

**CHAPTER 40**

**ZONING CODE**

**ARTICLE I – TITLE AND PURPOSE**

**40-1-1**        **TITLE.** This Chapter shall be known and may be cited as the “Village of Broadlands, Champaign County, Illinois Zoning Code.”

**40-1-2**        **PURPOSE.** It is the purpose of this Code:

- (A)            to promote and protect the public health, safety, morals, comfort and general welfare of the people;
- (B)            to divide the Village into zones or districts restricting and regulating therein the location, erection, construction, reconstruction, alteration and use of buildings, structures and land for residences, business, manufacturing and other specified uses;
- (C)            to protect the character and stability of the residential and business areas within the Village and to promote the orderly and beneficial development of such areas;
- (D)            to regulate the intensity of use of lot areas, and to regulate the area of open spaces surrounding buildings, necessary to provide adequate light and air, and to protect the public health;
- (E)            to establish building lines and the location of buildings designed for residential, business, manufacturing and other uses within such areas;
- (F)            to affix reasonable standards to which buildings or structures shall conform therein;
- (G)            to prohibit uses, buildings, or structures incompatible with the character or development of intended uses within specified zoning districts;
- (H)            to prevent overcrowding of land and undue concentration of structures consistent with the overall character of the Village;
- (I)            to conserve the taxable value of land and buildings throughout the Village; and
- (J)            to define and specify the powers and duties of the administrative officers and bodies provided herein.

## ARTICLE II – DEFINITIONS

**40-2-1**            **DEFINITIONS.** The definitions applicable to this Code are as follows:

(A)            **Accessory Building, Structure or Use:** A building, structure or use located on the same lot as a main building or main use and incidental to the use of the main building or incidental to the main use of the lot. An accessory building or structure may be part of or separate from the main building.

(B)            **Applicant:** The owner of a parcel of land, structure, or building along with the prospective developer or his representative who has a direct interest or option relating to the proposed amendment, special use request, variance or zoning use permit.

(C)            **Building:** An enclosed structure having a roof supported by columns, walls, arches or other devices and used for the housing, shelter, or enclosure of persons, animals and chattel.

(D)            **Dwelling:** Building designed for residential living purposes and containing **one (1)** or more dwelling units or lodging units.

(E)            **Family:** An individual or **two (2)** or more persons related by blood, marriage, or adoption or **five (5) persons** not so related or **two (2)** or more persons related by blood, marriage, or adoption and not more than **three (3) persons** not so related, together with his or their gratuitous guests maintaining common household in a dwelling unit.

(F)            **Height of Building:** The vertical measurement from grade to a point midway between the highest and lowest point of the roof.

(G)            **Home Occupation:** Any occupation or activity which is clearly incidental and secondary to use of the premises for dwelling and which is carried on wholly within a main building by a member of a family residing on the premises, in connection with which there is no advertising other than an identification sign of not more than **one (1) square foot** in area, and no other display or storage of materials or exterior indication of the home occupation or variation from the residential character of the main building; and in connection with which not more than **one (1) person** outside the family is employed and no equipment used which creates offensive noise, vibration, smoke, dust, odors, heat or glare. When within the above requirements, a home occupation includes, but is not limited to, the following: (1) Art studio; (2) Dressmaking; (3) Professional office of a physician, dentist, lawyer, engineer, architect, accountant, salesman, real estate agent, insurance agent, or other similar occupation; and (4) Teaching.

(H)            **Lot:** A tract or parcel of land fronting on a street and occupied or capable of being occupied by a building or use. For the purposes of this Code the word "lot" or "lot of record." A tract or parcel of land comprising a lot within the meaning of this Code may consist of (1) a portion of a platted lot, (2) a platted lot, (3) more than one platted lot, (4) an unplatted tract, or (5) any combination of the foregoing.

(I)            **Mobile Home:** A movable or portable unit designed and constructed to be towed on its chassis, comprised of frame and wheels, and designed to be connected to utilities for year round occupancy and to provide complete independent living facilities including provision for cooking, sleeping and sanitation. The term includes units containing parts that may be folded, collapsed or telescoped when being towed and then be expanded to provide additional cubic capacity, and units composed of **two (2)** or more separately towable components designed to be joined into one integral unit capable of being again separated into components for repeated towing. Removal of wheels, towing devices or any other alteration does not qualify a mobile home as a conventional single family dwelling unless such alteration enables the unit to meet the Federal Housing Authority's "Minimum Property Standards for One and Two Family Living Units", latest edition. **[NOTE: The units constructed after 1974 are called manufactured homes.]**

(J)            **Mobile Home Park:** A contiguous parcel of land planned and approved for the placement of **five (5)** or more mobile homes.

(K)            **Setback Line:** The building restriction line nearest the front of and across a lot establishing the minimum distance to be provided between the line of a structure located on said lot and the nearest street right-of-way line.

(L)            **Special Use:** A use which may be permitted in a district pursuant to, and in compliance with, procedures specified herein.

(M)            **Street:** A thoroughfare within the right-of-way which affords the principal means to access to abutting property. A street may be designated as an avenue, a boulevard, a drive, a highway, a

lane, a parkway, a place, a road, a thoroughfare, or by other appropriate names. Streets are identified on the Official Zoning Map according to type of use, and generally as follows:

- (1) Collector Street: County highways and primary streets.
- (2) Minor Street: Subdivision streets and township roads.

(N) **Structure:** Anything constructed or erected with a fixed location on the surface of the ground or affixed to something having a fixed location on the surface of the ground. Among other things, structures include buildings, walls and fences.

