

# ZONING ORDINANCE

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*Village of Winnebago, Illinois*

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PASSED: APRIL 29, 1957

PUBLISHED: May 23, 1957

THIS DOCUMENT IS THE "CLEAN" FORM CONTAINING ALL AMENDMENTS TO THE ZONING ORDINANCE, UP TO AND INCLUDING ORDINANCE NO. 04-18.

AMENDMENTS:

ORD. NO. 404

ORD. NO. 76-2

ORD. NO. 94-1

ORD. NO. 94-4

ORD. NO. 02-01

ORD. NO. 02-09

ORD. NO. 03-06

ORD. NO. 04-18

UPDATES COMPLETED ON MAY 2, 2019

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# AN ORDINANCE LIMITING THE USE OF BUILDINGS AND LAND AND THE BULK AND ARRANGEMENT AND CONSTRUCTION OF BUILDINGS IN THE VILLAGE OF WINNEBAGO, ILLINOIS

## SECTION I – General Provisions

- A. **Ordaining Clause**—The Village Board of the Village of Winnebago, Winnebago County, Illinois does hereby ordain and enact an ordinance with such provisions and regulations as stated below and/or hereafter amended.
- B. **Short Title**—This ordinance shall be known and may be cited as "Zoning and Building Code, Village of Winnebago, Illinois."
- C. **Interpretation**—In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, morals, safety, or the general welfare. Wherever the requirements of any lawfully adopted rules, regulations or ordinance, are at variance with the requirements of this ordinance the most restrictive, or that imposing the higher standards, shall govern.
- D. **Validity**—The invalidity of any section or provision of this ordinance shall not invalidate any other section or provision thereof.
- E. **Effective Date**—This ordinance shall be published in pamphlet form and shall be in full force and effect from and after its passage, approval and publication as provided by law.
- F. The provisions of this ordinance shall apply to all areas of land within the corporate limits of the Village of Winnebago, and to all construction activities carried on within these limits, which activities are more specifically defined as follows:
  - (1) The subdivision, use, lot widths and depths, yard widths and depths, and total areas of any parcel or parcels of land.
  - (2) The use, height, area or percent of lot coverage of any building or buildings.
  - (3) The structural alteration, addition, repair, remodeling or erection of any building or buildings.
  - (4) The architectural alteration, addition, repair, remodeling or erection of any building or buildings.
  - (5) The alteration, addition, repair, remodeling or erection of any structures or buildings directly related to the public health and safety, including, but not limited to the following:
    - a. Private wells and water supply systems.
    - b. Private sewerage disposal systems.

- c. Private storm water systems.
- d. Stairways and stairwells.
- e. Fire escapes and related constructions.

## Section II – Definitions

**A. Introductory Statement**—Except where specifically defined herein, all words used in this ordinance shall carry their customary meanings. Words used in the present tense include the future, and the plural includes the singular; the word “lot” includes the word “plot”; and the word “building” includes the word “structure”; the word “shall” is intended to be mandatory; “occupied” or “used” shall be considered as though followed by the words “or intended, arranged or designed to be used or occupied”.

**B. Specific Definitions**—

**Accessory Use:** On any lot a use incidental to the use of the principal building. In District No. 1 & No. 2 unheated private garages & carports, household storage structures, workshops not conducted for gain are deemed as accessory uses.

**Area, Building:** The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces and steps.

**Area, Habitable:** Building area minus square footage occupied by interior partitions and exterior walls.

**Area, Net Site:** The total area within the property lines excluding exterior streets.

**Assisted Living Facility:** A home, building, residence, or any other place where sleeping accommodations are provided for at least three (3) unrelated adults, at least eighty percent (80%) of whom are 55 years of age or older and where the following are provided consistent with the purposes of the Illinois Assisted Living and Shared Housing Act effective January 1, 2001, as amended:

