

ZONING ORDINANCE

VILLAGE OF ANDALUSIA

Prepared for the

VILLAGE OF ANDALUSIA, ILLINOIS

by



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ZONING ORDINANCE of
the
VILLAGE OF ANDALUSIA, ILLINOIS

BE IT ORDAINED BY THE VILLAGE BOARD OF THE VILLAGE OF
ANDALUSIA,

ROCK ISLAND COUNTY, ILLINOIS:

ARTICLE 1

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 Andalusia, 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 Carrying out the Comprehensive Plan for the Village of Andalusia, Illinois;
- 11.02 Promoting the public health, safety, morals, comfort, and general welfare;
- 11.03 Helping to achieve greater efficiency and economy of land development by promoting the grouping of those activities, which have similar needs and are compatible;
- 11.04 Encouraging such distribution of population, classification of land use, and distribution of land development that will tend to facilitate adequate and economic provision of transportation, communication, water supply, drainage, sanitation, education, recreation, and other public requirements;
- 11.05 Lessening or avoiding congestion in the public streets and highways;
- 11.06 Protecting against fire, explosion, noxious fumes, and other hazards in the interest of the public health, safety, comfort, and general welfare;
- 11.07 Helping to ensure that all residential, commercial, and manufacturing structures, as well as other types of structures, will be accessible to fire fighting and other emergency equipment;

- 11.08 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;
- 11.09 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;
- 11.10 Helping to prevent land development activities which lead to roadside blight and to minimize the effects of nuisance producing activities;
- 11.11 Promoting and guiding the continued growth and expansion of the Village while protecting the natural, economic, and scenic resources of the Village;
- 11.12 Conserving the taxable value of land and buildings throughout the Village; and
- 11.13 Defining and limiting the powers and duties of the Zoning Officer 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 Andalusia, 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, in pursuance of the authority granted by the 1983 Revised Statutes of the State of Illinois, Chapter 24, Paragraph 11, Division 13, shall be known and cited as the "Zoning Ordinance of the Village of Andalusia, Illinois.

Section 14 DEFINITIONS

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

Words used in the present tense shall include the future tense; the singular number includes the plural, and the plural number includes 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 hereby defined as follows and shall be interpreted as such throughout these regulations. Terms not herein defined shall have the meaning customarily assigned to them.

14.01 Accessory Building or Use. A building or use on the same lot with, and of a nature customarily incidental and subordinate to, the principal building or use.

14.02 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.

14.02.1 Amusement Establishment. Amusement establishment shall mean bowling

alleys, miniature golf course, practice golf range, pool halls, swimming pools, skating rinks, archery range, shooting galleries and similar amusement facilities but shall not be construed to include racing facilities.

14.03 Auto Laundry. 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.

14.04 Automobile Service Station. Any building, structure or land used for the dispensing, sale, or offering for sale at retail of any vehicular fuels, oils, or accessories and in connection with which is performed general vehicular servicing as distinguished from automotive repairs.

14.05 Basement. 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"). A basement shall be counted as a story for purposes of height measurement.

14.06 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.

14.07 Boarding or 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.

14.08 Board of Appeals. The Zoning Board of Appeals of the Village of Andalusia, Illinois.

- 14.09 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.
- 14.10 Building, Height of. The vertical distance from the grade to the highest point of the coping of the 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.
- 14.11 Cellar. 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.

- 14.12 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.
- 14.13 Clinic. An establishment where patients who are not lodged overnight are admitted for examination or treatment by a physician and/or practitioners practicing together.
- 14.14 Drive-in Restaurant or Refreshment Stand. 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.
- 14.15 Dwelling. Any building or portion thereof which is designed for, or used for residential purposes, and is not less than twenty (20) feet in width.
- 14.16 Dwelling, Unit. A dwelling which consists of one or more rooms which are arranged, designed, or used as living quarters for one family only.
- 14.17 Dwelling, Single-Family. A detached residential dwelling unit, other than manufactured home, designed for occupancy by one (1) family only.
- 14.18 Dwelling, Two-Family. A detached residential building containing two dwelling units, designed for occupancy by not more than two (2) families.
- 14.19 Dwelling, Multiple-Family. A residential building designed for occupancy by three (3) or more families.
- 14.20 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, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, 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.
- 14.21 Family. One or more persons occupying a dwelling and living as a single housekeeping unit and doing their own cooking on the premises, as distinguished from a group occupying a boarding house or hotel as herein defined.
- 14.22 Family Care Facility. A facility which provides resident service in a private residence to six (6) or fewer individuals who are not related to the resident household. These

individuals are handicapped, aged, disabled, or in need of adult supervision. This category includes foster or boarding homes for children, group homes, and family homes.

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- 14.23 Farm Animal. The production, keeping or maintenance for sale, lease or personal use of animals useful to humans, including but not limited to: dairy animals, poultry, livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals; bees, fish, and fur animals but not including rabbits kept as pets.
- 14.24 Flag Lot. A lot not fronting on or abutting a public road and where access to the public road is by a narrow, private right-of-way (see Figure 1).
- 14.25 Garage, Private. An accessory building designed or used for the storage of motordriven 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 not exceeding two (2) ton capacity.
- 14.26 Garage, Public. A building or portion thereof, other than a private or storage garage, designed or used for servicing, repairing, hiring, selling, or storing motor-driven vehicles.
- 14.27 Group Care Facility. A facility which provides resident services to seven (7) or more individuals of whom one or more are unrelated. These individuals are handicapped, aged or disabled, are undergoing rehabilitation, and are provided services to meet their needs. This category includes licensed or supervised by any federal, state or county health/welfare agency, such as group homes (all ages), halfway houses, resident schools, resident facilities, and foster or boarding homes.
- 14.28 Home Occupation. Any occupation or activity incidental to residential use when carried on in the main building by one (1) member of the immediate family residing on the premises, in connection with which there is used no sign other than a nonilluminated name plate not more than two (2) square feet in area or no display used that will indicate from the exterior that the building is being used for any purpose other than that of a dwelling. There is no commodity sold on the premises; no person is employed other than a member of the immediate family residing on the premises; and no mechanical equipment is used except of the type that is similar in character to that normally used for purely domestic or household purposes. Home occupation shall include the use of the premises by a chiropractor, physician, surgeon, dentist, lawyer, clergyman, or other professional person for consultation or emergency treatment, but not for the general practice of the profession. A home occupation shall be interpreted to include beauty shops and barber shops. However, a home occupation shall not be interpreted to include commercial stables, and kennels.

- 14.29 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 in contradistinction to a boarding house or multiple-family dwelling as herein separately defined.
- 14.30 Institution. A nonprofit or quasi-public use or institution such as a church, library, public or private school, hospital, or municipally owned or operated building, structure or land used for public purposes.
- 14.31 Junk Yard. Any parcel of land where waste, scrap metal, paper, rags, or similar materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including auto and building wrecking yards.
- 14.32 Kennel. An establishment in which more than 4 dogs, cats or other domesticated animals more than six months old are housed, groomed, bred, boarded, trained, or sold. Where more than one species of domesticated animal is kept, the total of all animals shall not exceed six (6).
- 14.33 Laundromat. An establishment providing home-type washing, drying, or ironing machines for hire to be used by customers on the premises.
- 14.34 Lot. When used alone shall mean a "zoning lot" unless the context of this Ordinance clearly indicates otherwise.
- 14.35 Lot Area. The total horizontal area included within lot lines (see Figure 1).
- 14.36 Lot Corner. A lot 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 (135) degrees (see Figure 1).
- 14.37 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 (see Figure 1).
- 14.38 Lot Frontage. That dimension of a lot or portion of a lot abutting on a street excluding the side dimensions of a corner lot (see Figure 1).
- 14.39 Lot Interior. Any lot other than a corner lot with only one (1) frontage street (see Figure 1).

- 14.40 Lot of Record. A lot 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.
- 14.41 Lot Width. The horizontal distance across the lot between the side lot line at the required building set back line measured at angles to the depth (see Figure 1).
- 14.42 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 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.

- 14.43 Manufactured Home. A factory-built single-family structure that is built to the National Manufactured Housing Construction and Safety Standards Act of 1994, and shall include structures known as mobile homes.
- 14.44 Manufactured Home Park. 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 manufactured homes.
- 14.45 Massage Establishment. Any place of business wherein massage (as the practice of a profession, scientifically applied to the patient by a massage therapist's hands) is administered or used.
- 14.46 Motor Court or Motel. A building or groups of buildings used primarily for the temporary residence of motorists or travelers.
- 14.47 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.
- 14.48 Planned Unit Development (PUD). An area of a minimum contiguous size, as specified by ordinance, to be planned and developed as a single entity containing one or more residential clusters or planned unit residential developments and one or more public, quasi-public, commercial or industrial areas in such ranges of ratios of nonresidential uses to residential uses as shall be specified.
- 14.49 Planning Commission. The Planning Commission of the Village of Andalusia, Illinois.
- 14.49.1 Racing Facility. Any facility designed and constructed for the purpose of racing any motorized vehicle, racing of horses, and/or dog racing.
- 14.50 Satellite Dish Antenna. A satellite receiver, a satellite ground dish antenna, or a satellite rooftop antenna which may or may not be able to rotate to enable the "dish" to aim at different satellites for the purpose of television reception.
- 14.51 Signs. 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 or public office notices nor shall it include the flag, emblem, or insignia of a nation, political unit, school, or religious group.
- 14.52 Sign, On-Site. A sign 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.

14.53 Sign, Off-Site. A sign other than an on-site sign.

14.54 Stable, Private. An accessory building in which horses are kept for private use and not for remuneration, hire, or sale.

14.55 Stable Public. An accessory building in which horses are kept for remuneration, hire, sale, boarding, riding, or show.

14.56 Story. That portion of a building included between the upper surface or 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 and courts, 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 of fractional story respectively, except the first story which may be fifteen (15) feet high.

14.57 Story, Half. A partial story under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four (4) feet above the floor of such story; provided however, that any partial story used for residence purposes, other than a janitor or caretaker and his family, shall be deemed a full story.

14.58 Street. 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).

14.59 Structure. That which is built or constructed; an edifice or building of any kind or any piece of work, artificially built, composed of part, or built in some definite manner.

14.60 Swimming Pools/Ponds. A tank of water either above or below grade level in which the depth of the water exceeds two (2) feet. "Swimming pools," hot tubs, whirlpool baths and tubs, and jacuzzi-type tubs or baths shall be considered "swimming pools" if they are located outdoors.

14.61 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

14.62 Village. The Village of Andalusia, Illinois.

14.63 Village Board. The Village Board of Trustees of the Village of Andalusia, Illinois.

14.64 Village Clerk. The Village Clerk of the Village of Andalusia, Illinois.

14.65 Yard. A required 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

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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 (see Figure 2).

14.66 Yard Front. An open space extending the full width of the lot between a building and the front lot line, unoccupied and unobstructed from the ground upward, except as hereinafter specified (see Frontage and Yard Requirements).

