

ZONING ORDINANCE  
OF THE  
CITY OF GALVA

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## *Preamble*

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GALVA, HENRY COUNTY, ILLINOIS:

That this ordinance classifying, regulating and restricting the location of trades and industries and the location of buildings and structures designed for specific uses; regulating and determining the area of yards, courts, and other open spaces within the boundaries of districts for said purposes; establishing a Zoning Board of Appeals; providing for changes and amendments; and prescribing penalties for the violations of its provisions shall be adopted as follows:

### **SECTION 1 – TITLE**

This ordinance shall be known, cited and referred to as the “Galva Zoning Ordinance.”

### **SECTION 2 – INTENT AND PURPOSE**

This ordinance is adopted for the following purposes:

To promoted and protect the public health, safety, morals, comfort and general welfare of the people;

To divide the City of Galva into zones or districts restricting and regulating therein the location, erection, construction, reconstruction, alteration and use of buildings, structures and land for residential, business and manufacturing and other specified uses;

To protect the character and the stability of the residential, business, and manufacturing areas within the City of Galva and to promote the orderly and beneficial development of such areas;

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

To regulate the intensity of use of lot areas and to determine the areas of open spaces surrounding buildings necessary to provide adequate and air and to protect the public health;

To establish building lines and the location of buildings designed for residential, business, manufacturing, or other uses within such areas;

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

To prohibit uses, buildings, or structures incompatible with the character of development or intended uses within specified zoning districts;

To prevent additions to, or alterations or remodeling of, existing buildings or structures in such a way as to avoid the restrictions and limitations imposed hereunder;

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

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

To prevent the overcrowding of land and undue concentration of structures, so far as is possible and appropriate in each district, by regulating the use and bulk of buildings in relation to the land surrounding them;

To conserve the taxable value of land and buildings throughout the City of Galva;

To provide for the elimination of non-conforming uses of land, buildings, and structures which are adversely affecting the character and value of desirable development in each district; and

And to define and limit the powers and duties of the administrative officers and bodies as provided herein.

### **SECTION 3 – DEFINITIONS**

In the construction of this ordinance, the rules and definitions contained in this section shall be observed and applied, except when in conflict with the context of any provisions.

Words used in the present tense shall include the future; words used in the singular shall include the plural number, and the plural, the singular; the word “building” shall include the word “structure” and the word “lot” shall include the word “plot,” and the word “shall” is mandatory and not directory.

**ACCESSORY BUILDING OR USE** – A subordinate building or use which is located on the same lot on which the principle building or use is situated and which is reasonably necessary and incidental to the conduct of the primary use of such building or main use, when permitted by district regulations.

An “accessory use” includes, but is not limited to, the following:

- Children’s playhouse, garden house, or private greenhouse.
- Garage, shed, or building for domestic storage.
- Incinerators incidental to residential use.
- Swimming pools, private, for the use of residents of the zoning lot and their guests.
- Storage of merchandise normally carried in stock on the same lot with any retail service or business use, unless such storage is excluded by the district regulations.
- Storage of goods used in or produces by manufacturing activities, on the same lot or parcel of ground with such activities, unless such storage is excluded by the district regulations.
- Off-street motor vehicle parking areas, and loading and unloading facilities.
- Signs as permitted and regulated in Section 9.



- Public utility communication, electric, gas, water and sewer lines, their supports and incidental equipment.
- Where a substantial part of the wall of an accessory building is a part of the wall of the main building or where an accessory building is attached to the main building in a substantial manner as by a roof, such accessory building shall be counted as part of the main building.

**ACREAGE** – Any tract or parcel of land having an area of an acre or more which has not been subdivided by metes and bounds or platted.

**AIRPORT OR AIRCRAFT LANDING FIELD** – Any landing area, runway or other facility (including heliports), designed, used, or intended to be used either publicly or privately by any person or persons for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie down areas, hangars, and other necessary buildings and open spaces.

**ALLEY** – A public way, not more than thirty feet wide, which affords only secondary means of access to abutting property.

**APARTMENT** – A room or suite of rooms in a multiple-family structure, which is arranged, designed, used, or intended to be used as a single housing unit. Complete kitchen facilities, permanently installed, must always be included for each apartment.

**AUTOMOBILE LAUNDRY** – A building or portion thereof, where automobiles are washed with the use of a chain conveyor and blower or steam cleaning device.

**AUTOMOBILE REPAIR, MAJOR** – Engine rebuilding or major reconditioning of worn or damaged motor vehicles or trailers, collision services, including body, frame or fender straightening or repair; and overall painting of vehicles.

**AUTOMOBILE REPAIR, MINOR** – Incidental repairs, replacement of parts, and motor services to automobiles, but not including any operation specified under “Automobile Repair, Major.”

**AUTOMOBILE SERVICE STATION** – A place where gasoline, stored only in underground tanks, kerosene, lubricating oil or grease, for operation of automobiles, are offered for sale directly to the public, on the premises, and including minor accessories and services for automobiles; but not including major automobile repairs; and including washing of automobiles where no chain conveyor, blower or steam cleaning device is employed. When the dispensing, sale or offering for sale of motor fuels or oil is incidental to the conduct of a public garage, the premises shall be classified as a public garage. Automobile service stations shall not include sale or storage of junkers or junk yards as defined herein.

**AUTOMOBILE WRECKING YARD** – Any place where two or more motor vehicles not in running condition, or parts thereof, are stored in the open and are not being restored to operation, or any land, building, or structure used for wrecking or storing of such motor vehicles, or parts thereof, and including any used farm vehicles or farm machinery, or parts thereof, stored in the open and not being restored to operating condition, and including the commercial salvaging of any other goods, articles, or merchandise.

**AWNING** – A roof-like cover, temporary in nature, which projects from the wall of a building or overhangs the public way.

**BASEMENT** – A story partly or wholly underground. Where more than one-half of its height is above the established curb level or above the average level of the adjoining ground where curb level has not been established, a basement shall be counted as a story for purposes of height measurement.

**BILLBOARD** – Any structure or portion thereof upon which are signs or advertisements used as an outdoor display. This definition does not include any bulletin boards used to announce church services, or to display court or other public notices, or signs offering the sale or lease of the premises on which the sign is located.

**BOARDING HOUSE** – A building other than a hotel or restaurant where meals are provided for compensation to four or more persons, but not more than twelve, who are not members of the keeper's family.

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

**BUILDING** – Any structure with substantial walls and roof securely affixed to the land and entirely separated on all sides from any other structure by space or by walls in which there are no communicating doors, windows, or openings; and which is designed or intended for the shelter, enclosure, or protection of persons, animals, or chattels. Any structures with interior areas not normally accessible for human use, such as gas holders, oil tanks, grain elevators, coal bunkers, oil cracking towers, and other similar structures, are not considered buildings.

**BUILDABLE AREA** – The space remaining on a zoning lot after the minimum open space requirements of this ordinance have been complied with.

**BUILDING, COMPLETELY ENCLOSED** – A “completely enclosed building” is a building separated on all sides from the adjacent open space, or from other buildings or other structures, by a permanent roof and by exterior walls or party walls, pierced only by windows and normal or entrance doors.

**BUILDING HEIGHT** – The vertical distance measured from the sidewalk level or its equivalent established grade opposite the middle of the front of the building to the highest point of the roof in the case of a flat roof, to the deck line of a mansard roof, to the mean height between eaves and ridge of a gable, hip, or gambrel roof; provided that where buildings are set back from the street line, the height of the buildings may be measured from the average elevation of the finished lot grade at the front of the building.

**BUILDING, NON-CONFORMING** – Any building which does not conform to the regulations of this ordinance prescribing the maximum floor area ratio, required yards, coverage, height and setbacks, minimum required spacing between buildings on a single lot, and minimum required usable open space for the district in which such building is located.

**BUILDING, PRINCIPAL** – A building in which is conducted the main use of the zoning lot on which it is situated.

**BUILDING SETBACK LINE** – A line parallel to the street line at a distance from it, regulated by the front yard requirements set up in this ordinance.

**BULK** – The term used to describe the size and mutual relationships of buildings and other structures as to size, height, coverage, shape, and location of exterior walls in relation to lot lines, to the center line of streets, to other walls of the same building, and to other buildings or structures, and to all open spaces relating to the building or structure.

**BUS LOT** – Any lot or land area used for the storage or layover of passenger buses or motor coaches.

**CARTAGE, LOCAL** – Pick-up and delivery of parcels, packages, and freight by motor truck within and not exceeding fifteen miles of the City.

**CELLAR** – A cellar is a story having more than one-half of its height below the curb level or below the highest level of the adjoining ground. A cellar shall not be counted as a story for the purpose of height measurements.

**CLINIC OR MEDICAL HEALTH CENTER** – An establishment where patients are admitted for special study and treatment by two or more licensed physicians and their professional associates, practicing medicine together.

**CLUB OR LODGE, PRIVATE** – A “private club or lodge” is a nonprofit association of persons, who are bona fide members paying annual dues which owns, hires, or leases a building or portion thereof.

**CURB LEVEL** – The level of the established curb in front of the building measured at the center of such front. Where a building faces more than one street, the “curb level” shall be the average of the levels of the curbs at the center of the front of each street. Where no curb elevation has been established, the mean level of the land immediately adjacent to the building shall be considered the “curb level.”

**DWELLING** – A building or portion thereof, but not including a house trailer or mobile home, designed or used exclusively for residential occupancy, including one-family dwelling units, two-family dwelling units and multiple-family dwelling units, but not including hotels and boarding or lodging houses.

**DWELLING UNIT** – One or more rooms in a residential structure or apartment hotel designed for occupancy by one family, plus not more than four lodgers, for living and sleeping quarters.

**DWELLING, ONE-FAMILY** – A building designed exclusively for use and occupancy by one family, and entirely separated from any other dwelling by space.

**DWELLING, TWO-FAMILY** – A building designed or altered to provide dwelling units for occupancy by two families.

**DWELLING, MULTIPLE-FAMILY** – A building or portion thereof, designed or altered for occupancy by three or more families living independently of each other.

**DWELLING, ROW (PARTY-WALL)** – A row of two to eight attached, one family, party-wall dwellings, not more than two and one-half stories in height, nor more than two rooms in depth measured from the dwelling line.

**DWELLING GROUP** – Two or more one-family, two-family, or multiple-family dwellings, or boarding or lodging houses, located on one zoning lot, but not including tourist courts or motels.

**FAMILY** – One or more persons related by blood, marriage, or adoption, or a group of not more than five persons (excluding servants) who need not be related by blood, marriage, or adoption, living together and maintaining a common household, but not including sororities, fraternities, or other similar organizations.

**FUEL BULK STATION** – A place where crude petroleum, gasoline, naphtha, benzene, benzol, kerosene or other flammable liquid which has a flash point at or below two hundred degrees Fahrenheit is stored for wholesale purposes, where the aggregate capacity of all storage tanks is more than six thousand gallons, regardless of whether the fuel is stored above ground, underground, or in mobile tank cars or trucks.

**GARAGE, BUS** – Any building used or intended to be used for the storage of three or more passenger motor buses, or motor coaches used in transportation, including school buses.

**GARAGE, PRIVATE** – A detached accessory building or portion of the principal building, designed, arranged, used or intended to be used for the storage of automobiles of the occupants of the premises, including commercial vehicles of not more than one and one-half ton capacity.

**GARAGE, PUBLIC** – A building other than a private garage used for the care, incidental servicing, and sale of automobile supplies, or where motor vehicles are parked or stored for remuneration, hire, or sale within the structure, but not including trucks, tractors, truck trailers, and commercial vehicles exceeding one and one-half ton capacity.

**GARAGE, BUS OR TRUCK** – A building which is used or intended to be used for the storage of motor vehicles, truck trailers, tractors, and commercial vehicles exceeding one and one-half ton capacity.

**GUEST HOUSE** – Living quarters within a detached accessory building located on the same premises with the principal building, for use by temporary guests of the occupants of the premises. Such quarters shall have no kitchen facilities nor be rented or otherwise used as a separate dwelling unit.

