(b) Thereafter, preliminary sketches and plans embodying the results of the preliminary meeting shall be submitted to the Zoning Board of Appeals for consideration. All preliminary plans so submitted at the meeting must include:

(1) Complete preliminary building plans, with all exterior walls to be of face brick, stone, poured or precast concrete panels, or of other suitable contemporary materials as approved by the Building Commissioner; all exterior wall materials shall meet the fire-resistance requirements of the building code;

(2) Interior planned views;

(3) Site plan;

(4) Proposed covenant agreement, if required;

(5) Grades of all proposed buildings and finished grades of the project; grades of all existing buildings and finished grades abutting the project and/or of property likely to be affected by the proposed project. Finished grades shall be approved by the Village Engineer and Building Commissioner to ensure against flooding, undercutting of grades, or other adverse effects of the finished grades of the project on existing abutting property.

(c) *Preliminary approval.* Preliminary plans must be approved by the Zoning Board of Appeals and then submitted to the President and Board of Trustees for approval.

(d) *Preparation of final plans.* Upon approval of preliminary plans by the President and Board of Trustees the applicant shall, in the preparation of final plans, consult with the Building Commissioner, which shall obtain approval of the final plans from the Village engineer and fire protection district.

(e) *Final approval.* Upon review and the approval of final plans, and completion of any required public hearings, the Zoning Board of Appeals shall make its recommendations to the President and Board of Trustees within sixty (60) days. The President and Board of Trustees shall take final action on the recommendation of the Zoning Board of Appeals within thirty (30) days thereafter.

(f) *Expiration of approval.* Unless a building permit is taken out within one (1) year after final approval by the President and Board of Trustees, the approval shall expire.

(Code 1972, § 10-17-6; Ord. 2016-15, §1, 4-25-2016)

Sec. 12-112. Use regulations.

All buildings or premises approved for construction as planned commercial or planned office development shall be used only for the following purposes:

(1) Commercial retail and service uses:

a. Bakeries where all goods are sold on the premises at retail or wholesale;

- b. Banks, currency exchanges, savings and loan associations and finance companies;
- c. Barbershops and beauty parlors;
- d. Book and stationery stores;
- e. Business, music, dance, beauty or commercial schools;
- f. Clothing, apparel and accessory stores;
- g. Convenience and specialty food shops;
- h. Department stores;
- i. Drugstores;
- j. Employment agencies, both public and private;
- k. Florist shops;
- l. Furniture stores;
- m. General retail stores;
- n. Hardware stores;
- o. Jewelry stores;
- p. Laundries:
 - 1. Launderettes (self-service laundries);
 - 2. Hand laundries employing not more than five (5) persons;
 - 3. Self-service dry cleaning establishments.
- q. Locksmiths;
- r. Mail-order houses;
- s. Messenger and telegraph service stations;
- t. Pet stores, with no animal boarding for hire;
- u. Photographic studios;
 - v. Radio, television sales, service and studios;
- w. Sales and/or repair shops;
- x. Sports equipment and apparel stores;
- y. Travel agencies;
- z. Telephone booths and coin telephone booths (outdoors).

(2) Offices:

- a. Business offices, such as district offices, sales offices, branch offices, manufacturer's representatives and similar business offices;
- b. Dental, medical offices and/or clinics;
- c. Insurance, real estate, small loan companies and other similar offices;
- d. Lawyer, architect, engineer and other professional offices;
- e. Stenographic offices, computer offices and telephone answering services;
- f. Wholesale showrooms and sales offices;
- g. Government offices.

(3) The Zoning Board of Appeals shall entertain projects which may contain other similar commercial retail and service uses and office uses which will be compatible to uses listed in (1) and (2) above. The Zoning Board of Appeals shall also entertain uses which, because of rapid technological changes and business innovations, do not presently exist or are not currently being listed in normal zoning use groups.

(4) Apartment units may be built on any floor above the first floor providing that if there are any apartment units on any floor, no commercial or office space shall be located on the same floor nor on any floor above. Each and every apartment unit must contain the following net minimum square footage area (area is totally within the inside perimeter of each apartment unit):

| <i>Apartment unit</i> | <i>Minimum area (square feet)</i> |
|-------------------------|-----------------------------------|
| Efficiency units | 500 |
| One-bedroom apartment | 650 |
| Two-bedroom apartment | 800 |
| Three-bedroom apartment | 1,000 |
| Four-bedroom apartment | 1,200 |

(5) Parks, playgrounds and community buildings owned or operated for the use of residents of the development and solely for recreational purposes.

(6) Parking: There shall be a minimum of one (1) car stall for each one hundred fifty (150) square feet of net commercial space; one (1) car stall for each two hundred (200) square feet of net office space; and two (2) car stalls for each apartment unit. In computing parking where the requirement ends in a fraction of a car stall, add a full car stall for any fraction. A loading space shall be provided as required in section [12-114\(c\)](#).

(7) Signs as regulated by chapter 8, [Article III](#), except that the planning commission shall approve the placement and design of all signs to be erected within the development.

(8) Garages, carports and/or accessory buildings and fences as incorporated in the original plans.

(Code 1972, § 10-17-7; Ord. 2016-15, §1, 4-25-2016)

Sec. 12-113. Height, density, setbacks, open space.

(a) All buildings built under this division shall be in strict compliance with **chapter 8, Article II, Division 2**, of this Code.

(b) All buildings built under this division must be a maximum of three (3) stories in height, a minimum of two-hour fire-rated construction with fire standpipes, and equipped with a minimum of one (1) elevator for each one hundred (100) people or fraction thereof above the first floor. The number of people per floor shall be computed by using the formula for exit requirements in this Code.

(Code 1972, § 10-17-8; Ord. 2016-15, §1, 4-25-2016)

Sec. 12-114. Minimum parking requirements.

(a) A minimum amount of land as set forth in section **12-115(b)-(d)** shall be required to qualify for consideration under this division. No development shall be approved unless the minimum square-foot area of land exists under one (1) ownership or control. If the land is owned under multiple ownership such as condominium, cooperative or some other common ownership, covenants shall be provided to guarantee the use of all common quasi-public areas, parking lots and all other areas of common use to each occupant of the development. Further, the land, buildings, parking areas, landscaped areas and other features of the development shall not be physically separated in any way which might negate the purpose of this division.

