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CHAPTER 150: BUILDING REGULATIONS

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BUILDING PERMIT SYSTEM

§ 150.01 COMMISSIONER OF BUILDINGS TO ADMINISTER.

The Building Official appointed hereunder, and charged with the administration and enforcement of this building permit system is the Commissioner of Buildings.
(Ord. 337, passed 5-19-75)

§ 150.02 PERMIT REQUIRED; REPAIRS EXCEPTION.

(A) It shall be unlawful to construct, alter, remove or demolish, or to commence the construction, alteration, removal or demolition of a building, mobile home or structure or install equipment for the operation of a building or structure without first filing with the building official an application in writing and obtaining a formal permit.

(B) Repairs may be made without filing an application or obtaining a permit, unless such repairs amount to a substantial improvement, the cost of which equals or exceeds 50% of the actual cash value of the structure either, before the improvement is started, or if the structure has been damaged and is being restored, before the damage occurred.

(Ord. 337, passed 5-19-75) Penalty, see § 10.99

§ 150.03 PERMIT COSTS.

Permit costs, under this building permit system, shall be as follows:

(A) Permits to demolish - No Fee.

(B) Permits to construct, alter, or improve a building or structure, under § 150.02 of this chapter, no fee.

(Ord. 337, passed 5-19-75)

§ 150.04 APPLICATION REQUIREMENTS.

(A) An application for a permit shall be submitted in such form as the building official may prescribe. Such application shall contain the full names and addresses of the applicant and of the owner, and, if the owner is a corporate body, of its responsible officer. The application shall also describe briefly the proposed work and shall give such additional information as may be required by the building official for an intelligent understanding of the work proposed.

(B) Applications shall be made by the owner or lessee, or agent of either, or the architect, engineer or builder employed in connection with the proposed work. If such application is made by a person other than the owner in fee, it shall be accompanied by a duly verified affidavit of the owner in fee or the person making the application that the proposed work is authorized by the owner in fee and that the person making the application is authorized to make such application.

(C) Submitting plans; plot plan.

(1) Applications for permits shall be accompanied by drawings of the proposed work, drawn to scale, showing when necessary, floor plans, sections, elevations, structural details, computations and stress diagrams, as the building official may require. (Ord. 337, passed 5-19-75)

(2) When required by the building official, there shall be submitted a plot plan in a form and size designated by the building official for filing permanently with the permit record, drawn to scale, with all dimensions figured, showing accurately the size and exact location of all proposed new construction and the relation to other existing or proposed buildings or structures on the same lot and other buildings or structures on adjoining property within eight feet of the property line. In the case of demolition, the plot plan shall show the buildings or structures to be demolished and the buildings or structures on the same lot that are to remain.

(Ord. 337, passed 5-19-75; Am. Ord. 352, passed 10-18-76) Penalty, see § 10.99

(D) Nothing in this code shall prohibit the filing of amendments to an application or to a plan or other record accompanying same, at any time before the completion of the work for which the permit was issued. Such amendments shall be filed with and be deemed a part of the original application, if approved before the certificate of occupancy has been issued, otherwise a new application for the alteration shall be made and a permit secured.

(Ord. 337, passed 5-19-75)

§ 150.05 PERMIT PROCEDURES AND REQUIREMENTS.

(A) The building official shall examine applications for permits, within a reasonable time after filing. If, after examination, he finds no objections to the same and it appears that the proposed work will be in compliance with the laws and ordinances applicable thereto and the proposed construction of work will be safe, he shall approve such application and issue a permit for the proposed work as soon as practicable. If his examination reveals otherwise, he shall reject such application, note his findings in a written report to be attached to the application and deliver a copy to the applicant.

(B) Nothing in this code shall require changes in the plans, construction or designated use of a building or structure or portion thereof for which a lawful permit has been heretofore issued or which has been otherwise lawfully authorized, and the construction of which shall have been actually begun within 90 days after this code becomes effective and which entire building or structure shall be completed, as authorized, within two years thereafter.

(C) Every permit issued by the building official under the provisions of this code shall have his signature affixed thereto; but this shall not prevent him from authorizing a subordinate to affix the building official's signature.

(D) The building official may revoke a permit or approval issued in case there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit or approval was based.

(E) Nothing in this code shall be construed to prevent the building official from issuing a permit for the construction of part of a building or structure before the entire plans and detailed statements of the building or structure have been submitted or approved, provided adequate information and detailed statements have been submitted for the same and have been found to comply with this code.

(F) A copy of the permit shall be kept on the premises for public inspection during the prosecution of the work and until the completion of the same. The building official may require a certified copy of the approved plans to be kept on the premises at all times from the commencement of the work to the completion thereof.

(G) The building official shall be given at least 24 hours notice of the starting of work under a permit.

(H) A permit under which no work is commenced within six months after issuance shall expire by limitation and a new permit shall be secured before work is started.
(Ord. 337, passed 5-19-75)

§ 150.06 CONDITIONS OF PERMIT.

(A) All work performed under a permit issued by the building official shall conform to the approved application and plans, and approved amendments thereto. The location of all new construction as shown on the approval plot plan or an approved amendment thereto, shall be strictly adhered to.

(B) It shall be unlawful to reduce or diminish the area of a lot or plot of which a plot plan has been filed and has been used as the basis for a permit, unless a revised plot plan showing the proposed changes in conditions shall have been filed and approved; provided that this shall not apply when the lot is reduced by reason of a street opening or widening or other public improvement.

(C) No permit to remove a building or structure shall be issued until notice of application thereof shall have been given to the owners of property adjoining the property upon which the building or structure is to be moved and to the owners of wires or other impediments the temporary removal of which will be necessary, and an opportunity has been given the owners to be heard upon such application; nor until a bond in an adequate sum has been filed with the officer of proper authority, to indemnify and save harmless the municipality from damage.
(Ord. 337, passed 5-19-75) Penalty, see § 10.99

DESTRUCTION OF DANGEROUS BUILDINGS

§ 150.20 DEFINITION.

The term ***DANGEROUS BUILDING*** as used in this chapter is hereby defined to mean and include:

(A) Any building, shed, fence, or other man-made structure which is dangerous to the public health because of its condition, and which may cause or aid in the spread of disease or injury to the health of the occupants of it or of neighboring structures;

(B) Any building, shed, fence, or other man-made structure which because of faulty construction, age, lack of proper repair or any other cause, is especially liable to fire, and constitutes or creates a fire hazard;

(C) Any building, shed, fence, or other man-made structure which, by reason of faulty construction or any other cause is liable to cause injury or damage by collapsing or by a collapse or fall of any part of such structure;

(D) Any building, shed, fence, or other man-made structure which because of its condition, or because of lack of doors or windows is available to and frequented by malefactors or disorderly persons who are not lawful occupants of such structure.
(Ord. 264, passed 5-13-68)

§ 150.21 DECLARED NUISANCE.

Any such dangerous building in the city is hereby declared to be a nuisance.
(Ord. 264, passed 5-13-68)

§ 150.22 EXISTENCE OF DANGEROUS BUILDINGS PROHIBITED.

It shall be unlawful to maintain or permit the existence of any dangerous building in the city and it shall be unlawful for the owner, occupant or person in custody of any dangerous building to permit the same to remain in a dangerous condition.
(Ord. 264, passed 5-13-68) Penalty, see § 10.99

§ 150.23 ABATEMENT PROCEDURES.

(A) When the Mayor or the health officer shall be of the opinion that any building or structure in the city is a dangerous building, he shall file a written statement to this effect with the City Clerk. The Clerk shall thereupon cause written notice to be served upon the owner thereof, and upon the occupant thereof, if any, by registered mail, or by personal service. Such notices shall state the building has been declared to be in a dangerous condition, and that such dangerous condition must be removed or remedied by repairing or altering the building or by demolishing it; and that the condition must be remedied at once. Such notice may be in the following form:

To _____ (owner-occupant of premises) of the premises known and described as:

You are hereby notified that (describe building) on the premises above described has been condemned as a nuisance and a dangerous building after inspection by _____.

You must remedy this condition or demolish the building immediately, or the city will proceed to do so.

(B) If the person receiving such notice has not complied herewith or taken an appeal to the Council from the determination of the Mayor or Health Officer finding that a dangerous building exists within ten days from the time when this notice is served upon such person by personal service or by registered mail, the Mayor, upon orders of the Council will proceed to remedy the condition or demolish the dangerous building.

(Ord. 264, passed 5-13-68) Penalty, see § 10.99

§ 150.24 FIRE DAMAGE.

(A) Any building or structure within the fire limits of the city as hereinbefore prescribed which has or may be damaged by fire, decay, or other cause to the extent of 50% of its value, shall be torn down and removed.

(B) Upon written notice by the Mayor or the Health Officer filed with the City Clerk, the Clerk shall notify the Council of the receipt of such notice. The Council shall then appoint a committee of three persons to determine whether or not such building or structure has been damaged to the extent of 50% of its value.

(C) Copy of the notice of the appointment of this committee of three persons to determine the damage shall be served upon the owner of the premises by personal service or by registered mail to his last known address.

(D) Such notice shall be in substantially the following form:

To _____:

You are hereby notified that _____ has determined that the building owned by you at _____ located within the city limits of the city has been damaged by fire, decay or otherwise to the extent of 50% of its value and that a committee of three members has been appointed to verify this finding, which committee will hold its first meeting in the City Hall, 101 South Main Street, Grayville, Illinois, on the _____ day of _____ at the hour of _____ o'clock, at which time it will determine whether this finding is correct.

If this finding is verified by the committee, you must tear down and remove the building.

(E) If the committee of three members determines that the building in question has been damaged to the extent of 50% of its value, it shall be the duty of the owner to tear down or remove the building within 30 days after the finding of the committee; and it shall be unlawful to occupy or permit such building to be occupied after such finding.

(Ord. 264, passed 5-13-68) see Penalty, see § 10.99

§ 150.25 UNKNOWN OWNERS.

If the owner of the premises concerned is unknown, or if his address is unknown, service of any notice provided for in this chapter may be made by posting a copy thereof on the premises and by publishing one time a copy thereof in a newspaper published within the municipality.
(Ord. 264, passed 5-13-68)

§ 150.26 DUTIES OF FIRE CHIEF; ALTERNATIVE ACTION.

In addition to the actions authorized by other sections of this chapter, the Chief of the Fire Department or any other municipal official whose duty it is to investigate fires, may make the investigations authorized by the statute found in ILCS Ch. 425, Act 25, §§ 9 through 14. If such officer shall find that any building or structure is so occupied or situated as to endanger persons or property, or by reason of faulty construction, age, lack of repair or for any other cause is especially capable to fire, or is cable to cause injury by collapsing or otherwise, he shall order the dangerous condition removed or remedied, and shall so notify the owner or occupant of the premises. Service of such notice may be in person or by registered mail, and any person so notified may appeal from the decision of such officer in the manner provided by law.
(Ord. 264, passed 5-13-68)

§ 150.27 COMPLIANCE; LIEN.

If the owner does not remedy the conditions complained of, or demolish the dangerous building involved, the city at its option may do so; thereupon the city shall be entitled to recover its costs and expenses incurred from the owner by a suit in any court of competent jurisdiction; the city shall also have a lien upon the real estate on which the building was being maintained for the full amount of its costs and expenses, which lien may be foreclosed as a mechanic lien; in the event of such foreclosure, the city shall be entitled to recover an additional sum equal to any abstract expenses, court costs and reasonable attorney fees.
(Ord. 264, passed 5-13-68)

BUILDINGS AND LOTS**§ 150.35 NUMBERING OF BUILDINGS AND LOTS.**

(A) Each building, whether residence or business within the city, shall have a street number with reference to the street on which such building and lot fronts. However, street numbers shall not be required for accessory structures of a nature customarily incidental and subordinate to the use of the main building on its lot.

(B) The owner or occupant of each building within the corporate limits shall display the street number of such building in numerals clearly visible from the street on which such building fronts. Such numerals shall be at least three inches in height and shall be placed on the front of each building, or on a porch, pole, or other sign in the front of such building provided that such numerals are clearly visible from the street.

(C) The failure of any owner or occupant of a building within the city to display the street number of such building or lot in compliance with this section shall be deemed in violation of this section. After investigation, the Chief of Police or his designee may determine a violation of the minimum requirements of this section exists and shall notify such owner or occupant in writing of such violation. If such owner or occupant fails after ten days to correct the violation, such owner or occupant upon conviction shall be subject to a fine of not less than \$25 nor more than \$500 for each offense. Each day in which an owner or occupant of a building fails to comply with this section shall be deemed a separate offense. (Ord. 731, passed 7-27-09)

CHAPTER 151: FLOOD DAMAGE PREVENTION

Section

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§ 151.01 PURPOSE.

This chapter is enacted pursuant to the police powers granted to the city by the Illinois Municipal Code (ILCS Ch. 65, Act 5, §§ 1-2-1, 11-12-12, 11-30-2, 11-30-8 and 11-31-2) in order to accomplish the following purposes:

- (A) To prevent unwise developments from increasing flood or drainage hazards to others;
- (B) Protect new buildings and major improvements to buildings from flood damage;
- (C) To promote and protect the public health, safety, and general welfare of the citizens from the hazards of flooding;
- (D) To lessen the burden on the taxpayer for flood control, repairs to public facilities and utilities, and flood rescue and relief operations;
- (E) Maintain property values and a stable tax base by minimizing the potential for creating blight areas;
- (F) Make federally subsidized flood insurance available; and

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

(Ord. 756, passed 11-28-11)

§ 151.02 DEFINITIONS.

For the purposes of this chapter, the following definitions are adopted:

BASE FLOOD. The flood having a 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 § 151.03.

BASE FLOOD ELEVATION (BFE). The elevation in relation to mean sea level of the crest of the base flood.

BASEMENT. That portion of a building having its floor sub-grade (below ground level) on all sides.

