

TITLE 9
ZONING

Subject	Chapter
General Provisions	1
Definitions	2
Use Districts, Map	3
A, Agricultural District	4
R1, Low Density Residence District	5
R2, Medium Density Residence District	6
C1, Highway/Auto Commerce District	7
C2, Downtown Commerce District	8
I, Industry District	9
District Lot Regulations	10
Supplementary Regulations	11
Nonconforming Use Of Structures	12
Administration And Enforcement	13

CHAPTER 1

GENERAL PROVISIONS

SECTION:

- 9-1-1: Short Title
- 9-1-2: Purpose
- 9-1-3: Geographic Jurisdiction
- 9-1-4: Legal Authority
- 9-1-5: Interpretation Of Provisions
- 9-1-6: Application Of Regulations
- 9-1-7: Public Utility Exemptions

9-1-1: **SHORT TITLE:** This title shall be known as the *ZONING ORDINANCE OF THE CITY OF MOUNT CARROLL, CARROLL COUNTY, ILLINOIS*, may be cited as such and will be referred to herein as "this Title". (Ord. 501, 10-24-1967)

9-1-2: **PURPOSE:** The basic purpose of this title is to ensure public health, safety and general welfare in accordance with the adopted development goals, plans and policies as stated in the proposed comprehensive plan, for the future development of the city. Toward this end, this title shall divide the geographic area within its jurisdiction into use districts and shall establish regulations pertaining to the location, erection, construction, reconstruction, alteration and use of structures and land within said area. (Ord. 501, 10-24-1967)

9-1-3: **GEOGRAPHIC JURISDICTION:** The geographic jurisdiction of this title shall be the entire area within the corporate limits of Mount Carroll, Illinois and the area extending one and one-half ($1\frac{1}{2}$) miles beyond such corporate limits, unless Carroll County enacts a zoning ordinance in which case the extraterritorial powers shall not apply. (Ord. 501, 10-24-1967)

9-1-4: **LEGAL AUTHORITY:** This title is enacted in pursuance of the authority granted by 65 Illinois Compiled Statutes 5/11-13-1. (Ord. 501, 10-24-1967)

9-1-5: **INTERPRETATION OF PROVISIONS:**

- (A) In their interpretation, the provisions of this title shall be held to be the minimum requirements for the promotion of public health, safety and general welfare.
- (B) This title is not intended to abrogate any easement, covenant, or other private agreement, provided that where the regulations of this title are more restrictive or impose higher standards or requirements than such private agreement, the regulations of this title shall govern. (Ord. 501, 10-24-1967)

9-1-6: **APPLICATION OF REGULATIONS:** Except as hereinafter provided:

- (A) No building or land within the geographic jurisdiction of this title shall hereafter be used or occupied and no building or part thereof shall be erected, moved or altered unless in conformity with the regulations herein specified.
- (B) No part of a yard or other open space required about any building for the purpose of complying with the provisions of this title shall be included as a part of a yard or other space similarly required for another building. (Ord. 501, 10-24-1967)

9-1-7: **PUBLIC UTILITY EXEMPTIONS:** Nothing contained within this title shall have any control over the type or location of any poles, towers, wires, cables, conduits, vaults, laterals or any other similar distributing equipment of a public utility as defined in "An Act Concerning Public Utilities" enacted by the general assembly of the state of Illinois. (Ord. 501, 10-24-1967)

CHAPTER 2
DEFINITIONS

SECTION:

- 9-2-1: Rules For Construction Of Language
9-2-2: Definitions

9-2-1: **RULES FOR CONSTRUCTION OF LANGUAGE:** The language set forth in the text of this title, shall be interpreted in accordance with the following rules and definitions, except when the context clearly indicates otherwise.

Words used in the present tense shall include the future.

Words used in the singular shall include the plural and the plural the singular.

The word "shall" is mandatory and not discretionary.

The word "may" is permissive. (Ord. 501, 10-24-1967)

9-2-2: **DEFINITIONS:**

ACCESSORY BUILDING OR USE: Any subordinate building or use which is customary incident to the principal building or use and which is located on the same lot as such principal building or use.

AGRICULTURE: The tilling of the soil, the raising of crops, forestry, horticulture and gardening, including the keeping or raising of domestic animals and fowl.

ALLEY: A public right of way usually sixteen feet (16') to twenty feet (20') in width which normally affords

a secondary means of access to abutting property.

- BUILDING,
NONCONFORMING:** A building so constructed or so located on a lot that it does not comply with the building requirements or with the minimum lot requirements of the district within which it is located.
- BUILDING, PRINCIPAL:** A nonaccessory building in which the primary use of the lot on which it is located is conducted.
- COMMERCE:** An enterprise that involves the offering of a product, service or entertainment for compensation.
- DWELLING:** A building or portion thereof, designed or used predominately for residential occupancy, including one-family dwellings, two-family dwellings, and multiple-family dwellings, but not including hotels, motels, boarding or rooming houses, tourist homes or mobile homes.
- DWELLING,
ATTACHED:** One which is joined to another dwelling or building at one or more sides by a party wall or walls.
- DWELLING,
DETACHED:** One which is entirely surrounded by open space on the same lot.
- DWELLING,
MULTIPLE-FAMILY
(Apartment Building):** A building or portion thereof containing three (3) or more dwelling units but not including a motel, hotel or rooming house.
- DWELLING,
ONE-FAMILY:** A residential structure containing one dwelling unit only.
- DWELLING,
TWO-FAMILY (Duplex):** A residential structure containing two (2) dwelling units only.
- DWELLING UNIT:** One or more rooms containing complete kitchen facilities, permanently installed, which are arranged, designed, used or intended for

exclusively as living quarters for one family and for not more than aggregate of two (2) roomers or boarders.

EFFICIENCY UNIT:

A dwelling unit with one primary room which doubles as a living room, dining room and bedroom.

**ESTABLISHMENT,
COMMERCIAL:**

A place of business carrying on operations which involve the offering of a product, service or entertainment for compensation.

FAMILY:

One or more persons related by blood, marriage or adoption, or a group of not more than five (5) persons not so related, maintaining a common household in a dwelling unit.

FLOOR AREA:

The sum of the gross horizontal area of the several floors of a building or buildings, measured from the exterior faces of exterior walls or from the center line of party walls separating two (2) buildings. In particular, "floor area" shall include:

(A) Basement space if at least one-half ($\frac{1}{2}$) of the basement story is above established curb level, or where the curb level has not been established, above the average level of the finished grade.

