

**VILLAGE OF PECATONICA
MUNICIPAL CODE
ARTICLE THIRTEEN
ZONING**

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Chapter One Definitions

For the purpose of interpreting this ordinance, the following words, terms and expressions are defined:

- A. Alley: A public vehicular thoroughfare not more than (20) feet in width.

- B. Alteration, structural: Any change in the supporting members of a building, such as bearing walls, partitions, columns, beams, or girders. The enlargement of the size or height of a building will be construed to be a structural alteration.

- C. Block: The property fronting on one side of a public thoroughfare between two other intersecting public thoroughfares.

- D. Building: A structure having a roof supported by columns or walls for shelter, support or enclosure of persons, animals, or property.

- E. Building, Accessory: Any building which is subordinate to the main building on the lot, not attached thereto and used for purposes customarily incidental to those of the main building. Private garages are accessory buildings.

- F. Building, Height of: The perpendicular distance measured in a straight line from the curb level to the highest point of the roof beams in the case of flat roofs, and to the average of the height of the roof in the case of pitched roofs, the measurement in all cases to be taken through the center of the front of the house.

- G. Building Permit: That permit issued by the Village of Pecatonica stating that all provisions of this Article have been complied with and without which no building may be occupied, constructed, added to or moved.

- H. Building Set Back Line: A building setback line will be that line established in this Ordinance as the line beyond which no building will be allowed to be constructed.

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- I. Building Wall: The wall of the principal building forming a part of the main structure. The foundation walls of unenclosed porches or patios, steps, walks and retaining walls or similar structures will not be considered as building walls under the provisions of this ordinance.
- J. Dwelling, Single Family: A detached building arranged, designed or intended to be occupied as a residence of a single family and having no party wall in common with the adjacent house or houses and having a minimum useable living area of not less than one thousand (1000) square feet. (Revised: Ord 93-8-1)
- K. Dwelling, Two Family: A detached building arranged, designed or intended to be occupied as a residence of but two (2) families or housekeeping units living independently of each other, having a minimum useable living area of not less than seven hundred fifty (750) square feet per dwelling.
- L. Dwelling, Multi-Family: An apartment house or dwelling used or intended to be used or occupied as a residence of three (3) or more families or housekeeping units living independently of each other, having a minimum useable living area of not less than seven hundred fifty (750) square feet per dwelling unit.
- M. Family: A group of individuals living and cooking together on the premises as one (1) housekeeping unit, but a family will not include a group of more than five (5) individuals not related by blood or marriage.
- N. Garage, Private: An accessory building or portion of a building in which one(1) or more motor vehicles are housed, but in which no business, service or industry connected with motor vehicles is carried on other than leasing of space as permitted under the provisions of this ordinance.
- O. Lot: Land occupied or intended to be occupied by one building and accessory buildings and uses, and including open spaces as required under the provisions of this ordinance.
- P. Lot, Corner: A lot situated at the junction of two (2) or more streets.
- Q. Lot Depth: The distance from the front property line to the rear property line. In the case of irregular shape the main depth will be the lot depth.

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- R. Lot Width: The distance between the side property lines. In the case of irregular shape, the distance between side property lines at the building line will be the lot width.
- S. Lot, Interior: A lot other than a corner lot.
- T. Lot, Through: A lot running through a block from street to street.
- U. Lot Lines: The boundaries describing a parcel of land.
- V. Non-Conforming Use: A use of building or premises that does not comply with the regulations of the district in which it is situated.
- W. Official Map: The official map will be that map on file in the office of the Village Clerk of the Village of Pecatonica showing the boundaries of the use districts herein set forth.
- X. Service Station: A building or portion of a building used chiefly in connection with tanks, pumps and other appliances, for supplying motor vehicles with gasoline, oil, compressed air, water, and similar supplies of making repairs including those on motor vehicles.
- Y. Story: That part of any building comprised between any floor and the floor or attic next above. In interpreting this ordinance, twelve (12) feet will constitute one (1) story.
- Z. Street, Public: A public thoroughfare more than twenty (20) feet in width.
- AA. Structure: Anything which is constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. A "structure," includes but is not limited to, decks, walls, buildings, signs, mobile homes and swimming pools.
- BB. Communication Towers: Shall include the tower, antenna, guy wires, footing, dish, and all other appurtenances and accessories to a structure erected, operated and maintained to aid in the transmitting and receiving of radio, electronic, telephone, television and similar wireless service facilities.(added: Ordinance 2002-11-1)

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Chapter Two Zoning Districts

Section 1 Districts

A. For the purpose and provisions of this Article, the Village is hereby organized into the following districts:

1. Residential District - RD
2. Commercial District - CD
3. Industrial District - ID
4. Agricultural District - AD
5. Mobile Home District - MH

Section 2 Official Zoning Map (Revised: 2008-3)

A The various districts and their boundaries are hereby established as shown on the Zoning Map of the Village of Pecatonica. Revised, effective March 2008 and which, with all its designated use areas, as hereby declared to be a part of this ordinance.

B The "Village of Pecatonica Zoning Map," and all official explanatory matter attached thereto bears the signature of the Village Clerk, and will be on file at Village Hall of Pecatonica.

Section 3 District Boundaries

A. The boundaries of the various districts established by this ordinance are street lines, alley lines, property lines, lot lines or other lines shown on the official Zoning Map.

1. Where boundaries are approximately indicated as property or lot lines, the true locations of such lines will be taken as the lot lines.
2. Where the distance to any boundary line from a street line, property line, or lot line is indicated by the official Zoning Map, such measurement will control.

Section 4 Zoning of Streets, Alleys, Public Ways, Waterways and Right of Ways

A. All streets, alleys, public ways, waterways and railroad right-of-ways, if not otherwise specifically designated, will be deemed to be in the same zone as the property immediately abutting upon such streets, alleys, public

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ways, waterways and railroad right-of-ways.

- B. Where the centerline of a street, alley, public way, waterway or railroad right-of-way serves as a district boundary, the zoning of such areas, unless otherwise specifically designated, will be deemed to be the same as that of the abutting property up to such centerline.

Section 5 Zoning of New or Annexed Land

- A. Land annexed to, or consolidated with, the Village, will automatically be classified as R1 Residential District and be subject to all the conditions and regulations applicable to said District until such land is later zoned in a manner provided by law.
- B. No change in the use of land or existing buildings or structures will be made until an ordinance designating the zoning district classification of such annexed land is duly adopted by the Village Board of Trustees.
 - 1. The owner may petition for said zoning classification simultaneously with the petition for annexation. The Village Board of Trustees may either adopt or deny the recommendation of the Planning Commission and the Zoning Board of Appeals for the proposed zoning amendment, at the time of adoption of the final ordinance annexing the territory.

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Chapter Three Building Permits, Inspections and Occupancy Certificates
(Revised: Ord. 2010-4)

Section 1 Necessity

- A. Except as herein provided, no building or part thereof or no structure (as provided in Section 2 herein) will be erected, constructed, reconstructed, converted, altered, enlarged, extended, raised, moved, or used, and no land will be used except in conformity with the regulations herein prescribed for the district in which such building or land may be situated and until a determination has been made if a building permit is needed and if needed been issued by the Building Enforcing Officer as provided herein.

- B. The principal building on a lot will front on a street or a public place.

- C. No yard or other open space provided about any building for the purpose of complying with the provisions of this ordinance will be considered as providing a yard or open space for any other building, nor will the lot area per family be reduced in any manner except in conformity with the area regulations herein established for the district in which such building is located.

- D. The depth of the front or rear yards and the width of side yards will in all cases be measured from the lot line to the nearest point of the adjacent building wall of the building under construction, except in such case where building lines as provided under the Laws of the State of Illinois, have been established and in such events the depth of yards will be measured from said building line.

- E. No lot will hereafter be so reduced in area that any required yard, court or any other open space will be smaller than prescribed in this ordinance for the district in which it is located.

- F. No building in the rear of any principal building on the same interior lot will be used for residence purposes.

- G. Any portion of a building which is covered by a roof and which is enclosed on three (3) or more sides will be considered as part of the building, and all business and residence buildings will have a cement foundation of Portland cement at least four (4) inches in thickness or as required by the Building Codes as listed under Section 8 of this same Chapter and as adopted by the Village of Pecatonica.

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- H. When, at the discretion of the Board of Trustees, the use regulation of a lot or tract is varied or modified, such use will begin within six (6) months of publication of the ordinance allowing the modification or variation.
 - 1. Provided that such use has not begun within six (6) months of publication of such ordinance, the use will terminate, and the use classification will revert to that existing prior to the passage of the ordinance allowing such modification or variation.

