

VILLAGE OF HAMEL, ILLINOIS

ZONING ORDINANCE #05-009

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CHAPTER 1

PURPOSE AND INTERPRETATION

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- Section 1-2: Applicability of Provisions
- Section 1-3: Interpretation; Conflicting Provisions
- Section 1-4: Disclaimer of Liability

Section 1-1: AUTHORITY AND PURPOSE

In accordance with state law, this Ordinance regulates lots, structures and uses in order to preserve, protect and promote the public health, safety and welfare and to implement the village comprehensive plan. More specifically, this ordinance is intended to assist in achieving the following objectives:

- A. To Expand Economic Opportunities and Strengthen the Community Tax Base. This will require a concentrated effort and support of effective programs for economic development. Existing agricultural support business should be maintained. Heavy industrial uses should be eliminated and commercial activities compatible with residential growth should be encouraged.
- B. To Promote Efficiency in the Use of Land. Efficiency in the use of land will conserve land resources. This will minimize the cost of public services and utilities while permitting a higher standard of service.
- C. To Develop and Enhance a Community Spirit and Identity. People must identify themselves with a community before they feel they are part of the community. Traditions and pride must be encouraged if the residents are to unite and promote the best interests of their community.
- D. To Upgrade the Housing Types Throughout the Village. Conservation, rehabilitation and redevelopment techniques should be utilized as an overall program for upgrading the Village's housing stock. Quality housing must be provided for prospective residents as population increases occur.
- E. To Provide a Healthful Community Environment and a Full Range of Municipal or Public Amenities and Services. Community utilities and facilities have been upgraded and extended in order to attract new residents to the community. As development increases, such utilities should be monitored and provided for.
- F. To Continue the Development of an Efficient Street and Transportation System for Movement of People and Goods Within, To and From the Community. Development

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of street and highway system should be coordinated so that the movement of people and goods will be convenient, safe and in context with overall community needs.

- G. To Achieve Understanding and Support of the Planning Program.
By providing a broad range of opportunity for citizen participation in public decisions, an increased understanding of the function and problems of the local government will develop. The continuous process of citizen participation results in public acceptance and support of the various planning insures and of the plan itself, thereby providing the community with a better environmental quality. (Purpose and Goal of Zoning Regulations (Comprehensive Plan), as adopted the Zoning Board of Appeals and the Village Board of Trustees, Joint meeting, January 28, 2002).
- H. To Provide for the Efficient Administration and Fair Enforcement of All the Regulations in this Ordinance.

Section 1-2: APPLICABILITY OF PROVISIONS

This title shall be applicable to all lands within the corporate limits of the village. Outside of the corporate limits, the unincorporated territory within one and one-half (1 1/2) miles of the village is subject to the Madison County zoning ordinance (enacted pursuant to Illinois statutes). Consequently, if proper application is made to Madison County for an interpretation of the building and zoning administrator or for a variance, special use permit, text amendment or rezoning, similar proceedings need not be initiated with the village. However, in such cases, the village is entitled to notice from Madison County.

Section 1-3: INTERPRETATION; CONFLICTING PROVISIONS

In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare. It is not intended by this ordinance to interfere with or abrogate or annul any ordinances, rules, regulations or permits previously adopted or issued, and not in conflict with any of the provisions of this ordinance, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises and likewise not in conflict with this ordinance, nor is it intended by this ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties; except, that if this ordinance imposes a greater restriction, this ordinance shall control.

Section 1-4: DISCLAIMER OF LIABILITY

Except as may be provided otherwise by statute or ordinance, no official, board member, agent, or employee of the village shall render himself or herself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his or her duties under this ordinance. Any suit brought against any official, board member, agent or employee of the village, as a result of any act required or permitted in the discharge of his or her duties under this ordinance, shall be defended by the village until the final determination of the legal proceedings.

CHAPTER 2

LANGUAGE AND DEFINITIONS

Section 2-1: Purpose

Section 2-2: Rules for Interpreting Language

Section 2-3: Definitions

Section 2-1: PURPOSE

This chapter provides the general rules for interpreting language and the definitions of terms within this ordinance.

Section 2-2: RULES FOR INTERPRETING LANGUAGE

For the purpose of this ordinance, certain terms or words used herein shall be interpreted as follows:

- A. The word "shall" is mandatory; the word "may" is permissive.
- B. The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.
- C. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular unless the context clearly indicates otherwise.
- D. The words "used" or "occupied" include the words "intended", "designed", or "arranged to be used or occupied" as well as "maintained", "constructed", "altered", "converted", "rented", "leased", or "intended to be used".
- E. The word "lot" includes the words "plot", "parcel", "tract", "site", and "space".
- F. The word "village" shall refer to, and be interpreted to mean, Village of Hamel, Illinois.

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Section 2-3: DEFINITIONS

For the purpose of the administration and enforcement of this ordinance, and unless otherwise stated in this ordinance, the following words shall have the meanings as indicated herein. All words not specifically defined herein shall have meanings as found in Webster's seventh new collegiate dictionary.

ABUTTING - Having a common border with or being separated from such a common border by a right of way, alley or easement.

ACCESSORY USE OR STRUCTURE - A use or structure which is clearly incidental to, customarily found in association with, and serves a principal use; is subordinate in purpose, area, and extent to the principal use served; and is located on the same lot as the principal use, or on an adjoining lot in the same ownership as that of the principal use.

ADJOINING LOT - A lot that shares all or part of a common point or line with another lot.

AGRICULTURE - The use of land for agricultural purposes, including farming, dairying, pasturage, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities.

ALLEY - A public access way which affords only a secondary means of access to abutting property and is not intended for general traffic circulation.

ALTERATION - Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, or girders, any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another.

ANIMAL HOSPITAL - Any building or portion thereof designed or used for the care, observation or treatment of domestic animals.

APARTMENT - A suite of rooms or a room in a building arranged and intended for a place of residence of a single family or a group of individuals living together as a single housekeeping unit.

APARTMENT HOTEL - An apartment house which furnishes for the use of its tenants services ordinarily furnished by hotels, but the privileges of which are not primarily available to the public.

APARTMENT HOUSE - A multi-family dwelling used or occupied by four or more families living independently of each other in dwelling units, such dwelling units normally being rented or used other than by the day, by the same occupant for the continuous period ordinarily of six months or more.

AREA OF ZONING LOT - The total area within the property lines of a lot, excluding public streets and alleys, meeting the district requirement of this ordinance.

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ATTACHED BUILDING - A building attached to another building by a common wall (such wall being a solid wall with or without windows and doors) and a common roof with a least horizontal dimension of six feet.

AUDITORIUM - A room, hall or building made a part of a church, theater, school, recreation building, or other building assigned to the gathering of people as an audience, to hear lectures, plays and other presentations.

AUTOMOBILE PARKING AREA - A lot or part thereof used for the storage or parking of motor vehicles with or without the payment of rent or charges.

AUTOMOBILE SALES AREA - An open area, other than a street, used for the display or sale of new or used automobiles and where no repair work is done except for minor incidental repair of automobile to be displayed and sold on the premises.

AUTOMOBILE WRECKING AREA - See JUNK AREA.

BASEMENT - A story having more than one-half (1/2) its height below the average level of the adjoining ground.

BED AND BREAKFAST INN - An operator-occupied residence providing accommodations for a charge to the public, with no more than three (3) guest rooms for rent and in operation for more than ten (10) nights in a twelve (12) month period. No meals shall be provided to guests except for breakfast. "Bed and Breakfast Inns" do not include motels, hotels, boarding houses, or food service establishments.

BILLBOARD - A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the premises where such sign is located or to which it is affixed.

BLOCK - A tract of land bounded by streets or, in lieu of a street or streets, by public parks, cemeteries, railroad rights-of-way, bulkhead lines or shore lines of waterways, or corporate boundary lines of municipalities.

BOARDING HOUSE - A building other than a hotel or restaurant where meals are provided for compensation to three or more persons, but not more than ten, who are not members of the keeper's family, but not open on a daily overnight or per meal basis to transient guests.

BUILDABLE AREA - The area of a lot remaining after the minimum yard, dedicated lands and open space requirements of this ordinance have been met.

BUILDING - Any enclosed structure designed, constructed or used for residential, commercial, institutional, industrial or agricultural purpose or accessory thereto.

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BUILDING HEIGHT - The vertical distance from the lowest grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

BUILDING LINE - The line, parallel to the front lot line, measured between side lot lines through that part of the building, structure, or construction site where the lot is narrowest.

BUILDING, PRINCIPAL - A non-accessory building, in which the principal use of the zoning lot, on which it located, is conducted.

CALIPER - The diameter of a tree measured six inches (6") above ground level.

CHILDCARE CENTER - A facility which regularly provides daycare for less than twenty four (24) hours per day for four (4) or more children not related to the operator. A "childcare center" shall include the terms "daycare center", "part-day childcare facility", and "daycare home" as defined by 225 Illinois Compiled Statutes 10/2.

CHURCH OR PLACE OF WORSHIP - A building or set of buildings used for the purpose of worship and customarily related activities.

CLINIC - A place used for the care, diagnosis and treatment of sick, ailing, infirmed and injured persons, but who are not provided with board and room and are not kept overnight on the premises.

CLUB - A nonprofit association of persons who are bona fide members organized for some common purposes and paying regular dues; not including a group organized solely or primarily to render a service customarily carried on by a commercial enterprise.

COMMERCIAL VEHICLE - Any motor vehicle which is designed or used principally for business, governmental or nonprofit organizational purposes or for carrying passengers for hire, and has a platform, cabinet, box, rack, compartment, or other facility for transportation of materials, equipment, and items other than the personal effects of private passengers.

COMMISSION, PLANNING - The Planning Commission of the Village of Hamel, Illinois.

COMMUNICATION TOWER - A tower used as a base for any communications antenna, including, but not necessarily limited to, antennas for the following:

- A. VHF and UHF television
- B. FM or AM radio
- C. Two-way radio
- D. Cellular telephone
- E. PCS or other wireless telephones
- F. Fixed point microwave
- G. Low power television
- H. Or other wireless communications and common carriers.

A "communication tower" shall not be considered a utility substation for purposes of this ordinance.

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CORNER LOT - See definition of LOT, CORNER.

DISTRICT - A portion of the territory of the village or contiguous unincorporated territory within one and one-half miles of the nearest village limit within which certain uniform regulations and requirements of various combinations thereof apply under the provisions of this Ordinance.

DOMESTIC ANIMALS - Dogs, cats, rabbits, small rodents and similar size animals commonly kept as household pets.

DUPLEX OR DWELLING, TWO-FAMILY - A residential building divided into two (2) dwelling units.

DWELLING, ATTACHED - A one-family dwelling attached to one or more other one-family dwellings by common vertical walls.

DWELLING, DETACHED - A freestanding dwelling unit which is not attached to any other dwelling unit by any structural means.

DWELLING, MULTIPLE-FAMILY - A residential building containing three (3) or more dwelling units.

DWELLING, SINGLE-FAMILY - A building designed for or occupied exclusively by one family as a single housekeeping unit.

DWELLING UNIT - One or more rooms in a residential building or portion of a building which are arranged, designed, used, or intended for use as a complete, independent living facility for no more than one family, and which includes permanent provisions for living, sleeping, eating, cooking and sanitation. A "dwelling unit" must have direct access to the outside or to a public hallway.

EASEMENT - A grant by a property owner of the right of use of his land by another party for a specific purpose.

ENCLOSED BUILDING - A building separated on all sides from adjacent open space or other buildings by fixed exterior walls or party walls, with opening only for windows and doors, and covered by a permanent roof.

ESSENTIAL GOVERNMENTAL OR PUBLIC UTILITY SERVICES - The erection, construction, alteration, or maintenance by public utilities or municipal departments, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wire, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions for the public health or safety or general welfare, but not including buildings.

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FAMILY - Any number of individuals related by blood, marriage or adoption living together as a single housekeeping unit or up to three (3) unrelated individuals.

FARM OR FARMLAND - A parcel of land of not less than five (5) acres, in one ownership, that is used primarily for the commercial, soil-dependent cultivation of agricultural crop production and/or for the raising of livestock, but not including a feedlot.

FENCE - An outdoor freestanding structure of any material or combination of materials erected for confinement, screening or partition purposes.

FLOOR AREA - "Floor area" shall be determined by measuring the outside dimensions of all enclosed floor area under roof, excluding garages, open and screened porches, carports, terraces, and patios.

FLOOR AREA RATIO - The gross floor area of all principal buildings on a lot divided by the area of the lot.

FRONTAGE - All of the property abutting and measured along the street right-of-way line.

GARAGE PARKING, PUBLIC - A building or portion thereof used by the public for the storage or parking of motor vehicles, for compensation.

GARAGE, PRIVATE - A building or portion thereof for the storage of one or more vehicles for persons living on the premises.

GASOLINE SERVICE STATION - Any structure or land used for retail sales and dispensing of motor vehicle fuels or oils, whether self-service or not. A service station may furnish supplies, equipment and minor repair services, including tires, to vehicles incidental to selling and dispensing of motor vehicle fuels and oils.

HAZARDOUS MATERIAL - A substance or material which has been determined by the secretary of transportation to be capable of posing an unreasonable risk to health, safety, and property when transported in commerce, and which has been so designated. The term includes hazardous substances, hazardous wastes, marine pollutants, and elevated temperature materials.

HAZARDOUS WASTE - Any material that is subject to the hazardous waste manifest requirements of the U. S. Environmental protection agency specified in 40 CFR part 262.

HOME OCCUPATION - Any occupation or activity carried on within a residential property where the activity is conducted only by members of the family living within the residence where products are not offered for sale from the premises, other than incidental sales, where no evidence of the occupation is visible or audible from the exterior of the residential property, where traffic is not generated in excess of that customary at residences and where no commercial vehicles are kept on the premises or parked overnight on the premises. (See Chapter 12 of this ordinance.)

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HOTEL - A building designed or used for occupancy normally as the temporary lodging place of individuals, having at least six guest room, where a general kitchen and dining room may be provided but where there are no cooking facilities in any guest room.

JUNK AREA - Any place where two or more motor vehicles not in running condition, or parts thereof, are stored in the open and are not being restored to operations, or any land, building or structure used for wrecking or storing of such motor vehicles or parts thereof, and including any used farm vehicles or farm machinery, or parts thereof, stored in the open and not being restored to operating condition; and including the commercial salvaging of any other goods, articles or merchandise. Any open area where scrap metal, paper rags, or similar materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including auto and building salvage yards. Such use is prohibited in the Village of Hamel.

JUNK VEHICLE - Any vehicle that has had its engine, wheels or other parts removed, damaged, altered, or otherwise so treated that the vehicle has been incapable of being driven under its own motor power for a period of at least seven (7) days, or a vehicle which is not currently registered or licensed by the Illinois secretary of state or similar licensing authority of another state.

KENNEL - Any structure or lot on which four (4) or more dogs and/or cats over four months of age are kept.

LIVESTOCK - Animals which historically have been bred, reared and utilized for the production of meat, wool, leather, milk, eggs and similar products, including, but not limited to, cows, hogs, sheep, goats, catfish and fowl which are raised on a commercial basis.

LOT - A designated parcel, tract or area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed or built upon as a unit.

LOT, CORNER - A lot situated at the intersection of two (2) or more streets with frontage on two (2) or more adjacent sides.

LOT DEPTH - The mean distance measured from the front lot line to the rear lot line.

LOT LINE - A line of record bounding a lot, thereby dividing such lot from another lot or from a right of way.

LOT LINE, FRONT - The line separating the lot from the street. On a corner lot, the front lot line shall be the street lot line having the least dimension.

LOT LINE, REAR - The rear lot line is the lot line or lot lines most nearly parallel to and most remote from the front lot line.

LOT LINE, SIDE - Any lot line other than front or rear lot line. A side lot line separating a lot from a street is called a side street lot line. A side lot line separating a lot from another lot or lots is called an interior side lot line.

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LOT OF RECORD - A lot which is a part of a subdivision, the map of which has been recorded in the office of the county recorder or a parcel of land, the deed of which was recorded in the office of the county recorder prior to the adoption of this ordinance.

LOT WIDTH - For lots with parallel side lot lines, the shortest distance between the side lot lines. For lots where the side lot lines are not parallel, the width of the lot shall be the length of a straight line measured at right angles to the axis of the lot at the front setback required for the district in which the lot is located. The axis of a lot shall be a line joining the midpoints of the front and rear lot lines.

MANUFACTURED HOME - Modular homes that are built with technology much like that of stick-built, conform to current adopted building codes and are designed to be placed on a permanent concrete or concrete block foundation only, although the building take place off site, in factories, to be reassembled on site. (See Chapter 12 of this ordinance.)

MOBILE HOME - A structure designed for permanent habitation and so constructed as to permit its transport on wheels, temporarily or permanently attached to its frame, from the place of its construction to the location, or subsequent locations, at which it is intended to be a permanent habitation and designed to permit the occupancy thereof as a dwelling place for one or more persons. Mobile homes are designed to stand alone as transported or be "tied down" to a permanent foundation.

MOBILE HOME PARK - A tract of land or two (2) or more contiguous tracts of land upon which contain sites with the necessary utilities for five (5) or more independent mobile homes for permanent habitation either free of charge or for revenue purposes, and shall include any building, structure, vehicle, or enclosure used or intended for use as a part of the equipment of such mobile home park. Separate ownership of contiguous tracts of land shall not preclude the tracts of land from common licensure as a mobile home park if they are maintained and operated jointly. A motorized recreational vehicle shall not be construed as being a part of a mobile home park.

MOTEL - A series of attached, semi-attached or detached sleeping or living units, for the accommodation of transient guests and not customarily including individual cooking or kitchen facilities, said units having convenient access to off-street parking spaces for the exclusive use of the guests or occupants.

NOISOME AND INJURIOUS SUBSTANCES, CONDITIONS AND OPERATIONS:

- A. Creation of unreasonable physical hazard, by fire, explosion, radiation or other cause, to persons or property.
- B. Discharge of any liquid or solid waste into any stream or body of water or into any public or private disposal system or into the ground, so as to contaminate any water supply, including underground water supply.
- C. Maintenance or storage of any material either indoors or outdoors so as to cause or to facilitate the breeding of vermin.

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- D. Emission of smoke, measured at the point of emission, which constitutes an unreasonable hazard to the health, safety or welfare of any persons.
- E. Fly ash or dust which can cause damage to the health of persons, animals, or plant life or to other forms of property, or excessive soil, measured at or beyond the property line of the premises on which the aforesaid fly ash or dust is created or caused.
- F. Creation or causation of any unreasonably offensive odors discernible at or beyond any property line of the premises on which the aforesaid odor is created or caused.
- G. Creation or maintenance of any unreasonable reflection or direct glare, by any process, lighting or reflection material at or beyond any property lines of the premises on which the aforesaid reflection or direct glare is created or caused.
- H. Creation or maintenance of any unreasonably distracting or objectionable vibration and. or electrical disturbances discernible at or beyond any property line of the premises on which the aforesaid vibration or electrical disturbance is created or maintained,
- I. Any public nuisance.

NONCONFORMING BUILDING OR STRUCTURE - A building or structure whose size, dimensions or location was lawful prior to the adoption, revision or amendment of this ordinance, but which would be prohibited or further restricted under the terms of this ordinance.

NONCONFORMING LOT - A lot whose area, dimensions or location was lawful prior to the adoption, revision or amendment of this ordinance, but which would be prohibited or further restricted under the terms of this ordinance.

NONCONFORMING USE - A use or activity which was lawful prior to the adoption, revision or amendment of this ordinance, but which would be prohibited or further restricted under the terms of this ordinance.

NONCONFORMITY, SITE RELATED - A characteristic of the site, such as off-street parking or loading, landscaping, drainage or similar matters, which are incidental to the principal use of the property but which do not satisfy current village standards, as established in these zoning regulations.

OFFICIAL MAP - The portion of the master plan adopted by Ordinance which designates land necessary for public facilities or uses, including streets, alleys, public ways, parks, playgrounds, school sites and other public grounds and ways for public service facilities within the whole area included within the official comprehensive plan or one or more separate geographical or functional parts and including all or any part of the contiguous, unincorporated area under the planning jurisdiction of the village.

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OUTDOOR RESTAURANT - An eating or drinking establishment, which has an unroofed area, or a covered area, which is not enclosed by walls where patrons may be, served food and/or beverages.

OUTDOOR STORAGE - The keeping in an unroofed area of any goods, material, or merchandise in the same place for more than twenty four (24) hours unless such goods, material, or merchandise have been authorized through the issuance of a permit for a temporary outdoor display or temporary seasonal display and sales. The parking of motor vehicles, in operating condition, which are used in the operation of a commercial establishment shall not be considered outside storage

PARKING AREA, PRIVATE - An open hard-surfaced area, other than a street or public way designed, arranged, and made available for the storage of private passenger automobiles only, or occupants of the building or buildings for which the parking area is developed and is accessory.

PARKING AREA, PUBLIC - An open hard-surfaced area, other than a street or other public way, used for the parking of automobiles or other motor vehicles and available to the public whether for a fee or as an accommodation for clients or customers.

PARKING SPACE, AUTOMOBILE - Space within a public or private parking area of not less than two hundred (200) square feet ten feet (10') by twenty feet (20'), exclusive of access drives, or aisles, ramps, columns, or office and work areas, for the storage of one passenger automobile or commercial vehicle under one and one-half ton capacity.

PERMITTED USE - A use allowed by right in a zoning district and subject to the restrictions applicable to that zoning district.

PETS - Dogs, rabbits, cats, small rodents and similar size domestic animals or fowl kept on a noncommercial basis by occupants of dwellings.

PREMISES - Any land together with any structures occupying it.

PRINCIPAL USE - The primary use of a lot or premises occupying the major portion of all buildings and structures.

