

ZONING ORDINANCE 144

AN ORDINANCE TO PROMOTE, IN ACCORDANCE WITH PRESENT AND FUTURE NEEDS, THE SAFETY, CONVENIENCE, COMFORT AND GENERAL WELFARE AND THE MOST APPROPRIATE DEVELOPMENT OF THE VILLAGE OF GIFFORD, ILLINOIS AND ALL CONTIGUOUS UNINCORPORATED TERRITORY WITHIN ONE AND ONE-HALF MILES OF THE GIFFORD CORPORATE LIMITS BY REGULATING THE LOCATION AND USE OF BUILDINGS, STRUCTURES, AND LAND FOR TRADE, INDUSTRY AND RESIDENCE; BY REGULATING AND LIMITING OR DETERMINING THE HEIGHT OF BUILDINGS AND STRUCTURES, THE AREA OF YARDS AND OTHER OPEN SPACES AND THE DENSITY OF USE; AND FOR THE ACCOMPLISHMENT OF SAID PURPOSES BY PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF THE REGULATIONS AND PRESCRIBING PENALTIES FOR VIOLATION THEREOF.

BE IT ORDAINED BY THE PRESIDENT AND VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF GIFFORD, ILLINOIS:

ARTICLE ONE: GENERAL

Section 1.1 Purpose

- 1.101 This zoning ordinance has been prepared in accordance with a comprehensive plan and is adopted in order to protect and to promote adequate light, pure air, and safety from fire and other dangers; that the taxable value of land and buildings throughout the municipality and contiguous area may be conserved, that congestion in the public streets may be lessened or avoided, and that the public health, safety, comfort, morals, and welfare may otherwise be promoted. Specifically, the powers of the zoning ordinance are as follows:
- (a) To regulate and limit the height and bulk of buildings hereafter to be erected.
 - (b) To establish, regulate and limit the buildings or set-back lines on or along any street, traffic-way, drive or parkway.
 - (c) To regulate and limit the intensity of the use of lot areas, and to regulate and determine the area of open spaces, within and surrounding such buildings.
 - (d) To regulate and restrict the location of trades and industries and the location of buildings designed for specified industrial, business, residential, and other uses.
 - (e) To divide the entire municipality and all contiguous unincorporated territory within one and one-half miles of the Gifford corporate limits into districts of such number, shape, area, and of such different classes (according to use of land and buildings, height and bulk of buildings, intensity of the use of lot area, area of open spaces or other classification) as may be deemed best suited to carry out the purposes of this Ordinance.

- (f) To prohibit uses, buildings, or structures incompatible with the character of such districts.
- (g) To prevent additions to and alteration or remodeling of existing buildings or structures in such a way as to avoid the restrictions and limitations lawfully imposed under this Ordinance.

Section 1.2 Definitions

- 1.201 Except where specifically defined herein, all words used in this Ordinance shall carry their customary meanings. Words used in the present tense include the future tense, and the plural includes the singular; the word "person" includes a corporation as well as an individual; the word "lot" includes the word "plot" or "parcel;" the word "building" includes the word "structure;" the word "shall" is always mandatory; the word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."
- 1.202 Accessory Buildings and Uses: An accessory building is a subordinate building or a portion of the main building, the use of which is incidental to, or customarily found in connection with, and (except as otherwise provided in this Ordinance) located on the same lot as the use of the main building or principal use of the land. An accessory use is one which is incidental to, or customarily found in connection with, (except as otherwise provided in this Ordinance) on the same lot as, the main use of the premises. When "accessory" is used in the text, it shall have the same meaning as accessory use.
- 1.203 Block Front: All of the property on one side of a street between two intersecting streets or between an intersecting street and the dead-end of a street.
- 1.204 Building: Any structure including a roof supported by walls, designed or intended for the support, enclosure, shelter or protection of persons, animals, chattels or property and forming a construction that is safe and stable; the word building shall include the word structure.
- 1.205 Building, Height of: The vertical distance from the grade (elevation of curb, sidewalk or average elevation of the ground around the structure) to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip, or gambrel roofs.
- 1.206 Cellar or Basement: A portion of a building located partly or wholly underground and having one-half or more of its floor-to-ceiling height below the average grade of the adjoining ground.
- 1.207 Commission: The Plan and Zoning Commission of Gifford.