(B) Elevator shafts and stairwells at each floor.

(C) Floor space used for mechanical equipment where the structural headroom exceeds seven and one-half feet ($7\frac{1}{2}'$), except equipment open or enclosed, located on the roof, i.e., bulk needs, water tanks and cooling towers.

(D) Attic floor space where the structural headroom exceeds seven and one-half feet ($7\frac{1}{2}'$).

(E) Interior balconies and mezzanines.

- (F) Enclosed porches, but not terraces and breezeways.
- (G) Accessory uses, other than floor space devoted exclusively to accessory off-street parking or loading.
- HOME OCCUPATION: An occupation carried on by the occupant of a dwelling in a residential district as a secondary use including, but not limited to, such occupations as dressmaking and alterations and artist's studio.
- INDUSTRY: An enterprise which involves the production, processing or storage of materials, goods or products.
- LOADING SPACE: An off-street space on the same lot with a building or contiguous to a group of buildings, for the temporary parking of commercial vehicles while loading or unloading merchandise or materials, and which abuts on street or other appropriate means of access.
- LOT: A piece, parcel or plot of land intended for building development or as a unit for transfer of ownership.
- LOT AREA: The area of a horizontal plane bounded by the front, side, and rear lot lines, measured within the lot boundaries.
- LOT, CORNER: A lot situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding one hundred thirty five degrees (135°).
- LOT DEPTH: The mean horizontal distance between the front lot line and the rear lot line of a lot measured within the lot boundaries.
- LOT, INTERIOR: A lot other than a corner lot.
- LOT LINE: A property boundary line of any lot held in single or separate ownership, except that,

where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the street or alley right-of-way line.

- LOT WIDTH:** The horizontal distance between the side lot lines of a lot measured at the building setback line.
- MATERIAL, DURABLE (As Pertaining To Ground Surfacing):** A hard surfaced material such as concrete or asphalt but not including gravel or crushed rock.
- MOBILE HOME:** A movable or portable dwelling built on a chassis, connected to utilities and designed for year-round living. A mobile home is also designed to enable placement upon a permanent foundation.
- MOTEL (Tourist Court):** A building or group of detached, semidetached or attached buildings on a lot containing guest rooms or dwellings each of which has a separate outside entrance leading directly from the outside of the building, with garage or parking space conveniently located to each unit and which is designed, used or intended to be used primarily for the accommodation of automobile transients. Motels do not include hotels, boarding houses or mobile home courts.
- NOXIOUS MATTER OR MATERIAL:** A material which is capable of causing injury to living organisms by chemical reaction, or is capable of causing detrimental effects on the physical or economic well-being of individuals.
- PARKING SPACE, AUTOMOBILE:** A suitable surfaced and permanently maintained area off the public street right of way, either within or outside of a building, of sufficient size to store one standard automobile, but in no event less than one hundred seventy (170) square feet, exclusive of passageways, driveways or other means of circulation or access.

PARTICULATE MATTER:	Dust, smoke or any other form of airborne pollution in the form of minute separate particles.
ROOMING HOUSE:	A building designed for or used as a single-family or two-family dwelling, all or a portion of which contains rooming units which accommodate three (3) or more persons who are not members of the keeper's family. Rooms or meals, or both, are provided for compensation on a weekly or monthly basis.
SETBACK:	The minimum horizontal distance between a building and the street or lot line, disregarding steps, unroofed porches and overhangs.
SIGN:	Any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge, or insignia of any government or governmental agency, or of any civic, charitable, religious, patriotic, fraternal or similar organization. Such device may be either stationary or movable.
SIGN, FLASHING:	Any illuminated sign on which the artificial light is not maintained stationary and/or constant in intensity and color at all times when such sign is in use. For the purpose of this title, any revolving, illuminated sign shall be considered a "flashing sign".
SIGN, ROOF:	A sign erected upon the roof of any building.
STORY:	That part of a building between the surface of a floor and the ceiling immediately above.
STREET, ARTERIAL:	A street which provides for the movement of relatively heavy traffic to, from or within the city. It has a secondary function of providing access to abutting land. An arterial street system is designated on the city of Mount Carroll's comprehensive plan.

- STREET, COLLECTOR:** A street which collects and distributes internal traffic within an urban area such as a residential neighborhood, between arterial and local streets. It provides access to abutting property.
- STREET, LOCAL:** A street of little or no continuity, designed to provide access to abutting property and ideally leading into collector streets.
- TOXIC MATTER OR MATERIAL:** Those materials which are capable of causing injury to living organisms by chemical means when present in relatively small amounts.
- TRAVEL TRAILER:** A vehicle portable structure built on a chassis designed to be used as a temporary dwelling for travel, recreation and vacation uses.
- USE:** The purpose or activity for which the land or building thereon is designed, arranged or intended, or for which it is occupied or maintained.
- USE, ACCESSORY:** A use subordinate to the principal use or building on the same lot and customarily incidental thereto as well as detached therefrom.
- USE, INCOMPATIBLE:** A use which is incapable of direct association with certain other uses because it is contrary, incongruent or discordant.
- USE, NONCONFORMING:** Any lawfully established use of a building or premises which on the effective date of this title does not comply with the use regulations of the zoning district in which such building or premises is located.
- USE, PERMITTED:** A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations and performance standards, if any, of such district.

- USE, PRINCIPAL: The main use of land or buildings as distinguished from a subordinate or accessory use.
- USE, SPECIAL: A use, either public or private, which, because of the unique characteristics, cannot be properly classified as a permitted use in a particular district. After due consideration in each case, of the impact of such use upon neighboring land, and of the public need for the particular use at the particular location, such "Special" use may or may not be granted.
- YARD: An open space on a lot which is unobstructed from the lowest level to the sky, except as hereinafter permitted. A yard extends along a lot line and at right angles to such lot lines to a depth or width specified in the yard regulations for the district in which such lot is located.
- YARD, FRONT: A yard extending along the full width of the front lot line between side lot lines.
- YARD, REAR: The portion of the yard on the same lot with the building between the rear line of the building and the rear line of the lot for the full width of the lot.
- YARD, SIDE: A yard extending along a side lot line between the front and rear yards.
- ZONING DISTRICT: An area or areas for which the regulations and requirements governing use, lot and bulk of buildings and premises are uniform.
- ZONING MAP: The map setting forth the boundaries of the zoning districts of the municipality which map shall be incorporated by reference as part of this title. (Ord. 501, 10-24-1967)

