

# **Zoning Ordinance For**

# **PORT BYRON ILLINOIS**

**January 2015**

*The village that pulls together*





**ZONING ORDINANCE**  
**OF THE**  
**VILLAGE OF PORT BYRON, ILLINOIS**

**Adopted January 2015**

With Assistance Of



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## **ABSTRACT**

**TITLE:** Zoning Ordinance for the Village of Port Byron, Illinois

**AUTHOR:** Bi-State Regional Commission

**DATE:**

**SUBJECT:** A zoning ordinance for the Village of Port Byron, Illinois

**SOURCE OF COPIES:** Port Byron Village Hall                 Bi-State Regional Commission  
Village of Port Byron, Illinois     1504 Third Avenue  
Rock Island, Illinois

**ABSTRACT:** This Ordinance classifies and regulates the use of land, buildings, and structures within the corporate limits of the Village of Port Byron, Illinois. The regulations contained are necessary to promote the health, safety, convenience, and welfare of the inhabitants of dividing the Village into zoning districts and regulating therein the use of the land and the use and size of buildings as to height and number of stories, the coverage of the land by buildings, the size of yards and open spaces, the location of buildings, and the density of population.

# VILLAGE OF PORT BYRON, ILLINOIS

## Village Officials

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Kari Rozeboom	Clerk
Paul Kouski	Building Inspector

## Village Board of Trustees

Brian Bitler	Scott Sidor
Gerry Meade	Patrick Strobel
Bruce Peterson	Clinton Sullivan

## Village Planning and Zoning Commission

Gerry Meade, Chair	Bob Lagerbalad
Chris Bode	Bruce Peterson
Barb Brandt	Wes Wells
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## TABLE OF CONTENTS

<b>Article XI.</b>	<b>Title, Purpose, Nature, Authority, and Definitions .....</b>	<b>1</b>
Section 10	Title.....	1
Section 11	Purpose.....	1
Section 12	Nature.....	2
Section 13	Authority .....	2
Section 14	Definitions.....	2
<b>Article XII.</b>	<b>Establishment of Districts, Zoning Map, Boundary Interpretations, Annexed Territory .....</b>	<b>13</b>
Section 20	Establishment of Districts .....	13
Section 21	Zoning Map.....	13
Section 22	Rules for Interpretation of District Boundaries .....	13
Section 23	Annexed Territory.....	14
<b>Article XIII.</b>	<b>General Provisions .....</b>	<b>15</b>
Section 30	Zoning Affects Every Structure And Use.....	15
Section 31	Continued Existing Uses.....	15
Section 32	Non-Conforming Uses .....	15
Section 33	Street Frontage, Lot of Record, Number of Buildings on Lot, and Lots Unserved by Sewer or Water .....	17
Section 34	Accessory Buildings .....	17
Section 35	Required Yard Cannot be Reduced or Used by Another Building .....	18
Section 36	Permitted Obstructions in Required Yards. ....	18
Section 37	Conversion of Dwellings .....	19
Section 38	Minimum Ground Floor Area for Dwellings.....	19
Section 39	Traffic Visibility Across Corner Lots .....	19
Section 40	Essential Services.....	19
Section 41	Fences, Walls and Hedges .....	19
Section 42	Validity of Existing Building Permits.....	21
Section 43	Flood Hazard and Obstruction of Water Course Channels.....	21
Section 44	Uses Authorized by the Board of Appeals.....	22
Section 45	Principal Building .....	22
Section 46	Adult Regulated Uses .....	22

<b>Article XIV.</b>	<b>R-1 Rural Residence District .....</b>	<b>23</b>
Section 50	General Description .....	23
Section 51	Principle Uses Permitted.....	23
Section 52	Uses Permitted on Review .....	23
Section 53	Height Regulations.....	24
Section 54	Lot Area, Lot Width, and Yard Requirements.....	24
<b>Article XV.</b>	<b>R-2 One-Family Residence District.....</b>	<b>25</b>
Section 60	General Description .....	25
Section 61	Principle Uses Permitted.....	25
Section 62	Uses Permitted on Review .....	25
Section 63	Accessory Uses Permitted.....	26
Section 64	Height Regulations.....	27
Section 65	Lot Area, Frontage, and Yard Requirements .....	27
<b>Article XVI.</b>	<b>R-3 One and Two-Family Residence District.....</b>	<b>28</b>
Section 70	General Description .....	28
Section 71	Principle Uses Permitted.....	28
Section 72	Uses Permitted on Review .....	28
Section 73	Accessory Uses Permitted.....	28
Section 74	Height Regulations.....	29
Section 75	Lot Area, Frontage, and Yard, Requirements .....	29
<b>Article XVII.</b>	<b>R-4 General Residence District.....</b>	<b>30</b>
Section 80	General Description .....	30
Section 81	Principle Uses Permitted.....	30
Section 82	Uses Permitted on Review .....	30
Section 83	Accessory Uses Permitted.....	31
Section 84	Height Regulations.....	31
Section 85	Lot Area, Frontage and Yard Requirements .....	31
<b>Article XVIII.</b>	<b>R-5 Mobile Home Park District.....</b>	<b>32</b>
Section 90	General Description .....	32
Section 91	Principle Uses Permitted.....	32



<b>Article XIX.</b>	<b>C-1 Neighborhood Commercial District.....</b>	<b>33</b>
Section 100	General Description .....	33
Section 101	Principle Uses Permitted.....	33
Section 102	Uses Permitted on Review .....	34
Section 103	Accessory Uses Permitted.....	35
Section 104	Height Regulations.....	35
Section 105	Lot Area, Frontage, and Yard Requirements .....	35
<b>Article XX.</b>	<b>C-2 General Commercial District.....</b>	<b>36</b>
Section 110	General Description .....	36
Section 111	Principle Uses Permitted.....	36
Section 112	Uses Permitted on Review .....	37
Section 113	Accessory Uses Permitted.....	38
Section 114	Height Regulations.....	38
Section 115	Frontage, and Yard Requirements .....	38
<b>Article XXI.</b>	<b>HDO Historic Downtown Overlay District.....</b>	<b>39</b>
Section 120	General Description .....	39
Section 121	Principle Uses Permitted.....	39
Section 122	Uses Permitted on Review .....	39
Section 123	Accessory Uses Permitted.....	40
Section 124	Height Regulations.....	40
Section 125	Historic Guidelines .....	40
Section 126	Lot Area, Frontage, and Yard Requirements .....	40
Section 127	Pedestrian and Circulation Requirements.....	41
Section 128	On-site landscaping, exterior lighting, and utilities .....	41
Section 129	Site Plan Approval .....	41
<b>Article XXII.</b>	<b>I-1 Light Industrial District .....</b>	<b>44</b>
Section 130	General Description .....	44
Section 131	Principle Uses Permitted.....	44
Section 132	Section 112 Prohibited Uses .....	45
Section 133	Accessory Uses Permitted.....	45
Section 134	Height Regulations.....	45
Section 135	Yard Requirements .....	45
Section 136	Screening.....	46

<b>Article XXIII.</b>	<b>I-2 General Industrial District.....</b>	<b>47</b>
Section 140	General Description .....	47
Section 141	Principle Uses Permitted.....	47
Section 142	Uses Permitted on Review .....	47
Section 143	Prohibited Uses .....	48
Section 144	Accessory Uses Permitted.....	48
Section 145	Height Regulations.....	48
Section 146	Yard Requirements .....	49
Section 147	Screening.....	49
<b>Article XXIV.</b>	<b>Special Provisions.....</b>	<b>50</b>
Section 150	Off-Street Parking Areas and Loading Spaces .....	50
Section 151	Buses and Mobile Homes .....	53
Section 152	Signs.....	53
Section 153	Street Numbers.....	55
Section 154	Home Occupations.....	56
<b>Article XXV.</b>	<b>Additional Requirements, Exceptions, and Modifications.....</b>	<b>58</b>
Section 160	General.....	58
Section 161	Height Limits .....	58
Section 162	Front Yard Exceptions and Modifications .....	58
Section 163	Side Yard Exceptions and Modifications .....	59
Section 164	Rear Exceptions and Modifications .....	60
<b>Article XXVI.</b>	<b>Administration .....</b>	<b>61</b>
Section 170	Organization.....	61
Section 171	Building Inspector.....	61
Section 172	Board of Appeals .....	62
Section 173	Planning and Zoning Commission.....	63
Section 174	President and Village Board .....	64
Section 175	Zoning Certificates and Occupancy Permits.....	64
Section 176	Variances.....	65
Section 177	Appeals .....	67
Section 178	Uses on Review and Other Powers of the Board of Appeals .....	68
Section 179	Amendments .....	72

<b>Article XXVII.</b>	<b>Fees, Penalties, and Legal Status Provisions .....</b>	<b>76</b>
Section 180	Fees .....	76
Section 181	Penalties .....	76
Section 182	Repealer .....	76
Section 183	Conflict With Private Deeds and Covenants .....	76
Section 184	Severability .....	76
Section 185	Effective Date .....	76



**ZONING ORDINANCE OF THE  
VILLAGE OF PORT BYRON, ILLINOIS**

**BE IT ORDAINED BY THE VILLAGE BOARD OF THE VILLAGE OF PORT BYRON,  
ROCK ISLAND COUNTY, ILLINOIS:**

**ARTICLE XI.  
TITLE, PURPOSE, NATURE, AUTHORITY, AND DEFINITIONS**

**Section 10 Title**

This Ordinance shall be known as and may be referred to and cited as the Zoning Ordinance of the Village of Port Byron, Illinois.

**Section 11 Purpose**

The various use districts which are created by this Ordinance and the various articles and sections of this Ordinance are adopted for the purpose among others of:

- 11.01 Promoting the public health, safety, morals, comfort, and general welfare;
- 11.02 Helping to achieve greater efficiency and economy of land development by promoting the grouping of those activities which have similar needs and are compatible;
- 11.03 Encouraging such distribution of population, classification of land use, and distribution of land development that will tend to facilitate adequate and economic provisions of transportation, communication, water supply, drainage, sanitation, education, recreation, and other public requirements;
- 11.04 Lessening or avoiding congestion in the public streets and highways;
- 11.05 Protecting against fire, explosion, noxious fumes, and other hazards in the interest of the public health, safety, comfort, and general welfare;
- 11.06 Helping to insure that all residential, commercial, and manufacturing structures as well as other types of structures will be accessible to fire fighting and other emergency equipment;
- 11.07 Prohibit the formation or expansion of nonconforming uses of land, buildings, and structures which are adversely affecting the character and value of desirable development in each district;

- 11.08 Promoting the development of residential neighborhoods which are free of noise, dust, fumes, and heavy traffic volumes in which each dwelling unit is assured of light, air, and open spaces;
- 11.09 Helping to prevent land development activities which lead to roadside blight and to minimize the effects of nuisance producing activities;
- 11.10 Promoting and guiding the continued growth and expansion of the Village while protecting the natural, economic, and scenic resources of the Village;
- 11.11 Conserving the taxable value of land and buildings throughout the Village; and
- 11.12 Defining and limiting the powers and duties of the Building Inspector and bodies as provided herein.

**Section 12 Nature**

This Ordinance classifies and regulates the use of land, buildings, and structures within the corporate limits of the Village of Port Byron, Illinois, as hereinafter set forth. The regulations contained here are necessary to promote the health, safety, convenience, and welfare of the inhabitants by dividing the Village into zoning districts and regulating therein the use of the land and the use and size of buildings as to height and number of stories, the coverage of the land by buildings, the size of yards and open spaces, the location of buildings, and the density of population.

**Section 13 Authority**

This Ordinance is adopted in pursuance of the authority granted by the 2013 Illinois Compiled Statutes, Chapter 65 Municipalities, Article 11 Corporate Powers and Functions, Division 13 Zoning (65 ILCS 5/11-13-1) (from Ch. 24, par. 11-13-1).

**Section 14 Definitions**

For the purposes of this Ordinance and in order to carry out these provisions, certain words, terms, and phrases are to be interpreted as defined below.

Words used in the present tense imply the future tense; the singular number implies the plural, and the plural number implies the singular. The word "lot" includes the word "plot" or "parcel." The word "shall" is mandatory, and the word "may" is permissive.

The following words, terms, and phrases are defined as follows and shall be interpreted as such throughout these regulations. Terms not defined shall have the meaning normally assigned to them.

- 14.01 Accessory Building or Use. A building or use on the same lot with, and of a nature normally incidental and subordinate to, the principle building or use.
- 14.02 Acreage. Any parcel of land which has not been subdivided or platted.
- 14.03 Adult Uses. An establishment consisting of, including, or having the characteristics of any or all of the following:
1. Adult Bookstore – An establishment having as a substantial or significant portion of its stock-in-trade books, magazines, publications, tapes, or films that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to sexual activities or specific anatomical areas.
  2. Adult Cabaret – (1) An establishment devoted to adult entertainment, either with or without a liquor license, presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or specific anatomical areas; (2) a cabaret that features topless dancers, go-go dancers, strippers, male or female impersonators, or similar entertainers for observation by patrons.
  3. Adult Picture Theater – An enclosed building used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or specific anatomical areas.
- 14.04 Alley. A trafficway dedicated to public use, which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street.
- 14.05 Carwash. A building or portion thereof, containing facilities for washing more than two (2) automobiles; using production line methods with a chain conveyor, blower, steam cleaning device, or other mechanical devices; or providing space, water, equipment, or soap for the complete or partial hand-washing of such automobiles, whether by operator or by customer.
- 14.06 Gas Station. One or more buildings on premises where gasoline or alternative fuel, oil, grease, batteries, tires, and automobile accessories may be supplied and dispensed at retail, and incidental repair and maintenance may be obtained. Uses permissible at a gas station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in gas stations. A gas station is not a repair garage or a body shop. All activities incidental to the sale of fuel or oil shall be conducted within a building

and there shall be no storage or accumulation of equipment or motor vehicles dissolved or otherwise, outside of the principle structure.

- 14.07 Basement. A "basement" is a story having part but not more than fifty (50) percent of its height below the average grade of the adjoining ground (as distinguished from a "cellar"). The story in a building below the principle floor. A basement shall be counted as a story for purpose of height measurement.
- 14.08 Billboard. A type of sign having more than one hundred (100) square feet of display surface which is either erected on the ground or attached to or supported by a building or structure.
- 14.09 Block. An area of land entirely bounded by streets, highways, barriers, or ways (except alleys, pedestrian ways, or exterior boundaries of a subdivision unless exterior boundary is a street, highway, or way) or bounded by a combination of streets, public parks, cemeteries, railroad rights-of-way, waterways, or corporate boundary lines.
- 14.10 Boarding and Lodging House. A dwelling other than a hotel where for compensation and by prearrangement for definite periods, meals or lodging and meals are provided for three (3) or more, but not exceeding twenty (20) persons on a weekly or monthly basis.
- 14.11 Board of Appeals. "Board of Appeals" shall mean the Zoning Board of Appeals of the Village of Port Byron, Illinois.
- 14.12 Building. Any structure designed or built for the support, enclosure, shelter, or protection of people, animals, chattels, or property of any kind. Any structure with interior areas not normally accessible for human use shall not be considered as buildings.
- 14.13 Buildings, Height of. The vertical distance from the grade 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 ridges for gable hip, or gambrel roofs.
- 14.14 \*\*\*Cellar. A "cellar" is a story having fifty (50) percent or more of its height below the average grade of the adjoining ground. A cellar shall be counted as a story, for purposes of height measurement, only if used for dwelling purposes other than by a janitor or caretaker employed on the premises.
- 14.15 Child Care Center. Any place, home, or institution which receives three (3) or more children under the age of sixteen (16) years, and not of common parentage, for care apart from their natural parents, legal guardian, or custodians, when received for regular periods of time for compensation.