(b) It shall be the policy of the Village to develop dedicated side streets within commercial and office zoning districts as additional motor vehicle parking areas. Such mini-lots shall be developed in conjunction with projects built under this division. The reduced percentages of required parking in subsections (d) and (e) are based on the development of mini-lots.

(c) Minimum off street parking requirements are hereby established as provided in section **12-112(6)**. Further, an off street loading space of at least ten (10) feet by thirty (30) feet shall be provided for each building and shall be adjacent to a receiving space within the building.

(d) The following table establishes the percentage of parking required per floor under this division with the development of mini-parking lots and as approved by the Zoning Board of Appeals:

| | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| Below grade occupancy | 60% of requirement |
| Any floor between grade and the primary floor with a combination parking and office/commercial use with less than 35% of the area of the level in parking | 80% of requirement |
| Any floor between grade and the primary floor with a combination parking and office/commercial use with 35% or more of the area of the level in parking | 60% of requirement |
| Primary or ground floor | 100% of requirement |

| | |
|--------------------------------------------------------------------|---------------------------------|
| Second floor | 70% of requirement |
| Third floor | 40% of requirement |
| All apartment units, regardless of which floor they are located on | 2 car stalls per apartment unit |

(e) Development of mini-lots in conjunction with the Village shall be a prerequisite of planned commercial or planned office projects. If development of mini-lots is not practical then the percentages of parking requirements shall be as follows:

| | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|
| Below grade occupancy | 80% of requirement |
| Any floor between grade and the primary floor with a combination parking and office/commercial use with less than 35% of the area of the level in parking | 100% of requirement |
| Any floor between grade and the primary floor with a combination parking and office/commercial use with 35% or more of the area of the level in parking | 80% of requirement |
| Primary or ground floor | 100% of requirement |
| Second floor | 80% of requirement |
| Third floor | 60% of requirement |
| All floors over the third floor | 60% of requirement |
| All apartment units, regardless of which floor they are located on | 2 car stalls per apartment unit |

(f) Off-street parking which is not adjacent to the principal building site but is located within three hundred (300) feet of the site may be counted toward the total required parking, provided that the parking site is on the same side of the principal street as the building and, further, that the parking site is owned, not leased by the development and shall not be sold, conveyed or in any other way divested or encumbered, as a separate parcel so long as the planned commercial or planned office building continues to exist. Such provision shall be included in the covenants to be approved by the Village attorney.

(g) Policy zoning statement: It shall be the policy of the Village to rezone in the appropriate zoning classification residential property immediately contiguous to existing commercial and/or office use as contemplated, provided that:

(1) The commercial, office, townhouse, condominium and/or duplex use requesting zoning in depth needs the additional zoning in order to meet the parking, loading and yard requirements of this division and providing the commercial, office, townhouse, condominium and/or duplex use owns or controls the property.

(2) The residential property proposed for rezoning extends no deeper than two (2) residential lots, not to exceed a combined total of one hundred fifty (150) feet, from the lot line or from an alley contiguous to the commercial office, townhouse, condominium and/or duplex use.

(3) The commercial, office, townhouse, condominium and/or duplex use creates a landscaped area, fenced or hedged, of not less than five (5) feet immediately adjacent to all residential property

or to an alley which serves residential property. Such landscaped buffer zone shall not be used for parking, storage of containers or any use accessory to the commercial, office, townhouse, condominium and/or duplex use but shall be maintained as a green-strip buffer for the protection of the residential property.

(Code 1972, § 10-17-9; Ord. 2016-15, §1, 4-25-2016)

Sec. 12-115. Minimum land requirements.

(a) The minimum amount of land necessary for consideration under this division is twelve thousand five hundred (12,500) square feet of land after all street dedications have been made.

(b) When there is a minimum of twelve thousand five hundred (12,500) square feet of land, not more than twenty-five (25) percent of the area of the lot may be covered by buildings except additional area may be built upon for parking structures only. The total floor area ratio shall not exceed seventy-five hundredths of the lot area.

(c) When there is a minimum of twenty-four thousand (24,000) square feet of land, not more than twenty-five (25) percent of the area of the lot may be covered by buildings except additional area may be built upon for parking structures only. The total floor area ratio shall not exceed seventy-five hundredths of the lot area.

(d) When there is a minimum of fifty-five thousand (55,000) square feet of land, not more than twenty five percent (25%) of the area of the lot may be covered by buildings except additional area may be built upon for parking structures only. The total floor area ratio shall not exceed seventy five one-hundredths (75/100) of the lot area.

(e) The maximum height of any building or structure covered by this division shall not exceed thirty five feet (35').

(Code 1972, § 10-17-10; Ord. 2016-15, §1, 4-25-2016)

Sec. 12-116. Public Utilities:

All on site public utilities in the C-1 district shall be underground.

(Code 1972, § 10-17-11; Ord. 2016-15, §1, 4-25-2016)

¹ See also [chapter 11](#), "Utilities", of this code.

Sec. 12-117. Refuse, Rubbish And Garbage:

Each building built under this division shall provide a refuse room within the building or an enclosed refuse stall outside the building for garbage and rubbish. If provided for outside the building, it shall be located at a site approved by the Building Commissioner.

(Code 1972, § 10-17-12; Ord. 2016-15, §1, 4-25-2016)

Sec. 12-118. Performance Standards:

Buildings, premises and uses permitted in this division are subject to the applicable standards of this code.

(Code 1972, § 10-17-13; Ord. 2016-15, §1, 4-25-2016)

Sec. 12-119. Parking Spaces:

The following shall apply to developments under this division:

(1) *Off Street Parking:* Off street outside parking spaces shall be at least ten feet (10') in width and have a minimum of twenty feet (20') in length and a vertical clearance of at least seven feet (7').

(2) *Underground Parking:* Off street parking located under a building or under a structure extended from a building, shall have a minimum clear car stall width of ten feet (10') and a minimum length of twenty feet (20') and a vertical clearance of at least seven feet (7').

(3) *For Multiple-Story Buildings:* Parking spaces may be included on one (1) floor only of multiple-story buildings.