CHAPTER 3
USE DISTRICTS, MAP

SECTION:

- 9-3-1: Districts
9-3-2: Map
9-3-3: Boundaries
9-3-4: Annexed Territory

9-3-1: **DISTRICTS:** In order to carry out the purpose of this title, the geographic area within the jurisdiction of this title is hereby divided into the following use districts:

- (A) Agriculture District:
A, agricultural
- (B) Resident Districts:
R1, low density residence
R2, medium density residence
- (C) Commerce Districts:
C1, highway/auto commerce
C2, downtown commerce
- (D) Industry District:
I, industry

(Ord. 501, 10-24-1967)

9-3-2: **MAP:** The location and the boundaries of the zoning districts established by this title are set forth on the zoning districts map which is incorporated by reference as a part of this title. (Ord. 501, 10-24-1967)

9-3-3: **BOUNDARIES:** District boundary lines as indicated on the zoning districts map follow lot lines, right-of-way lines of streets or alleys, right-of-way lines of streets or alleys projected, railroad right-of-way lines, the corporate limit lines, all as they exist upon the effective date of this title. If said boundary lines do not follow any of the above described lines, the district boundary lines are established as drawn on the zoning districts map. (Ord. 501, 10-24-1967)

9-3-4: **ANNEXED TERRITORY:** Any land which may be annexed to the municipality in the future shall be placed in the A, agricultural district until special action of the city council shall definitely assign such land to another district. (Ord. 501, 10-24-1967)

CHAPTER 4

A, AGRICULTURAL DISTRICT

SECTION:

- 9-4-1: Intent
9-4-2: Uses Permitted
9-4-3: Uses By Special Permit

9-4-1: **INTENT:** The intent of this chapter in establishing an agricultural district is to allow maximum freedom of operation for agricultural uses, and to protect such uses from untimely encroachment by potential conflicting uses. It is also the intent to protect the natural amenities of the city area from harmful exploitation.

It shall be unlawful to use or permit the use of any building or premises within the city and within the area one and one-half ($1\frac{1}{2}$) miles beyond its corporate limits for any purpose other than as listed below. (Ord. 501, 10-24-1967)

9-4-2: **USES PERMITTED:**

Cemeteries.

Farmsteads and agricultural operations including residences of the farm owners or tenants and their immediate families.

Customary home occupations provided that:

- (A) Such occupation is carried on in the principal building.
- (B) Not more than twenty five percent (25%) of the gross floor area of the residence is used for this purpose.
- (C) Only articles made or originating on the premises shall be sold on the premises.

- (D) No person is employed other than a member of the household residing on the premises.

One-family nonfarm dwellings including the keeping of animals such as horses, provided such dwellings are located on soils that are suitable for the use of septic tanks.

Public parks and other recreational uses of a noncommercial nature.

The renting of no more than one apartment or two (2) rooms for lodging purposes in one-family residence.

Customary accessory uses incidental to the foregoing principal uses such as private garages, screen houses, signs and play equipment. (Ord. 501, 10-24-1967)

9-4-3: USES BY SPECIAL PERMIT:

Kennels and veterinary establishments.

Nurseries and greenhouses.

Recreation facilities of a commercial or semipublic nature such as golf courses, pistol and rifle ranges, sportsmen's clubs and resorts.

Roadside stands for the sale of farm products.

Structures for the storage of farm crop products such as grain and corn.

Other uses similar in nature to the above uses and which, in the opinion of the city council will not be detrimental to the integrity of the agricultural district. (Ord. 501, 10-24-1967)

CHAPTER 5

R1, LOW DENSITY RESIDENCE DISTRICT

SECTION:

- 9-5-1: Intent
9-5-2: Uses Permitted
9-5-3: Uses By Special Permit

9-5-1: **INTENT:** The intent of this chapter in establishing a low density residence district is to provide for the normal outward residential expansion of the city according to current standards of development, and to protect the desired quiet living environment from encroachment from potential conflicting uses.

It shall be unlawful to use or permit the use of any building or premises within the city and within the area one and one-half (1 $\frac{1}{2}$) miles beyond its corporate limits for any purpose other than as listed below. (Ord. 501, 10-24-1967)

9-5-2: **USES PERMITTED:**

Churches and public and parochial schools.

Farmsteads and agricultural operations including residences of the farm owners or tenants and their immediate families.

Customary home occupations provided that:

- (A) Such occupation is carried on in the principal building.
- (B) Not more than twenty five percent (25%) of the gross floor area of the residence is used for this purpose.

- (C) Only articles made or originating on the premises shall be sold on the premises unless such articles are incidental to a permitted commercial service.
- (D) No mechanical or electrical equipment is used if the operation of such equipment interferes with the desired quiet residential environment of the neighborhood.

One- and two-family detached dwellings.

Public parks, playgrounds, athletic fields and other recreational uses of a noncommercial nature.

The renting of rooms by a resident family for lodging purposes only, and for not more than two (2) roomers in one-family dwelling.

Customary accessory uses incidental to the foregoing principal uses such as private garages, screen houses, signs and play equipment. (Ord. 501, 10-24-1967)

9-5-3: **USES BY SPECIAL PERMIT:** Fire station, city hall, library, courthouse, hospital, nursing home, old age home, rest home, cemetery and similar uses of a public service nature, including historical museums.

Guest homes, sleeping quarters for rent within a dwelling and/or detached accessory building for use by temporary guest of the owner or agent of the premises.

The following standards shall be applied to each guest home:

- (A) A maximum of four (4) guest units not to accommodate more than eight (8) guests, permitted on one zoning lot.
- (B) The owner or his agent must reside on the premises or immediately adjacent to the house, this distance not to exceed one hundred feet (100').
- (C) Proof of registration with the Illinois department of revenue and Carroll County for tax purposes must be submitted to the office of the zoning administrator within ninety (90) days of city council approval of the special permit.

- (D) All applicable state and local codes and ordinances must be complied with or the special use permit shall be subject to revocation.

Mobile home courts subject to section 9-11-6 of this title.

Multiple-family dwellings.

Nurseries and greenhouses.