- (1) Services consistent with a social model that is based on the premise that the resident's unit in assisted living and shared housing is his or her own home;
- (2) Community-based residential care for persons who need assistance with activities of daily living, including person, supportive, and intermittent health-related services available 24 hours per day, if needed, to meet the scheduled and unscheduled needs of a resident;
- (3) mandatory services, whether provided directly by the facility or by another entity arranged for by the facility, with the consent of the resident or resident's representative; and

- (4) a physical environment that is a homelike setting that includes the following and such other elements as established by the Illinois Department of Public Health in conjunction with the Assisted Living and Shared Housing Advisory Board: individual living units each of which shall accommodate small kitchen appliances and contain private bathing, washing, and toilet facilities, or private washing and toilet facilities with a common bathing room readily accessible to each resident. Units shall be maintained for single occupancy except in cases in which two (2) residents choose to share a unit. Sufficient common space shall exist to permit individual and group activities.

Assisted Living Facility does not mean any of the following: A home, institution, or similar place operated by the federal government or the State of Illinois.

- (1) A long term care facility licensed under the Nursing Home Care Act. However, a long term care facility may convert distinct parts of the facility to assisted living. If the long term care facility elects to do so, the facility shall retain the Certificate of Need for its nursing and sheltered care beds that were converted.
- (2) A hospital, sanitarium, or other institution, the principal activity or business of which is the diagnosis, care, and treatment of human illness and that is required to be licensed under the Hospital Licensing Act.
- (3) A facility for childcare as defined in the Child Care Act of 1969.
- (4) A community living facility as defined in the Community Living Facilities Licensing Act.
- (5) A nursing home or sanitarium operated solely by and for persons who rely exclusively upon treatment by spiritual means through prayer in accordance with the creed or tenets of a well-recognized church or religious denomination.
- (6) A facility licensed by the Department of Human Services as a community-integrated living arrangement as defined in the Community-Integrated Living Arrangements Licensure and Certification Act.
- (7) A supportive residence licensed under the Supportive Residences Licensing Act.
- (8) A life care facility as defined in the Life Care Facilities Act; however, a life care facility may apply to convert sections of the community to assisted living.
- (9) A free-standing hospice facility licensed under the Hospice Program Licensing Act.
- (10) A shared housing establishment.
- (11) A supportive living facility as described in Section 5-5.01(a) of the Illinois Public Aid Code.

**Basement:** A story partly underground, but having less than half its clear height below finished grade.

**Boarding House:** A private dwelling in which at least two, but not more than three rooms are offered for rent and table board is furnished only to roomers, and in which no transients are accommodated.

**Building:** Any structure having a roof supported by columns or by walls permanently attached to the ground and intended for the shelter, housing or enclosure of persons, animals or chattels.

**Building, Front Line of:** The line of that face of the building nearest the front line of the lot. This face includes sun parlors and covered, enclosed porches, but does not include steps.

**Building, Height of:** The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

**Building, Principal:** A building in which is conducted the main or principal use of the lot on which said building is situated.

**Community Based Housing:** Housing for more than three unrelated handicapped individuals per dwelling unit, except any individual whose tenancy would constitute a direct threat to the health or safety of other individuals, or whose tenancy would result in substantial physical damage to the property of others. Neither the term "handicapped individual" nor the term "handicapped" shall apply to an individual solely because that individual is a transvestite. The term "handicapped" means, with the respective to an individual:

- (1) a physical or mental impairment that substantially limits one or more major life activities of such individual;
- (2) a record of having such impairment; or
- (3) being regarded as having such impairment; but does not include current, illegal use of or addiction to a controlled substance.

**Court:** An open unoccupied space bounded on two or more sides by the exterior walls and lot lines.

**Court, Inner:** A court enclosed on all sides by exterior walls of a building or by exterior walls and lot lines on which walls are allowable.

**Coverage:** That percentage of the plot or lot area covered by the building area.

**Dwelling:** A building designed or used as the living quarters for one or more families. The terms "dwelling", "one family dwelling", "multiple dwelling", "two family dwelling", or "dwelling group" shall not be deemed to include auto court, rooming house or tourist home.