PROFESSIONAL OFFICE - An office (other than a service office and other than an office for care and/or treatment of, or medical attention to, animals as distinguished from persons) for the practice of professions, such as the offices of:

- A. Accountants
- B. Architects
- C. Artists
- D. Attorneys-at-law
- E. Engineers
- F. Dentists
- G. Musicians
- H. Physicians
- I. Teachers

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And others who through training are qualified to perform service of a professional nature or the offices a governmental agency: and where there is no storage, sale or display of merchandise on the premises, other than incidental sales.

RECREATIONAL VEHICLE - A vehicle which can be towed, hauled or driven and is primarily designed as temporary living accommodations for recreational, camping and travel use, or for other recreational transportation including, but not limited to, travel trailers, truck campers, camping trailers, self-propelled motor homes, boats and snowmobiles.

RESIDENTIAL GROUP HOME - A building with an exterior appearance similar to a single-family residence which houses four (4) or fewer persons and may include two (2) additional persons acting as house parents or guardians. (See Chapter 12 of this ordinance.)

RETAIL (OR RETAILING) - A business enterprise consisting primarily of the making of sales and/or rendering of services directly to ultimate consumers, where each sale or service transaction is in relatively small quantity or volume, as distinguished from a wholesale business or from a business where sales are made or services are rendered either in substantial volume to an individual customer and/or for resale to or reuse by ultimate consumers. .

SCREENING - A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.

SEASONAL SALES - The outdoor display of merchandise of interest to consumers on a seasonal basis including, but not limited to, Christmas trees, pumpkins, and lawn and garden supplies.

SELF-SERVICE STORAGE FACILITY - A building or group of buildings in a controlled access compound that contains equal or varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the dead storage of the customer's goods or wares.

SERVICE OFFICE - An office in which are offered services by:

- A. Real Estate agents
- B. Insurance agents
- C. Public stenographers
- D. Brokers

Or others who through training are duly qualified to perform services of an executive nature (as distinguished from a professional office) and where there is no storage, sale or display of merchandise on the premises.

SETBACK - The minimum horizontal distance between the front, rear or side lines of the lot and the front, rear or side lines of the building including porches, carports, and accessory uses subject to yard encroachment provisions (see Chapter 12 of this ordinance). For lots fronting on curvilinear streets, the front setback shall be measured from a line perpendicular to the chord line to the nearest point of a structure.

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SETBACK, REQUIRED - The minimum horizontal distance between the lot line and the buildable area of a lot necessary to meet the yard requirements of the applicable zoning district. The required setback line shall be parallel to the lot line.

SITE PLAN - A scaled drawing of the proposed development of a lot for buildings, structures and other site improvements showing the locations and extent of all such improvements.

SPECIAL USE - A use that would not be appropriate generally throughout a zoning district because of potential danger, smoke, noise or odor, but which, if controlled as to number, area, location, or relation to the neighborhood, would not be detrimental to public health, safety, morals or general welfare.

STORY - That portion of a building, included between the service of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.

STREET - A public or private right of way which affords the principal means of access to abutting property.

STREET TREE, APPROVED - A deciduous hardwood tree with a minimum caliper of two and one-half inches (2 1/2") and with a clear trunk of at least six feet (6') which is suitable for urban environments, is tolerant of disease and salt, and is included within one of the following species:

- A. Bradford callery pear (*Pyrus calleryana* "Bradford").
- B. Ginkgo (*Ginkgo biloba*) (male varieties only).
- C. Hedge maple (*Acer carnpestre*).
- D. Ironwood (*Ostrya virginiana*).
- E. Japanese zelkova (*Zelkova serrata*).
- F. Little leaf linden (*Tilia cordata*).
- G. Pin oak (*Quercus palustris*).
- H. Red maple (*Acer rubrum*).
- I. Red oak (*Quercus rubra*).
- J. Seedless green ash (*Fraxinus pennsylvanica* "Marshall Seedless").
- K. Silver linden (*Tilia tormentosum*).
- L. Sugar maple (*Acer saccnarum*).
- M. Thornless honey locust (*Gleditsia triacanthos* "inermis").
- N. White ash (*Fraxinus americana*).
- O. Willow oak (*Quercus pheilos*).

STRUCTURE - Anything constructed, erected or located on the ground, or attached to something having or requiring a fixed location on the ground including:

- A. Billboard
- B. Building
- C. Driveway
- D. Fence
- E. Parking lot
- F. Sign
- G. Tennis court

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Or similar feature, but not including a regulation mailbox.

SUBDIVISION - The division and recording in accordance with law of a parcel of land into two (2) or more lots for the purpose of transfer of ownership for development, sale or lease.

TEMPORARY USE - A use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.

USED CAR SALES - A lot or premises where two (2) or more used vehicles are offered for sale concurrently or where four (4) or more used vehicles are offered for sale over a period of one year.

VARIANCE - A relaxation by the Zoning Board of Appeals of the dimensional regulations of this ordinance where such action will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions or the situation of the applicant, a literal enforcement of the code would result in practical difficulties or particular hardship.

YARD - An open space at grade between a building and the adjoining lot line unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided for or regulated in the Ordinance.

YARD, FRONT - A yard extending across the full width of a lot between any building and the front lot line, and measured perpendicular to the building at the closest point to the front lot line. On corner lots, all yards, which abut a street, are considered front yards.

YARD, REAR - A yard extending across the full width of the lot between the principal building and the rear lot line and measured perpendicular to the building to the closest point of the rear lot line.

YARD, REQUIRED - The minimum setback distance for each yard established by the minimum yard dimensions in the zoning district requirements.

YARD, SIDE - A yard extending from the front yard to the rear lot line between the principal building and the side lot line measured perpendicular from the side lot line to the closest point of the principal building or a yard which is not a front or rear yard.

ZONING AND BUILDING OFFICIAL - The zoning and building inspector of the Village or his authorized representative.

ZONING CERTIFICATE - A document issued by the Zoning and Building Official authorizing buildings, structures or uses consistent with the terms of the Ordinance and for the purpose of carrying out and enforcing its provisions.

ZONING MAP - The zoning map and/or maps of the Village together with all amendments subsequently adopted.

CHAPTER 3

ZONING DISTRICTS AND MAP

- Section 3-1: Districts Established
- Section 3-2: Official Zoning Map
- Section 3-3: Determination of District Boundaries
- Section 3-4: Chart of Dimensional Regulations
- Section 3-5: Zoning Of Annexed Areas

Section 3-1: DISTRICTS ESTABLISHED

In order to classify, regulate and restrict the use of land, buildings and structures; to regulate and restrict the height and bulk of buildings; to regulate the area of yards and other open spaces about buildings; and to regulate the intensity of land use, the incorporated area of Hamel is divided into district as follows:

Code	Definition
A	Agricultural
SR-1	Single-family Residential
SR-2	Single-family Residential
MR-1	Multi-family Residential
MR-2	Multi-family Residential
GC	General Commercial
HC	Highway Commercial
LI	Light Industrial

Section 3-2: OFFICIAL ZONING MAP

- A. Map Adopted:
 - 1. The boundaries of the various zoning districts are hereby fixed and established as shown on the zoning map. The zoning map is on file in the office of the village clerk. The map is hereby adopted and made a part of this ordinance as if the matters and information set forth by said map were fully described herein.

- B. Changes to Map:
 - 1. Compliance with Provisions: Unauthorized Changes: No changes or amendments to the official zoning map shall be initiated, except in compliance and conformity with all procedures and requirements of this Ordinance.
 - 2. Time For Publication: In accordance with state law, if any changes are made in the zoning districts or regulations during a calendar year, the village clerk shall

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publish the official zoning map of the village not later than March 31 of the following year.

Section 3-3: DETERMINATION OF DISTRICT

The boundaries of the various districts as shown on the zoning map shall be determined by the boundaries as shown and outlined thereon and when not clearly so determined, by use of the scale shown on said map unless actual dimensions are noted. Scale and field measurements and map dimensions shall be figured from the centerline of streets, highways, alleys and railroad rights of way as appropriate. Where uncertainty exists as to the exact location of said boundaries, the following rules shall apply:

- A. Center Line as Boundary - Where district boundaries lie on or within streets, highways, road rights of way or railroad rights of way, the district boundaries shall be the center line of the same.
- B. Boundaries Which Bisect Blocks - Where district boundary lines approximately bisect blocks, the boundaries shall be the median lines of such blocks between the centerline of boundary streets.
- C. Boundaries Dividing Parcels Of Land - In subdivided property or where a district boundary divides a subdivided lot, the location of such boundary, unless the same is indicated by dimensions, shall be determined by the use of a scale appearing on the district map. Where a district boundary divides a platted lot, the zone classification of the greater portion shall prevail throughout the lot.
- D. Uncertainty Settled by Zoning Board of Appeals - In case any further uncertainty exists, the Zoning Board of Appeals shall interpret the intent of the zoning map as to the location of such boundaries.
- E. Street and Right-of-Way Abandonments - Where a public road, street alley or other right of way is officially vacated or abandoned, the regulations applicable to the property to which it reverted shall apply
- F. Excluded Areas - Unless areas are classified on or by the official zoning map of the village or the appropriate classification can be established by the rules above, such areas shall be considered to classified A - Agricultural district, until such time as the land is rezoned by the Village Board of Trustees.

Section 3-4: CHART OF DIMENSIONAL REGULATIONS

The chart of Dimensional Regulations is added as a supplement to this chapter. Should there be any conflict between the text of this ordinance and the information displayed in the chart, the text of this ordinance shall prevail.

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Section 3-5: ZONING OF ANNEXED AREAS

Any territory hereafter annexed to the village shall automatically be zoned as SR-1 single-family residential district, until duly changed by an amendment to this Ordinance except under the following condition: the Village Board, with the recommendation of the Zoning Board of Appeals, may annex any territory as any other zoning district or districts herein established if all legal requirements for zoning the property at the time of the annexation are recorded.

DIMENSIONAL REGULATIONS Section 3-4:	Minimum Lot Size	Minimum Lot Width	Minimum Lot Depth	Minimum Front Yard	Minimum Side Yard Abutting A Lot	Minimum Side Yard Abutting A Street	Minimum Rear Yard
DISTRICT							
A – Agriculture	3 acres	150'	200'	25'	10' for either, 25' for both	25'	25'
SR-1 – Single Family	10,000 sq. Ft.	80'	100'	25'	10' for either, 25' for both	25'	25'
SR-2 – Single Family	8,000 sq. Ft.	70'	100'	25'	10' for either, 25' for both	25'	25'
MR-1 – Multi-Family	5,000 sq. Ft. or 3,000 sq. Ft. per dwelling unit, whichever is greater	50'	120'	25'	5' for either, 15' for both	25'	25'
MR-2 – Multi-Family	5,000 sq. Ft. or 2,500 sq. Ft. per dwelling, whichever is greater	50' or 10' for each dwelling unit over two, whichever is greater	120'	25'	10' or 6" per Ft. of building height, whichever is greater	25'	25'
GC – General Commercial	None	None	None	None	None, unless abutting "SR" or "MR" district then 12'	25'	20'
HC – Highway Commercial	None	None	None	None	None, unless abutting "SR" or "MR" district then 12'	25'	20'
LI - Light Industrial	None	None	None	25'	12'	25'	20'

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**Accessory Building, Detached, IF PERMITTED
(Minimum Distance To)**

	Minimum yard distance to nearest principal building	Maximum Building Coverage	Maximum Building Height	Maximum Number Of Dwelling Units	Maximum Height	Principal Building	Front Lot Line	Side Lot Line Adjacent To Street	Side Lot Line	Rear Lot Line
DISTRICT										
A Agriculture	20'	20%	35'	1 per 3 acres	35'	10'	60'	25'	3'	3'
SR-1 Single Family	20'	20%	35'	1 per 10,000 sq. Ft.	15'	10'	60'	25'	3'	3'
SR-2 Single Family	20'	20%	35'	1 per 8,000 sq. Ft.	15'	10'	60'	25'	3'	3'
MR-1 Multi-Family	15'	30%	35'	1 per 8,000 sq. ft of lot area	15'	10'	60'	25'	3'	3'
MR-2 Multi-Family	14'	30% Floor area ratio: 3/4	35'	1 per 2,500 sq. Ft. of lot area	15'	10'	60'	25'	3'	3'
GC – General Commercial	12'	50%	35' or three stories	None	25'	12'	12'	12'	12'	12'
HC – Highway Commercial	12'	50%	35' or three stories	None	25'	12'	12'	12'	12'	12'
LI - Light Industrial	N/A	None	35' or three stories	N/A	25'	12'	12'	12'	12'	12'

CHAPTER 4

GENERAL ZONING REGULATIONS

Section 4-1: Regulation of Uses

Section 4-2: Size, Dimension and Access Criteria

Section 4-1: REGULATION OF USES

It is the intent of this ordinance to permit certain uses, not otherwise illegal, to locate in specified zoning districts, either as a permitted use or a special use.

A. Permitted Uses:

No structure shall be erected, constructed, reconstructed or structurally altered, nor shall any structure or land or combination thereof be used unless the use to which the structure and/or land is to be put is listed in the permitted use section of the applicable zoning district and the use fully complies with all of the applicable district regulations, except for nonconformity's, accessory uses, and special uses.

B. Special Uses:

No special use, as designated within this ordinance, shall hereafter be established unless such use has been approved pursuant to the provisions of Chapter 13 of this ordinance. Any existing use which was a permitted use prior to the adoption of this ordinance and which is designated as a special use by this ordinance may continue as if it were approved as a special use.

C. Uses Not Specifically Listed:

In the event a particular use is not listed anywhere in this Ordinance and such use is not an accessory use, then it shall be considered to be not allowed within the village. Questions concerning such uses may be referred to the Zoning Board of Appeals, unless by written order of the village board it is determined that said use is similar to and is compatible with the uses listed and is expressly included as a use permitted in a zoning district. However, no such order may be made by the Village Board without first having a public hearing, in the manner prescribed in this ordinance, before the Zoning Board of Appeals. Any such proposed variation which to receive the approval of the Zoning Board of Appeals shall not be ordered except by a favorable vote of two-thirds (2/3) of all the Trustees.

Section 4-2: SIZE, DIMENSION AND ACCESS CRITERIA

In order to carryout the purpose and intent and provisions of the Ordinance, size and dimension criteria for particular zoning districts are hereby established. Such size and dimension criteria shall be applied in accordance with section and other applicable provisions of this Ordinance.

A. Lot Size Requirements:

1. Reduction Of Lot Size Or Yards: No lot or yard existing on the effective date of this ordinance shall thereafter be reduced in size, dimension, or area below the minimum requirements set out herein, except by reason of a portion being acquired for public use in any manner, including dedication, condemnation, or purchase. Lots or yards created after the effective date of this ordinance shall meet the minimum requirements established herein.
2. Applicability to All Uses: Unless otherwise specified in this ordinance, all permitted uses and all special uses shall be subject to the lot size requirements specified for a given district, unless other minimum requirements are specified for such uses elsewhere in this Ordinance.
3. Structure Built On Two Lots: A building constructed on a site consisting of two (2) lots must be located either within the required setback from the common or center lot line, or the building must be constructed on both lots.
4. Lots Of Record Less Than Minimum Size: Any lot of record at the time of the adoption of this Ordinance which contains less lot area or width than required in the district in which it is located may be used for a use in such district; provided, that the lot has a minimum width thirty feet (30'). This provision shall not be construed to permit more than one dwelling unit on a lot with less lot area per family than required for the district in which such lot is located.
5. Use of Lots in Single-Family Districts: In single-family districts, every building hereafter erected or structurally altered shall be located on a "lot" as herein defined, and in no case shall there be more than the principal building and the customary accessory buildings on one lot or parcel of land.
6. When two or more parcels of land, each which lacks adequate area and/or minimum dimensions to qualify for a permitted use under the requirements of the use district in which they are located, are contiguous, and are held in one ownership, they shall be used a one zoning lot for such use.

B. Minimum Yard Requirements:

1. Generally: Minimum yard requirements shall be as specified for a given zoning district. The yard requirements shall apply to all buildings and structures, as they relate to the respective lot lines, except as otherwise specifically provided in this Ordinance or as exempted in subsection B2 of this section.
2. Exemptions: The following structures shall be exempt from the minimum yard requirements, set forth in this Ordinance: underground utility equipment, clotheslines, flagpoles, regulation mailboxes, traffic signals, fire hydrants, light poles or and similar structure of device (Also see Chapter 11 of this ordinance).

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- C. Maximum Building Height:
Maximum building height of thirty five feet (35') shall apply to all structures located in the zoning district except those structures and appurtenances excluded in Chapter 11 of this ordinance or special uses which have a maximum height specified in this Ordinance.

- D. Access Required:
No building shall be erected on any lot unless such lot abuts, or has permanent easement or access to, a public or private street.

CHAPTER 5

AGRICULTURAL DISTRICTS

A - AGRICULTURAL

- Section 5-1: Purpose
- Section 5-2: Permitted Uses
- Section 5-3: Accessory Uses and Structures
- Section 5-4: Special Permits
- Section 5-5: Agricultural Activities Regulated
- Section 5-6: Supplementary Regulations
- Section 5-7: Dimensional Regulations

Section 5-1: PURPOSE

The purpose of the A - Agricultural district is to provide areas for farms and closely related agricultural uses as well as uses requiring large amounts of land. It is further intended to provide for residential uses on relatively large tracts of land which may accommodate farm related accessory uses such as the breeding, raising and keeping of one or more varieties of animals.

Section 5-2: PERMITTED USES

The A district is designed to allow considerable latitude in the range of agricultural uses allowed; provided, that the uses are legal and that certain agricultural activities maintain a reasonable setback from adjacent residentially zoned property. The following shall be considered permitted as agricultural uses: horticulture or forestry including crops and tree farming; truck farming; gardening; nursery operation (subject to setback provisions of Chapter 12); dairy farming; livestock raising; animal and poultry breeding and raising; forestry operation together with the operation of machinery or vehicles. The foregoing does not include the following: stockyards; commercial livestock, poultry or agricultural processing plants. If a particular use is not listed, it is not allowed within the A Agriculture district. Buildings or structures may be erected, altered or used and land may be used for one or more of the following;

- A. Single family dwellings
- B. Carnivals, circuses and similar transient amusement enterprises that are temporary in nature.
- C. Cemeteries and mausoleums in conjunction therewith.

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- D. Churches and other places of worship subject to provisions of Chapter 11, but not including funeral chapels or mortuary chapels.
- E. Essential services subject to the provisions of Chapter 11.
- F. Fishing lakes or clubs provided that no building, parking lot or other intense use activity is located nearer than five hundred feet (500') to any dwelling or another zoning lot.
- G. Golf courses of regulation size, including "Par 3" golf courses or commercially operated driving ranges or miniature golf courses; and provided that no clubhouse, parking lot or accessory building shall be located nearer than five hundred (500) feet to any dwelling unit or another zoning lot.
- H. Greenhouses, subject to the provisions of Chapter 11.
- I. Libraries, museums, art galleries, and similar public cultural facilities subject to the provisions of Chapter 11.
- J. Living quarters for persons employed in agricultural or related activities that are conducted on the premises.
- K. Parking lots subject to the provisions of Chapter 10.
- L. Private clubs, lodges or camps except those chief activities area service customarily carried on as a business.
- M. Public service uses including filtration plants, pump stations, water reservoirs, sewage treatment plant, police and fire stations or other governmental uses subject to the provisions of Chapter 11.
- N. Railroad right of way and trackage, but not including classification yards, terminal facilities or maintenance facilities.
- O. Schools and colleges for academic instruction.
- P. Temporary produce stands for the sale of agricultural produce raised on the premises, provided that adequate off-street parking is available and the major traffic congestion or hazards would not be created in conjunction with the location or access thereto.

Section 5-3: ACCESSORY USES AND STRUCTURES:

- A. Accommodations for professional servants, caretakers, watchman or custodians, but not as a separate, detached one-family dwelling on the same lot.
- B. Fences, hedges and wall, subject to the provisions of Chapter 11.

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- C. Home occupations, subject to the provisions of Chapter 11.
- D. Keeping of not more than one unoccupied camp and/or utility trailer or recreational vehicle, subject to the provisions of Chapter 11.
- E. Parking spaces not for gain in addition to minimum off-street parking, subject to the provisions of Chapter 10.
- F. Private greenhouses, tool sheds, garages or carports, tennis courts, patios, subject to the provisions of Chapter 11.
- G. Private swimming pools, subject to the provisions of Chapter 11.
- H. Temporary construction sheds and temporary buildings for sale or rental offices or show houses for use during construction operations, provided all other regulations of the district are complied with, but in no case shall such office be continued beyond the duration of construction of the project or one year, whichever is greater. However, such time limit may be extended for one year by the Zoning Board of Appeals.

Section 5-4: SPECIAL PERMITS

The following uses may be allowed within the A - Agricultural District subject to the criteria established in Chapter 13 of this ordinance.

- A. Airports and airstrips.
- B. Any building in excess of 35' in height.
- C. Communication towers, subject to the provisions of Chapter 11.
- D. Correctional institutions.
- E. Gun Clubs
- F. Residential group homes, subject to the provisions of Chapter 11.

Section 5-5: AGRICULTURAL ACTIVITIES REGULATED

- A. Livestock: No accessory building used or intended to be used to shelter livestock shall be erected closer than three hundred feet (300') to a dwelling existing on an adjoining lot or nearby lot nor shall it be erected closer than two hundred feet (200') to any residentially zoned property. Fences shall be erected or other means shall be taken to prevent livestock from approaching any spot closer than three hundred feet (300') to any dwelling on an adjoining lot or nearby lot or within two hundred feet (200') of any residentially zoned property.
- B. Farm Equipment And Commodities: Agricultural equipment or commodities (including, but not limited to, baled crops, fertilizer, pesticides, and herbicides) shall not be stored outdoors closer than two hundred feet (200') from any residentially zoned property. Except, however, that such material may be stored in a building located not less than one hundred feet (100') from any residentially zoned property.