- 1.208 Dwelling: Any building or portion thereof designed and use exclusively for residential purposes.
- 1.209 Dwelling, Single-Family: A building designed for use or occupied exclusively by one family.
- 1.210 Dwelling, Two-Family: A building designed for or occupied exclusively by two families.
- 1.211 Dwelling, Multiple: A dwelling which is designed for or occupied by three or more families occupying separate living quarters.
- 1.212 Dwelling Unit: A room or group of rooms within a dwelling and forming a single habitable unit with facilities for living, sleeping, and cooking.
- 1.213 Family: One or more persons occupying a dwelling and living as a single housekeeping unit and doing their own cooking on the premises.
- 1.214 Floor Area: The sum of the gross horizontal areas of all floors of a building, measured from the exterior faces of the exterior walls or from the center-line of walls separating buildings but not including cellar or basement space not used for retailing and not including accessory off-street parking or loading space.
- 1.215 Garage, Private: An accessory building used only for the housing of motor vehicles, without their equipage for operation, repair, hire, or sale.
- 1.216 Garage, Public: A garage other than a private garate.
- 1.217 Guest Quarters: An accessory building or portion of the main building located on the same lot as the main building and used as living quarters for guests and not rented or otherwise used as a separate domicile, and containing no kitchen facilities.
- 1.218 Home Occupation: Any occupation or activity which is clearly incidental and secondary to use of the premises for dwelling and which is carried on wholly within a main building by a member of a family residing on the premises, in connection with which there is no advertising other than an identification sign of not more than one square foot in area, and no other disply or storage of materials or exterior indication of the home occupation or variation from the residential character of the main building; and in connection with which not more than one person outside the family is employed and no equipment used which creates offensive noise, vibration, smoke, dust, odors, heat or glare. When within the above requirements, a home occupation includes, but is not limited to, the following:
- (a) Art studio;
 - (b) Dressmaking;

- (c) Professional office of a physician, dentist, lawyer, engineer, architect, accountant, salesman, real estate agent, insurance agent, or other similar occupation;
 - (d) Teaching, with musical instruction limited to not more than two pupils at a time; and
 - (e) Beauty shop.
- 1.219 Hotel: A building in which lodging or lodging and meals are provided for transient guests, having a lobby for the common use from which individual rooms or suites are accessible.
- 1.220 Lot: A parcel of land occupied or intended for occupancy by a use permitted in this Ordinance, including one main building together with its accessory building, and the open space and parking spaces required by this Ordinance, and having its principal frontage upon a street.
- 1.221 Lot of Record: A lot or parcel of land, the plat, map, or deed to which has been recorded in the Office of the County Recorder of Champaign County prior to the adoption of this Ordinance.
- 1.222 Major Street: A street designated as a major street or master street on the Official Street Plan.
- 1.223 Motel: A building or group of buildings in which lodging and individual automobile parking space in close proximity are provided for transients traveling by motor vehicle.
- 1.224 Nonconforming Use: Any building or land lawfully occupied by a use at the time of passage of this Ordinance and all amendments thereto which does not conform with the use regulations of the district within which it is located.
- 1.225 Premises: A lot, together with all buildings and structures thereon.
- 1.226 Plat, Lot: A drawing of a lot showing its dimensions, the building arrangement thereon and such other information as may be needed for enforcement of this Ordinance.
- 1.227 Story: That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, the space between the floor and the ceiling next above it, the space between the floor and the ceiling next above it. A half-story is a partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four feet above the floor of such story.
- 1.228 Street: Any public or private way set aside as a permanent right-of-way for street purposes.
- 1.229 Structure: Anything constructed or erected, the use of which requires permanent location on the ground.