Section 2 Projects Requiring a Building Permit

- A. A building permit will be required where there is:
 - 1. construction of a new structure
 - 2. construction of an addition to existing structure
 - 3. moving a structure onto the property
- B. In the event anyone will violate the foregoing, the building permit fee will be double the fee as provided in Section 3 of this chapter.
- C. Building Permit Approval: Projects less than two hundred thousand dollars (\$200,000) shall be presented for approval by the Village President, the Building Enforcement Officer and the Building Inspector. All other Building Permits shall be presented for approval by the Village President, the Building Enforcement Officer, the Building Inspector and the Village Board of Trustees. (revised Ord. 2008-1)
- D. It will be unlawful to proceed with construction without first making written application and receiving a building permit and paying all the necessary fees.
- E. All permits must meet the criteria set forth in Village Ordinances and Zoning regulations. Any variations from those requirements will require prior Board approval.
- F. Applications may be signed by either the owner of the property, the architect or general contractor.
- G. Every application for a building permit will be delivered to the Village Clerk or Administrative Assistant at the Village Hall in writing.

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- H. Applications will be accompanied by a detailed set of plans, which give the following information:
1. the size of the proposed structure.
 2. its location on the lot, giving proper setback footage from the property lines.
 3. The materials of which it is to be constructed.
 4. The details and type of construction to be used.
 5. And an 8 ½ by 11 print showing the lot, the structure location with setback footage and total square footage of the structure.
 6. All commercial and industrial applications will also be accompanied by an architect's stamp of approval.
- I. A Dumpster of sufficient size to contain job wastes will be located on each construction site and if no bathroom facilities are available, then a port-a-pot must also be on each site. Any person in violation of this Ordinance shall be fined not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) per incident, and each calendar day a violation continues shall be considered a separate offense. (Ord. 2004-2-2)
- J. No building permit is required for:
1. Re-roofing
 2. Siding
 3. Concrete or brick patios (excluding fireplaces and permanent grill/barbecue areas, these require a permit)
 4. Awnings
 5. Fencing
 6. Children's Swing and Play Sets
- K. No building permit will be issued without determination of adequate water and sewer services or appropriate variances therefrom.
1. Any building permit issued in conflict with this section will be declared null and void at the discretion of the Village Board without liability to the Village of Pecatonica or its corporate Authorities.

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- L. The permit will be considered void if construction has not begun within six (6) months from date of issuance or work has not been completed within two years from date of issuance.
 - 1. Upon payment of amount equal to the original permit fee, not to exceed one hundred dollars (\$100) to the Village, a building permit may be extended for a period not to exceed six (6) months, and such extension must be approved in writing by the Building Enforcement Officer and the Village Board.
- M. It will be unlawful for any person, firm, corporation, or partnership to duplicate an application for a building permit or the building permit itself.
 - 1. Anyone who violates this Section will pay double the normal fees as provided in Section 3 of this chapter.

Section 3 Fees

- A. A building permit fee will be paid to the Village of Pecatonica prior to the issuance of any building permit.
- B. A building permit fee will be thirty dollars (\$30.00) per one hundred (100) square feet. (Square feet to be rounded off to the nearest hundredth)

Section 4 Changes to Building Permit Applications

- A. Any changes from the original Building Permit Application must be approved by the Building Enforcement Officer.
- B. The application for changes must include any and all changes to be made and the owner's signature.

Section 5 Penalties

- A. Permit fees will be doubled as a penalty for starting construction without a permit.
- B. Any subsequent violations will result in revocation of permit and removal of all construction completed.

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Section 6 Inspections, Occupancy Certificates and Related Fees

A. Types of Construction that require an Inspection.

1. New home building permits
 - a. Footings
 - b. Electrical Service
 - c. Water and Sewer
 - d. Rough Frame
 - e. Finished Inspection

2. New Commercial and Industrial Building Permits
 - a. Footings
 - b. Electrical Service
 - c. Water and Sewer
 - d. Rough Frame
 - e. Finished Inspections
 - f. Fire Protection Systems

3. New Multi-Family Building Permits
 - a. Footings
 - b. Electrical Service
 - c. Water and Sewer
 - d. Rough Frame
 - e. Finished Inspection
 - f. Fire Protection Systems

4. New Garage Building Permits
 - a. Footings
 - b. Electrical Service
 - c. Rough Frame

5. Additional Building Permits (Rev. Ord. 2010-4)
 - a. All structural alterations, reconstruction, repair or remodeling, changes to original outside locations, dimensions, or original square footage changing of present structure. All changes need to conform to the Building Codes as listed under Section 8 of this same Chapter.

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- B. The inspection fees are to be paid at the Village Clerk’s Office and are figured from the following schedule, which is available at the same office:

PLAN REVIEW:

| | |
|---|----------|
| Residential: | \$100.00 |
| Addition 500 sq. feet or less:..... | \$50.00 |
| Commercial/Industrial up to 50,000 cubic ft. | \$150.00 |
| Over 50,000 cubic ft. Fee per 100 cubic ft. | \$.15 |
| Elevator Review, fee per elevator | \$200.00 |
| Sprinkler Review | \$25.00 |
| Plus \$1.00 PER HEAD | |
| Plus any Consultant fees | |

INSPECTION FEE: RESIDENTIAL (Rev. Ord. 2001-6-5, 2008-9)

| | |
|--|---------|
| Floor area above ground per square foot charge..... | \$.15 |
| Finished floor area below ground per square foot charge..... | \$.15 |
| Basement, crawl, slab or garage slab per square foot charge | \$.10 |
| Porches/ decks w/ new home building permits per sq ft charge.. | \$.10 |
| Detached garages, decks, shed, above ground pool..... | \$35.00 |
| Below ground pool | \$75.00 |
| Electrical for garage, deck, shed and pools | \$35.00 |

INSPECTION FEE: COMMERCIAL/INDUSTRIAL

| | |
|--|-------|
| Floor area above ground per square foot charge..... | \$.20 |
| Basement, crawl, slab, etc. per square foot charge | \$.10 |
| Build-out . . . per square foot charge..... | \$.20 |

OCCUPANCY PERMIT

| | |
|----------------------------------|----------|
| Residential | \$35.00 |
| Commercial..... | \$50.00 |
| Industrial | \$75.00 |
| Temporary Occupancy Permit | \$100.00 |

- C. Occupancy Certificates will be issued by the Building Inspector upon a completed and successful Inspection Process in accordance with the applicable building codes of the Village of Pecatonica.

Section 7 Exemptions

- A. All taxing bodies shall be exempt from paying the building permit fee.

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- B. However, they shall be required to pay the inspection fees where necessary and the fees to check the setbacks and zoning requirements.

Section 8 Codes (Rev. Ord. 2010-4)

A. Codes Adopted

1. There is hereby adopted by the Village of Pecatonica for the purposes of establishing rules and regulations for all types of construction as defined in Section 6 of this Chapter, the following building codes which have been adopted as reference thereto the same as if fully set forth herein and the whole thereof, save and such portions as are hereinafter deleted or amended, one copy of which is on file in the office of the Village of Pecatonica. The Village of Pecatonica Building Codes shall conform to the following:

NEC 2008 National Electrical Code & Amendments
IRC 2006 International Residential Code & Amendments
IBC 2006 International Building Code & Amendments
IFC 2006 International Fire Code & Amendments
IMC 2006 International Mechanical Code & Amendments
IECC 2009 International Energy Conservation Code
IFGC 2006 International Fuel Gas Code
IEBC 2006 International Existing Building Code
NFPA 101 2003 Life Safety Code
IDPH 2004 Illinois Plumbing Code & Amendments
Illinois Accessibility Code

- B. All structures existing prior to the effective date of this Ordinance may remain in their present condition notwithstanding any provisions of this Building Code except that any work involving additions, alterations or changes of occupancy shall be made to conform with the requirements of the Building Codes as provided in paragraph A of this same section.

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Chapter Four Enforcement

Section 1 Building Enforcement Officer and Zoning Enforcement Officer (Ord. 99-4-3)

A. The provisions of this Article will be enforced by the Building Enforcement Officer and the Zoning Enforcement Officer.

1. Appeals from any decision of the Enforcement Officers may be made to the Zoning Board of Appeals as provided in this Chapter.

B. Stop Work Order (Ord. 95-9-2, 2003-3-2)

1. In the event the Building Enforcement Officer or the Zoning Enforcement Officer becomes aware of any building or structure or other improvements that are being built without a building permit, as provided herein, or is being built in violation of the plan submitted in the application for a building permit, or in violation of any other provision of this Article, the Officer is hereby authorized and directed to issue a "stop work order" informing the owner and/or contractor to stop work because of a violation.