(O) **Yard:** An open space, other than a court, of uniform width or depth on the same lot with the structure, lying between the structure and the nearest lot line and unoccupied and unobstructed from the surface of the ground upward except as may be specifically provided by the regulations and standards herein.

(P) **Yard, Front:** A yard extending the full width of a lot and situated between the front lot line and the nearest line of a structure located on said lot.

(Q) **Yard, Rear:** A yard extending the full width of a lot and situated between the rear lot line and the nearest line of a structure located on said lot.

(R) **Yard, Side:** A yard situated between the side lot line and the nearest line of a structure located on said lot and extending from the rear line of a required front yard to the front line of the required rear yard.

(S) The word "shall" is always mandatory.

(T) The word "may" is always permissive.

(U) Words used in the present tense include the future, words importing the masculine gender include the feminine.

(V) Words importing the singular number include the plural and words importing the plural include the singular.

(W) The words "Village Board" shall mean the Board of Trustees of the Village of Broadlands.

(X) The words "Zoning Board" shall mean the Village Zoning Board of Appeals.

**ARTICLE III – SCOPE OF REGULATIONS**

**40-3-1**        **COMPLIANCE WITH REGULATIONS.** It shall be unlawful to do or perform any one or more of the following acts, except in compliance with the provisions of this Code:

- (A)            to erect a new building or structure;
- (B)            to erect more than one main building on a lot;
- (C)            to excavate for or build any foundation;
- (D)            to relocate, convert, enlarge, or structurally alter or reconstruct any building or structure;
- (E)            to establish, expand, enlarge, relocate or change any use or building of land; and
- (F)            to establish, expand, enlarge, relocate or change any nonconforming use.

**40-3-2**        **EVASION OF AREA, YARD AND PARKING REGULATIONS.** It shall be unlawful to lease, sell or convey a portion of an improved lot when the effect of such action is to reduce:

- (A)            the area of the lot below the minimum area of requirements of this Code;
- (B)            the depth or width of a yard to less than the minimum depth or width requirements of the ordinance, or
- (C)            the number of parking spaces on the lot below the minimum number of spaces required by this Code.

**40-3-3**        **PRINCIPAL AND ACCESSORY USES.** The uses listed as permitted are principal uses. A building or use that is accessory to a permitted use may be erected or established as an accessory building or use if:

- (A)            it is located on the same lot as the principal use;
- (B)            it is customarily incidental to the principal use;
- (C)            it complies with the other applicable regulations of this Code; and
- (D)            it is not erected or established prior to the erection of a main building where the establishment is a principal use.

**ARTICLE IV – DISTRICTS AND BOUNDARIES**

**40-4-1**        **NUMBER AND DESIGNATION OF DISTRICTS.** The districts into which the Village are divided by the Zoning Code, shall be designated as follows:

<b><u>DISTRICT</u></b>	<b><u>DESIGNATION</u></b>
Agriculture District	A
Residential Districts	R
Community Business District	C
Industrial District	I

**40-4-2**        **ZONING MAP.** The boundaries of the districts established in **Section 40-4-1** are hereby established as shown on the map designated as the “Official Zoning Map of Broadlands, Champaign County, Illinois.” The original of this map shall be signed and dated by the Village Clerk. The map and all information shown on the map shall be a part of this Code, and it shall be filed as a part of this Code with the Village Clerk. A copy of the map shall be available for public reference and notice of the adoption of this map and Code shall be filed with the County Recorder of Champaign County. Amendments to this Code which change the boundary lines of the districts shall, along with this Code, be made available for public reference in the office of the Village Clerk. In March of each year, the Zoning Map shall be corrected and brought up to date and new copies made available for public reference with the Village Clerk.

**40-4-3**        **INTERPRETATION OF MAP AND DISTRICT BOUNDARIES.** Boundaries of districts as shown on the Zoning Map are generally intended to coincide with the center line of streets or with property lines. If, on the map, the boundary line of a district:

- (A) approximates the line of a street, the boundary line shall be interpreted to be the center line of the street;
- (B) approximates the boundary line of a platted lot, the district boundary shall be interpreted to be the lot line;
- (C) divides the platted lot or unplatted or unsubdivided property into district parts, the district boundary line shown on the map shall be determined by the scale appearing on the map; and
- (D) in the event that a district boundary cannot be located to the satisfaction of the property owner, the matter shall be referred to the zoning board as provided for in **Section 40-9-9**.

**40-4-4**        **INDIVIDUAL MOBILE HOMES (MANUFACTURED).** Individual mobile homes may be located in the R – Residential District, subject to the following:

- (A) No mobile home shall be located on a lot where there is another dwelling unit.
- (B) The requirements for skirting, parking areas, anchors, and pads in mobile home parks shall apply to individual mobile homes.
- (C) All other requirements of R – Residential Districts and any other requirements which the Village deems necessary.

**ARTICLE V – PRINCIPAL USES AND STANDARDS OF DISTRICTS**

**40-5-1            GENERAL INTENT OF ZONING DISTRICTS.**

(A)            **A – Agriculture District.** The A – Agriculture District is intended to prevent scattered, indiscriminate non-agricultural development within areas which are predominantly vacant and which presently do not demonstrate any significant potentials for development.

(B)            **R – Residential District.** The R – Residential District is intended to preserve the low density residential character of the Village while providing the possibilities for differing types of residential usage through the special use provisions of this Code.

(C)            **C – Community Business District.** The C – Community Business District is intended to provide development in line with the consumer needs of the Village and its service area while preserving the existing commercial area.