- 14.16 Clinic. An establishment where patients who are not lodged overnight are admitted for examination or treatment by a physician and/or practitioners practicing together.
- 14.17 District, Zoning. A portion of the territory of the Village of Port Byron where certain uniform requirements or various combinations apply to structures, lots, and uses under the terms of the Zoning Ordinance.
- 14.18 Drive-in Restaurant. Any place or premises principally used for the sale, dispensing, or serving of food, refreshment, or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments, or beverages on or off the premises.
- 14.19 Dwelling. Any building or portion thereof which is designed for or used for residential purposes.
- 14.20 Dwelling, Unit. A dwelling which consists of one or more rooms which are arranged designed, or used as living quarters for one family only.
- 14.21 Dwelling, Single-Family. A detached residential dwelling unit other than mobile home, designed for occupancy by one (1) family only.
- 14.22 Dwelling, Two-Family. A residential building containing two dwelling units, designed for occupancy by not more than two (2) families.
- 14.23 Dwelling, Multiple-Family. A residential building designed for occupancy by three (3) or more families.
- 14.24 Easement. A right to use a portion of another person's real property for certain limited purposes.
- 14.25 Essential Services. The erection, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communications, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conducts, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.
- 14.26 Family. A "family" is one or more persons related by blood, marriage, or adoption together with his or their domestic servants, maintaining a common household in a dwelling. One or more persons each related to them by blood, marriage, or adoption (including foster children),

together with such relatives of the respective spouses who are living with the family in a single dwelling and maintaining a common household. A family may also be composed of not to exceed three (3) persons not so related, provided that such unrelated persons live in a single dwelling and maintain a common household and single housekeeping unit.

- 14.27 Farm. An area which is used for the growing of the usual farm products such as vegetables, fruit, trees, flora, fauna and grain, and their storage on the area, as well as for the raising the usual farm poultry, feeding of such farm poultry, and farm animals, such as horses, cattle, sheep, and swine, shall be subject to the regulations of the State of Illinois Environmental Protection Agency. The term "farming" includes the operating of such an area for one or more of the above uses, including dairy farms with the necessary uses for treating and storing the produce, provided, however, that the operation of any such accessory uses shall be secondary to that of the normal farming activities, and provided further that farming does not include the extraction of minerals. The term "farm" includes farm dwellings occupied by the farm owner, operator, or seasonal or year-round hired farm workers.
- 14.28 Fence. A structure, other than a building, which is an artificially constructed barrier of any material or combination of materials or plantings/shrubbery planted or erected to enclose or screen areas of land. Decorative corner treatments which do not exceed six feet (6') in length and three feet (3') in height are not considered fences if it allows for 50 percent or more open visibility.
- 14.29 Garage, Private. An accessory building designed or used for the storage of not more than four (4) motor-driven vehicles owned and used by the occupants of the building to which it is accessory. Not more than one (1) of the vehicles may be a commercial vehicle exceeding two (2) ton capacity.
- 14.30 Garage, Public. A building or portion thereof, other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling, or storing motor driven vehicles.
- 14.31 Grade. The degree of inclination of the site or right-of-way, expressed as a percentage.
- 14.32 Hazardous Waste. Any substance or material that, by reason of its toxic, caustic, corrosive, abrasive or otherwise injurious properties, may be detrimental or deleterious to the health of any person handling or otherwise coming into contact with such material or substance. The U.S. Environmental Protection Agency (EPA) has developed a list of hazardous wastes based upon corrosivity, reactivity, and toxicity. Hazardous substances include, but are not limited to, inorganic mineral

acids of sulfur, fluorine, chlorine, nitrogen, chromium, phosphorous, selenium and arsenic and their common salts, lead, nickel, and mercury and their inorganic salts, or metallo-organic derivatives; coal, tar acids, such as phenol and cresols and their salts, and all radioactive materials.

- 14.33 Home Occupation. Customary incidental home occupations businesses such as handicraft, dressmaking, millinery, and preserving, but not including beauty parlor, barber shop, dancing or music school with organized classes, or similar activity, carried on solely by resident occupants within their residences, subject to the following provisions: that not more than one room is used for such purposes by any resident family; that no such use shall require internal or external alterations or involve construction features or the use of mechanical equipment not customary in dwellings; that nothing not produced on the premises is sold or offered for sale, that no display of goods or services pertaining to such use is visible from the street. Home occupation shall include the use of premises by a physician, surgeon, dentist, lawyer, clergyman, or other professional person for the general practice of his profession. Any activity carried out for gain by a resident and conducted as a customary, incidental, and accessory use in the resident's dwelling unit. In those zones where home occupations are permitted, the development ordinance may impose reasonable restrictions, including the number of nonresident employees, controls on signs, the maximum amount of square footage to be used for the home occupation, and parking requirements.
- 14.34 Hotel. A building in which lodging and food service are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public, as opposed to a boardinghouse or multiple-family dwelling as herein separately defined.
- 14.35 Improvements: Any street, curb and gutter, sidewalk, drainage ditch, sewer, catchbasin, newly-planted tree, off-street parking area, or other facility necessary for the general use of property owners in a subdivision.
- 14.36 Public Institution. A nonprofit corporation or a nonprofit establishment for public use.
- 14.37 Junkyard. A lot, land, or structure, or part thereof, used primarily for the collection, storage and sale of waste paper, rags, scrap metal, or discarded materials or for the collection, storage dismantling, and salvaging of machinery or vehicles not in running condition and for the sale of parts thereof. The term "junkyard" shall include auto wrecking yards.

- 14.38 Kennel. Any lot or premise on which are kept four (4) or more dogs, more than six (6) months of age for compensation or sale.
- 14.39 Land Use Plan. The comprehensive long range plan for the desirable use of land in the jurisdiction, as officially adopted and as amended from time to time by the Village Board, the purpose of such plan being among other things, to serve as a guide to the zoning and prospective changes in the zoning of land to meet changing community needs in the subdividing and use of undeveloped land.
- 14.40 Laundromat. An establishment providing home-type washing, drying or ironing machines for hire to be used by customers on the premises.
- 14.41 Lot. The word "lot" when used alone shall mean a "zoning lot" unless the context of this Ordinance clearly indicates otherwise. A "lot" may or may not coincide with a "lot of record." A tract of land intended as a unit for the purpose (whether immediate or future) of development or transfer of ownership.
- 14.42 Lot Area. The total horizontal area included within lot lines.
- 14.43 Lot Depth. The depth of a lot which shall be considered to be the distance between the midpoints of straight lines connecting foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
- 14.44 Lot Frontage. The dimension of a lot or portion of a lot abutting on a street excluding the side dimension of a corner lot.
- 14.45 Lot of Record. A plot which is part of a subdivision, the map of which has been recorded in the office of the Recorder of Deeds of Rock Island County; or a parcel of land, the deed of which was recorded in the office of the Recorder of Deeds of Rock Island County prior to the adoption of this Ordinance.
- 14.46 Lot Width. The width of a lot which shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot. Where side lot lines are not continuously parallel or at right angles to the abutting street, the average of the rear and front widths shall be used.
- 14.47 Lot, Corner. A plot which has at least two (2) adjacent sides abutting for their full length on a street, provided the interior angle at the intersection of such two (2) sides is less than one hundred thirty-five degrees (135).
- 14.48 Lot, Interior. Any plot other than a corner lot with only one (1) frontage street.

- 14.49 Lot, Zoning. A single tract of land located within a single block, which (at the time of filing for a building permit) is designated by its owner or developer as a tract to be used, developed or built upon as a unit, under single ownership or control. Therefore a "zoning lot" may or may not coincide with a lot of record.
- 14.50 Mobile Home. A "mobile home" is a portable or mobile living unit used or designed for human occupancy on a permanent basis. A travel trailer is not to be considered mobile home. A detached residential dwelling unit designed for transportation after fabrication on streets of highways on its own wheels or on a flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling, complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities, and the like. A travel trailer, self-contained motor home or other recreational vehicle is not to be considered a mobile home.
- 14.51 Mobile Home Park. A "mobile home park" is a parcel of land under single ownership which has been designed or improved or is intended to be used or rented for occupancy by one (1) or more mobile homes. A site containing spaces with required improvements and utilities that are leased for the long-term placement of mobile homes and that may include services and facilities for the residents.
- 14.52 Motel. A building or groups of buildings used primarily for the temporary residence of motorists or travelers.
- 14.53 Nonconforming Use. Any building or land lawfully occupied by a use at the time of this Ordinance or amendment thereto which does not conform after passage of this Ordinance or amendment thereto with the use regulations of the district in which it is situated.
- 14.54 Parcel. A piece of land, especially one considered as part of one's property.
- 14.55 Parking Area, Accessory. An area of one or more parking spaces located at the same property as the building, structure or premises it is intended to serve, or on adjoining or nearby property and of such shape and nature as to be appropriate and usable for the parking or storage, loading and unloading of self-propelled vehicles.
- 14.56 Parking Area or Yard, Truck. Any land used or intended to be used for the storage or parking of trucks, tractors, truck trailers, and including commercial vehicles, while not loading or unloading. Does not include Class B trucks.
- 14.57 Parking Space, Automobile. Space within a public or private parking area of not less than 160 square feet (eight and one-half feet by

nineteen feet) exclusive of access drives or aisles, ramps, columns, or office and work areas, for the storage of one passenger automobile or commercial vehicle under one and one-half ton capacity.

- 14.58 Planning and Zoning Commission. "Planning and Zoning Commission" shall mean the Planning and Zoning Commission of the Village of Port Byron, Illinois.
- 14.59 Plat. The subdivider's plan and supporting documentation of the subdivision which, if approved, shall be filed with the Rock Island County Recorder of Deeds.
- 14.60 Right-of-Way, Public. A strip of land which the owner/subdivider has dedicated to the Village of Port Byron or other unit of government for streets, alleys, and other public improvements.
- 14.61 Septic Tank. A component of a sewerage system with a seepage field to function on an individual or multiple lot basis.
- 14.62 Setback. The horizontal distance between the street right-of-way line and the building. Minimum setback requirements are set forth in the Zoning Ordinance.
- 14.63 Sewerage System, Central. A setup for sewer waste approved by the Illinois Environmental Protection Agency as properly designed to serve one (1) or more subdivisions. A septic tank is not a central sewerage system.
- 14.64 Side Yard Sum. The sum of the open space extending from the front yard to the rear yard between a building and the side lot line, unoccupied and unobstructed from the ground upward, except as hereinafter specified.
- 14.65 Sign. A name, identification, description, display, or illustration which is affixed to, or represented directly or indirectly upon, a building, structure, or piece of land, and which directs attention to an object, product, place, activity, person institution, organization, or business. However, a "sign" shall not include any display of official court of public office notices nor shall it include the flag, emblem, or insignia of a nation, political unit, school or religious group.
- 14.66 Sign, On-site. A name, identification, description, display, or illustration relating in its subject matter to the premises on which it is located or to products, accommodations, services, or activities on the premises. On-site signs do not include billboards.
- 14.67 Sign, Off-site. A name, identification, description, display, or illustration other than an on-site sign.

- 14.68 Story. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, or the ceiling or roof next above such floor; provided that, for the purpose of determining the required dimensions of yards when the average story height of a building exceeds twelve (12) feet, each twelve (12) feet or fraction thereof of the total building height shall be considered a separate full story or fractional story respectively, except the first story which may be fifteen (15) feet high.
- 14.69 Story, Half. A partial portion under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four (4) feet above the floor of such story; provided, however, that: any partial story used for residence purposes, deemed a full story.
- 14.70 Street. A "street" is a general term used to describe a public right-of-way which provides a channel for vehicular and pedestrian movement, and may provide for vehicular and pedestrian access to properties adjacent: to it, and which may also provide space for the location of utilities (both above and below ground). A public or private way for motor vehicle travel. The term includes a highway, thoroughfare, parkway, throughway, road, pike, avenue, boulevard, lane, place, drive, court and similar designations, but excludes an alley or way for pedestrian use only.
- 14.71 Structure. Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences, billboards, and poster panels.
- 14.72 Subdivider. Any person, firm, partnership, association, corporation, estate or other group or combination acting as a unit, dividing or proposing to divide land in a manner that constitutes a subdivision as defined in this Article.
- 14.73 Subdivision. Any division of land into two or more lots, any of which is less than five acres, or any transfer involving an easement of ingress or egress, except as set forth in the Plat Act, 765 ILCS 205/1.
- 14.74 Travel Trailer. A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes, having a body width not exceeding eight (8) feet.
- 14.75 Village. "Village" shall mean the Village of Port Byron, Illinois.
- 14.76 Village Board. "Village Board" shall mean the Village Board of Trustees of the Village of Port Byron, Illinois.
- 14.77 Village Clerk. "Village Clerk" shall mean the Village Clerk of the Village of Port Byron, Illinois.

- 14.78 Village Engineer. A professional engineering consultant that will be providing services for the Village of Port Byron.
- 14.79 Variance. A "variance" is a relaxation of the terms of this Ordinance which will not be contrary to the public interest, and where owing to conditions peculiar to the property and not the result of the actions of the applicant a literal enforcement of this Ordinance would result in unnecessary and undue hardship. Permission to depart from the literal requirements of a zoning ordinance, such as setbacks, side yards, frontage requirements, and lot size that, if applied to a specific lot, would present practical difficulties in the use of the property.
- 14.80 Yard. An open space at grade unoccupied and unobstructed by any structure or portion of a structure, other than projections of uncovered steps, uncovered balconies, or uncovered porches, provided, however, that fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any yard subject to height and visibility requirements. In measuring a yard for the purpose of determining the width of a side yard, depth of a front yard or rear yard, the minimum horizontal distance between the lot line and the main building shall be used.
- 14.81 Yard, Front. An open space extending the full width of a lot between a building and the front lot line, unoccupied and unobstructed from the ground upward, except as hereinafter specified.
- 14.82 Yard, Rear. An open space extending the full width of a lot between a building and the rear lot line, unoccupied and-unobstructed from the ground upward, except as hereinafter specified.
- 14.83 Yard, Side. An open space extending from the front yard to the rear yard between a building and the side lot line, unoccupied and unobstructed from the ground upward, except as hereinafter specified.
- 14.84 Building Inspector. The person appointed to occupy the office created herein in which office is vested the chief administrative and enforcement duties as outlined in this Ordinance.



**ARTICLE XII.**  
**ESTABLISHMENT OF DISTRICTS, ZONING MAP, BOUNDARY**  
**INTERPRETATIONS, ANNEXED TERRITORY**

**Section 20 Establishment of Districts**

For the purpose of this Ordinance the Village of Port Byron, Illinois is hereby organized into the following districts:

- 20.01 Residence Districts
  - R-1 Rural Residence District
  - R-2 One-Family Residence District
  - R-3 One and Two-Family Residence District
  - R-4 General Residence District
  - R-5 Mobile Home Park District
- 20.02 Commercial Districts
  - C-1 Neighborhood Commercial District
  - C-2 General Commercial District
  - HDO Historic Downtown Overlay District
- 20.03 Industrial Districts
  - I-1 Light Industrial District
  - I-2 General Industrial District

**Section 21 Zoning Map**

The location and boundaries of the zoning districts established by this Ordinance are set forth on the map entitled "Zoning Map." Said map shall be as much a part of this Ordinance as though fully set forth and described herein.