Section 5-6: SUPPLEMENTARY REGULATIONS

All uses are subject to the applicable provisions of Chapter 11

Section 5-7: DIMENSIONAL REGULATIONS

District A- AGRICULTURE

- A. Lot Standards:
 - 1. Minimum Lot Size: 3 acres
 - 2. Minimum Lot Width: 150'
 - 3. Minimum Lot Depth: 200'

- B. Yards
 - 1. Minimum Front Yard: 25'
 - 2. Minimum Side Yard Abutting a Lot: 10' for either, 25' total for both
 - 3. Minimum Side Yard Abutting a Street: 25'
 - 4. Minimum Rear Yard: 25'
 - 5. Minimum distance to nearest principal building on adjacent lot: 20'

- C. Maximum Building Coverage of Lot: 20%

- D. Maximum Building Height: 35'

- E. Maximum Number of Dwelling Units: 1 per 3 acres

- F. Accessory Buildings, detached, if permitted:
 - 1. Maximum Height: 35'
 - 2. Minimum Distance to principal building: 10'
 - 3. Minimum distance to front lot line: 60'
 - 4. Minimum distance to side lot line adjacent to street: 25'
 - 5. Minimum distance to other side lot line: 3'
 - 6. Minimum distance to rear lot line: 3'

- G. Parking: See Chapter 10

CHAPTER 6

RESIDENTIAL DISTRICTS

ARTICLE A: SR-1 SINGLE-FAMILY DISTRICT

- Section 6A-1: Purpose
- Section 6A-2: Permitted Uses
- Section 6A-3: Accessory Uses and Structures
- Section 6A-4: Special Permits
- Section 6A-5: Supplementary Regulations
- Section 6A-6: Dimensional Regulations

Section 6A-1: PURPOSE

The purpose of the SR-1 Single-family Residential district is to provide areas for single-family residential uses of an urban character. It is further intended to provide for other uses which are customarily found with and are not detrimental to single-family residences.

Section 6A-2: PERMITTED USES

If a particular use is not listed, it is not allowed in the SR-1 Single-family Residential district. Buildings or structures may be erected, altered or used for the following:

- A. Single family dwellings.
- B. Churches and other places of worship, subject to the provisions of Chapter 11, but not including funeral chapels or mortuary chapels.
- C. Electrical substations (static transformer stations), gas regulation stations, telephone exchange facilities and essential services, subject to the provisions of Chapter 11
- D. Growing of plants and trees on a private or commercial basis, provided no retail sales are conducted on the premises, subject to the provisions of Chapter 11.
- E. Municipal uses, facilities and building, subject to the provisions of Chapter 11.
- F. Public, private or parochial schools offering courses of instruction at elementary and secondary levels in accordance with standards for compulsory education..
- G. Railroad right -of -way, not including switching, storage, freight yards, industrial sidings, or classification yards.

Section 6A-3: ACCESSORY USES AND STRUCTURES:

- A. Accommodations for professional servants, caretakers, watchman or custodians, but not as a separate, detached one-family dwelling on the same lot.
- B. Fences, hedges and wall, subject to the provisions of Chapter 11.
- C. Home occupations, subject to the provisions of Chapter 11
- D. Keeping of household pets, provided kennels are not maintained.
- E. Keeping of not more than one unoccupied camp and/or utility trailer, subject to the provisions of Chapter 11.
- F. Parking spaces not for gain in addition to minimum off-street parking, subject to the provisions of Chapter 10. .
- G. Private greenhouses, tool sheds, garages or carports, tennis courts, patios, subject to the provisions of Chapter 11.
- H. Private swimming pools, subject to the provisions of Chapter 11.
- I. Temporary construction sheds and temporary buildings for sale or rental offices or show houses for use during construction operations, provided all other regulations of the district are complied with, but in no case shall such office be continued beyond the duration of construction of the project or one year, whichever is greater. However, such time limit may be extended for one year by the Zoning Board of Appeals.

Section 6A-4: SPECIAL PERMITS

The following uses may be allowed within the SR-1 district subject to the criteria established in Chapter 13 of this ordinance.

- A. Planned developments based on the procedures in chapter 9 of this ordinance.
- B. Residential group homes, subject to the provisions of Chapter 11.

Section 6A-5: SUPPLEMENTARY REGULATIONS

All uses are subject to the applicable provisions of Chapter 11.

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Section 6A-6: DIMENSIONAL REGULATIONS
District SR-1 -SINGLE FAMILY RESIDENTIAL

- A. Lot Standards:
 - 1. Minimum Lot Size: 10,000 sq. Ft.
 - 2. Minimum Lot Width: 80'
 - 3. Minimum Lot Depth: 100'

- B. Yards
 - 1. Minimum Front Yard: 25'
 - 2. Minimum Side Yard Abutting a Lot: 10' for either, 25' total for both
 - 3. Minimum Side Yard Abutting a Street: 25'
 - 4. Minimum Rear Yard: 25'
 - 5. Minimum distance to nearest principal building on adjacent lot: 20'

- C. Maximum Building Coverage of Lot: 20%

- D. Maximum Building Height: 35'

- E. Maximum Number of Dwelling Units: 1 per 10,000 sq. Ft. of lot area

- F. Accessory Buildings, detached, if permitted:
 - 1. Maximum Height: 15'
 - 2. Minimum Distance to principal building: 10'
 - 3. Minimum distance to front lot line: 60'
 - 4. Minimum distance to side lot line adjacent to street: 25'
 - 5. Minimum distance to other side lot line: 3'
 - 6. Minimum distance to rear lot line: 3'

- G. Parking: See Chapter 10.

CHAPTER 6

RESIDENTIAL DISTRICTS

ARTICLE B: SR-2 SINGLE-FAMILY DISTRICT

Section 6B-1: Purpose

Section 6B-2: Permitted Uses

Section 6B-3: Accessory Uses and Structures

Section 6B-4: Special Permits

Section 6B-5: Dimensional Regulations

Section 6B-1: PURPOSE

The purpose of the SR-2 single-family residential district is to provide areas for single-family residential uses of an urban character. It is further intended to provide for other uses, which are customarily found with and are not detrimental to single-family residences.

Section 6B-2: PERMITTED USES

If a particular use is not listed, it is not allowed in the SR-2 Single-family district. Buildings or structures may be erected, altered or used for the following:

- A. Single family dwellings.
- B. Churches and other places of worship, subject to the provisions of Chapter 11, but not including funeral chapels or mortuary chapels.
- C. Electrical substations (static transformer stations), gas regulation stations, telephone exchange facilities and essential services, subject to the provisions of Chapter 11.
- D. Growing of plants and trees on a private or commercial basis, provided no retail sales are conducted on the premises, subject to the provisions of Chapter 11.
- E. Municipal uses, facilities and building, subject to the provisions of Chapter 11.
- F. Public, private or parochial schools offering courses of instruction at elementary and secondary levels in accordance with standards for compulsory education.
- G. Railroad right -of -way, not including switching, storage, freight yards, industrial sidings, or classification yards.

Section 6B-3: ACCESSORY USES AND STRUCTURES:

- A. Accommodations for professional servants, caretakers, watchman or custodians, but not as a separate, detached one-family dwelling on the same lot.
- B. Fences, hedges and wall, subject to the provisions of Chapter 11.
- C. Home occupations, subject to the provisions of Chapter 11
- D. Keeping of household pets, provided kennels are not maintained.
- E. Keeping of not more than one unoccupied camp and/or utility trailer, subject to the provisions of Chapter 11.
- F. Parking spaces not for gain in addition to minimum off-street parking, subject to the provisions of Chapter 10.
- G. Private greenhouses, tool sheds, garages or carports, tennis courts, patios, subject to the provisions of Chapter 11.
- H. Private swimming pools, subject to the provisions of Chapter 11.
- I. Temporary construction sheds and temporary buildings for sale or rental offices or show houses for use during construction operations, provided all other regulations of the district are complied with, but in no case shall such office be continued beyond the duration of construction of the project or one year, whichever is greater. However, such time limit may be extended for one year by the Zoning Board of Appeals.

Section 6B-4: SPECIAL PERMITS

The following uses may be allowed within the SR-2 district subject to the criteria established in Chapter 12 of this ordinance.

- A. Planned developments based on the procedures in chapter 9 of this ordinance.
- B. Residential group homes, subject to the provisions of Chapter 11.

Section 6B-5: SUPPLEMENTARY REGULATIONS

All uses are subject to the applicable provisions of Chapter 11.

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Section 6B-6: DIMENSIONAL REGULATIONS

District SR-2-SINGLE FAMILY RESIDENTIAL

- A. Lot Standards:
 - 1. Minimum Lot Size: 8,000 sq. Ft.
 - 2. Minimum Lot Width: 70'
 - 3. Minimum Lot Depth: 100'

- B. Yards
 - 1. Minimum Front Yard: 25'
 - 2. Minimum Side Yard Abutting a Lot: 10' for either, 25' total for both
 - 3. Minimum Side Yard Abutting a Street: 25'
 - 4. Minimum Rear Yard: 25'
 - 5. Minimum distance to nearest principal building on adjacent lot: 20'

- C. Maximum Building Coverage of Lot: 20%

- D. Maximum Building Height: 35'

- E. Maximum Number of Dwelling Units: 1 per 8,000 sq. Ft. of lot area

- F. Accessory Buildings, detached, if permitted:
 - 1. Maximum Height: 15'
 - 2. Minimum Distance to principal building: 10'
 - 3. Minimum distance to front lot line: 60'
 - 4. Minimum distance to side lot line adjacent to street: 25'
 - 5. Minimum distance to other side lot line: 3'
 - 6. Minimum distance to rear lot line: 3'

- G. Parking: See Chapter 10

CHAPTER 6

RESIDENTIAL DISTRICTS

ARTICLE C: MR-1 MULTI-FAMILY DISTRICT

- Section 6C-1: Purpose
- Section 6C-2: Permitted Uses
- Section 6C-3: Accessory Uses And Structures
- Section 6C-4: Special Permits
- Section 6C-5: Supplementary Regulations
- Section 6C-6: Dimensional Regulations

Section 6C-1: PURPOSE

The purpose of the MR-1 Multi-family Residential district is to provide areas for single and two-family residential use of an urban character. It is further intended to provide for other uses, which are customarily found with and are not detrimental to two-family residences.

Section 6C-2: PERMITTED USES

If a particular use is not listed, it is not allowed in the MR-1 Multi-family Residential district. Buildings or structures may be erected, altered or used for the following:

- A. Single family and two family dwellings. (THIS SECTION HAS BEEN AMENDED. SEE ORDINANCE #07-008)
- B. Churches and other places of worship, subject to the provisions of Chapter 11, but not including funeral chapels or mortuary chapels.
- C. Electrical substations (static transformer stations), gas regulation stations, telephone exchange facilities and essential services, subject to the provisions of Chapter 11.
- D. Growing of plants and trees on a private or commercial basis provided no retail sales are conducted on the premises, subject to the provisions of Chapter 11.
- E. Municipal uses, facilities and building, subject to the provisions of Chapter 11
- F. Public, private or parochial schools offering courses of instruction at elementary and secondary levels in accordance with standards for compulsory education.
- G. Railroad right -of -way, not including switching, storage, freight yards, industrial sidings, or classification yards.

Section 6C-3: ACCESSORY USES AND STRUCTURES:

- A. Accommodations for professional servants, caretakers, watchman or custodians, but not as a separate, detached one-family dwelling on the same lot.
- B. Fences, hedges and wall, subject to the provisions of Chapter 11.
- C. Home occupations, subject to the provisions of Chapter 11.
- D. Keeping of household pets, provided kennels are not maintained.
- E. Keeping of not more than one unoccupied camp and/or utility trailer, subject to the provisions of Chapter 11.
- F. Parking spaces not for gain in addition to minimum off-street parking, subject to the provisions of Chapter 10.
- G. Private greenhouses, tool sheds, garages or carports, tennis courts, patios, subject to the provisions of Chapter 11
- H. Private swimming pools, subject to the provisions of Chapter 11.
- I. Temporary construction sheds and temporary buildings for sale or rental offices or show houses for use during construction operations, provided all other regulations of the district are complied with, but in no case shall such office be continued beyond the duration of construction of the project or one year, whichever is greater. However, the Zoning Board of Appeals may extend such time limit for one year.

Section 6C-4: SPECIAL PERMITS

The following uses may be allowed within the MR-1 Multi-Family District subject to the criteria established in Chapter 13 of this ordinance.

- A. Planned Residential Development based on the procedures in chapter 9 of this ordinance.
- B. Childcare Centers.
- C. Residential group homes, subject to the provisions of Chapter 11.

Section 6C-5: SUPPLEMENTARY REGULATIONS

All uses are subject to the applicable provisions of Chapter 11.

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Section 6C-6: DIMENSIONAL REGULATIONS

District MR-1 MULTI-FAMILY RESIDENTIAL

- A. Lot Standards:
 - 1. Minimum Lot Size: 5,000 sq. Ft. or 3,000 sq. Ft. per dwelling unit, whichever is greater.
 - 2. Minimum Lot Width: 50'
 - 3. Minimum Lot Depth: 120'

- B. Yards
 - 1. Minimum Front Yard: 25'
 - 2. Minimum Side Yard Abutting a Lot: 5' for either, 15' total for both
 - 3. Minimum Side Yard Abutting a Street: 25'
 - 4. Minimum Rear Yard: 25'
 - 5. Minimum distance to nearest principal building on adjacent lot: 15'

- C. Maximum Building Coverage of Lot: 30%

- D. Maximum Building Height: 35'

- E. Maximum Number of Dwelling Units: 2

- F. Accessory Buildings, detached, if permitted:
 - 1. Maximum Height: 15'
 - 2. Minimum Distance to principal building: 10'
 - 3. Minimum distance to front lot line: 60'
 - 4. Minimum distance to side lot line adjacent to street: 25'
 - 5. Minimum distance to other side lot line: 3'
 - 6. Minimum distance to rear lot line: 3'

- G. Parking: See Chapter 10

CHAPTER 6

RESIDENTIAL DISTRICTS

ARTICLE D: MR-2 MULTI-FAMILY DISTRICT

Section 6D-1: Purpose

Section 6D-2: Permitted Uses

Section 6D-3: Accessory Uses and Structures

Section 6D-4: Special Permits

Section 6D-5: Supplementary Regulations

Section 6D-6: Dimensional Regulations

Section 6D-1: PURPOSE

The purpose of the MR-2 Multi-family Residential district is to provide areas for multiple-family residential uses of an urban character. It is further intended to provide for other uses, which are customarily found with and are not detrimental to multi-family residences.

Section 6D-2: PERMITTED USES

If a particular use is not listed, it is not allowed in the MR-2 Multi-family Residential district. Building or structures may be erected, altered or used for the following:

- A. Single family and two family dwellings. (THIS SECTION HAS BEEN AMENDED. SEE ORDINANCE #07-008)
- B. Multi- Family Dwellings.
- C. Churches and other places of worship, subject to the provisions of Chapter 11, but not including funeral chapels or mortuary chapels.
- D. Day care centers, nursery schools and orphanages
- E. Electrical substations (static transformer stations), gas regulation stations, telephone exchange facilities and essential services, subject to the provisions of Chapter 11.
- F. Growing of plants and trees on a private or commercial basis provided no retail sales are conducted on the premises subject to the provisions of Chapter 11.
- G. Municipal uses, facilities, and building subject to the provisions of Chapter 11.
- H. Public, private or parochial schools offering courses of instruction at elementary and secondary levels in accordance with standards for compulsory education.

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- I. Railroad right -of -way, not including switching, storage, freight yards, industrial sidings, or classification yards.

Section 6D-3: ACCESSORY USES AND STRUCTURES:

- A. Accommodations for professional servants, caretakers, watchman or custodians, but not as a separate, detached one-family dwelling on the same lot.
- B. Fences, hedges and wall, subject to the provisions of Chapter 11.
- C. Home occupations, subject to the provisions of Chapter 11
- D. Keeping of household pets, provided kennels are not maintained.
- E. Keeping of not more than one unoccupied camp and/or utility trailer, subject to the provisions of Chapter 11.
- F. Parking spaces not for gain in addition to minimum off-street parking, subject to the provisions of Chapter 10.
- G. Private greenhouses, tool sheds, garages or carports, tennis courts, patios, subject to the provisions of Chapter 11
- H. Private swimming pools, subject to the provisions of Chapter 11.
- I. Temporary construction sheds and temporary buildings for sale or rental offices or show houses for use during construction operations, provided all other regulations of the district are complied with, but in no case shall such office be continued beyond the duration of construction of the project or one year, whichever is greater. However, such time limit may be extended for one year by the Zoning Board of Appeals.

Section 6D-4: SPECIAL PERMITS

The following uses may be allowed within the MR-2 district subject to the criteria established in Chapter 13 of this Ordinance.

- A. Planned developments based on the procedures in chapter 9 of this ordinance.
- B. Convalescent homes, homes for the aged retirement homes, nursing homes and other similar health care
- C. Planned Mobile Home Parks, subject to the provisions of Chapter 11.
- D. Residential group homes, subject to the provisions of Chapter 11.

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Section 6D-5: SUPPLEMENTARY REGULATIONS

All uses are subject to the applicable provisions of Chapter 11.

Section 6D-6: DIMENSIONAL REGULATIONS

District MR-2 MULTI-FAMILY RESIDENTIAL

- A. Lot Standards:
 - 1. Minimum Lot Size: 5,000 sq. Ft. or 2,500 sq. Ft. per dwelling unit, whichever is greater.
 - 2. Minimum Lot Width: 50' or 10' for each dwelling unit over two, whichever is greater.
 - 3. Minimum Lot Depth: 120'

- B. Yards
 - 1. Minimum Front Yard: 25'
 - 2. Minimum Side Yard Abutting a Lot: 10' or 6" per Ft. of building height, whichever is greater
 - 3. Minimum Side Yard Abutting a Street: 25'
 - 4. Minimum Rear Yard: 25'
 - 5. Minimum distance to nearest principal building on adjacent lot: 14'

- C. Maximum Building Coverage of Lot: 30%
 - 1. Floor Area Ratio: 3/4: 1 Note: Floor area ratio shall apply to the total area included in the development, except streets and other public areas and shall not exceed the ratio specified

- D. Maximum Building Height: 35'

- E. Maximum Number of Dwelling Units: 1 per 2,500 sq. Ft. of lot area

- F. Accessory Buildings, detached, if permitted:
 - 1. Maximum Height: 15'
 - 2. Minimum Distance to principal building: 10'
 - 3. Minimum distance to front lot line: 60'
 - 4. Minimum distance to side lot line adjacent to street: 25'
 - 5. Minimum distance to other side lot line: 3'
 - 6. Minimum distance to rear lot line: 3'

- G. Parking: See Chapter 10.

CHAPTER 7

COMMERCIAL DISTRICTS

ARTICLE A: GC - GENERAL COMMERCIAL DISTRICT

- Section 7A-1: Purpose
- Section 7A-2: Permitted Uses
- Section 7A-3: Accessory Uses and Structures
- Section 7A-4: Special Permits
- Section 7A-5: Supplementary Regulations
- Section 7A-6: Dimensional Regulations

Section 7A-1: PURPOSE

The purpose of the GC - General Commercial district is to provide areas for the development of general retail sales and selected service activities at accessible locations in the village. The GC district is not intended to allow industrial uses. In addition to the selected retail and service uses that are permitted uses, other service and retail uses which would not normally be appropriate in the GC district may be allowed as special uses with conditions specified by the Village Board of Trustees to safeguard the public health, safety, morals and welfare.

Section 7A-2: PERMITTED USES

The GC district is designed to allow considerable latitude in the range of retail uses allowed, provided, that the uses are legal and no outdoor storage is conducted except as otherwise provided herein. In addition, any building used primarily for any of the uses listed in this section may have not more than forty percent (40%) of the floor area devoted to storage or incidental assembly of products sold on the premises. Provided that neither junk yards, the dismantling of vehicles or the storage of dismantled vehicles, petroleum bulk plant, or outside storage of inflammable liquids or explosives, shall be permitted in the district: and provided, further, that adequate safeguards (structural, mechanical and location) shall be provided to protect adjoining properties from the effect of noisome or injurious substances, conditions and operation as defined in Chapter 2 and/or regulated in Chapter 11. It is provided further that any preparation or manufacture of goods or products conducted on the premises must be incidental to the retail business conducted on the premises. Such manufacture process or treatment shall employ not more than five (5) persons (exclusive of manager) engaged in said manufacture, processing or treatment of products and that all such operations create no undue noise, odor, dust, smoke, vibrations, or other similar nuisance. If a particular use is not listed, it is not allowed in the GC - General Commercial district. Buildings or structures may be erected, altered or used for the following:

- A. Single family and two family dwellings. (THIS SECTION HAS BEEN DELETED. SEE ORDINANCE #07-008)

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- B. Multi-Family Dwellings. (THIS SECTION HAS BEEN DELETED. SEE ORDINANCE #07-008)
- C. Air conditioning equipment, custom fabrication and installation.
- D. Animal hospitals when conducted entirely within an enclosed building.
- E. Apparel stores and shops.
- F. Art galleries and studios.
- G. Bakery shops including the baking and processing of food products for retail sales on the premises only.
- H. Business machines; repair and service.
- I. Candy and ice cream shops.
- J. Car washes.
- K. Churches and other places of worship, subject to the provisions of Chapter 11.
- L. Commercial institutions such as banks, savings and loan associations.
- M. Day care centers, nursery schools and orphanages.
- N. Drug stores.
- O. Eating and drinking establishments including "drive thru" restaurants.
- P. Electrical substations (static transformer stations), gas regulation stations, telephone exchange facilities and essential services, subject to the provisions of Chapter 11.
- Q. Express companies.
- R. Feed and seed stores.
- S. Food stores, including supermarkets, delicatessens, dairy products, meat markets, health foods.
- T. Funeral chapels, mortuary chapels and ambulance service.
- U. General office buildings.
- V. Gift and card shops, leather and luggage, tobacco and news, camera shops, sporting goods, garden shops, and antique shops.