(D)            **I – Industrial District.** The I – Industrial District is established to provide for storage and manufacturing uses compatible with the needs and character of the Village.

**40-5-2            TABLE OF PRINCIPAL AND SPECIAL USES.** See the Table of Principal and Special Uses at the end of this Code.

**40-5-3            SCHEDULE OF AREA, HEIGHT, PLACEMENT AND GENERAL REGULATIONS BY DISTRICT.** See the Schedule of Area, Height, Placement and General Regulations by District, at the end of this Code.

**ARTICLE VI – SPECIAL USES**

**40-6-1 PROCEDURE.** The Village Board, may by special permit, authorize those special uses noted in the Table of Principal and Special Uses. A special use shall not be recommended by the Zoning Board and approved by the Village Board unless and until:

(A) The applicant submits a written application to the Secretary of the Zoning Board for a special use demonstrating:

- (1) that it is necessary for the public convenience at that location.
- (2) that it is so designed, located and proposed so that it will not be harmful to the district in which it is proposed to be located or otherwise detrimental to the public welfare;
- (3) that it conforms to the intent and regulations and standards of and preserves the essential character of the district in which it is proposed to be located;
- (4) that it does not create overcrowding of public roads;
- (5) that it is compatible with surrounding land use; and
- (6) that the intensity of the proposed development does not impose any adverse effects on surrounding property.

(B) Each application for a special use shall be accompanied by a fee equal to that prescribed by this Code.

(C) The Chairman of the Zoning Board shall pick a reasonable time, not more than **thirty (30) days** in the future, for hearings on the request and inform the Secretary of the time and place that the hearing will be held. The Secretary shall give due notice of a hearing in writing to the person making the request, to the members of the Zoning Board and to any other persons directly interested in the outcome thereof. Public notice of the hearing shall be published in accordance with the requirements of a public notice on amendments to this Code.

(D) The Zoning Board shall determine whether the requirements under subsection (A) have been met and that the granting of a special use will be in harmony with the general purpose and intent of this Code and will not be harmful to the district in which it is located.

(E) In granting any special use the Zoning Board may recommend and the Village Board may prescribe special conditions to preserve the general public health, safety and welfare. The Zoning Board shall submit a recommendation to the Village Board noting the findings which support the granting of the special use permit or the denial of the special use request.

(F) The Village Board, upon receiving a recommendation from the Zoning Board, shall act upon said recommendation within a reasonable period of time not to exceed **thirty-one (31) days** and shall either accept or reverse the recommendation in whole or in part or return the request to the Zoning Board for further study. It shall require **two-thirds (2/3) vote** of all Village Board members to reverse a recommendation of denial received from the Zoning Board.

**40-6-2 STANDARDS FOR SPECIFIC SPECIAL USES.** The following standards shall apply to the respective special uses listed herein. The Village may require additional reasonable standards deemed consistent with the provisions of this Code.

(A) **Mobile Home Parks.** All mobile home parks shall be subject to the following provisions or the provisions of the State of Illinois Public Act 77-1472 whichever is more restrictive:

- (1) All lots within a mobile home park shall have a minimum area of **six thousand (6,000) square feet** for a single mobile home and **eight thousand (8,000) square feet** for a "double-wide" mobile home. A mobile home park shall contain not more than **seven (7)** mobile home sites for each gross acre of land.
- (2) All off-street parking areas shall be paved.
- (3) A mobile home stand or pad shall be provided on each mobile home site of sufficient size to accommodate the mobile home to be located thereon. Mobile home stands shall be concrete slabs, or runways, constructed so as

not to shift or settle unevenly under the weight of a mobile home or other forces due to frost, vibration, wind or water. Provisions shall be made for the use of ground anchors designed to withstand a minimum load of **four thousand eight hundred (4,800) pounds** each. **Four (4)** ground anchor connections shall be provided for each mobile home of less than **fifty (50) feet** in length and **six (6)** ground anchor connections shall be provided for mobile homes **fifty (50) feet** or more in length.

(4) Skirting shall be provided for each mobile home.

(B) **Multiple Family Dwellings.** For all multiple family dwellings a minimum lot area of **five thousand (5,000) square feet** per dwelling unit shall be provided.

## ARTICLE VII – HEIGHT AND AREA MODIFICATION

In addition to the "Schedule of Area, Height, Placement and General Regulations by District" the following shall apply:

**40-7-1**        **LOT AREA AND WIDTH.** Any lot of record at the time of passage of this Code having less area or width than herein required may be used for a single family dwelling.

**40-7-2**        **FRONT YARD.** Where **thirty percent (30%)** or more of a block front is improved with buildings, then no part of any building shall project beyond a line joining the two adjacent corners of the building on either side except that no building shall be required to provide a front yard greater than **fifty (50) feet** in any event.

**40-7-3**        **SIDE YARD.** Required side yards shall be maintained on each side of the dwelling, but such side yard may be reduced to **ten percent (10%)** of the lot width on lots of less than **seventy (70) feet** in width, provided, however, that no side yards shall be less than **five (5) feet**.

(A)            The required side yard on the street of a corner lot shall be the same as required front yard on such street, except that the building width shall not be reduced to less than **thirty-two (32) feet** and no accessory building shall project beyond the required front yard on either street.

(B)            For the purposes of the side yard regulations, a two family dwelling or multiple family dwelling shall be considered one building occupying one lot.

**40-7-4**        **REAR YARD.** The required rear yard may be reduced to **twenty percent (20%)** of the depth of a lot on any lot not exceeding **one hundred twenty-five (125) feet** in depth.