(4) *Access:* Driveway aisle widths shall be a minimum of twelve feet (12') for one-way traffic and twenty-four feet (24') for two-way traffic. All car stalls shall have direct access to an aisle. Access driveways shall have a circular traffic flow except that ninety degree (90°) angle parking may be dead ended.

(5) *Aisle Width:* The minimum aisle width for parking stall approaches shall be as follows:

| | |
|-------------------|---------|
| 90° angle parking | 24 feet |
| 60° angle parking | 18 feet |
| 45° angle parking | 13 feet |
| 30° angle parking | 12 feet |
| 0° angle parking | 12 feet |

(6) *Plan of Parking Facilities:* A plan of parking facilities shall be submitted with the site plan. Completion of improvement for parking as shown on the plan and as required by the Village shall be a requisite for the validity of an occupancy permit.

(7) *Construction:* Open to the sky, ground level parking spaces and access drives shall be constructed in accordance with standards established by the Village. Storm water drainage shall be provided as required by the Village to tie in with existing storm water systems. All parking spaces and access drives shall be striped, screened and lighted as approved by the planning commission.

(Code 1972, § 10-17-14; Ord. 75-10, 4-3-1975; Ord. 2016-15, §1, 4-25-2016)

Secs. 12-120. Prohibited Uses:

Residential, business, and industrial uses permitted as a right or as a special use within their respective zoning districts shall be prohibited in the C-1 district unless specifically identified as a permitted use, and not merely similar to a permitted use, under Section [12-112](#) of this division.

(Ord. 2016-15, §1, 4-25-2016)

Secs. 12-121–12-130. Reserved:

DIVISION 6. I-1 LIGHT INDUSTRY DISTRICT

 **Sec. 12-131. Permitted Uses:**

(a) In the I-1 district the only uses which may hereafter be established are:

- (1) Building material yards;
- (2) Fuel yards;
- (3) Contractors' yards;
- (4) Truck or bus terminals or storage yards;
- (5) Railroad rights of way, switch tracks and yards;

(6) Light industrial manufacturing uses, automobile body/fender repairs, auto painting and major mechanical repairs but expressly prohibiting automobile wrecking in the open or junk storage in the open, or any use which is especially detrimental to property or the health and safety of persons beyond the district by reason of the emission of odors, dust, gas, fumes, smoke, noise, vibration or waste material.

Businesses that meet the above criteria in any other zoning district and that exist as of the effective date of Ordinance 2007-23 shall be grandfathered in as permitted uses in said zoning district;

(7) Electrical distribution centers;

(8) Self-service storage facilities and industrial use storage rental units. No storage of hazardous or flammable materials, whether solids, gases or liquids shall be allowed. This shall include, but not be limited to, explosives, chemical wastes, gasoline, cyanide and acids;

(9) "Adult entertainment", as defined by section [3-610](#) of this code, shall be allowed, subject to the provisions of sections [3-611](#) through [3-616](#) of this code.

(b) It shall be unlawful to build apartment buildings of any kind or description on property zoned I-1.

(Code 1972, § 10-11-1; Ord. 78-39, 8-3-1978; Ord. 87-3, 3-9-1987; Ord. 89-17, § 1, 7-24-1989; Ord. 91-22, § 1, 7-22-1991; Ord. 95-34, § 1, 12-11-1995; Ord. 2003-22, § 2, 6-23-2003; Ord. 2007-23, § 3, 10-8-2007; Ord. 2016-15, §1, 4-25-2016)

 **Sec. 12-132. Building Regulations:**

In the I-1 district, easement requirements shall be ten feet (10') from the rear lot line of each lot or tract of land; the setback line shall be thirty feet (30') from the front lot line. There shall be no side lot line setback required, except on the corner lots setback shall be thirty feet (30') from the street side lot line. Building height limit shall be thirty five feet (35') from grade level. The use of a wooden frame structure is strictly prohibited.

(Code 1972, § 10-11-2; Ord. 79-24, 10-4-1979; Ord. 2003-19, § 1, 5-27-2003; Ord. 2016-15, §1, 4-25-2016)

📖 Sec. 12-133. Parking Regulations:

In the I-1 district, parking space shall be provided at the rate of one square foot of parking area for each two (2) square feet of building ground floor area plus one square foot of parking space for each five (5) square feet of building floor area above the first floor. No overnight parking shall be permitted in the I-1 district of any truck, bus, road equipment or other vehicle on a lot or tract of land, vacant or improved, whether an established permitted use exists or not unless such truck, bus, road equipment or other vehicle is part and parcel of the establishment wherein such parking takes place and is used by such establishment as a necessary and needful adjunct to the conduct of its permitted use therein. In addition, parking spaces shall be provided in adequate number as determined by the department of building.

(Code 1972, § 10-11-3; Ord. 78-39, 8-3-1978; Ord. 2016-15, §1, 4-25-2016)

📖 Sec. 12-134. Special Uses:

The following uses shall be permitted in the I-1 Industrial District, but only if specifically authorized pursuant to the procedures of Section [12-15](#) of this chapter:

- (1) Laboratories;
- (2) New/Used Automobile dealers;
- (3) Printing shops;
- (4) Tobacco shops (non-accessory use).

(Ord. 2016-15, §1, 4-25-2016)

Secs. 12-135-12-145. Reserved:

📖 DIVISION 7. I-1-R RESTRICTED INDUSTRIAL DISTRICT

📖 Sec. 12-146. Purpose:

The purpose of this division is to provide lands for large, attractively landscaped sites for office buildings, research activities or specialized compatible industrial activities.

(Code 1972, § 10-12-1; Ord. 2016-15, §1, 4-25-2016)

📖 Sec. 12-147. Policy:

It shall be the policy of the Village, as set out in this division, to:

- (1) Require adequate off street parking and limited access to roads through the use of frontage roads.
- (2) Promote the grouping of I-1-R uses and oppose and discourage the hazards to safety and nuisance of traffic congestion generated by strip commercial development.
- (3) So locate I-1-R districts to other districts nearby or adjacent to available municipal police and fire protection so as to protect these areas from the dangers of fire, explosion or noxious fumes and the irritations of offensive odors, noise, smoke, vibrations, glare or other threats to health and well-being.