**Dwelling, One-Family:** A detached building designed for or occupied exclusively by one family.

**Dwelling, Two-Family:** A detached building containing two dwelling units.

**Dwelling, Multi-Family:** A dwelling or group of dwellings on one plot containing separate living units for three or more families, but which may have joint services or facilities or both.

**Family:** One or more persons occupying a dwelling unit and living as a single, non-profit housekeeping unit.

**Farm:** Any parcel of land containing at least ten (10) acres which is used for gain in the raising of agricultural products, livestock, poultry, and dairy products. It includes necessary farm structures within the prescribed limits and the storage of equipment used. It excludes the raising of fur bearing animals, riding academies, livery or boarding stables and dog kennels.

**Fire Hazard:** Any area of land, including the structures thereon, that is used or intended to be used for manufacturing processes of, or the storage use or manufacture of materials or products of combustible nature. Such uses include, but are not limited to, ammunition storage, bakeries, building material establishments, cleaning plants, coal & coke yards, contractor's plant or storage yards, foundries or forges, feed establishments, freight yards or terminals, junk yards, laundries, lumberyards, paint stores and shops, potteries, paper storage, welding shops, warehouses, wholesale houses and the storage, use or manufacture of explosive gases, liquids or solids.

**Garage:** An accessory building intended or designed to be used for the storage of non-commercial motor vehicles. The term "garage" includes the term "carport".

**Gasoline Station:** Any area of land, including structures thereon that is used for the sale of gasoline or other motor vehicle fuel and oil and other lubricating substances, accessories, and which may or may not include facilities for lubricating, washing or otherwise servicing motor vehicles.

**Grade, Established:** The elevation of the center line of the streets as officially established by the village authorities.

**Grade, Finished:** The completed surfaces of lawns, walks and roads brought to grades shown on official plans or designs relating thereto.

**Greenbelt Planting Strip:** A cultivated strip of ground of width specified and planted with such plant materials that will, at maturity, grow to an average height or greater than the specified height.

**Home Occupation:** Any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. The conducting of a clinic, hospital, barber shop, beauty parlor, tea room, tourist home, animal hospital or any similar use shall not be deemed to be a Home Occupation.

**Hospital:** A building used for the diagnosis, treatment or other care of human ailments, unless otherwise specified.

**Junk Yard:** A lot, land or structure, or part thereof, used primarily for the collecting, storage and sale of waste paper, rags [*sic*], scrap metal or discarded material; or for the collecting, dismantling, storage and salvaging of same.

**Loading Space, Off Street:** Each unit being ten (10) feet wide, thirty (30) feet long and fourteen (14) feet high located within the structure, or within a side or rear yard or within an access drive or aisle of a required off-street parking space.

**Lot:** A parcel of land occupied or capable of being occupied by one building, and the accessory buildings or uses customarily incident to it, including such open spaces as are required by this ordinance.

**Lot, Depth of:** A mean horizontal distance between the front and rear lot lines, measured in the general direction of its side lot lines.

**Lot, Width of:** The mean width measured at right angles to its depth.

**Nonconforming Uses:** A building, structure or use of land existing at the time of enactment of this ordinance, and which does not conform to the regulations of the district or zone in which it is situated.

**Nursing or Convalescent Home:** Any dwelling with less than fifteen (15) sleeping rooms where persons are housed or lodged and furnished with meals and nursing care for hire.

**Open Space:** An unoccupied space open to the sky on the same lot with the building.

**Parking Space, Off Street:** Each unit being eight (8) feet wide and twenty (20) feet long exclusive of access drives and turning areas, located within accessory garage or in a side or rear yard, properly gravelled [*sic*], or paved and maintained.

**Planned Residential Development:** A type of special use for a development which shall include all land within the project boundaries plus all of the adjacent public right-of-way, involving a related group of associated residential uses, planned as an entity and, therefore, acceptable for development and regulation as one complex land unit, whereby flexibility in the form of variation to traditional yards, setbacks, lot shapes and sizes, or other development standards, may be allowed in order to provide for the orderly development of land areas that may not lend themselves to standard lot creation through the subdivision process. In exchange for such flexibility, a much higher level of site design and architectural control than normally required for other developments is involved through requiring at a minimum, binding site, landscape, architectural, and signage plans approved on a case-by-case basis, and other procedural requirements applicable only to Planned Residential Developments in addition to the general requirements of the Village Zoning Ordinance.