(A)            An accessory building, including guest quarters, may be built within a required rear yard when located at least **five (5) feet** from the rear lot line and when occupying not more than **thirty percent (30%)** of the area of such required rear yard. Accessory, open and uncovered swimming pools and home barbecue grills may occupy a rear yard provided that they are not located closer than **five (5) feet** to the rear lot line or closer than **two (2) feet** to a side lot line on interior lots.

**40-7-5**        **ALL YARDS.** The ordinary projection of roof overhangs, cornices and ornamental features may be permitted not to exceed **forty-eight (48) inches** in any required yard.

(A)            Filling station pumps and pump islands may occupy the required yards, provided however, that they are not less than **fifteen (15) feet** from street lines.

(B)            A fence, hedge or wall which materially impedes vision and is not more than **three and one-half (3 ½) feet** in height may project into or enclose any required front or side yards to a depth from the street line equal to the required depth of the front yard. Fences or walls may project into or enclose other required yards provided such fences and walls do not exceed a height of **seven (7) feet**.

(C)            Where a lot or tract is used for multiple family, commercial or industrial purposes, more than one main building may be located on the lot or tract, but only when such buildings conform to all open space requirements around the lots or the districts in which the lot or tract is located.

**40-7-6**        **HEIGHT.**

(A)            Chimneys, cooling or water towers, elevators, bulkheads, fire towers, monuments, stacks, stage towers, tanks, spires, church steeples, radio towers or necessary mechanical apparatus may be erected to any height not in conflict with any other ordinance of the Village.

(B)            Public, semi-public or public service buildings, hospitals, institutions, churches, and schools, when permitted in a district may be erected to height limit specified for the district provided all the required yards are increased by **one (1) foot** for each foot of building height above the specified height limit.

**ARTICLE VIII – NONCONFORMING USES**

The lawful use of buildings existing at the time of adoption of this Code or of a change in the district classification may be continued even though such use does not conform with the provisions thereof. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or more restricted classification, but whenever a nonconforming use is changed to a more restricted use or to a conforming use, it shall not thereafter be changed to a less restricted use.

**40-8-1**        **EXTENSION.** The nonconforming use of a building may be extended throughout those parts thereof which were manifestly arranged or designed therefor prior to adoption of this Code.

**40-8-2**        **RESTORATION.** No building which has been damaged by fire, explosion, act of God or the public enemy to the extent of more than **sixty percent (60%)** of its reproduction value shall be restored except in conformity with the district regulations.

**40-8-3**        **DISCONTINUANCE OF NONCONFORMING USE.** In the event that the nonconforming use of a building or premises in a district is discontinued for a period of **two (2) years** or more, such building or premises shall thereafter be used only in conformity with the regulations of the district in which it is located.

**40-8-4**        **EXISTENCE OF NONCONFORMING USES.** The casual, intermittent, temporary, or illegal use of land or buildings shall not be sufficient to establish the existence of a nonconforming use and the existence of a nonconforming use on a part of a lot or tract shall not be construed to establish the nonconforming use on the entire lot or tract.

**ARTICLE IX – PUBLIC NUISANCES**

**40-9-1**        **DEFINITION OF PUBLIC NUISANCE.** A public nuisance shall be defined as any act, thing, occupation, condition, or use of property which shall continue for such a length of time as to substantially annoy, injure, or endanger the comfort, health, repose, or safety of the public or; greatly offend the public morals or decency or; unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way.

**40-9-2**        **CONDITIONS WHICH CONSTITUTE A PUBLIC NUISANCE.** Public nuisances shall include but not be limited to the following acts, conduct, omissions, conditions or things:

(A)            Any building or structure that is in a state of dilapidation, deterioration or decayed, is of faulty construction, is open to intrusion, abandoned, damaged by fire to the extent as not to provide shelter, is extremely unsound, in danger of collapse or failure, and endangers the health and safety of the public;

(B)            Vegetation which:

- (1)        harbors or aids in harboring rats, snakes, or vermin;
- (2)        harbors or hosts diseases or insects which may reasonably be expected to injure other forms of life;
- (3)        is prohibited by law or ordinance, including but not limited to noxious weeds;
- (4)        is by reason of its location or condition constituting an imminent danger to any person or property;
- (5)        covers or hinders the removal of accumulations of junk, garbage, and debris;
- (6)        is unmanaged and in excess of **eight (8) inches**, provided cultivated flowers, ornamentals, or food plants shall be presumed to be managed vegetation; provided further that vegetations in excess of **eight (8) inches** shall be presumed unmanaged unless predominantly composed of cultivated flowers, ornamentals, or food plants, including vegetation which interferes with or obstructs the passage on any street, alley or other public way;

(C)            All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public;

(D)            Carcasses of household pets or other animals not buried or otherwise disposed of in a sanitary manner within **twenty-four (24) hours** after death;

(E)            Accumulations of garbage in a manner in which flies, mosquitoes, disease-carrying insects, rodents, or other vermin may breed or may reasonably be expected to breed (for purposes of this section, "garbage" means animal and vegetable waste resulting from the handling, preparation, cooking, or consumption of food);

(F)            Accumulations of refuse in which disease-carrying insects, rodents, or other vermin may breed or may reasonably be expected to breed (for purposes of this section, "refuse" means all putrescible and nonputrescible solid wastes, including garbage, rubbish, debris, ashes, street cleanings, dead animals, abandoned or inoperable automobiles, abandoned or inoperable household appliances, moveable furniture not designed for or modified to withstand the elements and outdoor use, solid market and industrial wastes);

(G)            All stagnant water in which mosquitoes, flies or other insects can multiply;