BUILDING. A walled and roofed structure, including gas or liquid storage tank that is principally above ground including 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.

CRITICAL FACILITY.

(1) Any facility which is critical to the health and welfare of the population and, if flooded, would create an added dimension to the disaster. Damage to these critical facilities can impact the delivery of vital services, can cause greater damage to other sectors of the community, or can put special populations at risk.

(2) Examples of critical facilities where flood protection should be required include: emergency services facilities (such as fire and police stations), schools, hospitals, retirement homes and senior care facilities, major roads and bridges, critical utility sites (telephone switching stations or electrical transformers, and hazardous material storage facilities (chemicals, petrochemicals, hazardous or toxic substances).

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

(1) Demolition, construction, reconstruction, repair, placement of a building, or any structural alteration to a building;

- (2) Substantial improvement of an existing building;
- (3) 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;
- (4) Installation of utilities, construction of roads, bridges, culverts or similar projects;
- (5) Construction or erection of levees, dams walls or fences;
- (6) Drilling, mining, filling, dredging, grading, excavating, paving, or other alterations of the ground surface; and/or
- (7) Storage of materials including the placement of gas and liquid storage tanks, and 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.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed or buildings to be constructed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FEMA. Federal Emergency Management Agency.

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.

FLOOD FRINGE. That portion of the floodplain outside of the regulatory floodway.

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.

FLOOD INSURANCE STUDY. An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

FLOODPLAIN AND SPECIAL FLOOD HAZARD AREA (SFHA).

(1) These two terms are synonymous. Those lands within the jurisdiction of the city, the extraterritorial jurisdiction of the city, or that may be annexed into the city that are subject to inundation by the base flood. The floodplains of the city are generally identified as such on panels 75, 88, and 200 of the countywide Flood Insurance Rate Map of White County prepared by the Federal Emergency Management Agency and dated February 16, 2011 and on panel 75 of the Flood Insurance Rate Map of Edwards County prepared by the Federal Emergency Management Agency and dated December 1, 1984. The floodplains of the city and also shown on the flood insurance rate map of the city prepared by the Federal Emergency Management Agency and dated August 24, 1984. **FLOODPLAIN** also includes those areas of known flooding as identified by the community.

(2) The floodplains of those parts of unincorporated White and Edwards County that are within the extraterritorial jurisdiction of the city or that may be annexed into the city are generally identified as such on the flood insurance rate maps prepared by the Federal Emergency Management Agency for White County dated February 16, 2011 and Edwards County dated December 7, 1984.

FLOOD PROOFING. Any combination of structural or nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate, property and their contents.

FLOOD PROOFING 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 flood proofed to the flood protection elevation.

FLOOD PROTECTION ELEVATION (FPE). The elevation of the base flood plus one foot of freeboard at any given location in the floodplain.

FLOODWAY. That portion of the floodplain required to store and convey the base flood. The floodway shall be according to the best data available from federal, state, or other sources.

FREEBOARD. An increment of elevation added to the base flood elevation to provide a factor of safety for uncertainties in calculations, future watershed development, unknown localized conditions, wave actions and unpredictable effects such as those caused by ice or debris jams.

HISTORIC STRUCTURE. Any structure that is:

(1) Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.

(3) Individually listed on the state inventory of historic places by the Illinois Historic Preservation Agency.

(4) Individually listed on a local inventory of historic places that has been certified by the Illinois Historic Preservation Agency.

IDNR/OWR. Illinois Department of Natural Resources/Office of Water Resources.

IDNR/OWR JURISDICTIONAL STREAM. Illinois Department of Natural Resource Office of Water Resources has jurisdiction over any stream serving a tributary area of 640 acres or more in an urban area, or in the floodway of any stream serving a tributary area of 6,400 acres or more in a rural area. Construction on these streams requires a permit from the Department. (Ill. Admin. Code title 17, pt. 3700.30). The Department may grant approval for specific types of activities by issuance of a statewide permit which meets the standards defined in § 151.06.

LOWEST FLOOR. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor. Provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of § 151.07.

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.

MANUFACTURED HOME PARK OR SUBDIVISION. A parcel (or contiguous parcels) of land divided into two or more lots for rent or sale.

NEW CONSTRUCTION. Structures for which the start of construction commenced or after the effective date of floodplain management regulations adopted by a community and includes any subsequent improvements of such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed or buildings to be constructed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by a community.

NFIP. National Flood Insurance Program.

RECREATIONAL VEHICLE or TRAVEL TRAILER. A vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred square feet or less in size;
- (3) Designed to be self-propelled or permanently towable by a light duty truck and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

REPETITIVE LOSS. Flood related damages sustained by a structure on two separate occasions during a ten year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds 25% of the market value of the structure before the damage occurred.

SFHA. See definition of **FLOODPLAIN**.

START OF CONSTRUCTION. Includes substantial improvement and means the date the building permit was issued. This, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement or other improvement, was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation or placement of a manufactured home on a foundation. For a substantial improvement, actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building whether or not that alteration affects the external dimensions of the building.

STRUCTURE. See **BUILDING**.

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure whereby the cumulative percentage of damage subsequent to the adoption of this chapter equals or exceeds 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. The term includes **REPETITIVE LOSS BUILDINGS** (see definition herein).

SUBSTANTIAL IMPROVEMENT.

- (1) Any reconstruction, rehabilitation, addition or improvement of a structure taking place subsequent to the adoption of this chapter in which the cumulative percentage of improvements:
 - (a) Equals or exceeds 50% of the market value of the structure before the improvement or repair is started, or
 - (b) Increases the floor area by more than 20%.

(2) ***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. This term includes structures which have incurred repetitive loss or substantial damage, regardless of the actual repair work done.

(3) The term does not include:

(a) 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

(b) Any alteration of a structure listed on the National Register of Historic Places or the Illinois Register of Historic Places.

VIOLATION. The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the required federal, state, and/or local permits and elevation certification is presumed to be in violation until such time as the documentation is provided.

(Ord. 756, passed 11-28-11)

§ 151.03 BASE FLOOD ELEVATION.

This chapter'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.

(A) The base flood elevation for the floodplains of the Wabash River shall be as delineated on the 100-year flood profiles in the countywide Flood Insurance Study of White County prepared by the Federal Emergency Management Agency and dated February 16, 2011.

(B) 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 Maps of White and Edwards Counties.

(C) The base flood elevation for each of the remaining floodplains delineated as an "A Zone" on the countywide Flood Insurance Rate Maps of White and Edwards shall be according to the best data available from federal, state or sources. Should no other data exist, an engineering study must be financed by the applicant to determine base flood elevations.

(D) The base flood elevation for the floodplains of those parts of unincorporated White and Edwards Counties that are within the extraterritorial jurisdiction of the city, or that may be annexed into the city,

shall be as delineated on the 100-year flood profiles in the Flood Insurance Study of White County prepared by the Federal Emergency Management Agency and dated February 16, 2011.
(Ord. 756, passed 11-28-11)

§ 151.04 DUTIES OF THE RESPONSIBLE OFFICIAL.

The Chairman of the Zoning Board of Appeals shall be responsible for the general administration of this chapter and ensure that all development activities within the floodplains under the jurisdiction of the city meet the requirements of this chapter. Specifically, the Chairman of the Zoning Board of Appeals shall:

(A) Process development permits in accordance with § 151.05;

(B) Ensure that all development in a floodway (or a floodplain with no delineated floodway) meets the damage prevention requirements of § 151.06;

(C) Ensure that the building protection requirements for all buildings subject to § 151.07 are met and maintain a record of the "as-built" elevation of the lowest floor (including basement) or flood proof certificate;

(D) Assure that all subdivisions and annexations meet the requirements of § 151.08;

(E) Ensure that water supply and waste disposal systems meet the public health standards of § 151.09;

(F) If a variance is requested, ensure that the requirements of § 151.11 are met and maintain documentation of any variances granted;

(G) Inspect all development projects and take any and all penalty actions outlined in § 151.13 as necessary to ensure compliance with this chapter;

(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 neighboring communities prior to any alteration or relocation of a watercourse;

(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 chapter;

(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 chapter;

(M) Perform site inspections to ensure compliance with this chapter 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 six months whenever a modification of the floodplain may change the base flood elevation or result in a change to the floodplain map.

(Ord. 756, passed 11-28-11)

§ 151.05 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 Chairman of the Zoning Board of Appeals. The Chairman of the Zoning Board of Appeals shall not issue a development permit if the proposed development does not meet the requirements of this chapter.

(A) The application for development permit shall be accompanied by:

(1) Drawings of the site, drawn to scale showing property line dimensions;

(2) Existing grade elevations and all changes in grade resulting from excavation or filling;

(3) The location and dimensions of all buildings and additions to buildings;

(4) The elevation of the lowest floor (including basement) of all proposed buildings subject to the requirements of § 151.07; and

(5) Cost of project or improvements as estimated by a licensed engineer or architect. A signed estimate by a contractor may also meet this requirement.

(B) (1) Upon receipt of an application for a development permit, the Chairman of the Zoning Board of Appeals shall compare the elevation of the site to the base flood elevation. Any development located on land that is shown by survey elevation to be below the current base flood elevation is subject to the provisions of this chapter. In addition, any development located on land shown to be below the base flood elevation and hydraulically connected to a flood source, but not identified as floodplain on the current flood insurance rate map, is subject to the provisions of this chapter. 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 provisions of this chapter.

(2) Flood insurance rate map is subject to the provisions of this chapter.

(3) The Chairman of the Zoning Board of Appeals shall maintain documentation of the existing ground elevation at the development site and certification that this ground elevation existed prior to the date of the site's first flood insurance rate map identification.

(4) The Chairman of the Zoning Board of Appeals shall be responsible for obtaining from the applicant copies of all other federal, state, and local permits, approvals or permit-not-required letters that may be required for this type of activity. The Chairman of the Zoning Board of Appeals shall not issue a permit unless all other federal, state, and local permits have been obtained.

(Ord. 756, passed 11-28-11) Penalty, see § 151.99

§ 151.06 PREVENTING INCREASED FLOOD HEIGHTS AND RESULTING DAMAGES.

Within any floodway identified on the countywide flood insurance rate map, and within all other floodplains where a floodway has not been delineated, the following standards shall apply:

(A) Except as provided in division (B) of this section, 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:

(1) Bridge and culvert crossings of streams in rural areas meeting the conditions of the Illinois Department of Natural Resources, Office of Water Resources Statewide Permit Number 2;

(2) Barge fleeting facilities meeting the conditions of IDNR/OWR Statewide Permit Number 3;

(3) Aerial utility crossings meeting the conditions of IDNR/OWR Statewide Permit Number 4;

(4) Minor boat docks meeting the following conditions of IDNR/OWR Statewide Permit Number 5;

(5) Minor, non-obstructive activities such as underground utility lines, light poles, sign posts, driveways, athletic fields, patios, playground equipment, minor storage buildings not exceeding 70 square feet and raising buildings on the same footprint which does not involve fill and any other activity meeting the conditions of IDNR/OWR Statewide Permit Number 6;

(6) Outfall structures and drainage ditch outlets meeting the following conditions of IDNR/OWR Statewide Permit Number 7;

(7) Underground pipeline and utility crossings meeting the conditions of IDNR/OWR Statewide Permit Number 8;

(8) Bank stabilization projects meeting the conditions of IDNR/OWR Statewide Permit Number 9;

(9) Accessory structures and additions to existing residential buildings meeting the conditions of IDNR/OWR Statewide Permit Number 10;

(10) Minor maintenance dredging activities meeting the following conditions of IDNR/OWR Statewide Permit Number 11;

(11) Bridge and culvert replacement structures and bridge widening meeting the following conditions of IDNR/OWR Statewide Permit Number 12;

(12) Temporary construction activities meeting the following conditions of IDNR/OWR Statewide Permit Number 13; and

(13) Any development determined by IDNR/OWR to be located entirely within a flood fringe area shall be exempt from state floodway permit requirements.

(B) Other development activities not listed in division (A) of this section may be permitted only if:

(1) Permit has been issued for the work by IDNR/OWR (or written documentation is provided that an IDNR/OWR permit is not required); or

(2) 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.
(Ord. 756, passed 11-28-11)

§ 151.07 PROTECTING BUILDINGS.

(A) *All buildings.* In addition to the state permit and damage prevention requirements of § 151.06, 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:

(1) Construction or placement of a new building or alteration or addition to an existing building valued at more than \$1,000 or 70 square feet.

(2) Substantial improvements or structural alterations made to an existing building that increase the floor area by more than 20% or equal or exceed the market value by 50%. Alteration shall be figured cumulatively subsequent to the adoption of this chapter. If substantially improved, the existing structure and the addition must meet the flood protection standards of this section.

(3) Repairs made to a substantially damaged building. These repairs shall be figured cumulatively subsequent to the adoption of this chapter. If substantially damaged the entire structure

must meet the flood protection standards of this section within 24 months of the date the damage occurred.

(4) 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).

(5) Installing a travel trailer or recreational vehicle on a site for more than 180 days per year.

(6) Repetitive loss to an existing building as defined in § 151.02.

(B) *Residential or non-residential buildings* can meet the building protection requirements by one of the following methods:

(1) The building may be constructed on permanent land fill in accordance with the following:

(a) The lowest floor (including basement) shall be at or above the flood protection elevation.

(b) 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.

(c) The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or other structural measure.

(d) The fill shall be composed of rock or soil and not incorporated debris or refuse material.

(e) Shall not adversely affect the flow of surface drainage from or onto neighboring properties and when necessary storm water management techniques such as swales or basins shall be incorporated.

(2) The building may be elevated on solid walls in accordance with the following:

(a) The building or improvements shall be elevated on stilts, piles, walls, crawlspace, or other foundation that is permanently open to flood waters.

(b) 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.

(c) 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 licensed professional engineer or by having a minimum of one permanent opening on each wall no more than one foot above grade with a minimum of two openings. The openings 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.