**Section 22 Rules for Interpretation of District Boundaries**

Where uncertainty exists with respect to the precise location of any of the aforesaid districts shown on the Zoning Map, the following rules shall apply:

- 22.01 Boundaries shown as following or approximately following streets, highways, or alleys shall be construed to follow the center lines of such streets, highways, or alleys;
- 22.02 Boundaries shown as following or approximately following platted lot lines or other property lines shall be construed to be said boundary lines;

- 22.03 Boundaries shown following or approximately following railroad lines shall be construed to lie midway between the main tracks of such railroad lines;
- 22.04 Boundaries shown as following or approximately following the center lines of streams, rivers, or other continuously flowing water courses shall be construed as following the channel center line of such water courses taken at a mean low water mark;
- 22.05 Boundaries shown as following or closely following the Village limits of Port Byron shall be construed as following such limits;
- 22.06 Where the application of the aforesaid rules leaves a responsible doubt as to the boundaries between two districts, the regulations of the more restrictive district shall govern the entire parcel in question, unless otherwise determined by the Board of Appeals in accordance with provisions contained in Section 178.02.1; and
- 22.07 Whenever any street, alley, or other public easement is vacated, the district classification of the property to which the vacated portions of land accrue shall become the classification of the vacated land.

**Section 23 Annexed Territory**

All territory which may hereafter be annexed to the Village of Port Byron shall be classed automatically as being in an-"R-2" One Family Residence District until such classification shall have been changed by amendment of this Ordinance as provided hereafter.

**ARTICLE XIII.  
GENERAL PROVISIONS**

**Section 30     Zoning Affects Every Structure And Use**

Except as otherwise stated, no building, structure or land shall be erected, constructed, reconstructed, occupied, moved, altered, or repaired, except in conformity with the regulations hereinafter specified for the class of District in which it is located.

**Section 31     Continued Existing Uses**

Any building, structure or use lawfully existing at the time of enactment of this Ordinance may be continued, except certain non-conforming uses as provided in Section 32. Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by the Building Inspector.

**Section 32     Non-Conforming Uses**

Any lawfully established use of a building or land, at the effective date of this ordinance, or of amendments thereto, that does not conform to the use regulations for the district in which it is located shall be deemed to be a legal non-conforming use and may be continued, except as otherwise provided herein.

- 32.01     Any legal non-conforming building or structure may be continued in use provided there is no physical change other than necessary maintenance and repair, except as otherwise permitted herein.
- 32.02     Any building for which a permit has been lawfully granted prior to the effective date of this ordinance, or of amendments thereto, may be completed in accordance with the approved plans; provided construction is started within six months and diligently prosecuted to completion. Such building shall thereafter be deemed a lawfully established building.
- 32.03     Any non-conforming building or structure which has been or may be damaged by fire, flood, explosion, earthquake, war, riot or other unforeseen natural phenomenon, may be reconstructed and used as before if it be done within twelve months (12) of such calamity, unless damaged more than fifty percent (50) of its fair market value, as determined by the Board of Appeals, at the time of such damage, in which case, reconstruction shall be in accordance with the provisions of this Ordinance.
- 32.04     No building, structure or premises where a non-conforming building or structure which has been or may be discontinued for more than one (1) year, or has been or may be changed to a use permitted in the district in which it is located, shall again be devoted to a nonconforming use.

- 32.05 Any building or structure devoted to a nonconforming use with a fair market value of less than five hundred dollars (\$500), as determined by the Board of Appeals, may be continued for a period not to exceed three (3) years after enactment of this Ordinance, where upon such nonconforming use shall be removed or changed to a conforming use.
- 32.06 Any legal, nonconforming use shall be enclosed in all sides by a solid wall or tight board fence not less than eight (8) feet high if said use includes storage, repair or maintenance of vehicles, equipment or materials on the premises and not within the building. Said wall or fence shall be maintained to the satisfaction of the Building Inspector. Any use so described that is in existence at the time of this amendment is adopted shall comply with said fencing requirement within one hundred eighty days (180) of the adoption of this amendment.
- 32.07 A non-conforming building may be enlarged or extended only if the entire building is thereafter devoted to a conforming use, and only if the required yards for the district in which it is located are maintained for such enlargement, except as provided for under Variances of this Ordinance.
- 32.08 No building partially occupied by a non-conforming use shall be altered in such a way as to permit the enlargement or expansion of the space occupied by such non-conforming use.
- 32.09 No non-conforming building in any Residential District shall be so altered as to increase the number of dwelling units therein.
- 32.10 No non-conforming use may be enlarged or extended in such a way as to occupy any required usable open space, or any land beyond the boundaries of the zoning lot as it existed at the effective date of this ordinance, or to displace any conforming use in the same building or the same parcel.
- 32.11 A nonconforming use of land, where the aggregate value of all permanent buildings or structures is less than five hundred (500) dollars, existing at the time of adoption of this Ordinance, may be continued for a period of not more than five (5) years, provided that:
1. Said nonconforming use may not be extended or expanded, nor shall it occupy more area than was in use on the effective date of this Ordinance.
  2. If said nonconforming use or any portion thereof is discontinued for a period of six (6) months, or changed, any future use of such land, or change in use, shall be in conformity with the provisions of the District in which said land is located.

**Section 33 Street Frontage, Lot of Record, Number of Buildings on Lot, and Lots Unserved by Sewer or Water**

- 33.01 Minimum Street Frontage-Flag Lots. No lot shall be created after the adoption of this Ordinance unless it abuts at least twenty (20) feet on a public street and has access thereto. Every lot shall have at least twenty (20) feet of frontage which provides reasonable access onto public right-of-way dedicated to street purposes. No building in the rear of a principal building on the same lot shall be used as a dwelling. Setbacks for flag lots will be determined at the start of the buildable area of the lot.
- 33.02 Lot of Record. In any Residence District on a lot of record at the time of enactment of this Ordinance, a one-family dwelling may be established regardless of the size of the lot, provided all other requirements of this Ordinance are complied with. However, where two (2) or more undeveloped lots of record prior to the adoption of this Ordinance are held in common ownership, they shall be considered as a single zoning lot for purposes of this Ordinance, unless each has a lot area no more than ten (10) percent less than the required minimum lot area for the district in which they are located.
- 33.03 Number of Buildings on a Zoning Lot. Except in the case of planned developments, not more than one principle detached residential building shall be located on a zoning lot, nor shall a principle detached residential building be located on the same zoning lot with any other principle building.
- 33.04 Lots Unserved by Sewer and/or Water. In any residential district where neither central water supply or central sewerage system are reasonably available, one-family detached dwelling may be constructed provided, the otherwise specified lot area and width requirements shall be a minimum of twenty thousand (20,000) square feet and one hundred (100) feet respectively; further provided, however, that where either a public water supply system or a public sanitary sewer system is accessible these requirements shall be ten thousand (10,000) square feet, and seventy-five (75) feet respectively, except as hereinafter specified. Additionally, unserved lots must have systems approved by the Rock Island County Health Department.

**Section 34 Accessory Buildings**

- 34.01 Time of Construction. No accessory buildings or structures shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory.
- 34.02 Percentage of Required Yard Occupied. No detached accessory building or buildings shall occupy more than fifty (50) percent of the area of a required yard.

- 34.03 Height of Accessory Building. No detached accessory building or structure shall exceed the height of the principal building or structure.
- 34.04 Location on Lot. No accessory building shall be erected in any court or front yard. Accessory buildings shall be no closer than five (5) feet from all lot lines of adjoining lots which are in any "R" District and at least six (6) feet from alley lines. If an accessory building is created on either side of the principal building, it shall not encroach upon the side yard requirement.
- 34.05 Any accessory building may be erected as an integral part of the principal building, or if at least six (6) feet from the principal building, may be connected to the principal building by a breezeway or similar structure, provided all yard and court requirements of this Ordinance for the principal building are complied with, unless such accessory building is in a rear yard, in which case the applicable provisions of Section 34.04 shall apply.

**Section 35 Required Yard Cannot be Reduced or Used by Another Building**

No lot, yard, court, parking area or other open space shall be so reduced in area or dimension as to not meet the minimum requirements of its district. No required open space provided around any one building or structure shall be included as part of the minimum open space or setback requirements for a different building or structure.

**Section 36 Permitted Obstructions in Required Yards.**

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

- 36.01 In all yards – porch awnings and canopies, steps which are necessary for access to a permitted building, or for access to a zoning lot from a street or alley; chimneys projecting not more than eighteen (18) inches into the yard; clothes lines; flag poles; arbors, trellises, closed and open-type fences, and hedges six (6) feet or less in height, provided no such fence, the top rail of which is between two (2) and six (6) feet above the roadway surface or no other ground level sight obstructions, exceptions being trimmed tree trunks and poles, shall be placed or permitted to remain on any corner or reversed corner lot within the triangular area formed by the right-of-way lines and a line connecting them at points twenty-five (25) feet from the intersection of the right-of-way lines, or in the case of a rounded right-of-way corner, from the intersection of the right-of-way lines extended; open fences exceeding six (6) feet in height.
- 36.02 In front yards – one-story bay windows projecting three (3) feet or less into the yard; and overhanging eaves and gutters projecting three (3) feet or less into the yard. In A-1 district permitted roadside stands.

- 36.03 In rear yards – open decks not enclosed, attached or detached off-street parking spaces; open off-street parking spaces; accessory sheds, tool rooms, similar buildings or structures for domestic or agricultural storage; balconies; breeze-ways and open porches; one-story windows projecting three (3) feet or less into the yard; and overhanging eaves and gutters projecting three (3) feet or less into the yard.
- 36.04 In side yards – overhanging eaves and gutters projecting into the yard for a distance not exceeding ten (10) percent of the required yard width but in no case, exceeding eighteen (18) inches.

**Section 37 Conversion of Dwellings**

The conversion of any building into a dwelling, or the conversion of any dwelling so as to accommodate an increased number of dwelling occupants, shall be permitted only within a district in which a new building for similar occupancy would be permitted under the Ordinance, and only when the resulting occupancy will comply with the requirements governing new construction in such district with respect to minimum lot size, lot area per dwelling unit, dimensions of yards and other open spaces, and off-street parking. Each conversion shall be subject also to such further requirements, as may be specified hereinafter, within the article applying to such district.

**Section 38 Minimum Ground Floor Area for Dwellings**

A one story dwelling or a story and a half, or two story dwelling shall meet the minimum floor area standards in the Uniform Building Code (changed every third year) and be at least nine hundred (900) square feet with the length being no more than four times (4x) the width.

**Section 39 Traffic Visibility Across Corner Lots**

In any district, except C-2, on any lot, no fence structure or planting shall be erected or maintained within twenty (20) feet, measured horizontally from the property line where they intersect on a street corner.

**Section 40 Essential Services**

Essential services shall be permitted as authorized and regulated by law and other ordinances of the Village of Port Byron, it being the intention hereof to exempt such essential services from the application of this Ordinance.

**Section 41 Fences, Walls and Hedges**

- 41.01 Fences, walls and hedges parallel to a public street of residence shall be no more than forty two (42) inches in height provided the top rail is not between two (2) and six (6) feet above the roadway surface or other ground level sight obstructions and the smooth, finished, nonstructural or dressed side of a fence, if any, shall be directed toward the neighboring properties.

- 41.02 Fences, walls and hedges shall not exceed six (6) feet in height, except trimmed tree trunks and poles in any side or rear yard, and the smooth, finished, nonstructural or dressed side of the fence, if any shall be directed toward neighboring properties.
- 41.03 All fences, wall or hedges may be placed up to the property line, except in cases of a corner lot or reversed corner lot, where they shall not be placed within the triangular area formed by the right-of-way lines and a line connecting them at a point twenty five (25) feet from the intersection of the right-of-way lines or in the case of a rounded corner from the intersection of the right-of-way lines extended.
- 41.04 Fences up to ten (10) feet in height shall be permitted in any Industrial "I" district.
- 41.05 All refuse and/or discard areas for all commercial, industrial and multi-family residential uses shall be screened on a minimum of three (3) sides by a six foot solid or tight board fence. All refuse and/or discard areas for all commercial and industrial uses which do not conform to all applicable provisions of this section shall be made to conform within three (3) years from the effective date of this Ordinance. The Building Inspector, shall make the determination if it is an unreasonable hardship to require existing refuse and/or discard to be screened on a case-by-case basis.
- 41.06 Snow fencing shall only be used on a temporary basis by public jurisdictions for public safety purposes or as a permitted use for temporary festival/event enclosure purposes.
- 41.07 Fencing shall not be allowed in floodways.
- 41.08 Swimming pool fencing requirements are outlined in the Village building code.
- 41.09 Barbed wire fences shall be permitted only in Industrial Districts and the bottom strand shall be a minimum of eight (8) feet above grade.
- 41.10 Electric fences shall be permitted only in a R-1 Rural Residence District and are only intended to prevent the passage of animals. Electric fences shall not carry a charge greater than twenty five (25) milliamperes nor a pulsating current lower than one tenth (1/10) second in a one second cycle. All electric fence charges shall carry the seal of an approved testing laboratory.
- 41.11 Barbed wire and electric fences shall be prohibited within five (5) feet of a public sidewalk or within four (4) feet of street right-of-way line where a public sidewalk does not exist. In the latter case, however, either fence may be installed or constructed along the right-of-way line if the property owner agrees to move the fence back the required



distance within two (2) months after the installation of a public sidewalk.

- 41.12 Deer fencing shall be permitted only in a R-1 Rural Residence District. Deer fencing specifically designed for the purpose of protecting vegetation and gardens from foraging deer can be installed up to a height of 8 feet provided a clear view through the deer fencing is maintained. Fencing materials such as polypropylene netting, taut wires, and woven wire mesh (excluding chain-link) allow a clear view and are adequate to keep deer out.
- 41.13 Underground electrical fences shall be permitted in a R-1 Rural Residence District, R-2 One-Family Residence Districts, and the R-3 One and Two-Family Residence Districts. All underground invisible dog fencing should not be placed in the public right-of-way, or in driveway pipes, culverts, drainage areas. Any fences that do not meet these specifications and are damaged due to scheduled road maintenance, ditching or snow plowing, is the responsibility of the owner and not the Village. Additionally, dogs are prohibited from being confined by an electronic fence/collar in the front yard, and are prohibited to be closer than 10 feet to any public sidewalk or property line.
- 41.14 Fencing with a height greater than three (3) feet will require a building permit, and as such will be subject to the building permit fees outlined by the Village based on the improvement's value.

## **Section 42 Validity of Existing Building Permits**

Nothing herein contained shall require any change in the overall layout, plans, construction, size or designated uses of any development, building structure, or part thereof, for which the official approvals and required building permits have been granted before the enactment of the Ordinance, the construction of which, conforming with such plans, shall have been started prior to the effective date of the Ordinance and the completion therefore carried on in a normal manner within the subsequent six (6) month period, and not discontinued until completion, except for reasons beyond the builders control.

## **Section 43 Flood Hazard and Obstruction of Water Course Channels**

- 43.01 Flood Hazard. In any district which is subject to flood hazard, a building permit for any structure, exclusive of signs, shall be issued only when the bottom of the floor joists of such structure are above the elevation subject to periodic flooding or where such hazard has been eliminated to the satisfaction of the Village Engineer by a protective wall or other means.
- 43.02 Obstruction of Water Course Channels. To prevent encroachment upon or construction of river or creek channels, and thereby avoid

obstruction to the natural conveyance of water flow in such rivers, creeks, and other natural watercourses, there shall not be placed, erected, or located within the banks of such water courses any building or structure, pier or marina, or retaining or revetment wall, except authorized bridges or dams. In addition, there shall not be placed any filling of earth, ashes, rubbish, rubble, concrete, masonry, or any other kind of fill.