(H)            Containers with garbage or refuse which are not covered by solid, tight fitting lids or which have any uncovered holes or for which at least weekly removal of garbage and refuse is not provided;

(I)            The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash or industrial dust within the Village limits or within **one (1) mile** therefrom in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property but excluding smoke emanating from residential fireplaces;

(J) Any use of property, substances or things within the Village or within **one (1) mile** thereof, emitting or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, effluvia or stenches extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the Village;

(K) Dumpsters, trash containers, or trash container stands, located on a public way unless the dumpster is owned, leased or under the control of the Village; provided, further that trash contains may be placed on the public way only on the day the owner has the trash in the container scheduled for removal by a trash hauler;

(L) Such other actions, conduct, omissions, conditions or things defined or specified in the Code as nuisances or as public nuisances;

(M) Conditions which are defined as a nuisance in this Code located within a carport if the conditions are visible to the public from any public right-of-way;

(N) Conditions which are defined as a nuisance in this Code and are located in an open garage if the conditions are visible to the public from any public right-of-way;

(O) Conditions which are defined as a nuisance in this Code and are located on a front porch, back porch or balcony if the condition is visible to the public from any public right-of-way.

**40-9-3**        **PROHIBITION OF PUBLIC NUISANCES.** No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the Village.

**40-9-4**        **ENFORCEMENT.** It shall be the duty of the Village Marshal or any other person designated by the corporate authorities to serve or cause to be served a notice upon the owner or occupant of any premises on which any violations of this Code exist and to demand abatement of the nuisance within **ten (10) days**.

**40-9-5**        **PENALTIES FOR VIOLATION OF CODE.**

(A) If any person served with notice under this Code does not abate any such nuisance within **ten (10) days** after such notice, the Village maintenance man or any other person designated by the corporate authorities may proceed to abate such nuisance and keep an account of the expense of such abatement and such expense shall be charged to and paid by such owner or occupant.

(B) Any person, firm or corporation violating any provision of this Code shall be fined not less than **Ten Dollars (\$10.00)** nor more than **One Hundred Dollars (\$100.00)** for each offense; and a separate offense shall be deemed committed on each day during or on which such nuisance continues unabated after **ten (10) days** from the receipt of such notice.

(C) Violation of any of the terms of this Code by any person or corporation shall be deemed a Class B misdemeanor. A separate offense shall be deemed to have been committed on each day during or on which a violation occurs or continues.

(D) When any such notice is served upon the owner of said property and the owner fails or refuses to abate said nuisance, then the cost of abating said nuisance shall be a lien upon the real estate affected, superior to all other liens and encumbrances, except tax liens; and within **sixty (60) days** after the cost of such abatement is incurred a notice of lien shall be filed in the Office of the Recorder of Deeds of Champaign County, and, unless said owner has paid said cost of abatement, then within **two (2) years** following the filing of said notice the Village Attorney shall initiate proceedings to foreclose said lien as provided by the Illinois Compiled Statutes in the case of Mortgages or Mechanics' Liens.

(E) In the case of a building or structure that constitutes a public nuisance under this Code, the Village shall have, in addition to the penalties already listed in this Code, the power to take the following actions:

- (1) To demolish, repair, or enclose any buildings or structures constituting a public nuisance with the costs and expenses of said acts to be defined and recovered in the same manner as set forth in this Section.

- (2) To acquire by purchase, condemnation or otherwise any buildings or structures constituting a public nuisance, and all land which is necessary or appropriate for the rehabilitation or redevelopment of any area blighted by the buildings or structures constituting the public nuisance, with the costs and expenses of said acts to be defined and recovered in the same manner as set forth in this Section.

(F) Costs and expenses under this Code shall include, but are not limited to, the actual costs and expenses in time of Village employees or workers contracted by the Village and in materials concerning the actual actions of abatement of the nuisance pursuant to this Code, transportation to and from the property, title searches or certifications, preparation of lien documents, foreclosures, and the cost of any court proceedings authorized by this Code including reasonable attorney's fees.

(G) if the payment of the Village's costs of removal or abatement of the nuisance is not paid to the Village within **thirty (30) days** of filing of the notice of lien, the Village is empowered to commence proceedings in the Circuit Court seeking a personal judgment from the owner of or persons interested in such property. Such action shall be based upon the implied consent for persons to form a contract for the removal or abatement of the nuisances. The action authorized in this subsection shall be in addition to, and without waiver of, any other remedy.

**ARTICLE X – ZONING BOARD OF APPEALS**

**40-10-1**        **CREATION OF ZONING BOARD.** The Zoning Board of Appeals is hereby established with the powers and duties set forth in this Article.

**40-10-2**        **MEMBERS AND TERMS OF OFFICE.** The Zoning Board shall consist of **seven (7) members**, who shall be appointed by the Village Board. The original members for the Zoning Board shall serve the following terms: **one (1) for one (1) year; one (1) for two (2) years; one (1) for three (3) years; one (1) for four (4) years; one (1) for five (5) years; one (1) for six (6) years; and one (1) for seven (7) years.** Upon expiration of the term of an original member of the Zoning Board, a successor shall serve for a term of **five (5) years.**

**40-10-3**        **REMOVAL AND VACANCIES.** The Village Board shall have the power to remove any member of the Zoning Board from office for cause and after public hearing. A vacancy on the Zoning Board shall be filled for the unexpired term for the member whose place had become vacant.