(Code 1972, § 10-12-2; Ord. 2016-15, §1, 4-25-2016)

📖 Sec. 12-148. Permitted Uses:

In the I-1-R district, no land shall be used or occupied and no building, structure or premises shall be erected, altered, enlarged, occupied or used, except as otherwise provided in this division for other than one (1) or more of the following specified uses:

- (1) Business service and/or office establishments:
 - a. Bank and/or financial institutions;
 - b. Business offices;
 - c. Personnel training center, including dormitory facilities;
 - d. Professional offices;
 - e. Regional sales offices;
 - f. Merchandise and product display space, but not direct sales;
 - g. Clinics in conjunction with research.
- (2) Industrial type uses:
 - a. Design firms;
 - b. Electronic industries;
 - c. Laboratories;
 - d. Research firms.
- (3) Public, quasi-public and governmental buildings and facilities:
 - a. Essential services, electric substation, sewage disposal plant, well site;
 - b. Museum, art gallery;

- c. Office building;
- d. Post office.

(Code 1972, § 10-12-3; Ord. 2016-15, §1, 4-25-2016)

📖 Sec. 12-149. Special Permitted Uses:

The following uses shall be permitted in the I-1-R district only if specifically authorized pursuant to the procedures of Section [12-15](#) of this chapter:

- (1) Similar and compatible uses to those allowed as permitted uses in this district;
- (2) Planned unit development;
- (3) Railroad rights of way and passenger stations, but not including railroad yards and shops;
- (4) Hospitals.

(5) Cannabis Organizations provided the facilities otherwise comply with the provisions of Article V of this chapter.

(Code 1972, § 10-12-4; Ord. 2014-01, § 3, 1-27-2014; Ord. 2016-15, §1, 4-25-2016; Ord. 2019-35, §3, 11-25-19)

📖 Sec. 12-150. Temporary Uses Permitted:

Upon application to and issuance by the Building Commissioner of a permit therefore, the following uses may be operated as temporary uses in the I-1-R district:

(1) Temporary building or yard for construction materials and/or equipment, both incidental and necessary to construction in the zoning district. Each permit shall specify the location of the building or yard and the area of permitted operation. Each such permit shall be valid for a period of not more than six (6) calendar months and shall not be renewed for more than four (4) successive periods at the same location.

(2) Temporary office, both incidental and necessary for the sale or rental of real property. Each permit shall specify the location of the office and the area of permitted operation. Each such permit shall be valid for a period of not more than one year and shall not be renewed for more than five (5) successive periods at the same location.

(3) Real estate subdivision sign not to exceed one hundred (100) square feet for each face. The sign shall be non-illuminated. Each permit shall specify the location of the sign. Each such permit shall be valid for a period of not more than one (1) year and shall not be renewed for more than five (5) successive periods at the same location.

(Code 1972, § 10-12-4; Ord. 2016-15, §1, 4-25-2016)

📖 Sec. 12-151. Accessory Uses Permitted:

Accessory uses, building or other structures and devices customarily incidental to and commonly associated with a permitted use or special use may be permitted in the I-1-R district, provided they

are operated and maintained under the same ownership, on the same parcel, and do not include structures or features inconsistent with the permitted use or special use.

(Code 1972, § 10-12-5; Ord. 2016-15, §1, 4-25-2016)

📖 Sec. 12-152. Prohibited Uses:

All uses not expressly authorized in sections [12-148](#) and [12-149](#) of this division are hereby prohibited in the I-1-R district.

(Code 1972, § 10-12-6; Ord. 2016-15, §1, 4-25-2016)

📖 Sec. 12-153. Site and Structure Requirements:

The site and structure requirements for the I-1-R district are as follows:

(1) *Minimum Lot Area:* A separate ground area of not less than twenty thousand (20,000) square feet shall be designated, provided and continuously maintained for each structure or land containing a permitted or special use.

(2) *Minimum Lot Frontage:* A minimum lot frontage of eighty feet (80') shall be provided for each permitted or special use.

(3) *Front Yard:* All structures shall be set back at least eighty feet (80') from the front lot line on dedicated roads and one hundred thirty-five feet (135') from the centerline on nondedicated roads.

(4) *Side Yard:* All structures shall be set in a distance of not less than thirty feet (30') from the side lot line.

(5) *Rear Yard:* All structures shall be set in a distance of not less than thirty feet (30') from the rear lot line.

(6) *Maximum Height:* No structure or portion thereof shall exceed a height of thirty-five feet (35').

(7) *Floor Area Ratio:* Not to exceed 1.0.

(8) *Maximum Lot Coverage:* Not more than twenty five percent (25%) of the lot area may be occupied by buildings and structures including accessory buildings. The use of a wooden frame structure is strictly prohibited.

(Code 1972, § 10-12-7; Ord. 2003-19, § 1, 5-27-2003; Ord. 2016-15, §1, 4-25-2016)

📖 Sec. 12-154. Special Provisions:

The following special provisions shall apply to the I-1-R district:

(1) *Enclosure of Operations:* All business, servicing or processing shall be conducted within completely enclosed buildings, except:

- a. Off street parking or loading;

b. Accessory uses when allowed by the building commissioner.

(2) **Parking Requirements:** Parking space at the rate of one (1) square foot of parking area for each two (2) square feet of building ground floor area plus one (1) square foot of parking space for each five (5) square feet of building floor area above the first floor. No overnight parking shall be permitted in the I-1-R district of any truck, bus, road equipment or other vehicle on a lot or tract of land, vacant or improved, whether an established permitted use exists or not unless such truck, bus, road equipment or other vehicle is part and parcel of the establishment wherein such parking takes place and is used by such establishment as a necessary and needful adjunct to the conduct of its permitted use therein. In addition, parking spaces shall be provided in adequate number as determined by the department of building.

(3) **Sign Requirements:** Sign requirements shall be in accordance with the application regulations set forth in subsection [12-150\(3\)](#) of this division and chapter 8, [Article III](#), of this code.

(4) **Screening:** Where an office, commercial or industrial use abuts or is across the street from a residential district, adequate screening and landscaping shall be provided.