(d) The foundation and supporting members shall be anchored, designed, and certified so as to minimize exposure to hydrodynamic forces such as current, waves, ice, and floating debris.

1. All structural components below the flood protection elevation shall be constructed of materials resistant to flood damage.

2. 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.

3. 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.

4. In lieu of the above criteria, the design methods to comply with these requirements may be certified by a licensed professional engineer or architect.

(3) The 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 two 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 foundations wall must not exceed four 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.

(g) Utility systems within the crawlspace must be elevated above the flood protection elevation.

(C) *Non-residential buildings* may be structurally dry flood proofed (in lieu of elevation) provided a licensed professional engineer or architect certifies that:

(1) Below the flood protection elevation the structure and attendant utility facilities are watertight and capable of resisting the effects of the base flood.

(2) 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.

(3) Flood proofing measures will be incorporated into the building design and operable without human intervention and without an outside source of electricity.

(4) Levees, berms, floodwalls and similar works are not considered flood proofing for the purpose of this division (C).

(D) *Manufactured homes or travel trailers* to be permanently installed on site shall be:

(1) Elevated to or above the flood protection elevation in accordance with division (B) of this section; and

(2) 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 Ill. Adm. Code § 870.

(E) *Travel trailers and recreational vehicles* on site for more than 180 days per year shall meet the elevation requirements of division (D) of this section unless the following conditions are met:

(1) The vehicle must be either self-propelled or towable by a light duty truck.

(2) The hitch must remain on the vehicle at all times.

(3) The vehicle must not be attached to external structures such as decks and porches.

(4) The vehicle must be designed solely for recreation, camping, travel, or seasonal use rather than as a permanent dwelling.

(5) The vehicles largest horizontal projections must be no larger than 400 square feet.

(6) The vehicle's wheels must remain on axles and inflated.

(7) Air conditioning units must be attached to the frame so as to be safe for movement of the floodplain.

(8) Propane tanks as well as electrical and sewage connections must be quick-disconnect.

(9) The vehicle must be licensed and titled as a recreational vehicle or park model.

(10) Must either:

(a) Entirely be supported by jacks; or

(b) Have a hitch jack permanently mounted, have the tires touching the ground and be supported by block in a manner that will allow the block to be easily removed by use of the hitch jack.

(F) *Garages, sheds or other minor accessory structures* constructed ancillary to an existing residential use may be permitted provided the following conditions are met:

(1) The garage or shed must be non-habitable.

(2) The garage or shed must be used only for the storage of vehicles and tools and cannot be modified later into another use.

(3) The garage or shed must be located outside of the floodway or have the appropriate state and/or federal permits.

(4) The garage or shed must be on a single-family lot and be accessory to an existing principle structure on the same lot.

(5) Below the base flood elevation, the garage or shed must be built of materials not susceptible to flood damage.

(6) All utilities, plumbing, heating, air conditioning and electrical must be elevated above the flood protection elevation.

(7) The garage or shed must have at least one permanent opening on each wall not more than one foot above grade with one square inch of opening for every one square foot of floor area.

(8) The garage or shed must be less than \$15,000 in market value or replacement cost whichever is greater or less than 576 square feet (24' x 24').

(9) The structure shall be anchored to resist floatation and overturning.

(10) All flammable or toxic materials (gasoline, paint, insecticides, fertilizers, etc.) shall be stored above the flood protection elevation.

(11) The lowest floor elevation should be documented and the owner advised of the flood insurance implications.

(Ord. 756, passed 11-28-11) Penalty, see § 151.99

§ 151.08 SUBDIVISION REQUIREMENTS.

The city shall take into account hazards, to the extent that they are known, in all official actions related to land management use and development.

(A) New subdivisions, manufactured home parks, annexation agreements, planned unit developments, and additions to manufactured home parks and subdivisions shall meet the damage prevention and building protections standards of §§ 151.06 and 151.07. Any proposal for such development shall include the following data:

(1) 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;

(2) The boundary of the floodway when applicable; and

(3) A signed statement by a licensed professional engineer that the proposed plat or plan accounts for changes in the drainage of surface waters in accordance with the Plat Act (ILCS Ch. 765, Act 205, § 2).

(B) Streets, blocks lots, parks and other public grounds shall be located and laid out in such a manner as to preserve and utilize natural streams and channels. Wherever possible the floodplains shall be included within parks or other public grounds.

(Ord. 756, passed 11-28-11) Penalty, see § 151.99

§ 151.09 PUBLIC HEALTH AND OTHER STANDARDS.

(A) Public health standards must be met for all floodplain development. In addition to the requirements of §§ 151.06 and 151.07 the following standards apply:

(1) 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 § 151.07.

(2) Public utilities and facilities such as sewer, gas and electric shall be located and constructed to minimize or eliminate flood damage.

(3) 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.

(4) 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.

(5) Construction of new or substantially improved critical facilities shall be located outside the limits of the floodplain. Construction of new critical facilities shall be permissible within the floodplain if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor (including basement) elevated or structurally dry floodproofed to the 500-year flood frequency elevation or three feet above the level of the 100-year flood frequency elevation whichever is greater. Flood proofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities.

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

(Ord. 756, passed 11-28-11) Penalty, see § 151.99

§ 151.10 CARRYING CAPACITY AND NOTIFICATION.

(A) For all projects involving channel modification, fill, or stream maintenance (including levees), the flood carrying capacity of the watercourse shall be maintained.

(B) In addition, the city shall notify adjacent communities in writing 30 days prior to the issuance of a permit for the alteration or relocation of the watercourse.

(Ord. 756, passed 11-28-11) Penalty, see § 151.99

§ 151.11 VARIANCES.

Whenever the standards of this chapter place undue hardship on a specific development proposal, the applicant may apply to the Zoning Board of Appeals for a variance. The Zoning Board of Appeals shall review the applicant's request for a variance and shall submit its recommendation to the City Council. The City Council may attach such conditions to granting of a variance as it deems necessary to further the intent of this chapter.

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

(1) The development activity cannot be located outside the floodplain.

(2) An exceptional hardship would result if the variance were not granted.

(3) The relief requested is the minimum necessary.

(4) There will be no additional threat to public health, safety or creation of a nuisance.

(5) There will be no additional public expense for flood protection, rescue or relief operations, policing, or repairs to roads, utilities, or other public facilities.

(6) The applicant's circumstances are unique and do not establish a pattern inconsistent with the intent of the NFIP.

(7) All other state and federal permits have been obtained.

(B) The Zoning Board of Appeals shall notify an applicant in writing that a variance from the requirements of the building protections standards of § 151.07 that would lessen the degree of protection to a building will:

(1) Result in increased premium rates for flood insurance up to \$25 per \$100 of insurance coverage;

(2) Increase the risk to life and property; and

(3) Require that the applicant proceed with knowledge of these risks and that the applicant acknowledge in writing the assumption of the risk and liability.

(C) Historic structures. Variances to the building protection requirements of § 151.07 which are requested in connection with reconstruction, repair, or alteration of a historic site or historic structure as defined in ***HISTORIC STRUCTURES***, may be granted using criteria more permissive than the requirements of §§ 151.06 and 151.07 subject to the conditions that:

(1) The repair or rehabilitation is the minimum necessary to preserve the historic character and design of the structure.

(2) The repair or rehabilitation will not result in the structure being removed as a certified historic structure.

(D) Agriculture.

(1) Any variance granted for an agricultural structure shall be decided individually based on a case by case analysis of the building's unique circumstances. Variances granted shall meet the following conditions as well as those criteria and conditions set forth in this chapter.

(2) In order to minimize flood damages during the 100-year flood and the threat to public health and safety, the following conditions shall be included for any variance issued for agricultural structures that are constructed at-grade and wet-floodproofed.

(a) All agricultural structures considered for a variance from the floodplain management regulations of this chapter shall demonstrate that the varied structure is located in wide, expansive floodplain areas and no other alternate location outside of the special flood hazard area exists for the agricultural structure. Residential structures or animal confinement facilities, such as farm houses, cannot be considered agricultural structures.

(b) Use of the varied structures must be limited to agricultural purposes in zone A only as identified on the community's flood insurance rate map (FIRM).

(c) For any new or substantially damaged agricultural structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below the base flood elevation, must be built with flood-resistant materials in accordance with § 151.07.

(d) The agricultural structures must be adequately anchored to prevent flotation, collapse, or lateral movement of the structures in accordance with § 151.07. All of the building's structural components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, and hydrodynamic and debris impact forces.

(e) Any mechanical, electrical, or other utility equipment must be located above the base flood elevation or floodproofed so that they are contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with § 151.07.

(f) The NFIP requires that enclosure or foundation walls, subject to the 100-year flood, contain openings that will permit the automatic entry and exit of floodwaters in accordance with § 151.07(B).

(g) The agricultural structures must comply with the floodplain management floodway provisions of § 151.06. No variances may be issued for agricultural structures within any designated floodway.

(h) Wet-flood proofing construction techniques must be reviewed and approved by the Floodplain Administrator and a registered professional engineer or architect prior to the issuance of any floodplain development permit for construction.

(Ord. 756, passed 11-28-11)

§ 151.12 DISCLAIMER OF LIABILITY.

The degree of protection required by this chapter 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 chapter does not imply that development either inside or outside of the floodplain will be free from flooding or damage. This chapter does not create liability on the part of the city or any officer or employee thereof for any flood damage that results from proper reliance on this chapter or any administrative decision made lawfully thereunder.

(Ord. 756, passed 11-28-11)

§ 151.13 ABROGATION AND GREATER RESTRICTIONS.

This chapter repeals and replaces other ordinances adopted by the city to fulfill the requirements of the National Flood Insurance Program including: Ordinance Number 423 passed June 4, 1984. However, this chapter does not repeal the original resolution or ordinance adopted to achieve eligibility in the program. Nor does this chapter repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where this chapter and other ordinance easements, covenants or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Ord. 756, passed 11-28-11)

§ 151.99 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 chapter. Upon due investigation, the Municipal Attorney may determine that a violation of the minimum standards of this chapter exists. The Municipal Attorney shall notify the owner in writing of such violation.

(A) If such owner fails after ten days notice to correct the violation:

(1) The city shall make application to the circuit court for an injunction requiring conformance with this chapter or make such other order as the court deems necessary to secure compliance with the chapter.

(2) Any person who violates this chapter shall upon conviction thereof be fined not less than \$50 or more than \$750 for each offense.

(3) A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

(4) The city shall record a notice of violation on the title of the property.

(B) (1) The Municipal Attorney 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.

(2) The Municipal Attorney is authorized to issue an order requiring the suspension of the subject development. The stop-work order shall be in writing, indicate the reason for the issuance, and shall order the action, if necessary, to resolve the circumstances requiring the stop-work order. The stop-work order constitutes a suspension of the permit.

(3) No site development permit shall be permanently suspended or revoked until a hearing is held by the Zoning Board of Appeals. Written notice of such hearing shall be served on the permittee and shall state:

(a) The grounds for the complaint, reasons for suspension or revocation; and

(b) The time and place of the hearing.

(4) At such hearing the permittee shall be given an opportunity to present evidence on their behalf. At the conclusion of the hearing, the Zoning Board of Appeals shall determine whether the permit shall be suspended or revoked.

(C) Nothing herein shall prevent the city from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.
(Ord. 756, passed 11-28-11)

CHAPTER 152: PLANNING

Section

- 152.01 Policy
- 152.02 Approval by engineering firm
- 152.03 City to provide utility connections
- 152.04 Development of annexation
- 152.05 Residential anti-displacement and relocation assistance plan

§ 152.01 POLICY.

(A) It shall be the policy of the city to encourage development of residential growth in an orderly and planned fashion.

(B) It shall be the stated official policy of the city to annex with due diligence after compliance with all requisites of this chapter and other municipal ordinances and all other applicable statutes and rules new subdivisions and developments contiguous to existing boundaries of the city.

(Ord. 399, passed 10-30-80)

§ 152.02 APPROVAL BY ENGINEERING FIRM.

Favorable action upon any annexation, petition by a developer of a subdivision or owner of particular property within any such subdivision, shall not be taken by the city until the engineering firm or engineer then retained by the municipality shall have given full approval of compliance by such developer with all reasonable standards concerning streets, curbs, gutters, sidewalks, sanitary and storm sewers and gas and water lines throughout such subdivision.

(Ord. 399, passed 10-30-80)

§ 152.03 CITY TO PROVIDE UTILITY CONNECTIONS.

The municipality shall upon annexation provide municipal utility hook-ups to the water and sewer lines specified herein provided by the developer. Should adequate supplies, in the official opinion of the Gas Commissioner, of natural gas exist, the municipality shall also provide natural gas to those land owners within such subdivision desiring and requesting it.

(Ord. 399, passed 10-30-80)

§ 152.04 DEVELOPMENT OF ANNEXATION.

Developments or subdivisions may be made divisible under this chapter and a portion thereof may be developed earlier or later than some other portion, but such development shall be in an orderly and symmetrical fashion in such fashion that no portion of the undeveloped portion of the subdivision or development shall lie between or among developed portions. For the purposes of this section **DEVELOPED** shall mean those portions of which the property owners or developer are requesting annexation by the municipality, and **UNDEVELOPED** shall mean those portions of the development or subdivision for annexation of which the property owner or developer has not yet petitioned.

(Ord. 399, passed 10-30-80)

§ 152.05 RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN.

(A) The city will replace all occupied and vacant occupiable low to moderate-income dwelling units demolished or converted to a use other than as low to moderate-income housing as a direct result of activities assisted with funds provided under the Housing and Community Development Act of 1974.