**40-10-4**        **CHAIRMAN AND SECRETARY.** The Village Board shall designate one of the members of the Zoning Board as Chairman. The Chairman shall hold that office until his successor is appointed or until the expiration of his term as a member of the Zoning Board. The Chairman, or the acting Chairman in his absence, may administer oaths and compel the attendance of witnesses. The Zoning Board shall select one of their members as Secretary of the Zoning Board. The Secretary, with the assistance of the Zoning Administrator, shall oversee the maintenance of the records of the files. The Zoning Board may select or appoint such other officers as it deems necessary.

**40-10-5**        **MEETINGS.** All meetings of the Zoning Board shall be held at the call of the chairman or at such other time the Zoning Board may determine. All meetings shall be held at some public place designated by the Zoning Board and shall be open to the public. At any meetings of the Zoning Board or at any hearings of the Zoning Board, any interested person may appear and may be heard either in person or through his agent or attorney.

**40-10-6**        **OFFICE, MINUTES AND RECORDS.** The Zoning Board shall, with the assistance of the Zoning Administrator, maintain its office and keep its minutes, files and records in the office of the Village Clerk. The minutes of proceedings of the Zoning Board shall show the vote of each member on every question or indicate that the member was absent or failed to vote. Every rule, regulation, order, requirement, decision or determination by the Zoning Board shall be contained in the minutes. The minutes, files and records of the Zoning Board shall be opened to inspection by the public at all reasonable times.

**40-10-7**        **RULES.** The Zoning Board may adopt such rules and procedures that are not in conflict with this Code or in conflict with the laws of the State of Illinois, provided however, the concurring vote of **four (4) members** of the Zoning Board shall be necessary to decide in favor of the applicant in any matter upon which it is required to pass under this Code, or to permit any variance in the application of the regulations imposed by this Code.

**40-10-8**        **JURISDICTION.** The Zoning Board shall have the power and shall be charged with the duties to hear and decide:

- (A) All matters specifically referred to it by the provisions of this Code.

(B) Requests for variances in the applications and regulations set forth by this Code and set forth in **Section 40-10-12** of this Article.

**40-10-9 PROCEDURE ON APPEALS.** An appeal from any order, requirement, decision or determination may be taken to the Zoning Board by any person aggrieved thereby or by any office, department or board of the Village. The appeal shall be taken by the applicant by filing a notice of appeal with the Chairman of the Zoning Board within the time established by the Zoning Board by a general rule. The notice of appeal shall describe the order, requirement, decision, or determination appealed from and shall specify the grounds for the appeal. The Chairman shall fix a reasonable time, not more than **thirty (30) days** in the future, for the hearing on the appeal and inform the Secretary of the time and place that the hearing will be held. The Secretary shall give due notice of the hearing, in writing, to the appellants, the members of the Zoning Board and any other persons directly interested in the outcome of the appeal. It shall be necessary to publish any notice of a hearing on an appeal. The Zoning Board shall decide the appeal within a reasonable time after the hearing. On an appeal the Zoning Board shall be limited to a determination of the questioned action and it may reverse or affirm the action appealed from or modify the same and to that end the Zoning Board shall have all the powers under this Code. The Zoning Board shall not by its decision on an appeal, permit a variation in the application of the regulations of this Code.

**40-10-10 STAY OF PROCEEDINGS.** An appeal stays all proceedings in furtherance of the action appealed from, unless, after the notice of appeal has been filed, the Zoning Board shall determine that by reasons of the facts stated in the certificate, a stay would cause imminent peril to lives or property. In this event the proceedings shall not be stayed otherwise than by a restraining order which may be granted by order of the court of competent jurisdiction.

**40-10-11 PROCEDURE ON GENERAL MATTERS REFERRED TO BOARD.** Any interested person may request the Zoning Board to hear and decide any matters specifically referred to it under this Code. Such request shall be in writing and shall be filed with the Chairman of the Zoning Board. The Chairman shall fix a reasonable time, not more than **thirty (30) days** in the future, for the hearing on the request and inform the Secretary of the time and place the hearing will be held. The Secretary shall give due notice of the hearing, in writing, to the person making the request, to the members of the Zoning Board, and any other persons directly interested in the outcome thereof. It shall not be necessary to publish any notice of a hearing on such a request. The Zoning Board shall decide the matter within a reasonable time after the hearing.

**40-10-12 VARIATIONS WHICH MAY BE PERMITTED.** The Zoning Board may vary the application of the regulations imposed by this Code to permit:

(A) The reduction of the depth or width of a required yard by not more than **twenty-five percent (25%)** of the depth or width required by this Code.

(B) In the C – Community Business District for the area adjacent to State Street west of Main and Lincoln and from State to Green to permit a reduction in the number of off-street parking spaces required about or in connection with a use, and for the same district and area to permit greater coverage than required by the applicable regulations and to permit the use of a lot for a use otherwise prohibited solely because of the insufficient area of the lot.

A request for a variation must be based upon practical difficulties and particular hardships in carrying out the strict letter of the regulations relating to the use, erection, conversion, enlargement or alterations of buildings or structures.

Before granting any request for a variation, and as a condition precedent to granting such a request, the Zoning Board shall hear sworn evidence upon and determine (1) that the property in question cannot be economically used or cannot yield a reasonable return if permitted only to be used under the conditions allowed by the regulations, (2) that the plight of the owner is due to unique circumstances, and (3) that the variation, if granted, will not alter the essential character of the locality, impair adequate supply of light and

air to adjacent property, increase the condition of traffic, diminish or impair property values in all localities. Every decision or order of the Zoning Board in granting a request for variation shall include a statement noting the specific reasons for granting the request.