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- W. Growing of plants and trees on a private or commercial basis, subject to the applicable provisions of Chapter 12.
- X. Hardware stores and hobby shops.
- Y. Libraries or museums, providing that all principal buildings are located at least twenty-five feet (25') from all property lines.
- Z. Locksmiths' repair shops.
- AA. Lumberyards.
- BB. Medical and dental clinics and centers.
- CC. Meeting halls.
- DD. Membership clubs and public or charitable institutions, not for correctional purposes.
- EE. Municipal uses, facilities and building, subject to the provisions of Chapter 11.
- FF. Newspaper printing.
- GG. Parking lots and parking garages, subject to the provisions of Chapter 10.
- HH. Personal service shops, including barber and beauty shops, shoe repair shops, laundries, self-service laundries, dry-cleaning stores, travel agencies, photographers, tailoring.
- II. Pet shops and pet grooming.
- JJ. Places of amusement or recreation such as theaters (but not drive-in theaters), auditoriums or bowling alleys.
- KK. Plumbing, heating and air conditioning sales.
- LL. Post offices or postal substations.
- MM. Professional and service offices.
- NN. Public, private or parochial schools offering courses of instruction at elementary and secondary levels in accordance with standards for compulsory education.
- OO. Radio and TV broadcasting stations.
- PP. Railroad right -of -way, not including switching, storage, freight yards, industrial sidings, or classification yards.

QQ. Taverns.

RR. Water softening equipment, service and repairs.

Section 7A-3: ACCESSORY USE AND STRUCTURES

- A. Accommodations for professional servants, caretakers, watchman or custodians, but not as a separate, detached one-family dwelling on the same lot.
- B. Fences, hedges and wall, subject to the provisions of Chapter 11.
- C. Home occupations, subject to the provisions of Chapter 11.
- D. Keeping of household pets, provided kennels are not maintained.
- E. Keeping of not more than one unoccupied camp and/or utility trailer, subject to the provisions of Chapter 11.
- F. Parking spaces not for gain in addition to minimum off-street parking, subject to the provisions of Chapter 10.
- G. Private greenhouses, tool sheds, garages or carports, tennis courts, patios, subject to the provisions of Chapter 11.
- H. Private swimming pools, subject to the provisions of Chapter 11
- I. Storage of merchandise or inventory usually carried in stock: provided that such storage shall be located on the lot with the retail, service or commercial use and shall be within a completely enclosed building or completely concealed by a fence at least six feet (6') in height.
- J. Temporary construction sheds and temporary buildings for sale or rental offices or show houses for use during construction operations, provided all other regulations of the district are complied with, but in no case shall such office be continued beyond the duration of construction of the project or one year, whichever is greater. However, such time limit may be extended for one year by the Zoning Board of Appeals.

Section 7A-4: SPECIAL PERMITS

The following uses may be allowed within the GC - General Commercial District subject to the criteria established in Chapter 13 of this ordinance:

- A. Planned developments based on the procedures in chapter 9 of this Ordinance
- B. Residential group homes, subject to the provisions of Chapter 11.

Section 7A-5: SUPPLEMENTARY REGULATIONS

All uses are subject to applicable provisions of Chapter 11.

Section 7A-6: DIMENSIONAL REGULATIONS

District GC - GENERAL COMMERCIAL

- A. Lot Standards:
 - 1. Minimum Lot Size: None
 - 2. Minimum Lot Width: None
 - 3. Minimum Lot Depth: None

- B. Yards
 - 1. Minimum Front Yard: None
 - 2. Minimum Side Yard Abutting a Lot: none required unless abutting a "SR" or "MR" district then 12' required
 - 3. Minimum Side Yard Abutting a Street: 25'
 - 4. Minimum Rear Yard: 20'
 - 5. Minimum distance to nearest principal building on adjacent lot: 12'

- C. Maximum Building Coverage of Lot: 50%

- D. Maximum Building Height: three (3) stories or 35' whichever is smaller

- E. Maximum Number of Dwelling Units: None

- F. Accessory Buildings, detached, if permitted:
 - 1. Maximum Height: 25'
 - 2. Minimum Distance to principal building: 12'
 - 3. Minimum distance to front lot line: 12'
 - 4. Minimum distance to side lot line adjacent to street: 12'
 - 5. Minimum distance to other side lot line: 12'
 - 6. Minimum distance to rear lot line: 12'

- G. Parking: See Chapter 10.

CHAPTER 7

COMMERCIAL DISTRICTS

ARTICLE B: HIGHWAY COMMERCIAL DISTRICT

- Section 7B-1: Purpose
- Section 7B-2: Permitted Uses
- Section 7B-3: Accessory Uses and Structures
- Section 7B-4: Special Uses
- Section 7B-5: Supplementary Regulations
- Section 7B-6: Dimensional Regulations

Section 7B-1: PURPOSE

The purpose of the HC - Highway Commercial district is to provide areas for the development of retail sales and selected activities at accessible locations of the Village most suited to heavier traffic and customer base. In addition to the selected retail and service uses that are permitted uses, other service and retail uses which would not normally be appropriate in HC classification may be allowed as special uses with conditions specified by the Village Board of Trustees to safeguard the public health, safety, morals and welfare.

Section 7B-2: PERMITTED USES

Provided that neither junk yards, the dismantling of vehicles or the storage of dismantled vehicles, petroleum bulk plant, or outside storage of inflammable liquids or explosives, shall permitted in the district: and provided further that adequate safeguards (structural, mechanical and location) shall be provided to protect adjoining properties from the effect of noisome or injurious substances, conditions and operation as defined in Chapter 2 and/or regulated in Chapter 11. It is provided further that any preparation or manufacture of goods or products conducted on the premises must be incidental to the retail business conducted on the premises. Such manufacture process or treatment shall employ not more the five (5) persons (exclusive of manager) engaged in said manufacture, processing or treatment of products and that all such operations create no undue noise, odor, dust, smoke, vibrations, or other similar nuisance. If a particular use is no listed, it is not allowed in the HC - Highway Commercial district. Buildings or structures may be erected, altered or used as the following:

- A. Single family and two family dwellings. (THIS SECTION HAS BEEN DELETED. SEE ORDINANCE #07-008)
- B. Multi-Family Dwellings. (THIS SECTION HAS BEEN DELETED. SEE ORDINANCE #07-008)
- C. Air conditioning equipment, custom fabrication and installation.

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- D. Animal hospitals when conducted entirely within an enclosed building.
- E. Apparel stores and shops.
- F. Art galleries and studios.
- G. Bakery shops including the baking and processing of food products for retail sales on the premises only.
- H. Bus terminals and other public transportation terminal facilities for passengers.
- I. Business machines; repair and service.
- J. Candy and ice cream shops.
- K. Car washes.
- L. Churches and other places of worship, subject to the provisions of Chapter 11.
- M. Commercial institutions such as banks, savings and loan associations.
- N. Day care centers, nursery schools and orphanages.
- O. Drug stores.
- P. Eating and drinking establishments including "drive thru" restaurants.
- Q. Electrical substations (static transformer stations), gas regulation stations, telephone exchange facilities and essential services, subject to the provisions of Chapter 11.
- R. Express delivery companies.
- S. Feed and seed stores.
- T. Food stores, including supermarkets, delicatessens, dairy products, meat markets, health foods.
- U. Funeral chapels, mortuary chapels and ambulance service.
- V. General office buildings.
- W. Gift and card shops, leather and luggage, tobacco and news, camera shops, sporting goods, garden shops, and antique shops.

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- X. Growing of plants and trees on a private or commercial basis, subject to the provisions of Chapter 11.
- Y. Hardware stores and hobby shops.
- Z. Hotels and motels.
- AA. Libraries or museums, providing that all principal buildings are located at least twenty-five feet (25') from all property lines.
- BB. Locksmiths' repair shops.
- CC. Lumberyards.
- DD. Medical and dental clinics and centers.
- EE. Meeting halls.
- FF. Membership clubs and public or charitable institutions, not for correctional purposes,
- GG. Mini-warehouses and self-storage facilities, subject to provisions of Chapter 11.
- HH. Municipal uses, facilities, and building, subject to the provisions of Chapter 11.
- II. Newspaper printing.
- JJ. Parking lots and parking garages, subject to the provisions of Chapter 10.
- KK. Personal service shops, including barber and beauty shops, shoe repair shops, laundries, self-service laundries, dry-cleaning stores, travel agencies, photographers, tailoring.
- LL. Pet shops and pet grooming.
- MM. Places of amusement or recreation such as theaters (but not drive-in theaters) auditoriums or bowling alleys.
- NN. Plumbing, heating and air conditioning sales.
- OO. Post offices or postal substations.
- PP. Professional and service offices.
- QQ. Public, private or parochial schools offering courses of instruction at elementary and secondary levels in accordance with standards for compulsory education.

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- RR. Radio and TV broadcasting stations.
- SS. Railroad right -of -way, not including switching, storage, freight yards, industrial sidings, or classification yards.
- TT. Repair Garages and gasoline service stations, subject the provisions of Chapter 11.
- UU. Sales and service of new farm, construction and industrial equipment.
- VV. Sales and service of new trucks and recreational vehicles.
- WW. Sales and service of new automobiles and new automobile accessories.
- XX. Taverns.
- YY. Water softening equipment, service and repairs.

Section 7B-3: ACCESSORY USES AND STRUCTURES

- A. Accommodations for professional servants, caretakers, watchman or custodians, but not as a separate, detached one-family dwelling on the same lot.
- B. Fences, hedges and wall, subject to the provisions of Chapter 11.
- C. Home occupations, subject to the provisions of Chapter 11.
- D. Keeping of household pets, provided kennels are not maintained.
- E. Keeping of not more than one unoccupied camp and/or utility trailer, subject to the provisions of Chapter 11.
- F. Parking spaces not for gain in addition to minimum off-street parking, subject to the provisions of Chapter 10.
- G. Private greenhouses, tool sheds, garages or carports, tennis courts, patios, subject to the provisions of Chapter 11.
- H. Private swimming pools, subject to the provisions of Chapter 11.
- I. Sales of used automobiles as an accessory use to new automobile sales only.
- J. Sales of used farm, construction and industrial equipment as an accessory use to new farm, construction and industrial equipment sales only.
- K. Sales of used trucks and recreational vehicles as an accessory use to the new truck and recreational vehicles sales only.

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- L. Storage of merchandise or inventory usually carried in stock: provided that such storage shall be located on the lot with the retail, service or commercial use and shall be within a completely enclosed building or completely concealed by a fence at least six feet (6') in height.
- M. Temporary construction sheds and temporary buildings for sale or rental offices or show houses for use during construction operations, provided all other regulations of the district are complied with, but in no case shall such office be continued beyond the duration of construction of the project or one year, whichever is greater. However, such time limit may be extended for one year by the Zoning Board of Appeals.

Section 7B-4: SPECIAL PERMITS

The following uses may be allowed within the HC - Highway Commercial District subject to the criteria established in Chapter 13 of this ordinance:

- A. Advertising signs and billboards.
- B. Planned developments based on the procedures in Chapter 9 of this Ordinance.
- C. Mobile Home Sales.
- D. Residential group homes, subject to the provisions of Chapter 11.
- E. Sales of used automobiles, subject to the provisions of Chapter 11.
- F. Sales of used farm, construction and industrial equipment.
- G. Sales of used truck and recreational vehicles.
- H. Storage and /or display of inventory usually carried in stock without a fence or outside a building.

Section 7B-5: SUPPLEMENTARY REGULATIONS

All uses are subject to the applicable provisions of Chapter 11.

Section 7B-6: DIMENSIONAL REGULATIONS

District HC – HIGHWAY COMMERCIAL.

- A. Lot Standards:
 - 1. Minimum Lot Size: None
 - 2. Minimum Lot Width: None
 - 3. Minimum Lot Depth: None
- B. Yards

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1. Minimum Front Yard: None
 2. Minimum Side Yard Abutting a Lot: none required unless abutting a "SR" or "MR" district then 12' required
 3. Minimum Side Yard Abutting a Street: 25'
 4. Minimum Rear Yard: 20'
 5. Minimum distance to nearest principal building on adjacent lot: 12'
- C. Maximum Building Coverage of Lot: 50%
- D. Maximum Building Height: three (3) stories or 35' whichever is smaller
- E. Maximum Number of Dwelling Units: None
- F. Accessory Buildings, detached, if permitted:
1. Maximum Height: 25'
 2. Minimum Distance to principal building: 12'
 3. Minimum distance to front lot line: 12'
 4. Minimum distance to side lot line adjacent to street: 12'
 5. Minimum distance to other side lot line: 12'
 6. Minimum distance to rear lot line: 12'
- G. Parking: See Chapter 10.

CHAPTER 8

LI - LIGHT INDUSTRIAL DISTRICT

- Section 8-1: Purpose
- Section 8-2: Permitted Uses
- Section 8-3: Accessory Uses and Structures
- Section 8-4: Special Permits
- Section 8-5: Supplementary Regulations
- Section 8-6: Dimensional Regulations

Section 8-1: PURPOSE

The purpose of the LI - Light Industrial district is to provide an area within the Village where manufacturing facilities, research facilities, research parks, warehouses, and wholesale business may locate, while providing compatibility with other non-manufacturing areas of the community. It is intended that this particular district will generally provide for manufacturing of an assembly nature from finished good, warehousing and wholesale activities. Supportive services for manufacturing are generally of a non-retail or personal service character and should be encouraged to locate in this district.

Section 8-2: PERMITTED USES

The LI Light Industrial district is designed to allow considerable latitude in the range of light manufacturing and wholesale uses. Provided that neither junk yards, the dismantling of vehicles or the storage of dismantled vehicles, petroleum bulk plant, or outside storage of inflammable liquids or explosives, shall permitted in the district: and provided further that adequate safeguards (structural, mechanical and location) shall be provided to protect adjoining properties from the effect of noisome or injurious substances, conditions and operation as defined in Chapter 2 and/or regulated in Chapter 11; that all such operations create no undue noise, odor, dust, smoke, vibrations, or other similar nuisance. If a particular use is not listed as a listed permitted use, it is not allowed within the LI Light Industrial district. Buildings or structures may be erected, altered or used for one or more of the following:

- A. Assembly production, processing, wholesaling or warehousing, or manufacturing of any commodity from semi-finished (other than raw) material, provided explosives, flammable materials, nuclear or hazardous materials, or livestock are not involved.
- B. Freight terminals
- C. General warehouses and storage

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- D. Local cartage and express facilities.
- E. Mini-warehouses and self-storage facilities, subject to the provisions of Chapter 11.
- F. Research and development facilities or parks, provided explosives, flammable materials, nuclear or hazardous material, or livestock are not involved.
- G. Air conditioning equipment, custom fabrication and installation.
- H. Animal hospitals when conducted entirely within an enclosed building.
- I. Apparel stores and shops.
- J. Art galleries and studios.
- K. Bakery shops including the baking and processing of food products for retail sales on the premises only.
- L. Bus terminals and other public transportation terminal facilities for passengers.
- M. Business machines; repair and service.
- N. Candy and ice cream shops.
- O. Car washes.
- P. Churches and other places of worship, subject to the provisions of Chapter 11.
- Q. Commercial institutions such as banks, savings and loan associations.
- R. Day care centers, nursery schools and orphanages.
- S. Drug stores.
- T. Eating and drinking establishments including "drive thru" restaurants.
- U. Electrical substations (static transformer stations), gas regulation stations, telephone exchange facilities and essential services, subject to the provisions of Chapter 11.
- V. Express delivery companies.
- W. Feed and seed stores.
- X. Food stores, including supermarkets, delicatessens, dairy products, meat markets, health foods.

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- Y. Funeral chapels, mortuary chapels and ambulance service.
- Z. General office buildings.
- AA. Gift and card shops, leather and luggage, tobacco and news, camera shops, sporting goods, garden shops, and antique shops.
- BB. Growing of plants and trees on a private or commercial basis, subject to the provisions of Chapter 11.
- CC. Hardware stores and hobby shops.
- DD. Hotels and motels.
- EE. Libraries or museums, providing that all principal buildings are located at least twenty-five feet (25') from all property lines.
- FF. Locksmiths' repair shops.
- GG. Lumberyards.
- HH. Medical and dental clinics and centers.
- II. Meeting halls.
- JJ. Membership clubs and public or charitable institutions, not for correctional purposes,
- KK. Mini-warehouses and self-storage facilities, subject to provisions of Chapter 11.
- LL. Municipal uses, facilities, and building, subject to the provisions of Chapter 11.
- MM. Newspaper printing.
- NN. Parking lots and parking garages, subject to the provisions of Chapter 10.
- OO. Personal service shops, including barber and beauty shops, shoe repair shops, laundries, self-service laundries, dry-cleaning stores, travel agencies, photographers, tailoring.
- PP. Pet shops and pet grooming.
- QQ. Places of amusement or recreation such as theaters (but not drive-in theaters) auditoriums or bowling alleys.
- RR. Plumbing, heating and air conditioning sales.
- SS. Post offices or postal substations.

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- TT. Professional and service offices.
- UU. Public, private or parochial schools offering courses of instruction at elementary and secondary levels in accordance with standards for compulsory education.
- VV. Radio and TV broadcasting stations.
- WW. Railroad right -of -way, not including switching, storage, freight yards, industrial sidings, or classification yards.
- XX. Repair Garages and gasoline service stations, subject the provisions of Chapter 11.
- YY. Sales and service of new farm, construction and industrial equipment.
- ZZ. Sales and service of new trucks and recreational vehicles.
- AAA. Sales of new automobiles and new automobile accessories.
- BBB. Taverns.
- CCC. Water softening equipment, service and repairs.

Section 8-3: ACCESSORY USES AND STRUCTURES

- A. Accommodations for professional servants, caretakers, watchman or custodians, but not as a separate, detached one-family dwelling on the same lot.
- B. Fences, hedges and wall, subject to the provisions of Chapter 11.
- C. Home occupations, subject to the provisions of Chapter 11.
- D. Keeping of household pets, provided kennels are not maintained.
- E. Keeping of not more than one unoccupied camp and/or utility trailer, subject to the provisions of Chapter 11.
- F. Parking spaces not for gain in addition to minimum off-street parking, subject to the provisions of Chapter 10.
- G. Private greenhouses, tool sheds, garages or carports, tennis courts, patios, subject to the provisions of Chapter 11.
- H. Private swimming pools, subject to the provisions of Chapter 11.
- I. Sales of used automobiles as an accessory use to new automobile sales only.

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- J. Sales of used farm, construction and industrial equipment as an accessory use to new farm, construction and industrial equipment sales only.
- K. Sales of used trucks and recreational vehicles as an accessory use to the new truck and recreational vehicles sales only.
- L. Storage of merchandise or inventory usually carried in stock: provided that such storage shall be located on the lot with the retail, service or commercial use and shall be within a completely enclosed building or completely concealed by a fence at least six feet (6') in height.
- M. Temporary construction sheds and temporary buildings for sale or rental offices or show houses for use during construction operations, provided all other regulations of the district are complied with, but in no case shall such office be continued beyond the duration of construction of the project or one year, whichever is greater. However, such time limit may be extended for one year by the Zoning Board of Appeals.

Section 8-4: SPECIAL PERMITS

The following uses may be allowed within the LI - Light Industrial district subject to the criteria established in Chapter 13 of this ordinance.

- A. Advertising signs and billboards.
- B. Planned developments based on the procedures in chapter 9 of this Ordinance.
- C. Adult Business. See Ordinance 99-005 for regulations.
- D. Assembly, production, processing wholesaling or warehousing, or manufacturing of any commodity involving raw materials.
- E. Research and development facilities or parks involving explosives, flammable materials, nuclear or hazardous materials, or livestock.
- F. Fuel sales and storage.
- G. Mobile home sales.
- H. Sales of used automobiles, subject to the provisions of Chapter 11.
- I. Sales of used farm, construction and industrial equipment.
- J. Sales of used trucks and recreational vehicles.
- K. Storage and/or display of inventory usually carried in stock without a fence or outside a building.

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- L. Wastewater/sewage treatment facilities.

Section 8-5: SUPPLEMENTARY REGULATIONS

- A. All uses are subject to the applicable provisions of Chapter 11, with special regard to Section 11-2.
- B. All business, production, servicing, and processing shall take place within completely enclosed buildings. Storage may be outdoors if storage area is completely enclosed by a solid wall or fence (including doors and gates) at least six feet (6') high.

Section 8-6: DIMENSIONAL REGULATIONS

LI - LIGHT INDUSTRIAL

- A. Lot Standards:
 - 1. Minimum Lot Size: None
 - 2. Minimum Lot Width: None
 - 3. Minimum Lot Depth: None
- B. Yards
 - 1. Minimum Front Yard: 25'
 - 2. Minimum Side Yard Abutting a Lot: 12'
 - 3. Minimum Side Yard Abutting a Street: 25'
 - 4. Minimum Rear Yard: 20'
 - 5. Minimum distance to nearest principal building on adjacent lot: N/A
- C. Maximum Building Coverage of Lot: None
- D. Maximum Building Height: three (3) stories or 35' whichever is smaller.
- E. Accessory Buildings, detached, if permitted:
 - 1. Maximum Height: 25'
 - 2. Minimum Distance to principal building: 12'
 - 3. Minimum distance to front lot line: 12'
 - 4. Minimum distance to side lot line adjacent to street: 12'
 - 5. Minimum distance to other side lot line: 12'
 - 6. Minimum distance to rear lot line: 12'
- F. Parking: See Chapter 10.