14.67 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 (see Figure 2).

14.68 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 (see Figure 2).

14.69 Zoning Officer. 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 11

ESTABLISHMENT OF DISTRICTS, ZONING MAP, BOUNDARY INTERPRETATIONS, ANNEXED TERRITORY

Section 20 ESTABLISHMENT OF DISTRICTS

For the purposes of this Ordinance, the Village of Andalusia is hereby organized into the following zoning districts:

- 20.01 Agriculture District
"A-I " Suburban Agriculture Districts
- 20.02 Residence Districts
"R-1" One-Family Residential Districts
"R-2" One and Two Family Residential Districts
"R-3" General Residential Districts
- 20.03 Commercial Districts
"C-1 " Neighborhood Commercial Districts
"C-2" General Commercial Districts
- 20.04 Industrial Districts
"I-I" Light Industrial Districts
"1-2" General Industrial Districts

Section 21 ZONING MAP

The location and boundaries of the zoning districts established by the Ordinance are set forth on the map entitled "Zoning Map" which is located in the Andalusia Village Hall and hereby made a part of this Ordinance. Said map, together with everything shown thereon and all amendments thereto, shall be as much a part of this Ordinance as though fully set forth and described herein.

Section 22 RULES FOR NTERPRETATION 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 as 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 Andalusia shall be construed as following such limits;
- 22.06 Where the application of the aforesaid rules leaves a reasonable 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 152.03.4; 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 Andalusia shall be classed automatically as being in a "R-1 " One-Family Residential District until such classification shall have been changed by amendment of this Ordinance as provided hereafter.

ARTICLE 111

GENERAL PROVISIONS

Section 30 ZONING AFFECTS EVERY STRUCTURE

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

Section 31 MINIMUM STREET FRONTAGE, LOT OF RECORD, NUMBER OF BUILDINGS ON LOT, AND LOTS UNSERVED BY SEWER OR WATER

31.01 Minimum Street Frontage. No lot shall be created after the adoption of this Ordinance unless it abuts at least thirty (30) feet on a public street (see Section 142.03).

31.02 Lot of Record. In any Residence District on a lot of record at the time of enactment of this Ordinance, a single-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 vacant and contiguous substandard recorded lots are held in common ownership, they shall be combined into zoning lots and shall thereafter be maintained in common ownership and shall be so joined and developed for the purpose of forming an effective and conforming zoning lot. For the purpose of this Section, the razing of a building on a substandard lot shall constitute the formation of a vacant lot.

31.03 Number of Buildings on a Zoning Lot. Except in the case of planned developments, not more than one principal detached residential building shall be located on a zoning lot, nor shall a principal detached residential building be located on the same zoning lot with any other principal building.

31.04 Lots Unserved by Sewer and/or Water. In any residential district where neither public water supply nor public sanitary sewer are reasonably available, one (1) single-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 a public water supply system is accessible and will be installed, these requirements shall be ten thousand (10,000) square feet, and seventy-five (75) feet respectively.

Section 32 ACCESSORY BUILDINGS, STRUCTURES, AND USES

32.01 Time of Construction. No accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory.

32.02 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.

- 32.03 Height of Accessory Buildings. No detached residential accessory building or structure shall exceed fifteen (15) feet in height except as provided in Article XIV.
- 32.04 Location of Lot. No accessory building or structure shall be erected in any front yard. Accessory buildings or structures shall be no closer than three (3) feet from all lot lines of adjoining lots which are in any "R" District and at least six (6) feet from alley lines.
- 32.05 Swimming Pool Fences. No public or private swimming pool shall be erected unless the same be entirely enclosed by buildings, fences, or walls not less than five (5) nor more than seven (7) feet in height and of such construction that a child may not reach the pool from the street or from any adjacent property without opening a door or gate or scaling a wall or fence. Holes or openings in the fence shall be four (4) inches or less. Such fences or walls shall be equipped with self-latching gates or doors. The latching device shall be located not less than four (4) feet above the ground and be inside the gate. All doors from houses and garages must also be self-closing and self-latching.

Section 33 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 make any such area or dimension less than the minimum required by this Ordinance, and if already less than the minimum required, it shall not be further reduced. No required open space provided around any building or structure shall be included as part of any open space required for another building or structure.

Section 34 CONVERSION OF DWELLINGS

The conversion of any building or structure into a dwelling, or the conversion of any dwelling so as to accommodate an increased number of dwelling units or families, 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 35 TRAFFIC VISIBILITY ACROSS CORNER LOTS

In an "R" District on any corner lot, no fence, structure, or planting shall be erected or maintained within twenty (20) feet of the "corner" so as to interfere with traffic visibility across the corner.

Section 36

ESSENTIAL SERVICES

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

Section 37 VALIDITY OF EXISTING BUILDNG 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 thereof carried on in a normal manner within the subsequent six (6) month period, and not discontinued until completion, except for reasons beyond the builder's control.

Section 38 REQUIREMENTS FOR DEVELOPMENT IN FLOODPLAIN AREAS

These requirements are enacted pursuant to the police powers granted to the Village of Andalusia by the Illinois Municipal Code (65 IL. Compiled Statutes 5/1-2-1, 5/11-12-12, 5/11-30-2, 5/11-30-8, and 5/11-31-2) in order to accomplish the following purposes:

To prevent unwise developments from increasing flood or drainage hazards to others;

To protect new buildings and major improvements to buildings from flood damage;

To promote and protect the public health, safety, and general welfare of the citizens from the hazards of flooding;

To lessen the burden on the taxpayer for flood control, repairs to public facilities and utilities, and flood rescue and relief operations;

To maintain property values and a stable tax base by minimizing the potential for creating blight areas;

To make federally subsidized flood insurance available; and

To preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits, and enhance community and economic development.

38.01 Definitions. For the purposes of this Ordinance, the following definitions are adopted:

38.01.1 Base Flood. The flood having a one-percent (1%) probability of being equaled or exceeded in any given year. The base flood is also known as the 100-year flood. The base flood elevation at any location is as defined in 38.02 of this Ordinance.

38.01.2 Base Flood Elevation (BFE). The elevation in relation to mean sea level of the crest of the base flood.

38.01.3 Basement. Any area of the building having its floor subgrade (below ground level) on all sides.

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38.01.4 Building. A structure that is principally above ground and is enclosed by walls and a roof. The term includes manufactured homes, prefabricated buildings, and gas or liquid storage tanks. The term also includes recreational vehicles and travel trailers installed on a site for more than 180 days per year.

38.01.5 Critical and Vulnerable Facility. Any public or private facility which, if flooded, would create an added dimension to the disaster or would increase the hazard to life and health. Examples are public buildings, emergency operations and communication centers, health care facilities and nursing homes or group homes for mentally and physically handicapped, schools, water and sewage treatment plants, and toxic waste treatment, handling or storage facilities including, but not necessarily limited to, vehicle and tire storage.

38.01.6 Development. Any man-made change to real estate including, but not necessarily limited to:

- a) Demolition, construction, reconstruction, repair, placement of a building, or any structural alteration to a building;
- b) Substantial improvement of an existing building;
- c) Installation of a manufactured home on a site, preparing a site for a manufactured home, or installing a travel trailer on a site for more than 180 days per year;
- d) Installation of utilities, construction of roads, bridges, culverts, driveways or similar projects;
- e) Construction or erection of levees, dams, walls, or fences;
- D Drilling, mining, filling, dredging, grading, excavating, paving, or other alterations of the ground surface;
- g) Storage of materials including the placement of gas and liquid storage tanks;
- h) Channel modifications or any other activity that might change the direction, height, or velocity of flood or surface waters.

Development does not include routine maintenance of existing buildings and facilities; resurfacing roads; or gardening, plowing, and similar practices that do not involve filling, grading, or construction of levees.

- 38.01.7 Exceptional or Unnecessary Hardship. A condition faced by the property owner where the following circumstances apply: loss of all beneficial or productive use of the property; deprivation of reasonable return on the property; deprivation of all or any reasonable use of the property; rendering property valueless (not less valuable); inability to physically develop the

property in compliance with the regulations (financial obligations does not count); and reasonable use cannot be made consistent with the regulations. An applicant for a development permit has the burden of proving an exceptional or unnecessary hardship. The proof must be compelling and reasons for granting the variance substantial.

- 38.01.8 FEMA. Federal Emergency Management Agency.

- 38.01.9 Flood. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

- 38.01.10 Flood Fringe. That portion of the floodplain outside of the regulatory floodway.

- 38.01.11 Flood Insurance Rate Map. A map prepared by the Federal Emergency Management Agency that depicts the floodplain or special flood hazard area (SFHA) within a community. This map includes insurance rate zones and may or may not depict floodways and show base flood elevations.

- 38.01.12 Floodplain and Special Flood Hazard Area (SFHA). "Floodplain" and "Special Flood Hazard Area (SFHA)." These terms are synonymous. Those lands within the jurisdiction of the Village of Andalusia, the extra-territorial jurisdiction of the Village of Andalusia or that may be annexed into the Village of Andalusia, that are subject to inundation by the base flood. The floodplains of the Rock River and Unnamed Creek are generally identified as such on the Flood Insurance Rate Map of the Village of Andalusia prepared by the Federal Emergency Management Agency and dated October 18, 2002. The floodplains of those parts of unincorporated Rock Island County that are within the extraterritorial jurisdiction of the Village of Andalusia or that may be annexed into the Village of Andalusia are generally identified as such on the Flood Insurance Rate Map prepared for

Rock Island County by the Federal Emergency Management Agency and dated October 18, 2002. Floodplain also includes those areas of known flooding as identified by the community.

- 38.01.13 Floodproofing. Any combination of structural or nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate, property and its contents.
- 38.01.14 Floodproofing Certificate. A form published by the Federal Emergency Management Agency that is used to certify that a building has been designed and constructed to be structurally dry floodproofed to the flood protection elevation.
- 38.01.15 Flood Protection Elevation (FPE). The elevation of the base flood plus one foot of freeboard at any given location in the floodplain.

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- 38.01.16 Floodway. That portion of the floodplain required to store and convey the base flood. The floodway for the floodplains of the River, Unnamed Creek, Tributary 1 to Unnamed Creek, Tributary 2 to Unnamed Creek, and Tributary 3 to Unnamed Creek, shall be as delineated on the countywide Flood Insurance Rate Map of Rock Island County prepared by the Federal Emergency Management Agency and dated October 18, 2002. The floodways for each of the remaining floodplains of the Village of Andalusia, the extraterritorial jurisdiction of the Village of Andalusia or that may be annexed into the Village of Andalusia, shall be according to the best data available from federal, state or other sources.
- 38.01.17 IDNR/OWR. Illinois Department of Natural Resources/Office of Water Resources.
- 38.01.18 Manufactured Home. A structure transportable in one or more sections, that is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities.
- 38.01.19 Market Value. The value of a structure will be based on the assessed valuation multiplied by 3.3.
- 38.01.20 NFIP. National Flood Insurance Program.
- 38.01.21 Repetitive Loss. Flood related damages sustained by a structure on two or more separate occasions during a ten year period for which the cost of

repairs on the average equals or exceeds 50% of the market value of the structure before the damage occurred.