**40-10-13**     **PROCEDURE ON REQUEST FOR VARIATION.** A request for variations, in the application of the regulations proposed by the Zoning Board shall be made in writing by the applicant and shall be filed with the Chairman of the Zoning Board. These requests shall be accompanied by receipt showing the payment of the required fee. The Chairman shall fix a reasonable time, not more than **thirty (30) days** in the future, for the hearing on the request and inform the Secretary of the time and place of the hearing. The Secretary shall thereupon cause a notice of hearing to be published in a newspaper having general circulation within the Village of at least **fifteen (15) days** prior to the hearing. The notice shall contain the time and place of the hearing and particular location for which the variation is requested as well as a brief statement to the nature of the proposed variation. The Zoning Board shall act upon the request and recommend to the Village Board within a reasonable period of time after the hearing that the request be granted or denied either in whole or in part.

The Village Board upon receiving recommendations from the Zoning Board, shall act upon said recommendation within **thirty-one (31) days** and shall either accept or reverse the recommendation in whole or in part or return the request to the Zoning Board for further study. It shall require **two-thirds (2/3) vote** of all Village Board members to reverse a recommendation as received from the Zoning Board.

**40-10-14**     **PROCEDURE TO EXTEND, RESTORE OR CHANGE NONCONFORMING USE.** The substitution of one nonconforming for another may be permitted if the substitution is more compatible with its surroundings than the former use. The Zoning Administrator shall forward an application for a zoning permit which is required to extend, expand or change or re-establish a nonconforming use under **Article XII** of this Code to the Chairman of the Zoning Board of Appeals. The Chairman shall convene a Board meeting within **thirty (30) days** to consider the request. If the request is approved, the Board shall direct the Zoning Administrator to issue a zoning use permit.

**ARTICLE XI – ENFORCEMENT AND PENALTIES**

**40-11-1**        **ENFORCEMENT.** It shall be the duty of the Village Board to enforce this Code. In the event that any persons shall violate the provisions of this Code, the Village Board may, in addition to other remedies, institute in the name of the Village any proper action or proceeding in any court of competent jurisdiction, to prevent, restrain or abate the unlawful erection, conversion, enlargement or structural alteration of any building or structure, the unlawful use or occupancy of any building or land or the unlawful change, expansion, or enlargement of any nonconforming use, or to prevent, restrain or abate or correct any other act done in violation of the provisions of this Code.

**40-11-2**        **PENALTY.** Violation of any of the terms of this Code by any person or corporation shall be deemed a Class B misdemeanor. A separate offense shall be deemed to have been committed on each day during or on which a violation occurs or continues.

**ARTICLE XII – ADMINISTRATION AND MISCELLANEOUS PROVISIONS**

**40-12-1 ADMINISTRATION.** The administration of this Code shall be vested in an office in the body of the government of the Village as follows:

Zoning Administrator  
 Village of Broadlands Zoning Board of Appeals (Zoning Board)  
 Village of Broadlands Board of Trustees (Village Board)

(A)

**Zoning Administrator.**

- (1) **Appointment.** This Code shall be administered and enforced by the Zoning Administrator appointed by the Village Board. The Zoning Administrator may be provided with the assistance of such person as the Village Board may direct.
- (2) **Duties.** The Zoning Administrator shall have the authority and duty to administer this Code and shall:
  - (a) issue all zoning permits and zoning compliance certificates where authorized by this Code and keep permanent records thereof;
  - (b) conduct such inspection of structures, uses, and accessory uses as are necessary to determine compliance with this Code;
  - (c) under the supervision of the Secretary of the Zoning Board maintain permanent records pertaining to variances, special conditions and special uses granted, modified or denied by the Zoning Board and Village Board;
  - (d) maintain permanent records of all amendments to this Code; and
  - (e) make or cause to be made changes to the official Zoning Map in the manner specified herein.

(B)

**Zoning Permits.**

- (1) **Scope of Zoning Permit.** A zoning permit shall be obtained by the owner or lessee, agent of either, or the architect, engineer, or builder employed in connection with the proposed work from the Zoning Administrator before starting:
  - (a) to establish, occupy or change the use of a structure, accessory structure or land either by itself or in addition to another use;
  - (b) to construct or erect a new structure or accessory structure or part thereof;
  - (c) to extend or move any structure, accessory structure or part thereof;
  - (d) to extend, expand and change or re-establish any nonconforming use.
- (2) **Application for Zoning Permits.**
  - (a) Applications for zoning permits shall be filed in written form with the Zoning Administrator on such forms as the Zoning Administrator shall prescribe and shall:
    - (i) state the location of tract comprising the legal description of the property;
    - (ii) state the name and address of the owner, the applicant, and the contractor if known;
    - (iii) describe the uses to be established or expanded;
    - (iv) be accompanied by a plan in duplicate, or duplicate prints thereof drawn approximately to scale showing:
      - a. the actual dimensions of the lot to be built upon;