However, this provision may be waived if the structure or fill is approved by the Village Engineer, and where applicable, the County Soil and Water Conservation District, and/or the U.S. Army Corps of Engineers, and/or the Illinois Division of Waterways.

**Section 44 Uses Authorized by the Board of Appeals**

Any use or structure as regulated by the Board of Appeals in the various districts shall be accumulative in nature beginning with the most restrictive district.

**Section 45 Principal Building**

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 principal building on one lot unless otherwise provided in this Ordinance.

**Section 46 Adult Regulated Uses**

To prevent undue adverse effects upon adjacent areas in an I-1 and I-2 district from uses, the following will apply:

- 46.01 Not more than two (2) such Adult Use uses on review will be established within one thousand (1,000) feet of each other.
- 46.02 Adult Uses on review must not be located closer than one thousand (1,000) feet in any direction to the following Zoning Districts and Land Uses: Rural Residence, Residential or Commercial Districts, public or private schools, licensed day care centers, churches or religious centers, public parks or designated pedestrian/bicycle paths.
- 46.03 No building in which Adult Use conditional uses operate shall display printed photos, live models or drawings on the exterior of said building. Any displays of such materials, photos, live models or drawings will be limited to the interior portion of the building which cannot readily be seen from any entrance, exit or exterior window opening.

**ARTICLE XIV.**  
**R-1 RURAL RESIDENCE DISTRICT**

**Section 50    General Description**

This district is intended to provide for one-family residential development on lot sizes adequate to allow individual wells and sewage disposal systems and to create an environment of rural-type homes on larger lots than required in the urban type residential areas. The permitted uses, lot areas, setbacks and other requirements are designed to encourage a quality residential area in a rural setting. All commercial activities including room renting or other home occupations are prohibited.

**Section 51    Principle Uses Permitted**

1. One-family detached dwelling.
2. Public, Quasi-Public, and Governmental Buildings and Facilities, such as but not limited to:
  - a. Country club.
  - b. Essential services – gas regulator station, telephone exchange, electric substation.
  - c. Parish house and convent, in conjunction with schools.
  - d. Public and Parochial school.
  - e. Public library, in conjunction with schools.
  - f. Public park, public playground, public golf courses, and public community center building.
3. Agricultural Uses, such as but not limited to:
  - a. Gardening.
  - b. Greenhouse, noncommercial.
  - c. Nursery, noncommercial.

**Section 52    Uses Permitted on Review**

The following- principle uses may be permitted on review by the Board of Appeals in accordance with the provisions contained herein:

1. Similar and Compatible Uses to those allowed as "permitted uses" in this district.

- 2. Churches and other places of worship, provided the property for said use fronts on a primary or secondary thoroughfare so designed in the comprehensive plan.
- 3. Commercial golf course and accessory driving range.

**Section 53 Height Regulations**

No building or structure shall exceed three (3) stories or thirty-five (35) feet in height.

**Section 54 Lot Area, Lot Width, and Yard Requirements**

The following minimum requirements shall be observed for both primary and accessory buildings. No accessory building shall be located in a front yard.

Lot Area	Lot Width	Front Yard Depth	Least Side Yard Width	Side Yard Sum	Rear Yard
20,000 square feet	100 ft.	35 ft.	10 ft.	20 ft.	35 ft.

**ARTICLE XV.**  
**R-2 ONE-FAMILY RESIDENCE DISTRICT**

**Section 60    General Description**

This is the most restrictive residential district. The principle use of land is for one-family dwellings and related recreational, religious, and educational facilities normally required to provide an orderly and attractive residential area. These residential areas are intended to be defined and protected from encroachment of uses which are not appropriate to a residential environment. Internal stability, attractiveness, order, and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and related facilities and through consideration of the proper functional relationship of the different uses.

**Section 61    Principle Uses Permitted**

Property and buildings in an R-2 One-Family Residence District shall be used only for the following purposes:

- 61.01      One-family detached dwellings.
- 61.02      Essential service as defined in Section 14.
- 61.03      Church or temple.
- 61.04      Public school or school offering general educational courses the same as ordinarily given in public schools.
- 61.05      Public library and similar public culture uses located not less than twenty (20) feet from any side lot line in any "R" District.
- 61.06      Park and playground.
- 61.07      Public school or school offering general educational courses the same as ordinarily given in public schools.
- 61.08      Day care home.
- 61.09      Foster family home.

**Section 62    Uses Permitted on Review**

The following principle uses may be permitted on review by the Board of Appeals in accordance with the provisions contained herein:

- 62.01      Church or temple.
- 62.02      Public school or school offering general educational courses the same as ordinarily given in public schools.
- 62.03      Public library and similar public culture uses located not less than twenty (20) feet from any side lot line in any "R" District.

- 62.04 Park, playground, and community center.
- 62.05 Municipal administrative or public service building or properties, except such cases as storage yard, warehouse, garage, or other uses customarily conducted as gainful business, provided any building is located not less than twenty (20) feet from any lot in any "R" District.
- 62.06 Transformer station, relay transmitter station, or pressure regulating and metering station, without service yard storage.
- 62.07 Country club, golf course, swimming club, tennis courts, and similar recreational uses, provided that any principle building or swimming pool shall be located not less than one hundred (100) feet from any lot in any "R" District.
- 62.08 Cemeteries.
- 62.09 Day care home serving between nine (9) and twelve (12) children.
- 62.10 Office of a physician, dentist, lawyer, architect, or engineer within his dwelling, provided such is not operated at the principle office.
- 62.11 Customary incidental home occupations, as defined in Section 14.33, such as handicraft, dressmaking, millinery, and preserving, but not including beauty parlor, barber shop, dancing or music school with organized classes, or similar activity, carried on solely by resident occupants within their residences, subject to the following provisions: that not more than one room is used for such purposes by a resident family; that no such use shall require internal or external alterations or involve construction features or the use of mechanical equipment not customary in dwellings; that nothing not produced on the premises is sold or offered for: sale, that no display of goods or services pertaining to such use is visible from the street those creating heavy motor vehicle and pedestrian traffic, congestion, offensive noise, odors, and other objectionable factors.
- 62.12 Duplexes.

**Section 63 Accessory Uses Permitted**

Accessory uses customarily incidental to a permitted principle use on the same lot therewith, including:

- 63.01 Private garages or parking areas.
- 63.02 Living quarters of persons employed on the premises.
- 63.03 Gardening, nurseries, greenhouses, and general farming, not including commercial chicken farms, hog farms, or other commercial animal farms provided that any greenhouse heating plant or any building where farm animals are kept or fed shall be at least five hundred (500)

thirty (30) feet from any lot line, and provided that produce is not offered for sale on the premises.

- 63.04 Home occupations, as defined.
- 63.05 Day care home licensed by the State of Illinois and with occupancy limit.
- 63.06 Other uses incidental to a permitted use.

**Section 64 Height Regulations**

No building or structure shall exceed three (3) stories or thirty-five (35) feet in height.

**Section 65 Lot Area, Frontage, and Yard Requirements**

The following minimum requirements shall be observed for both primary and accessory buildings. No accessory building shall be located in a front yard.

- 65.01 Lot Area. All lots shall be served by a public water supply and a public central sewerage system and each lot shall have a minimum lot area of seventy-five hundred (7500) square feet except as specified in Section 33.04 of this Ordinance.
- 65.02 Frontage and Yard Requirements. The following minimum requirements shall be observed:

Lot Area	Lot Width	Front Yard Depth	Least Side Yard Width	Side Yard Sum	Rear Yard Depth
7,500 square feet	75 ft.	30 ft.	12 ft.	20 ft.	30 ft.

**ARTICLE XVI.**  
**R-3 ONE AND TWO-FAMILY RESIDENCE DISTRICT**

**Section 70    General Description**

This is a residential district to provide for a slightly higher population density but with basic regulations similar to the R-2 District. The principle use of land is for single and two-family attached dwellings and related recreational, religious, and educational facilities normally required to provide a balanced and attractive residential area. Internal stability, attractiveness, order, and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and related facilities and through consideration of the proper functional relationship of the different uses.

**Section 71    Principle Uses Permitted**

Property and buildings in an R-3 One- and Two-Family Residence District shall be used only for the following purposes:

- 71.01      Any use permitted in the R-2 One-Family Residence District.
- 71.02      Two-Family attached dwelling.

**Section 72    Uses Permitted on Review**

The following principle uses may be permitted on review by the Board of Appeals in accordance with the provisions contained herein:

- 72.01      Any use permitted on review in the R-2 One-Family Residence District.
- 72.02      Private social clubs, orders, union halls or lodges, except whose chief activity is a service customarily carried on as a business provided any building is located not less than twenty (20) feet from any lot in any "R" District.
- 72.03      Parking areas accessory to a use in an adjoining less restricted district when abutting or directly across an alley, subject to the applicable conditions contained herein and such further conditions as may be stipulated by the Board of Appeals.
- 72.04      Bed and Breakfast inns.

**Section 73    Accessory Uses Permitted**

Accessory uses customarily incidental to a permitted principle use on the same lot therewith, including:

- 73.01      Accessory uses permitted in the R-2 One-Family Residence District.



**Section 74 Height Regulations**

No building or structure shall exceed three (3) stories or thirty-five (35) feet in height.

**Section 75 Lot Area, Frontage, and Yard, Requirements**

The following minimum requirements shall be observed for both primary and accessory buildings. No accessory building shall be located in a front yard.

75.01 Lot Area. All lot served by a public water supply and public central sewerage system and each one-family residence shall be located on a lot containing at least five thousand (5,000) square feet, and each structure containing more than one family shall be located on a lot having at least three thousand (3,000) square feet for each family.

75.02 Frontage and Yard Area Requirements. The following minimum requirements shall be observed:

Lot Area	Lot Width	Front Yard Depth	Least Side Yard Width	Side Yard Sum	Rear Yard Depth
5,000 square feet for one-family residences; 6,000 square feet for two-family <b>attached</b> residences	50 ft.	30 ft.	6-8 ft.	15 ft.	30 ft.

**ARTICLE XVII.**  
**R-4 GENERAL RESIDENCE DISTRICT**

**Section 80    General Description**

This is a residential district to provide for medium and high population density. The principle use of land may range from one-family to multiple-family dwelling units. Certain uses are permitted which are more compatible functionally with intensive residential uses than with commercial uses. The recreational, religious, and education facilities normally required to provide an orderly and attractive residential area are included. Internal stability attractiveness, order, and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and related facilities and through consideration of the proper functional relationships of each use permitted in the district.

**Section 81    Principle Uses Permitted**

Property and buildings in an R-4 General Residence District shall be used only for the following purposes:

- 81.01        Any use permitted in the R-3 One and Two-Family Residence District.
- 81.02        Dwellings for any number of families.
- 81.03        Boarding and lodging houses.

**Section 82    Uses Permitted on Review**

The following principle uses may be permitted on review by the Board of Appeals in accordance with the provisions contained herein:

- 82.01        Any use permitted on review in the R-3 One and Two-Family Residence District.
- 82.02        Public and private schools for academic instruction, including dormitories.
- 82.03        Hospitals, sanatoriums, nursing homes and care homes, large residential.
- 82.04        Institutions of a religious, educational, or philanthropic nature.
- 82.05        Physicians' and dentists' offices and private clinics for human care; professional offices of architects, engineers, lawyers, and the like; barber and beauty shops; offices devoted to real estate, insurance, management, and similar enterprises when not displaying or handling merchandise on the premises. The buildings permitted under this subsection shall be of a design and location compatible with the permitted residential uses.
- 82.06        Halfway house/group home.

82.07 Day care centers licensed by the State of Illinois.

**Section 83 Accessory Uses Permitted**

Accessory uses customarily incidental to a permitted principle use on the same lot therewith, including:

83.01 Accessory uses permitted in the R-3 One and Two-Family Residence District.

**Section 84 Height Regulations**

No building or structure shall exceed three (3) stories of forty (40) feet in height.

**Section 85 Lot Area, Frontage and Yard Requirements**

85.01 Lot Area. All lots served by a public water supply and public central sewerage system and the following minimum lot area requirements shall be observed:

- One-Family Dwelling 7,500 square feet
- Two-Family Attached Dwelling 8,000 square feet
- Multiple Family Dwelling 3,000 square feet/dwelling unit
- Boarding and Lodging House 8,000 square feet

85.02 Frontage and Yard Requirements. The following minimum requirements shall be observed:

	Lot Width	Front Yard Depth	Side Yard Least Width	Rear Yard Depth	Side Yard Sum
One-Family Dwelling	75 ft.	30 ft.	10 ft.	30 ft.	20 ft.
Two-Family Attached Dwelling	80 ft.	30 ft.	10 ft.	30 ft.	15 ft.
Multiple Family Dwelling	100 ft.	30 ft.	15 ft.	30 ft.	15 ft.
Boarding & Lodging House	90 ft.	30 ft.	10 ft.	30 ft.	15 ft.

**ARTICLE XVIII.**  
**R-5 MOBILE HOME PARK DISTRICT**

**Section 90      General Description**

This is a residential district to provide for medium and high population density. The principle use of land is for planned mobile home parks, including mobile homes and other related facilities normally required to provide a balanced and attractive residential area. Internal stability, attractiveness, order, and efficiency are encouraged by providing for adequate light and open space for mobile homes and related facilities and through consideration of the proper functional relationship of the different uses.

**Section 91      Principle Uses Permitted**

Property and buildings in. an R-5 Mobile Home Park District shall be used only for the following purpose:

- 91.01      Any use as allowed in the "Mobile Home Park Ordinance of the Village of Port Byron, Illinois."

**ARTICLE XIX.**  
**C-1 NEIGHBORHOOD COMMERCIAL DISTRICT**

**Section 100 General Description**

This commercial district is for the conduct of retail sales and personal services to meet the day-to-day needs of a fully developed neighborhood and for the convenience of the people of adjacent residential areas. These shops and stores may be an integral part of the neighborhood closely associated with residential, religious, recreational, and educational uses. More restrictive requirements for light, air, open space, and off-street parking are made in this District than are provided in other commercial districts.

**Section 101 Principle Uses Permitted**

Property and buildings in a C-1 Neighborhood Commercial District shall be used only for the following purposes:

- 101.01 Any use permitted in the R-4 General Residence District and any use permitted on review in the R-4 General Residence District, except that all dwelling shall be located above the ground floor.
- 101.02 Antique shop.
- 101.03 Appliance store.
- 101.04 Art and school supply store.
- 101.05 Bank and other financial institutions.
- 101.06 Barber shop.
- 101.07 Beauty parlor.
- 101.08 Bicycle sales, rental and repair store.
- 101.09 Book or stationary store.
- 101.10 Camera shop.
- 101.11 Candy store.
- 101.12 Community center.
- 101.13 Dairy products or ice cream store.
- 101.14 Drugstore.
- 101.15 Florist shop.
- 101.16 Food store, grocery store, meat market, fish market, bakery, and delicatessen.