- 1.230 Structural Alteration: Any change in the structural members of a building, such as walls, columns, rafters, beams or girders.
- 1.231 Yard: An open space on the same lot with a building, unobstructed from the ground upward and measured as the minimum horizontal distance between the lot line and main building.
- 1.232 Yard, Front: A yard extending across the front of a lot between the side lot lines, and being the minimum horizontal distance between the street line and the main building or any projections thereof other than the projections of uncovered steps, uncovered balconies, terrace, or uncovered porches. On corner lots, the front yard shall be considered as parallel to the street upon which the lot has its least dimension.
- 1.233 Yard, Rear: A yard extending across the rear of the lot between the side lot lines and measured between the rear lot line and the rear of the main building or any projection other than steps, unenclosed porches or entrance ways.
- 1.234 Yard, Side: A yard between the main building and the side line of the lot, and extending from the front yard line to the rear yard line and being the minimum horizontal distance between a side lot line and side of the main buildings or any projections thereof.

Section 1.3 Compliance with Regulations

- 1.301 Except as hereinafter provided, no building or land shall hereinafter be used or occupied and no building or part thereof shall be erected, moved, or altered unless in conformity with the regulations herein specified for the district in which it is located.
- 1.302 No building shall hereafter be erected or altered to exceed the height, to accommodate or house a greater number of families, to occupy a greater percentage of lot area, or to have a narrower or smaller rear yards, front yards, side yards, inner or outer courts than is specified herein for the district in which such building is located.
- 1.303 No part of a yard or other open space required about any building for the purpose of complying with the provisions of this Ordinance shall be included as a part of a yard or other open space similarly required for another building.

Section 1.4 Nature

The zoning ordinance consists of a zoning district map describing certain districts and a set of regulations set forth in this Ordinance.

Section 1.5 Districts

- 1.501 The districts into which the Village and its one and one-half mile planning area are divided by the zoning ordinance, shall be designated as follows:
- | | |
|----------------------------|----------------------------|
| A - Agricultural District | R-2 - Residential District |
| R-1 - Residential District | C - Commercial District |
| I - Industrial District | |

1.502 The boundaries of these districts are shown on the "Zoning District Map" which accompanies and is made a part of this Ordinance. The original of this map is properly attested and on file with the Village Clerk, and said map and all the information shown thereon shall have the same force and effect as if fully set forth or described herein.

1.503 The Zoning District Map shall be corrected and brought up to date on the first day of each year.

Section 1.6 Boundaries

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

- (a) Where district boundaries are indicated as approximately following the centerlines of alleys, streets, or highways, said alley, street lines or highway right-of-way lines shall be construed to be such boundaries.
- (b) Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.

ARTICLE TWO: "A" AGRICULTURAL DISTRICT REGULATIONS

The following regulations and the provisions set forth in Article Seven of this Ordinance shall apply in the "A" District.

Section 2.1

- (a) Farms, truck gardens, and nurseries, including the sale and distribution of agricultural products and products other than machinery, that are to be used for agricultural purposes; provided, however, that no farm shall be operated either publicly or privately for the feeding or disposal of garbage, rubbish, or offal.
- (b) Airports and landing fields having prior approval of the Federal Aviation Agency.
- (c) Publicly-owned or operated properties.
- (d) Public parks, public playgrounds and recreational areas operated by membership organizations for the benefit of their members and not for gain.
- (e) Railroad rights-of-way.
- (f) Public schools and institutions of higher education, public libraries, municipal buildings.

- (g) Single-family dwellings.
- (h) Churches and other places of worship, Sunday School buildings and parish houses.
- (i) Cemeteries, including mausoleums; provided that mausoleums shall be distant at least two hundred (200) feet from every street line and adjoining lot lines and, provided further, that any new cemetery shall contain an area of twenty (20) acres or more.
- (j) Private clubs, except skeet and gun clubs and those the chief activity of which is a service customarily carried on as a business.
- (k) Roadside stands, offering for sale only farm products which are produced upon the premises.
- (l) Riding stables, veterinary hospitals or the keeping of small animals; provided that any building or enclosure housing animals shall be located at least one hundred (100) feet from any residential district.
- (m) Grain elevators or similar storage structures including buildings for seasonal or temporary storage of grain.
- (n) Hospitals and institutions of an educational, religious, charitable, or philanthropic nature.
- (o) Accessory building or use customarily incidental to any of the above uses.