CHAPTER 9

PLANNED DEVELOPMENT PROCEDURE (PDP):

- Section 9-1: Purpose and Intent
- Section 9-2: Size and Density Controls
- Section 9-3: Application Procedure and Area Plan
- Section 9-4: Review of Application and Area Plan
- Section 9-5: Final Development Plan and Section Plans
- Section 9-6: Site Design Requirements
- Section 9-7: Criteria for Reviewing Applications
- Section 9-8: Performance and Maintenance Guarantees

Section 9-1: PURPOSE AND INTENT

The planned development procedure or PDP is intended to provide for development incorporating a single type or a variety of related uses, which are planned and developed as a unit. A PDP development may consist of conventionally subdivided lots or provide for nontraditional techniques of development, which are consistent with the intent of the village comprehensive plan and meet the spirit and intent of this ordinance. The further purpose of the PDP is to permit the following:

- A. A maximum choice in the type of environment available to the public by allowing a development that would not be possible under the strict application of the provisions of this ordinance.
- B. Permanent preservation of common open space and recreation areas and facilities.
- C. A pattern of development to preserve natural vegetation, topographic and geologic features.
- D. A creative approach to the use of land and related physical facilities that results in better development and design and the construction of aesthetic amenities.
- E. An efficient use of the land resulting in more economic networks of utilities, streets, schools, public grounds and buildings, and other facilities.
- F. A land use which promotes the public health, safety, comfort, morals and welfare.
- G. Innovations in residential, commercial, and recreational development so that growing demands of population may be met by greater variety in type, design, and layout of

buildings and by the conservation and more efficient use of open space ancillary to said buildings.

Section 9-2: SIZE AND DENSITY CONTROLS

- A. The minimum size of any PDP shall be five (5) acres, unless the proposed PDP abuts an existing PDP, in which case, the minimum size may be waived if the village determines that the proposed and existing PDP uses are compatible.
- B. The maximum residential density of any PDP shall be controlled by the underlying zoning district(s) and the maximum floor area ratios shall apply.

Section 9-3: APPLICATION PROCEDURE AND AREA PLAN

- A. Application Required:
 - 1. Filing: The amendment of an area plan or the designation of a portion of the village as a planned development must be initiated by an application with the proposed area plan, accompanied by the required fee and filed with the building and zoning administrator. The owner or owners of record or the contract purchasers must verify the application. The application must be filed at least twenty {20} days prior to the Zoning Board of Appeals meeting at which it is to be first considered.
- B. Contents of Application:

The application must include the following information. The village may require that this information be included on or filed with designated forms:

 - 1. The name of the proposed PDP development.
 - 2. Names, addresses and phone numbers of the owner(s) of record, and engineer, surveyor or designer responsible for the planning, engineering, survey and design.
 - 3. Acreage in the entire planned development.
 - 4. Legal description of the entire planned development.
 - 5. Five (5) copies of proposed deed restrictions, protective covenants, and homeowners' association articles of incorporation and bylaws.
 - 6. Signature(s) of applicant(s) and owner(s) certifying the accuracy of the requested information.
 - 7. Payment of the required application fee.
 - 8. A recent certificate of title to the property showing ownership.
 - 9. A list containing the names and addresses of all owners of property located within two hundred fifty feet (250') of the property to be designated a planned development.

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10. Any additional information deemed necessary by the building and zoning administrator.

C. Area Plans:

Sixteen (16) copies of the proposed area plan must accompany the application. The scale for all plans shall be no smaller than one inch equals fifty feet (1" = 50'), and the plans shall include the following:

1. The name of the proposed PDP development.
2. A scale, north arrow and the date drawn.
3. The proposed use and development of the planned development,
4. The boundaries, dimensions and area of the planned development.
5. The location of the planned development in relation to the surrounding uses, buildings and zoning.
6. The location of the planned development in relation to major thoroughfares, and any roadways or drives connecting the planned development to those major thoroughfares.
7. The names of adjacent subdivisions, layout of streets (with names and right-of-way widths), connections with adjoining platted streets, location and widths and of adjoining alleys, easements and public sidewalks, and location and dimensions of all existing sanitary sewer, storm sewer, and supply facilities within two hundred fifty feet (250') of the planned development.
8. The existing conditions in the planned development area showing all easements, streets, drives or alleys, bridges, and existing structures.
9. The existing topography (at least 5 foot contour intervals). All topographic data shall directly relate to USGS data.
10. The boundary lines of school districts, fire districts, and municipal limits must be identified on the plan where applicable.
11. The general plan layout of the entire planned development showing proposed land uses, streets, parking areas, open space areas, sidewalks and highways or other major improvements planned by public authorities for future construction, with significant dimensions indicated where appropriate to clarify the plan.
12. All planned use areas must be clearly labeled as to the proposed use, and all parcels of lands to be dedicated or reserved for public use or for use in common by property owners in the planned development shall be indicated on the plan dedication or reservation.
13. The proposed stages of development.
14. Subsurface conditions on the tract, if required by the director of public works, including the location and results of tests made to ascertain subsurface soil, rock, and ground water conditions; depth to ground water unless test pits are dry at a depth of five feet (5'); location and results of soil percolation tests if individual sewage disposal systems are proposed.
15. Site plan data must be indicated on the area plan and must include the items below:
 - a) The total gross area of the planned development area plan in acres.
 - b) The breakdown of total gross area by land use type, such as townhouses, single-family, retail shops, open space, church, school, etc.
 - c) Residential data:

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- (1) The estimated total residential units.
- (2) The average square feet of residential land per each type of residential unit.
- (3) The breakdown of nonresidential land by type of use.
- (4) The total parking by land use type and parking ratio per dwelling unit.
- d) Commercial and industrial data:
 - (1) The estimated total building square footage by land use type.
 - (2) The percentage of building coverage by land use type for business and industrial planned districts.
 - (3) The total parking by land use type and parking ratio per floor area.
16. Any additional information deemed necessary by the building and zoning administrator to adequately illustrate the planned development

Section 9-4: REVIEW OF APPLICATION AND AREA PLAN

- A. The proposed plan shall be referred to the Zoning Board of Appeals for study, a public hearing thereon and recommendation and report to the Village Board of Trustees.
- B. The Zoning Board of Appeals shall not act on any proposed plan before holding a public meeting with fifteen (15) days' written notice thereof shall be given to all property owners within two hundred fifty feet (250') of the boundary of the premises under consideration, and at least fifteen (15) days' written notice thereof shall be given in a newspaper of general circulation in the village.
- C. After holding a public hearing on any proposed plan, the Zoning Board of Appeals shall submit its report of such action to the Village Board of Trustees for the board's consideration and action. Said report shall include all documents comprising the proposed plan referred to the Zoning Board of Appeals, the recommendation of the Zoning Board of Appeals with respect to such proposed plan, and the reasons for approval or disapproval of such proposed plan,
- D. If no report is transmitted by the Zoning Board of Appeals within sixty five (65) days from the date that the application is first reviewed by the Zoning Board of Appeals at a regular meeting, the Village Board of Trustees may take action on such proposed plan even though the Zoning Board of Appeals has not submitted its report to the board. If the Zoning Board of Appeals fails to hold the public hearing required by subsection B of this section, the Village Board of Trustees may assume that responsibility and hold such a hearing after providing the requisite notice.
- E. Upon receipt of the Zoning Board of Appeals' report, the Village Board of Trustees shall either approve the application by adopting an ordinance amending the zoning district map and authorizing the PDP development in accordance with the area plan, or deny the application. If the application is approved, the matter shall be returned to the Zoning Board of Appeals for consideration of a final development plan.

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- F. Minor technical and mechanical changes to the area plan may be approved by the village engineer without review by the Zoning Board of Appeals or the Village Board of Trustees so long as the changes do not materially affect the PDP development as approved by the Village Board of Trustees. Within seven (7) days of such approval, the village engineer will advise the chairman of the Zoning Board of Appeals of any such change.

Section 9-5: FINAL DEVELOPMENT PLAN AND SECTION PLANS

Requirements for final development plans and section plans shall be as follows:

- A. Final development plans must include, in addition to specific information required by the ordinance authorizing the PDP development, the following general information:
 - 1. An outboundary plat and legal description of the property.
 - 2. The location of all roadways adjacent to the property and general location, size, and pavement widths of all interior roadways.
 - 3. The general design of the PDP development including unit types (i.e., single-family detached, single-family attached, apartment), number of each unit type proposed, location of units, minimum and maximum size of single-family lots, approximate size of multiple-family structures, and location and size of common areas and recreation facilities.
 - 4. The location and size of any commercial uses, types of uses proposed and general parking layout.
 - 5. Any flood plain boundaries.
 - 6. The density calculations.
 - 7. Tree survey.
 - 8. Concept landscape plan.
- B. The Zoning Board of Appeals must determine if the final development plan complies with the conditions of the ordinance authorizing the PDP development. The Zoning Board of Appeals' recommendation of the final development plan shall also be based upon whether the plan is consistent with good general planning practice, consistent with good site planning, can be constructed and operated in a manner that is not detrimental to the permitted uses in the district, would be visually compatible with the uses in the surrounding area, and is deemed desirable to promote the general welfare of the village. The Zoning Board of Appeals must also consider architectural, landscape, and other relationships which may exist between the proposed PDP development and the character of the surrounding neighborhood and must prescribe or require such physical treatment or other limitations as will, in its opinion, enhance the neighborhood character.
- C. A section plan for each plat or phase of the area plan must be submitted to the Zoning Board of Appeals for review and approval. The section plan must contain such information as is required by the ordinance establishing the planned development, in addition to such other information required on a preliminary plat by the land subdivision regulations.

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- D. The Zoning Board of Appeals shall submit its recommendation on each final development plan and section plan to the Village Board of Trustees. If the Zoning Board of Appeals does not approve or disapprove a final development plan or a section plan within thirty five (35) days from the date that the plan is first reviewed by the Zoning Board of Appeals at a regular meeting, the Village Board of Trustees may approve or disapprove such plan even though the Zoning Board of Appeals has taken no action.
- E. The village clerk shall retain all plans on file. An approved final development plan will constitute an approved preliminary plat for purposes of the land subdivision regulations. No building permits or authorization for improvement or development for any use authorized under provisions of the ordinance governing the tract shall be issued prior to approval of such plans.
- F. Where elements within the designated planned development boundary are necessary to the support of a given section, but not included within the section boundary, these elements shall be included on a site plan accompanying, or a part of, the section plan.
- G. If a final development plan includes all the information required for section plans, the section plan requirements may be waived.

Section 9-6: SITE DESIGN REQUIREMENTS

- A. All paved and landscaped areas shall, at all times, be kept in good repair and in excellent condition, in accordance with this ordinance and other ordinances. The continuous maintenance of said areas is to be the responsibility of the owners and lessees of the property.
- B. All landscaping plant materials shall be kept alive and in excellent condition.
- C. All lighting shall be served with underground cable. All parking areas and walkways shall be illuminated so as to produce a uniform illumination of two (2) foot-candles within said areas. All exterior lighting shall be shielded and/or otherwise designed to direct light downward and within the confines of the site area so as to prevent or minimize glare or spillover to other areas.
- D. Access Requirements: All developed parcels, except those developed for single-family, shall be provided interior drives with a minimum width of pavement of twenty four feet (24'). Driveway openings shall be limited to not more than thirty-six feet (36') in width and shall be limited to one drive per one hundred feet (100') of lot width. All roads and drives shall be paved with concrete or asphalt concrete material as specified by the village engineer. Concrete curbs shall be provided along all drives that do not abut parking spaces. All parking areas shall be edged with concrete curbs. Surface or underground storm drainage facilities shall be provided for all roads,

- C. The comparative size, floor area, mass, and general appearance of the proposed structures in relationship to adjacent structures and buildings in the surrounding properties and neighborhood.
- D. The amount of traffic generated by the proposed use or uses and the relationship to the amount of traffic on abutting streets and on minor streets in the surrounding neighborhood in terms of the street's capacity to absorb the additional traffic and any significant increase in hourly or daily traffic levels.

Section 9-8: PERFORMANCE AND MAINTENANCE GUARANTEES

- A. All public facilities and improvements made necessary as a result of the planned development shall be either constructed in advance of the approval of the final plan, or, at the discretion of the village, escrow deposits, irrevocable letters of credit in a form approved by the village attorney or performance bonds shall be delivered to guarantee construction of the required improvements. Any such guarantee shall be one hundred percent (100%) of the estimate approved by the village engineer of the cost to construct said improvements.
- B. In addition to the deposit provided for in subsection A of this section, a deposit shall be made to the village in cash, irrevocable letters of credit (in a form approved by the village attorney), or maintenance bond equal to fifteen percent (15%) of the estimated cost of public facility installations. This deposit shall be a guarantee of satisfactory performance of the facilities constructed within the planned development and shall be held by the village for a period of eighteen (18) months after acceptance of such facilities by the village. After eighteen (18) months, the deposit shall be refunded if no defects have developed. If any defects have developed, then the balance of such deposit shall be refunded after reimbursements for amounts expended in correcting defective facilities. The refund of the deposit under this subsection B shall be made immediately upon completion and approval of the construction of said public facilities, and the performance guarantee for the public facilities shall thereupon be released.

CHAPTER 10

PARKING

Section 10-1: Off-Street Parking and Loading

Section 10-1: OFF-STREET PARKING AND LOADING

- A. Purpose and Intent:
1. The purpose of this section is to ensure that an adequate, safe and convenient arrangement of pedestrian circulation facilities, roadways, driveways, off-street parking and loading spaces are provided for all zoning districts. Parking facilities shall be landscaped and screened to the extent necessary to eliminate unsightliness and monotony of large concentrations of parked cars. Any above ground loading facility shall be screened from public view to the extent necessary to eliminate unsightliness.
 2. Off-street parking spaces shall be required for all uses in all zoning districts.
- B. General Provisions:
1. Repair, Service or Sales Use of Parking Facilities Prohibited: No required off-street parking or loading facilities shall be utilized for motor vehicle repair work, service, display or sales of any kind, except as expressly permitted elsewhere in this ordinance.
 2. Entries and Exits: All entrances and exits to parking and loading areas from a public right of way shall ensure the smooth and safe circulation of vehicles to and from the public street system. Except for single-family residential dwellings and duplexes, all parking access shall be designed to prevent the need to back directly onto a public road or right of way.
 3. Location of Parking and Loading Spaces: All required off-street parking or loading spaces shall be provided on the same parcel of land occupied by the use or building to which it is appurtenant: all parking spaces shall be entirely within lot line and not in a public right-of-way. Accessory parking areas could be considered, with certain conditions, if there is not adequate required parking.
 4. Joint Parking Facilities: Off-street parking facilities for different buildings, structures or uses, or for mixed uses, may be provided and used collectively or jointly in any zoning district, provided adequate parking area is provided for all uses/buildings
- C. Design and Maintenance Standards:
1. Size of Parking Space: Each off-street parking space shall not be less than 10 feet wide, 20 feet long.

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2. Parking Surface And Drainage: All open off-street parking areas, except those accessory to one- or two-family dwellings, shall be improved with a compacted select rock base, surfaced with an all-weather, dustless material suitably designed for the intended use, to a standard approved by the village. Parking and loading facilities shall be provided with adequate storm water drainage facilities to prevent damage or inconvenience to abutting property and/or public streets and alleys.
3. Lighting: Any off-street parking or loading area used between six o'clock (6:00) P.M. and six o'clock (6:00) A.M. shall contain a system of lighting to provide illumination over the area of the parking area to be used. All lighting shall be arranged to deflect, shade and focus lights away from adjacent properties, shall be designed so as not to create a nuisance at any property boundary abutting a residential zoning district.
4. Screening and Landscaping: All parking and loading areas shall be landscaped and provide screening.
5. Signs: Parking direction and regulation signs may be provided in accordance with Chapter 12 of this ordinance showing the ownership of any parking facility and the permitted use thereof. If the lot is so operated that a charge is made for the use of the parking facilities, the rates for parking shall be legibly shown upon the parking regulation sign.
6. Maintenance: Any person operating a parking facility shall keep it free, as may be practical, of dust and loose particles and shall promptly remove the snow and ice from the surface of the parking facility. Such person shall also keep all adjacent sidewalks free from dirt, ice, sleet and snow and shall keep the sidewalks in a safe condition for use by pedestrians. All signs, markers or any other methods used to indicate direction of traffic movement and location of parking spaces shall be maintained in a neat and legible condition. Likewise any walls, landscaping, including trees and shrubbery, as well as surfacing and curbing of the parking facility, shall be maintained in good condition throughout its use for parking purposes, and the Village Board of Trustees shall have the authority to prohibit the use of the area for parking purposes, after fifteen (15) days' written notice, unless and until proper maintenance, repair or rehabilitation is completed, including the replacement of any landscaping material which may die from time to time, or the failure of the landscape irrigation or surface drainage system within the parking area.
7. Paving of Residential Parking Spaces: The required off-street parking spaces for any residential use shall be paved with concrete, asphaltic concrete or brick. Any parking space constructed or designated after the effective date of this Ordinance, and the driveways between such spaces and the right of way line of the street, shall be similarly paved.

D. Additional Parking Requirements:

1. Minimum off-street parking space for:
 - a) One family dwelling: one per unit
 - b) Churches and Auditoriums: one per 4 seats in residential districts, one per 6 seats in commercial districts
 - c) Libraries and museums: one per 500 sq. Ft. total floor area

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- d) Municipal buildings: one per 300 sq. Ft. total floor area
 - e) Elementary and Junior high schools: one per 500 sq. Ft. total floor area
 - f) Senior high schools: one per 200 sq. Ft. or classroom area
 - g) Two family dwellings: 1 space per dwelling unit
 - h) Multi-family dwellings: 1 space per dwelling unit
 - i) Permitted Business Uses: One space per 125 sq. Ft. of first floor area, plus one space for each 500 sq. Ft. of floor area above the first floor or one space per 3 employees, whichever is greater.
2. Computing Number of Required Off-street Parking Spaces: In computing the number of required off-street parking spaces, the following rules shall apply:
- a) "Floor area" shall mean the gross leasable area of the entire building of the specific use, excluding any floor or portion thereof used for parking.
 - b) Where fractional spaces result, the parking spaces required shall be the next greater whole number.
 - c) All required parking shall be available at all times for the use for which the parking is required except as specifically provided by this chapter.
 - d) In the case of bench seating, such as pews in a place of worship, twenty four (24) lineal inches of bench seating shall equate to one seat.
 - e) For residential uses, off-street parking requirements can be met through the use of a garage and /or paved parking spaces located outside of any right of way.
3. Parking Garages:
- a) Required off street-parking spaces may be provided within parking garages; provided that all other provisions of this chapter are met.
 - b) Every part of a parking garage situated above ground level shall comply with the building setback requirements of the specific zoning district in which it is located. Those portions of a parking garage located below ground level may encroach into this setback: provided that no part of the parking garage extends into a public right of way or crosses any other property line.
 - c) Within parking garages, parking space width shall be measured from the base of structural columns rather than from the center of such columns.
4. Parking for Handicapped Persons:
- a) All applicants for site plan approval for a new or changed development should be aware of the requirements of the Americans with disabilities act (ADA) of 1990 including provisions of the act which were effective as of January 26, 1992.
 - b) Handicapped parking spaces shall be a minimum of eight feet (8') in width, and each space shall have access to a five foot (5') wide access aisle. In addition, at least one of the handicapped parking spaces must be capable of accommodating a wheelchair van which shall be provided a parking space eight feet (8') wide, plus an eight foot (8') wide discharge area. All handicapped parking spaces shall be identified by light blue lines and a handicapped symbol painted on the pavement, and by a handicapped parking space sign for each space.

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- E. Increase or Decrease in Parking Needs: When any building, structure or site undergoes a change that may cause an increase or decrease the requirement for total off-street parking and/or loading spaces, such off-street parking and/or loading facilities shall be added (increase) or used otherwise (decrease).

CHAPTER 11

SUPPLEMENTARY REGULATIONS

- Section 11-1: Scope
- Section 11-2: General Performance Standards
- Section 11-3: Accessory Uses and Structures
- Section 11-4: Churches and Places of Formal Worship
- Section 11-5: Communication Towers
- Section 11-6: Contiguous Parcels
- Section 11-7: Fences and Walls
- Section 11-8: Height Exceptions and Limitations
- Section 11-9: Home Occupations
- Section 11-10: Manufactured Homes
- Section 11-11: Nonconformities
- Section 11-12: Parking of Commercial Vehicles in Residential Areas
- Section 11-13: Parking or Storage of Vehicles
- Section 11-14: Pets
- Section 11-15: Planned Mobile Home Parks
- Section 11-16: Plant Nurseries and Greenhouses
- Section 11-17: Public Buildings
- Section 11-18: Public Utility Stations; Exchanges; Essential Services
- Section 11-19: Repair Garages and Gasoline Service Stations
- Section 11-20: Required Corner Visibility
- Section 11-21: Residential Group Homes
- Section 11-22: Swimming Pools
- Section 11-23: Trash Enclosures
- Section 11-24: Traveler Trailers and Recreational Vehicles
- Section 11-25: Used Automobile Sales
- Section 11-26: Uses Permitted
- Section 11-27: Warehousing and Storage Facilities
- Section 11-28: Yard Encroachments

Section 11-1: SCOPE

This chapter provides supplementary regulations to be used in administering and interpreting the intent of this ordinance.

Section 11-2: GENERAL PERFORMANCE STANDARDS

- A. Any lot shall be properly graded for drainage and maintained in good condition, free from trash and debris.
- B. Noise emanation from any use shall not be of such volume or frequency as to be unreasonably offensive at or beyond the property line. Unreasonably offensive noises, due to intermittence, beat frequency, or shrillness shall be muffled so as not to become a nuisance to adjacent uses.
- C. No obnoxious, toxic, corrosive or radioactive matter, smoke, fumes or gases shall be discharge across the boundaries of any lot in such concentrations as to be detrimental to or endanger the public health, safety, comfort or welfare or to cause injury or damage to property or business.