**HOME OCCUPATION** – A gainful occupation or profession customarily carried on by an occupant of a dwelling unit as a use which is clearly incidental to the use of the dwelling unit for residential purposes. The “home occupation” shall be carried on wholly within the principal building or within a building accessory thereto, and only by members of the family occupying the premises and one person outside the family. No article shall be sold or offered for sale on the premises except such as is produced by the occupation on the premises. There shall be no exterior display; no exterior storage of material, no other exterior indication of the “home occupation” or variation from the residential character of the principal building, and no offensive odors, noise, vibration, smoke, dust, heat, or glare shall be produced. Offices, clinics, doctor’s offices, hospitals, barber shops, tea rooms, restaurants, beauty parlors, dress shops, millinery shops, tourist homes, animal hospitals, and kennels, among others, shall not be deemed to be “home occupations.”

**HOSPITAL OR SANITARIUM** – An institution open to the public in which patients or injured persons are given medical or surgical care, or for the cure of contagious diseases or for the care of incurable patients.

**HOTEL, APARTMENT** – A building containing dwelling units or individual guest rooms, the majority of which are for permanent guests. Maid and janitor service may be provided but kitchen facilities are not necessarily included.

**HOTEL OR MOTEL** – A building in which more than four rooms or suites is reserved to provide living and sleeping accommodations for temporary guests, with no provision in said rooms for cooking in any individual room or suite.

**HOUSEHOLDER** – The occupant of a dwelling unit who is either the owner or lessee thereof.

**JUNK YARD** – The use of more than two hundred square feet of any lot where waste, scrap metal, paper, rags, or other similar materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including auto and building wrecking yards, but excluding similar uses taking place entirely within a completely enclosed building.

**KENNEL, COMMERCIAL** – A lot or premises or portion thereof on which more than four dogs, cats, or other household domestic animals over four months of age are kept or on which more than two such animals are boarded for compensation or kept for sale.

**LABORATORY, COMMERCIAL** – A place devoted to experimental study such as testing and analyzing. Manufacturing, assembly or packaging of products is not included within this definition.

**LINE OF BUILDING (FOR MEASURING YARDS)** – A line parallel to the nearest lot line drawn through the point of a building or group of buildings nearest to such lot line, exclusive of such features specified as being permitted to extend into a yard.

**LOADING AND UNLOADING SPACE, OFF-STREET** – An open, hard-surfaced area of land other than a street or a public way, the principal use of which is for the standing, loading and unloading of motor trucks, tractors, and trailers to avoid undue interference with the public use of streets and alleys.

Such space shall be not less than ten feet in width, forty-five feet in length, and fourteen feet in height, exclusive of access aisles and maneuvering space.

**LODGING OR ROOMING HOUSE** – A building with not more than five guest rooms where lodging is provided for compensation pursuant to previous arrangement, but not open to the public or to overnight guests.

**LOT** – The word “lot” when used alone shall mean a “zoning lot” unless the context of this ordinance clearly indicates otherwise.

**LOT, CORNER** – A parcel of land situated at the intersection of two or more streets or adjoining a curved street at the end of a block.

**LOT COVERAGE** – The area of a zoning lot occupied by the principal building or buildings and accessory buildings.

**LOT DEPTH** – The horizontal distance between the front and rear lot lines, measured in the mean direction of the side lot lines.

**LOT FRONTAGE** – The front of a lot shall be that boundary of a lot along a public street; for a corner lot, the owner may elect either street line as the front lot line.

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

**LOT LINE, FRONT** – The front property line of a zoning lot.

**LOT LINE, INTERIOR** – A side lot line common with another lot.

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

**LOT LINES, SIDE** – Lot lines other than front or rear lot lines are side lot lines.

**LOT, REVERSED CORNER** – A corner lot, the rear of which abuts upon the side of another lot, whether across an alley or not.

**LOT, THROUGH** – A lot having frontage on two parallel, or approximately parallel streets, and which is not a corner lot.

**LOT WIDTH** – The horizontal distance between the side lot lines, measuring at right angles to the lot depth at the established front building line.

**MANUFACTURE** – The making of anything by any agency or process.

**MARQUEE OR CANOPY** – A roof like structure of a permanent nature, which projects from the wall of a building and may overhang the public way.

**MOTOR FREIGHT TERMINAL, PRIVATE** – A building in which freight, brought to said building by motor truck, is assembled and sorted for routing in intrastate and interstate shipment by motor truck.

**NON-CONFORMING USE** – Any building, structure, or land lawfully established at the time of the adoption of this ordinance or amendments hereto, which does not conform after the passage of this ordinance or amendments hereto, with the use regulations of this ordinance.

**NURSING HOME OR REST HOME** – A private home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders, but not including facilities for the treatment of sickness or injuries or for surgical care.

**NURSERY SCHOOL OR DAY NURSERY** – An institution providing care for three or more children under the age of six years for periods of more than four hours but not exceeding twenty-four hours.

**OCTAVE BAND** – An “octave band” is a means of dividing the range of sound frequencies into octaves in order to classify sound according to pitch.

**ORDINANCE** – Reference to “ordinance” herein shall be construed as the zoning ordinance.

**PARKING AREA, PRIVATE** – An open, hard-surfaced area of land, other than a street or public way, designed, arranged, and made available to automobiles only, of occupants of the building or buildings for which the parking area is developed and is necessary.

**PARKING AREA, PUBLIC** – An open, hard-surfaced area, other than a street or public way, intended to be used for the storage of passenger automobiles and commercial vehicles under one and one-half ton capacity, and available to the public, whether for compensation, free, or as an accommodation to clients or customers.

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

**PLANNED DEVELOPMENT** – A “planned development” is a tract of land which is developed as a unit under single ownership or control, which includes two or more principal buildings, and which is at least four acres in area, except for planned developments operated by a municipal corporation which shall be at least two acres in area, and manufacturing planned developments which shall be a least ten acres in area.

**PORCH** – A roofed-over structure, projecting out from the wall or walls of a main structure, and commonly open to the weather in part.

**PUBLIC UTILITY** – A person, firm, corporation, or municipal department, duly authorized to furnish under public regulation to the public, electricity, gas, steam, telephone, telegraph, transportation, or water.

**RAILROAD RIGHT-OF-WAY** – A strip of land with tracks and auxiliary facilities for track operation, but not including depots, loading platforms, stations, train sheds, warehouses, car shops, car yards, locomotive shops or water towers.

**RINGELMANN NUMBER** – The “Ringelmann Number” is the number of the area on the Ringelmann Chart that coincides most nearly with the visual density of emission.

**SMOKE UNITS** – “Smoke Units” represent the number obtained by multiplying the smoke density in Ringelmann numbers by the time of emission in minutes. For the purpose of this chart, Ringelmann density reading is made at least once every minute during the period of observation; each reading is then multiplied by the time in minutes during which it is observed, and the various products are added together to give the total number of “smoke units” observed during the total period under observation.

**SIGN** – A “sign” is a name, identification, description, display, or illustration which is affixed to, or painted or represented directly or indirectly upon a building, structure, or piece of land, and which directs attention to an object, product, place, activity, person, institution, organization or business.

**SPECIAL USE** – Any use of land or buildings, or both, described and permitted herein, subject to the provisions of Section 14.

**STORY** – That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it. Any portion of a story exceeding fourteen feet in height shall be considered as an additional story for each fourteen feet or fraction thereof.

**STORY, HALF** – A half story is that portion of a building under a gable, hip, or mansard roof, the wall plates of which on at least two opposite exterior walls are not more than four and one-half feet above the finished floor of such story. In the case of one-family dwellings, two-family dwellings, and multiple-family dwellings less than three stories in height, a half story in a sloping roof shall not be counted as a story for the purpose of this ordinance.

**STREET** – A public way other than an alley.

**STREET LINE** – A line separating an abutting lot, or piece, or parcel from a street.

**STRUCTURE** – Anything constructed or erected which requires location on the ground or is attached to something having location on the ground.

**STRUCTURAL ALTERATIONS** – Any change other than incidental repairs which would prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams or girders.



**TERRACE, OPEN** – A level platform which, for the purpose of this ordinance, is located adjacent to one or more faces of the principal structure and which is constructed not more than four feet in height above the average level of the adjoining ground.

**TOURIST COURTS, MOTOR LODGES, MOTELS** – A group of attached or detached buildings containing individual sleeping or living units, designed for or used temporarily by automobile tourists or transients, with garages attached or parking space conveniently located to each unit, including auto courts, motels, motor lodges, or other similar type uses.

**TOURIST HOME** – A dwelling in which accommodations are provided or offered for transient guests.

**TRAILER, HOUSE OR MOBILE HOME** – A vehicle without motive power, designed to be drawn by a motor vehicle and to be used for human habitation or for carrying persons and property, including a trailer coach or house trailer or mobile homes, whether with permanently affixed or detachable wheels.

**TRAILER COURT OR CAMP, HOUSE OR MOBILE HOME** – A house trailer court is any premises on which are parked one or more house trailers, or any premises used or held out for the purpose of supplying to the public a parking place for one or more house trailers, whether such trailers stand on wheels or rigid supports.

**TRUCK PARKING AREA OR YARD** – Any land used or intended to be used for the storage or parking of trucks, tractors, truck trailers, and including commercial vehicles, while not loading or unloading, and which exceed one and one-half tons in capacity.

**USE** – The purpose for which land or a building thereon is designed, arranged, or intended, or for which it is occupied or maintained, let or leased.

**USED CAR LOT** – A zoning lot on which used or new cars, trailers, or trucks are displayed for sale or trade.

**YARD** – An open space on the same zoning lot with a principal building or group of buildings, which is unoccupied or unobstructed from its lowest level upward, except as otherwise permitted in this ordinance, and which extends along a lot line and at right angles thereto to a depth or width specified in the yard regulations for the district in which the zoning lot is located.

**YARD, FRONT** – A yard extending across the full width of the zoning lot and lying between the front line of the lot and the nearest line of a building.

**YARD, REAR** – A yard extending across the full width of the zoning lot and lying between the rear line of the lot and the nearest line of the principal building.

**YARD, SIDE** – That part of the yard lying between the nearest line of the principal building and a side lot line, and extending from the required front yard (or from the front lot line, if there is no required front yard), to the required rear yard.

**ZONING MAP** – The map or maps, incorporated into this ordinance as a part hereof, designating zoning districts.

**ZONING LOT** – A plot of ground, made up of one or more parcels, which is or may be occupied by a use, building, or buildings including the open spaces required by this ordinance.

## **SECTION 4 – USE DISTRICTS**

### **4.1 PURPOSE**

In order to carry out the purpose and provisions of this ordinance, the City of Galva, Henry County, Illinois, is hereby divided into the following districts:

#### **RESIDENTIAL DISTRICT**

(R-1) – One-family dwelling district

#### **BUSINESS DISTRICTS**

(B-1) – Business districts, retail and limited retail

(B-2) – Business districts, general service

#### **MANUFACTURING DISTRICTS**

(M-1) – Manufacturing districts, limited

(M-2) – Manufacturing districts, general

### **4.2 ZONING MAP**

The locations and boundaries of the districts established herein are shown upon the zoning map which is hereby incorporated into this ordinance. The zoning map, together with all notations, references, and other information shown thereon, and all amendments thereto, shall be a part of this ordinance and shall have the same force and effect as is the zoning map, together with all notations, references, and other information shown thereon, were fully set forth and described herein.

### **4.3 NEW OR ANNEXED LAND**

Submerged land heretofore reclaimed, or which may be reclaimed hereafter, and land heretofore annexed or which may be annexed to the City of Galva hereafter, and which is not shown on the zoning map made a part of this ordinance, shall be classified the “R-1 One-Family Dwelling District” until such time as the City Council designates the permitted use of the land in accordance with the provisions of this ordinance.

#### **4.4 ZONING OF STREETS, ALLEYS, PUBLIC WAYS, AND RAILROAD RIGHTS-OF-WAY**

All streets, alleys, public ways, and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such streets, alleys, public ways, and railroad rights-of-way. Where the center line of a street, alley, public way, or railroad right-of-way serves as a district boundary, the zoning of such areas, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such center line.

#### **4.5 BOUDARY LINES**

Wherever any uncertainty exists as to the boundary of any use district as shown on the zoning map incorporated herein, the following rules shall apply:

**4.5-1** Where district boundary lines are indicated as following streets, alleys, or other similar rights-of-way, they shall be construed as following the center lines thereof.

**4.5-2** Where district boundary lines are indicated as approximately following lot lines, such lot lines shall be construed to be such boundaries.