2. The stop work order should set forth the violation.

3. The stop work order can be sent by registered mail, return receipt requested or served in person.

Section 2 Zoning Board of Appeals

A. No variation, modification, or amendment to this ordinance will be considered unless there is a public hearing before the Zoning Board of Appeals, of which there will be notice of the time and place of the hearing published at least once not more than thirty (30) days nor less than fifteen (15) days before the hearing in a newspaper of general circulation within the Village.

B. A variation, modification or amendment to this ordinance must be filed at the Village Clerk's Office and accompanied by a fee of One Hundred Seventy-five Dollars (\$175.00) or a sufficient amount as to cover the publishing of the hearing in the legal section of the circulated newspaper in the Village of Pecatonica.

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- C. Every action on a variation or special use by the Zoning Board of Appeals will be submitted to the Village Board of Trustees accompanied by the findings of fact and shall refer to any exhibits containing plans and specifications for the proposed use or variation, which shall remain part of the permanent records of the Zoning Board of Appeals. Findings of fact shall specify the reason or reasons for making the variation.
1. Any proposed variation which fails to receive the approval of the Zoning Board of Appeals shall not be passed by the Village Board of Trustees by Ordinance except by the favorable vote of two-thirds of all Trustees of the Municipality.
 2. All special uses which fail to receive the approval of the Zoning Board of Appeals shall not be approved by the Village Board of Trustees by Ordinance except by a vote of two-thirds of all Trustees then holding office.
 3. An amendment shall be passed by an Ordinance by the Village Board of Trustees. In case a written protest against any proposed amendment of the regulations or districts, signed and acknowledged by the owners of 20% of the frontage proposed to be altered, or by the owners of 20% of the frontage immediately adjoining or across an alley therefrom, or by the owners of 20% of the frontage directly opposite the frontage proposed to be altered, is filed with the Village Clerk or Administrative Assistant, the amendment shall not be passed by Ordinance except by a favorable vote of two-thirds of the Trustees then holding office.
- D. Variations and Modifications (Revised: Ord. 97-2-8)
1. The Zoning Board of Appeals will make recommendations to the Village Board of Trustees regarding the following variances and modifications:
 - a. The erection and use of any accessory buildings on a lot in any Residential District before the erection of the principal building on such lot as provided herein, provided such use is temporary and for a period of time not to exceed one (1) year.
 - b. The extension of any existing building or use into a more restricted district immediately adjacent, under such conditions as will safeguard the character of the more

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restricted districts, provided that such extension will not be permitted more than fifty (50) feet beyond the boundary line of the district in which such building or use is authorized.

- c. The erection of buildings or the use of land not in accordance with the requirements of this ordinance, in the case of an undeveloped section of the Village for a period not to exceed one (1) year in any case, where such buildings or uses are clearly incidental to and necessary for residential development or are temporary only and will not tend to permanently alter the character of such section or any adjoining or nearby section.
- d. The erection and use of a building or the use of the land in any district by a public service corporation or for public utility purposes, which the Board considers reasonably necessary for the public convenience or welfare.
- e. To permit any use in a district that is not specifically prohibited in such district, and that is in keeping with and appropriate to the uses authorized in such district by the provisions of this ordinance, as provided in Chapter Twelve herein.

E. Special Use Permits (Ord.96-2-3)

- 1. The Zoning Board of Appeals may hold a public hearing, making findings of fact, and make recommendations to the Village Board on Special Use Permits in the various zoning districts, as provided in Chapter Twelve herein.

Section 3 Penalties (Ord. 2003-3-2)

- A. Permit fees will be doubled as a penalty for starting construction without a permit.
- B. Any subsequent violations will result in revocation of permit and removal of all construction completed.

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Chapter Five Lots

Section 1 Lots

- A. Each lot upon which a dwelling is to be erected or enlarged will provide a lot area per family not less than those specified hereafter:
1. Single family dwelling: 12,500 sq. ft.
 2. Two family dwelling: 12,500 sq. ft.
 3. Multi-family dwelling:
 - a. Three through six family dwellings:
 1. On corner lots: 12,500 sq. ft. plus 1,800 sq. ft. for each family above two.
 2. For interior lots: 12,500 sq. ft plus 1,800 sq. ft. for each family above two.
 - b. Seven family and above: 12,500 plus 1,800 sq. ft. per family.
- B. Each lot upon which a dwelling is to be erected shall have the following front yard width at the front building line of the lot.
1. Single and Two-Family Dwelling: Minimum width requirement at the street: Eighty (80) feet.
 2. Multi-Family Dwelling: Minimum width requirement at the street: One Hundred (100) feet.
- C. That paragraphs A and B of this Section shall not apply to approved final platted lots located within the Village prior to May 15, 2001.
(Ord. 2005-1-2)

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Chapter Six Residential Districts

Section 1 Residential District Zoning Classifications

- A. R1 Residential Single-Family
- B. R2 Residential Two-Family
- C. R3 Residential Multi-Family

Section 2 Single Family Residential Districts (R1)

- A. No building or land will be used for other than one (1) or more of the following purposes in a Single Family Residential District (R1):
 - 1. One family detached dwelling: Not more than one family may occupy one principal building on a lot in a Single Family Residential District.
 - a. For these purposes one family will mean a dwelling unit designated exclusively for use and occupancy by one or more persons related by blood, adoption or marriage and two additional individuals living together as a single housekeeping unit, or four or fewer persons who are not related by blood, adoption or marriage but who are living together as a single housekeeping unit.
 - 2. For Permitted Uses and Special Uses see Chapter Eleven and Twelve of this Article.

Section 3 Two-Family Residential Districts (R2)

- A. No building or land will be used for other than one (1) or more of the following purposes in a Two-Family Residential District (R2):
 - 1. For these purposes, a two-family dwelling is defined as a building designed or altered to provide dwelling units for occupancy by two families living independently of each other with separate kitchen facilities.
 - 2. Any permitted use or special use in a Single Family Residential District (R1).

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3. Every single family dwelling hereinafter erected or located in the R2 District will have the same lot area requirements as found in the R1 District.
4. For Permitted Uses and Special Uses see Chapter Eleven and Twelve of this Article.

Section 4 Multi-Family Residential Districts (R3)

- A. No building or land will be used for other than one (1) or more of the following purposes in a Multi-Family Residential Districts (R3):
 1. Multi-Family dwellings or apartments.
 2. For Permitted Uses and Special Uses see Chapter Eleven and Twelve of this Article.
- B. The Owner, contractor or builder of any apartment house or multiple dwelling will provide off-street parking facilities for all motor vehicles to be used by the occupants, tenants or residents of said apartment house or multiple dwelling as follows:
 1. One and one-half parking spaces for each dwelling unit.
 2. Each parking space will measure ten feet (10') wide by twenty feet (20') long.

Section 5 Residential Districts - Front Yards

- A. Residential building setback lines for a front yard shall be established at a distance back from each street right-of-way equal to no less than one-half ($\frac{1}{2}$) the width of the street right-of-way and not closer to such line than those established on the same street in adjoining subdivisions.

Section 6 Residential District - Rear and Side Yards

- A. The rear yard will not be less than twenty-five (25) feet in depth.
- B. The side yard on each side of each principal building will be as follows:
 1. one (1) story in height will not be less than six (6) feet in width
 2. two (2) stories in height will not be less than eight (8) feet in width

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3. three (3) or more stories in height will not be less than ten (10) feet in width
- C. One (1) side yard may be omitted where two (2) semidetached single family dwellings on adjacent lots, are built at the same time with a common party wall, provided that the side yard of each house opposite the common party wall will be of a width 50 percent in excess of the minimum side yard widths specified in this paragraph.
- D. A corner lot will have the side yard nearest the street a minimum of seventeen (17) feet in depth.
- E. Minimum side yard requirements for a church, school, library, museum, club, social center or community building, hospital or similar institution built in any Residential district:
1. If located on an Interior Lot the side yard will be twenty (20) feet.
 2. If located on a Corner Lot the side yard nearest the street will be thirty (30) feet and the side yard adjacent to an interior lot will be twenty (20) feet.
- F. In computing the required depths of rear yards, one-half (1/2) of the width of an alley abutting the rear of the property line of the lot will be assumed to be a position of the rear yard.
- G. In the case of a through lot, the rear yard will be considered a front yard and will maintain all of the minimum requirements of a front yard.

Section 7 Residential District - Height Restriction

- A. In a Residential District any structure shall not exceed thirty-five feet (35') in height.

Section 8 Variances to the Yard Requirements

- A. The Zoning Board of Appeals as provided under this ordinance will have the power to vary the yard depth of a Residential District within the following limits:
1. The front yard depth of the principal building may in certain cases be varied to be the average depth of the front yards of the lots in

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the same block facing the same street within seventy (70) feet of the lot in question.