(Code 1972, § 10-12-8; Ord. 80-22, 11-20-1980; Ord. 2016-15, §1, 4-25-2016)

Secs. 12-155-12-165. Reserved:

DIVISION 8. I-2 HEAVY INDUSTRY DISTRICT

 **Sec. 12-166. Permitted Uses:**

(a) In the I-2 district the uses which may be hereafter established are those permitted in the I-1 district and any purpose not in conflict with any lawful provisions of this code and including:

- (1) Automobile wrecking and storage;
- (2) Municipal incinerators;
- (3) Riding academies and stables;
- (4) Heavy manufacturing, but expressly excluding the following:
 - a. Acid manufacture;
 - b. Creosote manufacture;
 - c. Explosive manufacture and storage;
 - d. Fertilizer manufacture;
 - e. Gas manufacture;
 - f. Smelting of iron, tin, copper or zinc ores;
 - g. Stockyards;

- h. Tanning, curing and storage of rawhides or skins;
- i. Tar distillation or manufacture.

(b) It shall be unlawful to build apartment buildings of any kind or description on property zoned I-2.

(Code 1972, § 10-13-1; Ord. 2016-15, §1, 4-25-2016)

Sec. 12-167. Building Regulations:

In the I-2 district, easement requirements shall be ten feet (10') from the rear lot line of each lot or tract of land; the setback line shall be thirty feet (30') from the front lot line. There shall be no side lot setback required. Building height limit shall be forty five feet (45'). The use of a wooden frame structure is strictly prohibited.

(Code 1972, § 10-13-2; Ord. 2003-19, § 1, 5-27-2003; Ord. 2016-15, §1, 4-25-2016)

Sec. 12-168. Parking Regulations:

In the I-2 district parking spaces shall be provided on the lot or in a building on the lot adequate to park cars of employees as well as vehicles and trucks of establishments permitted herein. In addition, parking spaces shall be provided in adequate number as determined by the Building Commissioner.

(Code 1972, § 10-13-3; Ord. 80-23, 11-20-1980; Ord. 2016-15, §1, 4-25-2016)

DIVISION 9. PLANNED URBAN DEVELOPMENT CLASSIFICATION BY SPECIAL USE FOR ALL ZONING DISTRICTS

Sec. 12-169. Statement of Purpose:

(a) Planned developments are such substantially different character from other special uses that specific and additional standards and exceptions are hereby established to govern the recommendations of the Zoning Board of Appeals and Economic Development Planning Board and the action of the Village Board of Trustees.

(b) These regulations are designed to provide for the integrated development of substantial land areas into planned developments considering all the elements of planning; providing adequate relationship between structures and land uses; relaxing specific provisions of applicable district requirements; but at the same time providing for adequate space, light, air, use and bulk limitations.

(c) These provisions are intended to encourage and accommodate more creative and imaginative design for land development than would otherwise be possible under strict application of the Village's conventional zoning ordinance provisions.

(d) Implementation of this article will result in efficient land patterns and, therefore, more economical land development, that:

(1) Fosters high quality development by allowing flexibility in land use and design standards, thereby encouraging innovative site planning;

(2) Promotes more efficient land patterns, which not only preserve open space and natural resources, but also provide for more economical networks of utilities, streets and other facilities;

(3) Promotes diverse, high quality, residential environments, which include a mixture of dwelling unit types;

(4) Promotes a land use pattern with a mixture of residential and nonresidential uses that will mutually support each other;

(5) Provides for the permanent preservation of open space for the continued use and enjoyment of residents of each subdivision and the Village;

(6) Provides for usable and suitably located public and private recreational facilities;

(7) Encourages developers to provide amenities that enhance the quality of life, both within the planned development, as well as within the community as a whole;

(8) Encourages a land use pattern which promotes the public health, safety, comfort, morals and welfare; and

(9) Allows more than one (1) building per zoning lot, when determined to be of benefit to residents of a subdivision or the operation of a mixed use or business planned development.

(Ord. 2001-39, § 2, 11-12-2001; Ord. 2016-15, §1, 4-25-2016)

Sec. 12-170. General Requirements:

A planned development shall conform to the following requirements:

(1) Be consistent with the purpose and intent of this division.

(2) Be laid out and developed as a unit in accordance with an integrated overall design, as approved and authorized by the Board of Trustees.

(3) The number of dwelling units erected shall not exceed the number permitted by the regulations of the district in which it is located unless an exception is permitted as stipulated under bulk regulations of this division, subsection [12-171\(3\)](#) of this division.

(4) The yards and open spaces adjoining the boundaries of the project shall not be less than the yard requirements of the district in which it is located.

(5) No building is permitted to exceed the height limit of the district by more than ten percent (10%).

(6) If more intensive uses (i.e., uses other than for which the district is zoned, such as B-1 community business district usage in R-3 general residence districts) are granted than are permitted

by the district regulations, there must be clear evidence that such uses are needed to service the project provided the evidence shall show:

a. That the uses permitted by such exceptions are necessary or desirable and are appropriate with respect to the primary purpose of the development;

b. That the uses permitted by such exception are not of such a nature or so located as to exercise a detrimental influence on the development nor on the surrounding neighborhood;

c. That in a planned industrial development such additional uses allowed by exception shall conform with the performance standards of the district in which the development is located as set forth in this division;

d. That the use exceptions so allowed are recorded on the zoning district maps by appropriate symbols or by reference to documents on file with the building commissioner;

e. Where the planned development is to be located in a residential district, no use exceptions shall be allowed unless the size of the planned development exceeds twenty (20) acres.

(7) The amount of off street parking must be adequate to serve the needs of the projects and the Board of Trustees may require more off street parking than is otherwise required by this division.

(8) If any open space or recreational facility is to be used solely by the residents of the project, adequate provisions shall be made for assessments against the property within the project for their proper improvement, maintenance and operation.

(9) Underground utilities including communications and electric systems, are required within the limits of a planned development. Appurtenances to these systems which can be effectively screened may be exempted from this requirement if the Board of Trustees finds that such exemption will not violate the intent or character of the development.

(10) The streets proposed must be suitable and adequate to carry anticipated traffic and increased densities must not overload the street network outside the development. All ingress and egress streets must be constructed in accordance with the subdivision code.

(11) The planned development must be in accord with the comprehensive plan of the Village.