**4.5-3** Where a lot held in one ownership and of record at the effective date of this ordinance is divided by a district boundary line, the entire lot shall be construed to be within the less restricted district; provided that this construction shall not apply if it increases the area of the less restricted portion of the lot by more than twenty percent.

### **SECTION 5 – GENERAL PROVISIONS**

#### **5.1 SCOPE OF REGULATIONS**

No building or structure shall be erected, converted, enlarged, reconstructed, or structurally altered not shall any building or land be used for any purpose other than is permitted in the district in which the building or land is located.

#### **5.2 PERMITS**

No application for a building permit or other permit or license, or for a certificate of occupancy, shall be approved by the administrative officer of this ordinance, and no permit or license shall be issued by any other City Department, which would authorize the use or change in use of any land or building contrary to the provisions of this ordinance or the erection , moving, alteration, enlargement, or occupancy of any building designed or intended to be used for a purpose or in a manner contrary to the provisions of this ordinance.

#### **5.3 BUILDING HEIGHT, BULK, AND LOT COVERAGE**

**5.3-1** No building shall be erected, reconstructed, relocated, or structurally altered so as to have a greater height, a higher ration of lot coverage, or smaller open space about it than permissible under the limitations set forth herein for the district in which such building is located, except

that parapet walls, chimneys, cooling towers, elevator bulkheads, fire towers, stacks, stage towers or scenery lofts, and necessary mechanical appurtenances shall be permitted to exceed the maximum height provision when erected in accordance with all other ordinances of the City of Galva.

**5.3-2** No space allocated to a building or dwelling group for the purpose of complying with the side, rear, or front yard, or court or other open space or lot area requirements of this ordinance shall thereafter, by reason of change in ownership or for any other reason, be used to satisfy the yard, court, open space or lot area requirements of any other building or dwelling group.

**5.3-3** An open terrace, but not including a roofed-over porch or terrace, may occupy a front yard, provided the unoccupied portion of the front yard has a depth of not less than fifteen feet. A one-story bay window may project into a front yard not more than three feet. Overhanging eaves, including gutters, may project over the minimum required side yard not more than eighteen inches.

**5.3-4** No usable open space or off-street parking space or loading space existing or provided hereafter for any building shall be reduced below the minimum requirements hereinafter set forth for such usable open space, parking space, or loading space, nor further reduced if already less than said minimum requirements.

## **5.4 LOT AREA AND DIMENSION**

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

**5.4-2** Any single lot or parcel of land held in one ownership, which was of record at the time of adoption of this ordinance, that does not meet the requirements for minimum lot width and area may be utilized for a permitted use, provided that yards, courts, or usable open space are not less than seventy-five percent of the minimum required dimensions or areas.

## **5.5 LOCATION OF BUILDINGS**

Except as otherwise provided for in this ordinance, every building shall be constructed or erected upon a lot or parcel of land which abuts upon a public street or permanent easement of access to a public street, which easement shall have a minimum width of twenty-five feet, unless an easement of lesser width was of record prior to the adoption of this ordinance, except in planned developments as hereinafter provided.

## **5.6 BUILDINGS UNDER CONSTRUCTION**

Nothing in this ordinance shall be deemed to require any change in the plans, construction, or designated use of any building upon which actual construction was lawfully begun prior to the adoption of this ordinance and upon which actual construction has been diligently carried on; provided, further, that such building shall be completed within one year from the date of passage and publication of this ordinance.

## **5.7 BUILDINGS ON A ZONING LOT**

Every building hereafter erected or structurally altered to provide dwelling units shall be located on a zoning lot as herein defined and in no case shall there be more than one such building on one zoning lot, except in planned developments in accordance with Section 14.7.

## **5.8 REZONING OF PUBLIC AREAS**

An area indicated on the zoning map as a public park or recreation area, public school site, cemetery, or other similar public open space, shall not be used for any other purpose than that designated; and when the use of the area is discontinued, it shall automatically be zoned to the most restricted adjoining district until appropriate zoning is authorized by the City Council within three months after the date of application filed for rezoning.

# **SECTION 6 – NON-CONFORMING USES**

## **6.1 CONTINUANCE OF USE**

**6.1-1** Any lawfully established use of a building or land, at the effective date of this ordinance, or after amendments hereto, that does not conform to the use regulations for the district in which it is located, shall be deemed to be a legal non-conforming use and may be continued, except as otherwise provided herein.

**6.1-2** Any legal non-conforming building or structure may be continued in use provided there is no physical change other than necessary maintenance and repair, except as otherwise permitted herein.

**6.1-3** Any building for which a permit has been lawfully granted prior to the effective date of this ordinance, or of amendments hereto may be completed in accordance with the approved plans; provided construction is started within six months and diligently prosecuted to completion. Such building shall thereafter be deemed a lawfully established building.

## **6.2 DISCONTINUANCE OF USE**

**6.2-1** Whenever any part of a building, structure, or land occupied by a non-conforming use is changed to or replaced by a use conforming to the provisions of this ordinance, such premises shall not thereafter be used or occupied by any non-conforming use, even though the building may have been originally designed and constructed for the prior non-conforming use.

**6.2-2** Whenever a non-conforming use of a building or structure, or part thereof, has been discontinued for a period of six consecutive months, or for a continuous period of twelve months if the building was originally designed and constructed for a non-residential use, or whenever there is evident a clear intent on the part of the owner to abandon a non-conforming use, such use shall not, after being discontinued or abandoned, be re-established, and the use of the premises thereafter shall be in conformity with the regulations of the district.

**6.2-3** Where no enclosed building is involved, discontinuance of a non-conforming use for a period of six months shall constitute abandonment.

### **6.3 CHANGE OF USE**

**6.3-1** A non-conforming use of a building or structure or part thereof, may be changed to a use of the same or of a more restricted character, but may not thereafter be changed to any less restricted use.

**6.3-2** Any part of a building, structure, or land occupied by a non-conforming use which is changed to or replaced by a use conforming to the provisions of this ordinance shall not thereafter be used or occupied by a non-conforming use.

### **6.4 TERMINATION AND REMOVAL OF NON-CONFORMING USES**

**6.4-1** The period of time during which the following non-conforming uses of building, structure or land may continue or remain shall be limited to two years from the effective date of this ordinance, or of any amendment hereto which causes the use to be non-conforming. Every such non-conforming use shall be completely removed from the premises at the expiration of the two-year period.

- a. Any non-conforming building or structure having an assessed valuation not in excess of five hundred dollars on the effective date of this ordinance.
- b. All non-conforming signs, billboards, and outdoor advertising structures.
- c. Any non-conforming use of land where no enclosed building is involved, or where the only buildings employed are accessory or incidental to such use, or where such use is maintained in connection with a conforming building.

### **6.5 REPAIRS AND ALTERATIONS**

**6.5-1** Normal maintenance of a building or other structure containing a non-conforming use is permitted, including necessary non-structural repairs and incidental alterations which do not extend or intensify the non-conforming use.

**6.5-2** No structural alterations shall be made in a building or other structure containing a non-conforming use, except in the following situations:

- a. When the alteration is required by law.
- b. When the alteration will actually result in eliminating the non-conforming use.
- c. When a building containing residential non-conforming uses may be altered in any way to improve livability, provided no structural alteration shall be made which would increase the number of dwelling units or the bulk of the building.

### **6.6 DAMAGE AND DESTRUCTION**

If a building or other structure containing a non-conforming use is damaged or destroyed by any means to the extent of fifty percent or more of its replacement value at the time, the building or other structure can be rebuilt or used thereafter only for a conforming use and in compliance with the

provisions of the district. In the event the damage or destruction is less than fifty percent of its replacement value, based upon prevailing costs, the building may then be restored to its original condition and the occupancy or use of such building may be continued which existed at the time of such partial destruction.

In either event, restoration or repair of the building or other structure must be started within a period of one year and diligently prosecuted to completion.

## **6.7 ADDITIONS AND ENLARGEMENTS**

**6.7-1** A non-conforming building may be enlarged or extended only if the entire building is thereafter devoted to a conforming use, and is made to conform to all the regulations of the district in which it is located.

**6.7-2** No building partially occupied by a non-conforming use shall be altered in such a way as to permit the enlargement or expansion of the space occupied by such non-conforming use.

**6.7-3** No non-conforming building in any residential district shall be so altered as to increase the number of dwelling units therein.

**6.7-4** No non-conforming use may be enlarged or extended in such a way as to occupy any required usable open space, or any land beyond the boundaries of the zoning lot as it existed at the effective date of this ordinance, or to displace any conforming use in the same building or on the same parcel.

## **6.8 EXCEPTIONS**

**6.8-1** Wherever a lawfully existing building or other structure otherwise conforms to the use regulations of this ordinance, but is non-conforming only in the particular manner hereinafter specified, the building and use thereof shall be exempt from the requirements of Subsection 6.4 and 6.5.

**6.8-2** In any R District, where a dwelling is non-conforming only as to the number of dwelling units it contains, provided no such buildings shall be altered in any way so as to increase the number of dwelling units therein.

**6.8-3** In any R District, where a use permitted in the B-1 District occupies ground floor space within a multiple-family dwelling on a corner lot.

**6.8-4** In any B or M District, where the use is less distant from an R District than that specified in the regulations for the district in which it is located.

## **SECTION 7 – ACCESSORY BUILDINGS**

**7.1** Where an accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this ordinance applicable to the main building.

**7.2** An accessory building may not be located nearer to any interior lot line than that permitted for the main building when any part of this accessory building is on line with the main building, if extended. However, when an accessory building is located in the rear yard, it may then be located within three feet of the interior lot line, but not nearer than five feet of the rear lot line.

**7.3** An accessory building shall not be erected prior to the establishment or construction of the main building to which it is accessory.

**7.4** No accessory building shall be located on a reversed corner lot beyond the front yard required on the adjacent lot to the rear, nor be located nearer than five feet to the side lot line of the adjacent building.

## **SECTION 8 – OFF-STREET PARKING AND LOADING**

### **8.1 PURPOSE**

The purpose of this section of the zoning ordinance is to alleviate or prevent congestion of the public streets, and so promote the safety and welfare of the public, by establishing minimum requirements for the off-street parking and loading and unloading of motor vehicles in accordance with the use to which property is put.

### **8.2 GENERAL PROVISIONS – PARKING AND LOADING**

**8.2-1 PROCEDURE:** An application for a building permit for a new or enlarged building, structure, or use shall include therewith a plot plan, drawn to scale, and fully dimensioned showing any parking or loading facilities to be provided in compliance with requirements of this ordinance.

**8.2-2 EXTENT OF CONTROL:** The off-street parking and loading requirements of this ordinance shall apply as follows:

- a. All buildings and structures erected and land uses initiated after the effective date of this ordinance shall provide accessory off-street parking or loading facilities as required hereinafter for the use thereof, except that a building or structure for which a building permit has been issued prior to the effective date of this ordinance shall not be required to furnish parking or loading facilities if construction is begun thereon within six months of the effective date of this ordinance and diligently prosecuted to completion.
- b. The following describe area of the Central Business District shall be exempt from the off-street parking requirements of this ordinance: That area bounded on the north by Northeast Second Street and Main Street, on the west by the alley west of Exchange Street (extended from Commercial Street to Main Street), on the south by Commercial Street and on the East by Chester Street and North Center Avenue.
- c. When a building or structure erected prior to or after the effective date of this ordinance shall undergo any decrease in number of dwelling units, gross floor area,



seating capacity, number of employees, or other unit of measurement specified hereinafter for required parking or loading facilities, and further, when said decrease would result in a requirement for fewer total parking or loading spaces through application of the provisions of this ordinance thereto, parking and loading facilities may be reduced accordingly, provided that existing parking or loading facilities shall be so decreased only when the facilities remaining would at least equal or exceed the parking or loading requirements resulting from application of the provisions of this ordinance to the entire building or structure as modified.

- d. When a building or structure shall undergo any increase in the number of dwelling units, gross floor area, seating capacity, or other unit of measurement specified hereinafter for required parking or loading facilities, and further, when said increase would result in a requirement for additional total parking or loading spaces through application of the provisions of this ordinance thereto, parking and loading facilities may be increased accordingly, provided that existing parking or loading facilities shall be so increased that the facilities would at least equal or exceed the parking or loading requirements resulting from application of the provisions of this ordinance to the entire building or structure as modified.