2. In any Residential District any corner lot will have the front yard facing the principal street and will have the side yard facing the intersecting street a minimum of seventeen (17) feet.
3. The minimum requirements for rear and side yards may be decreased in amounts not more than 25% for each individual case.

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Chapter Seven Commercial Districts (CD)

Section 1 Purpose

- A. The Commercial Districts are established in this chapter in order to achieve the following purposes:
1. To protect commercial areas against fire, explosion, noxious fumes, offensive noise, smoke, vibrations, dust, odor, heat, glare and other objectionable influences incidental to industrial uses.
 2. To provide appropriate located areas for retail stores, offices, service establishments, wholesale business and amusement establishments offering commodities and service required by residents of the Village and its market area.
 3. To provide opportunities for retail stores, offices, service establishments, wholesale business and amusement establishments to concentrate in certain areas for the convenience of the public and for the beneficial relationship of each other.
 4. To provide for community facilities and institutions that may be located in commercial areas.
 5. To provide adequate space to meet the needs of commercial development, including off street parking and loading facilities.
 6. To minimize traffic congestion and to avoid the over loading of public facilities by regulating the construction of building in relation to the area of the zoning lot.
- B. For Permitted Uses and Special Uses see Chapter Eleven and Twelve of this Article.

Section 2 Commercial District-Front Yards

- A. In a Commercial District a front yard is not required for the principal building unless the adjacent buildings are set back, then it must conform to the same set backs.

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Section 3 Commercial District - Rear and Side Yards

- A. In any Commercial District a rear yard not less than twenty (20) feet in depth is required where any portion of a principal building on such lot is used for residential purposes.
- B. An additional two (2) feet in depth of a rear yard is required for each story above the second floor.
- C. In any Commercial District no rear yard is required for a hotel or for a building not used as a dwelling which is two (2) stories or less in height provided such lot abuts on a rear alley twelve (12) or more feet in width.
 - 1. Provided that no such alley exists, a rear yard depth of ten (10) feet is required for one (1) story buildings, and an additional two (2) feet in rear yard depth will be added for each additional story.
- D. In any Commercial District no side yards are required.
 - 1. Side yards if provided will be not less than five (5) feet in width.
- E. Yards. No building will be erected or enlarged unless the following yards are provided and maintained in connection with such building, structure or enlargement.
 - 1. Front, Side, Corner lots, Rear, Height

Section 4 Commercial District – Off Street Parking

- A. All new buildings in any Commercial District occupied for the conduct of business will provide within a radius of two hundred (200) feet from said building, surfaced off-the-street parking in a ratio of one (1) off-the-street parking area for two (2') feet of show room or display area. (Interpretation: one (1) off-the-street parking area of two hundred (200) square feet for each four hundred (400) square feet of store area.)
- B. Each off-the-street parking area will measure not less than ten feet (10') wide by twenty feet (20') long.

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Chapter Eight Industrial Districts (ID)

Section 1 Purpose

- A. The Industrial District is intended to accommodate light industrial, wholesale and research establishments.
- B. The Industrial District may be located in various areas throughout the Village and may be in close proximity to residential neighborhoods and not be detrimental to residential uses because of its limited nature.
- C. While most often applied to areas where the location of particular industries has no direct relationship to other nearby business or industrial districts, it may also be formed as an adjunct to these established districts.
- D. Required conditions:
 - 1. All production, processing, servicing, testing, repair or storage of materials, goods or products will take place within completely enclosed buildings.
 - 2. All uses will comply with the performance standards as cited in the “Environmental Protection Act” effective July 1, 1970, as amended, State of Illinois.
- E. For Permitted Uses and Special Uses see Chapter Eleven and Twelve of this Article.

Section 2 Industrial Districts - Front Yards

- A. In Industrial Districts a front yard of not less than twenty-five (25) feet in depth is required on each lot measured from the lot line to the building line.

Section 3 Industrial Districts - Rear and Side Yards

- A. In any Industrial District a rear yard not less than twenty (25) feet in depth is required where any portion of a principal building on such lot is used for residential purposes.
 - 1. An additional two (2) feet in depth of rear yard is required for each story above the second.

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- B. In any Industrial District no rear yard is required for a hotel or for a building not used as a dwelling which is two (2) stories or less in height provided such lot abuts on a rear alley twelve (12) or more feet in width.
 - 1. Provided that no such alley exists, a rear yard depth of ten (10) feet is required for one (1) story buildings, and additional two (2) feet in rear yard depth will be added for each additional story in building height.
- C. The side yard on each side of a principal building one (1) story in height will not be less than six (6) feet in width, two (2) stories in height not less than eight (8) feet in width on each side, and for three (3) or more stories in height not less than ten (10) feet in width on each side.
- D. In any Industrial District on a corner lot, the side yard nearest the street will be a minimum of thirty (30) feet in depth and the side yard adjacent to the interior lot will be not less than twenty (20) feet.
- E. In computing the required depths of rear yards, one-half (½) of the width of an alley abutting the rear of property line of the lot will be assumed to be a position of the rear yard.
- F. In the case of a through lot, the rear yard will be considered a front yard and will maintain all of the minimum requirements of a front yard.

Section 4 Industrial Districts – Off Street Parking

- A. All new buildings in an Industrial District will provide an off-the-street parking area in the ratio of one (1) off-the-street area two hundred (200) square feet for each fifteen hundred (1500) square feet of floor area.
 - 1. Each off-the-street parking area will measure not less than ten feet (10') wide by twenty feet (20') long.
- B. In addition to providing off-the-street parking areas, all new buildings in an Industrial District will provide one off-the-street loading area, six hundred (600) square feet for each ten thousand (10,000) square feet of floor area but in any case no less than one (1) off-the-street loading area will be provided.

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Chapter Nine Agricultural Districts (AD)

Section 1 Purpose

- A. To permit nonagricultural uses that require large land areas that will not detract or adversely affect the normal agricultural pursuits of the rural area.
- B. To give primary consideration to agricultural pursuits and secondary consideration to urban supporting uses.
- C. To discourage residential development other than those that desire to associate and identify with a rural agricultural community accepting its relevant and known environmental conditions.
- D. For Permitted Uses and Special Uses see Chapter Eleven and Twelve of this Article.

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Chapter Ten Mobile Home Districts (MH)

Section 1 Purpose

- A. The mobile home district is established in order to provide and regulate the placement of mobile homes and recreational vehicles.

Section 2 Location and Placement of Mobile Homes

- A. No mobile home whether occupied or unoccupied, may be placed outside the mobile home district, except as follows:

1. For use as a shelter on the site of a construction project, during the course of construction provided, the mobile home will not be occupied for human habitation.
2. For use in conjunction with carnivals, circuses, fairs, rodeos, or Christmas tree sales, while they are on the site.

- B. Permitted Uses. Unless other wise provided in this chapter, no building or land may be used, and no building may be erected, converted, enlarged or structurally altered in the mobile home district except for one or more of the following uses:

1. Mobile home parks
2. Mobile home subdivisions
3. One family detached dwellings
4. Temporary buildings for construction purposes, not for habitation, and not to exist after termination of the project
5. Accessory uses, including off-street parking as required by this Article.

- C. Performance standards for mobile home parks.

1. An overall development plan delineating the street system, parking areas, mobile home sites, recreational uses, utility easements, and any other on-site improvements will be submitted and reviewed by the Zoning officer for compliance with the following performance standards:
 - a. Mobile home parks will have not less than twenty (20) acres of land area.

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- b. There will be a minimum of six thousand (6,600) square feet of site area per mobile home.
 - c. Travel trailers, recreational vehicles, nonpermanent shelters, or other vehicles designed for sleeping purposes, other than mobile homes, will not be permitted for occupancy within a mobile home park.
- D. A mobile home park will contain recreation open spaces, not less than 2% of the gross area of which will be developed for recreational purposes.
- E. A designated recreational vehicle, travel trailer, and/or boat storage area will be provided with an aggregate area of fifty (50) square feet per mobile home space.
- F. The mobile home park management will provide a space on each mobile home site for outdoor storage. If the park management can show that it does not need fifty (50) square feet per mobile home for recreation storage, then this section will be used to meet a portion of all of said requirement.
- G. The mobile home stand will meet the following requirements:
 - 1. The stand will be the same size or larger than the mobile home sitting upon it.
 - 2. The stand will be built of a concrete slab.
 - 3. The gradient will provide adequate drainage.
 - 4. Skirting will be required around each mobile home. Said skirting will, at a minimum, comply with the Winnebago County Building and Health Codes.
- H. All Streets for vehicular circulation, including those dedicated to public use and those, which are private, will meet the following minimum requirements.
 - 1. A sixty-six (66) foot wide designated right-of-way.
 - 2. The roadway will comply with the Village of Pecatonica standards as found in the Specification Manual.
 - 3. Curbing, gutters, and continuous sidewalks forty-eight (48") inches wide would be required within the right of way.
 - 4. No cul-de-sacs will be permitted in a mobile home park.