ARTICLE THREE: "R-1" RESIDENTIAL DISTRICT REGULATIONS

The following regulations and provisions set forth in Article Seven of this Ordinance shall apply in the "R-1" District:

Section 3.1 Permitted Uses

The following uses shall be permitted:

- (a) One-family dwellings
- (b) Churches or similar places of worship, parish house, convent.
- (c) Public parks, public playgrounds and recreational areas operated by membership organizations for the benefit of their members and not for gain.
- (d) Public schools and institutions of higher education, public libraries, municipal buildings.
- (e) Philanthropic or eleemosynary institutions.

- (f) Truck gardens and farming, orchards, nurseries for growing or propagation of plants, trees, and shrubs, but not including the raising for sale of birds, bees, rabbits, or other animals, fish or other creatures to such an extent as to be objectionable to surrounding residences by reason of odor or noise.
- (g) Home occupations.
- (h) Temporary buildings, the use of which are incidental to construction operations being conducted on the same or adjoining tract or subdivision and which shall be removed upon completion or abandonment of such construction, or upon the expiration of a period of two years from the time of erection of such temporary buildings, whichever is sooner.
- (i) Accessory buildings and uses customarily incidental to the above uses, including church, school and similar bulletin boards and signs not exceeding ten square feet in area pertaining to the lease, hire or sale of a building or premises, provided that any such accessory building is not constructed prior to beginning construction of the main building.

ARTICLE FOUR: "R-2" RESIDENTIAL DISTRICT REGULATIONS

The following regulations and the provisions set forth in Article Seven of this Ordinance shall apply in the "R-2" District:

Section 4.1 Permitted Uses

The following uses shall be permitted:

- (a) Two-family dwellings.
- (b) Multiple dwellings.
- (c) Accessory buildings and uses customarily incident to the above uses.

ARTICLE FIVE: "C" COMMERCIAL DISTRICT REGULATIONS

The following regulations and the provisions set forth in Article Seven of this Ordinance shall apply in all "C" Districts:

Section 5.1 Permitted Uses

The following uses shall be permitted:

- (a) Retail sales and service.
- (b) Any non-residential use permitted in the "R-1" and "R-2" Districts.

- (c) Drive-in theatre or restaurant when all entrances or exist are within the Commercial District, and it is so located, arranged and landscaped as to secure the approval and a finding of the Plan and Zoning Commission that adjacent property is adequately protected.
- (d) Hotels, motels and lodging houses.
- (e) Cleaning and laundry pick-up stations.
- (f) Launderette.
- (g) Offices and office buildings.
- (h) Public garages, filling stations, automobile parking lots, used car lots and automobile repair garages, but no auto junk yards.
- (i) Shoe repair shop or similar trade.
- (j) Railroad rights-of-way.
- (k) Restaurants and cafes.
- (l) Stores and shops where goods are sold and services are rendered primarily at retail.
- (m) Wholesale merchandising when incidental and subordinate to a primary retail business.
- (n) Accessory buildings and uses including accessory signs and advertising structures related to the activity conducted on the premises but with sign area not to exceed 100 square feet.

ARTICLE SIX: "I" INDUSTRIAL DISTRICT REGULATIONS

The following regulations and the provisions set forth in Article Seven of this Ordinance shall apply in all "I" Districts:

Section 6.1 Uses Permitted

The following uses shall be permitted:

- (a) Manufacturing, processing and wholesale operations.
- (b) Any use permitted in the "C" Commercial District.
- (c) Wholesale merchandising or storage warehouses.
- (d) Truck terminals.

- (e) Farm machinery and equipment sales and repair.
- (f) General service and repair establishments including dyeing and cleaning works or laundry, plumbing and heating, printing, painting, unholstering, tinsmithing or appliance repair shop.
- (g) Compounding of cosmetics, toiletries, drugs and pharmaceutical products.
- (h) Manufacture or assembly of medical and dental equipment, drafting, optical and musical instruments, watches, clocks, toys, games and electrical or electronic apparatus.
- (i) Manufacture or assembly of boats, ornamental iron products, firearms, electrical appliances, tools, dies, machinery and hardware products, sheetmetal products and vitreous enameled metal products.
- (j) Manufacture or storage of food products including beverage blending or bottling, bakery products, candy manufacture, fruit and vegetable processing and canning, packing and processing of meat and poultry products, but not distilling of beverages or slaughtering of poultry or animals.
- (k) Manufacture of rugs, mattresses, pillows, quilts, millinery, hosiery, clothing and fabrics, and printing and finishing of textiles and fibers into fabric goods.
- (l) Manufacture of boxes, crates, furniture, baskets, veneer, and other wood products of a similar nature.
- (m) Accessory buildings and uses including accessory signs and advertising structures related to the activity conducted on the premises but with total sign area not to exceed 100 square feet.