(B) All replacement housing will be provided within three years of the commencement of the demolition or rehabilitation relating to conversion. Before obligating or expending funds that will directly result in such demolition or conversion, the city will make public and submit to DCCA the following information in writing:

- (1) A description of the proposed assisted activity;
 - (2) The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than as low to moderate income dwelling units as a direct result of the assisted activity;
 - (3) A time schedule for the commencement and completion of the demolition or conversion;
 - (4) The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units;
 - (5) The source of funding and a time schedule for the provision of replacement dwelling units;
- and
- (6) The basis for concluding that each replacement dwelling unit will remain a low/moderate income dwelling unit for at least 10 years from the date of initial occupancy.

(C) The city will provide relocation assistance, as described in the Housing and Community Development Act of 1974, to each low-to-moderate income household displaced by the demolition of housing or by the conversion of a low-to-moderate income dwelling to another use as a direct result of assisted activities.

(D) Consistent with the goals and objectives of activities assisted under the Act, the city will take the following steps to minimize the displacement of persons from their homes:

(1) Minimize or eliminate any activities such as acquisition or demolition which could be expected to result in the displacement of low to moderate income persons; and

(2) Advocate and seek funds for housing rehabilitation, as opposed to demolition, especially for occupied housing.

(Res. 547, passed - - ; Am. Res. 592, passed 5-24-99)

CHAPTER 153: ZONING

Section

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GENERAL PROVISIONS**§ 153.001 TITLE.**

This chapter shall be known, cited and referred to as the Grayville Zoning Chapter.
(Ord. 443, passed 5-19-86)

§ 153.002 INTENT AND PURPOSE.

This chapter is adopted for the following purposes:

- (A) To promote and protect the public health, safety, morals, comfort, and general welfare of the people;
- (B) To divide the city into zones or districts restricting and regulating therein the location, erection, construction, reconstruction, alteration and use of buildings, structures and land for residence, business, manufacturing and other specified uses;
- (C) To protect the character and the stability of the residential, business and manufacturing areas within the city and to promote the orderly and beneficial development of such areas;

(D) To provide adequate light, air, privacy and convenience of access to property;

(E) To regulate the intensity of use of lot areas, and to determine the area of open spaces surrounding buildings necessary to provide adequate light and air and to protect the public health;

(F) To establish building lines and the locations of buildings designed for residential, business and manufacturing or other uses to which buildings or other uses within such areas;

(G) To fix reasonable standards to which buildings or structures shall conform therein;

(H) To limit congestion in the public streets and protect the public health, safety, convenience and general welfare by providing for the off-street parking of motor vehicles and the loading and unloading of commercial vehicles;

(I) To protect against fire, explosion, noxious fumes and other hazards in the interest of the public health, safety, comfort and general welfare;

(J) To conserve the taxable value of land and buildings throughout the city;

(K) To provide for the gradual elimination of non-conforming uses of land, buildings and structures which affect the character and value of desirable development in each district;

(L) To define and limit the powers and duties of the administrative officers and bodies as provided herein.

(Ord. 443, passed 5-19-86)

§ 153.003 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABUTTING. Having one or more common boundary lines or district lines.

ACCESSORY BUILDING or USE. A building which is subordinate to and serves a principal building or principal use, and is subordinate in area, extent, and purpose to the principal building or principal use served.

ADULT-USE CANNABIS BUSINESS ESTABLISHMENT. An adult-use cannabis cultivation center, craft grower, processing organization, infuser organization, dispensing organization or transporting organization.

ADULT-USE CANNABIS CRAFT GROWER. A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS CULTIVATION CENTER. A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS DISPENSING ORGANIZATION. A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS INFUSER ORGANIZATION OR INFUSER. A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS PROCESSING ORGANIZATION OR PROCESSOR. A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS TRANSPORTING ORGANIZATION OR TRANSPORTER. An organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADVERTISING STRUCTURE. Any notice or advertisement, pictorial or otherwise, and all of size and shape, for the purpose of making anything known, the origin or place of sale of which is not on the property where such advertising structure is located.

AGRICULTURE. The growing, harvesting and storing of crops including legumes, hay, grain, fruit and truck or vegetable crops, floriculture, horticulture, viticulture, mushroom growing, orchards' and forestry; farm buildings for storing and protecting farm machinery and equipment from the elements; and tenants or seasonal or year around hired farm workers. This definition of **AGRICULTURE** includes all types of agricultural operation, but excludes therefrom animal husbandry and industrial operations such as a grain elevator, canning or slaughterhouse, wherein agricultural products produced primarily by others are stored or processed.

AIRCRAFT. Any contrivance now known or hereafter invented for use in or designed for navigation or flight in the air.

AIRPORT. Any area of land which is used or intended for use for the landing and taking off of aircraft, and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or right-of-way, including all necessary taxiways, aircraft storage and tie-down areas, hangars, and other necessary buildings and open spaces.

ALTERATION. Any change in size, shape, or character of a building or structure or change in the use thereof.

AUTOMOBILE SERVICE STATION. Buildings and premises where gasoline, oil, grease, batteries, tires, and automobile accessories may be supplied and dispensed at retail.

AWNING. A roof-like cover which projects from the wall of a building and overhangs into the yard or public or private street.

BASEMENT. That portion of a building which is partly or wholly below ground level.

BLOCK. A tract of land bounded by public streets, or by a combination of streets and public parks, cemeteries, railroad right-of-way, shorelines, or waterways, the corporate limits of the city or other line of demarcation.

BUILDING. Any structure built for the support, shelter, or enclosure of person, animals, chattels, or movable property of any kind.

BUILDING HEIGHT. Measurement of vertical distance from the grade to the top of the highest roof beams of a flat roof or to the mean level of the highest gable or slope of a hip roof.

BULK. A term used to measure, assess and regulate the impact of buildings, structures or land uses on other nearby buildings, structures or land uses and includes the following factors:

(1) Size and height of buildings;

(2) Location of exterior walls and required on-site facilities at all levels in relation to lot lines, public streets, or to other buildings;

- (3) Gross floor area of buildings in relation to lot area (floor area ratio);
- (4) All open spaces allocated to buildings;
- (5) Amount of lot area provided per dwelling unit; and
- (6) Type, amount and location of landscaping and site screening used to shield or reduce the impact of land uses on surrounding property.

CARPORT. An automobile shelter, usually formed by extension of the roof from the side of a building which may be open on the sides.

CAR WASH. A building or portion thereof, containing facilities for washing motor vehicles, using automatic production-line methods with a chain conveyor, blower, steam cleaning device, or other mechanical devices, or providing space, water, and equipment for the handwashing of autos, whether by the customer or the operator.

CONFORMING BUILDING or STRUCTURE. Any building or structure which complies with all of the regulations of this zoning chapter or of any amendment hereto governing bulk for the zoning district in which such building or structure is located.

CONFORMING USE. Any use which complies with all the regulations specified in this chapter or any subsequent amendment hereto for the zoning district in which such use is located.

CURB LEVEL. The level of the established curb in front of a building measured at the center of such front. Where no curb has been established, the curb level is the elevation of the centerline of the street adjacent to the lot on which the building is or is to be located measured at the center point of the lot frontage.

DAY CARE CENTER. A premise receiving more than eight children for care during all or part of a day or night.

DAY CARE HOME. A dwelling unit in which one or more persons provide care during the day to not more than eight children. The maximum of eight children includes all natural, adopted and foster minor children of the residents of the dwelling unit, plus any other minors who are under full-time care or supervision in the dwelling unit.

DORMITORY. A residential building where group sleeping accommodations are provided for persons not members of the same family and where the number accommodated exceeds that allowed in a dwelling unit in the district. The group sleeping accommodations may be in one room or in a series of closely associated rooms under occupancy and single management as in college dormitories, fraternity houses, sorority houses, military barracks, and the like, regardless of whether meals are provided.

DISTRICT. A portion of the territory of the city within which certain generally uniform regulations and requirements unique thereto, apply under the provisions of this chapter.

DRIVE-IN ESTABLISHMENT. A business or institution where the principal use is either the offering of goods or services directly to customers waiting in parked motor vehicles or carry-out food service.

DRIVEWAY. A private accessway for motor vehicles between a public or private street and one or more structures or off street parking areas.

DWELLING. A building designed or used principally for residential occupancy containing one or more dwelling units, including single-family, two-family, and multiple-family dwellings.

DWELLING UNIT. One or more rooms arranged or designed for the use of one family living together as a single housekeeping unit with cooking, living, sanitary and sleeping facilities in a self-contained unit.

DWELLING UNIT, ATTACHED. One which is not entirely surrounded by open space.

DWELLING UNIT, DETACHED. One which is entirely surrounded by open space.

DWELLING, MULTIPLE-FAMILY. A building containing three or more dwelling units.

DWELLING, SINGLE-FAMILY. A building containing one dwelling unit only.

DWELLING, TWO FAMILY. A building containing two dwelling units only.

EFFICIENCY UNIT. A dwelling unit consisting of one principal room together with bathroom, kitchen, hallway, closets, or dining area.

FAMILY. Either one person or two or more persons each related to each other by blood, marriage or legal adoption, and an aggregate of not more than two roomers or boarders not related to each other, whether or not gratuitous, maintaining a common household in a dwelling unit; or a group of not more than four persons not so related maintaining a common household in a dwelling unit.

FENCE. A structure other than a building or a portion thereof which is a barrier and is used as a boundary, screen, separation, means of privacy, protection or confinement and is constructed of wood, plastic, metal, wire mesh, masonry, or comparable material.

FLOOD PLAIN. Any area designated on the Special Flood Hazard map of the Federal Insurance Administrator designated as having special flood hazards.

FLOOD BASE ELEVATION. The elevation of the water level at the 100-year flood level.

FLOOR AREA RATIO. The numerical value obtained through dividing the floor area of a building or buildings by the lot area on which such building(s) are located.

FRONTAGE. The measure of lineal contiguity along a public right-of-way as measured along that right-of-way between a lot or portion thereof and another lot, public street, alley or public way.

GRADE. A reference plane representing the average finished ground level adjoining the building at all exterior walls.

GROUND FLOOR AREA. The area of a building in square feet as measured in a horizontal plane at the ground floor level within its largest outside dimensions, exclusive of open porches, breeze-ways, terraces, garages, and exterior stairways, furnace and laundry area.

HELIPORT. An area of land, water and/or a structure or building which is used or intended for use for the landing and taking off of helicopters, and any appurtenant areas which are used or intended for use for heliport buildings or other heliport facilities or right-of-way, including all necessary pads, helicopter storage and tie down areas, hangars and other necessary buildings and open spaces.

HISTORIC AREA. An area containing buildings or places in which historic events have occurred or which have special public value because of notable architectural or other features relating to the cultural or artistic heritage of the community which warrant conservation and preservation.

HOME OCCUPATION. An occupation or professional practice by a member of the family residing in the dwelling unit, which is clearly an accessory use to the principal residential use of the dwelling unit and which is listed in § 153.075 of this chapter.

HOSPITAL. An institution where the sick or injured are given medical or surgical care.

HOTEL, MOTEL or INN. An establishment containing lodging accommodation, designed for use by transients, or travelers, or temporary guests. Facilities provided may include main service, laundering of linen used on the premises, telephone and secretarial or desk service, meeting rooms, and restaurants.

JUNK YARD. An open area where junk waste scrap, used equipment and vehicle parts, discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles. A **JUNK YARD** includes automobile wrecking yards, house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment, but does not include uses established entirely within enclosed buildings.

KENNEL. Any premises where three or more dogs, cats, or other household domestic animals over four months of age are owned, boarded, bred or offered for sale.

LOT. A parcel, tract or area of land with access from an abutting street for the full width of the lot, and which is occupied by or principal use together with any accessory buildings and such yard area as required by this chapter. It may be a single surveyed parcel separately described in a deed or plot which is recorded in the office of the County Recorder, or it may include parts of, or a combination of such surveyed parcels when adjacent to one another and used as one. In determining lot area and boundary lines no part under water or within the limits of a street shall be included.

LOT, AREA. The area of a horizontal plane bounded by the vertical planes through front, side and rear lot lines.

LOT, CORNER. A lot situated at the intersection of two streets.

LOT, DEPTH. The mean horizontal distance between the front lot line and the rear lot line of a lot, measured within the lot boundaries.

LOT, INTERIOR. A lot other than a corner or reversed corner lot.

LOT LINE (PROPERTY LINE). A boundary line of a lot.

LOT LINE, FRONT. The boundary line of any lot which is along a dedicated public street or the occupation line on a non-dedicated public street. On corner lots the front lot line shall be the boundary line along such street right-of-way line that is established at the time of application of a building permit.

LOT LINE, REAR. The lot line most nearly parallel to and most remote from the front lot line.

LOT OF RECORD. A lot which is part of a subdivision recorded in the office of the White or Edwards County Recorder of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded on the date of the adoption of this chapter.

LOT, REVERSED CORNER. A corner lot the street side lot line of which is substantially a continuation of the front lot line of the first lot to its rear.

LOT LINE, SIDE. Any boundary of a lot which is not a front lot line or a rear lot line.

LOT, THROUGH. A lot having a pair of opposite lot lines along two more or less parallel public streets, and which is not a corner lot. On a **THROUGH LOT** both street lines shall be deemed front lot lines.

LOT WIDTH. The mean horizontal distance between the side lot lines of a lot, measured within the lot boundary. **LOT WIDTH** shall be measured at the front lot line or at the required setback line or cul-de-sac within the lot boundary behind the required front yard setback line.

MOBILE HOME. A dwelling unit of vehicular, portable design built on a chassis and designed to be moved from one site to another and capable of being used with or without a permanent foundation.

MOBILE HOME PARK. A lot or lands upon which two or more independent mobile homes are located either free of charge or for a fee, and shall include any buildings, structure, tent vehicle or enclosure used or intended for use as a part of the equipment of such mobile home park.

MODULAR or MANUFACTURED HOME. A dwelling unit intended to be used for residential occupancy and designed to be located on a permanent foundation as identified by the Illinois modular seal affixed to the electrical panel box.

NAMEPLATE. A sign indicating the name and address of a building, or the name of an occupant thereof and/or the occupation practiced therein.