Section 11-3: ACCESSORY USES AND STRUCTURES

- A. Authorization: Accessory uses are permitted in all zoning districts as provided herein.
- B. Use Limitations:
 - 1. No accessory structure shall be built prior to the construction of the principal use.
 - 2. No accessory structure shall be occupied or utilized unless the principal structure to which it is an accessory is occupied or utilized.
 - 3. All accessory uses and structures shall comply with the use limitations applicable in the zoning district in which located.
 - 4. No accessory structure shall be used as a dwelling.
 - 5. All accessory uses and structures shall comply with the following height regulations, except as provided in section 11-28 of the chapter:
 - a) No accessory building shall exceed fifteen feet (15') in height in any residential (SR or MR) district and shall not exceed the height of the principal building.
 - b) No accessory building shall exceed twenty five feet (25') in height in any commercial (GC, HC) or industrial (LI) district and shall not exceed the height of the principal building
- C. Location:
 - 1. If an accessory type building shares a structural wall with a principal building, it shall be deemed to be a part of the principal building and shall comply in all respects with the requirements of this ordinance applicable to a principal building.
 - 2. If an accessory building is detached from the principal building, it shall be located at least ten feet (10') from the principal building.
 - 3. No accessory structure or use shall be located in any required corner visibility triangle as established in section 11-20 of this chapter.

Section 11-4: CHURCHES AND PLACES OF FORMAL WORSHIP

In any district where churches are permitted, the following additional requirements shall be met:

- A. For each 75 seats (where benches are provided, each 24 inches of said bench shall constitute a seat) or fraction thereof (not including Sunday school accommodations), the site shall contain at least one-half (1/2) acre of land.
- B. Each principal building shall be located at least twenty-five feet (25') from all property lines.

Section 11-5: COMMUNICATIONS TOWERS

Regulations for Communications Towers:

- A. The height of the tower shall not exceed one hundred feet (100').
- B. The tower shall be set back from property lines a minimum of one foot (1') for every foot of tower height.
- C. Owners and operators of every communication tower approved after the effective date of this ordinance shall provide for the collocation of other communications providers on their tower for reasonable compensation.
- D. Prior to approval of a communication tower by the Village Board of Trustees, the applicant shall document this efforts to locate his antenna on an existing tower is not feasible.
- E. Additional reasonable requirements designed to protect the safety and general welfare of adjoining landowners and other residents of the village.

Section 11-6: CONTIGUOUS PARCELS

When two or more parcels of land, each of which lacks adequate area and/or minimum dimensions to qualify for a permitted use under the requirements of the use district in which they are located, are contiguous, and are held in one ownership, they shall be used as one zoning lot for such use.

Section 11-7: FENCES, WALLS AND HEDGES

Fences, walls or hedges used for any purpose shall in all districts conform to the following:

- A. For the purpose of minimizing traffic hazards at street intersections by improving visibility for converging vehicles, obstructions higher than two feet above the adjacent top of the curb elevation shall not be permitted to be planted, placed or erected on any corner lot within the triangular portion of land designated as "restricted area" in section 11-20 of this chapter.

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- B. No barbed wire or other such sharp pointed fence and no electrically charged fence shall be erected or maintained except in agricultural districts.
- C. No permanent fence or retaining wall shall be constructed or erected within any public street or alley right-of-way unless authorized by the Village Board. Fences erected on public easement or across ditches shall be so constructed that drainage shall not be obstructed and, in event of necessity for removal of such fence for maintenance or other purpose, removal and/or replacement of such fence or other improvement shall be the responsibility of the property owner.
- D. Fences, walls and hedges in any district may be located on lot lines.

Section 11-8: HEIGHT EXCEPTIONS AND LIMITATIONS

- A. Exemptions From Height Limits: The building height limitations stipulated in the applicable districts shall not apply to the following; provided, that no such structure exceeds the height limits for airport approach areas as established in this ordinance:
 - 1. Air-conditioning units.
 - 2. Antennas.
 - 3. Chimneys.
 - 4. Church Steeples.
 - 5. Communication towers.
 - 6. Flagpoles.
 - 7. Parapet walls.
- B. Encroachment Into Airport Approach Plan: No structure shall be erected to a height that would encroach into or through any established public or private airport approach plan prepared in accordance with the criteria established by the federal aviation administration.

Section 11-9: HOME OCCUPATIONS

- A. Applicability of Provisions: In residential zoning districts, home occupations shall be limited to those uses listed as permitted home occupations or which receive approval as a conditional home occupation.
- B. Permitted Home Occupations: Home occupations are permitted in any dwelling unit subject to the following provisions. Authorized home occupations are subject to the requirements of this chapter, the respective zoning district regulations and the following:
 - 1. Such use shall be conducted entirely within a dwelling and carried on by the inhabitants there and no others.
 - 2. Such use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes and shall not change the residential character thereof.

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3. The total area used for such purposes shall not exceed the equivalent of one-half the floor area, in square feet, of the first floor of the user's dwelling unit, if any; otherwise, the main floor of such dwelling unit.
 4. There shall be no advertising, display or other indications of home occupation on the premises, except the customary sign or nameplate for identification purposes only.
 5. There shall not be conducted on the premises the business of selling stocks of merchandise, supplies, or products, except that of incidental retail sales made in connection with permitted home occupations.
 6. There shall be no exterior storage on the premises of material used in the home occupation, nor of any highly explosive or combustible material.
 7. There shall be no offensive noise, vibration, smoke, dust, odors, heat or glare noticeable at or beyond the property line.
 8. A home occupation, including studios or rooms for instruction, shall provide additional off-street parking area reasonably adequate to accommodate needs created by the home occupation of not less than one parking space for each 300 square feet of floor area devoted to the home occupation. Such parking shall be provided on the same lot as the home occupation.
- C. For the purposes of this Section, provided all requirements contained herein are met, the following shall be considered home occupations:
1. Professional office except clinic, hospital, mortuary, funeral home, nursing home, restaurant, veterinarian office, animal hospital, or similar uses.
 2. Art studio.
 3. Dressmaking or millinery.
 4. Teaching, with musical instruction limited to two pupils at a time.
 5. Data entry or similar computer work.
 6. Childcare for not more than 3 children not related to the occupant of the home.
 7. Home crafts, such as model making, rug weaving, lapidary work, and ceramics.
 8. Office facility of a salesman, sales representative, or manufacturer's representative, provided no retail or wholesale transactions are made on the premises.
 9. Bed and Breakfast Inns, renting no more than 3 bedrooms.
 10. Telephone sales and similar telephone-related uses.

Section 11-10: MANUFACTURED HOMES

The following are additional requirements for manufacture/modular homes:

- A. Foundation: Reinforced footing and foundation wall shall meet the current adopted Building Code of the Village of Hamel.
- B. Building Structures: Floor, wall and roof structure shall meet the current adopted Building Code of the Village of Hamel.
- C. Plumbing: Plumbing shall meet the current Plumbing Code of the State of Illinois.

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- D. Mechanical: Mechanical shall meet the current Mechanical Code adopted by the Village of Hamel.
- E. Electrical: Electrical shall meet the current National Electrical Code.
- F. Manufactured/Modular homes must be on the State of Illinois list of accepted homes by the Illinois Department of Public Health. These homes are inspected in the plant by the Illinois Department of Public Health before they leave the plant.
- G. Manufactured/Modular Homes are only allowed by Special Use Permit in a Manufactured/Modular Home Park.

Section 11-11: NONCONFORMITIES

- A. Purpose and Intent: It is the purpose and intent of this section to permit the continuation of those lots, structures, uses and characteristics of use or combinations thereof which were lawful before the passage of this ordinance, but which would be prohibited, regulated, or restricted under the terms of this ordinance or future amendments. It is the further purpose and intent of the section to allow nonconforming lots, structures, uses, and characteristics of uses and combinations thereof to continue subject to specific conditions or limitations.
- B. Continuation of Nonconformities: Nonconformities may be continued so long as they remain otherwise lawful, subject to the remaining provisions of the section.
- C. Expansion or Change of Nonconformities:
 - 1. No nonconformity shall be enlarged or changed to a different nonconformity, except upon a determination by the zoning and building official that the change results in a lessening of the degree of nonconformity.
 - 2. Additions to nonconforming structures containing conforming uses shall be permitted if the additions comply with setback and other applicable site-related regulations.
 - 3. No non-conforming use shall be reinstated, changed, or extended without a certificate of occupancy having first been issued by the zoning and building official.
- D. Repair Or Alteration Of Nonconformities: Repairs, maintenance and improvements of nonconformities may be carried out; provided, that such work does not increase the cubic content of the building or the floor or ground area devoted to the nonconforming use or in any way increase or create a site-related nonconformity. The preceding requirement does not prevent compliance with applicable laws or requirements relative to the safety and sanitation of a building occupied by a nonconforming use.
- E. Cessation of Nonconformities: Any nonconforming use of land, structure, or an establishment having a site-related nonconformity which ceases operation for a continuous period of ninety (90) days or more, or if a nonconforming structure is

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removed for a continuous period of ninety (90) days or more, all nonconformities shall be considered terminated and shall not thereafter be reestablished.

Section 11-12: PARKING COMMERCIAL VEHICLES IN RESIDENTIAL AREAS

No commercial vehicle which is used for hauling explosives, gasoline, liquefied petroleum products, or any other "hazardous material" (as defined in chapter 2 of this ordinance) shall be permitted to be parked in a residential area except for short periods of time (less than one hour). No commercial vehicles shall be parked on any residentially used lot, in the street abutting such lot, or on residentially zoned land, except:

- A. Commercial vehicles not exceeding three-quarter (3/4) ton rated capacity used by the resident of the premises, limited to one per premises and parked off-street in a garage, carport or driveway.
- B. Commercial vehicles temporarily parked on a lot for the purpose of providing construction, transportation or other services specifically for the location where such vehicles are parked.

Section 11-13: PARKING OR STORAGE OF VEHICLES

Junk Vehicles: No junk vehicle shall be parked, and no motor vehicle frame, vehicle body, or vehicle body part shall be stored on residentially zoned property except when parked or stored in a completely enclosed garage or building.

Section 11-14: PETS

In residential zoning districts, not more than three (3) domestic animals (any combination of dog, cats, rabbits, or other common domestic animals) over the age of four (4) months may be kept as pets by the occupant(s) of a dwelling. These animals may not be used or kept for commercial or retail purposes, or as to cause a public nuisance.

Section 11-15: PLANNED MOBILE HOME PARKS

- A. The Zoning Board of Appeals may permit a planned mobile home park in any MR-2 Zoning District under a special permit as outlined in Chapter 13 of this Ordinance. The planned mobile home park is subject to the requirements of the mobile park listed below and to the requirements of the district where the mobile home park situated. The planned mobile home park may also be subject to any additional regulations the Board deems necessary to insure compatibility of the park with the character of locality. In any district where mobile home parks are permitted, the establishment of such accommodations shall be subject to the following requirements:
 - 1. Minimum lot size and minimum yard dimensions. The following regulations relative to the minimum lot size and minimum yard dimensions shall apply to the entire tract of land on which the mobile home park is situated:

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- a) A mobile home park shall be located on a tract of land not less than 5 acres in area, with minimum width and depth dimensions of 200 feet.
- b) Any building, structure, or mobile home shall be located at least 25 feet from any front or rear lot line or any side lot line adjacent to a street and at least 10 feet from any other lot line.
- 2. No building or structure within the mobile home park will exceed the height of thirty five feet (35').
- 3. Off-street parking and access ways.
 - a) There shall be provided, within the boundaries of the mobile home park site, not less than two off-street parking spaces for each mobile home space.
 - b) The Mobile Home Park Site shall have direct access to a public street or highway by an access way of at least 40 feet in width.
 - c) Each mobile home space shall be located within 100 feet of driveway or access way.
 - d) Pavement and widths in access ways are subject to the requirements of the subdivision control ordinance.
- 4. Individual mobile home spaces. The minimum individual area, width and depth requirements for mobile home spaces shall be as follows:

	Area	Width	Depth
Mobile Home Space	4000 sq. Ft.	42 Ft.	70 Ft.

Spaces shall be arranged and mobile homes parked in such manner that there is an open space of at least 15 feet by 30 feet at the rear of and as a part of each mobile home space.

- 5. Only residential uses and uses accessory thereto shall be permitted in a mobile home park.
- B. Temporary Parking - Mobile Homes: The temporary parking of an individual mobile home is permitted subject to the following regulations:
 - 1. An individual mobile home may be parked outside the public right-of-way, as not otherwise prohibited, for a period of 72 hours provided that no such mobile home is parked nearer than 25 feet to any right-of-way line abutting a public street.
 - 2. An individual mobile home may be parked on a zoning lot for a period of two weeks provided that:
 - a) Such individual mobile home is parked in compliance with all setback requirements from any lot line or right-of-way line.
 - b) A permit is secured by the property owner within 72 hours from the zoning inspector of the village, showing the date of issuance, name and address of property owner, address for which the permit is issued and the date of termination.
 - c) All such permits shall be returned to the zoning inspector on or before termination.

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- d) Not more than three permits shall be issued to any property owner during any calendar year except on approval of the Board of Zoning Appeals.

Section 11-16: PLANT NURSERIES AND GREENHOUSES

In any district where tree and plant nurseries and greenhouses are permitted, the establishment of such uses shall be subject to the following:

- A. Greenhouses heating plants shall be in an enclosed building and shall not be less than fifty feet (50') from any property line.
- B. Along any side or rear lot line, there shall be provided and maintained a planting or other appropriate screen of such size and density as to provide visual screening from adjacent residential properties.

Section 11-17: PUBLIC BUILDINGS

In any district where municipally owned or other publicly owned buildings are permitted the following additional requirements shall be met.

- A. In any residential or agricultural district all municipal or other publicly owned buildings shall be located at least twenty-five feet (25') from all property lines.
- B. In no district, except Light Industrial (LI), shall there be any permanent storage of heavy construction or maintenance equipment (such as excavating, road building, or hauling equipment), except in an enclosed building or a solid fence not less the six feet (6') in height.

Section 11-18: PUBLIC UTILITY STATIONS; EXCHANGES; ESSENTIAL SERVICES

Electrical sub-stations, gas regulator stations, or telephone exchange facilities in any residential or agricultural district shall be subject to the following regulations:

- A. No public office, repair or storage facilities shall be maintained in connection with such sub-stations or exchanges.
- B. The building housing any such facilities shall be designed and constructed to conform to the general character of the neighborhood.
- C. The area on which the facility is located shall be landscaped and maintained in conformance with the general character of the surrounding area.
- D. Where all facilities and equipment are entirely within a completely enclosed building, the minimum lot may be as follows: lot width shall not be less than the total width of the building plus the total of the minimum required side yards: lot depth shall not be less than the depth of the building plus the minimum required front yard plus the two foot minimum rear yard.

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- E. Where facilities or equipment are located outside the completely enclosed building, no such facilities or equipment shall be located closer than fifteen feet (15') to any side or rear lot line.
- F. If transformers are exposed, there shall be provided an enclosing fence or wall, at least six feet (6') in height, and adequate to shield view and noise of the same from the outside view the handling of materials on the premises.

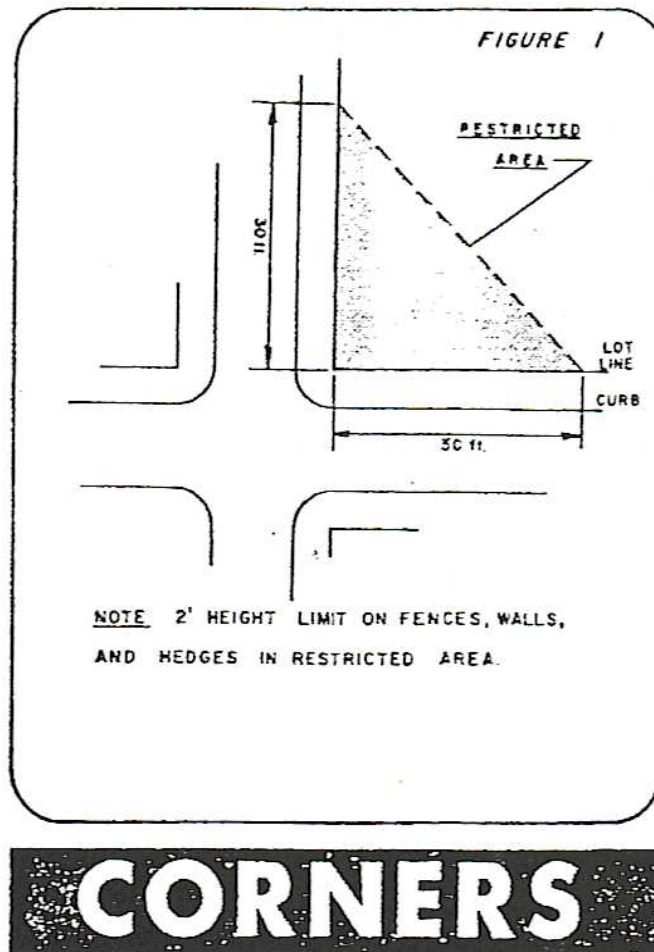
Section 11-19: REPAIR GARAGES AND GASOLINE SERVICE STATIONS

In districts where repair garages and gasoline service stations are permitted, the establishment of such uses shall be subject to the following requirements:

- A. In Repair garages:
 - 1. All repair work, servicing, storage of parts and equipment and the dismantling of vehicles shall be done completely within an enclosed building.
 - 2. Vehicles in non-running condition may stored outside the building, but must be in an area enclosed by a solid fence six feet (6') in height for a period no longer than sixty (60) days. This area is in addition to the required parking for the business and shall not take up or be part of the required parking .
- B. In gasoline service stations:
 - 1. All gasoline pumps, lubrication or similar devises and other service facilities shall be located at least twenty feet (20') from any street right-of-way line.
 - 2. All fuel and oil storage, pumps and other such fuel or lubricant dispensing devices shall be located at least twenty feet (20') from any side or rear lot line.
 - 3. No access drive shall be within two hundred feet (200') of a fire station, school, public library, church, park, playground, or other public assembly place.
 - 4. No accessory drive shall be within twenty feet (20') of any corner formed by the intersection of the rights-of-way of two streets. On a corner where a traffic signal or stop sign exists, such entrance or exit shall be located at such distance and such manner so as not to cause or increase traffic hazard or undue congestion.
 - 5. All state and federal regulations shall take precedence if more stringent than village regulations.
 - 6. A permanent curb of at least four inches (4") in height, shall be provided between the public sidewalk and the gasoline pump island, parallel to and extending the complete length or the pump island.
 - 7. All devices for dispensing or selling of milk, ice, cold drinks, and the like shall be located within, or immediately adjacent to the principal building.
- C. Additional criteria may be required by the Village Board of Trustees to protect the public health, safety and welfare.

Section 11-20: REQUIRED CORNER VISIBILITY

On every corner lot, the triangle formed by the street lines of such lot and a line drawn between points on such street lines which are thirty feet (30') from the intersection thereof shall be clear of any structure or planting of such nature and dimension as to obstruct lateral vision; provided, that this requirement shall generally not apply to the trunk of a tree (but not branches or foliage) or a post, column or similar structure which is no greater than one foot (1') in cross section or diameter. Lateral vision shall be maintained between a height of thirty inches (30") and ten feet (10') above the average elevation of the existing surface of both streets measured along the center lines adjacent to the visibility triangle. (See Figure 1)



Section 11-21: RESIDENTIAL GROUP HOMES:

- A. The exterior of the structure shall maintain the appearance of a single-family dwelling.
- B. No proposed residential group home shall be located within six hundred feet (600') of an existing residential group home.
- C. There shall be one bedroom for each resident of the residential group home.

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- D. There shall be a statement of use or purpose of the residential group home.
- E. Other additional reasonable requirements designed to protect the safety and general welfare of adjoining landowners and other residents of the village may be required.

Section 11-22: SWIMMING POOLS

- A. Location: No swimming pool, whether public or private, shall be located in a front or side yard or closer than fifteen feet (15') to any side or rear lot line.
- B. Fences And Gates: Every swimming pool, including above ground pools that are more than two feet (2') deep, shall be enclosed by a wall or fence at least four feet (4') in height. The passage through such wall or fence shall be equipped with a self-closing gate.

Section 11-23: TRASH ENCLOSURES

All refuse generated by any establishment or residence located within any district shall be stored in tightly covered containers and places in a screened area. Trash containers or dumpsters shall be located within a building or within an enclosed structure surrounded by six foot (6') high walls. Such trash enclosures shall not be located in the front yard of any lot and shall be located next to a parking lot rather than within a parking lot.

Section 11-24: TRAVEL TRAILERS AND RECREATIONAL VEHICLES

The parking of not more than one unoccupied camp trailer and/or utility trailer (not exceeding eight feet (8') wide and twenty-five feet (25') long) or recreational vehicle in the rear yard, garage or carport only is hereby permitted: provided that no living quarters or businesses shall be maintained in any such camp trailers and/or utility trailer or recreational vehicle, and provided further that the parking of camp trailer and/or utility trailer or recreational vehicle shall comply with the yard requirements for accessory buildings of the district in which it is located.

Section 11-25: USED AUTOMOBILE SALES

Used vehicles may be sold in the HC - Highway Commercial district by special permit based on the following criteria:

- A. Shall be located on a site of at least one (1) acre.
- B. All vehicles shall be in proper running order.
- C. Additional criteria necessary to protect the public health, safety and welfare may be required.

Section 11-26: USES PERMITTED

When a use or accessory use is not specifically listed in the sections devoted to “Permitted Uses”, it shall be assumed that such uses are expressly prohibited unless by written order of the Village Board of Trustees it is determined that said use is similar to and is compatible with the uses listed and is expressly included as a permitted use in a zoning district. However, no such order may be made by the Village Board of Trustees without first having a public hearing, in such the manner prescribed by Chapter 13 of this Ordinance, before the Zoning Board of Appeals. Any such proposed variation which fails to receive the approval of the Zoning Board of Appeals shall not be ordered except by a favorable vote of two-thirds (2/3) of all the Trustees.