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- I. Each mobile home site will have a paved sidewalk at least forty-eight (48) inches in width between the mobile home and its on-site parking space.

- J. Only one mobile home may be located on a mobile home site as designated in a mobile home park, and will be subject to the following yards and setbacks for each site:
 - 1. Front yard: a minimum of (10) feet.
 - 2. Side yard: a minimum of five (5) feet.
 - 3. Rear lot line: a minimum of ten (10) feet.
 - 4. Minimum distance of twenty (20) feet between mobile homes and/or other permitted structures.
 - 5. Minimum distance of ten (10) feet from accessory structures or paved parking areas.
 - 6. No mobile home or dwelling will be located less than twenty-five (25) feet from the property line of the mobile home park.

- K. The only accessory structure permitted on a mobile home site will be a temporary sun or wind shelter and/or storage building with a maximum size of one hundred (100) square feet.

- L. A minimum of two (2) improved, automobile parking spaces will be provided for each mobile home, both of which will be on the mobile home site.

- M. All utilities, including television service, will be underground.

- N. All mobile homes will comply with the requirements of “the Illinois Mobile Home Tie-down Act.”

- O. Detached Units in Mobile Home Park and Subdivision
 - 1. Lot Size. Every one-family detached dwelling hereafter erected or located in the Mobile Home District will have a lot area of not less than 6,600 square feet, with a minimum width at the established building line of sixty (60) feet.

- P. Yards. No building will be erected or enlarged unless the following yards are provided and maintained in connection with such building structure of enlargement:

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1. Front. A front yard equal to at least one-half ($\frac{1}{2}$) the right-of-way of the street on which the lot fronts; however, in no case will the front yard be less than thirty (30) feet nor require more than sixty (60) feet.
2. Side. A side yard on each side of the zoning lot of not less than six (6) feet; except, where a side yard adjoins a street the minimum width will be increased to equal one-half ($\frac{1}{2}$) the right-of way of the adjoining street, with a minimum of thirty (30) feet but not require more than sixty (60) feet.
3. Rear. A rear yard of not less than thirty (30) feet.
4. Height. In the Mobile Home District no building will be erected or altered to a height in excess of thirty-five (35) feet or two and one-half ($2 \frac{1}{2}$) stories.

Section 3 Location and Placement of Recreational Vehicles

- A. For use as a shelter on the site of a construction project, during the course of construction provided, the mobile home will not be occupied for human habitation.
- B. For use in conjunction with carnivals, circuses, fairs, rodeos, or Christmas tree sales, while they are on the site.
- C. Recreational vehicles will not be occupied for human habitation for an extended period of time.

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Chapter Eleven Permitted Uses

Section 1 All Districts (an "X" in the box means the use is permitted in that corresponding District)

A. Unless otherwise stated in each District, no land may be used, or building erected, converted, enlarged or structurally altered in any of the Districts except as provided on the Permitted Use Chart.

| | Permitted Use Chart | <u>R</u> <u>1</u> | <u>R</u> <u>2</u> | <u>R</u> <u>3</u> | <u>M</u> <u>H</u> | <u>C</u> <u>D</u> | <u>I</u> <u>D</u> | <u>A</u> <u>D</u> |
|----|---|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|
| 1 | Amusement Enterprises | | | | | X | | |
| 2 | Assisted Living Facility | | | | | X | | |
| 3 | Automobile Service Stations | | | | | X | | |
| 4 | Beauty & Barber Shops | | | | | X | | |
| 5 | Business Offices | | | | | X | | |
| 6 | Churches | X | X | X | | | | X |
| 7 | Coal or Lumber Storage Warehouses | | | | | | X | |
| 8 | Community Center Buildings | | | | | X | | |
| 9 | Dairy and Food Processor | | | | | | X | |
| 10 | Day Care - Home (3 or less children or children that are related) (pertains to those not requiring a State License) | X | | | | | | |
| 11 | Dwelling - Single Family detached (See Chap.6, Sec.2) (Page 17) | X | X | X | | | | |
| 12 | Dwelling - Two Family (See Chap. 6, Sec. 3) (Page 17) | | X | X | | | | |
| 13 | Dwelling - Multi Family (See Chap. 6, Sec. 4) (Page 18) | | | X | | | | |
| 14 | Farming and any other business connected with farming and all accessory buildings deemed necessary for a successful operation of a farm | | | | | | | X |

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| | Permitted Use Chart | <u>R</u> <u>1</u> | <u>R</u> <u>2</u> | <u>R</u> <u>3</u> | <u>M</u> <u>H</u> | <u>C</u> <u>D</u> | <u>I</u> <u>D</u> | <u>A</u> <u>D</u> |
|----|---|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|
| 15 | Financial Institutions | | | | | X | | |
| 16 | Fire Stations | | | | | X | | |
| 17 | Funeral Homes and Funeral Parlors | X | X | X | | X | | |
| 18 | Garages used to park or store motor vehicles other than private residential vehicles | | | | | X | | |
| 19 | General Manufacturing and Parts Assembly Plants | | | | | | X | |
| 20 | Governmental Offices | | | | | X | | |
| 21 | Green Houses | X | X | X | | | | |
| 22 | Home Occupations (See Chap. 12, Sec. 12G) (Page 44) | X | X | X | | | | |
| 23 | Hotel, Motel, Bed & Breakfast | | | | | X | | |
| 24 | Laundries | | | | | X | | |
| 25 | Libraries | X | X | X | | | | |
| 26 | Playgrounds and Parks | X | X | X | | | | |
| 27 | Post Offices | | | | | X | | X |
| 28 | Printing Shops | | | | | X | | |
| 29 | Private Garages | X | X | X | | | | |
| 30 | Public Museums | X | X | X | | X | | |
| 31 | Public Utility Sub-Stations | X | X | X | X | X | X | X |
| 32 | Real Estate Signs advertising for sale, rental or lease, (only the premises, lots or tracts on which they are located.) | X | X | X | | X | X | X |
| 33 | Restaurants and Lunch Counters | | | | | X | | |
| 34 | Retail Stores | | | | | X | | |

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| | | | | | | | | |
|----|-------------------------------|--|--|--|--|---|---|--|
| 35 | Skilled Nursing Care Facility | | | | | X | | |
| 36 | Small Engine Shops | | | | | X | | |
| 37 | Storage Grain Elevators | | | | | | X | |
| 38 | Taverns | | | | | X | | |
| 39 | Telephone Exchanges | | | | | X | | |
| 40 | Veterinary Clinic | | | | | X | | |

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Chapter Twelve Special Use Permits (Ord.96-2-3)

Section 1 Purpose (an "X" in the box means the Special Use can be applied for in that District)

A. The formulation and enactment of this chapter is based on the division of the entire Village into Districts in each of which are permitted specified uses that are compatible. In additions to such permitted, compatible uses, however, it is recognized that there are other uses which it may be necessary or desirable to allow in a given district but, because of their potential influence upon neighboring uses, need to be carefully regulated with respect to location or operation for the protection of the community. Such uses are classified in this chapter as "special uses" and are found on the Special Use Chart.

| | Special Use Chart | R 1 | R 2 | R 3 | M H | C D | I D | A D |
|----|---|--------|--------|--------|--------|--------|--------|--------|
| 1 | Airports, Landing Fields, Heliports | X | X | X | X | X | X | X |
| 2 | Ambulance Service | | | | | X | | |
| 3 | Antique Shops | X | X | | | | | |
| 4 | Archery or Gun Clubs | | | | | | | X |
| 5 | Automobile Accessory Store | | | | | X | | |
| 6 | Auto Body and Fender Repair, includes Welding | | | | | X | | |
| 7 | Automobile Repair - Minor | | | | | X | | |
| 8 | Automobile Repair - Major | | | | | X | | |
| 9 | Automobile and Truck Sales @ Leasing | | | | | X | | |
| 10 | Automobile Service Station | | | | | X | | |
| 11 | Boarding Houses | | | X | | | | |
| 12 | Car Wash | | | | | X | | |
| | | | | | | | | |