- 101.17 Gift shop.
- 101.18 Hardware store.
- 101.19 Hobby shop
- 101.20 Jewelry store.
- 101.21 Laundromat
- 101.22 Locksmith
- 101.23 Municipal administrative or public service office.
- 101.24 Music and dancing studio.
- 101.25 Optometrist sales and service.
- 101.26 Package liquor sales.
- 101.27 Photographer or artist studio.
- 101.28 Physicians' and dentists' office and private clinic for human care.
- 101.29 Professional and business office.
- 101.30 Public library and similar public culture uses.
- 101.31 Restaurant, except drive-in restaurant.
- 101.32 Self-service laundry or dry cleaning.
- 101.33 Shoe repair shop.
- 101.34 Tailor shop.
- 101.35 Toy store.
- 101.36 Variety store.
- 101.37 Wearing apparel shop.
- 101.38 Any other use determined by the Board of Appeals to be of the same general character as the permitted uses.

**Section 102 Uses Permitted on Review**

The following principle uses may be permitted on review by the Board of Appeals in accordance with provisions contained herein:

- 102.01 Private club or lodge.
- 102.02 Automobile service gas station.
- 102.03 Restaurants serving alcoholic beverages.

102.04 Any other use determined by the Board of Appeals to be of the same general character as the foregoing uses permitted on review.

**Section 103 Accessory Uses Permitted**

Accessory uses customarily incidental to any permitted principle use.

**Section 104 Height Regulations**

No building or structure shall exceed three ( 3) stories or fifty (50) feet in height.

**Section 105 Lot Area, Frontage, and Yard Requirements**

105.01 Lot Area. Each structure containing a dwelling unit shall be located on a lot containing the minimum lot area requirements set forth in Section 85.01.

105.02 Frontage and Yard Requirements. The following minimum requirements shall be observed.

Lot Width	Front Yard Depth	Side Yard Widths	Rear Yard Depth
None	25 ft.	None, except where adjoining an "R" District, then same as the least width required in the "R" District.	10-ft except adjacent "R" District, then same as "R" District.

**ARTICLE XX.**  
**C-2 GENERAL COMMERCIAL DISTRICT**

**Section 110 General Description**

This commercial district is designed to accommodate the needs of a larger consumer population than is served by the C-1 Neighborhood Commercial District—thus, a wider range of services and goods is permitted for both daily and occasional shopping and service needs. Persons living in the community and in the surrounding trade territory require direct and frequent access.

**Section 111 Principle Uses Permitted**

Property and buildings in a C-2 General Commercial District shall be used only for the following purposes:

- 111.01 Any use permitted in the C-1 Neighborhood Commercial District except residential dwellings.
- 111.02 Amusement establishments, including: bowling alleys, miniature golf course, practice golf range, pool halls, dance halls, swimming pools, skating rinks, archery ranges, shooting galleries and similar amusement facilities.
- 111.03 Animal hospitals and kennels.
- 111.04 Auction rooms.
- 111.05 Automobile laundries.
- 111.06 Automobile service station.
- 111.07 Bar or tavern.
- 111.08 Bicycle sales, rental and repair store.
- 111.09 Boat sales.
- 111.10 Transformer station, and relay station, or pressure and meter regulating station without service yard storage.
- 111.11 Contractor or construction office or shop.
- 111.12 Department store.
- 111.13 Drive-in or drive-through restaurant.
- 111.14 Frozen food locker.
- 111.15 Furniture repair and upholstery.
- 111.16 Garages – for storage, repair, and servicing of motor vehicles, including body repair, painting, and engine rebuilding.



- 111.17 Garden supply store.
- 111.18 Greenhouses and nurseries.
- 111.19 Hotel, motel, or other tourist lodging establishment.
- 111.20 Laboratories – medical and dental.
- 111.21 Laundry and dry cleaning shop.
- 111.22 Locksmith shop.
- 111.23 Machinery sales.
- 111.24 Monument sales.
- 111.25 Mortuary.
- 111.26 Motor vehicle and mobile home sales, not including junk yards.
- 111.27 Parking lots and garages.
- 111.28 Pet shop.
- 111.29 Printing, publishing, engraving, or lithographing shop.
- 111.30 Private club or lodge.
- 111.31 Produce market.
- 111.32 Storage warehouse.
- 111.33 Theaters, indoor.
- 111.34 Any other use determined by the Board of Appeals to be of the same general character as the foregoing permitted uses, but not including any use that may become noxious or offensive in a C-2 District.

**Section 112 Uses Permitted on Review**

The following principle uses may be permitted on review by the Board of Appeals in accordance with provisions contained herein:

- 112.01 Contractor's and construction storage yard.
- 112.02 Farm implement sales.
- 112.03 Model home and garage displays.
- 112.04 Feed and seed sales.
- 112.05 Theater, drive-in.
- 112.06 Fuel and oil sales.
- 112.07 Lumber yard.

112.08 Any other use determined by the Board of Appeals to be of the same general character as the uses permitted on review, but not any use which may become noxious or offensive in a C-2 District.

**Section 113 Accessory Uses Permitted**

Accessory uses customarily incidental to any permitted principle use.

**Section 114 Height Regulations**

No building or structure shall exceed three (3)stories or fifty (50) feet in height.

**Section 115 Frontage, and Yard Requirements**

115.01 Frontage and Yard Requirements. The following minimum requirements shall be observed:

Lot Width	Front Yard Depth	Side Yard Width	Rear Yard Depth
None	None	Originally: None, except adjacent "R" District then same as "R" District.	10 ft. except adjacent "R" District, then same as "R" District.

**ARTICLE XXI.**  
**HDO HISTORIC DOWNTOWN OVERLAY DISTRICT**

**Section 120 General Description**

The intent of the historic downtown overlay district is to encourage a mixed-use downtown district, consisting of retail, service, office, civic and residential uses, while preserving the architectural heritage of the Village's historic buildings. The exact boundary of the HDO Historic Downtown Overlay District is delineated on the official Village zoning map. The HDO District regulations supplement and control (where inconsistent) the regulations of underlying district(s). All other applicable provisions and standards of the Zoning Ordinance and other pertinent ordinances shall remain in effect.

**Section 121 Principle Uses Permitted**

Property and buildings in a HDO District shall be used for the following purposes:

- 121.01 Any use permitted in the R-4 General Residence District and any use permitted on review in the R-4 General Residence District.
- 121.02 Any use permitted in the C-1 Neighborhood Commercial District except residential dwellings.
- 121.03 Public, Quasi-Public, and Governmental Buildings and Facilities, such as but not limited to:
  - a. Essential services – gas regulator station, transformer station, and electric substation.
  - b. Public library, public park, public playground, and public community center building.
  - c. Post office building.
- 121.04 Any other use determined by the Board of Appeals to be of the same general character as the foregoing permitted uses.

**Section 122 Uses Permitted on Review**

The following principle uses may be permitted on review by the Board of Appeals in accordance with provisions contained herein:

- 122.01 Mixed-Use Multi-Family buildings, with residential units above and retail or office units on the ground floor.
- 122.02 Mixed-Use Office buildings, with office space above and retail or restaurant space on the ground floor.
- 122.03 Private club or lodge.

- 122.04 Restaurants serving alcoholic beverages.
- 122.05 Any other use determined by the Board of Appeals to be of the same general character as the foregoing uses permitted on review.

**Section 123 Accessory Uses Permitted**

Accessory uses customarily incidental to any permitted principle use.

**Section 124 Height Regulations**

No building or structure shall exceed three (3) stories or fifty (50) feet in height.

**Section 125 Historic Guidelines**

Buildings deemed as historical by the Village Board should follow the recommended restoration guidelines for historic facades, as found in the 2014 Comprehensive Downtown Development Plan.

- 125.01 Previously obscured design details should be revealed and restored, whenever feasible, and architectural details should not be obscured or covered up by siding, awnings or signage.
- 125.02 No chemical or physical treatments, like sandblasting, to existing painted brick or stone. Surface cleaning must use the gentlest means possible.
- 125.03 If restoration is not feasible, new elements should be designed that replicate or are at least consistent with the character, materials and design of the original building.

**Section 126 Lot Area, Frontage, and Yard Requirements**

- 126.01 Lot Area. Each structure containing a dwelling unit shall be located on a lot containing the minimum lot area requirements set forth in Section 85.01.
- 126.01 Frontage and Yard Requirements. The following minimum requirements shall be observed:

Lot Width	Front Yard Depth	Side Yard Widths	Rear Yard Depth
None	None	None, except where adjoining an "R" District, then same as the least width required in the "R" District.	10-ft except adjacent "R" District, then same as "R" District.

## **Section 127 Pedestrian and Circulation Requirements**

For the benefit of the public, the Historic Downtown District shall offer multiple routes for motorists, pedestrians, and bicyclists within and through downtown. The circulation system shall provide functional and visual links among the residential areas, mixed-use area, and open space areas within downtown; connect to existing and proposed development; provide adequate traffic capacity; provide connected pedestrian and bicycle routes including sidewalks, paths, or bicycle lanes on streets; and promote safe and efficient mobility. More specific design standards that shall be met are as follows:

- 127.01 Convenient and continuous pedestrian circulation systems, including walkways and paths, that minimize pedestrian-motor vehicle conflicts shall be provided throughout the district.
- 127.02 All streets, except for alleys, shall be bordered by sidewalks on both sides. Intersections of sidewalks with streets shall be designed with clearly defined edges, and crosswalks shall be well lit and clearly marked.
- 127.03 Motor vehicle circulation shall be designed to efficiently move motor vehicle traffic via multiple routes and to minimize conflicts with pedestrians and bicycles. Traffic calming features such as curb extensions, traffic circles, medians, and on-street parking are encouraged to slow traffic speeds.

## **Section 128 On-site landscaping, exterior lighting, and utilities**

Overall composition and location of landscaping shall complement the scale of the development and its surroundings. In general, larger well-placed contiguous planting of plants native to the region shall be preferred to smaller, disconnected areas. All exterior lighting shall meet the technical lighting requirements of the Illuminating Engineering Society of North America, and the styles of proposed street and private lot lighting shall be compatible with one another. All new public and private utility installations shall be underground.

## **Section 129 Site Plan Approval**

- 129.01 Submission of Site Plan. A site plan shall be submitted at the time of application for a rezoning, an authorized use, and if applicable, for a variance. If only a building the site plan shall be submitted at the time of application for the permit. The site plan shall be submitted to the appropriate official. A processing fee to be established and publically published by the Planning and Zoning Commission shall be paid to the Village at the time the site plan is submitted. This fee shall not be required if the site plan is submitted at the same time as an application for a zoning change or authorized use.
- 129.02 Review Process. Upon receiving a site plan, the Planning and Zoning Commission Chair shall schedule a public hearing for review by the

Planning and Zoning Commission. The Planning and Zoning Commission shall review and make a recommendation to the Village Board for site plans requiring a zoning change, or only a building or sign permit. The Village Board shall review and take final action on site plans requiring a zoning change, or only a building or sign permit. The Planning and Zoning Commission shall review and approve site plans for uses requiring the Village Board authorization or variances, if applicable. A site plan approved by the Village Board shall not require other authority review before the issuance of a building permit.

- 129.03 Notice of Public Hearing. If a site plan is submitted as part of an application for a zoning change, authorized use or variance, the appropriate notification procedure established in the Ordinance shall be followed. Notice of time and place of such hearing shall be published not less than fifteen (15) nor more than thirty (30) days preceding said hearing and at least once in a newspaper of general circulation in the Village of Port Byron. Supplemental or additional notices may be published or distributed as the Board of Appeals may, by rule, prescribe from time to time.
- 129.04 Findings of Fact. Site plans reviewed by the appropriate authority(s). Appeals shall be approved, approved with conditions, or disapproved. In any case, the reviewing body shall make the following specific findings of fact concerning the site plan:
- a. Whether the proposed development conforms to the standards and requirements of the HDO District;
  - b. Whether the proposed development is consistent with the land use recommendations and development policies;
  - c. Whether the proposed development is designed to prevent traffic congestion and access problems along adjacent streets;
  - d. Whether the proposed development is an attractive design and an efficient use of land;
  - e. Whether the proposed development is compatible with adjacent land uses and is designed to protect adjacent properties from adverse effects such as noise, glare, litter and unattractive features;
  - f. Whether the proposed development will be adequately served by public facilities; and
  - g. Whether the proposed development will have any negative environmental or physical impacts on the site or on adjacent properties.
- 129.05 Exemptions from Site Plan Requirements. One and two family residences are exempt from the site plan requirements of the HDO. In

addition, a site plan shall not be required for the renovation or expansion of an existing structure or use unless access points would be changed or a substantial increase in traffic to the site would be generated.

- 129.06 Amendments to Approved Site Plans. Any amendment or change to an approved site plan must be submitted to the appropriate official for review. The Planning and Zoning Commission Chair shall determine if the proposed amendment is a major change requiring review and approval by the Village Board. Minor changes can be approved by the Planning and Zoning Commission Chair.
- 129.07 Site Plan Review Requirements Outside Historic Downtown District. HDO District site plan review requirements that also apply village-wide for site plans requiring a zoning change, authorized use and/or variances. The same notification and public hearing process shall also be followed.

**ARTICLE XXII.**  
**I-1 LIGHT INDUSTRIAL DISTRICT**

**Section 130 General Description**

This industrial district is intended primarily for the conduct of manufacturing, assembling, and fabrication. It is designed to provide an environment suitable for industrial activities that do not create appreciable nuisances or hazards. The uses permitted in this district make it most desirable that they be separated from residential uses.

**Section 131 Principle Uses Permitted**

Property and buildings in an I-1 Light Industrial District shall be used only for the following purposes:

- 131.01 Any use or structure permitted in the C-2 General Commercial District and any use permitted on review in the C-2 General Commercial District except as hereinafter modified.
- 131.02 Bottling or packaging of beverages, soft drinks or milk, or distribution stations.
- 131.03 Automobile repair garage doing major repair, including tire retreading or recapping, battery service and repair.
- 131.04 The manufacture, compounding, processing packaging or treatment of such products as bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, and paint.
- 131.05 The manufacture, compounding, assembling, or treatment of articles or merchandise from the following previously prepared material: canvas, cellophane, cloth, fiber, glass, leather, paper, plastics, precious or semi-precious metals or stone, rubber textiles, wood, or yarn.
- 131.06 The manufacture or assembly of electrical appliances, electronic instruments and devices, phonographs, radio and television sets, electric and neon signs, refrigerators and stoves.
- 131.07 Assembly of products from finished materials and parts.
- 131.08 Food processing.
- 131.09 Fur repair and storage.
- 131.10 Laboratories.
- 131.11 Laundry, dry cleaning, dyeing except walk-in/drive-up.
- 131.12 Photo processing involving photo engraving.
- 131.13 Printing and binding.



- 131.14 Services, providing not more than 5% of the business comes from retail on-premise sales and except repair or reconditioning of any motor vehicles.
- 131.15 Wholesaling, warehousing and storage, except mini-warehousing.
- 131.16 Any other similar uses deemed to be consistent.
- 131.17 Any other use that is determined by the Board of Appeals to be of the same general character as the permitted uses but not including any use which may become noxious or offensive in an I-1 District. In determining the character of such use, the Board shall refer to subsection 178.02.3.

**Section 132 Prohibited Uses**

The following uses are specifically prohibited in the I-1 Light Industrial District:

- 132.01 Dwellings, except for watchman or caretaker on the premises.
- 132.02 Churches or temples, schools, hospitals, clinics, and other institutions for human care, except when incidental to a permitted use.
- 132.03 Auto salvage and wrecking operations, industrial metal and waste salvage operations, and junk yards.
- 132.04 Disposal or storage of toxic or hazardous waste.

**Section 133 Accessory Uses Permitted**

Accessory uses incidental to any permitted principle use.

**Section 134 Height Regulations**

No building or structure shall exceed three (3) stories or fifty (50) feet in height.