ARTICLE SEVEN: AREA AND HEIGHT REGULATIONS

Except as provided in Section 7.2 of this Article, the area and height regulations shall be as follows:

Section 7.1 Requirements

- 7.101 Lot Area: Every lot used for residence purposes shall have the following minimum areas:
- (a) within the "A" District, 21,780 square feet,
 - (b) within the "R-1" District, 5,000 square feet,
 - (c) within the "R-2" District, 5,000 square feet,
 - (d) no minimum lot area is required for a lot used only for commercial or industrial purposes.
- 7.102 Lot Width: Every lot used for residence purposes shall have the following minimum width:
- (a) within the "A" District, 100 feet,
 - (b) within the "R-1" Residence District every lot shall have a minimum width of 50 feet,
 - (c) within the "R-2" Residence District every lot shall have a minimum width of 50 feet,
 - (d) no minimum lot width is required for a lot used only for commercial or industrial purposes.
- 7.103 Front Yards: The front yard requirements are 15 feet in all districts, however no building may be erected beyond the prevailing set back line of other buildings situated on the same side of the street in the particular block or area in question.
- 7.104 Side Yards: The side yard requirement shall be 5 feet in all districts.
- 7.105 Rear Yards: The rear yard requirement shall be 20 feet in all districts.
- 7.106 Building Height: No building shall exceed a height of two and one-half stories or of 35 feet in the "A" Agricultural, "R" Residence, "C" Commercial and "I" Industrial Districts.

ARTICLE EIGHT: SPECIAL USES

The President and Board of Trustees of the Village of Gifford may, by special permit, after public hearing, the procedures of which shall be governed by Article Eleven of the Illinois Revised Statutes, before the Plan and Zoning Commission and after study and report by the Plan and Zoning Commission subject to such reasonable conditions and protective restrictions as are deemed necessary, authorize special uses in any district from which they are otherwise prohibited.

ARTICLE NINE: NONCONFORMING USES

The lawful use of a building existing at the time of adoption of this Ordinance or of a change in the district classification may be continued even though such use does not conform with the provisions thereof.

Section 9.1 Extension

The nonconforming use of a building may be extended throughout those parts thereof which were manifestly arranged or designed therefor prior to adoption of this Ordinance.

Section 9.2 Restoration

No building which has been damaged by fire, explosion, act of God, or the public enemy to the extent of more than 60 percent of its reproduction value shall be restored except in conformity with the district regulations.

Section 9.3 Discontinuance of Nonconforming Use

In the event that the nonconforming use of a building or premises in a district is discontinued for a period of six months or more, such building or premises shall thereafter be used only in conformity with the regulations of the district in which it is located.

Section 9.4 Existence of Nonconforming Uses

The casual, intermittent, temporary, or illegal use of land or buildings shall not be sufficient to establish the existence of a nonconforming use and the existence of a nonconforming use on a part of a lot or tract shall not be construed to establish a nonconforming use on the entire lot or tract.

ARTICLE TEN: BOARD OF APPEALS

Section 10.1 Composition

A Board of Appeals is hereby created which shall consist of seven members appointed by the Village Board to serve respectively for the following terms: one

for one year; one for two years; one for three years; one for four years; one for five years; one for six years; one for seven years. The successor of each member so appointed to serve for a term of five years. One member of the Board shall be designated by the Village Board as Chairman and shall hold office as Chairman until his successor is appointed. The Board may select or appoint such other officers as it deems necessary.