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| | Special Use Chart | R 1 | R 2 | R 3 | M H | C D | I D | A D |
|----|--|--------|--------|--------|--------|--------|--------|--------|
| 13 | Cemeteries, including crematories, mausoleums in conjunction therewith, if not within 500 feet of any dwelling | | | | | | | X |
| 14 | Churches, Rectories | X | X | X | X | X | | X |
| 15 | Seminaries, Convents, Monasteries and similar religious institutions, including dormitories and other accessory uses for operation | | | | | | | X |
| 16 | Community Swimming Pools (See Chap. 12, Sec. 12C) (Page 43) | X | X | X | X | X | X | X |
| 17 | Day Care (Licensed) (4 or more Children) | X | X | X | X | X | X | X |
| 18 | Day Nursery Schools (Pre-school) | X | X | X | X | X | X | X |
| 19 | Dining and Dancing Establishments | | | | | | | X |
| 20 | Educational Institutions | X | X | X | X | X | X | X |
| 21 | Feed, Seed and Farm Implements but excluding sales of farm implements used for tillage and harvest of crops | | | | | X | | |
| 22 | Filling of Holes, Pits or Lowlands (provided not in flood plain) | X | X | X | X | X | X | X |
| 23 | Fishing Ponds or Lakes, Commercial and Other Tourist Facilities (See Chap. 12, Sec. 12B) (Page 42) | | | | | | | X |
| 24 | Funeral Homes and Parlors | X | X | X | X | X | | X |
| 25 | Golf Courses (See Chap. 12, Sec. 12D) (Page 43) | X | X | X | X | X | | X |
| 26 | Hospitals, Medical Clinics (out patient) and Medical Facilities including in-patient care | | | | | X | | X |
| | | | | | | | | |

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| | Special Use Chart | R 1 | R 2 | R 3 | M H | C D | I D | A D |
|----|---|--------|--------|--------|--------|--------|--------|--------|
| 27 | Laboratories: Medical, Dental, Research, Experimental and Testing, provided no production or manufacturing of products takes place. | | | | | X | X | |
| 28 | Horse Stables and Riding Trails | | | | | | | X |
| 29 | Junk yards and Auto Wrecking Yards, contained within buildings or screened from view from adjacent property or right-of-ways | | | | | | X | X |
| 30 | LP Gas for Commercial Dispensing | | | | | X | X | |
| 31 | Liquor Establishments, including Package Liquor Stores and Taverns | | | | | X | | |
| 32 | Lodging Rooms | | | X | | | | |
| 33 | Lodging Rooms not meeting the Home Occupations as provided (Chap. 12, Sec. 12G) Page 44) | | | X | | | | |
| 34 | Meeting Halls | | | | | X | | |
| 35 | Motor Freight Terminals | | | | | | X | |
| 36 | Off Street Parking (See Chap. 12, Sec. 12E) (Page 43) | X | X | X | X | X | X | X |
| 37 | Offices, Business, Dental and Professional | | | | | X | | |
| 38 | Outdoor Amusement Establishments, Fairgrounds, Carnivals, Circuses, Race Tracks, Kiddie Parks, and other similar amusement centers, and including places of assembly devoted thereto, such as Stadiums and Arenas | X | X | X | | X | X | X |
| 39 | Pet Grooming | | | | | X | | |

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| | Special Use Chart | R 1 | R 2 | R 3 | M H | C D | I D | A D |
|----|--|--------|--------|--------|--------|--------|--------|--------|
| 40 | Picnic and Recreational Campgrounds | | | | | | | X |
| 41 | Public Service Uses (See Chap. 12, Sec. 12A) (Page 42) | X | X | X | X | X | X | X |
| 42 | Private Clubs and Lodges | X | X | X | X | X | | X |
| 43 | Radio, Cellular Phone and Television Towers - Commercial | | | | X | X | X | X |
| 44 | Race Track including Automobile, Cycle and Snowmobile Courses | | | | | | X | X |
| 45 | Railroad Right-of-Ways and Trackage, not including Rail Road Yards | X | X | X | X | X | X | X |
| 46 | Recreational (public/private) Facilities & Commercial Entertainment & Tourist Establishments (See Chap. 12, Sec. 12B) (Page 42) | | | | | X | | X |
| 47 | Rest Homes | | | X | | X | | X |
| 48 | Restaurants Serving Liquor | | | | | X | | |
| 49 | Stone and Gravel Quarries and Crushing, Grading, Washing, and Loading Equipment and Structures | | | | | | X | X |
| 50 | Storage, Warehousing, Wholesaling and Local Cartage and Express | | | | | | X | X |
| 51 | Extraction and Removal of Sand, Gravel, Topsoil or other aggregate, but not including equipment, buildings or structures, for screening, mixing, washing, or storage, except as may be specifically authorized for a limited period of time. | | | | | | | X |
| 53 | Tanning Salons | | | | | X | | |

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| | | | | | | | | |
|----|---|---|---|---|---|---|---|---|
| 54 | Truck and Trailer Service | | | | | X | | |
| 55 | Veterinary Clinics or Hospitals | | | | | X | | |
| 56 | Walking Paths | X | X | X | X | X | X | X |
| 57 | Welding Shops | | | | | X | X | |
| 58 | Wind Operated Energy Devices (See Chap. 12, Sec. 12F) (Page 43) | | | | | | X | X |

Section 2 Application

A. Data to be furnished. Application for a special use permit will be made to the Village Clerk on a form prescribed by the Zoning Board of Appeals with the following data:

1. Name and address of the applicant.
2. Statement that the applicant is the owner or the authorized agent of the owner of the property on which the use is proposed to be located.
3. Address and description of the property.
4. Statement indicating the precise manner of compliance with each of the applicable provisions of this chapter, together with any other data pertinent to the findings prerequisite to the granting of a special use permit, prescribed in Section 3 of this Chapter.
5. Name and address of all adjacent property owners from the latest adopted tax rolls.

B. Maps. The application will be accompanied by the following plans and drawings:

1. An accurate scale drawing of the site and the surrounding area for a distance of at least three hundred (300) feet from each boundary of the site showing the existing locations of streets and property lines.
2. An accurate scale drawing of the site showing the contours at intervals of not more than five (5) feet and existing and proposed

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locations of streets, property lines, uses, structures, driveways, pedestrian walks, off-street parking and off-street loading facilities and landscaped areas.

3. The Village Clerk may authorize omission of any or all of the plans and drawings required by this section if they are not necessary to enable the Village Board of Trustees to determine whether the proposed use will comply with each of the applicable provisions of this chapter.

Section 3 Fees

- A. The application will be accompanied by a fee as follows to cover the cost of processing the application as described in this Article: (if the cost of publicizing the hearing is more than what is listed here then the difference will be passed on to the applicant.)

| | |
|---|----------|
| Zoning lot of less than two (2) acres in area: | \$175.00 |
| Zoning lot of not less than two (2) nor more than five (5) acres in area: | \$175.00 |
| Zoning lot of more than five (5) acres in area: | \$175.00 |

(In addition \$10.00 for each acre or part thereof in excess of five (5) acres, with a total maximum of \$300.00).

1. In the event that the applicant for a special use if for a use which is already in existence or for renewal of a special use whose conditional time limit has expired, the fee will be double the amount set forth above to cover the cost of additional inspections and the costs of processing the application.

Section 4 Public Hearing

- A. Notice: The Zoning Board of Appeals will hold at least one public hearing on each applicant for a special use permit within forty-five (45) days of the date when the application was filed and found to be complete by the Village Clerk. Notice of such hearing will be published at least once not more than thirty (30) days nor less than fifteen (15) days prior to the hearing in one or more newspapers of general circulation in the Village and by posting on or adjacent to the property which is the subject of the application. Failure to post notice will not invalidate the proceedings. Notice will also be sent via certified mailing to adjacent property owners within the time frame described above.

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- B. Procedure: At the public hearing the Zoning Board of Appeals will review the application and the drawings submitted therewith and will receive pertinent evidence concerning the proposed use and the proposed conditions under which it would be operated or maintained, particularly with regard to the findings prescribed in paragraph 4-D below.
- C. Review: All special use permits will require review and recommendation from the Planning Commission before being heard by the Zoning Board of Appeals, unless said review and recommendation is waived by majority vote of the Zoning Board of Appeals.
- D. Findings of Fact: Within forty-five (45) days after the close of the public hearing on a proposed special use, the Zoning Board of Appeals will make written findings of fact and will submit the same together with its recommendation to the Village Board. For the Zoning Board of Appeals to make an affirmative recommendation on any special use permit, it must consider the following items:
 - 1. The establishment, maintenance or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
 - 2. The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and not substantially diminish and impair property values within the neighborhood.
 - 3. The establishment of the special use will not impede the normal or orderly development and improvements of the surrounding property for uses permitted in the district.
 - 4. Adequate utilities, access roads, drainage and/or necessary facilities have been, are being, or will be provided.
 - 5. Adequate measures have been or will be taken to provide ingress or egress so designated as to minimize traffic congestion in the public streets.
 - 6. The special use will, in all other respects, conform to the applicable regulations of the district in which it is located.
- E. The Zoning Board of Appeals may recommend and the Village Board may require such conditions or restrictions upon the construction, location and

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operation of a special use as deemed necessary for the protection of the adjacent properties. These conditions may include the expiration of the special use permit after a specified period of time and off-street parking and loading requirements in accordance with the provisions of the ordinance.