Roadside stands for the sale of farm products. (Ord. 501, 10-24-1967; amd. Ord. 3-86-06, 3-25-1986)

CHAPTER 6

R2, MEDIUM DENSITY RESIDENCE DISTRICT

SECTION:

- 9-6-1: Intent
9-6-2: Uses Permitted
9-6-3: Uses By Special Permit

9-6-1: **INTENT:** The intent of this chapter in establishing a medium density residence district is to protect those residential areas of the city that were developed in most part prior to World War II, from encroachment from potential conflicting uses, and to provide for future residential and related development and redevelopment consistent with proper existing development and with minimum standards for the provision of health, light, air and visual appeal.

It shall be unlawful to use or permit the use of any building or premises within the city and within the area one and one-half (1¹/₂) miles beyond its corporate limits for any purpose other than as listed below. (Ord. 501, 10-24-1967)

9-6-2: **USES PERMITTED:** Same as permitted in the R1, low density residence district. (Ord. 501, 10-24-1967)

9-6-3: **USES BY SPECIAL PERMIT:** Same as permitted by special use in the R1, low density residence district. (Ord. 501, 10-24-1967)

CHAPTER 7

C1, HIGHWAY/AUTO COMMERCE DISTRICT

SECTION:

- 9-7-1: Intent
9-7-2: Uses Permitted
9-7-3: Uses By Special Permit

9-7-1: **INTENT:** The intent of this chapter in establishing a highway/auto commerce district is to provide appropriate areas for commercial establishments which are oriented to the motoring public or which require large sites for off-street parking or display of merchandise. Additionally, the establishment of such district is in recognition of existing uses of this nature in decentralized locations, due in part to the past and present shortage of potential commercial sites within the downtown area.

It shall be unlawful to use or permit the use of any building or premises within the city and within the area one and one-half (1 $\frac{1}{2}$) miles beyond its corporate limits for any purpose other than as listed below. (Ord. 501, 10-24-1967)

9-7-2: **USES PERMITTED:**

Commercial establishments which are oriented to the motorist such as eating places, automobile service stations, auto repair shops, car wash and motel.

Accessory uses incidental to the foregoing principal uses such as off-street parking and signs. (Ord. 501, 10-24-1967)

9-7-3: **USES BY SPECIAL PERMIT:** Commercial establishments requiring large sites for off-street parking or for outdoor display and sales such as farm implement sales, mobile home sales and building material sales. (Ord. 501, 10-24-1967)

CHAPTER 8

C2, DOWNTOWN COMMERCE DISTRICT

SECTION:

- 9-8-1: Intent
 9-8-2: Uses Permitted
 9-8-3: Uses By Special Permit

9-8-1: **INTENT:** The intent of this chapter in establishing a downtown commerce district is in recognition of the existing downtown commercial development and the need for its future expansion, rehabilitation and redevelopment.

It shall be unlawful to use or permit the use of any building or premises within the city and within the area one and one-half (1 $\frac{1}{2}$) miles beyond its corporate limits for any purpose other than as listed below. (Ord. 501, 10-24-1967)

9-8-2: **USES PERMITTED:**

Apartments provided they are located above the first floor level.

Automobile parking lots.

Commercial establishments including, but not limited to, the following:

- (A) Retail establishments including grocery, hardware, drug, clothing and furniture stores; eating and drinking places; auto dealers; and automobile service stations.
- (B) Personal services such as laundry, barber, shoe repair shop and photography studio.
- (C) Professional services such as medical and dental clinic and attorneys' offices.

9-8-2

9-8-3

- (D) Repair services such as auto, jewelry and radio and television repair shops.
- (E) Entertainment and amusement services such as motion picture theater and bowling alley.
- (F) Lodging services such as hotel and motel.

Private clubs.

Public and semipublic buildings such as post office and city hall.

Tourist attractions such as historic structures and sites.

Accessory uses incidental to the foregoing principal uses such as off-street parking and loading and unloading areas, signs, storage of merchandise, and wholesaling and manufacturing when incidental to a permitted use. (Ord. 501, 10-24-1967)

9-8-3: **USES BY SPECIAL PERMIT:** None. (Ord. 501, 10-24-1967)

CHAPTER 9
I, INDUSTRY DISTRICT

SECTION:

- 9-9-1: Intent
9-9-2: Uses Permitted
9-9-3: Uses By Special Permit

9-9-1: **INTENT:** The intent of this chapter in establishing an industry district is in recognition of existing industrial development within the community and of the desirability of reserving additional land for possible new, expanded or relocated industries. It is intended that land zoned for industry would be located such that conflict with incompatible uses would be minimized.

It shall be unlawful to use or permit the use of any building or premises within the city and within the area one and one-half ($1\frac{1}{2}$) miles beyond its corporate limits for any purpose other than as listed below. (Ord. 501, 10-24-1967)

9-9-2: **USES PERMITTED:**

All fabricating, manufacturing, processing or storage of materials, goods and products provided the regulations set forth in section 9-10-1 of this title are complied with.

Wholesaling.

Accessory uses incidental to the foregoing principal uses. (Ord. 501, 10-24-1967)

9-9-3: **USES BY SPECIAL PERMIT:** None. (Ord. 501, 10-24-1967)

CHAPTER 10
DISTRICT LOT REGULATIONS

SECTION:

9-10-1: District Lot Regulations

9-10-1: **DISTRICT LOT REGULATIONS:** It shall be unlawful to erect or alter any building within the city unless the following minimum lot and yard areas and bulk controls are provided and maintained in connection with such building.

Minimum Lot Requirements By District:

<u>District</u>	<u>Area Square Feet</u>	<u>Width Feet</u>	<u>Yard Setback (Feet)</u>			
			<u>Front</u>	<u>Rear</u>	<u>Side Interior</u>	<u>Side Corner</u>
A						
One-family dwellings	1 acre ¹	150	30	35	15	25
R1						
One-family dwellings	10,000 ⁴	75 ⁴	30	35 ⁵	10 ⁶	15
Two-family dwellings	Varies ⁷	90	30	35 ⁵	10 ⁶	15
Multiple-family dwellings	Varies ⁷	100	30	35 ⁵	12	15
Other Uses	10,000	90	30	15	15	20
R2						
One-family dwellings	7,200 ⁴	60 ⁴	30	35 ⁵	7 ⁸	10

R2 (cont.)