**Section 135 Yard Requirements**

The following minimum requirements shall be observed:

Front Yard Depth		Side Yard Width		Rear Yard Depth
(20ft.)		(None Except ) (adjoining "R" ) (District then ) (same as "R" ) (District )		(20- 30 ft.)

**Section 136 Screening**

Newly established or newly expanding industrial uses which are adjacent to existing residential properties shall provide within the industrial property along that adjacent property line, a property maintained dense hedge, tree row, or other suitable landscape device to visually screen the industrial area from such adjacent residential area. Failure to provide or maintain such a landscape buffer shall constitute a violation of this Ordinance.

**ARTICLE XXIII.**  
**I-2 GENERAL INDUSTRIAL DISTRICT**

**Section 140 General Description**

This industrial district is intended to provide for heavy industrial uses and other uses not otherwise provided for in the districts established by this Ordinance. The intensity of uses permitted in this district makes it most desirable that they be separated from residential and commercial. uses.

**Section 141 Principle Uses Permitted**

Property and buildings in an I-2 General Industrial District may be used for any use except the following:

- 141.01 Uses not complying with this Ordinance or any other city, county, state, or federal regulation or law.
- 141.02 All uses enumerated under Section 142 and Section 143 of this Ordinance.

**Section 142 Uses Permitted on Review**

The following principle uses may be permitted on review by the Board of Appeals in accordance with provisions contained herein:

- 142.01 Cement, lime, or gypsum manufacture.
- 142.02 Commercial feed pens for livestock.
- 142.03 Petroleum refining.
- 142.04 Wholesale or bulk storage of gasoline, propane or butane, or other petroleum products.
- 142.05 Disposal plants of all types including trash, garbage, and sewage treatment.
- 142.06 Automobile salvage or junk yard, building material salvage yard, scrap metal storage yard, or other salvage yard of any kind, provided that, all such operations are conducted in such a manner that all operation, display, or storage of material or equipment is so screened by ornamental fences, walks, and/or permanent planting that it cannot be seen from a public street or from adjoining lots when viewed by a person standing on ground level, and provided further, that no such screening in excess of seven (7) feet in height shall be required to screen.
- 142.07 The manufacture, compounding, processing packaging or treatment of such products as bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, and paint.

- 142.08 The manufacture, compounding, assembling, or treatment of articles or merchandise from the following previously prepared material: canvas, cellophane, cloth, fiber, glass, leather, paper, plastics, precious or semi-precious metals or stone, rubber textiles, wood, or yarn.

### **Section 143 Prohibited Uses**

The following uses are specifically prohibited in the I-2 General Industrial District:

- 143.01 Dwellings, except for watchman or caretaker on the premises.
- 143.02 Churches or schools, hospitals, clinics, and other institutions for human care, except when incidental to a permitted use.
- 143.03 The following uses permitted in a C-1 District: antique shop; appliance store; art and school supply store; bank and other financial institutions; barber shop; beauty parlor; bicycle sales, rental and repair store; book or stationery store; camera shop; candy store; community center; dairy products or ice cream store; dry cleaners; drug store; florist shop; food store, grocery store, meat market, fish market; bakery, and delicatessen, gift shop; hardware store; hobby shop; jewelry store; laundromat; locksmith; municipal administrative or public service office; music and dancing studio, optometrist sales and service; package liquor sales; photographer or artist studio; physician's and dentist's office; professional and business office; public library and similar public culture uses; self-service laundry or dry cleaning; shoe repair shop; tailor shop; toy store; variety store; and wearing apparel shop.
- 143.04 The following uses permitted in a C-2 District: amusement establishment; animal hospital and kennel; bar or tavern; bus terminal; business school; department store; farm implement sales; feed and seed sales; frozen food locker; garden supply store; greenhouse and nurseries; hotel, motel, or other tourist lodging establishment; laboratories—medical and dental; monument sales; mortuary; pet shop; physical culture and health services; private club or lodge; produce market; indoor and outdoor theater; and stadium and auditorium.

### **Section 144 Accessory Uses Permitted**

Accessory uses customarily incidental to any permitted principle use.

### **Section 145 Height Regulations**

No building or structure shall exceed three (3) stories or fifty (50) feet in height.

**Section 146 Yard Requirements**

The following minimum requirements shall be observed:

Front Yard Depth		Side Yard Width		Rear Yard Depth
30 ft.		Equal to building height.		Equal to height of building but not less than twenty (20)feet.

**Section 147 Screening**

Newly established or newly expanding industrial uses which are adjacent to existing residential properties shall provide within the industrial property along that adjacent property line, a properly maintained dense hedge, tree row, or other suitable landscape device to visually screen the industrial area from such adjacent residential area. Failure to provide or maintain such a landscape buffer shall constitute a violation of this Ordinance.

**ARTICLE XXIV.  
SPECIAL PROVISIONS**

**Section 150 Off-Street Parking Areas and Loading Spaces**

150.01 Off-Street Loading Spaces. In all districts, in connection with every building or part thereof hereafter erected, having a gross floor area of two thousand five-hundred (2,500) square feet or more, which is to be occupied by uses requiring the receipt of distribution by vehicles of materials or merchandise there shall be provided and maintained on the same premises with such building the full off-street loading spaces:

<u>Gross Floor Area (Square Feet)</u>	<u>Spaces Required</u>
2,500 to 19,999	1
20,000 to 39,999	2
40,000 to 59,000	3

For each additional 20,000 square feet in excess of 60,000 square feet one additional off-street loading space shall be required.

Such spaces may occupy all, or any part of a required rear yard, or when authorization of the Board of Appeals, part of any other yard or court space on the same premises.

150.02 Provision of Off-Street Parking. In all districts off-street accessory parking areas, in the open or in a garage, shall be provided in connection with the uses set forth hereinafter and to the extent indicated therewith, in addition to the above required loading and unloading spaces. Such areas, in the case of "R" Districts shall be on the premises intended to be served; and in the case of C-1, C-2, HDO, and "I" Districts, such areas shall be on the premises intended to be served or on adjoining or nearby property within one hundred (100) feet of any part of said premises and in the same or less restricted district.

150.03 Number of Parking Spaces Required.

Use	Parking Spaces Required
Automobile or Machine Sales and Service Garages	1 for each 1,000 square feet of floor area plus 1 for each full-time employee.
Banks, Business and Professional Offices	1 for each 200 square feet of floor area.
Bowling Alleys	6 for each alley.

Use	Parking Spaces Required
Churches and Schools	1 for each 6 seats in principle auditorium
Convenience Stores-Drug, Grocery, Hardware, and similar stores	1 for each 200 square feet of floor area devoted to sales plus 1 for each full-time employee.
Dance Halls and Assembly Halls without fixed seats	1 for each 50 square feet of floor area used for assembly or dancing.
Drive-in Eating Establishments	Not less than 1/3 of the total ground area be devoted elusive to parking and access ways.
Dwellings	1 for each bedroom contained in the dwelling unit.
Food Pick-up Establishments	Minimum of 1 plus 1 for each 100 square feet of floor area.
Funeral Home, Mortuaries	6 per chapel room or parlor or 1 for 50 square feet of rooms used for services whichever is greater.
Hospitals, Nursing Homes and similar care centers	1 for each 5 beds plus 1 for each 2 doctors and employees.
Manufacturing Plants, Research or Testing Laboratories, Bottling Plants	1 for each 2 employees on maximum working shift.
Medical or Dental Clinics	6 spaces for each doctor plus 1 for each 2 employees.
Motels or Motor Hotels	1 for each unit, plus 1 for each 2 employees at work at the same time.
Motor Fuel Stations	1 for each employee on duty plus 2 for each service bay.
Barber Shops	2 for each chair plus 1 for each 2 employees at work at the same time.
Beauty Shops	1 for each dryer plus 1 for each 2 employees at work at the same time.

Use	Parking Spaces Required
Coin-Operated Laundries and/or Dry Cleaning Establishments	1 for each 3 washers and/or cleaning machines plus 1 for each 2 employees at work at the same time.
Restaurants	1 for each 3 seats plus 1 for each 2 employees at work at the same time.
Shoppers' Goods - Appliance Household Equipment, Furniture and similar stores	1 for each 500 square feet of floor area plus 1 for each full-time employee
Taverns or Bars	1 for each 2 seats plus 1 for each 2 employees at work at the same time.
Theaters	1 for each 4 seats.
Wholesale Establishments	1 for each 4 employees on maximum work shift.

In the case of any use which is not specifically mentioned herein, the provisions for a similar use mentioned shall apply.

150.04 Definition and Interpretation.

150.04.1 Parking Space. Each parking space rectangular in shape shall be not less than eight and one-half (8 ½) feet wide and nineteen (19) feet long or not less than one hundred sixty (160) square feet in area exclusive of access drives or aisles.

150.04.2 Loading Space. Each loading space shall not be less than ten (10) feet wide, forty (40) feet in length and fourteen (14) feet in height, exclusive of access and turning areas.

150.04.3 Floor Area. In the case of merchandising or service types of uses, "floor area" shall mean the gross floor area used or intended to be used by tenants, or for service to the public or customers, patrons or clients, but shall not include areas used principally for non-public purposes, such as toilet or restrooms, utilities, or dressing rooms.

150.04.4 Benches in Place of Public Assembly. In stadiums, sports arenas, churches, and other places of public assembly in which patrons or spectators occupy benches, pews, or other similar seating facilities, each twenty (20) inches of such seating facilities shall be counted as one seat for the



purpose of determining requirements for off-street parking facilities under the Ordinance.

150.04.5 Development Standards. Off-Street accessory parking areas shall be of usable shape, and shall be improved with a durable and dustless surface and so graded and drained as to dispose of all surface water accumulation within the area. Any lighting used to illuminate such parking areas shall be so arranged as to reflect the light away from adjoining premises in any "R" District.

150.04.6 Exceptions. The Board of Zoning Appeals may authorize on appeal a modification, reduction or waiver of the foregoing requirements if it should find that in the particular case the peculiar nature of any use, or other exceptional situation or condition would justify such modification, reduction or waiver.

## **Section 151 Buses and Mobile Homes**

Buses and mobile homes shall not be parked or stored on any lot occupied by a dwelling or any lot in any Residential District except in accordance with the following provisions:

151.01 Recreational Vehicles. A camping trailer or travel trailer shall not be occupied either temporarily or permanently while it is parked or stored in any area within the incorporated limits except in a mobile home park authorized under the ordinances of the Village of Port Byron, except upon permission granted in writing by the Village.

151.02 Mobile Home. A mobile home shall be parked or stored only in a mobile home park or mobile home sales area. A mobile home shall not be occupied either temporarily or permanently while it is parked or stored in any area within the incorporated limits except in a mobile home park authorized under the ordinances of the Village of Port Byron.

## **Section 152 Signs**

These provisions provide minimum standards to safeguard life, health, property and public welfare, and preserve the unique character of the Village of Port Byron by regulating the size, height, design, construction, location, and lighting of permanent signs and sign structures. The provisions of this section shall apply to the erection and maintenance of all permanent signs within the zoning jurisdiction of the Village of Port Byron, and it shall be unlawful to alter, maintain, move, relocate or enlarge any sign erected or constructed prior to the enactment of this ordinance except to bring the sign in conformance with this article.

- 152.01 General Provisions.
- 152.01.1 No sign shall be erected or maintained at any location where by reason of its position, wording, illumination, size, shape or color it may impair, obstruct, obscure, or be confused with any authorized traffic control sign, signal, or device.
- 152.01.2 No off-site sign or billboard having flashing, intermittent, or animated illumination shall be permitted within three hundred (300)feet of property in any Residence District unless such sign is not visible from such property.
- 152.01.3 No off-site sign or billboard shall be erected or placed within one hundred (100)feet of any Residence District.
- 152.01.4 No part of any sign shall be attached to a fire escape or placed to interfere with the ingress or egress from windows in case of fire.
- 152.01.5 Swinging signboards are prohibited.
- 152.02 Residence Districts. In any “R” District the following regulations shall apply:
- 152.02.1 For single-family and two-family attached dwellings; non-illuminated identification sign not exceeding two (2) feet in height and two (2) square feet in area shall be permitted for each dwelling. it. The sign must be placed below the eave of the roof level. One such sign shall be permitted for each dwelling unit. Such sign shall indicate nothing other than name and/or address of the occupants, premises, announcement of boarders or roomers, home occupation, or sale of farm goods.
- 152.02.2 Multiple family and group dwellings: identification signs not to exceed nine (9) square feet in area shall be permitted. Such signs may have indirect lighting.
- 152.02.3 One (1) temporary, non-illuminated, on-site sign not to exceed nine (9) square feet in area for the sale of real estate.
- 152.02.4 Announcement of church, school, or other public buildings or uses, where permitted, bulletin boards or identification signs shall be permitted.
- 152.02.5 All other signs are prohibited in residential districts.
- 152.03 Commercial Districts. The following regulations shall apply with respect to “C” Districts:

- 152.03.1 Neighborhood Commercial Districts. On-site signs shall be permitted, but shall not exceed twelve (12) feet in height and sixty (60) square feet in area. Off-site signs are prohibited.
- 152.03.2 General Commercial Districts. On-site signs, off-site signs, and billboards are permitted, but shall not exceed twelve (12) feet in height and sixty (60) square feet in area.
- 152.04 Industrial Districts. The following regulations shall apply with respect to the Industrial Districts:
- 152.04.1 Light Industrial Districts. On-site signs, off-site signs, and billboards are permitted, but shall not exceed twenty (20) feet in height and seventy-five (75) square feet in area.
- 152.04.2 General Industrial Districts. On-site signs, off-site signs, and billboards are permitted, but shall not exceed twenty (20) feet in height and seventy-five (75) square feet in area.
- 152.05 Permits. No billboard or signboard or other similar structure shall be constructed, erected, materially altered, removed or repaired unless a permit is first obtained from the Building Inspector by the person to construct, erect, alter, remove or repair the billboard or signboard. The application for a permit shall be accompanied by the plans and specifications of the proposed construction, erection, alteration, removal or repair. No permit shall be required to erect a signboard advertising a property for sale, provided that the sign does not exceed ten (10) square feet.
- 152.06 Fees. The fees to be charged for permits issued for the erection or construction of billboards or signboards, will be subject to the building permit fee schedule outlined by the Village based on the improvement's value. Contractors, builders or developers must obtain a performance bond and list the Village as beneficiary of said bond for all projects in excess of \$1,000 in total costs. This bond shall be equal to 5% of the total dollar value involved in said project and shall be in force at least six months past completion of project and acceptance by the Building Inspector.

### **Section 153 Street Numbers**

Every new residence or commercial establishment built on any property in the Village of Port Byron subsequent to the date of the adoption of this Ordinance shall receive a street number to be assigned by the Building Inspector in accordance with the current numbering system.