**8.2-3 EXISTING PARKING AND LOADING SPACES:** Accessory off-street parking and loading spaces in existence on the effective date of this ordinance may not be reduced in number unless already exceeding the requirements of this section for equivalent new construction; in which event, said spaces shall not be reduced below the number required herein for such equivalent new construction.

**8.2-4 PERMISSIVE PARKING AND LOADING SPACES:** Nothing in this section shall prevent the establishment of off-street automobile parking or unloading facilities to serve any existing use of land or buildings, subject to full compliance with the provisions of this section, except that off-street parking areas accessory to existing multiple-family structures cannot be located off the premises containing the main use, unless on a lot adjacent thereto, without authorization by the City Council.

**8.2-5 DAMAGE OR DESTRUCTION:** Any building, structure, or use which is in existence and is a conforming use on the effective date of this ordinance and which subsequently shall be damaged or destroyed by fire, collapse, explosion, or other cause may be reconstructed, re-established, or repaired with or without off-street parking or loading facilities, except that parking or loading facilities equivalent to any maintained at the time of such damage or destruction shall be restored or continued in operation. However, it shall not be necessary to restore or maintain parking or loading facilities in excess of those required by this ordinance for equivalent new construction.

## **8.2-6 SCHEDULE OF REQUIREMENTS**

**8.2-6.1 TABLES FOR REQUIRED PARKING AND LOADING:** Requirements governing the number and location of off-street parking and off-street loading facilities in relation to the use of property are established hereinafter in subsections of this ordinance. The parking and loading requirements for any use not specified therein shall be the same as for a similar specified use, as determined by Section 8.6.

**8.2-6.2 FLOOR AREA:** The term “floor area” as employed in this parking and loading section in the case of office, merchandising, or service types of use shall mean the gross floor area of a building or structure used or intended to be used for service to the public as customers, patrons, clients, patients, or tenants including areas occupied by fixtures and equipment used for display or sale of merchandise. “Floor areas” for the purpose of this section shall not include any area used for:

- a. Storage accessory to the principal use of a building;
- b. Incidental repairs;
- c. Processing or packaging of merchandise;
- d. Show windows, or offices incidental to the management of a store or a building;
- e. Rest rooms;
- f. Utilities;
- g. Dressing, fitting, or alteration rooms.

## **8.3 ADDITIONAL REGULATIONS – PARKING**

**8.3-1 USE OF PARKING FACILITIES:** Off-street parking facilities accessory to residential use and developed in any residential district in accordance with the requirements of this section shall be used solely for the parking of passenger automobiles owned by occupants of the dwelling structures to which such facilities are accessory or by guests of said occupants. Under no circumstances shall required structures be used for the storage of commercial vehicles or for the parking of automobiles belonging to the employees, owners, tenants, visitors, or customers of business or manufacturing establishments, except as permitted in subsection 8.3-5.

**8.3-2 JOINT PARKING FACILITIES:** Off-street parking facilities for different buildings, structures, or uses, or for mixed uses, may be provided collectively in any zoning district in which separate parking facilities for each constituent use would be permitted, provided that the total number of spaces so located together shall not be less than the sum of the separate requirements for each use.

**8.3-3 CONTROL OF OFF-SITE FACILITIES:** When required accessory off-street parking facilities are provided elsewhere than on the lot on which the principal use served is located, they shall be in the same possession, either by deed or long-term lease, as the property occupied by such principal use, and the owner shall be bound by covenants filed of record in the office of the Recorder of Deeds or the Registrar of Titles of Henry County, Illinois, requiring the

owner and his or her heirs and assigns to maintain the required number of parking spaces during the existence of said principal use.

**8.3-4 PERMITTED DISTRICTS FOR ACCESSORY PARKING:** Accessory parking facilities provided elsewhere than on the same zoning lot with the principal use served in accordance with subsection 8.3-3 may be located in any zoning district except as follows:

- a. No parking facilities accessory to any business or manufacturing use shall be located in a residential district, except when authorized by the City Council as prescribed hereinafter.
- b. No parking facilities accessory to a manufacturing use shall be permitted in a B-1 or B-2 District.

**8.3-5 NON-RESIDENTIAL PARKING IN RESIDENTIAL DISTRICTS:** Accessory off-street parking facilities serving non-residential uses of property may be permitted in an R District when authorized by the City Council, subject to the following requirements in addition to all other relevant requirements of this section:

- a. The parking lot shall be accessory to, and for use in connection with, one or more non-residential establishments located in adjoining districts or in connection with one or more existing professional or institutional office buildings or institutions.
- b. Said parking lot shall be used solely for the parking of passenger automobiles.
- c. No commercial repair work or service of any kind shall be conducted on said parking lot.
- d. No sign of any kind other than signs designating entrances, exits, and conditions of use, shall be maintained on said parking lot.
- e. Each entrance to and exit from said parking lot shall be at least twenty feet distant from any adjacent property located in any residential district, except where egress and ingress to the parking lot is provided from a public way or public alley separating the residential areas from the proposed parking lot.
- f. In addition to the foregoing requirements, such parking lots shall conform to any further requirements and conditions as may be prescribed by the City Council for the protection of properties adjacent to and in the vicinity of the proposed parking lot.

**8.3-6 DESIGN AND MAINTENANCE:**

**8.3-6.1 PARKING SPACE – DESCRIPTION:** A required off-street parking space shall be an area of not less than one hundred sixty-two square feet nor less than eight and one-half feet wide by nineteen feet long, exclusive of access drives or aisles, ramps, columns, or office and work areas, accessible from streets or alleys, or from private driveways or aisles leading to streets or alleys, and to be used for the storage or parking of passenger automobiles or commercial vehicles under one and one-half ton capacity. Aisles between vehicular parking spaces shall be not less than twelve feet in width when serving automobiles parked at a forty-five degree angle in one direction, nor less than

twenty feet in width when serving automobiles parked perpendicular to the aisles and accommodating two-way traffic.

**8.3-6.2 MEASUREMENT OF SPACE:** When determination of the number of required off-street parking spaces results in a requirement of a fractional space, any fraction up to and including one-half shall be interpreted as one parking space.

**8.3-6.3 OPEN AND ENCLOSED SPACES:** Parking areas may be open or enclosed, except that when parking facilities accessory to a Residential District are located in a Residential District elsewhere than on the same zoning lot with the principal use served, such parking facilities shall be open to the sky.

**8.3-6.4 ACCESS:** Parking facilities shall be designed with appropriate means of vehicular access to a street or alley in such a manner as will least interfere with movement of traffic. No driveway or curb cut in any district shall exceed twenty-five feet in width.

**8.3-6.5 SIGNS:** No signs shall be displayed in any parking area within any Residential District, except such as may be necessary for the orderly use of the parking facilities.

**8.3-6.6 REQUIRED SETBACKS:** No parking space, nor portion thereof, established on the same zoning lot with a building shall be located within a required front yard. No parking spaces nor portion thereof established on a zoning lot without a building shall be located closer to any street line than the established building line on adjacent properties nor closer than the front yard setback required for the district in which the parking lot is located. Further, any wall, fence, or hedge developed around any parking area shall be subject to the front yard setback requirements of this ordinance in the same manner as a building or structure.

**8.3-6.7 SURFACING:** All open, off-street parking areas, except those accessory to single-family dwellings, shall be improved with a compacted macadam base, not less than four inches thick, surfaced with asphaltic concrete or some comparable all-weather, dustless material.

**8.3-6.8 LIGHTING:** Any lighting used to illuminate an off-street parking area shall be so arranged as to direct the light away from adjoining properties.

**8.3-7 "SPECIAL USE" PUBLIC PARKING AREAS:** Any automobile parking area developed for transient trade, and not accessory to specific main uses or groups of uses for which parking is required by this ordinance, shall be treated as a "Special Use" as defined in Subsection 14.6 and as allowed in accordance with the provisions of Section 14 by the City Council.

## 8.4 ADDITIONAL REGULATIONS (LOADING):

Any non-residential structure hereafter erected or enlarged to exceed forty thousand square feet of gross floor area shall provide off-street loading and unloading facilities as directed by the Building Commissioner and approved by the Plan Commission.

## 8.5 LOCATION OF PARKING AREAS

**8.5-1 EXTENT OF CONTROL:** Off-street automobile parking facilities shall be located as hereinafter specified; where a distance is specified, such distance shall be walking distance measured from the nearest entrances of the building that said parking area is required to serve.

**8.5-1.1** For one and two-family dwellings – on the same lot with the buildings they are required to serve.

**8.5-1.2** For three and four-family dwellings not over two stories in height – on the same lot or parcel of land as the building they are required to serve. For purposes of this requirement, a group of such uses constructed and maintained under single ownership or management shall be assumed to be on a single lot or parcel of land.

**8.5-1.3** For apartment houses containing four or more dwelling units, on the same lot or parcel of land as the building they are required to serve, or on a separate lot or parcel of land not more than three hundred feet from the nearest entrance to the main building being served, provided the lot or parcel of land selected for the parking facilities is located in a apartment district or a less restricted district.

**8.5-1.4** For rooming houses, lodging houses, clubs, hospitals, sanitariums, orphanages, homes for the aged, convalescent homes, dormitories, sorority and fraternity houses, and for other similar uses, the off-street parking facilities required shall be on the same lot or parcel of land as the main building or buildings being served, or upon properties contiguous to the zoning lot upon which is located the building or buildings they are intended to serve.

**8.5-1.5** For uses other than those specified above, off-street parking facilities shall be provided on the same lot or parcel of land as the main building being served, or on a separate lot or parcel of land, which location shall meet with the approval of the Building Commissioner and the Plan Commission

## 8.6 SCHEDULE OF PARKING REQUIREMENTS

**8.6-1 For one and two-family dwellings** – one parking space for each family dwelling unit.

**8.6-2 For three or more family dwellings** – one parking space for each family dwelling unit.

**8.6-3 For hotels and clubs** – one parking space for each four guests or one parking space for each sleeping room or suite, plus such additional space as shall be deemed necessary by the

Building Commissioner because of any such bars, ballrooms, dining rooms, night club facilities, and the like.

**8.6-4 For tourist homes, cabins, motels** – parking space for each guest or sleeping room or suite, plus one additional space for the owner or manager on the premises.

**8.6-5 For lodging, rooming and boarding houses** – one parking space for each four guests, plus one additional space for the owner of or manager of, if resident on the premises.

**8.6-6 For private clubs or lodges (without sleeping rooms)** – parking spaces equal in number to twenty-five percent of the total membership.

**8.6-7 For fraternities, sororities, and dormitories** – one parking space for each five active members, plus one additional space for the housemother or manager.

**8.6-8 For hospitals** – one parking space for each three hospital beds, plus one parking space for each fifteen hundred square feet of gross floor area in residents' quarters, plus one additional space for each staff or visiting doctor.

**8.6-9 For sanitariums, convalescent homes, or homes for the aged** – one space for each six patient beds, plus one additional space for each staff or visiting doctor.

**8.6-10 For medical or dental clinics** – five parking spaces per doctor engaged at clinic.

**8.6-11 For mortuaries or funeral parlors** – ten parking spaces for each room used as a chapel or parlor, plus one space for each funeral vehicle maintained on the premises, plus one space for each family residing on the premises.

**8.6-12 For bowling alleys** – two parking spaces for each alley, plus one parking space for each three hundred feet of floor area devoted to affiliated uses such as bars, restaurants, and the like.

**8.6-13 For convention halls, dance halls, skating rinks, assembly halls, exhibition halls, or other places of assembly** – one parking space for each one hundred square feet of floor area used for assembly.

**8.6-14 For stadiums, sports arenas, auditoriums, or gymnasiums (other than those incidental to a school)** – one parking space for each eight seats.

**8.6-15 For theaters:**

- a. **Indoor** – one parking space for each ten seats up to five hundred, plus one parking space for each five seats above five hundred.
- b. **Outdoor** – reservoir space equal to ten percent of the capacity.

**8.6-16 For church, high school, college, or university auditoriums** – one parking space for each twelve seats provided in said buildings or structures.

**8.6-17 For airports, railroad passenger stations, bus depots, or other passenger terminal facilities (Special Uses)** – such parking space as the City Council, subject to the recommendations of the Plan Commission, shall deem to be adequate for employees, passengers, spectators, visitors, and others.