38.01.22 SFHA. See definition of floodplain.

38.01.23 Substantial Damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50% of the market value of the structure before the damage occurred regardless of actual repair work performed. Volunteer labor and materials must be included in this determination.

38.01.24 Substantial Improvement. Any reconstruction, rehabilitation, addition, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started, "Substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either 1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or 2) any alteration of a structure listed on the National Register of Historic Places or the Illinois Register of Historic Places.

38.01.25 Travel Trailer or Recreational Vehicle. A vehicle which is:

- a) Built on a single chassis;
- b) 400 square feet or less in size;
- c) Designed to be self-propelled or permanently towable by a light duty truck; and
- d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

38.02 Base Flood Elevation. This Ordinance's protection standard is the base flood. The best available base flood data are listed below. Whenever a party disagrees with the best available data, the party shall finance the detailed engineering study needed to replace the existing data with better data and submit it to the FEMA and IDNR/OWR for approval prior to any development of the site.

38.02.1 The base flood elevation for the floodplains of the Rock River and Unnamed

Creek shall be as delineated on the 100-year flood profiles in the Flood Insurance Study of Village of Andalusia prepared by the Federal Emergency Management Agency and dated October 18, 2002.

- 38.02.2 The base flood elevation for each floodplain delineated as an "AH Zone" or "AO Zone" shall be that elevation (or depth) delineated on the Countywide Flood Insurance Rate Map of Rock Island County and dated October 18, 2002.
- 38.02.3 The base flood elevation for each of the remaining floodplains delineated as an "A Zone" on the Flood Insurance Rate Map of Village of Andalusia shall be according to the best data available from federal, state, or other sources. Should no other data exist, an engineering study must be financed, by the applicant, to determine base flood elevations.
- 38.02.4 The base flood elevation for the floodplains of those parts of unincorporated Rock Island County that are within the extraterritorial jurisdiction of the Village of Andalusia, or that may be annexed into the Village of Andalusia, shall be as delineated on the 100-year flood profiles of the Flood Insurance Study of Rock Island County prepared by the Federal Emergency Management Agency and dated October 18, 2002.

38.03 Duties of the Municipal Officials

- 38.03.1 Zoning Officer. The Zoning Officer shall be responsible for the general administration of this Ordinance and ensure that all development activities within the floodplains under the jurisdiction of the Village of Andalusia meet the requirements of this Ordinance. Specifically, the Zoning Officer shall:

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- a) Process development permits in accordance with 38.04;
- b) Ensure that all development in a floodway (or a floodplain with no delineated floodway) meets the damage prevention requirements of 38.05;
- c) Ensure that the building protection requirements for all buildings subject to 38.06 are met and maintain a record of the "as-built" elevation of the lowest floor (including basement) or floodproof certificate;
- d) Assure that all subdivisions and annexations meet the requirements of

38.07;

- e) Ensure that water supply and waste disposal systems meet the Public Health standards of 38.08;
- f) If a variance is requested, ensure that the requirements of 38.09 are met and maintain documentation of any variances granted;
- g) Inspect all development projects and take any and all actions outlined in 38.11 as necessary to ensure compliance with this Ordinance;
- h) Assure that applicants are aware of and obtain any and all other required local, state, and federal permits;
- i) Notify IDNR/OWR and any adjacent communities prior to any alteration or relocation of a watercourse; and submittal of evidence of such notification to the Regional Director, Federal Emergency Management Agency.
- j) Provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques;
- k) Cooperate with state and federal floodplain management agencies to coordinate base flood data and to improve the administration of this Ordinance;
- l) Maintain for public inspection base flood data, floodplain maps, copies of state and federal permits, and documentation of compliance for development activities subject to this Ordinance;
- m) Perform site inspections and make substantial damage determinations for structures within the floodplain; and
- n) Maintain the accuracy of floodplain maps including notifying IDNR/OWR and/or submitting information to FEMA within 6 months whenever a modification of the floodplain may change the base flood elevation or result in a change to the floodplain map.

38.03.2 Village Engineer. The Village Engineer shall ensure that all development activities within the floodplains requiring engineering review and certification under the jurisdiction of the Village of Andalusia meet the requirements of this Ordinance. All engineering documents shall be examined by the Village Engineer to ensure acceptable technical standards were used and that the calculations are correct. Specifically, the Village Engineer shall review:

- a) Hydrologic and hydraulic calculations concerning proposed floodway encroachments;
- b) Loading calculations and methods of construction relative to floodproofing;
- c) Alternative designs for meeting the minimum opening requirements for enclosures below the lowest floor; and
- d) Design and methods of construction for breakaway wall that exceed standard operating procedures loading resistance of twenty pounds per square foot.

38.04 Development Permit. No person, firm, corporation, or governmental body not exempted by law shall commence any development in the floodplain without first obtaining a development permit from the Zoning Officer of the Village of Andalusia. The Zoning Officer shall not issue a development permit if the proposed development does not meet the requirements of this Ordinance.

38.04.1 The application for development permit shall be accompanied by at least the following information, where applicable:

- a) Drawings of the site, drawn to scale showing property line dimensions;
- b) Existing grade elevations and all changes in grade resulting from excavation or filling;
- c) The location and dimensions of all buildings and additions to buildings;
- d) The elevation of the lowest floor (including basement) of all proposed buildings subject to the requirements of 38.06 of this Ordinance;
- e) Cost of project or improvements as estimated by a licensed engineer or architect. A signed estimate by a contractor may also meet this requirement; and
- f) Elevation certificate executed by surveyor, engineer, or architect or floodproofing certificate, as appropriate.

38.04.2 Permit Application Review. The Zoning Officer shall conduct the following permit application review before issuing a floodplain development permit shall:

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- a) Review all applications for completeness, particularly with the requirements of 38.041 and for compliance with the provisions and standards of this Ordinance.
- b) Compare the elevation of the site to the base flood elevation. Any development located on land that can be shown by survey data to be higher than the current base flood elevation and which has not been filled after the date of the site's first Flood Insurance Rate Map is not in the floodplain, and therefore not subject to the requirements of this Ordinance. Conversely, any development located on land shown to be below the base flood elevation and hydraulically connected, but not shown on the current Flood Insurance Rate Map, is subject to the provisions of this Ordinance. The Zoning Officer shall maintain documentation of the existing ground elevation at the development site and certification that the ground elevation existed prior to the date of the site's first Flood Insurance Rate Map identification.
- c) Determine whether any proposed development in an area of special flood hazard may result in physical damage to any other property (e.g., stream bank erosion and increased flood velocities) in consultation with the Village Engineer. The Zoning Officer may require the applicant to submit additional technical analyses and data necessary to complete the determination. If the proposed development may result in physical damage to any other property or fails to meet the requirements of 38.06, 38.07, and 38.08, the no permit shall be issued. The applicant may revise the application to include measures that mitigate or eliminate the adverse effects and re-submit the application.
- d) Determine whether the applicant has provided for maintenance within an altered or relocated portion of a watercourse so that flood carrying capacity is not diminished.

38.04.3 The floodplain development permit shall expire six (6) months from the date of receipt. On expiration of the development permit, an application shall be required if the development was not completed within said six month period.

4.4 The Zoning Officer shall issue, or cause to be issued, a stop work order for any floodplain development found ongoing without a floodplain development permit. Disregard of a stop work order shall subject the violator to the penalties described in 38.111.

38.04.5 All applications for a floodplain development permit shall be accompanied by an application fee of \$25.00. In addition, the applicant shall be responsible for reimbursing the Village of Andalusia for any additional costs necessary for review, inspection and approval of this project. The Zoning Officer may require a deposit of no more than \$500.00 to cover these additional costs.

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38.05 Preventing Increased Flood Heights and Resulting Damages. Within the floodway identified on the Flood Boundary and Floodway Map, and within all other floodplains where a floodway has not been delineated, the following standards shall apply:

38.05.1 Except as provided in 38.05.2, no development shall be allowed which, acting in combination with existing and anticipated development, will cause any increase in flood heights or velocities or threat to public health and safety. The following specific development activities shall be considered as meeting this requirement:

- a) Barge fleeting facilities meeting the conditions of IDNR/OWR Statewide Permit No. 3;
- b) Aerial utility crossings meeting the conditions of IDNR/OWR Statewide Permit No. 4;
- c) Minor boat docks meeting the conditions of IDNR/OWR Statewide Permit No. 5;
- d) Minor, non-obstructive activities meeting the conditions of IDNR/OWR Statewide Permit No 6;
- e) Outfall structures and drainage ditch outlets meeting the conditions of IDNR/OWR Statewide Permit No. 7;
- f) Underground pipeline and utility crossings meeting the conditions of IDNR/OWR Statewide Permit No. 8;
- g) Bank stabilization projects meeting the conditions of IDNR/OWR Statewide Permit No. 9;
- h) Accessory structures and additions to existing residential buildings meeting the conditions of IDNR/OWR Statewide Permit No. 10;
- i) Minor maintenance dredging activities meeting the conditions of DNR/OWR Statewide Permit No. 11;

- j) Bridge and culvert replacement structures and bridge widenings meeting the conditions of IDNR/OWR Statewide Permit No. 12;
- k) Temporary construction activities meeting the conditions of IDNR/OWR Statewide Permit No. 13; and
- l) Any development determined by IDNR/OWR to be located entirely within a flood fringe area.

38.05.2 Other development activities not listed in 38.051 may be permitted only if:

- a) A permit has been issued for the work by IDNR/OWR (or written documentation is provided that an IDNR/OWR permit is not required); and
- b) Sufficient data has been provided to FEMA when necessary, and approval obtained from FEMA for a revision of the regulatory map and base flood elevation.

38.06 Protecting Buildings.

38.06.1 In addition to the damage prevention requirements of 38.05, all buildings located in the floodplain shall be protected from flood damage below the flood protection elevation. This building protection requirement applies to the following situations:

- a) Construction or placement of a new building valued at more than \$1,000 or 70 square feet;
- b) Substantial improvements made to an existing building. This alteration shall be figured cumulatively beginning with any alteration, which has taken place subsequent to the adoption of this Ordinance;
- c) Repairs made to a substantially damaged building. These repairs shall be figured cumulatively beginning with any repairs which have taken place subsequent to the adoption of this Ordinance.
- d) Structural alterations made to an existing building that increase the floor area by more than 20%;
- e) Installing a manufactured home on a new site or a new manufactured home on an existing site (the building protection requirements do not apply to returning a manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage);
- f) Installing a travel trailer or recreational vehicle on a site for more than 180 days per year; and
- g) Repetitive Loss to an existing building as defined in 38.0121.