<u>District</u>	<u>Area Square Feet</u>	<u>Width Feet</u>	<u>Yard Setback (Feet)</u>			
			<u>Front</u>	<u>Rear</u>	<u>Side Interior</u>	<u>Side Corner</u>
Two-family dwellings	Varies ⁹	75	30	35 ⁵	7 ⁸	10
Multiple-family dwelling	Varies ⁹	90	30	35 ⁵	10	12
Other Uses	8,500	75	30	15	12	15
C1						
All uses ⁹	15,000	100	30	20	15	20
C2						
All uses	2,000	20	None	10	None	None
I						
All uses ⁹	15,000	100	39	20	12	20

Notes:

1. A lot area of less than one acre may be permitted if the owner or developer can show by means of soil percolation tests that a lesser area would be sufficient for the proper functioning of septic tanks, but in no case shall a one-family dwelling be built on a lot less than one-half ($1/2$) acre in size.
2. Where adjacent structures have front yard setbacks different from those required, the minimum front yard setback shall be the average setback of such structures, but in no case shall the front yard setback be less than twenty feet (20').
3. Buildings over one and one-half ($1\frac{1}{2}$) stories in height shall require five feet (5') for each additional story in addition to the required minimum side yard.
4. A one-family dwelling may be erected on a lot having less than the minimum required area and width provided the lot existed by virtue of a recorded plat or deed at the time of passage of this chapter; however, in no event shall a one-family dwelling be erected on a lot less than five thousand (5,000) square feet in area or less than fifty feet (50') in width.
5. Detached residential garages shall have a minimum rear yard of five feet (5').
6. Interior side yards may be six feet (6') on the side where there is an attached garage. Detached residential garages may be located within four feet (4') of a side lot line provided such garages are located within the required minimum rear yard.

7. Ten thousand (10,000) square feet for one dwelling unit plus two thousand seven hundred (2,700) square feet for each additional efficiency or one bedroom unit, and/or three thousand six hundred (3,600) square feet for each additional unit containing two (2) or more bedrooms.

8. Interior side yards may be four feet (4') on the side where there is an attached garage. Detached residential garages require no side yard provided such garages are located within the required minimum rear yard.

9. Ten thousand (10,000) square feet for one dwelling unit plus two thousand two hundred (2,200) square feet for each additional efficiency or one bedroom unit, and/or two thousand seven hundred (2,700) square feet for each additional unit containing two (2) or more bedrooms. (Ord. 501, 10-24-1967)

CHAPTER 11

SUPPLEMENTARY REGULATIONS

SECTION:

- 9-11-1: Application Of Regulations
- 9-11-2: Performance Standards
- 9-11-3: Off-Street Parking Requirements
- 9-11-4: Off-Street Loading And Unloading Requirements
- 9-11-5: Signs
- 9-11-6: Mobile Homes
- 9-11-7: Dwelling; Minimum Size
- 9-11-8: Dwelling Below Ground Level

9-11-1: **APPLICATION OF REGULATIONS:** The following regulations shall apply to all zoning districts unless specifically stated otherwise. Determination of potential or actual noncompliance with such special regulations shall be made by the city council or its duly appointed agent. (Ord. 501, 10-24-1967)

9-11-2: **PERFORMANCE STANDARDS:**

- (A) Residual Features: No activity or operation shall be established or maintained which by reason of its nature or manner of operation will cause the emission of noise, odor, toxic or noxious fumes, smoke, dust and particulate matter in such concentrations as to be detrimental to or endanger the public health, welfare, comfort and safety or cause injury to property or business.
- (B) Glare: Any lighting used to illuminate any off-street parking or sign shall be arranged so as to deflect light away from any adjoining residential property or from the public streets. Direct or sky-reflected glare, whether from floodlights or from high temperature processes such as combustion or welding, shall not be directed into any adjoining property.

- (C) Explosives: No activities involving the storage, utilization or manufacture of materials, goods or products which could decompose by detonation shall be permitted except such as are specifically licensed by the city council.
- (D) Vibration: No activity or operation shall cause earth vibrations perceptible beyond the limits of the lot upon which the operation is located.
- (E) Activity Within Enclosed Buildings: All fabrication, manufacturing, processing or production shall be undertaken within completely enclosed buildings.
- (F) Screening: Where outdoor storage of materials, goods and products exists within the industry district, such storage shall be effectively screened from adjacent residential districts and public streets by a solid fence, compact hedge or similar opaque landscaped element. Such screening shall not extend within fifteen feet (15') of any street or driveway. The screening shall be placed along property lines or, in the case of screening along a street, fifteen feet (15') from the street right of way or adjacent property line with landscaping between the screening and the pavement. A louvered fence shall be considered "solid" if it blocks vision.
- (G) Refuse: All waste material, debris, refuse or garbage disposed of through the public sanitary sewerage system shall be kept in an enclosed building or properly contained in a closed container designed for such purpose. The owner of vacant land shall be responsible for keeping such land free of refuse.
- (H) Landscaping: In all but the C2 and I zoning districts, all developed uses shall provide a landscaped yard along all streets. Such yard shall be kept clear of all structures and storage except off-street parking. Such yard shall be at least eight feet (8') in depth along all streets, measured from the street right of way. Except for driveways, the yard shall extend the entire frontage of the lot and along both streets in the case of a corner lot.
- (I) Drainage: No land shall be developed and no use shall be permitted that results in water runoff, flooding, or erosion on adjacent properties. Such runoff shall be properly channeled into a storm drain, watercourse, ponding area, or other public facilities.
- (J) Construction Within Flood Plain: No structure shall be permitted on any land that is subject to flooding, except for park or recreation

structures such as picnic tables, shelters and barbecue pits. (Ord. 501, 10-24-1967)

9-11-3: **OFF-STREET PARKING REQUIREMENTS:**

(A) Minimum Number Of Parking Spaces Required:

1. None required in C2 district (to be provided in common area).
2. Dwellings - one per unit.
3. Churches, auditoriums, mortuaries and other similar places of assembly - one per every four (4) seats.
4. Sanitariums, convalescent homes, rest homes, nursing homes - one per every six (6) beds.
5. Retail commerce other than in C2 district:
 - Restaurants - one per every three (3) seats.
 - Other retail - one per every one hundred (100) square feet of retail floor space but in no case less than 1.5 (gross parking area) to 1.0 (gross building floor area).
6. Service commerce other than in C2 district:
 - Motels - one per unit.
 - Personal and professional offices - one per every one hundred fifty (150) square feet of office space.
 - Other service commerce - one per every two hundred (200) square feet of gross floor space.
7. Industrial including wholesale - one per every two (2) persons of maximum employment during any work period.