**8.6-18 For banks, business or professional offices, or public administration buildings** – one parking space for each six hundred square feet of retail floor area.

**8.6-19 For retail stores and service shops (individual or in groups) under one roof** – one parking space for each six hundred square feet of retail floor area.

**8.6-20 For furniture and appliance shops, motor vehicle sales, wholesale stores, household equipment or furniture repair shops, or machinery sales** – one parking space for each six hundred square feet of floor area.

**8.6-21 For manufacturing and industrial uses; research and testing laboratories; laundry and dry-cleaning plants; printing, binding, publishing, and issuing of newspapers, periodicals, books, and other reading matter; warehouses and storage buildings; engraving shops; assembly of materials and products; and other similar uses** – one parking space for each twelve hundred square feet of gross floor area.

## SECTION 9 – SIGNS

### 9.1 PERMITTED SIGNS – RESIDENCE DISTRICTS

In all Residence Districts, the following classes of non-flashing, non-illuminating sign are permitted in accordance with the regulations set forth hereinafter:

**9.1-1** Nameplates and Identification Signs, subject to the following:

**9.1-1.1** For one-family dwellings there shall be not more than one nameplate, not exceeding one (1) square foot in area, for each dwelling unit indicating the name or address of the occupant or a permitted occupation.

**9.1-2** “For Sale,” “To Rent” Signs, subject to the following:

**9.1-2.1** There shall be not more than one such sign per lot, except that on a corner lot two signs, one facing each street shall be permitted. No sign shall exceed eight square feet in area nor be closer than eight feet to any other zoning lot.

**9.1-2.2** No sign shall project beyond the property line into the public way.

**9.1-2.3** No sign shall project higher than seven feet above curb level.

**9.1-3** Church Bulletins, subject to the following:

**9.1-3.1** There shall be not more than one sign per lot, except that on a corner lot two signs, one facing each street shall be permitted. No sign shall exceed eighteen square feet in area nor be closer than eight feet to any other zoning lot.

**9.1-3.2** No sign shall project beyond the property line into the public way.

**9.1-3.3** No sign shall project higher than seven feet above curb level.

## **9.2 PERMITTED SIGNS – BUSINESS DISTRICTS**

**9.2-1** Permitted Signs, B-1 Districts. In the B-1 Districts, business signs are permitted, subject to the following:

**9.2-1.1** All signs and nameplates permitted in the Residential District.

**9.2-1.2** The gross area in square feet of all signs on a zoning lot shall not exceed three times the lineal feet of frontage of such zoning lot. The gross area of all flashing signs shall not exceed two times the lineal frontage of such lot.

**9.2-1.3** The sign or signs shall front the principal street, a parking area, or in the case of a corner building on that portion of the side street wall within fifty feet of the principal street.

**9.2-1.4** Signs suspended from any building shall not project more than thirty-six inches beyond the building line and the bottom of such sign shall not be less than eight feet above the finished grade of the sidewalk. Any sign projecting or suspended from a building shall not exceed twelve feet in height and its location and arrangement shall be subject to approval by the Building Commissioner. No sign except those suspended from buildings shall be erected or placed between the street line and the building line.

## **9.3 PERMITTED SIGNS – MANUFACTURING DISTRICTS**

**9.3-1** Permitted Signs, M-1 Districts. In the M-1 Districts, the regulations governing signs in the B-1 Districts shall apply.

**9.3-2** Billboards and poster panels having a sign area not exceeding two hundred and seventy-five square feet shall be permitted, provided the locations of their sites and the limitations of the time of their use and all other terms and conditions thereof are first approved as provided in this section.

## **9.4 SIGNS ON MARQUEES, CANOPIES, AND AWNINGS**

**9.4-1** Restrictions imposed by this section on the projection of signs across property lines into the public way shall not apply, except in Residence Districts, to signs located on marquees or canopies, provided that any signs located on a marquee or canopy shall be affixed flat to the surface thereof, and further, that no such sign shall extend vertically or horizontally beyond the limits of said marquee or canopy, except that individual, free-standing letters may project to a height not exceeding twenty-four inches above same.



**9.4-2** Restrictions imposed by this section on the projection of signs across property lines into the public way shall not apply, except in Residence Districts, to signs located on awnings, provided that any sign located on an awning shall be affixed flat to the surface thereof, shall be non-illuminated and non-flashing, and shall indicate only the name and address of the establishment on the premises. Further, no such sign shall extend vertically or horizontally beyond the limits of said awning.

## **9.5 SIGNS ON PYLONS, STANDARDS, CLOCKS, AND SUPPORTS**

Signs, clocks, or advertising devices erected upon standards or separate supports shall be placed so as to be entirely within the property lines of the premises upon which they are located, and no part of such sign or standard shall have a total height greater than twenty feet above the level of the street upon which the sign faces or above the adjoining ground level if such ground level is above the street level, nor shall the surface of such signs exceed an area of one hundred square feet.

## **9.6 SIGNS ON MASONRY PYLONS**

Signs may be placed on the face of a masonry pylon when the pylon is constructed as an integral part of the building and such pylon does not project above the roof line more than twelve feet and the type, design, and construction of the pylon complies with all of the requirements of this ordinance.

# **SECTION 10 – RESIDENTIAL DISTRICT**

## **10.1 PURPOSE**

The Residential district set forth herein is established in order to protect public health and promote public safety, convenience, comfort, morals, prosperity, and welfare. There general goals include, among others, the following specific purposes:

- a. To protect residential areas against fire, explosion, noxious fumes, offensive odors, noise, smoke, vibrations, dust, heat, glare, and other objectionable factors.
- b. To protect residential areas to the extent possible and appropriate in each area against unduly heavy motor vehicle traffic, especially through-traffic, and to alleviate congestion by promoting off-street parking.
- c. To protect residential areas against undue facilities by controlling the density of population through regulation of the bulk of buildings.
- d. To protect and promote the public health and comfort by providing for ample light and air to buildings and the windows thereof.
- e. To promote public comfort and welfare by providing for usable open space on the same zoning lot with residential development.
- f. To provide sufficient space in appropriate locations to meet the probable need for future residential expansion and to meet the need for necessary and desirable services in the vicinity of residences, which increase safety and amenity for residents and which do not exert objectionable influences.

- g. To promote the best use and development of residential land in accordance with a comprehensive land use plan, to promote stability of residential development, protect the character of desirable development, and protect the value of land and improvements and so strengthen the economic base of the City.

## 10.2 PERMITTED USES

- a. One-family detached dwellings
- b. Two-family dwellings
- c. Multiple-family dwellings
- d. Accessory buildings, as defined herein, and as regulated by Section 7.
- e. Home occupations as defined in this Ordinance
- f. Private gardens, including truck gardens and other horticultural uses, the operation of which involves no building other than the accessory building normally located on the premises.
- g. Churches, rectories or parish houses
- h. Boarding houses, lodging houses and tourist homes, having not more than four rooms to rent.
- i. Off-street parking facilities, as required or permitted in Section 8.
- j. Signs as defined and regulated in Section 9.
- k. Planned residential developments, as defined in Section 3.
- l. Temporary buildings, equipment and materials for uses incidental to construction work, which buildings, equipment and materials shall be removed upon completion or abandonment of such work or after a period not to exceed one (1) year.

## 10.3 SPECIAL USES

The following uses may be allowed by special use permit in accordance with the provisions of Section 14.

- a. Hospitals, clinics and nursing homes.
- b. Hotels and motels.
- c. Funeral homes.
- d. Schools, public and private.
- e. Railroad rights-of-way.
- f. Parks and playgrounds.
- g. Libraries and museums.
- h. Offices of professional persons, including physicians, dentists, chiropractors, osteopaths, lawyers, architects, real estate brokers and insurance agents.
- i. Barber shops and beauty parlors.
- j. Public utility facilities necessary to serve areas or districts in which they are located.
- k. Recreation building or community center, municipally operated or privately owned, when operated not for profit.

- I. Mobile home (commonly referred to as a trailer) when located within a trailer court established and operated in accordance with State of Illinois specifications, or when located on any other site for which prior and unanimous consent has been obtained from property owners and residents within a radius of three hundred (300) feet from the center of said mobile home lot and which document of consent shall be filed with the application for the special use permit pertaining to said mobile home.

## 10.4 HEIGHT OF BUILDINGS

**10.4-1** Dwelling – no dwelling shall be erected or altered which exceeds by more than one story the average height of other existing dwellings within that block.

**10.4-2** Other buildings – no buildings shall hereafter be erected or structurally altered to exceed three (3) stories nor shall it exceed thirty-five (35) feet in height, except churches for which the maximum height of towers and steeples shall be one hundred (100) feet and the maximum height for main structures shall be sixty-five (65) feet.

## 10.5 LOT SIZE

**10.5-1** Every dwelling or mobile home hereafter erected or structurally altered shall be on a lot having an area of not less than five thousand eight hundred (5,800) square feet and a width at the established building line of not less than sixty-six (66) feet, except as provided in Subsection 5.4.

**10.5-2** Other buildings hereafter erected or structurally altered shall be on a lot having an area of not less than nine thousand five hundred (9,500) square feet and a width at the established building line of not less than seventy-five (75) feet.

## 10.6 YARD AREAS

No building shall be erected or enlarged unless the following yards are provided and maintained in connection with such building, structure or enlargement:

**10.6-1** Front yard – there shall be a front yard having a depth of not less than twenty-five (25) feet, provided, however, that where the average depth of the front yards of previously established homes fronting on any one side of the given street in said block exceeds or is less than twenty-five (25) feet, the depth of the front yard required under this ordinance for such lot shall be with the average depth. In no case shall a front yard of more than forty (40) feet be required.

**10.6-2** Side yard – there shall be a side yard on each side of not less than ten (10) percent of the width of the lot, but not less than six and one-half (6 ½) feet on each side, clear of all projections, including chimneys, porches, permanent awnings and other obstructions.

**10.6-2.1** Side yard corner lots – there shall be maintained a side yard of not less than fifteen (15) feet on the side adjacent to the street which intersects the street upon which the dwelling, building or structure maintains frontage.

**10.6-2.2** In the case of a reversed corner lot, there shall be maintained a setback from the side street of not less than fifty (50) percent of the front yard required on the lots in the rear of such corner lots, but such setback need not exceed fifteen (15) feet. No accessory building on said reversed corner lot shall project beyond the front yard required on the adjacent lot to the rear, nor be located nearer than five (5) feet to the side lot line of said adjacent lot.

**10.6-3** Rear yard – every lot or parcel of land upon which a building is constructed shall have a rear yard of not less than twenty-five (25) feet.

## **10.7 DWELLING STANDARDS**

**10.7-1** Every one-story dwelling hereafter erected shall have a total ground-floor area of not less than seven hundred and twenty (720) square feet measured from the outside of the exterior walls, including utility rooms, but excluding cellars, basements, open porches, breezeways, garages and other spaces that are not used frequently or during extended periods for living, eating or sleeping purposes.

**10.7-2** Every dwelling of more than one story hereafter erected shall have a total floor area, measured from the outside of the exterior walls, of not less than nine hundred (900) square feet, including utility rooms, but excluding cellars, basements, open porches, breezeways, garages and other spaces that are not used frequently or during extended periods for living, eating or sleeping purposes, except that enclosed space intended for habitable rooms which are to be completed within a reasonable time may be considered in computing such floor areas.

**10.7-3** Every mobile home (commonly referred to as a trailer) designed, occupied and used only as a permanent dwelling hereafter located in any trailer court or on any lot or parcel of land shall have a ground floor area of not less than four hundred and fifty (450) square feet measured from the outside of the exterior walls, but excluding any temporary or permanent additions, such as porches, patios or other enclosed or partially enclosed areas not used frequently or during extended periods for living, eating or sleeping purposes.

## **SECTION 11 – BUSINESS DISTRICTS**

### **11.1 Purpose**

The Business Districts set forth herein are established to protect public health, to promote public safety, comfort, convenience and the general welfare, and to protect the economic base of the City and value of property. These general purposes include among others the following specific objectives:

- a. To promote the most desirable use of land in accordance with a well considered plan so that adequate space is provided in appropriate locations for the various types of business uses, thereby protecting and strengthening the economic base of the city.
- b. To place in separate districts those businesses which may create noise, odors, hazards, unsightliness or which may generate excessive traffic.