38.06.2 Residential or non-residential buildings can meet the building protection requirements by one of the following methods:

- a) The building may be constructed on permanent landfill in accordance with the following:

- 1) The lowest floor (including basement) shall be at or above the flood protection elevation;
- 2) The fill shall be placed in layers no greater than six inches before compaction and should extend at least ten feet beyond the foundation before sloping below the flood protection elevation;
- 3) The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or other structural measure;
- 4) The fill shall be composed of rock or soil and not incorporate debris or refuse materials; and
- 5) The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties and when necessary, stormwater management techniques such as swales or basins shall be incorporated; or

b) The building may be elevated in accordance with the following:

- 1) The building or improvements shall be elevated on stilts, piles, walls, or other foundation that is permanently open to flood waters;
- 2) The lowest floor and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the flood protection elevation;
- 3) If walls are used, all enclosed areas below the flood protection elevation shall address hydrostatic pressures by allowing the automatic entry and exit of flood waters. Designs must either be certified by a registered professional engineer or by having a minimum of one permanent opening on each wall no more than one foot above grade. The opening shall provide a total net area of not less than one square inch for every one square foot of enclosed area subject to flooding below the base flood elevation;
- 4) The foundation and supporting members shall be anchored and aligned in relation to flood flows and adjoining structures so as to minimize exposure to hydrodynamic forces such as current, waves, ice, and floating debris;
- 5) The finished interior grade shall not be less than the finished exterior grade;

- 6) All structural components below the flood protection elevation shall be constructed of materials resistant to flood damage;

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- 7) Water and sewer pipes, electrical and telephone lines, submersible pumps, and other service facilities may be located below the flood protection elevation provided they are waterproofed; and
- 8) The area below the flood protection elevation shall be used solely for parking or building access and not later modified or occupied as habitable space.

38.06.3 Manufactured homes or travel trailers to be permanently installed on site shall be:

- a) Elevated to or above the flood protection elevation; and
- b) Anchored to resist flotation, collapse, or lateral movement by being tied down in accordance with the Rules and Regulations for the Illinois Mobile Home Tie-Down Act issued pursuant to 77 Adm. Code 870.

38.06.4 Travel trailers and recreational vehicles on site for more than 180 days shall meet the elevation requirements of 38.063 unless the following conditions are met:

- a) The vehicle must be either self-propelled or towable by a light duty truck. The hitch must remain on the vehicle at all times;
- b) The vehicle must not be attached to external structures such as decks and porches;
- c) The vehicle must be designed solely for recreation, camping, travel, or seasonal use rather than as a permanent dwelling;
- d) The vehicles largest horizontal projections must be no larger than 400 square feet;
- e) The vehicle's wheels must remain on axles and inflated;

D Air conditioning units must be attached to the frame so as to be safe for movement out of the floodplain;

- g) Propane tanks, electrical and sewage connections must be quickdisconnect and above the 100-year flood elevation;
- h) The vehicle must be licensed and titled as a recreational vehicle or park model; and
- i) The vehicle must be either 1) entirely supported by jacks rather than blocks or 2) have a hitch jack permanently mounted, have the tires touching the ground, and be supported by blocks in a manner that will allow the blocks to be easily removed by use of the hitch jack.

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38.06.5 Non-residential buildings may be structurally dry floodproofed (in lieu of elevation) provided a registered professional engineer or architect certifies that:

- a) Below the flood protection elevation the structure and attendant utility facilities are watertight and capable of resisting the effects of the base flood;
- b) The building design accounts for flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effects of buoyancy, and the impact from debris and ice; and
- c) Floodproofing measures will be incorporated into the building design and operable without human intervention and without an outside source of electricity.

Levees, berms, floodwalls and similar works are not considered floodproofing for the purpose of this Subsection.

38.06.6 Garages or sheds constructed ancillary to a residential use may be permitted provided the following conditions are met:

- a) The garage or shed must be non-habitable;
- b) The garage or shed must be used only for the storage of vehicles and tools and cannot be modified later into another use;
- c) The garage or shed must be located outside of the floodway;
- d) The garage or shed must be on a single family lot and be accessory to an existing principal structure on the same lot;
- e) Below the base flood elevation, the garage or shed must be built of materials not susceptible to flood damage;
- f) All utilities, plumbing, heating, air conditioning, and electrical must be elevated above the flood protection elevation;
- g) The garage or shed must have at least one permanent opening on each wall no more than one foot above grade with one square inch of opening for every square foot of floor area;
- h) The garage or shed must be less than \$7,500 in market value or replacement cost whichever is greater or less than 500 square feet;
- i) The structure shall be anchored to resist floatation and overturning;

- j) All flammable or toxic materials (gasoline, paint, insecticides, fertilizers, etc.) shall be stored above the flood protection elevation; and
- k) The lowest floor elevation should be documented and the owner advised of the flood insurance implications.

38.06.7 A building may be constructed with a crawlspace located below the flood protection elevation provided that the following conditions are met:

- a) The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- b) Any enclosed area below the flood protection elevation shall have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. A minimum of one opening on each wall having a total net area of not less than one square inch per one square foot of enclosed area. The openings shall be no more than one foot above grade;
- c) The interior grade of the crawlspace below the flood protection elevation must not be more than 2 feet below the lowest adjacent exterior grade;
- d) The interior height of the crawlspace measured from the interior grade of the crawl to the top of the foundation wall must not exceed 4 feet at any point;
- e) An adequate drainage system must be installed to remove floodwaters from the interior area of the crawlspace within a reasonable period of time after a flood event;
- f) Portions of the building below the flood protection elevation must be constructed with materials resistant to flood damage; and
- g) Utility systems within the crawlspace must be elevated above the flood protection elevation.

38.06.8 Residential and nonresidential buildings relying on propane gas must have tanks properly secured and tied down. Such buildings relying on nonmunicipal water supply and groundwater source must have the well head elevated above the flood protection elevation.

38.07 Subdivision Requirements. The Village of Andalusia Board of Trustees shall take into account flood hazards, to the extent that they are known, in all official actions related to land management use and development.

38.07. I New subdivisions, manufactured home parks, annexation agreements, planned unit developments, and additions to manufactured home parks and

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subdivisions shall meet the damage prevention and building protection standards of 38.05 and 38.06 of this Ordinance. Any proposal for such development shall include the following data:

- a) The base flood elevation and the boundary of the floodplain (where the base flood elevation is not available from an existing study, the applicant shall be responsible for calculating the base flood elevation);
- b) The boundary of the floodway when applicable; and
- c) A signed statement by a Registered Professional Engineer that the proposed plat or plan accounts for changes in the drainage of surface waters in accordance with the Plat Act (765 IL Compiled Statutes 205/2).

38.07.2 To ensure that emergency equipment can operate during floods, all roads and access facilities must be elevated above the flood protection elevation in new subdivisions, manufactured home parks, annexation agreements, planned unit developments and additions to manufactured home parks and subdivisions.

38.07.3 To reduce the potential for flash flooding, new subdivisions, manufactured home parks, annexation agreements, planned unit developments and additions to manufactured home parks and subdivisions shall manage stormwater by onsite flood detention and/or stormwater drainage systems that prevent increased flood heights and reduce damages. As built plans for onsite flood detention and/or stormwater drainage systems shall be placed on file with the Zoning Officer.

38.08 Public Health and Other Standards.

38.08.1 Public health standards must be met for all floodplain development. In addition to the requirements of 38.05 and 38.06, the following standards apply:

- a) No development in the floodplain shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the flood protection elevation unless such materials are stored in a floodproofed and anchored storage

tank and certified by a professional engineer or floodproofed building constructed according to the requirements of 38.06 of this Ordinance.

- b) Public utilities and facilities such as sewer, gas, and electric shall be located and constructed to minimize or eliminate flood damage;

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- c) Public sanitary sewer systems and water supply systems shall be located and constructed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
- d) New and replacement on-site sanitary sewer lines or waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding. Manholes or other above ground openings located below the flood protection elevation shall be watertight.
- e) Critical facilities shall be protected to the 500-year flood elevation. In addition, all ingress and egress from any critical facility must be protected to the 500-year flood elevation.

38.08.2 All other activities defined as development shall be designed so as not to alter flood flows or increase potential flood damages.

38.09 Variances. Whenever the standards of this Ordinance place exceptional or unnecessary hardship on a specific development proposal, the applicant may apply to the Village of Andalusia Board of Appeals for a variance. The Board of Appeals shall review the applicant's request for a variance and shall consider all technical evaluations, relevant factors, standards specified in other sections of this Ordinance. The Board of Appeals may attach such conditions to granting of a variance, as it deems necessary to further the intent of this Ordinance. The Zoning Officer shall maintain the records of all appeal actions including technical information and report any variances to FEMA on request.

38.09.1 No variance shall be granted unless the applicant demonstrates that all of the following conditions are met:

- a) The development activity cannot be located outside the floodplain;

- b) An exceptional or unnecessary hardship would result if the variance were not granted;
- c) The relief requested is the minimum necessary;
- d) There will be no additional threat to public health or safety, no increase in flood heights, cause fraud on or victimization of the public, conflict with existing ordinances, or creation of a nuisance;
- e) There will be no additional public expense for flood protection, rescue or relief operations, policing, or repairs to roads, utilities, or other public facilities;
- f) The applicant's circumstances are unique and do not establish a pattern inconsistent with the intent of the NFIP; and
- g) All other required state and federal permits have been obtained.

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38.09.2 The Board of Appeals shall notify an applicant in writing that a variance from the requirements of the building protection standards of 38.06 that would lessen the degree of protection to a building will:

- a) Result in increased premium rates for flood insurance up to \$25 per \$100 of insurance coverage;
- b) Increase the risks to life and property; and
- c) Require that the applicant proceed with knowledge of these risks and that the applicant acknowledge in writing the assumption of the risk and liability.

38.09.3 Variances to the building protection requirements of 38.06 of this Ordinance requested in connection with the reconstruction, repair or alteration of a site or building included on the National Register of Historic Places or the Illinois Register of Historic Places may be granted using criteria more permissive than the requirements of 38.081 (a-e).

38.10 Disclaimer of Liability. The degree of protection required by this Ordinance is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes. This Ordinance does not imply that development either inside or outside of the floodplain will be free from

flooding or damage. This Ordinance does not create liability on the part of the Village of Andalusia or any officer or employee thereof for any flood damage that results from proper reliance on this Ordinance or any administrative decision made lawfully thereunder.

- 38.11 Penalty. Failure to obtain a permit for development in the floodplain or failure to comply with the conditions of a permit or a variance shall be deemed to be a violation of this Ordinance. Upon due investigation, the Zoning Officer may determine that a violation of the minimum standards of this Ordinance exists. The Zoning Officer shall notify the owner in writing of such violation.

38.11.1 If such owner fails to correct the violation within 10 days after receiving such notice:

- a) The Village of Andalusia shall make application to the circuit court for an injunction requiring conformance with this Ordinance, issue a stop work order or make such other order as the court deems necessary to secure compliance with the ordinance;
- b) Any person who violates this Ordinance shall upon conviction thereof be fined not less than Seventy-Five Dollars (\$75.00) nor more than Seven Hundred and Fifty Dollars (\$750.00) for each offense;

- c) A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues; and
- d) The Village of Andalusia shall record a notice of violation on the title to the property.