NONCONFORMING BUILDING or STRUCTURE. Any building or structure or portion thereof lawfully existing at the time of adoption of this chapter, or amendment thereto, which does not comply with all the regulations of this chapter or any amendment hereto governing bulk for the zoning district in which such building or structure is located.

NONCONFORMING LOT. A lot of record which when recorded met the minimum lot area and other dimension requirements of the city, but which through subsequent amendments to such code or other dimension requirements of the codes is no longer in conformance.

NONCONFORMING USE. Any use of land, buildings, or structures which use is not permitted in the zoning district in which such use is located, but which use was permitted at the time such use was established.

NURSERY (GREENHOUSE). A space, building or structure, or combination thereof for the storage of live trees, shrubs or plants offered for wholesale or retail sale on the premises, including products used for landscaping and gardening.

NURSING HOME. A home for the aged, chronically ill, incurable persons, or a place of rest for those suffering bodily disorders in which three or more persons, not members of the immediate family residing on the premises, are received, kept or provided with food and shelter or care, but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of disease or injury.

OBSTRUCTIONS. That which blocks, closes off or cuts off from sight.

OPEN SALES LOT. Any land used or occupied for the purpose of buying and selling merchandise, motor vehicles, any form of trailers, mobile homes, motorized homes, motor scooter, motorcycles, boats, aircraft and monuments, or for the storing of the same prior to sale.

PARKING SPACE. A space within a public or private parking area which contains minimum dimensions of nine feet by 20 feet, exclusive of access drives or aisles, for the purpose of vehicular storage.

PRINCIPAL BUILDING. A building in which the principal use of the lot on which it is located is conducted. A structure that is attached to such a building in a substantial way, such as by a roof, is considered part of the principal building.

PRINCIPAL USE. A primary use of land or buildings as distinguished from an accessory use. A **PRINCIPAL USE** may be either permitted or special.

RECREATIONAL VEHICLE. A wheeled vehicle or unit, primarily designed for temporary living quarters, propelled by its own motor, or drawn by another motorized vehicle. Recreational vehicles include motor homes, travel trailers, camping trailers and truck campers. Recreational vehicles may not be used as permanent living quarters. Under certain circumstances described in § 153.082, some recreational vehicles with fixed solid exteriors may be granted a permit for temporary living quarters in districts zoned as AG, R-1 or MH. As defined herein, a recreational vehicle that is the subject of an

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application for a permit for temporary living quarters must have its own toilet and a system for sewage disposal. Additionally, the applicant must agree that the permitted recreational vehicle shall be connected to and use municipal sewer and water, available electricity and/or municipal gas service.

RIDING STABLE. The grounds and building where horses are bred, raised, trained, boarded or kept for remuneration, hire, or sale.

ROOMING HOUSE. Any residential building, or any part thereof containing one or more rooming units, in which space is let by the owner or operator to more than five persons who do not constitute a family.

ROOMING UNITS. Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

ROW HOUSE (TOWN HOUSE). A multiple-family dwelling containing three or more attached dwelling units, each on its own plot of ground and joined to one (end unit) or two (interior units) dwelling units by firewalls. Each dwelling unit shall occupy the internal space from the ground to the roof.

SETBACK. The horizontal distance between the front lot line and any building or structure located on such lot.

SIGN. Any identification, description, illustration or device illuminated or non-illuminated which is visible from any public place or is located on private property and exposed to the public and which directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise or any emblem printing, banner, pennant, placard or temporary sign designed to advertise, identify or convey information, with the exception of window displays and national, state, county, municipal and religious flags, including foods and services, offered upon the property on which the sign is located.

SPECIAL USE PERMIT. A specified use of land or buildings, or both, described and permitted herein, subject to special provisions, and which because of its unique characteristics cannot be properly classified as a permitted use, as provided in § 153.107.

STORY. That portion of a building included between the upper surface of a floor and upper surface of the floor or roof next above. A basement shall be counted as a **STORY**.

STRUCTURE. Anything constructed or erected that requires location on or in the ground or attachment to something having a location on or in the ground.

STRUCTURAL ALTERATION. Any change, other than incidental repairs, which would prolong the life of the supporting members of a building, such as the addition, removal, or alteration of a bearing wall, columns, beams, girders, or foundations.

TOURIST CAMP. A residential facility designed, used, or intended to be used to accommodate the overnight temporary location, hook-up or use of its facilities for travel trailers, camp trailers, and RVs.

USE. The purpose or activity for which the land, or building thereon, is designed, arranged, or intended, or for which it is occupied or maintained, and shall include any manner of performance of such activity with respect to the performance standards of this chapter.

USE, PERMITTED. A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements and regulations of such district.

VARIATION. A deviation from the bulk requirements of the zoning chapter as provided in § 153.106.

WAREHOUSE. A structure, part thereof, or area used principally for the storage of goods and merchandise.

WHOLESALE ESTABLISHMENT. A business establishment engaged in selling to retailers or jobbers rather than consumers.

YARD. An open space, on the same lot with a building or structure, unoccupied and unobstructed from its lowest level to the sky.

YARD, FRONT. A yard, required or otherwise, extending along the full length of the building or structure, including any overhang features, to the front lot line.

YARD, REAR. A yard, required or otherwise, extending along the full length of the rear lot line between the side lot lines, from the rear line of the building or structure, including any overhang features, to the rear property line.

YARD, SIDE. A yard, required or otherwise, extending along the side lot line between the front yard and the rear yard from the side line of the building or structure, including any overhang features to the side property line.

YARD, CORNER SIDE. A side yard which faces a public street.

YARD, INTERIOR SIDE. That which is located immediately adjacent to another lot or to an alley separating such side yard from another lot.

ZONING BOARD. The body authorized to enforce the Grayville Zoning Ordinances according to the powers and duties listed herein.

ZONING DISTRICT. A section or sections of incorporated territory of the city for which the regulations and requirements governing use, lot and bulk, or buildings and premises are uniform.

ZONING DISTRICT MAP AMENDMENT. The procedure set forth to change the zoning district boundaries of the zoning district map portion of this chapter.

ZONING MAP. That portion of this chapter showing all of the zoning district boundaries within the city.

ZONING TEXT AMENDMENT. The procedure set forth to change the text or written portion of the chapter.

(Ord. 443, passed 5-19-86; Am. Ord. 641, passed 9-23-02; Am. Ord. 877, passed 9-23-19)

§ 153.004 ESTABLISHING DISTRICTS; ZONING MAPS; BOUNDARIES.

(A) *Establishment.* The city is hereby classified and divided into zoning districts designated as follows:

<i>District Designation</i>	<i>Primarily For</i>
AG	Agricultural District
R-1	Single-Family Residence District
R-2	Single-Family Residence District
MH	Mobile Home District or Park
C-1	Local Business District
C-2	Central Business District
I-1	General Industry District

(B) *Zoning district map.* The zoning district map, which is on file in the office of the City Clerk, is hereby declared to be a part of this chapter and shows the boundaries of and the area covered by the zoning districts.

(C) *Boundaries.*

(1) The boundaries of the districts established by this section are to extend one-half mile beyond the corporate city limits as shown on the Zoning Map.

(2) When the exact boundaries of a district are uncertain, they shall be determined by use of the scale of the zoning map.

(3) When a right-of-way is vacated, the districts adjoining each side are respectively extended to the center of the area so vacated.

(4) In the case of further uncertainty, the Board shall interpret the intent of the zoning map as to the location of the boundary in question.
(Ord. 443, passed 5-19-86)

§ 153.005 STORM WATER MANAGEMENT.

(A) Adequate storm water retention and release/drainage facilities shall be installed in all subdivisions accepted after the date of passage of this section, and on the site of all commercial and industrial developments hereafter constructed, and located within the jurisdictional boundaries of this chapter, to avoid changes in storm water runoff onto adjacent properties. All storm water detention and release facilities shall be subject to the approval of the city engineer, and will be governed by the applicable rules and regulations of the Illinois Department of Transportation relating to the issuance of drainage permits for private drainage systems that discharge into state highways, as amended from time to time. Said IDOT rules and regulations, and all future amendments and modifications of those rules and regulations, are incorporated by reference, as if fully set forth herein.

(B) In each case, the applicant's proposed facilities for storm water detention and release must be designed and constructed to prevent overtaxing or otherwise damaging of the city's drainage system and the drainage systems of adjoining landowners.
(Ord. 625, passed 11-13-01)

AGRICULTURAL DISTRICT**§ 153.015 AG AGRICULTURAL DISTRICT REGULATIONS.**

(A) *Establishment.* The AG District is established to include lands for agricultural uses.

(B) *Uses permitted.* The following uses shall be permitted in the AG District, plus such other uses as the Board may deem to be similar in nature. All uses shall be subject to the property development standards in §§ 153.015(D) and 153.079.

- Advertising structure
- Commercial greenhouse
- Dwelling, single-family
- Farm, general
- Farm equipment, sales and service
- Home occupation
- Municipal or government building
- Public park or recreational facilities
- Railroad right-of-way and necessary uses
- Roadside produce sales stand
- School, public or private
- Signs
- Warehouse and storage of grain, seed and dry fertilizer, including grain storage and drying facilities.

(C) *Special uses.* The following uses may be permitted by special use permit, as provided for in § 153.107.

- Airport
- Anhydrous ammonia, or similar liquified fertilizer, and bulk fertilizer storage and distribution (commercial)
- Asphalt or asphaltic concrete batching plant
- Assembly halls for use by non-profit organizations
- Auction sales yard
- Bottled gas, storage and distribution
- Bulk storage of petroleum products
- Camping facilities
- Cemetery
- Church
- Contractor's storage yard
- Country club or golf course
- Farm, confinement feeding
- Kennel
- Lodge or private club
- Machine shop

Mineral extraction (not inside city limits or within 600 feet of such)
Private recreational development
Race track (outdoor)
Riding stable
Seasonal hunting or fishing lodge
Theater (outdoor)
Welding shop

(D) *Property development standards.* The following property development standards shall apply to all land and structures in the AG Agricultural District:

(1) *Minimum lot area.* All lots hereafter created in this District shall contain an area of not less than one acre.

(2) *Dimensions.* All lots hereafter created shall have a minimum width of 150 feet and a minimum depth of 200 feet. Curve and cul-de-sac lot width shall be measured as chord distance at the building setback line.

(3) *Yards.* No building shall be erected or enlarged unless the following yard setback requirements are provided:

(a) A front yard of not less than 40 feet.

(b) The minimum width of each side yard for the principal building shall not be less than 25 feet.

(c) The minimum depth of a rear yard for the principal building shall not be less than 50 feet.

(E) *Lot coverage.* The buildings on a lot, including accessory buildings, may not exceed in coverage 30% of the total lot area.

(F) *Off-street parking.* The provisions of §§ 153.090 - 153.093 concerning off-street parking shall apply.
(Ord. 443, passed 5-19-86)

RESIDENTIAL DISTRICTS

§ 153.025 R-1 SINGLE-FAMILY RESIDENCE DISTRICT REGULATIONS.

(A) *Establishment.* The R-1 District is established to provide areas for single-family residential development.

(B) *Uses permitted.* The following uses shall be permitted in the “R-1” District, plus such other uses as the Board may deem to be similar in nature. All uses shall be subject to the property development standards in §§ 153.025(D) and 153.079.

- Dwelling, single-family, two-family, or multi-family
- Home occupation
- Municipal or government building
- Public park or recreational facilities
- Libraries and museums

(C) *Special uses.* The following uses may be permitted by special use permit as provided for in § 153.107:

- Boarding or lodging house
- Church
- Country club or golf course
- Kindergarten or day nursery (other than as a part of a school providing other grades)
- Nursing homes or orphanages

(D) *Property development standards.* The following property development standards shall apply to all land and structures in the R-1 Single-Family Residential District:

(1) *Minimum lot area.* All lots hereafter created in this district shall contain an area of not less than 5,000 square feet.

(2) *Lot dimensions.* All lots shall have a minimum width of 50 feet and a minimum depth of 100 feet. Curve and cul-de-sac lot width shall be measured as chord distance at the building setback line.

(3) *Building height.* No building or structure, located in this District, may be changed or erected so as to have a height greater than 30 feet.

(4) No single-family dwelling may be changed or erected so that its ground floor area is less than 900 square feet. Mobile homes shall have a minimum of 720 square feet.

(5) *Yards.* No building shall be erected or enlarged unless the following yard setback requirements are provided.

(a) A front yard of not less than 25 feet.

(b) A minimum width of each side yard shall not be less than ten feet.

(c) A minimum depth of a rear yard for the principal building shall not be less than 20 feet.

(6) *Lot coverage.* The buildings on a lot, including accessory buildings, may not exceed in coverage 35% of the total lot area.

(7) *Off-street parking; obstructions.* The provisions of §§ 153.090 through 153.093 concerning off-street parking and the provisions of § 153.093(B) and (C) concerning obstructions shall apply.

(8) *Number of mobile homes; restrictions.* Not more than one mobile home per platted lot. The restrictions of § 153.040 governing minimum square footage, age of mobile home, minimum lot area, set-back requirements, and other property development standards set forth in § 153.040(C), shall apply.

(9) *Fences.* A fence can be erected to the property line.
(Ord. 443, passed 5-19-86; Am. Ord. 620, passed 6-25-01)

§ 153.026 R-2 SINGLE-FAMILY RESIDENCE DISTRICT REGULATIONS.

(A) *Establishment.* The R-2 District is established to provide areas for single-family, two-family, and medium density multi-family residences.