- c. To permit selected business uses in districts where adjacency to or inclusion in a residential area has sufficient elements of service and convenience to such area to offset the disadvantage.
- d. To encourage the grouping in appropriate locations of compatible business uses which will tend to draw trade that is mutually interchangeable and so promote public convenience and business prosperity and contribute to the alleviation of traffic and pedestrian congestion.
- e. To provide for the establishment of off-street parking facilities, permitted and required, so as to alleviate traffic congestion and so promote shopping convenience and business prosperity.

## **11.2 B1 BUSINESS DISTRICT – RETAIL AND LIMITED SERVICE**

### **11.2-1 PERMITTED USES**

- a. Stores, shops, showrooms and salesrooms for the conduct of general retail sales and services (food stuff, wearing apparel, household furnishings and appliances and other items normally sold at retail).
- b. Dwelling units provided they are located above the first floor and above a permitted business use, or are located in the basement. Dwelling units shall not be permitted on the ground floor of business buildings or in the rear of business establishments on the ground floor.
- c. Automobile accessory stores.
- d. Bakery shops, including the baking and processing of food products for sale at retail.
- e. Banks and other financial institutions, including currency exchanges and savings and loan associations.
- f. Barber shops, beauty shops, chiropody, massage or other similar personal service shops.
- g. Bowling alleys, billiard and pool rooms, dance halls, gymnasiums, meeting halls, lodge rooms and meeting places of clubs and other organizations, provided they are located in a basement or above the first floor and above a business permitted in this section. Said uses may be located on the ground floor when a permitted business establishment occupies street frontage except for an entranceway to the rear use.
- h. Candy and ice cream shops.
- i. Custom dressmaking, millinery, tailoring or shoe repair when conducted for retail sales on the premises only.
- j. Dry cleaning and pressing establishments when employing facilities for the cleaning and pressing of not more than fifteen hundred (1500) pounds of dry goods per day, and when using perchlorethylene or other non-flammable, non-toxic solvents approved by the Fire Department.
- k. Florist shops and conservatories for retail trade on the premises only.

- l. Heating and plumbing establishments.
- m. Hotels, including dining and meeting rooms.
- n. Interior decorating shops, including upholstery and making of draperies, slip covers, and other similar articles, when conducted as part of the retail operations and secondary to the main use.
- o. Launderettes and Laundromats.
- p. Loan offices when located above the first floor.
- q. Newspaper publication offices and printing shops.
- r. Offices, business and professional, including medical clinics.
- s. Photography studios, including the developing of film and the printing of pictures when conducted as a part of the retail business.
- t. Post office.
- u. Public Utility collection office and display rooms
- v. Restaurants and other eating establishments, commonly known as cafes, lunchrooms, coffee shops, etc.
- w. Repair service establishments.
- x. Signs, as defined and regulated in Section 9.
- y. Schools, business, commercial and trade, when located above the first floor.
- z. Telegraph office.
- aa. Telephone office and telephone booths.
- bb. Taverns.
- cc. Theatres, indoor.
- dd. Undertaking establishments.
- ee. Any other similar type retail store or service establishment not specifically listed herein, and which has economic compatibility with the established uses on adjoining property.

### **11.2-2 HEIGHT OF BUILDINGS**

No building or structure shall be erected or structurally altered to exceed a height of three (3) stories, nor shall it exceed thirty-five (35) feet in height. Parapet walls, chimneys, cooling towers, elevator bulkheads, stacks and necessary mechanical appurtenances may be erected over and above the maximum height of thirty-five (35) feet, provide they are constructed in accordance with all other ordinances of the City.

### **11.2-3 YARD AREAS**

No building shall be constructed or enlarged unless the following yards are provided and maintained in connection with such building:

**11.2-3.1** Front yard – no front yard shall be required when all frontage between two intersecting streets lies within this district. However, when lots within this district are adjacent to and adjoining lots in the R District, all of which front upon the same street between two intersecting streets, there shall be established the same front yard setback for all of the frontage as has been established in the R District, excepting when existing

buildings located in this district have already established a building line at the street line at a depth less than required above then all new buildings may conform to the same building line except for the first fifty (50) feet of the B-1 District frontage adjacent to the R District, whereupon there shall be provided a front setback of not less than ten (10) feet.

**11.2-3.2** Side yard – no side yard is required except for a corner lot which abuts upon the R District, or upon an alley separating this district from the R District. There shall then be provided a side yard equal to one-half the front yard required in the abutting R District, but in no case more than ten (10) feet. The setback shall also apply if the business building fronts the intersecting street, commonly referred to as the side street.

**11.2-3.3** Rear yard – no rear yard is required, except on a lot abutting a lot in the R District, in which case a rear yard of twenty-five (25) feet shall be required.

## **11.3 B2 BUSINESS DISTRICT – GENERAL SERVICE**

### **11.3-1 PERMITTED USES**

- a. Any use permitted in the B-1 District
- b. Agricultural implement sales and services.
- c. Air conditioning and heating sales and service.
- d. Automobile service stations.
- e. Automobile and truck sales and service shops, including body repair and rebuilding, or painting.
- f. Beverage, non-alcoholic, bottling and distributing.
- g. Bookbinding, blue-printing and photostatting establishments.
- h. Bicycle and motorcycle sales and repair.
- i. Boat showrooms.
- j. Building material sales, including plumbing, heating and roofing materials.
- k. Catering establishments.
- l. Contractor's offices and shops, where no fabricating is done on the premises and where all storage of material is within a building.
- m. Exterminating shops.
- n. Feed and seed stores, wholesale.
- o. Garages, public, for storage of private passenger vehicles and trucks.
- p. Glass cutting and glazing establishments.
- q. Laboratories, commercial (medical, dental, research, experimental and testing).
- r. Motels.
- s. Parcel delivery stations.
- t. Pet shop, kennel, or animal hospital, when conducted wholly within an enclosed building.
- u. Poultry and rabbit killing for retail sale on premises only, when conducted wholly within an enclosed building.

- v. Processing or assembly limited to the following, provided that space occupied in a building does not exceed six thousand (6,000) square feet of total floor and basement space, not including stairwells or elevator shafts; and provided such processing or assembly can be conducted without noise, vibration, odor, dust or any other condition which might be disturbing to occupants of adjacent buildings. When manufacturing operations of the same or similar products demand space exceeding six thousand (6,000) square feet, they shall be located in the Manufacturing District:
1. Advertising displays.
  2. Awnings, venetian blinds and window shades.
  3. Brushes and brooms.
  4. Bakeries, wholesale.
  5. Cosmetics, drugs and perfumes.
  6. Electrical equipment, appliances.
  7. Food processing, packaging and distribution.
  8. Jewelry.
  9. Medical and dental supplies.
  10. Optical goods and equipment.
  11. Pattern making.
  12. Scientific and precision instruments.
  13. Products from finished materials, such as plastic, bone, cloth, cork, feathers, felt, fiber, paper, fur, glass, hair, leather, precious and semi-precious stone, rubber, shell or yarn.
  14. Radio and television broadcasting stations.
  15. Recreation places, including bowling alleys, dance halls, gymnasiums, skating rinks, archery ranges, golf practicing ranges, miniature golf courses, or other similar places of entertainment when operated for pecuniary profit.
  16. Restaurants, drive-ins, car service.
  17. Sheet metal shops, provided floor area occupied does not exceed six thousand (6,000) square feet.
  18. Signs, as defined and regulated in Section 9.
  19. Silver plating and repair shops.
  20. Trailer sales or rental (home trailers or mobile homes) on an open lot or within a building.
  21. Used passenger automobile sales on open lot or in a building.
  22. Uses customarily incidental to any of the above uses and accessory buildings when located on the same premises.

### **11.3-2 SPECIAL USES**

The following uses may be allowed by special use permit in accordance with provisions of Section 14.



- a. Planned business developments, as defined in Section 3.
- b. Public utilities and public service uses, including:
  1. Electric substations.
  2. Fire stations.
  3. Police stations.
  4. Public libraries.
  5. Water pumping stations.
  6. Water reservoir (completely enclosed).

### **11.3-3 HEIGHT OF BUILDINGS**

No building or structure shall be erected or structurally altered to exceed a height of three (3) stories, nor shall it exceed forty-five (45) feet in height.

### **11.3-4 YARD AREAS**

The same regulations shall apply as required or permitted in the B-1 Business District.

## **SECTION 12 – MANUFACTURING DISTRICT**

### **12.1 PURPOSES**

The Manufacturing Districts set forth herein are established to protect public health, safety, comfort, convenience, and the general welfare, and to protect the economic base of the City, as well as the value of real estate, by regulating manufacturing development in appropriate locations. These general objectives include, among others, the following specific objectives:

- a. To protect established residential areas, and the health of families living therein, by restricting those nearby manufacturing activities which may create offensive noise, vibration, smoke, dust, odors, heat, glare, fire hazards, and other objectionable influences to those areas which are appropriate.
- b. To provide adequate space in appropriate locations for most types of manufacturing and related activities so that the economic structure of the community may be strengthened, and that employment opportunities may be found in the interest of public prosperity and welfare.
- c. To provide more space for manufacturing activities in locations accessible to rail and highways, so that the movement of raw materials, finished products and employees can be carried on efficiently and with a minimum danger to public life and property.
- d. To establish proper standards of performance, which will restrict obnoxious manufacturing activities, while at the same time encourage and permit the manufacturing activities which have adopted facilities for the processing of finished products without adversely affecting the health, safety, convenience, and welfare of the people living and working in nearby areas.

- e. To protect manufacturing districts from incompatible use of land by prohibiting the use of such space for new residential development, thereby preserving the land for a more appropriate use in accordance with the plans for City improvement and development.
- f. To promote the most desirable use of land in accordance with a well considered plan of land use for all of the City, to conserve the use of property, to promote stability of manufacturing activities and related development, to protect the character and established development in each area of the community, to enhance and stabilize the value of land, and to protect the tax base of the City.

## **12.2 M1 MANUFACTURING DISTRICT, LIMITED**

### **12.2-1 PERMITTED USES**

Since most uses permitted in this district will be in proximity to residential districts, it is hereby declared that performance standards shall be high, and that all manufacturing, processing or assembly of materials and products must be carried on in a manner not injurious or offensive to the occupants of adjacent premises by reason of the emission of odors, fumes or gases, dust, smoke, noise or vibrations or fire hazards. Therefore, the following uses may be permitted, provided there is compliance with the performance standards established herein:

- a. Any use permitted in a B District, but not including residences or apartments, except such dwelling accommodations as may be needed to house a caretaker or watchman employed on the premises and his family.
- b. Artificial limb manufacture.
- c. Automobile painting, upholstering, repairing, reconditioning, and body and fender repairing when done within the confines of a structure.
- d. Apparel and other products manufactured from textiles.
- e. Batteries, manufacturing and rebuilding.
- f. Bedsprings and mattress manufacture.
- g. Belting.
- h. Bicycle manufacture.
- i. Blacksmith or welding shops.
- j. Brooms and brushes.
- k. Boat building and repair.
- l. Building equipment, building materials, lumber, coal, sand and gravel yards, and yards for contracting equipment, maintenance or operating equipment of public agencies or public utilities, or materials or equipment of a similar nature.
- m. Bus line shops and garages.
- n. Canning and preserving.
- o. Canvas and canvas products.
- p. Carpet and rug cleaning.
- q. Carpet manufacture.
- r. Carting, express hauling or storage yards (delivery in Galva area only).
- s. Cement block manufacture.