(12) The existing and proposed utility services must be adequate for the population densities proposed.

(Ord. 2001-39, § 2, 11-12-2001; Ord. 2016-15, §1, 4-25-2016)

Sec. 12-171. Bulk Regulations:

In the case of any planned development, the Zoning Board of Appeals may recommend, and the Village Board may authorize, exceptions to the applicable bulk regulations of this division within the boundaries of such development, provided that the evidence shall show:

(1) That such exception shall be solely for the purpose of encouraging a desirable living environment no less beneficial to the residents or occupants of such development, as well as of

neighboring properties, than would be obtained, under the bulk regulations of this division for buildings developed on separate zoning lots.

(2) Standards for square footage, density, yard regulations, parking, loading and screening for a planned development shall be governed by the standards of the residential, commercial or industrial zoning district(s) most similar in nature and function to the proposed planned development as determined by the Village Board. Standards for public improvements shall be governed by the applicable ordinances and laws of the Village. Exceptions to these standards by the Village Board are possible when they find that such exceptions are warranted in terms of the total proposed development. However, in regard to developments containing residential uses: a) in no event shall the square footage of either multiple units or single-family attached homes fall below two thousand five hundred (2,500) square feet of land per unit, b) in no event shall the minimum square footage per dwelling unit requirements applicable to such districts be decreased by more than twenty percent (20%). A further decrease of not more than ten percent (10%) on the already reduced square footage per dwelling unit may be permitted in the event that parking facilities are provided either underground or in the building proper, i.e., for each underground or on building parking space, an equivalent reduction may be permitted to the allowable limit of ten percent (10%) before specified.

(3) That in a planned development, a developer be allowed to install site signs on the development, said signs being for the purpose of denoting street locations, development plans for various sites within the project, location of various units within the project, map and layouts, and proposed public and commercial facilities. Such signs shall be removed by the developer when the project is completed, at the option of the Village.

(Ord. 2001-39, § 2, 11-12-2001; Ord. 2016-15, §1, 4-25-2016)

 **Sec. 12-172. Application and Approval:**

(a) *Tentative Approval On Application For A Planned Development:*

(1) The developer shall submit a tentative planned development to the Zoning Board of Appeals for an approval in principle, and the committee shall approve prior to the submission of an application for approval of a planned development special use permit. The written consent of all property owners within the proposed tentative development area shall be on file with the Village before study of a tentative planned development shall be commenced.

(2) Any tentative development plan shall be prepared and include the following information presented in a general schematic fashion:

- a. Proposed land uses, population densities and building intensities.
- b. Proposed circulation pattern indicating both public and private streets and off street parking ratios.
- c. Proposed parks, playgrounds, school sites and other open spaces.
- d. A market analysis of proposed commercial uses if the property is not zoned for commercial purposes at the time of submittal of the preliminary development plan.
- e. Delineation of the units to be constructed in progression if any.

f. Relation to future land use in surrounding area and Justice comprehensive plan.

(3) Approval in principle of the tentative planned development shall be limited to the general acceptability of the land uses proposed and the interrelationships, and shall not be construed to endorse precise location of uses, configuration of parcels, or engineering feasibility. The purpose of this conference is to afford the developer an opportunity to avail himself of the advice and assistance of the plan committee before incurring the expense of a plan.

(b) *Application For Approval Of A Planned Development Special Use Permit:*

(1) Any person or persons owning lots or land within the Village or any persons owning lots or land outside the Village coming in under a preannexation agreement may apply to the Village Board for approval of a planned development special use permit.

(2) The development plan submitted to the Zoning Board of Appeals after the preliminary conference shall include, as a minimum, the following:

a. A topographic and boundary line map of the project, locating its relationship to surrounding properties;

b. Pattern of public and private roads, driveways, parking facilities, and intended design standards;

c. Size, area and location of lots or of proposed building groups;

d. Location, type and size of landscaping;

e. Use, type, size and location of structures;

f. Location of sewer and water facilities;

g. Architectural drawings and sketches illustrating the design and character of proposed structures;

h. Location of recreational and open space area;

i. Existing and proposed storm drainage pattern;

j. Statistical data pertinent to a comprehensive evaluation of the proposed development;

k. Organizational details of any property owners' association;

l. Aspects of the maintenance of common open space areas;

m. Schedule for the development of units to be constructed in progression;

n. List of use, and bulk exceptions requested;

o. Engineering feasibility studies as necessary; and

p. Relation to future land use in surrounding area and Justice comprehensive plan.

(3) The Zoning Board of Appeals shall hold a public hearing on the application. The Zoning Board of Appeals may recommend approval or disapproval of the application or make

recommendations regarding changes or revisions that it deems desirable, and forward their report and recommendation to the Village Board. Approval for each unit of the development by the Village Board shall be valid for one (1) year. The initial building permits required by the municipal code requirements must be obtained within this one (1) year approval period.

(4) There shall also be submitted with the final plan, a written agreement or restriction assigned by the owners of the planned development assuring the Village that the development will be carried out in full compliance with the final plan and within the time schedule of construction submitted with the final plan. Once the plan is authorized by the Village Board, no modification may be made without authorization of the Village Board.

(Ord. 2001-39, § 2, 11-12-2001; Ord. 2016-15, §1, 4-25-2016)

 **Sec. 12-173. Issuance of Permits:**

Whenever the Village Board approves the final plan accompanying agreements, the Building Commissioner shall issue the necessary permits for all of the project or for such units thereof that are to be constructed in accordance with the Village municipal code.

(Ord. 2001-39, § 2, 11-12-2001; Ord. 2016-15, §1, 4-25-2016)

 **Sec. 12-174. Time Limit:**

If no construction has been started within one (1) year from the date of issuance of the initial building permits, the permits shall be declared null and void and the project shall not be initiated unless it is resubmitted and reapproved by the Zoning Board of Appeals in the same manner that it was approved of in the first instance. Upon resubmittal of the application to the Zoning Board of Appeals, all application fees and costs must be repaid. The Village Board may, however, extend the period for initiating construction upon a showing of good and sufficient cause.

(Ord. 2001-39, § 2, 11-12-2001; Ord. 2016-15, §1, 4-25-2016)

 **Sec. 12-175. Performance:**

At the time of the granting of the permit, the Village Board shall make appropriate arrangements with the applicant which will ensure the accomplishment at the scheduled times, of the public improvements and grants of easement shown on the approved final plan.