(B) *Uses permitted.* The following uses shall be permitted in the R-2 District, plus such other uses as the Board may deem to be similar in nature. All uses shall be subject to the Property Development Standards in §§ 153.026(D) and 153.079:

- Dwelling, one-family
- Dwelling, two-family
- Dwelling, multiple-family
- Municipal or government buildings
- No mobile homes permitted

(C) *Special uses.* The following uses may be permitted by special use permit as provided in § 153.107:

- Church
- Home Occupation

(D) *Property development standards.* The following property development standards shall apply to all land and structures in the R-2 Single-Family Residential District:

(1) *Minimum lot area.* All lots hereafter created in this district shall contain an area of not less than 11,250 square feet.

(2) *Lot dimensions.* All lots hereafter created shall have a minimum width of 75 feet and depth of 150 feet.

(3) *Mobile homes.* Mobile homes are not permitted.

(4) *Building height.* No building or structure, located in this District, may be changed or erected so as to have a height greater than 30 feet.

(5) *Minimum ground floor area.* No single-family dwelling may be changed or erected so that its ground floor area is less than 1500 square feet.

(6) *Yards.* No building shall be erected or enlarged unless the following yard setback requirements are provided:

(a) A front yard of not less than 25 feet.

(b) The minimum width of each side yard shall not be less than 20 feet.

(c) The minimum depth of a rear yard for the principal building shall not be less than 20 feet.

(7) *Lot coverage.* The building on a lot, including accessory buildings, may not exceed in coverage 35% of the total lot area.

(8) *Off-street parking; obstructions.* The provisions of §§ 153.090 - 153.093 concerning off-street parking and the provisions of § 153.093(B) concerning obstruction shall apply.

(9) *Fences.* A fence can be erected to the property line.
(Ord. 443, passed 5-19-86)

MOBILE HOME DISTRICT OR PARK

§ 153.040 MH MOBILE HOME DISTRICT OR PARK REGULATIONS.

(A) *Establishment.* The MH District is established to provide areas for mobile homes and mobile home parks.

(B) *Uses permitted.* The following uses shall be permitted in the MH District, plus such other uses as the Board may deem to be similar in nature. All uses shall be subject to the Property Development Standards in §§ 153.051(C) and 153.079.

Accessory uses and buildings
Home occupation
Mobile home
Mobile home park

(C) *Property development standards.* The following property development standards shall apply to all land and structures in the MH District. However, the standards of the Illinois Mobile Home Park

Act (ILCS Ch. 210, Act 115, §§ 1 et seq.) shall supersede these standards if the standards included in the Act are more stringent. To the extent the Act pertains to matters not set forth, they are adopted and incorporated by reference.

(1) *Minimum lot area.* Minimum lot area shall be 50 feet minimum width.

(2) *Yards.* No building shall be erected or enlarged unless the following yard setback requirements are provided.

(a) A front yard of not less than 10 feet.

(b) The minimum width of each side yard for the principal building shall not be less than 10 feet.

(c) The minimum depth of a rear yard for the principal building shall not be less than 10 feet.

(3) *Off-street parking.* There shall be two concrete off-street parking spaces provided for each mobile home stand.

(4) *Obstructions.* The provisions of § 153.093(B) concerning obstructions shall apply.

(5) *Mobile homes.* Before any mobile home is moved into or within the jurisdictional limits of this chapter, the mobile home shall be inspected and approved by the Chairman of the Board of Zoning Appeals, or the Chairman's designated agent. The owner shall pay a fee of \$25 for the mobile home inspection. Additionally, the owner of the mobile home must provide written proof that an electrical inspection has been conducted by a licensed electrician, and the mobile home is found to satisfy all applicable electrical code requirements. The electrician's inspection and approval shall be at the owner's sole cost. Any mobile home moved within the jurisdictional limits of this chapter shall contain a minimum of 980 square feet of living area. Any mobile home that is in place within or up to one-half mile outside of the corporate limits as of June 25, 2001, must comply with these property development standards before it can be relocated within those same boundaries.

(6) *Fences.* A fence can be erected to the property line.

(7) *Abandoned mobile homes.* The provision of the Illinois Abandoned Mobile Home Act (ILCS Ch. 210, Act 117, §§ 1 et seq.) are hereby adopted and incorporated by reference herein. (Ord. 443, passed 5-19-86; Am. Ord. 620, passed 6-25-01; Am. Ord. 716, passed 8-25-08)

BUSINESS DISTRICTS**§ 153.050 C-1 LOCAL BUSINESS DISTRICT REGULATIONS.**

(A) *Establishment.* The C-1 District is established to provide areas for a general range of retail and service shopping needs.

(B) *Uses permitted.* The following uses shall be permitted in the C-1 District, plus such other uses as the Board may deem to be similar in nature. All uses shall be subject to the Property Development Standards in §§ 153.065(D) and 153.079.

- Apparel store
- Automobile service station
- Bakery, retail
- Bank
- Barber shop
- Beauty shop
- Business or professional office
- Clinic
- Dairy retail only (no processing)
- Delicatessen
- Dressmaking shop
- Drug store
- Dry cleaning establishment
- Electric appliance, service and sales
- Flower shop
- Funeral home
- Garden shop
- Gift shop
- Greenhouse
- Hardware store
- Jewelry store
- Laundry agency
- Meat market
- Millinery shop
- Motel
- Municipal or government building
- Pet shop
- Postal station
- Public library or museum
- Public park or recreational area
- Radio - R. V. service and sales
- Record shop

Reducing salon
Restaurant
Restaurant, drive-in
Self-service laundry and dry cleaning
Shoe repair shop
Supermarket
Tailor and pressing shop
Variety store

(C) *Special uses.* The following uses may be permitted by special use permit in the C-1 District, as provided for in § 153.107, plus such other uses as the Board may deem to be similar in nature:

Apartment

All uses shall be subject to the Property Development Standards in §§ 153.065(D) and 153.079

Assembly halls for use by non-profit organizations

Church

Kindergarten or day nursery (other than part of a school providing other grades)

(D) *Property development standards.* The following property development standards shall apply to all land and structures in the C-1 Local Business District.

(1) *Minimum lot area.* No minimum lot area requirements.

(2) *Lot dimensions.* All lots hereafter created shall have a minimum width of 50 feet. Curve and cul-de-sac lot width shall be measured as chord distance at the building setback line.

(3) *Building height.* No building or structure, located in this district, may be changed or erected so as to have a height greater than 35 feet.

(4) *Yards.* No building shall be erected or enlarged unless the following yard setback requirements are provided:

(a) A front yard of not less than ten feet.

(b) A minimum width of each side yard for the principal building shall not be less than ten feet; and

(c) A minimum depth of a rear yard for the principal building shall not be less than ten feet.

(E) *Conditional uses.* The following conditional uses may be permitted in specific situations in accordance with the procedures outlined in § 153.050, as appropriate.

Adult-use cannabis dispensing organization

(Ord. 443, passed 5-19-86; Am. Ord. 866, passed 1-14-19; Am. Ord. 877, passed 9-23-19)

§ 153.051 C-2 CENTRAL BUSINESS DISTRICT REGULATIONS.

(A) *Establishment.* The C-2 District is established to provide areas for retail trade that are associated with the city's Central Business District.

(B) *Uses permitted.* The following uses shall be permitted in the C-2 District, plus such other uses as the Board may deem to be similar in nature. All uses shall be subject to the Property Development Standards in §§ 153.051(D) and 153.079:

- All uses permitted in the “C-1” District
- Assembly halls for non-profit organizations
- Automobile sales
- Billiard room
- Boarding or lodging house
- Charitable institutions
- Department store
- Dressmaking shop
- Flower shop
- Hotel or motel (excluding apartments)
- Municipal or government buildings
- Newsdealer
- Night club
- Nursing home
- Office supplies
- Photograph studio
- Printing shop and newspaper
- Railway or motor bus station
- Senior citizens center
- Studio business (art, interior decorating, music, etc.)
- Tavern
- Theater, indoor

(C) *Special uses.* The following uses may be permitted by special use permit as provided for in § 153.107:

- Apartment
- Locker, cold storage for individual use

(D) *Property development standards.* The following property development standards shall apply to all land and structures in the C-2 Central Business District:

- (1) *Minimum lot area.* No minimum lot area requirement.
- (2) *Lot dimensions.* No minimum lot dimension requirements.

(3) *Building height.* No building or structure, located in this District may be changed or erected so as to have a height greater than 40 feet.

(4) *Yards.* No building shall be erected or enlarged unless the following yard setback requirements are provided:

(a) No minimum front yard requirements.

(b) No minimum side yards requirements.

(c) No minimum rear yard requirements.

(5) *Off-street parking.* The provisions of §§ 153.90 - 153.093 concerning off-street parking shall apply.

(E) *Conditional uses.* The following conditional uses may be permitted in specific situations in accordance with the procedures outlined in § 153.051, as appropriate.

Adult-use cannabis dispensing organization

Adult-use cannabis infuser organization

Adult-use cannabis processing organization

Adult-use cannabis transporting organization

(Ord. 443, passed 5-19-86; Am. Ord. 866, passed 1-14-19; Am. Ord. 877, passed 9-23-19)

INDUSTRIAL DISTRICTS

153.065 I-1 INDUSTRY DISTRICT REGULATIONS.

(A) *Establishment.* The I-1 District is established to provide areas for light industrial and restricted retail trades.

(B) *Uses permitted.* The following uses shall be permitted in the I-1 District, plus other uses as the Board may deem to be similar in nature. All uses shall be subject to the Property Development Standards in §§ 153.065(D) and 153.079:

Advertising structures (billboards)

Automobile repair

Automobile service center

Bank

Boat sales, service, storage and rental
 Contractor's storage yard
 Industrial park industry, light and general
 Kennel
 Lumber yard
 Manufacturing and open storage
 Mobile home or trailer sales area
 Municipal or government building
 Police or fire station
 Restaurant
 Truck freight terminal
 Truck service center
 Warehouse and storage of grain, seed, and dry fertilizer storage facilities, including grain storage and drying

(C) *Special uses.* The following uses may be permitted by special use permit as provided for in § 153.107:

Asphalt and concrete plant
 Anhydrous ammonia or similar liquified fertilizer, storage and distribution
 (commercial)
 Auction sales yard (including livestock)
 Automobile laundry
 Bottled gas, storage and distribution
 Bulk storage of petroleum products

(D) *Property development standards.* The following property development standards shall apply to all land and structures in the I-1 Light Industrial District:

(1) *Minimum lot area.* No minimum lot area requirements.

(2) *Lot dimensions.* All lots hereafter created shall have a minimum width of 50 feet. Curve and cul-de-sac lot width shall be measured as chord distance at the building setback line.

(3) *Building height.* No building or structure, located in this District, may be changed or erected so as to have a height greater than 40 feet.

(4) *Yards.* No building shall be erected or enlarged unless a 20 foot front yard is provided.

(5) *Fences.* The Zoning Board shall reserve the right to require installation of an opaque barrier for aesthetic reasons, around all or part of a property as a condition of its intended development.

(6) *Off-street parking.* The provisions of §§ 153.090 through 153.093 shall apply.

(E) *Conditional uses*. The following conditional uses may be permitted in specific situations in accordance with the procedures outlined in § 153.065, as appropriate.

Adult-use cannabis craft grower organization

Adult-use cannabis dispensing organization

Adult-use cannabis infuser organization

Adult-use cannabis processing organization

Adult-use cannabis transporting organization

(Ord. 443, passed 5-19-86; Am. Ord. 877, passed 9-23-19)

GENERAL REGULATIONS AND STANDARDS

§ 153.075 HOME OCCUPATION.

In all districts permitting residential dwellings, home occupations shall be permitted, as long as the home occupation is incidental and secondary to the permitted residential use of the lot.

(A) Permitted home occupations include:

(1) Domestic crafts such as seamstress, sewing, tailoring, weaving, washing and ironing, carpentry work, barber shops and beauty shops, repair of small household appliances, and offices used predominantly for personal, as opposed to business use.

(2) Music and dance instruction.

(3) Private tutoring.

(B) A home occupation shall not be interpreted to include:

(1) Automobile repair and tune-up.

(2) Offices, clinics, welding shops, tourist homes, animal hospitals, kennels, television repair shops.

(C) Home occupations requirements:

(1) Such one occupation shall be conducted entirely within the dwelling unit used as the residence.

- (2) The operator conducting the home occupation shall be the sole entrepreneur.
- (3) The primary use of the dwelling unit shall remain for the residential purposes and the operator of the home occupation shall remain a resident in the dwelling unit.
- (4) The home occupation shall be incidental and secondary to the permitted residential use of the lot.
- (5) No structural additions, enlargements, or exterior alterations changing the residential appearance to a business or commercial appearance shall be permitted.
- (6) No additional and separate entrance incongruent with the residential structural design shall be constructed for the purpose of conducting the home occupation.
- (7) The use shall not generate pedestrian or vehicular traffic beyond that normal to the district in which it is located.
- (8) No more than one room in the dwelling units shall be employed for the home occupation, at grade or above grade; or three hundred square feet of basement floor area below grade.
- (9) No provision for off-street parking or loading facilities, other than the requirements of the residential district in which the use is located, shall be permitted; and no part of a minimum required yard shall be used for such off-street parking or loading purposes; no additional driveways to serve such home occupations, shall be permitted.
- (10) No display of goods or external evidence of the home occupation shall be permitted other than one attached, non-illuminated sign, not exceeding one square foot in area.
- (11) No stock, in trade or commodities, other than those prepared, produced or created on the premises by the operator of the home occupation shall be kept or sold on the premises.
- (12) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference, (visually or audibly), outside of the dwelling. (Ord. 443, passed 5-19-86) Penalty, see § 10.99

§ 153.076 TEMPORARY NON-RESIDENTIAL OCCUPANCY.

Mobile homes, trailers, or vans may be utilized in all districts as contractor's offices, watchman's shelters, or tool or equipment storage, only on the site and only during the period of construction of improvement projects.

(Ord. 443, passed 5-19-86) Penalty, see § 10.99

§ 153.077 SIGNS AND OUTDOOR ADVERTISING STRUCTURES.