- t. Ceramic products, pottery and glazed tile.
- u. Chick hatcheries.
- v. Cleaning and dyeing establishments when employing facilities for handling more than one thousand pounds of dry goods per day.
- w. Cigarettes and cigars.
- x. Coated fabrics, except rubberized.
- y. Cork and cork products.
- z. Creameries and dairies.
- aa. Drapery and bedding manufacture.
- bb. Drugs and pharmaceutical products.
- cc. Electric motors and generators.
- dd. Engraving.
- ee. Felt manufacture.
- ff. Fur goods, not including tanning or dyeing.
- gg. Glass products, from previously manufactured glass.
- hh. Grain elevators.
- ii. Heating appliances and sheet metal products, including stoves and ranges.
- jj. Hosiery manufacture.
- kk. Laundries, more than one thousand pounds daily capacity.
- ll. Machine shops and metal products manufacture, when not equipped with heavy (exceeding fifty ton pressure) punch presses, drop forges, riveting and grinding machines or any other equipment which may create noise, vibration, smoke, odors, heat, glare, or fire hazards exceeding the performance standards made part of this section.
- mm. Metal polishing and plating.
- nn. Musical instruments, pianos, organs.
- oo. Perfumes and cosmetics.
- pp. Paper and plastic products.
- qq. Public utility electric substations and distribution centers, gas regulation centers and underground gas holder stations.
- rr. Rubber products (small) such as washers, gloves, footwear and bathing caps, but excluding rubber and synthetic rubber processing.
- ss. Shoes and boots.
- tt. Signs as defined and regulated in Section 9.
- uu. Storage of household goods.
- vv. Storage and sale of trailers, farm implements, and other similar products on an open lot.
- ww. Sporting and athletic equipment.
- xx. Storage of flammable liquids, fats, or oils in tanks, each of fifty thousand gallons or less capacity, but only after the location and protective measures have been approved by local governing authorities.
- yy. Stone, marble, and granite grinding and cutting.
- zz. Textiles (spinning, weaving, dyeing and printing).

- aaa. Tools and hardware, such as hand tools, bolts, nuts, screws, cutlery, house hardware, locks, and plumbing appliances.
- bbb. Tool and die shops.
- ccc. Truck, tractor, trailer, or bus storage yard, but not including a truck terminal which shall be treated as a “Special Use”.
- ddd. Toys and children’s vehicles.
- eee. Wire brush manufacture.
- fff. Any other manufacturing establishment that can be operated in compliance with the requirements of this section, without creating objectionable noise, odors, dust, smoke, gas, fumes, or vapor and that is a use compatible with the use and occupancy of adjoining properties.

### 12.2-2 SPECIAL USES

The following uses may be allowed by special use permit in accordance with the provisions of Section 14.

- a. Any use which may be allowed in the B-1 District or B-2 District.
- b. Planned developments, industrial.
- c. Airports or aircraft landing fields.
- d. Stadiums, auditoriums, and arenas.
- e. Outdoor theaters.
- f. Public or privately owned and operated fairgrounds, permanent carnivals, “kiddie parks”, or other similar amusement centers.

### 12.2-3 HEIGHT

No building or structure shall be erected or structurally altered to exceed a height of three stories, nor shall it exceed forty-five (45) feet in height, except as provide in Section 5.

### 12.2-4 AREA

The maximum ground area occupied by all buildings shall be not more than eighty percent (80%) of the area of the lot or tract on which a building permit has been issued.

**12.2-4.1 Front yard** – there shall be a front yard having a depth of not less than twenty-five (25) feet wherein there shall be no structure of any kind, open storage of materials or equipment, or the parking of vehicles.

**12.2-4.2 Side yard** – There shall be a minimum side yard of not less than fifteen (15) feet, on both sides of the building or buildings, but where the property is adjacent to an R District, there shall be a side yard of not less than twenty-five (25) feet on the side nearest to residential lots. The parking of private automobiles may be permitted within the side yard areas, but not closer than five feet to any lot zoned for residential use.

**12.2-4.3 Rear yard** – a rear yard is not required except where a lot abuts upon an R District, in which case there shall be a rear yard of not less than thirty (30) feet, and no

storage of automobiles shall take place within the ten feet closest to any lot zoned for residential use.

#### **12.2-5 PERFORMANCE STANDARDS**

Since most uses in this district will be in proximity to residential districts, it is hereby declared that performance standards shall be high, and that all manufacturing, processing or assembly of material and products must be carried on in a manner not injurious or offensive to the occupants of adjacent premises by reason of the emission of odors, fumes or gases, dust, smoke, noise or vibrations, or fire hazards.

### **12.3 M2 MANUFACTURING DISTRICT, GENERAL**

#### **12.3-1 PERMITTED USES**

The uses permitted in this district generally include those manufacturing and industrial activities which cannot be operated economically without creating some conditions which may be objectionable or obnoxious to the occupants of adjoining properties, and for that reason must be grouped in areas where similar industrial uses are now located and where the permitted uses will be best located in accordance with the comprehensive land use plan of the City, which is designed to protect the welfare of the community. Therefore, the following uses may be permitted:

- a. Any use permitted in the M-1 District.
- b. Aircraft, assembly and testing of fuselage and motors.
- c. Automobiles, trucks and trailers.
- d. Asphalt mixing plants.
- e. Box and crate manufacture.
- f. Brick, tile, and terra cotta manufacture.
- g. Building materials such as prefabricated houses, composition wallboards, partitions, and panels.
- h. Cement products.
- i. Chemicals, not including those which may be flammable or explosive.
- j. Coffin manufacture.
- k. Cooperage works.
- l. Corrugated metal products.
- m. Dyes, aniline, ink pigments and others.
- n. Feed milling and processing.
- o. Foundries, brass and metal, and castings.
- p. Glass blowing and manufacture.
- q. Graphite and graphite products.
- r. Hemp products.
- s. Ink from primary raw materials, including colors and pigment.
- t. Linoleum.
- u. Lumber, preserving treatment, processing, sawmills and planing mills.

- v. Metal stamping and extrusion of metal products.
- w. Machinery, heavy manufacturing and repair, including electrical, construction, mining, and agricultural.
- x. Meat and fish products, packing and processing of, but not including slaughtering and glue and size manufacturing.
- y. Motor testing and internal combustion motors.
- z. Porcelain products, such as bathroom and kitchen equipment.
- aa. Railroad equipment, such as railroad car and locomotive manufacture.
- bb. Rubber products, including tires and tubes and tire recapping.
- cc. Wax products, manufactured from paraffin.
- dd. Wool scouring and pulling.

### **12.3-2 SPECIAL USES**

The following uses may be allowed by special use permit in accordance with provisions of Section 14:

- a. Any use which may be allowed as a special use in the M-1 Districts, unless already permitted under Section 12.3-1.
- b. Areas for the dumping or disposal of garbage, refuse, or trash, provided the sanitary land fill method is used.
- c. Extraction of gravel, sand, or other raw materials.

### **12.3-3 HEIGHT**

No building or structure shall hereafter be erected or structurally altered to exceed a height of four stories or sixty-five (65) feet, except as provided in Section 5.

### **12.3-4 AREAS**

**12.3-4.1 Front yard** – no front yard shall be required when all of the frontage on one side of the street between intersecting streets, a public area or a railroad right-of-way is located in an M-2 Manufacturing District. Where the frontage on one side of a street between two intersecting streets is located partially in an M-2 District and partially in some other use district the other District shall apply to the M-2 District.

**12.3-4.2 Side yard** – same as required in the M-1 Manufacturing District.

**12.3-4.3 Rear yard** – same as required in the M-1 Manufacturing District.

## **SECTION 13 – ADMINISTRATION**

### **13.1 ENFORCING OFFICER**

The Building Commissioner of the City of Galva is designated as the Zoning Administrator of said City to be responsible for enforcing this Zoning Ordinance. Said Building Commissioner shall have the power to see that the provisions of this Ordinance are properly enforced.

## **13.2 BUILDING PERMITS, CERTIFICATES OF COMPLIANCE, AND USE PERMITS**

### **13.2-1 BUILDING PERMIT**

No building or structure shall hereafter be erected or structurally altered until a building permit shall be issued by the Building Commissioner stating that the building or structure, and use of land, comply with the regulations of this Ordinance and all building and health laws and ordinances of the City of Galva.

All applications for building permits shall be accompanied by a plat in duplicate drawn to scale showing the actual dimensions of the building, or structure, to be erected or structurally altered, its location on the lot or lots, and such other information as may be necessary to provide for the enforcement of these regulations.

A careful record of such applications and plats shall be kept in the office of the Building Commissioner.

### **13.2-2 CERTIFICATE OF COMPLIANCE**

No building or structure hereafter erected or structurally altered shall be occupied and used until a certificate of compliance has been issued by the Building Commissioner. The certificate of compliance shall be issued only after the Building Commissioner makes a finding that the building or structure has been erected or structurally altered in conformance with the provisions of this Ordinance and other health and building laws, and in accordance with a building permit.

Certificates of compliance shall be applied for coincident with the application for a building permit and shall be issued within ten days after the erection and alterations of such building shall have been satisfactorily completed.

A record of all certificates shall be kept on file in the office of the Building Commissioner and copies shall be furnished, on request, to any persons having a proprietary or tenancy interest in the building affected.

Certificates for the continued occupancy of non-conforming uses existing at the time of the passage of this Ordinance shall be issued by the Building Commissioner, and the certificate shall state that the use is a non-conforming one and does not conform to the provisions of this Ordinance. The Building Commissioner shall notify the owner of property being used as non-conforming use and shall furnish said owner with a certificate of occupancy for such non-conforming use.

### **13.2-3 USE PERMIT**

No change shall be made in the use of a building or part thereof now or hereafter erected or structurally altered, or in the use of land now or hereafter occupied, without a use permit having first been issued by the Building Commissioner. No such permit shall be issued to make such change unless it is in conformity with the provisions of this Ordinance and amendments thereto hereafter duly enacted.

## **13.3 ZONING BOARD OF APPEALS**

### **13.3-1 ZONING BOARD OF APPEALS ESTABLISHED**

There is hereby established a Zoning Board of Appeals. Said Board shall consist of seven members appointed by the Mayor of the City of Galva and confirmed by the City Council of said City. The members of said Board shall serve respectively for the following terms:

- a. One for one year.
- b. One for two years.
- c. One for three years.
- d. One for four years.
- e. One for five years.
- f. One for six years.
- g. One for seven years.

The successor of each member so appointed shall serve for a term of five years. Vacancies shall be filled by the Mayor, subject to confirmation by the City Council, for the unexpired term.

Members may be removed by the Mayor for cause after written charges have been filed and after a public hearing has been held if demanded by the member so charged.

One of the members of said Board shall be designated by the Mayor, with the consent of the City Council of the City of Galva, as Chairman of said Board and shall hold said office as Chairman until a successor is appointed. Such chairman, or in his absence, the Acting Chairman, may administer oaths and compel the Attendance of witnesses.

The City Clerk shall act as clerk of the Board and shall make and keep a record of all its meetings and official acts.

### **13.3-2 MEETINGS**

All meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. There shall be at least fifteen days, but not more than thirty days, notice of the time and place of such meeting published in a paper of general circulation in the City of Galva; said notice to contain a statement of the particular purpose of such meeting and a brief description of the location of the property or properties under consideration at such meeting.

All meetings of the Board shall be open to the public.

The Board shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact; and shall also keep record of its examinations and other official actions. Findings of fact shall be included in the minutes on each case and the reasons for granting or denying each application shall be specified.

Every rule, regulation, order, requirement, decision, or determination of the Board shall immediately be filed in the office of the City Clerk and shall be a public record.



The Board shall adopt its own rules of procedure, a copy of which and all recommendations thereto shall be filed in the offices of the City Clerk.

The minutes of the Board shall be open to public examination at reasonable hours.

Appeals are to be itemized and shall be borne by the City. In considering all appeals and all proposed variations to this ordinance, the Zoning Board of appeals shall, before recommending that the City council grant any variation from the ordinance in a specific case, first determine and make a finding of fact that the proposed variation will not:

- a. Impair an adequate supply of light and air to adjacent property,
- b. Unreasonably increase the congestion in public streets,
- c. Increase the danger of fire or endanger the public safety,
- d. Unreasonably diminish or impair established property values within the surrounding area, or
- e. Merely serve as a convenience to the applicant (but is necessary to alleviate some demonstrable hardship or difficulty), or in any other respect impair the public health, safety, comfort, morals and welfare of the inhabitants of the City of Galva.

### **13.3-3 APPEALS AND REVIEW**

Any person aggrieved by a ruling of the Building Commissioner charged with the enforcement of this ordinance or by any office, department, board, or bureau of the City concerning the interpretation of the ordinance, may take an appeal to the Zoning Board of Appeals.