- F. If the Zoning Board of Appeals fails to act within forty-five (45) days of the public hearing, the special use will be deemed approved by the Zoning Board of Appeals. The Village Clerk will forward the Zoning Board of Appeals decision and records to the Village Board within ten (10) days after action or within fifty-five (55) days from the date of public hearing if no action has been taken by the Zoning Board of Appeals.
- G. The concurring vote of four (4) members of the Zoning Board of Appeals will be necessary to recommend the application for a special use permit to the Village Board.

Section 5 Action of the Village Board

- A. The Village Board may affirm, reverse or modify a decision of the Zoning Board of Appeals; provided, that if a decision granting a use permit is modified, the Village Board, on the basis of the record transmitted by the Village Clerk and such additional evidence as may be submitted, will make the findings prerequisite to the granting of a special use permit prescribed in Section 4 of this Chapter. A special use permit will become effective immediately after it is granted by ordinance of the Village Board.

Section 6 Lapse of Special Use Permit

- A. A special use permit will lapse and will become void one year following the date on which the special use permit became effective, unless prior to the expiration of one year a building permit is issued and construction is commenced and diligently pursued toward completion on the site which was the subject of the special use permit application, or a certificate of occupancy is issued for the structure which was the subject of the special use permit application or the site was occupied if no building permit or certificate of occupancy is required.
- B. A special use permit may be renewed for an additional period of one year; provided, that prior to the expiration of one year from the date when the special use permit originally became effective, an application for renewal of the special use permit is filed with the Zoning Board of Appeals.

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- C. The Zoning Board of Appeals may grant or deny an application for renewal of a special use permit.
- D. Sections 2-A and B and Section 4 of this Chapter will apply to an application for renewal of a special use permit.

Section 7 Existing Special Use

- A. A use established by a special use permit issued by the County prior to the enactment of this ordinance will be deemed nonconforming; however, it will be permitted to continue; provided, that the use is operated and conducted in accordance with the conditions prescribed in the special use permit as granted, if any. Any alterations, expansion or restoration will be thereafter governed by the provisions of this chapter.

Section 8 Revocation

- A. Upon violation of any applicable provision of this chapter, or, if granted subject to a condition or conditions, upon failure to comply with the condition or conditions, a special use permit will be suspended automatically.
 - 1. The Zoning Board of Appeals will hold a public hearing within forty-five (45) days, in accordance with the procedure prescribed in Subsection 4-A of this Chapter, and if not satisfied that the regulation, general provision or condition is being complied with, may revoke the special use permit or take such action as may be necessary to ensure compliance with the regulation, general provision or condition.
 - 2. Within five (5) days following the date of a decision of the Zoning Board of Appeals revoking a special use permit, the Village Clerk will transmit to the Village Board written notice of the decision.
 - 3. The decision will become final ten (10) days following the date on which the special use permit was revoked or on the day following the next meeting of the Village Board, whichever is later, unless an appeal has been taken to the Village Board or unless the Village Board will elect to review the decision of the Zoning Board of Appeals, in which cases Sections 5 to 7 of this Chapter will apply.

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Section 9 Effect or Denial of a Special Use Permit

- A. No application for a special use permit which has been denied only or partly by the Village Board will be resubmitted for a period of one (1) year from the date of such denial, except on the grounds of new evidence not known to the applicant at the time of hearing on the first application, or as proof of changed conditions.

Section 10 Special Use Permit to Run with the Land

- A. A special use permit granted pursuant to the provisions of this Article will run with the land and will continue to be valid upon a change of ownership of the site or structure which was the subject of the special use permit application.

Section 11 Renewal of a Special Use Permit Subject to a Time Limit

- A. In the event a time limit is placed on a special use permit, the property owner may have the right to apply for an extension of said special use permit by filing an application which, in all other respects, complies with all of the provisions of the original special use permit and all of the provisions set forth in this section.

Section 12 Definitions and Restrictions

- A. Public service uses: Filtration plant, pumping stations and reservoir, Sewage treatment plant, Police and Fire Stations, Telephone Exchange, Electric and Gas Sub Stations & Booster Stations, and other Governmental Uses.
- B. Private and public recreational facilities and commercial entertainment and tourist establishments, including but not limited to picnic and recreational campgrounds, dining and dancing establishments, archery clubs, gun clubs, "Par 3" golf courses, automobile, cycle, snowmobile race tracts or courses, commercial stables and riding trails, commercial fishing ponds or lakes, and/or similar tourist facilities.

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C. Community swimming pools restrictions:

1. The swimming pool will have an area no more than five thousand (5,000) square feet and will be on a lot with an area of not less than two (2) acres.
2. Every pool, building or paved play area will be no less than one hundred (100) feet distant from every abutting property line in any residential district.
3. Pumps and filtration stations will be no less than fifty (50) feet from every abutting property line in any residential district.
4. The sale of refreshments will be from the principal building only.

D. Golf courses:

1. Public or private, regulation size, but not par 3 golf courses commercially operated driving ranges, or miniature golf courses provided, that no clubhouse or accessory building will be located nearer than two hundred (200) feet to any dwelling.

E. Off street parking:

1. Must show a need for this facility in the interest of public necessity and convenience, and that no appropriate site is available in nearby Commercial or Industrial Districts.

F. Wind-operated energy devices:

1. For site service only, provided the lot area has a minimum of 2.5 acres, and the minimum distance from the base of the structure to every lot line will be the height of the structure, plus ten feet.

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G. Home Occupations

1. Anyone conducting a Home Occupation within the Village limits who files in the office of the County Clerk of Winnebago County a Certificate to conduct a business under an assumed name, pursuant to Illinois revised Statutes, Chapter 96, Section 4, will, within five (5) days, register said assumed name with the Zoning Officer of Pecatonica.
2. Conforming Home Occupations are those activities that require the practice of some skill, talent or craft on the part of the homeowner and not just as a place to house or furnish the use of some machine or equipment, and will comply with the following regulations:
 - a. There will be no stock-in-trade other than products manufactured on the premise unless otherwise approved by the Zoning Board of Appeals by special use permit.
 - b. A Home Occupation will be conducted within a dwelling or in an accessory building not to exceed five hundred (500) square feet in area.
 - c. There will be no storage of supplies or equipment outside of the building.
 - d. There will be no external alteration of the dwelling or accessory building in which a Home Occupation is conducted, and the existence of a Home Occupation will not be apparent beyond the boundaries of the site, except for a nameplate not to exceed a total of two (2) square feet in area. (288 square inches)
 - e. No person, other than a resident of the dwelling, will be employed in the conduct of a Home Occupation.
 - f. No motor power other than electrically operated motors will be used in connection with a Home Occupation.
 - g. No unreasonable odor, liquid or solid waste, will be emitted.
 - h. No electrical disturbance will be produced.

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- i. A Home Occupation will not create any radio or television interference or create noise in excess of the standards set forth in other Village Ordinances.
 - j. No trucks with license greater than a B designation and no semi-trailers, or full trailers, incidental to a home occupation, will be kept on the site.
 - k. A Home Occupation will not create pedestrian, automobile, or truck traffic significantly in excess of the normal amount in the district.
- H. When applying for a special use for a communication tower, the following shall apply: (added: Ordinance 2002-11-1)
- 1. No communication tower shall be erected, maintained or operated without first obtaining a Special Use Permit, as permitted in approved zoning districts, by the Zoning Board; and an approved building permit from the Village Board.
 - 2. Plans and specifications submitted by the party erecting the communication tower must conform to this standard set forth in this Section, meet all the applicable building codes of the Village, or if none have been adopted, of Winnebago County. The Village Board shall approve a building permit only if the following has been satisfied:
 - a. Plans and specifications submitted must conform to permitted zoning districts. (see chart page 13-36 #43)
 - b. The proposed communication tower is protected by an appropriate anti-climbing device if it is a lattice-type structure/tower capable of being climbed.
 - c. A Special Use Permit has been obtained from the Zoning Board.
 - d. Comprehensive site plans of the proposed communication tower, showing location of all guy wires (if any), all lot lines, buildings on the lot, location of the communication tower(s), and any other information required to conform to this Section and any other zoning regulations of the Village. If the site plan contains insufficient information to make such

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determination, the applicant shall modify the plan accordingly.