(Ord. 2001-39, § 2, 11-12-2001; Ord. 2016-15, §1, 4-25-2016)

 **Sec. 12-176-12-180. Reserved:**

 **ARTICLE III. NONCONFORMING BUILDINGS,
STRUCTURES, USES**

 **Sec. 12-181. Buildings, Structures:**

Any use, building or structure lawfully existing or under construction on the adoption date of the ordinance from which this chapter derives or of any subsequent amendment thereto, which does not conform to the provisions of this chapter, shall be known as nonconforming. Such nonconforming use, building or structure may be continued, maintained or changed to a conforming use, but a nonconforming use shall not be:

- (1) Changed to a use of a lower class.
- (2) Expanded or structurally altered.
- (3) Reestablished if discontinued for six (6) months or more.

(4) Reestablished if any building or structure is destroyed by any means to an extent of more than fifty percent (50%) of the net square footage of the living area; such building or structure shall not be rebuilt or reoccupied for any use except in accordance with the regulations of the zoning district and building codes in which it is located. For the purposes of this article, "net square footage" shall be defined as the gross square footage less the square footage for any attached garage, basement, irrespective of whether it is finished or not, and rooms or decks that are not secured with a properly poured legal foundation.

(5) Expanded or structurally altered in any way in the event the damage or destruction to any building or structure is less than fifty percent (50%) of the "net square footage" as defined in this article; the building or structure may then be restored to its original condition in accordance to current building codes and such use and occupancy may be continued as it existed at the time of partial destruction. The burden of proof of square footage shall be upon the owner. Normal maintenance and repairs shall be permitted.

(6) Reestablished if a nonconforming use, building or structure permitted to exist as nonconforming use, building or structure is altered upon the occurrence of catastrophic destruction, destruction as provided for in this article, or upon the transfer, reconfiguration or change of one of the following, whichever shall first occur: a) the ownership of the business; or b) the real estate or structure, irrespective of the manner of such transfer, reconfiguration or change of ownership. A transfer due to a death of a joint tenant, a tenant in entirety, tenant in common or of an immediate family member shall not be considered a transfer, reconfiguration or change of ownership under this section.

(Code 1972, § 10-14-1; Ord. 2005-13, § 4, 5-23-2005; Ord. 2016-15, §1, 4-25-2016)

Sec. 12-182. Land:

The nonconforming use of land not involving a building or structure or in connection with which any building or structure thereon is incidental or accessory to the principal use of the land, if discontinued for a period of more than six (6) consecutive months, shall not thereafter be renewed and any subsequent use of the land shall conform to the regulations of the district in which it is located.

(Ord., 9-21-1961; Code 1972, § 10-14-2; Ord. 2016-15, §1, 4-25-2016)

Sec. 12-183. Illegal Nonconforming Uses:

Any and all special use permits granted prior to 1972 or after 1972 in a zoning district other than I-1-R is/are declared to be an illegal nonconforming use which use shall not be transferable to any person or entity of whatever type or for whatever reason whatsoever and current uses will not be allowed to expand, reestablish any destroyed or damaged building(s) or renew any subsequent use of the land as a special use. Businesses existing with an illegal nonconforming special use permit shall convert back to the regulations of the district in which it is located upon business transfer of any kind whatsoever, destruction, or abandonment. It is the intent of the Village to abate all illegal nonconforming special use permits.

(Ord. 2004-08, § 2, 4-12-2004; Ord. 2016-15, §1, 4-25-2016)

Secs. 12-184-12-200. Reserved:

ARTICLE IV. APPLICATIONS AND PERMITS

Sec. 12-201. Filing Of Application; Required Information; Accompanying Documents:

(a) Applications for permits shall be filed in written form with the Building Commissioner; shall state the legal description of the property as of public record and the name of the owner and applicant; shall describe the uses to be established or expanded and shall give such other information as may be required for the enforcement of this chapter. Each copy of the application shall be accompanied by a dimensional drawing of the building plot showing the location of proposed buildings and structures, lot areas to be used, auto parking areas, and water supply and sewage disposal facilities.

(b) Building permits shall be issued in triplicate, one for the applicant, one for the Village Clerk and the third to be retained by the Building Commissioner in his files.

(Code 1972, § 10-16-1; Ord. 2016-15, §1, 4-25-2016)

Sec. 12-202. Permit Issuance; Denial:

(a) The Building Commissioner shall issue a written permit, or denial thereof with reasons in writing, within fifteen (15) days from the date of the acceptance of the application. If the permit or denial thereof is not issued within fifteen (15) days, the applicant may appeal directly to the Zoning Board of Appeals which shall order the issuance of the permit or denial thereof with reasons in writing. Permit fees and other fees shall be established by resolution of the Village President and Board of Trustees.

(b) No building or addition thereto shall be constructed and no land vacant on the effective date of the ordinance from which this section derives shall be used for any purpose until a permit has been issued by the Building Commissioner.

(Ord., 9-21-1961; Code 1972, § 10-16-2; Ord. 2016-15, §1, 4-25-2016)

Sec. 12-203. Payment of All Taxes and Fees:

Before any application for building permits shall be accepted by the Building Commissioner, the applicant must produce evidence in the form of a paid tax bill or cancelled check that all outstanding real estate taxes have been paid in full. No application will be accepted if any fees are due, or bills unpaid to the Village.

(Ord. 94-12, § 1, 6-27-1994; Ord. 2016-15, §1, 4-25-2016)

Secs. 12-204-12-210. Reserved:

📖 **ARTICLE V. CANNABIS ORGANIZATIONS**

📖 **Sec. 12-211. Purpose and Applicability:**

It is the intent and purpose of this article to provide regulations regarding the siting and operation of cannabis organizations within the corporate limits of the Village of Justice. Such organizations shall comply with all regulations provided in the Compassionate Use of Medical Cannabis Program Act and the Cannabis Regulation and Tax Act, as may be applicable, as may be amended from time to time (the "Acts"), regulations enacted pursuant to authority granted through the Acts, and the regulations provided herein. In the event that the Acts are amended, the more restrictive of the state or Village regulations shall apply.