- b. the size, shape, and locations of the use to be established in the structure or accessory structure to be constructed;
  - c. the size, shape and location of all existing structures, accessory use structures and uses on the lot;
  - d. the water supply and sewage disposal facilities, including a true and correct copy of any permit required by the Village or environmental protection agency approving such facilities;
  - e. other information that may be necessary to provide for the proper administration and enforcement of this Code.
- (v) include any accessory structure or use established or constructed at the same time, the main or principal structure or main or principal use established or constructed;
  - (vi) each zoning permit for a main or principal structure or main or principal use shall also cover any accessory structure or accessory use established or constructed at the same time on the same lot or tract or land.
- (3) **Issuance of Zoning Permits.**
- (a) The Zoning Administrator shall retain the original copy of the zoning permits and shall mark such permit whether approved or disapproved.
  - (b) **One (1)** copy shall be returned to the applicant, duly signed and marked as in (a) above.
- (4) **Expiration of Zoning Permit.**
- (a) If the work described on any zoning permit shall not have begun within **ninety (90) days** from the issuance thereof, said permit shall expire or be cancelled by the Zoning Administrator and written notice thereof shall be given to the applicant.
  - (b) If the work described on any zoning permit shall not have been substantially completed within **three hundred sixty-five (365) days** of the issuance thereof, said permit shall expire and shall be cancelled by the Zoning Administrator and written notice thereof shall be given to the applicant together with notice that further work as described on the cancelled permit shall not proceed until a new permit shall have been issued.
  - (c) A zoning permit issued for the establishment of a use of land where no structures are involved or on which land a structure accessory to the main or principal use not involving any structure shall not expire.

**40-12-2**

(A)

**ZONING COMPLIANCE CERTIFICATE.**

**Application for Zoning Compliance Certificate.**

(1) **New or Altered Uses and Structures.**

- (a) It shall be unlawful to use or occupy or permit the use or occupancy of any land or structure or part thereof hereafter created, constructed, erected, changed, moved or wholly or partly altered or enlarged in its use or structure until a Zoning Compliance Certificate shall have been issued thereof by the Zoning Administrator stating that the proposed use of the land and structure conforms to the regulations and standards of this Code.

- (b) No zoning permit shall be issued until an application has been made for a Zoning Compliance Certificate.
  - (2) **Nonconforming Uses.** No nonconforming use of land and no nonconforming use of a structure shall be renewed, changed, altered, or extended until a Zoning Compliance Certificate shall have been issued by the Zoning Administrator. The Zoning Compliance Certificate shall state specifically wherein such nonconforming use differs from the regulations and standards of this Code.
- (B) **Issuance of Zoning Compliance Certificate.**
- (1) When all work as described on the zoning permit is complete, the applicant shall notify the Zoning Administrator in writing. After examination of the premises to ascertain that all work described on the zoning permit has been conducted in compliance with the regulations and standards of this Code, the Zoning Administrator shall issue the Zoning Compliance Certificate.
  - (2) Except in the case of the use of land where no structure is involved the issuance of the Zoning Compliance Certificate shall invalidate the zoning use permit issued for work conducted in connection with the premises involved.
  - (3) The Zoning Administrator shall retain the original copy of the Zoning Compliance Certificate.
  - (4) **One (1) copy** shall be returned to the applicant, duly signed.
  - (5) On each successive date of inspection of land, the use of which does not involve a structure or on which land a structure is accessory to the main or principal use, such main or principal use not involving any structure, and for which the zoning use permit does not expire, the Zoning Administrator shall issue a Zoning Compliance Certificate if such use has been conducted in conformance with the regulations and standards of this Code and shall be effective only until the next required date of inspection.
  - (6) A temporary Zoning Compliance Certificate may be issued by the Zoning Administrator for a period not exceeding **six (6) months** during alterations or partial occupancy of a structure pending its completion, provided that such temporary certificates may require such conditions and safeguards as will protect the safety of the occupants and the public.
- (C) **Zoning Compliance Certificate Fees.** Only in the case of issuance of a Zoning Compliance Certificate for the registration of a nonconforming use, shall a fee be charged for such certificate. Such fee shall be as established in **Section 40-10-6** and shall not be refundable.

**40-12-3 AMENDMENT.** Regulations imposed in the districts created by this Code may be amended by ordinance but no such amendment shall be made without a public hearing before the Zoning Board. Notice of the time and place of the hearing shall be published in a newspaper having general circulation in the Village at least **fifteen (15) days** but not more than **thirty (30) days** prior to the hearing. The notice shall give the time and place of the hearing and contain a brief description on the proposed amendment. If the boundaries of a district are proposed to be changed then the notice shall also contain a description of the area for which the change is proposed. If, prior to the hearing, signed and acknowledged objections to change of the regulations or districts are filed with the Clerk by **twenty percent (20%)** or more of the owners of property of (a) the frontage proposed to be altered or (b) the frontage immediately adjoining or across the alley therefrom or (c) the frontage directly opposite the frontage to be altered, then the amendment shall not be passed except by favorable vote of **two-thirds (2/3)** of all the members of the Village Board.

**40-12-4**      **FEES.** A fee shall be paid in accordance with the schedule specified herein by the applicant at the time the application is filed.

Amendments	\$100.00
Special Use Requests	50.00
Variances	50.00
Zoning Use Permits	5.00
Zoning Compliance Certificate (nonconforming use)	2.00

**40-12-5**      **PARTIAL INVALIDITY.** The invalidity of any provision or section of this Code shall not affect the validity of the balance of this Code.

**40-12-6**      **INTERPRETATION AND CONSTRUCTION OF CODE.** It is not the intent of this Code to abrogate, annul, impair, or interfere with any private restrictions on land except that when this Code imposes greater restrictions upon the use of land or buildings than those imposed by existing private covenants or restriction, then the provisions of this Code shall control.

**40-12-7**      **EFFECTIVE DATE.** The Code is declared to be urgent and necessary for the immediate preservation of public peace, health, and safety and shall therefore take effect and be in full force **ten (10) days** after its adoption as provided by law.

**40-12-8**      **PRINTING IN PAMPHLET FORM.** The Village Clerk shall certify to the passage and approval of this Code and cause it to be printed in pamphlet form.

**(Ord. No. 170; 04-03-74)**