- e. Communication towers shall be located in either rear or side yards: provided, however, that any such structure or tower, which is in a side yard, shall be permitted only as follows:
 - 1. No part encroaches upon any required side yard, and
 - 2. It is structurally attached to the primary building on the Property where the tower is located, and
 - 3. No part of the tower extends to or is located in front of the principal structure.
- f. A communication tower shall not be less than (8) feet from any lot line and shall comply with all applicable side yard restrictions.
- g. Only one communication tower exceeding thirty-five (35) feet shall be located on any permitted zoning lot.
- h. Regulation of the placement, construction, and modification of personal wireless service facilities, communication towers or communication antenna support structures shall not unreasonably discriminate among providers of functionally equivalent services and shall not prohibit or have effect of prohibiting the provision of personal wireless services.
- i. Once the proper Special Use Permit has been obtained, any application for building permit shall be acted upon within a reasonable period after said application is duly filed with the Village Board, provided all applicable requirements of this Section, the Village and/or County building codes have been satisfied.
- j. Building permit fees will be \$30.00. In addition to any other action available to the Village Board by law, permit fees will be doubled if construction is started without obtaining the necessary permits from the Village.

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Chapter Thirteen Garages, Decks, Swimming Pools and Accessory Buildings

Section 1 General Regulations

- A. In any Residential District, a garage, deck, swimming pool and/or accessory buildings are permitted on the same lot with the principal building.
- B. Private garages and accessory buildings are allowed in any Commercial or Industrial District.
- C. The garage, swimming pool and/or accessory building shall have a rear and side yard set back of not less than six feet (6').
- D. No garage, swimming pool or accessory building is permitted within the limits of a front yard.
- E. The building permit fee for a garage or accessory building shall be the same as for a principle building.

Section 2 Decks

- A. A deck will require the same building permit fees as a principal building.
- B. A deck will have a rear and side yard setback of not less than six feet (6').

Section 3 Swimming Pools - Private.

- A. Definition: the term "private swimming pool" shall mean a manmade rigid or semi-rigid receptacle for water having a depth at any point greater than eighteen inches (18"), used or intended to be used for swimming, wading or bathing and constructed, installed or maintained in or above ground, and which is used exclusively by the owner or occupant of the lot or premises in the Village on which it is located, his family and his guests.
- B. Permit Required and Fee
 - 1. No person shall construct or cause to be constructed a private swimming pool with capacity of two thousand five hundred (2,500) gallons or more on any lot or premises within the Village without first obtaining a permit from the Village Clerk or Administrative Assistant.

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2. A written application for such permit shall be filed with the Village Board and shall be accompanied by plans and specifications sufficiently detailed to enable determination of compliance with all the requirements of this Chapter.
3. The permit fee shall be Thirty Dollars (\$30.00).

C. Enclosures or Covers

1. Every owner, purchaser under contract, lessee, tenant or licensee of a lot or premises located within the Village limits upon which a private in-ground swimming pool is situated shall:
 - a. Maintain at all times on such lot or premises a fence or other structure completely surrounding such pool, not less than four feet (4') in height, with no gaps or apertures, other than doors or gates, with any dimensions greater than six inches (6"), except that a wall of four feet (4') or more may be included in the fence height ensuring four feet (4') of protection. All methods of ingress or egress must be locked at all times when not in use.
 - b. All gates or doors opening through a fence or enclosure maintained in accordance with subsection (a) of this Section shall be equipped with self-closing and self-latching devices placed at the top of such gates or doors and made inaccessible to small children. Such devices shall be so designed to be capable of keeping such doors or gates securely closed at all times when not in actual use; provided, however, that the door of any dwelling forming a part of the enclosure need not be so equipped.
2. Above-ground pools shall be required to remove the ladder when not in use or erect a gate or door around the ladder that can be locked in order to make it inaccessible to small children.

D. Water Supply

1. Every person in possession of a lot or premises in the Village on which a private swimming pool is located shall have such pool conform with the following regulations:
 - a. The water supply shall be from a connection to a public

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water supply and shall consist of a permanent rigid system of piping having an air-gap delivery connection located not less than six inches (6") vertically above the flood rim of the pool, or may consist of a hose the end of which shall always be above the surface of the water in the pool.

- b. No private swimming pool in excess of two thousand five hundred (2,500) gallons capacity shall be installed or used without a re-circulating and filtering system having a minimum hourly capacity equal to the pool volume divided by eight (8). Sufficient filter area shall be provided to filter the entire pool volume in eighteen (18) hours at a rate not exceeding three (3) gallons per square foot of filter area per minute.
- c. No water from any swimming pool shall be discharged directly into any sanitary sewer system.

E. Sanitation

- 1. Every private swimming pool located within the Village shall be so designed and constructed as to facilitate cleaning and shall be maintained and operated in such a manner as to be clean and sanitary at all times.

F. Enforcement and the Right to Inspect (revised Ord. 2007-11-1)

- 1. The Police Department or its agent is hereby charged with the duty of enforcing this Section.
- 2. For this purpose it and its inspectors are hereby authorized to enter any premises within the Village to inspect any private swimming pool at any reasonable hour.

G. Retroactive Compliance

- 1. Private swimming pools located on any lot or premises in the Village on the effective date hereof shall be brought into conformity with Section 3-C and Section 3-E.

H. Location

- 1. A private swimming pool shall be placed at least six feet (6') away from any lot line.

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Chapter Fourteen Non-Conforming Uses and Structures (Rev. Ord. 2010-4)

Section 1 Non-Conforming Uses and Structures Permitted

- A. The lawful use of a structure or building existing at the time of passage of this ordinance, although such use does not conform to the provisions hereof, may be continued subject to the regulations imposed by this ordinance.

Section 2 Damage to Non-Conforming Structure or Structure Containing a Non-Conforming Use

- A. In the event a non-conforming structure or a structure containing a non-conforming use is damaged or destroyed by any means, the structure may then be restored to its original condition and outside dimensions, and the structure and use thereof may then continue, subject to the regulations of this Article, including, but not limited to Building Codes as listed under Section 8A of Chapter Three of this Article.

Section 3 Expansion of Non-Conforming Use or Structure

- A. A non-conforming use or structure may not be expanded more than twenty-five per cent (25%) of the total cubic volume existing at the time of passage of this ordinance, however, any such expansion shall conform to yard, height and other Building Codes as listed under Section 8A of Chapter Three of this Article.

Section 4 Termination of Non-Conforming Use or Structure

- A. A non-conforming use or a non-conforming structure allowed herein will terminate when the existing use is terminated or when the existing use is discontinued for a period of six (6) months or longer.

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Chapter Fifteen Amendments to this Article

Section 1 Public Hearing on Amendments

- A. The Board of Trustees may, from time to time, instruct the Zoning Board of Appeals to hold a public hearing to review any proposed amendment or change to this ordinance or on petition for amendment by one or more property owners of any district; such petition will tell the use proposed for the area petitioned and will be accompanied by a plat of the area in question together with a filing fee of One Hundred Seventy-five Dollars (\$175.00) or sufficient amount to cover the publication of the hearing and is to be paid at the Village Clerk's Office along with the petition for amendment.

- B. The findings of such hearing will be transmitted to the Board of Trustees accompanied by findings of fact for the action taken.

Section 2 Protest of Amendments

- A. If, after a public hearing, a written protest is filed as provided in Chapter Four, Section 2-C-3, the Ordinance amending this Chapter shall not be passed except by a favorable vote of two-thirds of the Trustees then holding office.

Section 3 Limitation on Renewal of Petitions

- A. Whenever a petition requesting an amendment, supplement, or change of any regulation prescribed by this Article has been denied by the Board of Trustees such petition cannot be renewed for one (1) year thereafter unless it be signed by the owners of at least fifty percent (50%) of the property owners who previously objected to the change; this provision, however, will not prevent the Board of Trustees from acting on its own initiative in any case or at any time as provided in this section.

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Chapter Sixteen Numbering of Buildings

Section 1 Authority

- A. The Village Clerk will have the authority to number or renumber any block, building, or other structure, or the plural thereof, as he or she in his or her discretion may deem necessary.
 - 1. He or she will establish the numbering necessary for any new district but not so as to conflict with the numbering system hereby established.

Section 2 Decimal System Utilized

- A. The decimal system of numbering is hereby adopted as the system for numbering buildings fronting on streets, avenues, and public ways in the Village of Pecatonica, Illinois.

Section 3 Placement

- A. Every owner of a building now or hereafter erected and fronting on any street, avenue or public way in the Village of Pecatonica, Illinois, when notified by the Village Clerk of the proper number therefore, will place such number in a conspicuous place on such building so as to see it from the street, avenue or public way to which the building fronts.

Section 4 Responsibility

- A. The responsibility for the proper numbering of each house, building or structure fronting on any street, avenue or public way, and entrances thereto, including entrances from alleys, will rest upon the owner, trustee, lessee, agent or occupant thereof, who will cause the same to be numbered when notified to do so.