## **Section 154 Home Occupations**

A home occupation shall be considered a permitted accessory use in each district in which a residential dwelling unit is permitted and shall be subject to the following limitations:

- a. There shall be no on-site employment or employment of persons not residing at the residence.
- b. A home occupation shall be conducted wholly within the principal building or an accessory structure.
- c. The appearance of the structure shall not be altered nor the occupation within the residence be conducted in a manner that would cause the premises to differ from its residential character.
- d. The total gross floor area which is used primarily for the operation of the home occupation shall not exceed twenty-five percent (25%) of the gross floor area of the home.
- e. The storage of merchandise, supplies, or products for off-premise sales is permitted. For the purposes of this Section, any products shipped or delivered to the ultimate consumer of the goods or merchandise shall be considered off-premise sales.
- f. No display of goods or services pertaining to such home occupations shall be visible from outside the building.
- g. No home occupation or equipment connected with a home occupation, nor any storage of goods, merchandise, supplies, products, materials, shall be allowed outdoors.
- h. No advertising sign, other than a non-illuminated sign, not exceeding two (2) square feet in total face area shall be displayed in connection with a home occupation. No other on-site advertising visible from the exterior shall be used that informs the public of the home occupation.
- i. The home occupation shall not exceed the limitations imposed by the provisions of all applicable building, fire, health, safety, and housing codes and shall conform with all applicable requirements for business and occupational licensing.
- j. There shall be no noise, vibration, glare, heat, smoke, dust, electromagnetic, or electrical interference, nor odor detectable beyond the confines of the subject property including transmittal through vertical or horizontal party walls.
- k. The owner of a home occupation shall not allow more than six (6) clients or customers in the dwelling unit or on the premises during any period of sixty (60) consecutive minutes nor more than sixteen (16) in any given twenty-four (24) hour period.

- l. The owner of a home occupation shall not allow vehicular traffic associated with the business to exceed two (2) vehicles on the property at any one time. Sufficient parking shall be provided on the same lot as the dwelling for all business visitors.
- m. The owner of a home occupation shall prohibit pedestrian and vehicular traffic generated by clients or customers of a home occupation on the premises between the hours of 10:00 p.m. and 7:00 a.m.
- n. The owner of a home occupation shall not allow commercial deliveries related to the home occupation, other than the United States Postal Service and private package and letter delivery services. Under no circumstances shall commercial deliveries by semi-trailer trucks be permitted.
- o. The owner of a home occupation shall limit the use of commercial vehicles in conjunction with a home occupation to one (1) vehicle, not to exceed one (1) ton maximum load weight and owned by a resident of the dwelling. Such vehicle must be parked in a garage or residential drive on-site, and in accordance with provisions elsewhere in this Ordinance.
- p. If more than one home occupation is located within any single dwelling unit, the owner of each home occupation shall not allow the combined impact of the standards contained in this Section, with the exception that each home occupation may have one (1) first division vehicle, as defined elsewhere in this Ordinance, for commercial use provided it is the only vehicle used in conjunction with the home occupation.

**ARTICLE XXV.**  
**ADDITIONAL REQUIREMENTS, EXCEPTIONS, AND MODIFICATIONS**

**Section 160 General**

The requirements and regulations specified elsewhere in this Ordinance shall be subject to the additional requirements, exceptions, modifications, and interpretations contained in this Section.

**Section 161 Height Limits**

Height limitations stipulated elsewhere in this Ordinance shall not apply in the following situations.

- 161.01 To barns, silos, or other farm buildings or structures on farms provided these are not less than fifty (50) feet from every lot line; to church spires, belfries, cupolas and domes, monuments, water towers, fire and hose towers, masts, and aerials; to parapet walls extending not more than four (4) feet above the limiting height of the building. However, if in the opinion of the Building Inspector, such structure would adversely affect adjoining or adjacent properties, such greater height shall not be authorized except by the Board of Appeals.
- 161.02 To bulkheads, conveyors, derricks, elevator penthouses, water tanks, monitors and scenery lofts; to monuments, fire towers, hose towers, cooling towers, grain elevators, gas holders or other structures, where the manufacturing process requires a greater height. Where a permitted use requires greater heights than specified, such may be authorized by the Board of Appeals.
- 161.03 To places of public assembly such as churches, schools and other permitted public and semi-public buildings not to exceed six (6) stories or seventy-five (75) feet, provided that for each foot by which the height of such building exceeds the maximum height otherwise permitted in the district, its side and rear yards shall be increased in width or depth by an additional foot over the side and rear yards required for the highest building otherwise permitted in the district.
- 161.04 To hospitals, provided that for each foot by which the height of such building exceeds the maximum height otherwise permitted in the district, its side and rear yards shall be increased in width and depth by an additional one-half (1/2) foot over the side and rear yards required for the highest building otherwise permitted in the district.

**Section 162 Front Yard Exceptions and Modifications**

- 162.01 Front yard requirements do not apply to the following: bay windows or balconies occupying in the aggregate not more than one-third (1/3) of the front wall, provided that these projections come entirely within

planes drawn from either main corner of the front wall, making an interior angle of twenty-two and one half (22) degrees in the horizontal plane with the front wall; chimneys, flues, belt courses, leaders, sills, pilaster, uncovered porches, plantings, or similar features not over three (3) feet high above the average finished grade and distant five (5) feet from every lot line, or to any projection or structure categorized as a permitted obstruction in Section 36.

- 162.02 In any district where the average depth of two (2) or more existing front yards on lots within one hundred (100) feet of the lot in question and within the same block front is less or greater than the least front yard depth prescribed, front yards may be varied. The depth of the front yard on such lot shall not be less than the average depth of said existing front yards or the average depth of the two (2) lots immediately adjoining or, in the case of a corner lot, the depth of the front yard on the lot immediately adjoining; provided, however, that the depth of a front yard on a lot in any "R" District shall be at least ten (10) feet.

### **Section 163 Side Yard Exceptions and Modifications**

- 163.01 Along any district boundary line, any abutting side yard on a lot in the less restricted district shall have a least width equal to that required in the more restrictive district. Where a lot in an "I" District abuts a lot in an "R" District, the side yard shall be increased by three (3) feet for each story that the building proposed on such lot exceed the height limit of the said "R" District.
- 163.02 On a corner lot the least width of a side yard along the side street lot line shall be equal to the required front yard along the side street. No part of any accessory building shall be nearer a side street lot line than the least depth on any front yard required along such side street.
- 163.02.1 The following projections or structures may be permitted in side yards:
- 163.02.2 Accessory buildings or structures subject to the provisions contained elsewhere in this Ordinance.
- 163.02.3 Fences, planting, or walls not over five (5) feet above the average natural grade.
- 163.02.4 Chimneys, flues, belt courses, leaders, sills, pilasters, and lintels, ornamental features, cornices, gutters and the like into or over a required side yard not more than one and one-half (1) feet.
- 163.02.5 Terraces, steps, uncovered porches, stoops or similar features, not higher than the elevation of the ground story of the building and distant three (3) feet from a side lot line.

163.02.6 Any projection or structure categorized as a permitted obstruction in Section 36

**Section 164 Rear Exceptions and Modifications**

The following projections or structures may be permitted in rear yards:

- 164.01 Accessory buildings or structures subject to the provisions contained elsewhere in this Ordinance.
- 164.02 Fences, or walls, not over seven (7) feet above the average natural grade.
- 164.03 Fire escapes, six (6) feet, bays and balconies, not more than three (3) feet provided these projections are entirely within planes drawn from either main corner of the rear wall, making an interior angle twenty-two and one-half (22½) degrees in the horizontal plane with the rear wall. The sum of the lengths of such projections shall not exceed one-half (½) of the width of the rear wall.
- 164.04 Flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, cornices, eaves, and the like, into or over a required rear yard not more than one and one-half (1) feet.
- 164.05 Terraces, steps, uncovered porches, or similar features not more than ten (10) feet into a required rear yard, nor closer than six (6) feet of an alley or within ten (10) feet of a rear lot line, not any alley lot line.
- 164.06 Any projection or structure categorized as a permitted obstruction in Section 36



**ARTICLE XXVI.  
ADMINISTRATION**

**Section 170 Organization**

The administration of this Ordinance is vested in the following four (4) offices of government of the Village of Port Byron: Building Inspector, Board of Appeals, Planning and Zoning Commission, and Village Board.

This Article shall first set out the authority of each of these four (4) offices, and then describe the procedure and substantive standards with respect to the following administrative functions: issuance of zoning certificates and occupancy permits, variances, appeals, uses on review and other powers of the Board of Appeals, and amendments.

**Section 171 Building Inspector**

- 171.01 Appointment of Building Inspector. The Building Inspector shall be appointed by the Village President with the advice and consent of the Village Board.
- 171.02 Powers and Duties of the Building Inspector. The Building Inspector shall enforce this Ordinance, and in addition thereto and in furtherance of said authority, shall:
  - 171.02.1 Issue all zoning certificates and make and maintain records thereof;
  - 171.02.2 Issue all occupancy permits and make and maintain records thereof;
  - 171.02.3 Conduct inspection of buildings, structures, and use of land to determine compliance with the terms of this Ordinance;
  - 171.02.4 Maintain permanent and current records of this Ordinance including, but not limited to, all maps, amendments, uses on review, variances, appeals, and applications therefore;
  - 171.02.5 Provide and maintain a public information service relative to all matters arising out of this Ordinance;
  - 171.02.6 Forward to the Planning and Zoning Commission all applications for amendments to this Ordinance;
  - 171.02.7 Transmit to the Board of Appeals applications for appeals, variances, uses on review, or other matters on which the Board of Appeals is required to pass under this Ordinance;
  - 171.02.8 Issue occupancy permits regulating the erection of buildings or structures and use of land for periods not to exceed ten (10) days for specific purposes such as

temporary carnivals, churches, charities, and revival meetings which are not detrimental to the public health, safety, morals, comfort, convenience or general welfare; provided however that said use of operation and any incidental temporary structures or tents are in conformance with all other ordinances and codes of the Village;

171.02.9 Initiate, direct, and review from time to time a study of the provisions of the Ordinance and make reports of his recommendations to the Planning and Zoning Commission.

**Section 172 Board of Appeals**

172.01 Creation. The Board of Appeals, as established under the applicable provisions of the Illinois Revised Statutes, is the Board of Appeals referred to in this Ordinance.

172.02 Membership. The Board of Appeals shall consist of seven (7) members appointed by the Village President with the consent of the Village Board. At least two (2) such members shall be named from among the members of the Village Planning and Zoning Commission. The members of said Board of Appeals shall serve respectively for the following terms, or until their respective successors are appointed and qualified: One (1) for one (1) year, one (1) for two (2) years, one (1) for three (3) years, one (1) for four (4) years, one (1) for five (5) years, one (1) for six (6) years, and one (1) for seven (7) years; the successor to each member so appointed to serve for a term of five (5) years. One of the members shall be designated by the Village President with the consent of the Village Board as Chairman and shall hold office until his successor is appointed.

172.03 Jurisdiction. The Board of Appeals is hereby vested with the following jurisdiction and authority:

172.03.1 To hear and pass on all applications for uses on review in the manner prescribed in this Ordinance;

172.03.2 To hear and decide appeals from any other, requirement, decision, or determination made by the Building Inspector under this Ordinance;

172.03.3 To hear and pass upon the applications for variance from the terms provided in Ordinance in the manner prescribed and subject to the standards established herein; and

172.03.4 To interpret the provisions of this Ordinance and the district map in the manner provided for herein;

172.03.5 To hear and decide all matters referred to it or upon which it is required to pass under this Ordinance, as prescribed by the application provisions of the Illinois Revised Statutes.

172.04 Meetings and Rules. All meetings of the Board of Appeals shall be held at the call of the Chairman and at such time as the Board of Appeals may determine. All hearings conducted by said Board shall be open to the public. Any person may appear and testify at the hearing either in person or by duly authorized agent or attorney. The Chairman, or in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses. The Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall also keep records of its hearings and other officials actions. A copy of every rule or regulation, order, requirement, decision, or determination of the Board of Appeals shall be filed immediately in the office of the Building Inspector and shall be public record. The Board shall adopt its own rules and procedures, not in conflict with this Ordinance or with the applicable Illinois State Statutes, and select or appoint such officers as it deems necessary.

172.05 Finality of Decisions of the Board of Appeals. All decisions and findings of the Board of Appeals on appeals, applications for a variance, or application for a use on review, after a hearing, shall, in all instances, be final administrative decisions and shall be subject to judicial review as by law may be provided.

### **Section 173 Planning and Zoning Commission**

173.01 Creation. The Planning and Zoning Commission of the Village of Port Byron as established under the applicable provisions of the Illinois Revised Statutes, is the Planning and Zoning Commission referred to in this Ordinance.

173.02 Jurisdiction. The Planning and Zoning Commission shall discharge the following duties under this Ordinance:

173.02.1 Hear all applications for amendments to this Ordinance and report said findings and recommendations to the Village Board;

173.02.2 On its own initiative, to petition the Village Board requesting an amendment, supplement, change, or repeal of the Zoning Ordinance provided that it has first held a public hearing thereon;

173.02.3 Receive from the Building Inspector his recommendations as related to the effectiveness of this Ordinance and report

their conclusions and recommendations to the Village Board not less frequently than once a year;

173.02.4 Hear and decide all matters upon which it is required to pass under this Ordinance.

**Section 174 President and Village Board**

174.01 Jurisdiction. The President and Village Board of Port Byron shall discharge the following duties under this ordinance:

174.01.1 Appoint the Building Inspector whose responsibility will be to enforce the provisions of this Ordinance;

174.01.2 Appoint members to the Board of Appeals as provided for in this Ordinance;

174.01.3 Receive and decide upon all recommendations concerning amendments, supplements, changes, or repeal of the Zoning Ordinance submitted to them by the Planning and Zoning Commission;

174.01.4 Receive from the Planning and Zoning Commission all recommendations on the effectiveness of this Ordinance; and

174.01.5 To decide all matters upon which it is required to pass under this Ordinance.

**Section 175 Zoning Certificates and Occupancy Permits**

175.01 Zoning Certificates. Except as hereinafter provided, no permit pertaining to the use of land or buildings shall be issued by any officer, department, or employee of the Village of Port Byron unless the application for such permit has been examined by the Building Inspector, indicating that he proposed building or structure complies with all the provisions of this Ordinance. Any permit or certificate issued in conflict with the provisions of this Ordinance shall be null and void.

175.02 Occupancy Permits. No building, or addition thereto, constructed after the effective date of this Ordinance, and no addition to a previously existing building shall be occupied, and no land, vacant on the effective date of this Ordinance, shall be used for any purpose until an occupancy permit has been issued by the Building Inspector. No change in a use other than that of a permitted use to another similar permitted use, shall be made until an occupancy permit has been issued by the Building Inspector. Every occupancy permit shall state that the use or occupancy complies with the provisions of this Ordinance.

- 175.02.1 Application for Occupancy Permit. Every application for a building permit shall be deemed to be an application for an occupancy permit for a new use of land where no building permit is required shall be made directly to the Building Inspector.
- 175.02.2 Issuance of Occupancy Permit. No occupancy permit for building, or portion thereof, constructed after the effective date of this Ordinance, shall be issued until construction has been completed and the premises inspected and certified by the Building Inspector to be in conformity with the plans and specifications upon which the zoning certificate was based. Pending the issuance of a regular certificate, a temporary certificate may be issued to be valid for a period not to exceed six (6) months from its date during the completion of any addition or during partial occupancy of the premises. Reasons in writing for refusal to issue an occupancy permit must be forwarded to the applicant no later than fourteen (14) days after the request for an occupancy permit.