(B) Minimum Size Of Parking Space:

Two hundred fifty (250) square feet of standing and maneuvering space. Fractional spaces over one-half ($\frac{1}{2}$) count as one space.

(C) Location Of Parking Spaces:

1. Spaces for dwelling - on the same lot as the dwelling unit.
2. Spaces for commercial uses not in the C2 district or for public or semipublic uses - within three hundred feet (300') of the main entrance of the building served.
3. Spaces for industrial uses - within eight hundred feet (800') of the main entrance of the building being served.
4. No off-street parking spaces to be located within five feet (5') of any street right of way.

(D) Surfacing And Drainage: Off-street parking areas and access ways other than those for one- and two-family dwellings shall be surfaced with a durable material to control dust, and shall be graded so as to dispose of all surface water.

(E) Screening: All open off-street parking areas having more than six (6) parking spaces shall be effectively screened by a compact hedge or a similar landscaped element along all sides which adjoin or are directly across a street or alley from a property in a residence district. (Ord. 501, 10-24-1967)

9-11-4: **OFF-STREET LOADING AND UNLOADING REQUIREMENTS:**

(A) Minimum Number Of Off-Street Loading Spaces Required: An adequate number of off-street loading spaces shall be provided for all structures which require the receipt and distribution of materials or merchandise by trucks or similar vehicles so as to assure unrestricted movement of both pedestrians and motor vehicles throughout the active areas of the city.

(B) Minimum Size Of Off-Street Loading Berths:

1. Width - ten feet (10').
2. Length - twenty five feet (25').
3. Vertical clearance - fourteen feet (14').

- (C) Location Of Off-Street Loading Berths: No closer than twenty five feet (25') from the intersection of two (2) street rights of way.
- (D) Surfacing And Drainage: Off-street loading berths and access ways shall be hard surfaced to control dust and shall be graded to dispose of all surface water. (Ord. 501, 10-24-1967)

9-11-5: **SIGNS:**

- (A) Prohibited Signs: The following signs shall be prohibited within the city:
 - 1. Signs, that by reason of position, shape or color, would interfere with the proper functioning of a traffic sign or signal.
 - 2. Signs that resemble any official marker erected by a governmental agency or that display the words "Stop" or "Danger".
 - 3. Flashing signs.
 - 4. Signs or sign structures that obstruct any window, door, fire escape, stairway or opening intended to provide light, air, ingress or egress for any building or structure. Signs painted on windows and doors are excepted.
 - 5. Billboards.
 - 6. Roof signs.
- (B) Miscellaneous Requirements:
 - 1. The owner, lessee, or manager of any ground sign or the owner of the land on which the same is located, shall keep grass or weeds and other growth cut, and debris and rubbish cleaned up and removed from the lot on which the sign is located.
 - 2. Any sign or sign structure which may be, or may hereafter become rotted, unsafe or unsightly shall be repaired or removed by the licensee, owner or manager of the property upon which the sign stands upon written notice of the zoning officer or police officer. (Ord. 501, 10-24-1967)

9-11-6

9-11-8

9-11-6: **MOBILE HOMES:**

- (A) All mobile homes within the city shall be located within a duly permitted, designed and maintained mobile home court according to regulations of this title and to laws and regulations of the state of Illinois.
- (B) The location of such mobile home court should be at the periphery of a residential neighborhood and should be directly accessible from a collector or "arterial street" as defined herein. The minimum size of a mobile home court shall be two (2) acres.
- (C) The placement of mobile homes within mobile home courts shall comply with yard requirements of the zoning district within which such court is located. (Ord. 501, 10-24-1967)

9-11-7: **DWELLING; MINIMUM SIZE:** The minimum gross floor area for dwellings shall be nine hundred fifty (950) square feet. (Ord. 501, 10-24-1967)

9-11-8: **DWELLING BELOW GROUND LEVEL:** No interior space below ground level shall be occupied for dwelling purposes unless such space is part of a structure having at least one full story above ground level and having its exterior portion in a structurally finished state. (Ord. 501, 10-24-1967)

CHAPTER 12

NONCONFORMING USE OF STRUCTURES

SECTION:

- 9-12-1: Use Continued
9-12-2: Nonconforming Buildings
9-12-3: Nonconforming Use Of Building Or Land

9-12-1: **USE CONTINUED:** The lawful use of any land or building existing at the time of the adoption of this chapter may be continued, even if such use does not conform to the regulations of this title, except as provided below. (Ord. 501, 10-24-1967)

9-12-2: **NONCONFORMING BUILDINGS:**

- (A) **Alterations:** A nonconforming building or structure shall not be reconstructed or altered to an extent exceeding twenty five percent (25%) of its market value for assessment purposes unless said building or structure is changed to conform with the regulations of this chapter.
- (B) **Enlargement:** A nonconforming building or structure shall not be added to or enlarged in any manner unless such additions or enlargements are made so as to bring said building or structure into conformity with the regulations of this chapter.
- (C) **Restoration:** A nonconforming building or structure which is damaged by fire or other cause to the extent of more than fifty percent (50%) of its market value shall not be restored except in conformity with the regulations of this chapter.
- (D) **Abandonment:** A nonconforming use of a building which has been discontinued for a period of six (6) months shall not be reestablished and any future use shall be in conformity with the regulations of this chapter. (Ord. 501, 10-24-1967)

9-12-3: **NONCONFORMING USE OF BUILDING OR LAND:**

(A) Extension:

1. A nonconforming use of a building may be extended throughout said building provided no structural alterations are made therein except as are required by other codes or ordinances.