Section 11-27: WAREHOUSING AND STORAGE FACILITIES

Mini-warehouses and self-storage facilities will be allowed in the HC - Highway Commercial District based on the following criteria:

- A. There shall be a minimum of one parking space for each employee on duty and at least two (2) customer parking spaces.
- B. No gasoline, flammables, explosives or other dangerous materials may be stored, and no motor vehicles may be stored inside a storage building egress to the storage facilities.
- C. Such facility may contain a surfaced lot for the outside storage of motor vehicles, trailers, and recreational vehicle, and automobiles and light trucks of less than ten thousand (10,000) pounds gross weight. All such vehicles shall be registered and in operating condition, and shall be screened from the view of adjoining properties. No derelict vehicles shall be allowed. No repair, maintenance, and /or upgrading of motor vehicles, trailers, or watercraft shall be permitted on site.
- D. All storage facilities shall be separated by walls and ceilings. There shall be a minimum of twenty four feet (24’) of surfaced access way between buildings for purposes of ingress and egress to storage facilities.
- E. Each individual storage facility shall not exceed a width of twelve feet (12’), a length of thirty feet (30’) and a height of nine feet (9’).
- F. The storage facilities shall be screened from streets and surrounding residential properties.
- G. Additional reasonable requirements, including but not limited to, access ways, billing locations, hours of operation, and an on-site resident manager, may be imposed for the protection of adjoining landowners.

Section 11-28: YARD ENCROACHMENTS

Every part of a required yard shall be open and unobstructed from the ground to the sky, except as herein provided or as otherwise permitted in this ordinance:

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- A. Accessory buildings or sheds may be located within a required rear yard, provided a minimum of five feet (5') is maintained from the side or rear property line and the structure is clear of all easements.
- B. Air-conditioning equipment, sprinkler system controls and similar mechanical equipment (including utility's pad mounted equipment) may project into any required yard; provided that the equipment is mounted in a manner contiguous to the building.
- C. An unroofed porch, steps or paved terrace area may project into the front yard for a distance not to exceed ten feet (10').
- D. Cornices, awnings, eaves, gutters or other similar structural overhangs at least seven feet (7') above grade may extend up to four feet (4') into any required yard: provided, that no such overhang shall extend to within four feet (4') of any property line.
- E. Fences and walls are allowed within required yard, subject to provisions of Section 11- 7 of this chapter.
- F. Gasoline pumps and pump islands associated with either a service station or as an accessory facility may be located within a front yard, provided they are located no closer than fifteen feet (15') to any public right of way.
- G. Off-street parking areas may encroach into the required front yard setbacks; provided that the encroachment does not extend into a required landscape buffer along the street frontage. Parking areas and driveways may encroach into required side yards of multi-family residential and nonresidential districts. On single-family zoned lots, driveways must be located a minimum of five feet (5') from the nearest side lot line at the point of intersection with the right of way.
- H. Open or enclosed fire escapes, outside stairways, balconies, and chimneys and flues may project up to four feet (4') into any required yard, provided such projections shall not unduly obstruct light and ventilation.
- I. Satellite dish antennas may encroach into any side or rear yard.
- J. Sidewalks may be located within any required yard.
- K. Sills and similar ornamental features may extend six inches (6") into any required yard.
- L. Swimming pools may be located in a required rear yard, provided they are no closer than fifteen feet (15') to any rear property line, or five feet (5') to any easement, whichever distance is greater. Decks or patios constructed in conjunction with any swimming pool may be located within a required rear yard; provided, that they are not located within an easement or closer than five feet (5') to any property line.

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- M. Trellises and trelliswork, play equipment, wires, lights, outdoor furniture, mailboxes, ornamental entry columns and gates, and outdoor equipment are allowed within required yards.

CHAPTER 12

SIGN REGULATIONS

- Section 12-1: Purpose and Intent
- Section 12-2: Language and Definitions
- Section 12-3: Permit Requirements
- Section 12-4: General Sign Regulations
- Section 12-5: Signs in Agricultural and Residential Districts
- Section 12-6: Signs in Non-residential Districts
- Section 12-7: Enforcement and Sign Removal
- Section 12-8: Variances

Section 12-1: PURPOSE AND INTENT

The purpose of these regulations is to encourage the effective use of signs as a means of communication, to maintain and enhance the aesthetic appearance of the village, and to facilitate and improve pedestrian and vehicular traffic safety.

Section 12-2: LANGUAGE AND DEFINITIONS

The rules for interpreting the language and terms in this chapter shall be described in Chapter 2 of this ordinance. Figure 2 is attached and considered part of this ordinance to help in defining a sign's area. In addition to the terms defined in Chapter 2 of this ordinance, the following words and phrases shall have the meanings given the following clauses for the purposes of this chapter:

BILLBOARD - A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the premises where such sign is located or to which it is affixed.

SIGN - Any inscription written, printed, painted, or otherwise placed on a board, plate, banner or upon any material, object or device whatsoever, which by reason of its form, color, wording or otherwise, attracts or is designed to attract attention to the subject thereof or is used as a means of identification, advertisement, or announcement. As used in this Ordinance, the term shall apply only to signs, which attract attention from outside of a building or structure.

SIGN, ADVERTISING - A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than on the lot where the sign is located, or only incidentally on that lot, if at all.

SIGN AREA - The total surface area of the entire sign, including all parts and appurtenances thereof (except principal supports, the total cross-sectional area of which does not exceed one

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square foot and on which there is no display of advertising material or any lighting). In the case of any sign having display surfaces which are not continuous (e.g. separated letter displays or separated display surfaces), sign area shall include a theoretical display surface equal to the area of the smallest enclosure into which the combined non-continuous display surfaces can be fitted, and including intermediate structural supports. (See Figure 2.)

SIGN, BULLETIN BOARD - As used in this Ordinance, a sign used for purposes of notification of the public of an event or other occurrence of public interest, such as a church service, political rally, civic meeting or similar event.

SIGN, BUSINESS - A sign which directs attention to a business, profession, display or entertainment conducted upon a lot or to a commodity or service stored, sold, or displayed on a lot.

SIGN, COMBINATION - A sign incorporating any combination of the features of freestanding and projecting signs.

SIGN, CONSTRUCTION - As used in this Ordinance, a sign advertising the development or improvement of a property by a builder, contractor or other person furnishing services, materials, or labor to said premises, which sign is intended for a limited period of display, and erected on the same lot with the work being done.

SIGN, IDENTIFICATION - A sign which establishes the identity of a person and his business or professional title occupying the premises, such as a nameplate. As used in this Ordinance, the term "identification sign" shall not be construed to include a sign identifying a commercial or industrial use of a commodity or service offered on the premises.

SIGN, MARQUEE - A display sign which is attached to or suspended from a marquee, canopy, or other covered structure projecting from and supported by the building and extending beyond the building wall or the building line.

SIGN, PROJECTING - A display sign which is attached directly to the wall of a building and which extends more than fifteen inches (15") from the face of the wall.

SIGN, REAL ESTATE - A sign indicating the availability for sale or rent or lease of the specific lot and/or building upon which the sign is erected or displayed.

SIGN, SNIPE - A temporary sign or poster affixed to a utility pole, tree, fence, etc.

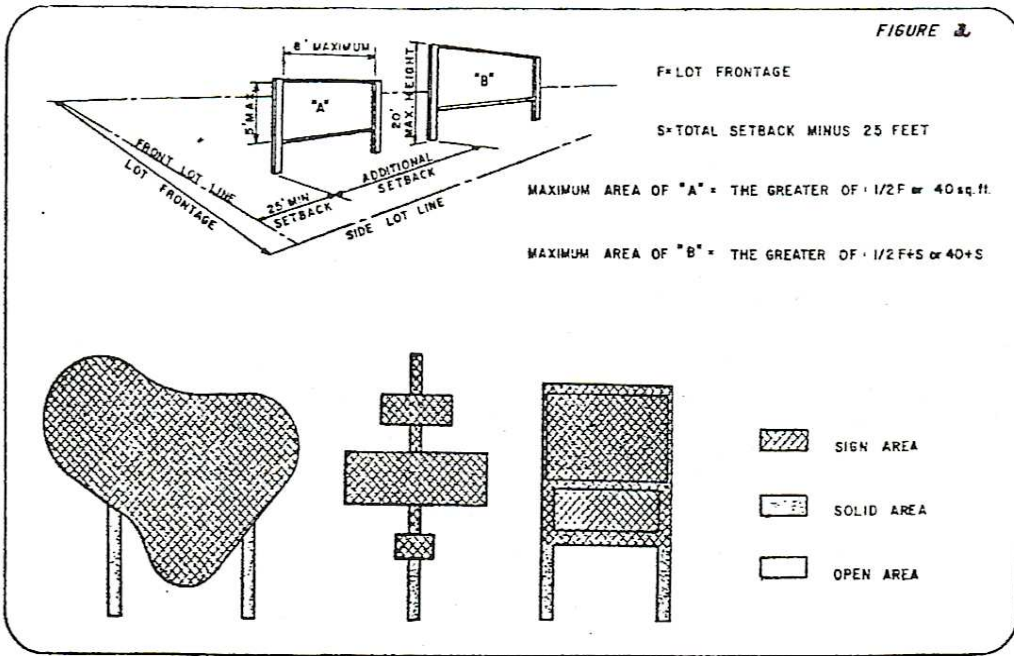
SIGN, SUBDIVISION - A sign advertising the general sale, development or subdivision of land displayed or erected upon the subject property, as distinguished from a real estate sign.

SIGN, TEMPORARY - A sign, banner or other advertising device or display constructed of cloth, canvas, cardboard, wall board or other light temporary material, with or without a structural frame, intended for a temporary period of display: such as decorative displays for holidays or public demonstrations.

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SIGN, WALL - Any sign painted on attached to, or erected against the wall of a building or structure, with the exposed face of the sign in a plane parallel to the plane of said wall and extending not more than fifteen inches (15") from, the face of the wall.

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SIGN RESTRICTIONS

Section 12-3: PERMIT REQUIREMENTS

- A. Permit Required: It shall be unlawful for any person to erect, perform major repair, alter, move, replace or otherwise change a sign requiring a sign permit in the village without first obtaining a sign permit from the building and zoning official .

- B. Application For Permit: An application for a sign permit shall be submitted to the building and zoning official and shall include and be accompanied by plans that show the size and shape of the sign, the location of the proposed sign, the setbacks from surrounding properties, the type of illumination and proposed lighting, the colors to be used in the sign, the materials used to construct and the method used to support the sign or attach it to a building.

- C. Review and Approval:
 - 1. If the proposed sign is one that may be approved by the zoning and building official, then, within twenty one (21) days after the application for a sign permit has been received by the zoning and building official, he shall respond to the applicant advising said applicant whether the sign requested is or is not in conformance with this chapter. If no response is received within twenty-one (21) days, the application shall be deemed to have been approved.
 - 2. If the proposed sign is one that must be reviewed and approved by the Zoning Board of Appeals, then the Zoning Board of Appeals shall respond to the applicant within sixty (60) days after receipt of the application by the building and zoning official advising said applicant whether the sign requested has or has not been approved. If no response is received within sixty (60) days, the application shall be deemed to have been approved.

- D. Denial, Appeal: Upon denial, the applicant may appeal to the Zoning Board of Appeals.

- E. Records Kept: The building and zoning official shall maintain a record of all sign permits issued, which records shall show date of application and date of issuance of permits.

Section 12-4: GENERAL SIGN REGULATIONS

All signs hereafter constructed, corrected, painted, or otherwise established, moved, altered, or changed within the limits of the village or the adjacent area designated on the Zoning District Map, shall comply with the following regulations:

- A. Sign regulations of this Ordinance shall not apply to governmental signs including traffic signs which are erected and intended for public information, direction, safety or control purposes, and no sign in any district shall conflict in any manner with the clear and obvious appearance of public devices controlling public traffic.

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- B. No freestanding sign shall exceed thirty-five feet (35') in height.
- C. The type of signs permitted is hereby classified according to construction and location on the lot as follows:
 - 1. Class 1 - Free Standing Sign
 - 2. Class 2 - Projecting Sign
 - 3. Class 3 - Wall Sign
 - 4. Class 4 - Combination Sign
- D. In any subdivision for which a plat has been filed for approval by the village, non-illuminated subdivision signs may be erected subject to the following requirements:
 - 1. Not more than two such signs shall be permitted for any subdivision held in single or common ownership.
 - 2. The total area of any such sign shall not exceed 100 square feet. Said subdivision sign or signs may be displayed for a period of time not to exceed two years from the date of issuance of the permit for the first building in the subdivision or the duration of the project whichever is less, unless an extension for a specific additional period of time is granted by the Zoning Board of appeals.
- E. In the GC and HC commercial districts the following additional sign regulations shall apply:
 - 1. The total surface area of all signs shall be limited to two square feet of sign (or total signs) for each lineal foot of front width of business building or business unit or one square foot of sign for each lineal foot of lot frontage, whichever is greater; provided that the total surface area of any one sign shall not exceed 100 square feet. Only one side of a business building facing a street shall be considered to be the front.
 - 2. On buildings including more than one business, the front width of each individual business unit shall be used to determine the maximum sign area for that business.
 - 3. Projecting signs shall not project more than 6 feet from the principal building.
 - 4. Freestanding signs shall project not more than 6 feet into any required yard.
 - 5. Signs may project up to six feet into any public right-of-way, street or alley; however, in no case shall any sign project into that part of any public right-of-way intended or designed for traffic circulation or parking. Any such projection shall only be permitted above a height of 15 feet. In the event widening necessitates removal of any sign, said removal and/or replacement shall be the responsibility of the property owner.
- F. In the LI – Light Industrial district the following additional regulations shall apply:
 - 1. The surface area of all projecting, freestanding, wall, or combination shall not be greater than two square feet for each linear foot of front width of business building or business unit or 1.5 square feet for each lineal foot of lot frontage or whichever is greater; provided that the maximum total surface area for the aforementioned signs shall not exceed 100 square feet. However, the maximum permitted surface area for any one of the aforementioned signs may be increased by one square foot for each two lineal feet that the signs are set back from the

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- required setback line. Only the setback from one street and/or setback line shall be permitted for increase.
2. No freestanding sign shall be set nearer to the lot line adjacent to a street than the required minimum setback for the principal building.
 3. Projecting signs and marquees shall not project more than 8 feet from the principal building.
 4. Signs may project up to 6 feet into any public right-of-way, street or alley: however, in no case shall any sign project into that part of any public right-of-way intended or designed for traffic circulation or parking. Any such projection shall only be permitted above a height of 15 feet. In the event widening necessitates removal of any sign, said removal and/or replacement shall be the responsibility of the property owner.
- G. Temporary signs shall not remain in place for a period of more than 30 days except that the zoning and building official may extend the time period for an additional 30 days. Any further time extension shall thereafter be applied for through the Zoning Board of Appeals and the Board may grant such time extension as seems reasonable and necessary.
- H. Advertising Signs and Billboards:
1. Advertising signs or billboards shall be permitted by special permit in the HC (Highway Commercial) and LI (Light Industrial) zoning districts. (THIS SECTION HAS BEEN AMENDED. SEE ORDINANCE #07-001)
 2. Advertising signs or billboards shall be located not less than 25 feet from any lot line, fronting on or adjoining street right-of-way.
 3. Maximum Size. The dimensions of advertising signs or billboards shall be limited to one square foot of aggregate sign area per two lineal feet of lot frontage on a street, provided that said maximum dimension may be increased by one additional square foot of sign area for each one lineal foot of setback, beyond said 25-foot setback line, measured in one direction only from any lot line fronting on or adjoining a street right-of-way, but in any case not exceeding a total of 500 square feet of aggregate sign area on any lot. In determining the total permitted sign area of advertising signs or billboards, the total sign area of all signs on the lot shall be considered as part of the total sign area permitted (See Figure 2).
 4. Height Limitations. The face of advertising signs or billboards shall not exceed 20 feet in total height.

Section 12-5: SIGNS IN AGRICULTURAL AND RESIDENTIAL DISTRICTS

General Limitations: It shall be unlawful to erect, permit the erection of, display, or permit the display of any sign in connection with a residential use or in the residential zoning district unless such sign is expressly permitted by this section, subject to all of the limitations and provisions stated herein:

A. Sign Regulations A - Agricultural District:

Sign Classifications: (1) Freestanding, (2) Projecting, (3) Wall, and (4) Combination

Sign Type	Classifications Permitted	Area Permitted
1. Identification	(1), (2), and (4)	1 sq. Ft. per dwelling
2. Bulletin Board	(1), (2), (3), and (4)	15 sq. Ft. per non-residential use only
3. Real Estate	(1), (2), (3), and (4)	6 sq. Ft. per premises
4. Construction	(1), (2), (3), and (4)	20 sq. Ft. per premises
5. Subdivision	(1), (2), (3), and (4)	
6. Temporary	(1), (2), (3), and (4)	

B. Sign Regulations SR-1 Single Family Residential District:

Sign Classifications: (1) Freestanding, (2) Projecting, (3) Wall, and (4) Combination

Sign Type	Classifications Permitted	Area Permitted
1. Identification	(1), (2), and (4)	1 sq. Ft. per dwelling
2. Bulletin Board	(1), (2), (3), and (4)	15 sq. Ft. per non-residential use only
3. Real Estate	(1), (2), (3), and (4)	6 sq. Ft. per premises
4. Construction	(1), (2), (3), and (4)	20 sq. Ft. per premises
5. Subdivision	(1), (2), (3), and (4)	
6. Temporary	(1), (2), (3), and (4)	

C. Sign Regulations SR 2- Single Family Residential District:

Sign Classifications: (1) Freestanding, (2) Projecting, (3) Wall, and (4) Combination

Sign Type	Classifications Permitted	Area Permitted
1. Identification	(1), (2), and (4)	1 sq. Ft. per dwelling
2. Bulletin Board	(1), (2), (3), and (4)	15 sq. Ft. per non-residential use only
3. Real Estate	(1), (2), (3), and (4)	6 sq. Ft. per premises
4. Construction	(1), (2), (3), and (4)	20 sq. Ft. per premises
5. Subdivision	(1), (2), (3), and (4)	
6. Temporary	(1), (2), (3), and (4)	

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- D. Sign Regulations: MR-1 Multi-Family Residential District:
 Sign Classifications: (1) Freestanding, (2) Projecting, (3) Wall, and (4) Combination

Sign Type	Classifications Permitted	Area Permitted
1. Identification	(1), (2), and (4)	1 sq. Ft. per dwelling
2. Bulletin Board	(1), (2), (3), and (4)	15 sq. Ft. per non-residential use only
3. Real Estate	(1), (2), (3), and (4)	6 sq. Ft. per premises
4. Construction	(1), (2), (3), and (4)	20 sq. Ft. per premises
5. Subdivision	(1), (2), (3), and (4)	
6. Temporary	(1), (2), (3), and (4)	

- E. Sign Regulations: MR-2 Multi-Family Residential District:
 Sign Classifications: (1) Freestanding, (2) Projecting, (3) Wall, and (4) Combination

Sign Type	Classifications Permitted	Area Permitted
1. Identification	(1), (2), and (4)	1 sq. Ft. per one, two or three family dwelling unit 6 sq. Ft. for each apartment building 10 sq. Ft. for any other permitted use.
2. Bulletin Board	(1), (2), (3), and (4)	15 sq. Ft. per non-residential use only
3. Real Estate	(1), (2), (3), and (4)	6 sq. Ft. per premises
4. Construction	(1), (2), (3), and (4)	20 sq. Ft. per premises
5. Subdivision	(1), (2), (3), and (4)	
6. Temporary	(1), (2), (3), and (4)	

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Section 12-6: SIGNS IN NON-RESIDENTIAL DISTRICTS

General Limitations: It shall be unlawful to erect, permit the erection of, display, or permit the display of any sign in connection with a non-residential use or in the non-residential zoning district unless such sign is expressly permitted by this section, subject to all of the limitations and provisions stated herein:

- A. Sign Regulations: GC - General Commercial District:
 Sign Classifications: (1) Freestanding, (2) Projecting, (3) Wall, and (4) Combination

Sign Type	Classifications Permitted	Area Permitted
1. Identification	(1), (2), and (4)	1 sq. Ft. per one, two or three family dwelling unit 6 sq. Ft. for each apartment building 10 sq. Ft. for any other permitted use.
2. Bulletin Board	(1), (2), (3), and (4)	15 sq. Ft. per non-residential use only
3. Real Estate	(1), (2), (3), and (4)	6 sq. Ft. per premises
4. Construction	(1), (2), (3), and (4)	20 sq. Ft. per premises
5. Subdivision	(1), (2), (3), and (4)	
6. Temporary	(1), (2), (3), and (4)	
7. Business Sign	(1), (2), (3), and (4)	

- B. Sign Regulations: HC - Highway Commercial District:
 Sign Classifications: (1) Freestanding, (2) Projecting, (3) Wall, and (4) Combination

Sign Type	Classifications Permitted	Area Permitted
1. Identification	(1), (2), and (4)	1 sq. Ft. per one, two or three family dwelling unit 6 sq. Ft. for each apartment building 10 sq. Ft. for any other permitted use.
2. Bulletin Board	(1), (2), (3), and (4)	15 sq. Ft. per non-residential use only
3. Real Estate	(1), (2), (3), and (4)	6 sq. Ft. per premises
4. Construction	(1), (2), (3), and (4)	20 sq. Ft. per premises
5. Subdivision	(1), (2), (3), and (4)	
6. Temporary	(1), (2), (3), and (4)	
7. Business Sign	(1), (2), (3), and (4)	

- C. Sign Regulations: LI - Light Industrial District
 Sign Classifications: (1) Freestanding, (2) Projecting, (3) Wall, and (4) Combination

Sign Type	Classifications Permitted	Area Permitted
1. Identification	(1), (2), and (4)	10 sq. Ft. for any permitted use.
2. Bulletin Board	(1), (2), (3), and (4)	15 sq. Ft. per non-residential use only
3. Real Estate	(1), (2), (3), and (4)	6 sq. Ft. per premises
4. Construction	(1), (2), (3), and (4)	20 sq. Ft. per premises
5. Subdivision	(1), (2), (3), and (4)	
6. Temporary	(1), (2), (3), and (4)	
7. Business Sign	(1), (2), (3), and (4)	

Section 12-7: ENFORCEMENT AND SIGN REMOVAL

- A. Violations and Enforcement: Any sign which is not in compliance with all the provisions of this chapter is declared to be unlawful. The village, through the building and zoning official, may initiate injunction of abatement proceedings or other appropriate action in the courts against any person who violates or fails to comply with any provisions of this chapter, or against the erector, owner or user of an unlawful sign, or the owner of property on which an unlawful use or display of an unlawful sign. Any person who violates or fails to comply with any of the provisions of this chapter, or the erector, an unlawful sign is located shall be subject to the penalties set for in Chapter 13 of this ordinance.
- B. Removal of Unlawful Sign: Any unlawful sign which has not been removed within thirty (30) days after conviction of violation or imposition of civil penalty may be removed by the village and the costs charged to the violator. If removal costs have not been paid and the sign reclaimed within thirty (30) days of its removal by the village, the village may sell or otherwise dispose of the sign and apply the proceeds toward costs or removal. Any proceeds in excess of costs shall be paid to the owner of the sign.
- C. Immediate Removal of Unlawful or Unsafe Signs: Signs which the building and zoning official finds upon public streets, sidewalks, rights of way or other public property, or which wheresoever located present an immediate and serious danger to the public because of their unsafe condition may be immediately removed by the building and zoning official or his designee without prior notice.
- D. Removal of Snipe Sign and Temporary Signs: Any snipe sign or any other sign within a road right of way in the village shall be subject to immediate removal by the building and zoning official or any other village staff member designated by the building and zoning official.