(A) *Requirements.* Signs and outdoor advertising structures may be erected in the zoning districts where such use is permitted, subject to the following provisions:

(1) No sign or outdoor advertising structure shall be located so as to endanger the health and safety of operators or motor vehicles on the public streets.

(2) Signs or advertising structures may be lighted in a reasonable manner that makes the structure visible, but does not create substantial glare. No sign may be erected that flashes, uses sound or other mechanical devices, or that uses unusual lighting or other means of illumination.

(B) *Public right-of-way.* No sign or advertising structure shall project into the public right-of-way or other adjacent property.

(C) *Permitted signs.*

(1) In residential zoning districts non-illuminated nameplates for home occupations are permitted, provided the nameplate does not exceed one square foot in area, and is used for indicating the name and address of the occupant or home occupation.

(2) In commercial and industrial zoning districts, signs are permitted for the purpose of identifying or describing the nature or type of use located on the premises, with the sign subject to the following:

(a) Signs may be free-standing, or attached to the building.

(b) No sign shall be erected or located to have a total height greater than 20 feet above the level of the street upon which the sign faces, nor shall the signable area of any such sign exceed 100 square feet; unless the sign is erected on a pedestal and does not present an obstruction.

(D) *Off-premises advertising.* Outdoor advertising structures are permitted in certain zoning districts for the purpose of advertising businesses and uses not located on the premises with the structure, subject to the following:

(1) Outdoor advertising structures shall be free-standing and not attached to or painted on any part of a building or premises.

(2) No outdoor advertising structure shall be erected to have a total height greater than 20 feet above the level of the street upon which the structure existed, and shall not exceed 150 square feet.

(3) Double frontage signable areas are permitted.

(4) Only one outdoor advertising structure shall be erected on any individual lot or parcel.
(Ord. 443, passed 5-19-86) Penalty, see § 10.99

§ 153.078 ACCESSORY BUILDINGS AND USES.

(A) Accessory uses and buildings may be permitted in all zoning districts.

(B) Accessory buildings shall be permitted only on side and rear yards, and shall be located no closer than ten feet to the side or rear lot lines.

(C) No accessory building shall exceed a total height of 12 feet.

(D) An accessory building shall not be constructed before the principal building is constructed.
(Ord. 443, passed 5-19-86) Penalty, see § 10.99

§ 153.079 PROPERTY DEVELOPMENT STANDARDS.

(A) All lots hereafter created shall contain frontage along a public street, and as further specified in the individual zoning districts.

(B) On corner lots, reversed corner lots, and double frontage lots, two front yard setback distances shall be required as specified in the individual zoning districts.

(C) No structure or use of land subject to the requirements of this chapter shall violate any other law of the city.
(Ord. 443, passed 5-19-86)

§ 153.080 NONCONFORMING BUILDING AND USE SPECIFICATIONS.

(A) Upon the effective date of this chapter, the lawful use of a building or premises may be continued although such use does not conform to all the provisions thereof, except as hereinafter provided.

(B) A nonconforming use may be extended throughout a building provided no structural alterations are made therein.

(C) A nonconforming use may be changed to another nonconforming use of the same or greater restrictions, provided no structural changes are made in the building. Whenever a nonconforming use has been changed to a conforming use, it shall not thereafter be changed except in accordance with the requirements of the district.

(D) Any building, or building and land combination, in or on which a nonconforming use of a building is existing, shall not hereafter be expanded or altered in any manner except in accordance with the requirements of the district in which it is located.

(E) In the event that a nonconforming use of any building or premises is discontinued for a period of one year, the use of the same shall hereafter conform to the uses permitted in the district in which it is located.

(F) When a building containing a nonconforming use is damaged by fire, explosion, or other acts of God, to the extent of more than 50% of its assessed value, it shall not be restored except in conformity with the regulations of the district within which it is located.

(G) These provisions apply in the same manner to uses which become a nonconforming use due to a letter amendment to these regulations.
(Ord. 443, passed 5-19-86)

§ 153.081 TELECOMMUNICATIONS TOWERS.

Special use permits may be granted for the erection of telecommunications towers within each of the zoning districts provided for in this chapter, subject to the satisfaction of the requirements of § 153.107.
(Ord. 603A, passed 5-22-00)

§ 153.082 TEMPORARY RESIDENTIAL OCCUPANCY OF RECREATIONAL VEHICLES.

A special use permit may be granted in AG, R-1, or MH Districts for recreational vehicles owned by applicants engaged in construction projects in and around the city during the period of construction. Such recreational vehicles must have their own toilet and a system for sewage disposal. Additionally, they shall be connected to, and shall use municipal sewer and water, available electricity and/or municipal gas service. Permits for recreational vehicles used for temporary living quarters shall not exceed a period of six months. they may be renewed every six months for a total term of up to three years. The cost of each temporary living quarters permit shall be \$75, and each renewal shall be subject to payment of an additional \$75 fee.
(Ord. 641, passed 9-23-02)

§ 153.083 ADULT-USE CANNABIS.

(A) *Purpose and applicability.* It is the intent and purpose of this section to provide regulations regarding the cultivation, processing and dispensing of adult-use cannabis occurring within the corporate limits of the City of Grayville. Such facilities shall comply with all regulations provided in the Cannabis Regulation and Tax Act (P.A. 101-0027) (Act), as it may be amended from time-to-time, and regulations promulgated thereunder, and the regulations provided below. In the event that the Act is amended, the more restrictive of the state or local regulations shall apply.

(B) *Conditional use.* Adult-use cannabis business establishment facilities, as defined herein, requiring approval of a conditional use in the respective districts in which they are requested shall be processed in accordance with § 153.065 (Conditional Uses) and division (C) (Adult-Use Cannabis Facility Components) as provided herein.

(C) *Adult-use cannabis facility components.* In determining compliance with § 153.065 (Conditional Uses), the following components of the adult-use cannabis facility shall be evaluated based on the entirety of the circumstances affecting the particular property in the context of the existing and intended future use of the properties:

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

(2) Proposed structure in which the facility will be located, including co-tenancy (if in a multi-tenant building), total square footage, security installations/security plan and building code compliance.

(3) Hours of operation and anticipated number of customers/employees.

(4) Anticipated parking demand and available private parking supply.

(5) Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.

(6) Site design, including access points and internal site circulation.

(7) Proposed signage plan.

(8) Compliance with all requirements provided in division (D) (Adult-Use Cannabis Craft Grower); division (E) (Adult-Use Cannabis Cultivation Center); division (F) (Adult-Use Cannabis Dispensing Organization); division (G) (Adult-Use Cannabis Infuser Organization); division (H) (Adult-Use Cannabis Processing Organization); or division (I) (Adult-Use Cannabis Transporting Organization), as applicable.

(9) Other criteria determined to be necessary to assess compliance with § 153.065 (Conditional Uses).

(D) *Adult-use cannabis craft grower.* In those zoning districts in which an adult-use cannabis craft grower may be located, the proposed facility must comply with the following:

(1) Facility may not be located within 1,500 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this section.

(2) Facility may not be located within 1,500 feet of the property line of a pre-existing property zoned or used for residential purposes.

(3) Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

(4) For purposes of determining required parking, adult-use cannabis craft grower shall be classified as "manufacturing uses" per § 153.092 (Schedule of Parking Requirements): provided, however, that the city may require that additional parking be provided as a result of the analysis completed through § 153.065 (Adult-Use Cannabis: Conditional Use) herein.

(5) Petitioner shall file an affidavit with the city affirming compliance with § 153.092 as provided herein and all other requirements of the Act.

(E) *Adult-use cannabis cultivation center.* In those zoning districts in which an adult-use cannabis cultivation center may be located, the proposed facility must comply with the following:

(1) Facility may not be located within 1,500 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this section.

(2) Facility may not be located within 1,500 feet of the property line of a pre-existing property zoned or used for residential purposes.

(3) Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

(4) For purposes of determining required parking, Adult-Use Cannabis Cultivation Centers shall be classified as "manufacturing uses" per § 153.092 (Schedule of Parking Requirements), provided, however, that the city may require that additional parking be provided as a result of the analysis completed through § 153.065 (Adult-Use Cannabis: Conditional Use) herein.

(5) Petitioner shall file an affidavit with the city affirming compliance with § 153.092 as provided herein and all other requirements of the Act.

(F) *Adult-use cannabis dispensing organization.* In those zoning districts in which an adult-use cannabis dispensing organization may be located, the proposed facility must comply with the following:

(1) Facility may not be located within 1,500 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this section.

(2) Facility may not be located in a dwelling unit or within 250 feet of the property line of a pre-existing property zoned or used for residential purposes.

(3) At least 75% of the floor area of any tenant space occupied by a dispensing organization shall be devoted to the activities of the dispensing organization as authorized by the Act, and no dispensing organization shall also sell food for consumption on the premises other than as authorized in division (F)(5) below in the same tenant space.

(4) Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

(5) Facility may be issued a permit to host on-site consumption of cannabis if located in a freestanding structure occupied solely by the dispensing organization and smoke from the facility does not migrate into an enclosed area where smoking is prohibited. The security plan for the facility required by division (J) (Additional Requirements) shall also reflect adequate provisions to respond to disruptive conduct and over-consumption. The on-site consumption permit shall be reviewed annually and may be suspended or revoked following notice and hearing as provided the City of Grayville Municipal Code.

(6) For purposes of determining required parking, said facilities shall be classified as "retail and service uses" per § 153.092 (Schedule of Parking Requirements) of the City of Grayville Code of Ordinances provided, however, that the city may require that additional parking be provided as a result of the analysis completed through § 153.065 (Adult-Use Cannabis: Conditional Use) herein.

(7) Petitioner shall file an affidavit with the city affirming compliance with § 153.092 as provided herein and all other requirements of the Act.

(G) *Adult-use cannabis infuser organization.* In those zoning districts in which an adult-use cannabis infuser organization may be located, the proposed facility must comply with the following:

(1) Facility may not be located within 1,500 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this section.

(2) Facility may not be located in a dwelling unit or within 250 feet of the property line of a pre-existing property zoned or used for residential purposes.

(3) At least 75% of the floor area of any tenant space occupied by an infusing organization shall be devoted to the activities of the infusing organization as authorized by the Act. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

(4) For purposes of determining required parking, said facilities shall be classified as "manufacturing uses" per § 153.092 (Schedule of Parking Requirements), provided, however, that the city may require that additional parking be provided as a result of the analysis completed through § 153.065 (Adult-Use Cannabis: Conditional Use) herein.

(5) Petitioner shall file an affidavit with the city affirming compliance with § 153.092 as provided herein and all other requirements of the Act.

(H) *Adult-use cannabis processing organization.* In those zoning districts in which an adult-use cannabis processing organization may be located, the proposed facility must comply with the following:

(1) Facility may not be located within 1,500 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this section.

(2) Facility may not be located in a dwelling unit or within 250 feet of the property line of a pre-existing property zoned or used for residential purposes.

(3) At least 75% of the floor area of any tenant space occupied by a processing organization shall be devoted to the activities of the processing organization as authorized by the Act. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

(4) For purposes of determining required parking, said facilities shall be classified as "manufacturing uses" per § 153.092 (Schedule of Parking Requirements), provided, however, that the city may require that additional parking be provided as a result of the analysis completed through § 153.065 (Adult-Use Cannabis: Conditional Use) herein.

(5) Petitioner shall file an affidavit with the city affirming compliance with § 153.092 as provided herein and all other requirements of the Act.

(I) *Adult-use cannabis transporting organization.* In those zoning districts in which an adult-use transporting organization may be located, the proposed facility must comply with the following:

(1) Facility may not be located within 1,500 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this section.

(2) Facility may not be located in a dwelling unit or within 250 feet of the property line of a pre-existing property zoned or used for residential purposes.

(3) The transporting organization shall be the sole use of the tenant space in which it is located. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

(4) For purposes of determining required parking, said facilities shall be classified as "warehouses and storage buildings" per § 153.092 (Schedule of Parking Requirements), provided, however, that the city may require that additional parking be provided as a result of the analysis completed through § 153.065 (Adult-Use Cannabis: Conditional Use) herein.

(5) Petitioner shall file an affidavit with the city affirming compliance with § 153.092 as provided herein and all other requirements of the Act.

(J) *Additional requirements.* Petitioner shall install building enhancements, such as security cameras, lighting or other improvements, as set forth in the conditional use permit, to ensure the safety of employees and customers of the adult-use cannabis business establishments, as well as its environs. Said improvements shall be determined based on the specific characteristics of the floor plan for an adult-use cannabis business establishment and the site on which it is located, consistent with the requirements of the Act.

(K) *Co-location of cannabis business establishments.* The city may approve the co-location of an adult-use cannabis dispensing organization with an adult-use cannabis craft grower center or an adult-use cannabis infuser organization, or both, subject to the provisions of the Act and the conditional use criteria within the City of Grayville Municipal Code of Ordinances. In a co-location, the floor space requirements of divisions (F)(3) and (G)(3) shall not apply, but the co-located establishments shall be the sole use of the tenant space.

(Ord. 877, passed 9-23-19)

OFF-STREET PARKING

§ 153.090 PURPOSE.

The following regulations are established to lessen congestion in the public streets and to set standards for the off-street parking of vehicles, taking into consideration the particular type of use.

(Ord. 443, passed 5-19-86)

§ 153.091 EXISTING USES.

Whenever the existing use of a building or structure erected prior to the effective date of this chapter is hereafter changed substantially to a new use, the off-street parking requirements shall be met, or in the event the floor area, seating capacity, number of dwelling units, or other factors affecting the parking requirements is changed.

(Ord. 443, passed 5-19-86)

§ 153.092 SCHEDULE OF PARKING REQUIREMENTS.

For the following uses, accessory off-street parking shall be provided as required hereafter.