2. A nonconforming use of land shall not be expanded or enlarged.

(B) Relocations: A nonconforming use shall not be moved to any other part of the parcel of land upon which the same was conducted at the time of passage of this title. (Ord. 501, 10-24-1967)

CHAPTER 13

ADMINISTRATION AND ENFORCEMENT

SECTION:

- 9-13-1: Zoning Officer
- 9-13-2: Permits
- 9-13-3: Board Of Zoning Appeals
- 9-13-4: Planning Commission Duties
- 9-13-5: Variances
- 9-13-6: Special Use Permits
- 9-13-7: Amendments
- 9-13-8: Penalty

9-13-1: **ZONING OFFICER:**

- (A) It shall be the duty of the police officer acting as the zoning officer to administer and enforce the provisions of this title until such time that the city council determines that a full time officer is required. At that time, the mayor or the city council of the city may appoint a full time zoning officer, but such appointment shall require the approval of the majority of the members of the city council.
- (B) The specific duties of the zoning officer shall include:
 - 1. Providing zoning information upon request.
 - 2. Receiving applications for building and occupancy permits, reviewing such applications to determine if they comply with ordinance provisions, and issuing or denying permits.
 - 3. Receiving applications for special use permits, variances, amendments, and appeals, referring such applications to the appropriate public body, notifying affected property owners of the required public hearings and publishing notice of such hearing. (Ord. 501, 10-24-1967)

4. Conducting inspections of proposed building sites to determine that the location of the proposed improvement conforms to plans and specifications attached to the application for a building permit; to determine that the building site has been staked out prior to excavation and is in compliance with all setback requirements and district lot regulations; and to inspect all excavations to determine they are in compliance with the application for the building permit and all setback requirements and district lot regulations. No person shall commence excavation for any improvement until the zoning officer has inspected the site as staked out. No person shall commence construction until the zoning officer has inspected the excavated site and determined that it is in compliance with the plans and specifications attached to the application for the building permit, all setback requirements and district lot regulations. (Ord. 3-93-8, 3-23-1993)

5. Investigating violations.

6. Keeping the zoning map and text up to date. (Ord. 501, 10-24-1967)

9-13-2: **PERMITS:**

- (A) Building Permit: Hereafter no person shall erect, alter, remodel, wreck or move any kind of a structure or building or part thereof without first securing a building permit therefor, provided no such permit shall be required for the following:
1. Interior remodeling. (Ord. 501, 10-24-1967)
 2. Exterior construction or reconstruction of a building where there is no structural alteration or change in exterior configuration. (Ord. 565, 3-25-1975)
 3. Public utility structures.
- (B) Occupancy Permit: Hereafter, no new building or addition and no land whose use has been changed shall be occupied other than for a public utility use until an occupancy permit has been issued by the zoning officer. Every such permit shall state that the new occupancy complies with all provisions of this title. (Ord. 501, 10-24-1967)

- (C) Permit Fees: Fees for building permits shall be as follows:
1. A five dollar (\$5.00) filing fee for any building permit plus the sum of one dollar (\$1.00), additional, for each one thousand dollars (\$1,000.00) of construction cost with a maximum fee of seventy five dollars (\$75.00).
 2. A five dollar (\$5.00) filing fee for a demolition permit plus a five dollar (\$5.00) fee for said demolition permit. (Ord. 6-89-3, 6-27-1989)
- (D) Exhibits: Each application for a building permit, an occupancy permit or a demolition permit for the use of land shall be accompanied by the following exhibits unless waived by the zoning officer. (Ord. 681, 5-10-1983)
1. Boundary survey of an area including the property in question and one hundred feet (100') beyond its outer boundaries showing existing utilities, lot boundaries and dimensions, buildings and easements. Foliate, topography, waterways and soil borings to be included if pertinent.
 2. Plot plan indicating location, size and placement of proposed structure and yards, parking and loading facilities, vehicular access and egress and utility plan including surface drainage. (Ord. 501, 10-24-1967)
- (E) Permit Application Procedure: The procedure for applying for a building permit, an occupancy permit or a demolition permit shall be as follows: (Ord. 681, 5-10-1983)
1. The property owner or his agent shall meet with the zoning officer to explain his situation, learn the procedures and obtain an application form.
 2. The applicant shall file the completed application form together with the required exhibits with the zoning officer.
 3. The zoning officer shall issue a building permit and collect the required permit fee if the proposed project complies with the provisions of this title and other relevant municipal ordinances. (Ord. 501, 10-24-1967)

9-13-3: **BOARD OF ZONING APPEALS:**

(A) Establishment:

1. A board of zoning appeals is hereby established, vested with such administrative authority as hereinafter provided or as provided by state law. Such board shall consist of five (5) residents of the city appointed by the city council, which body shall also name one of the residents to serve as chairman of the board of appeals. Any member of the board of appeals may be removed by the city council after holding a public hearing thereon.

2. The board of zoning appeals may designate a secretary and such other officers as it deems necessary. Such board shall adopt rules of procedure and keep minutes of its proceedings which minutes shall be of public record. All meetings of such board shall be held at the call of its chairman and shall be open to the public. In the performance of its duties, the board of appeals may incur such expenditures as shall be authorized by the city council.

(B) Duties: The duties of the board of zoning appeals shall be:

1. To hear and decide appeals from any decision of the zoning officer.

2. To interpret the meaning of the ordinance in case of ambiguity and to make rulings with respect to the application of the ordinance.

3. To hold public hearings on applications for variance from the provisions of this title and to act upon such applications. (Ord. 501, 10-24-1967)

9-13-4: **PLANNING COMMISSION DUTIES¹:** The duties of the Mount Carroll planning commission in zoning administration shall be:

- (A) To hold public hearings on applications for amendments to this title. The commission shall not have the authority to make changes or amendments to this title; it shall act in a purely advisory manner to the city council, making its recommendation in all cases referred to it; and transmitting them to such council for final action.

1. See also title 2, chapter 6 of this code.

- (B) To hold public hearing on applications for special use permits provided for within this title and to transmit its recommended actions to the city council for final action. (Ord. 501, 10-24-1967)

9-13-5: **VARIANCES:**

- (A) **Granting Variance:** Variations from the provisions of this title may be granted by the board of zoning appeals where practical difficulties or unusual hardships in complying with such provisions are determined to exist, but only after a public hearing has been duly advertised and held by such board. The board of zoning appeals may impose such restrictions and conditions upon the premises benefited by a variance as it considers necessary so that the public health, safety and general welfare may be secured and substantial justice done.
- (B) **Application:** Application for variances shall be accompanied by the boundary survey and plot plan as required for building permit applications, unless waived by the board of zoning appeals.
- (C) **Procedures:** The procedure for applying for a variance from the regulations of this title is as follows:
1. The property owner or his agent shall meet with the zoning officer to explain his situation, learn the procedures; and (Ord. 501, 10-24-1967)
 2. The applicant shall file the completed application form, together with the required exhibits, with the zoning officer and shall pay a filing fee of ten dollars (\$10.00) and shall also pay the costs of publication as required in subsection (C)5 of this section. (Ord. 680, 5-10-1983)
 3. The zoning officer shall transmit the application to the chairman of the board of appeals and shall determine with such chairman the time and place of the required public hearing.
 4. The zoning officer shall give notice of the scheduled public hearing to all property owners within two hundred fifty feet (250') of the outer boundaries of the property in question; however, failure of any property owner to receive such notification shall not invalidate the proceedings.
 5. The zoning officer shall have notice of the scheduled public hearing published in the official municipal newspaper.