(Ord. 2014-1, § 4, 1-27-2014; Ord. 2016-15, §1, 4-25-2016; Ord. 2019-35, §4, 11-25-19)

📖 **Sec. 12-212. Process:**

Cannabis organizations shall be located in such zoning districts as are authorized by this chapter, and applications for such use shall be processed in accordance with the provisions of **Section 12-15** of this chapter. No cannabis organization shall be sited, opened or operated unless specifically authorized under and pursuant to the Act and this chapter.

(Ord. 2014-1, § 4, 1-27-2014; Ord. 2015-07, § 2, 3-31-2015; Ord. 2016-15, §1, 4-25-2016; Ord. 2019-35, §4, 11-25-19)

📖 **Sec. 12-213. Cannabis Organization Components:**

In determining compliance with **Section 12-15** of this chapter, the following components of the cannabis organization shall be evaluated based on the entirety of the circumstances affecting the particular property in the context of the existing and intended future use of other properties in the vicinity:

(a) Impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.

(b) Proposed structure in which the facility will be located, total square footage, security installations/security plan, and building code compliance.

- (c) Hours of operation and anticipated number of customers/employees.
- (d) Anticipated parking demand based and available private parking supply, including any unique demand for handicapped parking.
- (e) Traffic generation and adjacent roadway capacity.
- (f) Site design, including access points, internal site circulation and commercial vehicle loading, unloading and parking.
- (g) Proposed signage plan.
- (h) Proximity to a public or private nursery school, preschool, primary or secondary school, day care center, day care home, residential care home, a public park, or any property lawfully used in a residential manner or any residential zoning district.
- (i) Compliance with all requirements provided in **Section 12-214** (Cannabis Industrial Organizations) or **Section 12-215** (Cannabis Dispensing Organization), as applicable.
- (j) Other criteria determined to be necessary to assess compliance with Section 12-15 of this chapter.

(Ord. 2014-1, § 4, 1-27-2014; Ord. 2016-15, §1, 4-25-2016; Ord. 2019-35, §4, 11-25-19; Ord. 2019-35, §4, 11-25-19)

📖 Sec. 12-214. Cannabis Industrial Organizations:

In those zoning districts in which cannabis industrial organizations may be located, the organization must comply with the following:

- (a) A cannabis industrial organization (the enclosed, locked facility where cannabis will be grown, harvested, infused, manufactured, packaged, or otherwise prepared for distribution) may not be located within 2,500 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home, or residential care home.
- (b) A cannabis industrial organization may not be located within 2,500 feet of the property line of an area zoned residential.
- (c) No retail sale or distribution of cannabis or cannabis infused products shall be permitted on the premises of a cannabis industrial organization.
- (d) The on-site consumption of cannabis or a cannabis-infused products shall be prohibited on the premises of a cannabis industrial organization.
- (e) At least 75% of the floor area of any tenant space occupied by a cannabis industrial organization shall be devoted to the activities of the organization.

(f) Any cannabis transporting organization shall be the sole use of the tenant space of the building in which it is located.

(Ord. 2014-1, § 4, 1-27-2014; Ord. 2016-15, §1, 4-25-2016; Ord. 2019-35, §4, 11-25-19)

📖 Sec. 12-215. Cannabis Dispensing Organizations:

In those zoning districts in which cannabis dispensing organization may be located, the organizations must comply with the following:

(a) A cannabis dispensing organization may not be located within 1,000 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home, residential care home or public park.

(b) A cannabis dispensing organization may not be located in a house, apartment, condominium or a building devoted in whole or in part to a residential use.

(c) A cannabis dispensing organization may not have drive-thru service.

(d) Space occupied by a cannabis dispensing organization shall not be occupied or shared by any other business or tenant, or used for any other purpose other than a cannabis dispensing organization.

(e) The on-site consumption of cannabis or cannabis-infused products shall be prohibited on the premises of a cannabis dispensing organization.

(f) A cannabis dispensing organization shall only operate between the hours of 8:00 AM and 9:00 PM.

(g) A cannabis dispensing organization may not engage in any activity authorized to be conducted by or in a cannabis industrial organization.

(h) At least 90% of the floor area of any facility occupied by a cannabis dispensing organization shall be devoted to the activities of the cannabis dispensing organization. For purposes of calculating the total square footage dedicated to retail sales, that portion of the floor area dedicated to the distribution of cannabis or cannabis infused products shall be excluded from this calculation; all floor area dedicated to the sale of other cannabis products and/or paraphernalia shall be included.

(Ord. 2014-1, § 4, 1-27-2014; Ord. 2015-07, § 3, 3-13-2015; Ord. 2016-15, §1, 4-25-2016; Ord. 2019-35, §4, 11-25-19)

📖 Sec. 12-216. Additional Requirements:

Applicant shall install building enhancements, such as security cameras, lighting, or other improvements, as needed or at the request of the Village, to ensure the safety of employees and customers of the cannabis organizations. Said improvements may be required by the Village in excess of those security measures required by the Acts.

(Ord. 2014-1, § 4, 1-27-2014; Ord. 2019-35, §4, 11-25-19)

 **Sec. 12-217. Locational Restrictions:**

The following locational restrictions shall govern cannabis organizations in addition to those set forth in the Acts and this article:

(a) All cannabis organizations are prohibited, and no person shall locate, operate, own, suffer, or allow to be operated a cannabis organization in the following zoning districts: R-1 Residence District, R-2 Residence District, and R-3 Residence District.

(b) It shall be unlawful to locate or operate a cannabis industrial organization on any property on or adjacent to 79th Street, Archer Road, Roberts Road, 88th Avenue, 87th Street.

(c) It shall be unlawful to locate or operate a cannabis dispensing organization within 2.5 miles of another cannabis dispensing organization.

(d) No other cannabis organization, of any type, shall be allowed, and no person shall locate, operate, own, suffer, or allow to be operated a cannabis organization within any zoning district unless specifically authorized in accordance with the provisions of this chapter.

(e) The operation of any cannabis organization in violation of the provisions of this chapter is hereby declared a public nuisance and may be abated by all available remedies afforded under the law.

(Ord. 2019-35, §4, 11-25-19)