**Plat:** A map, plan or layout of a parcel or parcels of land, indicating the location and boundaries of individual properties.

**Sexually-orientated arcade:** Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.

**Sexually-orientated bookstore or sexually-orientated video store:** A commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one of more of the following:

- (1) Book, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, or video reproductions, slides, or other visual representations which depict or describe specified sexual activities or specified anatomical areas; or
- (2) Instruments, devices, or paraphernalia which are designed for use in connection with specified sexual activities. A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of materials depicting or describing specified sexual activities or specified anatomical areas and still be characterized as a sexually orientated bookstore or sexually orientated video store. Such other business purposes shall not serve to exempt such commercial establishment from being characterized as a sexually orientated bookstore or sexually orientated video store so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which depict or describe specified sexual activities or specified anatomical areas.

**Sign:** Any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge or insignia of any government or government agency, or of any civic, charitable, religious, patriotic, fraternal or similar organization.

**Street:** A public way which affords principal means of access to abutting property.

**Subdivision:** The division of a parcel of land into two (2) or more parcels, any of which resultant parcels is less than two (2) acres in area, for the purpose of transfer of ownership or building development, or, if a new street is involved, any division of a parcel of land.

**Tourist Home:** A dwelling in which overnight accommodations are provided or offered for transient guest for compensation.

**Townhouse:** A dwelling unit having usually two to three stories and often connected to a similar structure by a common wall, and particularly in a planned unit development sharing and owning in common the surrounding grounds.

**Trailer:** Any portable or mobile vehicle used or designed to be used for dwelling purposes with or without wheels attached.



**Use, Manufacturing:** Any building or lot used for making articles or products and employing more than four (4) persons or consuming more than sixty (60) manhours per week for manufacturing purposes.

**Yard:** An unoccupied space open to the sky, on the same lot with a building or structure.

**Yard, Front:** A yard on the same lot with the building between the front line of the building and the front line of the lot and extending the full width of the lot. As used in this ordinance the term “Front Yard” applies to all buildings on the lot.

**Yard, Rear:** A yard on the same lot with the building between the rear line of the building and the rear line of the lot and extending the full width of the lot. As used in this ordinance the term “Rear Yard” applies to principal buildings only.

**Yards, Side:** A yard on the same lot with the building situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line. As used in this ordinance the term “Side Yard” applies to principal buildings only.

## Section III – District Establishment and Regulations

**A. Establishment of Districts**—For the purpose of promoting the public health, safety, morals and general welfare of the Village of Winnebago said municipality is hereby divided into the following types of districts:

District #1 – One-Family Residential District  
District #2 – Two Family Residential District  
District #2-M - Multi-Family Residential District  
District #3 – General Business District  
District #4 – General Industrial District  
District #5 – Light Industrial District  
District #6 – Agricultural District  
District #7 – Limited Agricultural District

**B. Inclusion of Zoning Map**—Said districts are bounded and defined as shown on the map entitled “Zoning Map of the Village of Winnebago, Illinois”, which accompanies and which, with all explanatory matter thereon, is hereby made a part of this ordinance.

**C. Interpretation of Boundaries**—Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the zoning map the following rules shall apply:

- (1) Where district boundaries are indicated as approximately following the center lines of streets or street lines, such center lines or street lines shall be construed to be such boundaries.
- (2) Where district boundaries are indicated as approximately following the lot lines, such lot lines shall be construed to be such boundaries.

- (3) Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets such district boundaries shall be constructed as being parallel thereto and at such distance therefrom as indicated on the zoning map. If no distance is given, such dimension shall be determined by the use of the scale shown on said zoning map.