6. The board of zoning appeals shall hold the public hearing within forty five (45) days of filing and shall take one of three (3) actions - approval, denial or conditional approval.

(D) Standards For Granting Variances: The board of zoning appeals may vary the regulations of this title when supporting evidence in each specific case indicates that:

1. Because of the particular physical surroundings, shape or topographic conditions of the specific parcel of land involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.

2. The conditions upon which the petition for a variance is based are unique to the parcel of land for which the variance is sought and are not applicable, generally, to the other property within the same zoning classification.

3. The purpose of the variance is not based exclusively upon a desire to increase the value or income potential of the parcel of land.

4. The alleged difficulty or hardship is caused by the provisions of this title and has not been created by any persons presently or formerly having an interest in the parcel of land.

5. The granting of the variance will not be detrimental to the public welfare or injurious to other land or improvements in the vicinity in which the parcel of land is located.

6. The proposed variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the vicinity. (Ord. 501, 10-24-1967)

9-13-6: **SPECIAL USE PERMITS:**

(A) Granting Special Use Permit: Before a building or premises is devoted to any use classified under "Uses by Special Permit" in this chapter a special use permit must be granted by the city council following a public hearing and recommendation by the planning commission.

- (B) Exhibits Required: The following exhibits shall be required unless waived by the planning commission:
1. The boundary survey and plot plan as required for building permit application.
 2. Petition of property owners within two hundred fifty feet (250') of property in question showing fifty percent (50%) of such owners favoring the proposal.
- (C) Procedures: The procedure for obtaining a special use permit is as follows:
1. The property owner or his agent shall meet with the zoning officer to explain his situation, learn the procedures and obtain an application form. (Ord. 501, 10-24-1967)
 2. The applicant shall file the completed application form, together with the required exhibits, with the zoning officer, and shall pay a filing fee of ten dollars (\$10.00), plus costs of publication as required in subsection (C)4 of this section. (Ord. 680, 5-10-1983)
 3. The zoning officer shall transmit the application to the planning commission and shall give notice of the public hearing to all property owners within two hundred fifty feet (250') of the outer boundaries of the property in question; however, failure of any property owner to receive such notification shall not invalidate the proceedings.
 4. The zoning officer shall have notice of the public hearing published in the official municipal newspaper.
 5. The planning commission shall hold the public hearing and shall study the application to determine possible adverse effects of the proposed special use and to determine what additional requirements may be necessary to reduce such adverse effects and within forty five (45) days of filing shall recommend one of three (3) actions - approval, denial or conditional approval.
 6. The planning commission shall transmit its recommendations to the city council for its official action.
 7. The city council shall act on the application within forty five (45) days after receiving the recommendations of the planning commission.

(D) Standards For Granting Special Use Permits: A special use permit may be granted by the city council after demonstration by evidence that:

1. The establishment, maintenance of 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, nor substantially diminish and impair property values within the neighborhood.

3. The establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.

4. Adequate utilities, access roads, drainage and necessary facilities have been or will be provided.

5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.

6. The special use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

The planning commission may recommend, and the city council may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the special use as deemed necessary for the protection of the public interest and to secure compliance with the requirements specified in this title.

(E) Revocation Of Special Use Permits: Where a special use permit has been issued pursuant to the provisions of this title, such permit shall be null and void without further action by the planning commission or the city council, unless work thereon commences within one year of the date of granting such special use. A special use permit shall be deemed to authorize only one particular use and shall expire if that use shall cease for more than twelve (12) consecutive months. (Ord. 501, 10-24-1967)

9-13-7: **AMENDMENTS:**

- (A) Amendments: This title may be amended, changed or altered only by a favorable majority vote of the city council and only after a public hearing has been duly advertised and held by the planning commission.
- (B) Kinds Of Amendments: An amendment to this title may be one of the following:
1. A change in district's boundary (rezoning).
 2. A change in a district's regulations.
 3. A change in any other provision of this title.
- (C) Initiation Of Proceedings: Proceedings for amending this title shall be initiated by at least one of the following three (3) methods:
1. By petition of an owner or owners of property which is proposed to be rezoned, or for which district regulation changes are proposed.
 2. By recommendation of the planning commission.
 3. By action of the city council.
- (D) Required Exhibits For Rezoning Or District Regulation Changes:
1. The boundary survey and plot plan as required for building permit application.
 2. Petition of property owners within two hundred fifty feet (250') of property in question showing fifty percent (50%) of such owners favoring rezoning.
- (E) Procedure For Rezoning Or District Regulation Change: The procedure for a property owner to initiate a rezoning or district regulation change applying to his property is as follows:
1. The property owner or his agent shall meet with the zoning officer to explain his situation, learn the procedures and obtain an application form. (Ord. 501, 10-24-1967)
 2. The applicant shall file the completed application form, together with the required exhibits, with the zoning officer and shall pay a

filing fee of ten dollars (\$10.00), plus costs of publication as required in subsection (E)4 of this section. (Ord. 680, 5-10-1983)

3. The zoning officer shall transmit the application and required exhibits to the planning commission and shall give notice of the public hearing to the property owners within the affected zone and within two hundred fifty feet (250') of the outer boundaries of the property in question; however, failure of any property owner to receive such notification shall not invalidate the proceedings.

4. The zoning officer shall have notice of the required public hearing published in the official municipal newspaper.

5. The planning commission shall hold the public hearing and shall, within forty five (45) days of filing, recommend one of three (3) actions - approval, denial or conditional approval.

6. The planning commission shall transmit its recommendation to the city council for its official action.

7. The city council shall act upon the application within forty five (45) days after receiving the recommendation of the planning commission. (Ord. 501, 10-24-1967)

9-13-8: **PENALTY:** Except as otherwise provided, any person convicted of a violation of this chapter shall be fined a sum of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for any violation hereof, and a sum of ten dollars (\$10.00) for each day such violation continues. (Ord. 680, 5-10-1983)