<i>Category of Use</i>	<i>Use</i>	<i>Spaces Required</i>
<i>Residential Uses</i>	One-family dwellings and two-family dwellings	Two parking spaces shall be provided for each dwelling unit
	Multiple-family dwellings	Two parking spaces shall be provided for every single dwelling unit
	Motel, inns and auto courts	One parking space shall be provided for each guest or sleeping room or suite
	Hotels	One parking space for each dwelling unit or lodging room
	Lodging, rooming and boarding houses	One parking space shall be provided for each two lodging rooms
<i>Retail and service uses</i>	Retail stores and banks	One parking space shall be provided for each 200 square feet of floor area
	Automobile service stations	One parking space shall be provided for each two employees
	Establishments dispensing food or beverages for consumption on the premises	One parking space shall be provided for every four seats

<i>Category of Use</i>	<i>Use</i>	<i>Spaces Required</i>
<i>Retail and service uses</i>	Furniture and appliance stores, household equipment or furniture repair shops	One parking space shall be provided for each 600 square feet of floor space
	Motor vehicle sales and machinery sales	One parking space shall be provided for each 300 square feet of floor space
	Theaters (indoors)	One parking space shall be provided for each five seats
<i>Offices</i>	Business, professional and governmental	One parking space shall be provided for each 200 square feet of floor area
<i>Medical or dental clinics</i>	Medical or dental clinics	Five parking spaces shall be provided for each doctor
<i>Wholesale establishments</i>	Not including warehouses and storage buildings other than accessory)	One parking space shall be provided for each 600 square feet of floor area
<i>Manufacturing uses</i>	Any establishments engaged in production, processing, cleaning, servicing, testing or repair of materials, goods or products	One parking space shall be provided for each two employees
<i>Warehouses and storage buildings</i>	Warehouses and storage buildings	One parking space shall be provided for each two employees
<i>Community service uses</i>	Church, school, and college and other institutional auditoriums	One parking space shall be provided for each three auditorium seats. Adequate space shall also be provided for buses used in connection with the activities of the institution and all loading and unloading of passengers shall take place upon the premises.

<i>Category of Use</i>	<i>Use</i>	<i>Spaces Required</i>
<i>Community service uses</i>	Colleges, universities and business, professional and trade schools	One parking space shall be provided for each three employees and one parking space shall be provided for each four students based on the minimum number of students attending classes on the premises at any one time during any 24-hour period
	Hospitals	One parking space shall be provided for each two hospital beds, plus one parking space for each two employees (other than staff doctors), plus one parking space for each doctor assigned to the staff
	Libraries, art galleries, and museums - public	One parking space shall be provided for each 1,000 square feet of gross floor area
	Municipal or privately owned recreation buildings or community centers	One parking space shall be provided for each 1,000 square feet of gross floor area
<i>Places of assembly</i>	Public utility and public service uses	One parking space shall be provided for each three employees
	Schools - nursery, elementary and high	One parking space shall be provided for each employee
	Stadiums, arenas, auditoriums, (other than church, college or institutional schools), convention halls, dance halls, skating rinks and other similar places of assembly	Parking spaces equal in number to 25% of the capacity in persons shall be provided
<i>Miscellaneous uses</i>	Fraternities, sororities and dormitories	One parking space shall be provided for each five active members
	Private clubs and lodges (without sleeping facilities for guests)	Parking spaces equal in number to 10% of the capacity in persons shall be provided

<i>Category of Use</i>	<i>Use</i>	<i>Spaces Required</i>
<i>Miscellaneous uses</i>	Rest homes and nursing homes	One parking space shall be provided for each four beds, plus one parking space for each two employees, (other than staff doctors), plus one parking space for each doctor assigned to the staff

(Ord. 443, passed 5-19-86)

§ 153.093 OTHER REGULATIONS AND REQUIREMENTS.

(A) Driveways shall be constructed to allow vehicles to enter thoroughfares forward.

(B) No object shall act as an obstruction to the clear view of drivers on a public street.

(C) Mobile homes shall be underpinned with factory underpinning or comparable material.

(D) Gallagher Oil, LP shall be allowed to drill up to five oil and gas wells within the city limits, at sites described in an application filed with the Grayville Board of Zoning Appeals, subject to the terms and conditions of an agreement entered into by Gallagher Oil, LP and the City of Grayville on August 10, 1999 as subsequently amended. Gallagher Oil, LP is further granted authority to drill up to four oil and gas wells outside of, but within 600 feet of the corporate limits of the City of Grayville, at sites described in applications filed with the Grayville Board of Zoning Appeals, and also subject to the terms and conditions of the agreement entered into by Gallagher Oil, LP and the City of Grayville on August 10, 1999, as amended. This authority is limited only to such described wells, and shall in no way constitute a modification or repeal of the general prohibition against mineral extraction within the city limits of Grayville, or within 600 feet of the corporate boundary.

(E) Campbell Energy LLC shall be allowed to drill an oil and gas well, located within the corporate limits of the city, described as 330 feet north and 330 feet west of the Southwest corner of the Northeast Quarter (NE/4) of Section 29, Township 3 South, Range 14 West of the Second Principal Meridian, Grayville, White County, at the site described in the application filed with the Grayville Board of Zoning Appeals. This authority is limited only to such described well, and shall in no way constitute a modification or repeal of the general prohibition against mineral extraction within the city limits of Grayville, or within 600 feet of the corporate boundary.

(F) Fischer and Fischer Oil, LLC, an Illinois limited liability company, shall be allowed to drill up to two oil and gas wells within 600 feet of the corporate limits of the City of Grayville, at the sites described in the application filed with the Grayville Board of Zoning Appeals, said wells being located

in part of the Southeast Quarter (SE/4) of Section 20, Township 3 South, Range 14 West of the Second Principal Meridian, White County, Illinois. This authority is limited only to such described wells, and shall in no way constitute a modification or repeal of the general prohibition against mineral extraction within the city limits of Grayville, or within 600 feet of the corporate boundary.

(Ord. 443, passed 5-19-86; Am. Ord. 596, passed 8-23-99; Am. Ord. 601, passed 2-14-99; Am. Ord. 607, passed 8-7-00; Am. Ord. 610, passed 9-11-00; Am. Ord. 621, passed 9-10-01; Am. Ord. 823, passed 6-6-16; Am. Ord. 870, passed 4-8-19)

ADMINISTRATION AND ENFORCEMENT

§ 153.105 ADMINISTRATION OFFICER; ZONING BOARD.

(A) The Zoning Chairman shall be the Mayor of the City of Grayville, and shall be in charge of the administration and enforcement of this chapter.

(B) The Commissioners of the Grayville City Council shall act as the Zoning Board, being responsible for enforcing the Zoning Ordinance and presiding over any public hearings as required under the provisions herein.

(C) All meetings of the Zoning Board shall be called by the Mayor/Chairman, and as often as practicable, shall take place on the same dates as regular meetings of the Grayville City Council.

(1) The Board shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact. Findings of fact and decision shall be prepared for each case reviewed by the Zoning Board.

(2) At all public hearings before the Board, the Board shall require that all testimony by witnesses be given under oath.

(Ord. 443, passed 5-19-86; Am. Ord. 826, passed 8-22-16; Am. Ord. 871-A, passed 6-10-19)

§ 153.106 VARIATIONS.

(A) The Zoning Board may permit variations in specific cases where practical difficulties or particular hardships occur. The Board shall do so only where the granting of such a variation would be in harmony with the general purpose and intent of this chapter. The Board may grant variations in the following instances only, and in no others:

- (1) To permit any yard, court, setback or line to be of less dimension than required by the applicable regulations;
- (2) To permit any structure to exceed the height limitations imposed by the applicable regulations;
- (3) To permit a reduction in the number of street parking spaces in connection with a particular use;
- (4) To permit a reduction in the minimum ground floor area requirement for single-family residences.

(B) No variations shall be granted by the Zoning Board except after a public hearing is conducted as provided in § 153.109.

(C) The Zoning Board shall prepare a record of the findings of fact and decision in each case from the evidence presented at the public hearing. The Board shall use the following standards when considering the practical difficulties or particular hardship:

(1) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;

(2) That the land, structure or building involved cannot reasonably be developed or used in accordance with the requirements of the district in which it is located;

(3) That literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter;

(4) That the special condition and circumstances do not result from the actions of the applicant;

(5) That granting the variation requested will not give the applicant of the property in question privileges not generally held by other property owners or occupants in the same vicinity and district;

(6) That the granting of the variation will be in harmony with the purpose and intent of this chapter, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare. (Ord. 443, passed 5-19-86)

§ 153.107 SPECIAL USE PERMITS.

(A) Certain types of uses may be permitted in the particular Zoning Districts when special consideration has been given to the site itself and the characteristics of surrounding property. The purpose of this section is to allow the Zoning Board the authority to impose certain conditional standards when taking into consideration the characteristics of the surrounding property.

(B) No special use permits shall be granted by the Zoning Board except after a public hearing is conducted as provided in § 153.109.

(C) The Zoning Board shall prepare a record of the findings of fact and decision in each case from the evidence presented at the public hearing. The Board shall use the following standards when considering an application for a special use permit:

(1) That the proposed use is consistent with the city's land use plan;

(2) That the proposed use will not be detrimental to or endanger the public health, safety, morals, comforts, or general welfare;

(3) That the proposed use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the uses already permitted, or substantially reduce the value of neighboring property;

(4) That the proposed use will not impede orderly growth, development and improvement of surrounding properties for those uses permitted in the zoning district;

(5) That the proposed use is provided, or will be provided, with adequate utilities, access roads, drainage, and necessary facilities.
(Ord. 443, passed 5-19-86)

§ 153.108 AMENDMENTS AND CHANGES.

(A) The regulations set forth in the text of this chapter and the Zoning District Map may be amended upon application by any person or party, or by the Zoning Board and City Council. The chapter shall only be amended when the proposed change promotes the public health, safety, morals, comfort, or general welfare of the residents of the city.

(B) No zoning text amendment or Zoning District Map amendment shall be considered except after a public hearing has been conducted by the Zoning Board as provided in § 10.99.

(C) The Zoning Board shall prepare a record of the findings of fact and decision in each case from the evidence presented at the public hearing. The Board shall use the following standards when considering amendments to the chapter:

- (1) The suitability of the subject property for uses authorized by the existing zoning;
- (2) The suitability of the subject property for uses authorized by the proposed zoning;
- (3) The existing land uses of nearby property;
- (4) Existing zoning of nearby property;

(5) Whether the petitioned zoning change is in the best interest of the general public or is it solely for the benefit of the petitioner.

(D) After the public hearing, the City Council shall approve or deny the proposed amendment. All decisions of the City Council are final, and are subject to review by the courts of the state.
(Ord. 443, passed 5-19-86; Am. Ord. 871-A, passed 6-10-19)

§ 153.109 PUBLIC HEARING PROCEDURES.

(A) All applications for a variation, special use permit and zoning text or zoning district map amendment shall be filed with the City Clerk. The City Clerk shall forward the applications to the Zoning Board for processing.

(B) No variations, special use permit, or zoning text or Zoning District Map amendment shall be processed except after a public hearing before the Zoning Board. Public notice stating the time and place of the public hearing shall be published at least once, not more than 30 nor less than 15 days before the public hearing, in one or more newspapers published in the city, or in one or more newspapers of general circulation, if a newspaper is not published in the city.

(C) The costs or charges of the publication notice shall be paid by the applicant.
(Ord. 443, passed 5-19-86)

§ 153.110 IMPROVEMENT LOCATION PERMITS.

(A) Within the zoning boundaries of the city, no structure or improvement, home occupation, or use of land may be altered, changed, placed, erected, or located on platted or unplatted land, unless the structure, improvement or use, and its location, conform with this chapter, and an improvement location permit for such structure, improvement or use has been issued by the Zoning Board.

(B) The Zoning Board shall issue an improvement location permit upon written application, when the proposed structure, improvement or use and its location conform in all respects with the requirements of this chapter.

(C) Any person or corporation which makes application for an improvement location permit, shall at the time of making such application, furnish the Zoning Board with a plot plan, drawn to scale as required by the Zoning Board, and show the following items:

- (1) The location and size of all buildings or structures already on the site and those to be erected;
- (2) The width of all entrances to and exits from the site;
- (3) All adjacent streets and roadways; and
- (4) Any additional information requested by the Zoning Board.

(D) When an application for an improvement location permit is filed with the Zoning Board, it shall be accompanied with a fee set in accordance with the schedule of fees adopted by the City Council.
(Ord. 443, passed 5-19-86)

§ 153.111 FEE SCHEDULE.

(A) The City Council shall establish a schedule of fees indicating the charges for an improvement location permit, variations, special use permits, zoning text or Zoning Map amendments, and appeals. The schedule of fees may be amended by City Council.

(Ord. 443, passed 5-19-86)

(B) The following schedule of fees shall be established, pertaining to the city and surrounding one-half mile of the city. All fees shall be paid to the City Clerk at the time of the filing of the petition, or at the time application is made for an improvement location permit. Additionally, all special use permits and variances granted by the Board of Zoning Appeals shall be recorded in the county in which the subject real estate is located. The cost of recording shall be the responsibility of the applicant. It will be collected from the applicant, prior to recording by the city.

(1) All city improvement location permits ("building permits") shall be \$25.

(2) All applications for variances and special uses to the zoning chapter shall be \$50.

(3) All applications to amend the text of this chapter shall be \$50.

(4) All applications for amendments to the Zoning Map of the city shall be \$100.

(5) All map and text changes to the Zoning Ordinance and Zoning Map of the city will be done on an annual basis.

(6) The Mayor and Commissioners acting in their capacity as Zoning Board Chairperson and Zoning Board Members shall be paid the sum of \$___ for each meeting they attend to hear applications or petitions under this chapter when such meetings are held on dates other than those of the regular meetings of the Grayville City Council.

(Ord. 440, passed 1-20-86; Am. Ord. 608, passed 8-14-00; Am. Ord. 716, passed 8-25-08; Am. Ord. 871-A, passed 6-10-19)