38.11.2 The Zoning Officer shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.

38.11.3 Nothing herein shall prevent the Village of Andalusia from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

IV

"A-I" SUBURBAN AGRICULTURAL DISTRICTS**Section 40 GENERAL DESCRIPTION**

This district is intended to provide regulations for land situated on the fringe of the urban area that is used primarily for agricultural purposes, but which will be undergoing urban development in the near future. Many tracts in this district will be in close proximity to developing residential, commercial, or industrial uses. The purpose of this district is to restrict the permitted uses to those which are compatible with both agricultural uses and the developing residential, commercial, or industrial uses.

Section 41 PRNCIPAL USES PERMITTED

Property and buildings in an "A-I " Suburban Agricultural District shall be used only for the following purposes:

- 41.01 One-family detached dwellings.
- 41.02 Agricultural crops, but not the keeping of farm animals.
- 41.03 Branch telephone exchange, transformer station, and booster or pressure regulating station, without service yard storage.
- 41.04 Cemeteries.
- 41.05 Nurseries and greenhouses.
- 41.06 Accessory uses and buildings which are customarily incidental to any of the above stated uses, but not involving the conduct of business.

Section 42 SPECIAL USES

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

- 42.01 Park or playground.
- 42.02 Country club, golf course, swimming club, tennis court, public stable, and similar recreational uses, provided that any principal building or swimming pool shall be located not less than one hundred (100) feet from any lot in any "R" District.
- 42.03 Child care center.
- ~~42.04~~Animal hospitals and kennels.
- 42.05 Living quarters of persons employed on the premises.

42.06 Home occupations.

42.07 Commercial excavation of natural materials and improvements of a stream, lake, or river channel and removal of dirt and topsoil.

42.08 Radio or television broadcasting tower(s).

42.09 Private stable.

Section 43 HEIGHT REGULATIONS

No building or structure shall exceed three (3) stories or thirty-five (35) feet in height (see Sec. 32.03; Height of Accessory Building).

Section 44 LOT AREA, FRONTAGE, AND YARD REOUIREMENTS

44.01 Lot Area. Each lot shall have a minimum lot area of twenty thousand (20,000) square feet.

44.02 Frontage and Yard Requirements. The following minimum requirements shall be

observed:

<u>Lot Width</u>	<u>Front Yard Depth</u>	<u>Side Yard Least Width</u>	<u>Side yard Sum of Widths</u>	<u>Rear yard Depth</u>
100 ft.	30 ft.	10 ft.	25 ft.	40 ft.

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ARTICLE

E

V

"R-1" ONE-FAMILY RESIDENCE DISTRICTS

Section 50 GENERAL DESCRIPTION

This is the most restrictive residential district. The principal use of land is for single-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 relationships of the different uses.

Section 51 PRINCIPAL USES PERMITTED

Property and buildings in an "R-1 " One-Family Residence District shall be used only for the following purposes:

- 51.01 One-family detached dwellings.
- 51.02 Church or temple.
- 51.03 Public school or school offering general educational courses the same as ordinarily given in public schools.
- 51.04 Public library and similar public culture uses, located not less than twenty (20) feet from any side lot line in any "R" District.
- 51.05 Park, playground, and community center.
- 51.06 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.
- 51.07 Accessory uses which are customarily incidental to any of the above stated uses, but not involving the conduct of business.

Section 52 SPECIAL USES

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

- 52.01 Branch telephone exchange, transformer station, and booster or pressure regulating station, without service yard storage.

- 52.02 Country club, golf course, swimming club, tennis courts, and similar recreational uses, provided that any principal building or swimming pool shall be located not less than one hundred (100) feet from any lot in any "R" District, and a buffer zone as required by the Board of Appeals.
- 52.03 Cemeteries.
- 52.04 Child care center.
- 52.05 Home occupations.
- 52.06 Family care facility.
- 52.07 Living quarters of persons employed on the premises.

Section 53 HEIGHT REGULATIONS

No building or structure shall exceed three (3) stories or thirty-five (35) feet in height (see Sec. 32.03; Height of Accessory Building).

Section 54 LOT AREA, FRONTAGE, AND YARD REOUIREMENTS

- 54.01 Lot Area. Each lot shall have a minimum lot area of seventy-five hundred (7,500) square feet.
- 54.02 Frontage and Yard Requirements. The following minimum requirements shall be observed:

Lot Front	Yard Side	Yard Side	Yard Rear	Yard	<u>Width</u>	<u>Depth</u>	<u>Least</u>	<u>Width</u>	<u>Sum of</u>
					<u>Widths</u>	<u>Depth</u>			

65 ft.	25 ft.	6 ft.	15 ft. *	30 ft.
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* Where no alley is located to the rear of the lot and an attached garage is not constructed, a side yard of at least twelve (12) feet shall be provided on one side of the principal structure.

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VI

"R-2" ONE AND TWO-FAMILY RESIDENCE DISTRICTS

60.	DESCRIPTION
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This is a residential district to provide for a slightly higher population density, but with basic regulations similar to the "R-1 " District. This principal use of land is for single and two-family 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 61 PRINCIPAL USES PERMITTED

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

61.01 Any use permitted in the "R-1 " One-Family Residence District.

61.02 Two-family dwelling.

61.03 Accessory uses and building which are customarily incidental to any of the above stated uses, but not involving the conduct of business.

Section 62 SPECIAL USES

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

62.01 Any use permitted on review in the "R-1" One-Family Residence District.

62.02 Group care facility.

Section 63 HEIGHT REGULATIONS

No building or structure shall exceed three (3) stories or thirty-five (35) feet in height (see Sec. 32.03; Height of Accessory Building).

Section 64 LOT AREA, FRONTAGE, AND YARD REQUIREMENTS

64.01 Lot Area. Each one-family residence shall be located on a lots containing at least six thousand (6,000) square feet, and each structure containing more than one family shall be located on a lot having at least four thousand (4,000) square feet for each family.

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

Lot	Front Yard	Side Yard	Side Yard	Rear Yard
<u>Width</u>	<u>Depth</u>	<u>Least Width</u>	<u>Sum of Widths</u>	<u>Depth</u>
50 ft.	25 ft.	5 ft.		30 ft.

* Where no alley is located to the rear of the lot and an attached garage is not constructed, a side yard of at least twelve (12) feet shall be provided on one side of the principal structure.

VII

"R-3" GENERAL RESIDENCE DISTRICTS

70 DESCRIPTION

This is a residential district to provide for medium and high population density. The principal use of land may range from single 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 educational 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 relationship of each use permitted in the district.

Section 71 PRINCIPAL USES PERMITTED

Property and buildings in an "R-3" General Residence District shall be used only for the following purposes:

- 71.01 Any use permitted in the "R-2" One and Two-Family Residence District.
- 71.02 Dwellings for any number of families.
- 71.03 Boarding and lodging houses.

Section 72 SPECIAL USES

The following principal 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 and Two-Family Residence District.
- 72.02 Public and private schools for academic instruction, including dormitories.
- 72.03 Hospitals, sanitariums, nursing homes.
- 72.04 Manufactured home parks subject to all other applicable codes and ordinances (refer to Section 38.063).
- 72.05 Institutions of a religious, educational, or philanthropic nature.
- 72.06 Home occupation.

ARTICLE

Section GENERAL

Section 73 ACCESSORY USES PERMITTED

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

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

Section 74 HEIGHT REGULATIONS

No building or structure shall exceed three (3) stories or thirty-five (35) feet in height (see Sec. 32.03; Height of Accessory Building).

Section 75 LOT AREA, FRONTAGE, AND YARD REOUIRENIENTS

75.01 Lot Area. Each structure shall be located on a lot containing at least five thousand (5,000) square feet. Each structure containing more than one family shall be located on a lot having an area of two thousand (2,000) square feet for each family.

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

Lot Front Yard	Side Yard	Side Yard	Rear Yard	Width	Depth	Least Width	Sum of Widths	Depth
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50 ft.

25 ft.

30 ft.

* Where no alley is located to the rear of the lot and an attached garage is not constructed, a side yard of at least twelve (12) feet shall be provided on one side of the principal structure.

ARTICLE

Section GENERAL

Vill

"C-1" NEIGHBORHOOD COMMERCIAL DISTRICTS

80 DESCRIPTION

This commercial district is for the conduct of retail trade and personal service enterprises to meet the regular needs and for the convenience of the people of adjacent residential areas. Because 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 than are provided in other commercial districts.

Section 81 PRINCIPAL USES PERMITTED

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

81.01 Any use permitted in the "R-3" General Residence District and any use permitted on review in the "R-3" General Residential District, except that all dwellings shall be located above the ground floor.

81.02 Antique shop.

81.03 Appliance store.

81.04 Art and school supply store.

81.05 Bank and other financial institutions.

81.06 Barber shop and beauty shop.

81.07 Camera shop.

81.08 Community center.

81.09 Dairy products and/or ice cream store.

81.10 Drug store or fountain including books and reading matter, stationary, tobacco, and pharmacy.

- 81.11 Dry goods store.
- 81.12 Florist shop and/or gift shop.
- 81.13 Food store, grocery store, meat market, fish market, bakery, and delicatessen.
- 81.14 Hardware store.

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- 81.15 Jewelry store.
- 81.16 Massage establishment.
- 81.17 Municipal administrative or public service office.
- 81.18 Music and dancing studio.
- 81.19 Package liquor sales.
- 81.20 Photographer or artist studio.
- 81.21 Physicians', dentists', and optometrists' office and private clinic for human care.
- 81.22 Professional and business office.
- 81.23 Public library and similar public culture uses.
- 81.24 Restaurant, except drive-in restaurant.
- 81.25 Self-service laundry or dry cleaning.
- 81.26 Shoe repair shop.
- 81.27 Tailor shop.
- 81.28 Accessory uses (see Sec. 41.06).
- 81.29 Any other use determined by the Board of Appeals to be of the same general character as the foregoing permitted uses.

Section 82 SPECIAL USES

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

82.01 Automobile service station.

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

82.03 Commercial excavation of natural materials and improvement of a stream, lake, or river channel and removal of dirt and top soil.

Section 83 HEIGHT REGULATIONS

No building or structure shall exceed three (3) stories or thirty-five (35) feet in height (see Sec. 32.03; Height of Accessory Building).

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Section 84 LOT AREA, FRONTAGE, AND YARD REOUIRENIENTS

84.01 Lot Area. Each structure containing a dwelling unit shall be located on a lot containing five thousand (5,000) square feet. Each structure containing more than one family shall be located on a lot having an area of two thousand (2,000) square feet for each family.

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

<u>Lot Width</u>	<u>Front Yard Depth</u>	<u>Side Yard Least Width</u>	<u>Side Yard Sum of Widths</u>
None	25 ft.	None, except where adjoining an "R" District, then same as the least width required in that "R" District.	Ten (10) feet except where adjoining and "R" District, then same as required in that District.