## **Section 176 Variances**

- 176.01 Purpose and Findings of Fact. The Board of Appeals, after a public hearing, may determine and vary the regulations of this Ordinance in harmony with their general purpose and intent only in the specific instances hereinafter set forth, where the Board of Appeals makes written findings of fact in accordance with the standards hereinafter prescribed, and further, finds that there are practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of this Ordinance.
- 176.02 Application for Variance and Notice of Hearing.
- 176.02.1 An application for a variance shall be filed in writing with the Building Inspector. Said application shall contain such information as the Board of Appeals may, by rule require.
- 176.02.2 Notice of the time and place of such public hearing shall be published at least once, not less than fifteen (15) days nor more than thirty (30) days before the hearing, in a newspaper of general circulation within the Village of Port Byron. The published notice may be supplemented by such additional form of notice as the Board of Appeals by rule, may require.
- 176.03 Standards for Variance. The Board of Appeals shall not vary the regulations of this Ordinance, as authorized in this section, unless there is evidence presented to it in each specific case that:

- 176.03.1 Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out;
- 176.03.2 The conditions upon which a petition for a variation is based are unique to the property for which the variance is sought, and are not applicable, generally, to other property within the same zoning classification;
- 176.03.3 The purpose of the variance is not based exclusively upon a desire to make more money out of the property;
- 176.03.4 The alleged difficulty or hardship is caused by this Ordinance and has not been created by any persons presently having an interest in the property;
- 176.03.5 The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and
- 176.03.6 The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion of the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the neighborhood.

176.04 Authorized Variances. Variances from the regulations of this Ordinance shall be granted by the Board of Appeals only in accordance with the standards established in this section and may be granted only in the following instances and in no others:

- 176.04.1 To permit any yard or setback of less dimension than required by the applicable regulations;
- 176.04.2 To permit any building or structure to exceed the height limitations imposed by the applicable regulations;
- 176.04.3 To permit the use of a lot or lots for a use otherwise prohibited solely because of the insufficient area or width of the lot or lots, but in no event shall the respective area and width of the lot or lots be less than fifty (50) percent of the required area and width;
- 176.04.4 To permit the same off-street parking facility to qualify as required facilities for two (2) or more uses, provided that substantial use of such facility by each user does not take

place at approximately the same hours of the same days of the week;

176.04.5 To reduce the applicable off-street parking or loading facilities required by not more than one (1) parking space or loading space, or twenty (20) percent of the applicable regulations, whichever number is greater;

176.04.6 To increase by not more than twenty-five (25) percent the maximum distance that required parking spaces are permitted to be located from the use served;

176.04.7 To increase by not more than ten (10) percent the maximum gross floor area of any use so limited by the applicable regulations.

176.05 Granting a Variance. The concurring vote of four (4) members of the Board of Appeals shall be necessary to grant a variance. No order of the Board of Appeals granting a variance shall be valid for a period longer than twelve (12) months from the date of such order unless the building permit is obtained within such period and the erection or alternation of a building is started or the use is commenced with such period.

176.06 Effect of Denial of Variance. Application for a variance that has been denied wholly or in part by the Board of Appeals shall not be resubmitted for a period of one (1) year from the date of said order of denial, except of the grounds of new evidence found to be valid by the Board of Appeals.

## **Section 177 Appeals**

177.01 Scope of Appeals. An appeal may be taken to the Board of Appeals by any person, firm, or corporation, or by any office, department, board, or bureau aggrieved by a decision of the Building Inspector. Such appeal shall be taken within such time be prescribed by the Board of Appeals by general rule by filing with the Building Inspector a notice of appeal specifying the grounds thereof. The Building Inspector shall forthwith transmit to the Board of Appeals all of the papers constituting a record upon which the Section appealed from was taken.

177.02 Findings on Appeal.

177.02.1 An Appeal shall stay all proceedings in furtherance of the actions appealed from unless the Building Inspector certifies to the Board of Appeals, after the notice of the appeal has been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property.

177.02.2 The Board of Appeals shall select a reasonable time and place for the hearing of the appeal, give due notice thereof to the parties, and shall render a written decision on the appeal without unreasonable delay. The Board of Appeals may affirm or may, upon the concurring vote of four (4) members, reverse wholly or in part or modify the order, requirement, decision, or determination that, in its opinion, ought to be done. To that end, the Board of Appeals shall have all the powers of officer from whom the appeal is taken. The Building Inspector shall maintain records of all actions of the Board of Appeals relative to appeals.

## **Section 178 Uses on Review and Other Powers of the Board of Appeals**

### 178.01 Uses on Review.

178.01.1 Purpose. The development and administration of this Ordinance is based upon the division of the Village into zoning districts, within which districts the use of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are certain uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts, without consideration in each case, of the impact of those uses upon neighboring land and of the public need for the particular use at the particular locations. Such uses on review fall into two categories:

- (a) Uses publicly operated or traditionally affected with a public interest.
- (b) Uses entirely private in character but of such an unusual nature that their operation may give rise to unique problems with respect to their impact on neighboring property or public facilities.

178.01.2 Initiation of Use of Review. Any person having a freehold interest in land, a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest of an exclusive possessory interest, either of which is specifically enforceable, may file an application to use such land for one or more of the uses on review provided for in this Ordinance in the zoning district in which the land is located.

178.01.3 Application for Use on Review. An application for a use on review shall be filed with the Building Inspector on a form as he shall prescribe. The application shall be



accompanied by such plans and/or date prescribed by the Board of Appeals and shall include a statement in writing by the applicant and adequate evidence showing that the proposed use will, on review, conform to the standards set forth in Section 178.01.6 hereinafter. Such application shall be forwarded from the Building Inspector to the Board of Appeals with a request for a public hearing and report relative thereto.

178.01.4 Hearing on Application. Upon receipt in proper form of the application and statement referred to in Section 178.01.3 above, the Board of Appeals shall hold at least one (1) public hearing on the proposed use on review. Notice of time and place of such hearing shall be published not less than fifteen (15) nor more than thirty (30) days preceding said hearing and at least once in a newspaper of general circulation in the Village of Port Byron. Supplemental or additional notices may be published or distributed as the Board of Appeals may, by rule, prescribe from time to time.

178.01.5 Authorization. For each application for a use on review the Building Inspector shall prepare and file with the Board of Appeals findings and recommendations, including the recommended stipulations of additional conditions and guarantees that are deemed necessary for the protection of the public interest.

178.01.6 Standards. No use on review shall be granted by the Board of Appeals unless such Board shall find:

- (a) That the establishment, maintenance, or operation of the use on review will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
- (b) That the use on review will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
- (c) That the establishment of the use on review will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
- (d) That adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided;

- (e) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;
- (f) That the use on review shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Board of Appeals.

178.01.7 Conditions and Guarantees. Prior to the granting of any use on review, the Board of Appeals shall stipulate such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the use on review as is deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in Section 178.01.6 above. In all cases in which uses on review are granted the Board of Appeals shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

178.01.8 Planned Developments. Planned developments are of such substantially different character from other uses on review, that specific and additional standards and exceptions are hereby established to govern the action of the Board of Appeals.

- (a) Uses Exceptions. The Board of Appeals may authorize that there be in part of the area of such development, and for the duration of such development. specified uses not permitted by the use regulations of the district in which said development is located, provided that the Board of Appeals shall find:
  - (1) That the uses permitted by such exception are necessary or desirable and are appropriate with respect to the primary purpose of the development.
  - (2) That the uses permitted by such exception are not of such a nature or so located as to exercise a detrimental influence on the surrounding neighborhood; and
  - (3) That no more than twenty (20) percent of the ground area or of the gross floor area of such

development shall be devoted to the uses permitted by said exception.

- (b) Bulk Regulations. In the case of any planned development, the Board of Appeals may authorize exceptions to the applicable bulk regulations of this Ordinance within the boundaries of such development, provided that the Board of Appeals shall find:
- (1) That such exception shall be solely for the purpose of promoting an integrated site plan no less beneficial to the residents or occupants of such development as well as the neighboring property than would be obtained under the bulk regulations of this Ordinance for buildings developed on separate zoning lots;
  - (2) That the overall floor area ratio for the planned development would not exceed by more than twenty (20) percent the maximum floor area ratio which would be determined on the basis of the floor area ratio required for the individual uses in such planned developments, as stipulated in each district;
  - (3) That the minimum lot area per dwelling unit requirements of this Ordinance shall not be decreased by more than twenty (20) percent in any such development containing residential uses and that permanent open space or land, in an amount equivalent to that by which each residential lot or building site has been diminished under this provision, shall be provided in common recreation area within the development; and
  - (4) That along the periphery of such planned development, yards shall be provided as required by the regulations of the district in which said development is located.

178.01.9 Denial and Revocation of Uses of Review.

- (a) Denial of a Use on Review. No application for a use on review that has been denied wholly or in part by the Board of Appeals shall be resubmitted for a period of one (1) year from the date of said order of denial, except on the grounds of new evidence or proof of

change of conditions found to be valid by the Board of Appeals.

- (b) Revocation of a Use on Review. In any case where a use on review has not been established within one (1) year after the date of granting thereof, then, without further action by the Board of Appeals the use on review authorization shall be null and void.

178.02 Other Powers of the Board of Appeals. The Board of Appeals is hereby vested with the following additional authority and jurisdiction:

178.02.1 Interpretation of District Map. Where the application of the rules for interpretation of district boundaries contained in Section 22 leaves a reasonable doubt to the boundary between two districts the Board of Appeals after notice to the owners of the property and after public hearing, shall interpret the map in such a way as to carry out the intent and purposes of this Ordinance.

178.02.2 Temporary Uses and Permits. The Board of Appeals may issue a permit for the temporary use of a building or premises in any district for a purpose or use that does not conform to the regulations prescribed by this Ordinance, provided that such use be of a true temporary nature and does not involve the erection of substantial buildings. Such permit shall be granted in the form of a temporary and revocable permit for not more than a twelve (12) month period, subject to such conditions as will safeguard the public health, safety, convenience, and general welfare.

178.02.3 Certain Industries in "I-1" Districts. In determining whether certain uses shall be located in an "I-1" or "I-2" District, the Board of Appeals shall give due regard to the nature and condition of all adjacent uses and structures, and the consistency therewith of the proposed use and development. Before authorizing a use as for location in an "I-1" District the Board shall determine whether the proposed use would be hazardous, harmful, noxious, offensive, or a nuisance to the surrounding neighborhood by reason of noise, smoke, odor, vibration, dust and dirt, cinders, noxious gases, glare and heat, fire and safety hazards, sewage waste and pollution, transportation and traffic, aesthetic and psychological effects.

## **Section 179 Amendments**

179.01 Authority. For the purpose of promoting the public health, safety, morals, comfort, and general welfare, conserving the value of property

throughout the Village, and lessening or avoiding congestion in the public streets and highways, the Village Board may from time to time in the manner hereinafter set forth amend the regulations imposed in the districts created by this Ordinance. The Ordinance may be amended, provided that in all amendments adopted under the authority of this Section, due allowance shall be made for existing conditions, the conservation of property values, the director of building development to the best advantages of the entire community, and the uses to which the property is devoted at the time of the adoption of such amendment.

- 179.02 Initiation of Amendment. Amendments may be proposed by the Village Board, Planning and Zoning Commission, or by any interested person or organization.
- 179.03 Application for Amendment. An application for an amendment shall be filed with the Building Inspector in such form and accompanied by such information as required by the Building Inspector. Such application shall be forwarded to the Planning and Zoning Commission with the request to hold a public hearing on said application for amendment.
- 179.04 Hearing on Application. The Planning and Zoning Commission shall hold a public hearing on each application for an amendment at such time and place as shall be established by the Planning and Zoning Commission. The hearing shall be conducted and a record of such proceedings shall be preserved in such manner as the Planning and Zoning Commission shall, by rule, prescribe from time to time.
- 179.05 Notice of Hearing. Notice of time and place of such hearing shall be published at least once in one or more newspapers of general circulation in the Village of Port Byron not less than fifteen (15) nor more than thirty (30) days before such hearing. Supplemental or additional notices may be published or distributed as the Planning and Zoning Commission may, by rule, prescribe from time to time.
- 179.06 Findings of Fact and Recommendation of the Planning and Zoning Commission.
- 179.06.1 Within forty five (45) days after the close of the hearing on a proposed amendment, the Planning and Zoning Commission shall make written findings of fact and shall submit same together with its recommendations to the Village Board. Where the purpose and effect of the proposed amendment is to change the zoning classification of particular property, the findings of fact and recommendation shall include the following information:

- (a) Existing use of property within the general area of the property in question;
- (b) The zoning classification of property within the general area of the property in question;
- (c) The suitability of the property in question to the uses permitted under the existing zoning classification;
- (d) The trend in development, if any, in the general area of the property in question, including changes if any which have taken place since the day the property in question was placed in its present zoning classification; and
- (e) Minimum size of parcel. A lot, lots, or parcel of land shall not qualify for a zoning amendment unless it possesses two hundred (200) feet of frontage or contains twenty five thousand (25,000) square feet of area, or adjoins a lot, lots, or parcel of land which bears the same zoning district classification as the proposed zoning amendment.

179.06.2 The Planning and Zoning Commission shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such amendment is in the public interest and is not solely for the interest of the applicant. The Planning and Zoning Commission may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification of the property than that requested by the applicant. For the purpose of this paragraph, the "R-2" District shall be considered the highest classification and the "I-2" District shall be considered the lowest classification.

179.07 Action by the Village Board.

179.07.1 The Village Board shall not act upon a proposed amendment to this Ordinance until it shall have received a written report and recommendation from the Planning and Zoning Commission on the proposed amendment.

179.07.2 The Village Board may grant or deny any application for an amendment, provided, however, that in case of a written protest against any proposed amendment, signed and acknowledged by the owners of twenty (20) percent of the frontage proposed to be altered, or by the owners of twenty (20) percent of the frontage immediately adjoining or

across an alley therefrom, or by the owner of twenty (20) percent of the frontage directly opposite the frontage proposed to be altered, is filed with the Village Clerk, the amendment shall not be passed except by a favorable vote of two-thirds (2/3) of all members of the Village Board.

179.08 Effect of Denial of Amendment. No application for an amendment that has been denied wholly or in part by the Village Board shall be resubmitted for a period of one (1) year from the date of said denial except on the grounds of new evidence or proof of change of conditions found to be valid by the Planning and Zoning Commission.

**ARTICLE XXVII.  
FEES, PENALTIES, AND LEGAL STATUS PROVISIONS**

**Section 180 Fees**

Permits issued for the erection or construction of buildings, billboards or signboards over ten (10) feet in height, or fences over three (3) feet in height will be subject to the building permit fee schedule outlined by the Village based on the improvement's value. Fees for zoning applications, applications for approval of a final plat, applications for variances and appeals, and an application for an amendment or review of present zoning will all be subject to the most recently approved Village Ordinance amending fees of the Zoning Ordinance of the Village of Port Byron.

**Section 181 Penalties**

Any person, firm or corporation, agent, employee, or contractor of such who violates, disobeys, omits, neglects, or refuses to comply with, or who resists enforcement of any provision of this Ordinance, shall upon conviction forfeit not less than twenty five (25) dollars nor more than two hundred (200) dollars for each offense. Each day that a violation continues to exist shall constitute a separate offense.

**Section 182 Repealer**

All ordinances and resolutions or any part thereof in conflict with all or any part of this Ordinance are hereby repealed.

**Section 183 Conflict With Private Deeds and Covenants**

In case of any conflict between this Ordinance or part thereof, and the whole or part of any existing or future private covenants, or deeds, the most restrictive shall apply. Although the Village is not responsible for enforcing private covenants or deeds.

**Section 184 Severability**

If any section or part thereof of this Ordinance shall be held to be unconstitutional by a court of competent jurisdiction, the remainder of the provisions herein shall be deemed to continue in full force and effect.

**Section 185 Effective Date**

This Ordinance shall take effect and be in full force from and after its adoption and publication as permitted by Statute.

APPROVED by the Village President and Village Board of Trustees of the Village of Port

Byron, Illinois on this \_\_\_\_\_ 20th \_\_\_\_\_ day of \_\_\_\_\_ January \_\_\_\_\_, 2015.