Section 10.2 Duties

- 10.201 The Board shall meet at the call of the Chairman and at such other times as it may determine. The Board shall keep minutes of all proceedings including findings of fact, all its determinations and decisions, the reasons therefor, and the vote of each member upon every question, which minutes shall immediately be filed in the office of the Village Clerk and shall be a public record.
- 10.202 An appeal may be taken to the Board of Appeals by any person, group or organization, public or private, affected by a decision by the Building Inspector. Such appeal shall be taken within such time as prescribed by the Board by general rule, by filing with the Building Inspector and with the Board a notice of appeal specifying the grounds thereof. A fee of \$5.00 shall accompany all notices of appeal.

Section 10.3 Powers and Procedures of Board of Appeals

The Board of Appeals shall have all the power and duties prescribed by law and by this Ordinance, which are more particularly specified as follows:

- 10.301 Interpretation: Upon appeal from a decision by an administrative official, to decide any question involving the interpretation of any provision of this Ordinance, including determination of the exact location of any district boundary if there is uncertainty with respect thereto.
- 10.302 Variances: To vary or adopt the strict application of any of the requirements of this Ordinance in the case of exceptionally irregular, narrow, or shallow lots or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved, but in no other case.
- 10.303 Procedures: All matters before the Board of Appeals shall be conducted in conformity with Article 11, Chapter 24 of the Illinois Revised Statutes. Appeals to the Board shall be in writing, shall specify the ordinance involved, shall state the interpretation claimed, and completely set forth the details and facts regarding the variance sought. The Board shall fix a reasonable time for the hearing, give notice to the parties and adjoining landowners, be held in public and afford all parties an opportunity to personally appear

and to be represented by an attorney. The Board shall within a reasonable time render a decision in writing upon an application and file the same with the Village Clerk and transmit copies thereof to the parties and to the chairman of the Plan and Zoning Commission.

ARTICLE ELEVEN: ADMINISTRATION, ENFORCEMENT AND AMENDMENT

Section 11.1 Administration and Enforcement

- 11.101 It shall be the duty of the person designated by the Village Board as the Zoning Officer to administer and enforce the regulations contained herein.
- 11.102 No building shall be undertaken without a building permit and without an occupancy permit as required by Section 11.3. No building permit or certificate of occupancy shall be granted by him for any purpose except in compliance with the provisions of this Ordinance.

Section 11.2 Building Permits

- 11.201 Application for a building permit shall be accompanied by a plot plan in duplicate, drawn to scale, showing the name of the applicant, the actual dimensions of the lot to be built upon as shown by a survey, the size, shape and location of the building to be erected, and such other information as may be necessary for the enforcement of this Ordinance. A record of applications and plot plans shall be kept in the office of the Building Inspector.
- 11.202 One copy of such plot plan shall be returned when approved by the Building Inspector together with such permit to the applicant upon the payment of a fee based upon the following schedule:
- \$ 5.00 - structural alteration or garage
 - 10.00 - residence (including garage.)
 - 20.00 - commercial or industrial structure

Section 11.3 Certificate of Occupancy

- 11.301 No land shall be occupied or used and no building hereafter erected, altered or extended shall be used or changed in use until a certificate of occupancy shall have been issued by the Building Inspector, stating that the building or proposed use thereof complies with the provisions of this Ordinance.
- 11.302 No nonconforming use shall be renewed, changed or extended without a certificate of occupancy having first been issued by the Building Inspector therefor.


ARTICLE FOURTEEN: VALIDITY

If any part or parts of this Ordinance shall be held to be unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this Ordinance.

ARTICLE FIFTEEN: CONFLICTING ORDINANCES

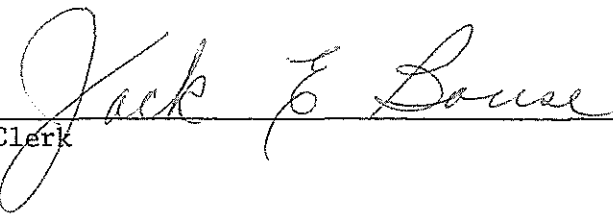
Any ordinance conflicting herewith is hereby repealed.

Duly adopted by the President and Board of Trustees of the Village of Gifford, Illinois, this 14th day of August, 1978.



President of the Village of Gifford, Illinois

ATTEST:



Clerk

(SEAL)