ARTICLE IX

"C-2" GENERAL COMMERCIAL DISTRICTS

Section 90 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 91 PRNCIPAL USES PERMITTED

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

- 91.01 Any use permitted in the "C-I " Neighborhood Commercial District, except that all dwellings shall be located above the ground floor. However, living quarters for managers/owners of hotels, motels or other tourist lodging establishments (Article IX, Section 91-21) may be located on the ground floor adjacent to the customer service counter.
- 91.02 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.
- 91.03 Animal or veterinarian hospitals and/or kennels, provided that no such building, kennel, or other area occupied by animals is closer than one hundred (100) feet to any Residential District.
- 91.04 Auction rooms.
- 91.05 Automobile service station and/or car wash.
- 91.06 Bar or tavern.
- 91.07 Bicycle sales, rental and repair store.
- 91.08 Boat sales.
- 91.09 Branch telephone exchange, transformer station, and booster or pressure regulating station without service yard storage.
- 91.10 Contractor or construction office or shop.
- 91.11 Department store and/or shopping mall.

- 91.12 Drive-in restaurant.
- 91.13 Farm implement sales.
- 91.14 Feed and seed sales.
- 91.15 Frozen food locker.
- 91.16 Fuel and oil sales, but not the storage thereof.
- 91.17 Furniture repair and upholstery.
- 91.18 Garages — for storage, repair, and servicing of motor vehicles, including body repair, painting, and engine rebuilding.
- 91.19 Garden supply store.
- 91.20 Greenhouses and nurseries.
- 91.21 Hotel, motel, or other tourist lodging establishment.
- 91.22 Laboratories — medical and dental.
- 91.23 Laundry and dry cleaning shop.
- 91.24 Locksmith shop.
- 91.25 Lumber yard.
- 91.26 Machinery sales.
- 91.27 Model home.
- 91.28 Monument sales.
- 91.29 Mortuary.
- 91.30 Motor vehicle and manufactured home sales, not including junk yards.
- 91.31 Parking lots and garages.
- 91.32 Pet shop.
- 91.33 Printing, publishing, engraving, or lithographing shop.

91.34 Private club or lodge.

91.35 Produce market.

91.36 Storage warehouse.

91.37 Theaters, drive-in.

91.38 Theaters, indoor.

91.39 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.

91.40 Accessory uses (see Sec. 41.06).

Section 92

SPECIAL USES

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

92.01 Commercial excavation of natural materials and improvements of a stream, lake, or river channel and removal of dirt and topsoil.

92.02 Radio or television broadcasting tower(s).

Section 93

HEIGHT REGULATIONS

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

Section 94

LOT AREA, FRONTAGE, AND YARD REQUIREMENTS

94.01 Lot Area. Each structure containing a dwelling unit shall be located on a lot containing five thousand (5,000) square feet. Each structure containing more than one family shall be located on a lot having an area of two thousand (2,000) square feet for each family.

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

<u>Lot Width</u>	<u>Front Yard Depth</u>	<u>Side Yard Least Width</u>	<u>Side Yard Sum of Widths</u>
None	None	None, except where adjoining an "R" District, then same as the least width required in that "R" District.	Ten (10) feet except where adjoining an "R" District, then same as required in that District.

ARTICLE

X

"1-1" LIGHT INDUSTRIAL DISTRICTS

Section 100 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 101 PRNCIPAL USES PERMITTED

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

- 101.01 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.
- 101.02 Bottling of soft drinks or milk, or distribution stations.
- 101.03 Automobile repair garage doing major repair, including tire retreading or recapping, battery service and repair.
- 101.04 The manufacture, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, pharmaceuticals, toiletries, and food products.
- 101.05 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, and yarn.
- 101.06 The manufacture or assembly of electrical appliances, electronic instruments and devices, phonographs, radio and television sets, electric and neon signs, refrigerators and stoves.
- 101.07 Any other use that is determined by the Board of Appeals to be of the same general character as the foregoing permitted uses, but not including any use which may become noxious or offensive in an "I-I " District. In determining the character of such use, the Board shall refer to Subsection 159.023.
- 101.08 Accessory uses (see Sec. 41.06).

Section 102 SPECIAL USES

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

102.01 Commercial excavation of natural materials and improvements of a stream, lake, or river channel and removal of dirt and topsoil.

Section 103 PROHIBITED USES

103.01 Dwellings, except for watchman or caretaker on the premises.

103.02 Churches or temples, schools, hospitals, clinics, and other institutions for human care, except when incidental to a permitted use.

103.03 Auto salvage and wrecking operations, industrial metal and waste salvage operations, and junkyards.

Section 104 HEIGHT REGULATIONS

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

Section 105 YARD REQUIREMENTS

The following minimum requirements shall be observed:

Front Yard	Side Yard	Rear Yard
<u>Width</u>	<u>Depth</u>	<u>Depth</u>

20 ft. Equal to building height. Height of building, but not less than 20 ft.

XI

"1-2 GENERAL INDUSTRIAL DISTRICTS

Section 110 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 111 PRINCIPAL USES PERMITTED

Property and buildings in an "1-2" General Industrial District may be used for any use except the following:

111.01 Uses not complying with this Ordinance or any other city, county, state, or federal regulation or law.

111.02 All uses enumerated under Sections 112 and 113 of this Ordinance.

Section 112 SPECIAL USES

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

112.01 Cement, lime, or gypsum manufacture.

112.02 Commercial feed pens for livestock.

112.03 Petroleum refining.

112.04 Wholesale or bulk storage of gasoline, propane or butane, or other petroleum products.

112.05 Disposal plants of all types including trash, garbage, and sewage treatment.

112.06 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.

112.07 Radio or television broadcasting tower(s).

112.08 Racing facility.

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112.09 Commercial excavation of natural materials and improvements of a stream, lake, or river channel and removal of dirt and topsoil.

Section 113 PROHIBITED USES

113.01 Dwellings, except for watchman or caretaker on the premises.

113.02 Churches or schools, hospitals, clinics, and other institutions for human care, except when incidental to a permitted use.

Section 114 HEIGHT REGULATIONS

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

Section 115 YARD REOUIREMENTS

The following minimum requirements shall be observed:

Front Yard	Side Yard	Rear Yard
<u>Width</u>	<u>Depth</u>	<u>Depth</u>

20 ft. Equal to building height. Height of building, but not less than
20 ft.

ARTICLE

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ARTICLE
XII
SPECIAL PROVISIONS

Section 120 OFF-STREET PARKING AREAS AND LOADING SPACES

120.01 Off-Street Loading Spaces. In all districts, in connection with every building or part thereof hereafter erected 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 following off-street loading spaces:

<u>Gross Floor Area (Square Feet)</u>	<u>Spaces Required</u>
O to 19,999	1
20,000 to 29,999	2
30,000 to 39,999	3
40,000 to 49,999	4

For each additional 10,000 square feet in excess of 50,000 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.

120.02 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 "A" and "R" Districts shall be on the premises intended to be served; and in the case of "C-1" "C-2", "I-I", and "I-2" 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.

120.03 Number of Parking Spaces Required.

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

<u>Use</u>	
Churches and Schools	Motels or Motor Hotels
	Service Stations
Convenience Stores — Drug, Grocery, Hardware, and similar stores	Barber Shops
	Beauty Shops
Dance Halls and Assembly Halls without fixed seats Drive-In Eating Establishments	<u>Parking Spaces Required</u> 1 for each 4 seats in principal auditorium 1 for each 200 square feet of floor area devoted to sales, plus 1 for each full-time employee 1 for each 50 square feet of floor area used for assembly or dancing
Dwellings	Not less than 1/3 of the total ground area to be devoted exclusively to parking and accessways
Food Pick-Up Establishments	1 for each bedroom contained in the dwelling unit
Funeral Home, Mortuaries	Minimum of 1, plus 1 for each 100 square feet of floor area
Hospitals, Nursing Homes, and similar care centers	6 per chapel room or parlor or 1 for 50 square feet of rooms used for services, whichever is greater 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

1 for each unit, plus 1 for each 2 employees
at work at the same time

1 for each dryer, plus 1 for each 2

1 for each employee on duty, plus 2 for
each service bay

employees at work at the same time

2 for each chair, plus 1 for each 2
employees at work at the same time

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<u>Use</u>	<u>Parking Spaces Required</u>
Coin-Operated Laundries and/or Dry Cleaning	1 for each 3 washers and/or employee
Furniture and similar stores	
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
Establishmentscleaning 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 —	1 for each 500 square feet of floor
Appliance Household Equipments,	area, plus 1 for each full-time
In the case of any use which is not specifically mentioned herein, the provisions for a similar use mentioned shall apply.	

In addition to all specified parking, sufficient handicapped parking space shall be
made available as required by the State of Illinois Accessibility Standards.

120.04 Definition and Interpretation.

- 120.04.1 Parking Space. Each parking space rectangular in shape shall be not less than nine (9) feet wide and twenty (20) feet long, or not less than one hundred and eighty (180) square feet in area exclusive of access drives or aisles.
- 120.04.2 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.
- 120.04.3 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 rest rooms, utilities, or dressing rooms.
- 120.04.4 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.

120.05 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.

120.06 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 the use, or other exceptional situation or condition would justify such modification, reduction, or waiver.

Section 121 TRUCKS BUSES AND MANUFACTURED HOMES

Trucks, buses, and manufactured homes shall not be parked or stored on any lot occupied by a dwelling or any lot in any Agricultural or Residential District except in accordance with the following provisions:

121.01 Truck or Bus. No truck or bus exceeding two (2) tons capacity.

121.02 Manufactured Home. A manufactured home shall be parked or stored only in a manufactured home park or manufactured home sales area. A manufactured 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 manufactured home park authorized under the ordinances of the Village of Andalusia.

Section 122 SIGNS

122.01 General Provisions.

122.01.1 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.

122.01.2 No sign 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.

122.01.3 No advertising structure shall be erected or placed closer than one hundred (100) feet of any Residence District.

122.02 Agricultural and Residence District

- 122.02.1 For single-family and two-family dwellings: One (1) non-illuminated identification sign not exceeding two (2) square feet in area 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.
- 122.02.2 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.
- 122.02.3 One (1) temporary, non-illuminated, on-site sign not to exceed nine (9) square feet in area for the sale of real estate.
- 122.02.4 Announcement of church, school, or other public buildings or uses where permitted; bulletin boards, or identification signs shall be permitted.
- 122.02.5 All other signs are prohibited.

122.03 Commercial Districts. The following regulations shall apply with respect to Commercial Districts:

- 122.03.1 Neighborhood Commercial Districts: On-site signs shall be permitted, but shall not exceed one and one-half (1-1/2) square feet of surface area for each one (1) lineal foot of building face. Off-site signs are prohibited.
- 122.03.2 General Commercial Districts: On-site signs, off-site signs, and billboards are permitted.

122.04 Industrial Districts. The following regulations shall apply with respect to the Industrial Districts:

- 122.04.1 All Industrial Districts: On-site signs, off-site signs, and billboards are permitted.