Section 12-8: VARIANCES

The procedures and criteria for granting a variance from the regulations in this chapter shall be as set out in Chapter 13 of this ordinance.

CHAPTER 13

ADMINISTRATION AND ENFORCEMENT

- Section 13-1: Scope
- Section 13-2: Zoning Board of Appeals
- Section 13-3: Use Variances and Special Permits
- Section 13-4: Amendments
- Section 13-5: Enforcement
- Section 13-6: Occupancy
- Section 13-7: Miscellaneous

Section 13-1: SCOPE

This chapter contains the regulations pertaining to administration and enforcement of this Ordinance, procedures for variances, special permits and use variances, and enforcement of violations of provisions of this Ordinance.

Section 13-2: ZONING BOARD OF APPEALS

- A. TERMS AND APPOINTMENTS: The "Board" when used in this Section shall be construed to mean Zoning Board of Appeals. The Board shall consist of seven members appointed by the Mayor and with the consent of the Village Board of Trustees. The terms of office shall be five years. The chairperson of the Board shall be appointed by the Mayor with consent of the Village Board of Trustees and shall hold office until his term of appointment expires, or is otherwise terminated.
- B. MEETINGS: Meetings of the Zoning Board of Appeals shall be held at the call of the Chairman or any two members, or at such times as the Board may determine. All hearings conducted by said Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or in absence or failing to vote, indicating such fact, and shall also keep records of its hearings and other official actions. Findings of fact shall be included in the minutes of each case of a requested variation, special permit or planned building development and the reason for granting or denying such application shall be specified. Every rule or regulation, every amendment or repeal thereof, and every order, requirement and interpretation, decision or determination of the Board shall be filed immediately in the office of the Board and shall be a public record. The Board shall adopt its own rules and procedures, not in conflict with this Ordinance or with Illinois statutes.

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- C. APPEALS: An appeal may be taken to the Zoning Board of Appeals by any person, firm or corporation, or by any officer, department, board, or bureau affected by a decision of the zoning and building official to this Ordinance. Such appeal shall be taken within such time as shall be prescribed by the Zoning Board of Appeals by general rule, by filing with the zoning and building official and with the Zoning Board of Appeals a notice of appeal, specifying the grounds thereof. The zoning and building official shall thereupon transmit to the Board all papers constituting the record upon which the action appealed from was taken. An appeal shall stay all proceedings in furtherance of action appealed from, unless the zoning and building official certifies to the Zoning Board of Appeals after the notice of appeal has been filed with him that by reason of facts stated in the certificate, the stay would, in his opinion, cause eminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Board of Appeals or by a Court of Record on application, or notice to the building and zoning official and on due cause shown. The Board shall select a reasonable time and place of the hearing of the appeal and give due notice thereof to the parties and shall render a decision on the appeal without unreasonable delay. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney. The Board may reverse or affirm wholly or partly, or may modify or amend the order, requirement, decision or determination appealed from to the extent and in the manner that the Board may decide to be fitting and proper to the premises.
- D. POWER AND DUTIES: The Zoning Board of Appeals shall have all the powers and duties prescribed by law and by this Ordinance, including the following:
1. INTERPRETATION: Upon an appeal from a decision by any administrative official, to decide any question involving the interpretation of any provision or term of this Ordinance, including the determination of the exact location of any district boundary if there is uncertainty with respect thereto.
 2. VARIANCES: To vary or adapt the strict application of any of the requirements of this Ordinance in the case of exceptionally irregular, narrow, shallow, or steep lots, or other exceptional physical conditions, whereby such strict application would result in such practical difficulty and/or unnecessary hardship as would deprive the owner of the reasonable use of the land or building involved, but in no other case. In granting any variance, the Board shall prescribe any conditions that it deems to be necessary or desirable for the public interest, convenience or welfare. However, any USE VARIANCE shall be subject to the applicable provisions of Section 13-3 of this Ordinance, and no other variance in the application of any provisions of this Ordinance shall be granted by the Board unless it finds:
 - a) That there are special circumstances or conditions fully described in the findings, applying to the land or buildings for which the variances are sought, which circumstances or conditions are peculiar to such land or buildings and do not apply generally to the land or buildings in the neighborhood, and that said circumstances or conditions are such that strict application of the provisions of this Ordinance would deprive the applicant of a reasonable use of such land or building;

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- b) That, for reasons fully set forth in the findings the granting of the variances necessary for the reasonable use of land or buildings, and that the variance as granted by the Board is the minimum variance that will accomplish this purpose;
 - c) That the granting of this variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. In addition to considering the character and use of adjoining buildings and those in the vicinity, the Board, in making its findings, shall take into account whether the condition of the subject premises is peculiar to the lot or tract described in the petition or is merely part of the general condition of the neighborhood which would appropriately be the proper jurisdiction of the Village Board of Trustees for consideration of rezoning of the area rather than a variance which would affect only a small segment of the area.
3. PERMITS FOR VARIANCES AND SPECIAL PERMITS: To issue or authorize permits for any of the uses or matter for which this Ordinance allows or requires the obtaining of a variance or special permit from the Zoning Board of Appeals.

E. PROCEDURE:

- 1. The Zoning Board of Appeals shall act in accordance with the procedure specified by law and by this Ordinance. Four members shall constitute a quorum and, except as otherwise provided by this Ordinance, an affirmative vote of at least four members shall be necessary to authorize any action of the Board. All appeals and applications to the Board shall be in writing. Every appeal or application shall refer to the specific provision of the Ordinance involved, and shall exactly set forth the interpretation that is claimed, the use for which the variance or special permit is sought, or the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be.
- 2. The village may appear by any designated official of the Village Board of Trustees and be heard as a party in interest in any hearing before the Board, and the village may appeal any decision of the Board to a court of competent jurisdiction.
- 3. No action of the Zoning Board of Appeals shall be taken on any case until after notice has been given that public hearing has been held as follows:
 - a) A notice of the time and date of said hearing and a brief summary of explanation of the subject matter of the hearing shall be posted in three prominent places within the village or shall be published in the newspaper of general circulation within the village within at least fifteen (15) days prior to the hearing date.
 - b) Said notice in the foregoing Paragraph (a) shall be sent by first class mail, at least 10 days prior to the hearing, to the applicant and owners of property in question in cases where a use variance or special permit is applied for. In any other case, such notice shall be sent by first class mail at least 10 days prior to the hearing date merely to the applicant and owners of property abutting the property in question.

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4. Permit shall expire at such time as may be fixed by the Board: otherwise, six months after the date of the permit.
5. COSTS. A Schedule of fees is available at the office of the Village clerk

Section 13-3: USE VARIANCES AND SPECIAL PERMITS

- A. GENERAL: The Zoning Board of Appeals may, in accordance with the procedure set forth in this chapter, grant special permits and use variances from the operations of the regulations of this Ordinance for the buildings, structures, and uses specified in this Ordinance, provided, in each case, that:
 1. The special permit or use variance is in substantial harmony with the purposes and intent hereof as declared in Section 1-1.
 2. The special permit or use variance substantially complies with the specific requirements therefore as set forth in this Ordinance and for the district in which the use is located.
 3. Satisfactory evidence is presented to the Board that the present or proposed situation of the building, structure development or use is reasonably necessary for the convenience and welfare of the public. In granting any special permit or use variance the Board may impose (in addition to other requirements) conditions for the reasonable protection of the immediate neighborhood or the village from adverse effects of the use or building involved.

- B. USE VARIANCES AND SPECIAL PERMITS:
 1. GENERAL: No use variance or special permit under this Section shall be granted by the Zoning Board of Appeals except in accordance with the procedure set forth in this section.
 2. APPLICATION - PRELIMINARY SITE PLAN: Application for a use variance or special permit under this Chapter shall be made to the Zoning Board of Appeals on a form approved and furnished by the Board. Such application shall include, among other pertinent information, two copies of a preliminary site plan of the proposed site, to scale, showing:
 - a) the location, dimensions and character of all present and/or proposed buildings, structures and uses;
 - b) the location of adjacent pedestrian and vehicular traffic circulation;
 - c) the location of off-street parking and off-street loading;
 - d) type of proposed surfacing material for access ways and parking;
 - e) plan for pedestrian and vehicular traffic within the subject area with consideration given to the established street systems serving the subject area, and to emergency vehicle access to each building;
 - f) perspectives of structures or other such drawings necessary to indicate the relative compatibility with immediate neighborhood as well as within the subject area;
 - g) general landscaping and screening plan;
 - h) location of public or private utilities proposed to serve the subject area;
 - i) proposed finished grade of the site; and

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- j) development schedule providing reasonable guarantees for the completion of the proposed development or other construction according to the development schedule.
 - 3. HEARING ON APPLICATION: The Board of Appeals shall hear the application in accordance with the procedure established in this Ordinance.
 - 4. AMENDMENTS TO A PERMANENT SITE PLAN. The permanent site plan may be amended to include such information or such other particulars so as not to create substantial change in the arrangement and/or operation of the permanent site plan without resubmitting the permanent site plan upon and with the consent of the Board of Appeals.
- C. SITE LOCATION:
- 1. The site location of any building, structure, or use permitted by a special permit or use variance shall have a compatible relationship to the established street system and shall be such as to impose no greater traffic burden on streets than the streets can reasonable bear.
 - 2. The site of any building, structure, or use permitted by a special permit or use variance may be located partly outside the village limits, provided that the applicable requirements of the village relative to utility permits and extension; and to annexation are complied with, and provided further, as to such part of the site outside the village limits, that the Madison County Zoning and/or other requirements are complied with
- D. HEARING ON APPLICATION:
- 1. The Zoning Board of Appeals shall hear the application (or any modified application) in accordance with its usual procedure. The Board may:
 - a) Grant the application, with or without modification
 - b) Deny the application
 - c) Or refer the application back to the applicant for recommended modification.

If the application is granted, a copy of the final plan shall be placed on file within the village, clearly noting all conditions of approval and the date approved for issuance of a permit. If the application is denied, the applicant shall not again apply for a permit for substantially the same proposal unless there has occurred a substantial change of circumstances, and in such case, only with the Board's consent, if first obtained, otherwise not earlier than one year after date of the denial. If the application is referred back for modification, the applicant may resubmit the application in accordance with the directions of the Board, if any, otherwise, in time for the next regular meeting of the Board.
 - 2. The Zoning Board of Appeals may revoke a permit issued under this Section if:
 - a) The proposal for which a permit has been issued is not carried out pursuant to the approved final site plan; or
 - b) If any condition or requirement included in the permit is not complied with. The Board may, however, allow modification of the final plan, before completion, in conformity with the applicable provisions for review as provided for in this section.

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3. A permit issued under this Section shall expire if the proposal authorized by the permit is not completed within the development schedule thereof or included in the application, or expiration.
 4. After the final plan has been completed, it shall be a permanent site plan and shall not be modified, nor shall any additions be made thereto, except with the applicable provisions of this Section.
- E. **PUBLIC BUILDINGS, AND PUBLIC UTILITY BUILDINGS OR STRUCTURE:**
The Zoning Board of Appeals may permit any building, structure or use of the Village, the County, the Township, Public School District, University, any State or Federal agency, or public utility in either a governmental or proprietary capacity, in any zoning district as the Board deems necessary for the convenience and welfare of the village. Such building, structure or use shall be subject to such of the requirements of the district wherein the building, structure or use is situated and to such of the other regulations applying to uses permitted in the development as the Board deems necessary to comply with the general provisions of Section 13-3-A and 13-3-C and to assure compatibility of the development with the character of its locality.

Section 13-4: AMENDMENTS

- A. GENERAL:
The Village Board of Trustees may, from time to time, on its own motion, on petition of any person or persons in interest or on initial recommendation of the Zoning Board of Appeals, amend, supplement or repeal the regulations and provisions of this Ordinance.
- B. THE ZONING BOARD OF APPEALS ADVISORY BOARD:
Any such proposed amendment or change, when initiated by the Village Board of Trustees or by individual petition, shall be referred to the Board of Appeals for an advisory report thereon. When a proposed amendment or change is initiated by the Board of Appeals, said advisory report shall accompany the initial recommendation of the Board of Appeals.
- C. PROCEDURE:
1. Before the Zoning Board of Appeal: Public Hearing - Notice: Before giving an advisory report or an initial recommendation on any proposed amendment, the Board of Appeals shall first conduct a public hearing thereon, the date and place of which shall be fixed in advance by the Board of Appeals at any regular or special meeting. Notice of the time and date of such hearing shall be given by publishing one notice thereof in a newspaper of general circulation in the village, such publication to be made at least fifteen (15) days prior to the public hearing.
 2. Before the Village Board of Trustees: After receiving the advisory report from the Board of Appeals and before acting on any proposed amendment, the Village Board of Trustees shall hold a public hearing on the proposed amendment at the next regular meeting of the village board, unless the village board shall otherwise specifically order that such hearing by it be held at a subsequent regular or

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special meeting. Notice of the time and place of the public hearing before the village board shall be made at least fifteen (15) days prior to the hearing in a newspaper of general circulation in the village.

D. WRITTEN PROTEST:

In case of a written protest against any proposed amendments of the regulations or districts, signed and acknowledged by the owners of twenty (20) percent of the frontage proposed to be altered, or by the owners of twenty (20) percent of the frontage immediately adjoining or across an alley there from, or by the owners of twenty (20) percent of the frontage directly opposite the frontage proposed to be altered, is filed with the Village Clerk, the amendment shall not be passed except by a favorable vote of at least two-thirds of the village board then holding office.

E. COSTS: A schedule of fees is available at the office of the Village clerk.

Section 13-5: ENFORCEMENT

A. ENFORCEMENT BY BUILDING AND ZONING OFFICIAL:

Except as otherwise provided in this Ordinance, the zoning and building official of the village shall administer and enforce this Ordinance including the receiving of applications, the inspection of premises and the issuing of permits and certificates of occupancy. No permit or certificate of occupancy shall be issued by the zoning and building official except where the provisions of this Ordinance have been complied with.

B. RIGHT OF ENTRY:

The zoning and building official or any duly authorized person, shall have the right to enter upon any premises at any reasonable time prior to and upon completion of the building or other improvements for the purpose of making inspections to carry out his duties in the enforcement of this Ordinance.

C. STOP ORDER:

Whenever any building work is being done, or uses established, altered or otherwise changed in a manner contrary to the provisions of this Ordinance, the zoning and building official or other authorized person, may order the work stopped by notice in writing served on any person engaged in doing or causing such work to be done, and any such person shall forthwith stop such work until authorized by the zoning and building official to proceed.

D. PROSECUTION:

Whenever a violation of this Ordinance occurs, any person, including the zoning and building official or any other duly authorized village official or personnel in addition to and not by way of limitation of other remedies available may file a complaint in the court of appropriate jurisdiction. The zoning and building official or his deputy or assistant, may also issue and/or serve a summons, citation, or other process issued by

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the court of appropriate jurisdiction for any such violation and may prosecute the violator thereof in said court.

E. PERMITS:

There shall be submitted with all applications for building or zoning permits, two copies of a layout or site plan drawn to scale showing the actual dimensions of the lot to be built upon, the exact size and location on the lot of the building and accessory buildings to be erected and such other information as may be necessary to determine and provide for the enforcement of this Ordinance.

F. PAYMENT OF FEE:

A schedule of fees is available at the clerk's office. No work shall begin on any site until all fees have been paid.

Section 13-6: OCCUPANCY

A. CERTIFICATES OF OCCUPANCY REQUIRED:

Hereinafter no land shall be occupied or used and no building erected, altered or extended, shall be used or changed in use until a certificate of occupancy shall have been issued by the zoning and building official, stating that the building, building location and proposed use thereof complies with the provisions of this Ordinance.

B. APPLICATION:

Certificate of Occupancy for a new building or the reconstruction or alteration of an existing building shall be applied for coincident with the application for a building permit and said certificate shall be issued within five days after the request for same shall have been made in writing to the zoning and building official after the erection or alteration of such building or part thereof shall have been completed, in conformity with the provisions of this Ordinance.

C. RECORDS:

The zoning and building official shall maintain a record of all certificates on file and copies shall be furnished, on request, to any person having a proprietary or tenancy interest in the building affected at a cost established by the village board.

D. TEMPORARY CERTIFICATE OF OCCUPANCY:

The zoning and building official may issue a temporary certificate of occupancy for any use conforming to the applicable provision of this Ordinance. Said certificate of occupancy shall not exceed a period of six (6) months, except as otherwise specifically provided herein. Such temporary certificate shall not be construed in any way to alter the respective rights, duties or obligations of the owners or of the village relating to the use of occupancy of the premises or any other matter covered by this Ordinance or other Ordinances.

Section 13-7: MISCELLANEOUS

A. PENALTIES:

A violation by any person, corporation or otherwise, whether as principal, agent, employee, or otherwise, of any provisions of this Ordinance shall be a misdemeanor and will be subject to a fine up to Five Hundred Dollars (\$500.00) or imprisonment of a period not to exceed ninety (90) days, or both. Each day of the continued violation shall constitute a separate additional violation. If more than one provision is violated, each provision violated shall be considered a separate misdemeanor, and each shall be liable to maximum penalties as herein specified. Nothing herein shall limit any other right or remedy of the village or other person in interest, including the right to obtain an injunction of any violation from a court of competent jurisdiction.

B. SEPARABILITY:

If any part or provision of this Ordinance, or the application thereof to any person, property, or circumstance is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation and direction to the part, provision, section or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the integrity or validity of the remainder of this Ordinance or the application thereof to other persons, property or circumstances. The Village Board of Trustees hereby declares that it would have enacted the remainder of this Ordinance even without any such part, provision, section or application.

C. CONFLICT WITH OTHER ORDINANCES:

This Ordinance shall supercede such other ordinances or parts of other ordinances of the village in conflict with the provisions of this Ordinance provided that nothing herein shall in any way excuse or prevent prosecution of any previous or existing violation of any ordinance superceded hereby.

D. EFFECTIVE DATE:

This Ordinance shall take effect thirty (30) days after its final passage, according to law.

EXHIBIT A

SCHEDULE OF FEES

- Section A: Zoning Application Submittals
- Section B: Minor Subdivision
- Section C: Major Subdivision
- Section D: Site Plan Review
- Section E: Payment Of Fees

A. Zoning Application Submittals:

1. Variance Requests, Special Use Permit Requests and Appeal Requests: Fifty Dollars (\$50.00) for filing a variance from or appeal to the zoning ordinance plus all costs of publication of the required notice of public hearing for advertising and processing. In addition, if the applicant requests a special meeting of the Zoning Board of Appeals (i.e., other than the regular meeting on the third Monday of the month), the fee is Five Hundred Twenty-five Dollars (\$525.00) to reimburse the Village for the pay of the Board members for attendance at a Special Meeting.

2. Zoning Amendment: Two hundred dollars (\$200.00) for changes to zoning district or the text of the zoning ordinance. In addition, if the applicant requests a special meeting of the Zoning Board of Appeals (i.e., other than the regular meeting on the third Monday of the month), the fee is Five Hundred Twenty-five Dollars (\$525.00) to reimburse the Village for the pay of the Board members for attendance at a Special Meeting.

3. Planned Development Procedure Special Use Submittal:

a) Two hundred dollar (\$200.00) application fee for area plan and fifteen dollars (\$15.00) per living unit if residential.

b) Two hundred dollars (\$200.00) for final development plan and section plans.

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4. Special Use Permit Other than PDP: Two hundred dollars (\$200.00)

5. The Zoning Board of Appeals shall have the discretion to waive such fees, particularly in action initiated by the Board or the Board of Trustees.

B. Minor Subdivision (less than 5,000 square feet) Submittal Fee: Fifty dollars (\$50.00) for review and recommendation.

C. Major Subdivision (more than 5,000 square feet) Submittal Fees:

1. Filing of preliminary plat, one hundred fifty dollars (\$150.00) and fifteen dollars (\$15.00) for each proposed building lot.

2. Filing of improvement plans, forty dollars (\$40.00) per proposed building lot.

3. Filing of final plat for subdivision, two hundred fifty dollars (\$250.00).

D. Site Plan Review: Two hundred fifty dollars (\$250.00), to review and make recommendations of a proposed site plan by village officials.

E. Payment Of Fees: Until such fees have been paid, no request for any of the above shall be deemed to have been filed, and no procedure shall be initiated.