The Zoning Board of Appeals shall fix a reasonable time and place for the hearing of appeals and shall give notice thereof to the persons appealing and to the officer from whom the appeal is taken. It shall hear the appeal within a reasonable time. At the hearings, parties of interest may appear in person or by agent or attorney. Such appeal shall be taken within thirty days by the Zoning Board of appeals and shall be taken by filing with the City clerk and with the Zoning Board of Appeals a notice of appeal specifying the grounds thereof, together with such plats and exhibits as are reasonably necessary. Such appeal shall be taken upon forms provided by the Zoning Board of Appeals. The City Clerk shall forthwith transmit to the Board all of the papers constituting the record upon which the action appealed was taken.

The Zoning Board of Appeals may hear appeals from and review any order, requirement, decisions or determination made by the Building Commissioner charged with the enforcement of this ordinance.

The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify or amend the order, requirement, decision, or determination appealed from to the extent and in the manner that said Board may decide to be fitting and proper in the circumstances, and to that end said Board shall also have all the powers of the officer from whom the appeal is taken.

The concurring vote of four members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Building Commissioner or to decide in favor of the applicant any matter upon which it is authorized by this ordinance to render decisions.

#### **13.3-4 VARIATIONS**

##### ***13.3-4.1 APPLICATION***

An application for a variation of the regulations of this ordinance may be made by a property owner or his agent to the Zoning Board of Appeals. Such application shall be made in writing, stating the variation requested, name of the property owner, and cause for the requested variation.

##### ***13.3-4.2 PUBLIC HEARING***

The Zoning Board of Appeals shall fix a reasonable time and place for the public hearing and shall give notice of the time and place of the public hearing, published at least once not more than thirty days and not less than fifteen days before the hearing in one or more newspapers with a general circulation within the municipality.

##### ***13.3-4.3 REPORT OF FINDINGS***

The Zoning Board of Appeals shall report its findings and recommendations to the City Council within thirty days after the public hearing.

##### ***13.3-4.4 CITY COUNCIL ACTION***

Upon receipt of the report and recommendations from the Board of Appeals, to grant or deny the variation, the Council, by ordinance, without further public hearing, may adopt the proposed variation or may refer it back to the Board for further consideration, and any proposed variation which fails to receive the approval of the Board of Appeals shall not be passed except by a favorable vote of two-thirds of all the members of the City Council.

In making any variation, the Council shall be governed by the same considerations and restrictions as set forth above. No variation in any case shall be made by the City Council without a hearing by the Zoning Board of Appeals as required herein nor without a report thereof having been made by the Board to the City Council and every such report shall be accompanied by a finding of fact specifying the reasons for the report.

#### **13.3-5 CHANGE OF ZONING**

Nothing herein contained shall be construed to give or grant to the Zoning Board the power or authority to alter or change the zoning ordinance or any use district made a part of the zoning map, such power and authority being reserved to the City Council, and the Board shall not have any power or authority with respect to any alteration or change of the zoning ordinance except

to make recommendations to the City council in such specific cases as may properly come before the Zoning Board of Appeals.

### **13.3-6 MISCELLANEOUS**

No order for a variance permitting the erection or alteration of a building shall be valid for a period longer than six months unless such use is established within such period; provided, however, that where such use permitted is dependent upon the erection or alteration of a building, such order shall continue in force and effect if a building permit for said erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

No order for a variance permitting a use of a building or premises shall be valid for a period longer than six months, unless such use is established within such period; provided, however, that where such use permitted is dependent upon the erection or alteration of a building, such order shall continue in force and effect if a building permit for said erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

## **13.4 STAY OF PROCEEDINGS**

The appeal shall stay all proceedings and furtherance of the action appealed from unless the Building Commissioner certifies to the Zoning Board of Appeals, after notice of appeal has been filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property; in which case the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Board of Appeals or by a Court of Record on application, with notice to the officer from whom the appeal is taken, and all due causes shown.

## **13.5 ADMINISTRATIVE REVIEW**

All final administrative decisions of the Board under this section shall be subject to judicial review pursuant to the provisions of the "Administrative Review Act" of the State of Illinois, approved May 8, 1945, and all amendments and modifications thereof, and the rules adopted pursuant thereto. The term "administrative decision" is defined in Section 1 of the "Administrative Review Act."

# **SECTION 14 – AMENDMENTS**

## **14.1 PETITION FOR AMENDMENT**

The City Council of the City of Galva, the Plan Commission, the Zoning Board of Appeals, and other governmental bodies, and any private petitioner may apply for an amendment in the text of this Ordinance and in the accompanying zoning map made a part of this Ordinance. Any petition for an amendment by a private party shall be accompanied by a filing fee as established by the City Council, which fee shall be deposited with the City Clerk within fifteen days after the receipt thereof and no part shall be returnable to the petitioner.

**14.2 REVIEW OF PETITION**

The regulations imposed and the zoning districts created under this Ordinance may be amended by ordinance, but no such amendment shall be made by the City Council without public notice and without a public hearing before the Plan Commission of the City of Galva. The Plan Commission shall hold the public hearing and forward the recommendations to the City Council within forty-five days of the date the petition was submitted to the Plan Commission, unless it is withdrawn by the petitioner.

**14.3 NOTICE OF PUBLIC HEARINGS**

The Plan Commission of the City of Galva shall cause notice of public hearings of petitioner’s application to be given in the following manner:

- 1. By publishing notice of the time and place of such hearing in a paper of general circulation in the City of Galva at least fifteen days prior to the hearing,
- 2. By causing said notice to contain the particular location for which the amendment is requested, as well as a brief statement describing the proposed amendment, and
- 3. By notifying such property owners, groups, or organizations as it deems desirable of the proposal.

**14.4 WRITTEN PROTEST**

In the event of written protest against the proposed amendment signed and acknowledged by the owners of twenty percent of the frontage directly opposite the frontage proposed to be altered as to such regulations or zoning district, filed with the City Clerk, such amendment shall not be passed except by the favorable vote of three-fourths of all of the members of the City Council of Galva.

**14.5 FINAL DECISION**

The City Council, without further public hearing, may adopt or deny the report of the Plan Commission for any proposed amendment, or may refer the petition back to the Plan Commission for further consideration. Any proposed amendment which fails to receive the approval of a majority of the Plan Commission members, and is so reported, shall not be passed by the City Council except by the favorable vote of three-fourths of all the elected members of the City Council.

**14.6 SPECIAL USES**

**14.6-1 PURPOSE**

The principal objective of this Zoning Ordinance is to provide for an orderly arrangement of compatible buildings and land uses, and for the proper location of all types of uses required for the social and economic welfare of the City. To accomplish this objective, each type and kind of use is classified as permitted in one or more of the various districts established by this Ordinance.

However, in addition to those uses specifically classified and permitted in each district, there are certain additional uses which it may be necessary to allow because of their unusual characteristics or the service they provide the public. These “special uses” require particular

consideration as to their proper location in relation to adjacent established or intended uses, or to the planned development of the community. The conditions controlling the location and operation of such “special uses” are established by the following provision of this sub-section.

#### **14.6-2 CONDITIONS OF APPROVAL**

The Plan Commission may recommend, and the City Council may impose, such restrictions upon the height, bulk, and area of occupancy of any structure so approved for “special use” as may be reasonable under the particular circumstances. Off-street parking facilities, as well as off-street loading and unloading spaces, may also be stipulated in the order permitting the “special use”, and all other codes and ordinances of the City must be complied with.

#### **14.6-3 PROCEDURE**

The procedure to be followed in considering applications for “special use” shall be as follows:

##### **14.6-3.1 APPLICATION**

An application verified by the owner or authorized agent of the owner of the property involved, shall be filed with the City Clerk for the attention of the Plan Commission, upon a form prescribed therefor, which shall contain, or be accompanied by all required information.

##### **14.6-3.2 PUBLIC HEARING**

Upon receipt of such verified application, the City Clerk shall notify the Chairman of the Plan Commission, or in his absence, the Vice-Chairman, who shall give notice of a public hearing in the same manner as provided for hearings on the reclassification of property, as contained in Section 13. A record of pertinent information presented at the public hearing shall be made and maintained by the Plan Commission as part of the permanent record relative to the application.

##### **14.6-3.3 DETERMINATION**

The Plan Commission shall then make its findings and recommendation to the City Council within thirty days following the date of public hearing on each application. The City Council may then authorize a “special use” as defined herein by specific ordinance, provided the evidence presented is such as to establish beyond reasonable doubt:

- a. That the proposed use at the particular location requested is necessary or desirable to provide a service or a facility which is in the interest of public convenience, and will contribute to the general welfare of the neighborhood or community; and
- b. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, or general welfare of

- persons residing or working in the vicinity, or injurious to property values or improvements in the vicinity, and
- c. That the proposed use will comply with the regulations and conditions specified in this ordinance for such use, and with the stipulations and conditions made a part of the authorization granted by the City Council.

## **14.7 PLANNED DEVELOPMENTS**

Planned Developments, as defined in Section 3, are of such substantially different character from other special uses that specific additional standards and exceptions are hereby set out to govern the recommendations of the Plan Commission and the action of the City Council.

### **14.7-1 USE EXCEPTIONS**

In the case of Residential, Business, or Manufacturing Planned Developments, the Plan Commission may recommend and the City Council may authorize that there be in part of the area of such development and for the duration of such development, specified uses not permitted by the use regulations of the district in which said development is located, provided the Plan Commission shall find:

- a. That the uses permitted by such exceptions are necessary or desirable and are appropriate with respect to the primary purpose of the development;
- b. That the uses permitted by such exception are not of such a nature or so located as to exercise a detrimental influence on the surrounding neighborhood;
- c. That not more than twenty percent of the ground area or of the gross floor area of such development shall be devoted to the uses permitted by said exceptions; and
- d. That in a Manufacturing Planned Development, such additional uses allowed by exception shall conform with the Performance Standards of the district in which the development is located.

### **14.7-2 BULK REGULATIONS**

In the case of any Planned Development, the Plan Commission may recommend and the City Council may authorize exceptions to the applicable bulk regulations of this ordinance within the boundaries of such development, provided that the Plan Commission shall find:

- a. That such exceptions shall be solely for the purpose of promoting an integrated site plan no less beneficial to the residents or occupants of such development, as well as of neighboring properties, than would obtain under the bulk regulations of this Ordinance for building developed on separate zoning lots;
- b. That the overall bulk of buildings of the development shall not exceed that prescribed in this Ordinance for the district in which it is located;
- c. That the minimum lot area per dwelling unit requirements of this ordinance shall be adhered to in any such development containing residential uses, and that there shall be available to each residential building and immediately adjacent thereto (including the

land area upon which it is erected) the minimum amount of land area per dwelling unit provisions of this Ordinance;

- d. That spacing between principal buildings shall be at least equivalent to such spacing as would be required between buildings similarly developed under the terms of this Ordinance on separate zoning lots, due consideration being given to the openness normally afforded by intervening streets and alleys; and
- e. That along the periphery of such planned developments yards shall be provided as required by the regulations of the district in which said development is located.

## **SECTION 15 – INTERPRETATION: PURPOSE AND CONFLICT**

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the safety, health, convenience, comfort, prosperity, and general welfare. It is not intended by this Ordinance to interfere with, abrogate, annul, or repeal any Ordinance, rules, or regulations previously adopted and not in conflict with any of the provisions of this Ordinance, or which shall be adopted, pursuant to law relating to the use of buildings or premises, nor is it intended by this Ordinance to interfere with, abrogate, or annul any easements, covenants, or other agreements between parties, except that where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of buildings, or requires larger open spaces than are imposed or required by such other ordinances or such easements, covenants, or other agreements, the provisions of this Ordinance shall control.

## **SECTION 16 – FEES**

Fees pertaining to petitions for zoning amendments, use permits, certificates of compliance, and variations and to appeals to the Zoning Board of Appeals shall be established by action of the City Council from time to time. Such fees shall be paid to the City Clerk, who shall give a receipt therefor and account for same at regular intervals to the City Council.

## **SECTION 17 – VIOLATIONS: PENALTY**

Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined not less than twenty-five dollars nor more than two hundred dollars for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

## **SECTION 18 – VALIDITY**

Should any section, clause, or provision of this Ordinance be declared by the Courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

## **SECTION 19 – WHEN EFFECTIVE**

This Ordinance is hereby declared to be urgent and necessary for the immediate preservation of the public peace, health, and safety, and shall be in full force and effect from and after its due passage, approval, recording, and publication as provided by law.

Passed by the City Council, and approved and signed by the Mayor, this 2<sup>nd</sup> day of July, 1963.