ARTICLE XIII

NONCONFORMING BUILDINGS, STRUCTURES, AND USES OF LAND

Section 130 NONCONFORMING BUILDINGS AND STRUCTURES

130.01 General. A nonconforming building or structure existing at the time of adoption of this Ordinance may be continued, maintained, and repaired, except as otherwise provided in this Section. 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.

130.02 Alteration or Enlargement of Building and Structures. A nonconforming building or structure shall not be added to or enlarged in any manner unless said building or structure, including additions and enlargements, is made to conform to all of the regulations of the District in which it is located; provided, however, that if a building or structure is conforming as to use, but nonconforming as to yards or height or off-street parking space, said building or structure may be enlarged or added to, provided that the enlargement or addition complies with the yard and height and off-street parking requirements of the District in which said building or structure shall be moved in whole or in part to another location on the lot unless every portion of said building or structure is made to conform to all of the regulations of the District in which it is located.

130.03 Building Vacancy. A building or structure or portion thereof, which is nonconforming as to use, which is or hereafter becomes vacant and remains unoccupied for a continuous period of one (1) year shall not thereafter be occupied except by a use which conforms to the use regulations of the District in which it is located.

130.04 Destruction of Nonconforming Building or Structure. Any nonconforming building or structure which has been or may be damaged by fire, flood, explosions, earthquake, war, riot, or any other act of God, may be reconstructed and used as before if it is done within twelve (12) months of such calamity, unless damaged more than fifty (50) percent of its fair market value, as determined by the Board of Zoning Appeals, at the time of such damage, in which case reconstruction shall be in accordance with the provisions of the ordinance.

130.05 Change of Use. A nonconforming use of a conforming building or structure shall not be expanded or extended into any other portion of such conforming building or structure or changed except to a conforming use. If such a nonconforming use, or a portion thereof, is discontinued or changed to a conforming use, any future use of such building, structure or portion thereof shall be in conformity with the regulations of the district in which such a building or structure is located. A vacant or partially vacant

conforming building or structure may be occupied by a use for which the building or structure was designed or intended if occupied within a period of one (1) year after the effective date of this Ordinance, but otherwise it shall be used in conformity with the regulations of the district in which it is located.

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The use of a nonconforming building or structure may be changed to a use of the same or a more restricted district classification; but where the use of nonconforming building or structure is changed to a use of a more restricted district classification if thereafter shall not be changed to a use of a less restricted district classification; provided, however, that a building or structure that is nonconforming as to use at the time of adoption of this Ordinance. For the purpose of this Subsection only, the R-1 District shall be considered the most restrictive and the 1-2 District the least restrictive District.

130.06 Swimming Pool Fences. The lawful use of a swimming pool existing at the effective date of this Ordinance may be continued, provided that twelve (12) months after the effective date of this Ordinance that all nonconforming pools shall conform to Section 32.05.

Section 131 NONCONFORMING USES OF LAND

A nonconforming use of land, where the aggregate value of all permanent buildings or structures is less than Five Hundred Dollars (\$500.00) existing at the time of adoption of this Ordinance, may be continued for a period of not more than three (3) years therefrom, provided that:

131.01 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.

131.02 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.

ARTICLE XIV

ADDITIONAL REQUIREMENTS, EXCEPTIONS, AND MODIFICATIONS

Section 140 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 141 HEIGHT AND SIZE INIT

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

- 141.01 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.
- 141.02 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.
- 141.03 To satellite ground dish antennas where the minimum height for ground dishes shall be a minimum of three (3) feet above the ground measured at the lowest point of the dish. Any satellite ground dish antennas, where in the opinion of the Building official such structure would adversely affect adjoining or adjacent properties, shall not be authorized except by the Board of Appeals.
- 141.04 To satellite rooftop dish antennas which shall not exceed three (3) feet in diameter provided that the satellite dish antennas meet the minimum structural requirements as required by the building code. Satellite rooftop dish antennas in excess of three (3) feet in diameter shall not be authorized except by the Board of Appeals.

Section 142 FRONT YARD EXCEPTIONS AND MODIFICATIONS

- 142.01 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, 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.

142.02 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 the front yard on a lot in any "R" District shall be at least ten (10) feet and need not exceed sixty (60) feet.

142.03 For the purpose of determining lot width, that portion of a flag lot used for ingress and egress shall not be included as a part of the required front yard.

142.04 Satellite ground dish antennas are prohibited from front yards in all residential and noncommercial zones.

Section 143 SIDE YARD EXCEPTIONS AND MODIFICATIONS

143.01 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 exceeds the height limit of the said "R" District.

143.02 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.

143.03 The following projections or structures may be permitted in side yards:

143.03.1 Accessory buildings or structures subject to the provisions contained elsewhere in this Ordinance.

143.03.2 Fences, plantings, or walls not over six (6) feet above the average natural grade. All fences installed prior to adoption to this amendment of Article XIV, Section 143, Subsection 143.03.2, of the Village of Andalusia Zoning Ordinance that are more than five (5) feet, but less than six (6) feet shall be grandfathered in as a conforming use.

143.03.3 Fences, planting, or walls not over six (6) feet above the average natural grade. All fences installed prior to adoption of this Ordinance that are more than five (5) feet, but less than six (6) feet shall be grandfathered in as a conforming use.

143.03.4 Fire escapes, three (3) feet from side lot line. Bays and balconies not more than three (3) feet from the building, provided these projections are entirely within planes drawn from either main corner of the side wall. The sum of

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the lengths of such projection shall not exceed one-third (1/3) of the length of the wall of the main building.

143.03.5 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 (1-1/2) feet.

143.03.6 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.

143.03.7 Satellite ground dish antennas.

Section 144 REAR YARD EXCEPTIONS AND MODIFICATION

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

144.01 Accessory buildings or structures subject to the provisions contained elsewhere in this Ordinance.

144.02 Fences, planting, or walls, not over six (6) feet above the average natural grade.

144.03 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 (22-1/2) degrees in the horizontal plane with the rear wall. The sum of the lengths of such projections shall not exceed one-half (1/2) of the width of the rear wall.

144.04 Chimneys, 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 (1-1/2) feet.

144.05 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.

144.06 Swimming pools and satellite ground dish antennas.

ARTICLE XV

ADMINISTRATION AND ENFORCEMENT

Section 150 ORGANIZATION

The administration of this Ordinance is vested in the following five (5) offices of the government of the Village of Andalusia: Zoning Officer, Board of Appeals, Planning Commission, Secretary of the Planning Commission and Board of Appeal, Village Board and Village President.

This Article shall first set out the authority of each of these five (5) 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, special uses, and other powers of the Board of Appeals, and amendments.

Section 151 ZONNG OFFICER

151.01 Appointment of Zoning Officer. The Zoning Officer shall be appointed by the Village President with the advice and consent of the Village Board.

151.02 Powers and Duties of the Zoning Officer. The Zoning Officer shall enforce this Ordinance, and in addition thereto and in furtherance of said authority, shall:

- 151.02.1 Issue all zoning certificates and occupancy permits, and make and maintain records thereof;
- 151.02.2 Conduct inspection of buildings, structures, and use of land to determine compliance with the terms of this Ordinance;
- 151.02.3 Maintain permanent and current records of this Ordinance including, but not limited to, all maps, amendments, special uses, variances, appeals, and applications therefore;
- 151.02.4 Provide and maintain a public information service relative to all matters arising out of this Ordinance;
- 151.02.5 Forward to the Planning Commission all applications for amendments to this Ordinance;
- 151.02.6 Transmit to the Board of Appeals applications for appeals, variances, special uses, or other matters on which the Board of Appeals is required to pass under this Ordinance.

151.02.7 Issue certificate of occupancy 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, music festivals, churches, revival meetings, charities and other uses of a similar nature, any of which has less

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than two hundred (200) persons in attendance and 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 resolutions and codes of the Village.

151.02.8 Initiate, direct, and review, as needed, the provisions of the Ordinance.

Section 152 BOARD OF APPEALS

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

152.02 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 may be named from among the members of the Village Planning 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 Chairperson and shall hold office until the next Chairperson is appointed.

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

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

152.03.2 To hear and decide appeals from and review any order, requirement, decision, or determination made by the Zoning Officer under this Ordinance;

152.03.3 To hear and pass upon the applications for variances from the terms provided in ordinance in the manner prescribed and subject to the standards established herein;

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

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

152.04 Meetings and Rules. All meetings of the Board of Appeals shall be held at the call of the Chairperson and at other such times as the Board of Appeals may determine. All hearings and other meetings conducted by said Board shall be open to the public. Any

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person may appear and testify at the hearing either in person or by duly authorized agent or attorney.

The Chairperson, or in the Chairperson's absence, the Acting Chairperson, 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 official 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 Zoning Officer and shall be a 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.

The concur-ing vote of four (4) members of the Board is necessary to reverse any order, requirement, decision, or determination of any administrative official, or to decide in favor of the applicant any matter upon which it is required to pass under this Ordinance or to effect any variation in the Ordinance, or to recommend any variation or modification in the ordinance to the corporate authorities.

152.05 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 153 PLANNING COMMISSION

153.01 Creation. The Planning Commission of the Village of Andalusia, as established under the applicable provisions of the Illinois State Statutes, is the Planning Commission referred to in this Ordinance.

153.02 Membership. Said Planning Commission shall consist of five (5) members, citizens of said Village, appointed by the President of the Board of Trustees, on the basis of their

particular fitness for their duty on said Planning Commission and subject to the approval of the Village Board of Trustees.

Vacancies shall be filled by appointment. All members of the Commission shall serve without compensation except that, if the Village Board of Trustees deems it advisable, they may receive such compensation as may be fixed from time to time by said Village Board of Trustees and provided for in the Appropriation Ordinance.

Immediately following their appointment, the members of the Planning Commission shall meet, organize, elect such officers as it may deem necessary, and adopt and later change or alter, rules and regulations of organization and procedure consistent with Village Ordinances and state laws. The Commission shall keep written records of its proceedings which shall be open at all times to public inspection. The Commission shall report to the President of the Board of Trustees and Village Board of Trustees setting forth its transactions and recommendations as needed.

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153.03 Jurisdiction. The Planning Commission shall discharge the following duties under this Ordinance as needed:

- 153.03.1 Hear all applications for amendments to this Ordinance and report said findings and recommendations to the Village Board;
- 153.03.2 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;
- 153.03.3 Receive from the Zoning Officer recommendations as related to the effectiveness of this Ordinance and report their conclusions and recommendations to the Village Board;
- 153.03.4 Hear and decide all matters upon which it is required to pass under this Ordinance;
- 153.03.5 Prepare and recommend to the Board of Trustees of the Village of Andalusia, a comprehensive plan if requested by the Village;
 - Recommend to the Village Board of the Village of Andalusia from time to time, such changes in the comprehensive plan, or any part thereof, as may be deemed necessary;
 - Prepare and recommend to the Village Board from time to time, plans and/or recommendations for specific improvements in pursuance of the official comprehensive plan;

- Give aid to the officials of the Village of Andalusia charged with the direction of projects for improvements embraced within the official plan, or parts thereof, to further the making of such improvements and generally to promote the realization of the official comprehensive plan;
- Arrange and conduct any form of publicity relative to its activities for the general purpose of public understanding; and
- Cooperate with municipal or regional planning commissions and other agencies or groups to further the local planning program and to assure harmonious and integrated planning for the area.

153.03.6 Designate land suitable for annexation to the municipality and the recommended zoning classification for such land upon annexation;

153.03.7 Exercise such other powers germane to the powers granted under authority of an act of the General Assembly of the State of Illinois entitled "Illinois Municipal Code" approved May 29, 1961, and effective July 1, 1961, and as amended, as may be conferred by the Village Board of Trustees of the Village of Andalusia.

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Section 154 SECRETARY OF THE PLANNING COMMISSION AND BOARD OF APPEALS

154.01 Jurisdiction. The Secretary of the Planning Commission and the Secretary of the Board of Appeals shall be the same person and shall be appointed by the President of the Board of Trustees with the approval of the Board of Trustees of the Village of Andalusia for a term of one year.

154.01.1 The Secretary of the Planning Commission shall attend all meetings of the Planning Commission, take full and accurate minutes of the proceedings, prepare all necessary reports and documents for and on behalf of the Planning Commission, and perform such other duties and functions as may be necessary for the orderly recording of the business of the Planning Commission.

154.01.2 Secretary of the Board of Appeals shall attend all meetings of the Board of Appeals, take full and accurate minutes of the proceedings, prepare all necessary reports and documents for and on behalf of the Board of Appeals, and perform such other duties and functions as may be necessary for the orderly recording of the business of the Board of Appeals.

154.01.3 The compensation for the Secretary of the Planning Commission and the Secretary of the Board of Appeals shall be as established from time to time by the President with the approval of the Board of Trustees of the Village of Andalusia.

Section 155 PRESIDENT AND VILLAGE BOARD

155.01 Jurisdiction. The President and Village Board of Andalusia shall discharge the following duties under this Ordinance:

155.01.1 Appoint the Zoning Officer whose responsibility will be to enforce the provisions of this Ordinance;

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

155.01.3 Appoint members to the Planning Commission as provided for in this Ordinance;

155.01.4 Appoint the Secretary of the Planning Commission and Board of Appeals as provided for in this Ordinance;

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

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

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

Section 156 ZONING CERTIFICATES AND OCCUPANCY PERMITS

156.01 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 Andalusia unless the application for such permit has been examined by the Zoning Officer, indicating that the proposed building or structure complies with all the provisions of this Ordinance. Any permit or certificate issued in conflict with the provisions of the ordinance shall be null and void.

156.02 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 Zoning Officer. 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 Zoning Officer. Every occupancy permit shall state that the use of occupancy complies with the provisions of this Ordinance.

156.02.1 Application for Occupancy Permit. Every applicant for a building permit shall be deemed to be an application for an occupancy permit. Every application for an occupancy permit for a new use of land where no building permit is required shall be made directly to the Zoning Officer.

156.02.2 Issuance of Occupancy Permit. No occupancy permit for a 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 Zoning Officer 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 157 VARIANCES

157.01 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.

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157.02 Application for Variance and Notice of Hearing.

157.02.1 An application for a variance shall be filed in writing with the Zoning Officer. Said application shall contain such information as the Board of Appeals may, by rule require.

157.02.2 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 Andalusia. The published notice may be supplemented by such additional form of notice as the Board of Appeals by rule, may require.

157.03 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:

157.03.1 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;

157.03.2 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;

157.03.3 The purpose of the variance is not based exclusively upon a desire to make more money out of the property;

157.03.4 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;

157.03.5 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

157.03.6 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.

157.04 Authorized Variance. 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:

157.04.1 To permit any yard or setback of less dimension than required by the applicable regulations;

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157.04.2 To permit any building or structure to exceed the height limitations imposed by the applicable regulations;

157.04.3 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 to be less than eighty (80) percent of the required area and width;

157.04.4 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;

157.04.5 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;

157.04.6 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;

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

157.04.8 To reduce the minimum requirements for flood protection according to the standards and restrictions of Section 38.08 of this Ordinance.

157.05 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 alteration of a building is started or the use is commenced within such period.

157.06 Effect of Denial of Variance. No application for a variance 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 of the grounds of new evidence found to be valid by the Board of Appeals.

Section 158 APPEALS

158.01 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 Zoning Officer. Such appeal shall be taken within such time as shall be prescribed by the Board of Appeals by general rule by filing with the Zoning Officer a notice of appeal specifying the grounds thereof. The Zoning Officer shall forthwith transmit to the Board of appeals all of the papers constituting a record upon which the section appealed from was taken.

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158.02 Findings on Appeal.

158.02.1 An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Officer 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.

158.02.2 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 the officer from whom the appeal is taken. The Zoning Officer shall maintain records of all actions of the Board of Appeals relative to appeals.

Section 159 SPECIAL USES AND OTHER POWERS OF THE BOARD OF APPEALS

159.01 Special Uses.

159.01.1 Purpose. The development and administration of this Ordinance is based upon the division of the City 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 special uses fall into two categories:

- a) Uses publicly operated or traditionally affected with a public interest; and
- 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 upon neighboring property or public facilities.

159.01.2 Initiation of Special Use. 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 and exclusive possessory interest, either of which is specifically enforceable, may file an application to use such land for one or more of the special uses provided for in this Ordinance in the zoning district in which the land is located.

159.01.3 Application for Special Use. An application for a special use shall be filed with the Zoning Officer on a form as the Zoning Officer shall prescribe. The application shall be accompanied by such plans and/or date prescribed by the

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Board of Appeals and shall include a statement in writing by the applicant and adequate evidence showing that the proposed special use will conform to the standards set forth in Section 159.016. Such application shall be forwarded from the Zoning Officer to the Board of Appeals with a request for a public hearing and report relative thereto.

159.01.4 Hearing on Application. Upon receipt in proper form of the application and statement referred to in Section 159.013, the Board of Appeals shall hold at least one (1) public hearing on the proposed special use. 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 Andalusia. Supplemental or additional notices may be published or distributed as the Board of Appeals may, by rule, prescribe from time to time.

159.01.5 Authorization. For each application for a special use, the Zoning Officer 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.

159.01.6 Standards. No special use shall be granted by the Board of Appeals unless such Board shall find:

- a) That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
- b) That the special use will not be injurious to the use and enjoyment of other property already permitted, nor substantially diminish and impair property values within the neighborhood;
- c) That the establishment of the special use 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; and
- f) That the special use 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.

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159.01.7 Conditions and Guarantees. Prior to the granting of any special use, the Board of Appeals shall stipulate such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the special use as is deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in Section 159.01.6 above. In all cases in which special uses 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.

159.01.8 Planned Unit Developments (PUD). The regulations established under this Section are intended to provide optional methods of land development which encourage more imaginative solutions to environmental design

problems. For the purpose of this text these methods of land development shall be called Planned Unit Developments and shall be characterized by a unified building and site development program which is integrated with the total project by unified architectural and open space treatment.

- a) Use Exceptions. The Zoning Officer may recommend and 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 not 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 Unit Development, the Zoning Officer may recommend and the Board of Appeals may authorize exceptions to the applicable bulk regulations of this Resolution 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 Resolution for buildings developed on separate zoning lots;

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- 2) That the minimum lot area per dwelling unit requirements of this Resolution 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 a common recreational area within the development; and
- 3) That along the periphery of such planned developments, yards shall be provided as required by the regulations of the district in which said development is located.

159.01.9 Denial and Revocation of Special Uses.

- a) Denial of a Special Use. No application for a special use 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 Special Use. In any case where special use 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 or authorization shall be null and void.

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

159.02.1 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.

159.02.2 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.

159.02.3 Certain Industries in "I-I " Districts. In determining whether certain uses shall be located in an "I-I " or "I-2" District, the Board of Appeals shall give due regard to the nature and condition of all adjacent uses and structures,

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and the consistency therewith of the proposed use and development. Before authorizing a use as for location in an "I-I " 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 wastes and pollution, transportation and traffic, aesthetic and psychological effects.

Section 160 ANIENDMENTS

160.01 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 direction 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.

- 160.02 Initiations of Amendment. Amendments may be proposed by the Village Board, Planning Commission, or by an interested person or organization.
- 160.03 Application for Amendment. An application for an amendment shall be filed with the Zoning Officer in such form and accompanied by such information as required by the Zoning Officer. Such application shall be forwarded to the Planning Commission with the request to hold a public hearing on said application for amendment.
- 160.04 Hearing on Application. The Planning Commission shall hold a public hearing on each application for an amendment at such time and place as shall be established by the Planning Commission. The hearing shall be conducted and a record of such proceedings shall be preserved in such manner as the Planning Commission shall, by rule, prescribe from time to time.
- 160.05 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 Andalusia 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 Commission may, by rule, prescribe from time to time.
- 160.06 Findings of Fact and Recommendation of the Planning Commission.
- 160.06.1 Within forty-five (45) days after the close of the hearing on a proposed amendment, the Planning 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 recommendations 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 classifications;
- 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.

160.06.2 The Planning Commission shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such amendment is in the public interest of the applicant. The Planning Commission may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification that requested by the applicant. For the purpose of this paragraph, the A-I District shall be considered the highest classification and the 1-2 District shall be considered the lowest classification.

160.07 Action by Village Board.

160.07.1 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 Commission on the proposed amendment.

160.07.2 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 of the regulations or districts, 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 from, or by the owners 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 twothirds (2/3) of the Village Trustees then holding office. In such cases, a

copy of the written protest shall be served by the protestor or protestors on the applicant for the proposed amendment and a copy upon the applicant's

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attorney, if any, by certified mail at the address of such applicant and attorney shown in the application for the proposed amendment.

160.08 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 Commission.

ARTICLE XVI

FEES, PENALTIES, AND LEGAL STATUS PROVISIONS

Section 161 FEES

Any application for an amendment or special uses, filed by or on behalf of the owner of the property affected, shall be accompanied by a fee of One Hundred Dollars (\$100.00). The fee for variances and appeals shall be Fifty Dollars (\$50.00).

Section 162 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 Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) for each offense. Each day that a violation continues to exist shall constitute a separate offense.

Section 163 REPEALER

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

Section 164 SEVERABILITY

If any section of 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 165 EFFECTIVE DATE

This Ordinance shall take effect and be in full force from and after its adoption and publication in pamphlet form by authority of the corporate authority as permitted by Statute.

PASSED by the Village Board of Trustees of the Village of Andalusia, Illinois, this _____ day of _____, 2007, and APPROVED by the Village President and Village Board of Trustees of the Village of Andalusia, Illinois, on this _____ day of _____, 2007.

ATTEST:

President of Village Board of
Trustees

Village Clerk

SEAL

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