**D. Application of Regulations**—Except as hereinafter provided:

- (1) No building or land shall hereafter be used or occupied and no part thereof shall be erected, moved, or altered unless in conformity with the regulations herein specified for the district in which it is located.
- (2) No building shall hereafter be erected or altered, (a) to exceed the height, (b) to accommodate or house a greater number of families, (c) to occupy a greater percentage of lot area or (d) to have a narrower or smaller rear yards, front yards, side yards, inner or outer courts, than is specified herein for the district in which such building is located.
- (3) No part of a yard or other open space required about any building for the purpose of complying with the provisions of this ordinance shall be included as part of a yard or other open space similarly required for another building.

**E. PLANNED RESIDENTIAL DEVELOPMENT—**

Planned Residential Development may be permitted in the District No. 2--Two Family Residential District by a special use permit in accordance with the provisions of this section.

**GENERAL PURPOSE**

The Planned Residential Development Special Use Permit is developed in order to:

- A) Recognize that while the development and execution of a zoning ordinance is based upon the division of the Village into districts, within which districts the use of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform, there are unique uses that, because of their characteristics, cannot be properly classified in any particular district or districts without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location, and to also recognize that new types and procedures in land development or redevelopment are emerging and that the mixing of uses and variations in heights and yards can produce very satisfactory and lasting results, if properly designed and planned, without adverse influence upon surrounding property.
- B) Provide an administrative procedure and standards to facilitate and utilize imaginative design and subdivision technology which may necessitate variation to traditional yards, setbacks, lot shapes and sizes, or other development standards while allowing the orderly development of land areas that may not lend themselves to standard lot creation through the subdivision process.
- C) Encourage unique design and site planning of land areas through the use of criteria which, when properly implemented, allows for certain flexibility and density bonuses.

- D) Forward both the aesthetic and economic development objectives of the Village by controlling the site design and the appearance, density, or intensity of development in terms of potentially more flexible requirements for land uses, density, intensity, bulk, landscaping, and parking requirements. In exchange for such flexibility, the Planned Residential Development shall provide a much higher level of site design, architectural control, and other aspects of aesthetic and functional excellence than normally required for other developments through the requirement of a binding site plan, landscape plan, and architectural plan, approval on a case-by-case basis and certain procedural requirements applicable only to Planned Residential Developments, in addition to the general requirements of the Village Zoning Ordinance. A public hearing process is required to review a request for a Planned Residential Development. This process shall essentially combine the process for a zoning map amendment with that required for a conditional use, with several additional requirements.

#### PERMITTED USES

Unless otherwise provided in this Ordinance, no building or land may be used, and no building may be erected, converted, enlarged, or structurally altered in a Planned Residential Development, except for permitted uses listed in the District No. 2--Two Family Residential District, and overall dwelling unit density must conform with the requirements for said zoning district. Furthermore only development which is explicitly depicted on the required site plan approved by the Village board as part of the approved Planned Residential Development shall be permitted, even if such development (including all aspects of land use, density and intensity, bulk, landscaping, and parking and loading) is otherwise listed as permitted. Requested exemptions from these standards shall be made explicit by the applicant in the application, and shall be recommended by the Zoning Board of Appeals and approved explicitly by the Village Board. If not so requested and approved, such exemptions shall not be permitted.

#### APPLICANT AND APPLICATION

The applicant for a Planned Residential Development special use permit shall be the individual owner of the site, or if more than one, all owners of the site acting jointly. For the purposes of this section, the word "owner" shall also mean and include any public body corporate, a holder of written option to purchase, or a redeveloper under contract with the local public agency for urban renewal.

#### PRE-APPLICATION CONFERENCE

The applicant for approval of a Planned Resident Development shall contact the Zoning Board Chairman to place an informal discussion item for the Planned Residential Development on the Zoning Board of Appeals agenda.

No details beyond the name of the applicant, and the identification of the discussion item as a Planned Residential Development is required to be given in the agenda.

Each prospective applicant shall confer with the Zoning Board of Appeals prior to the submission of a Concept Plan referenced below.

At the Zoning Board of Appeals meeting, the applicant shall engage in an informal discussion with the Zoning Board of Appeals regarding the Planned Residential Development. At this conference the following basic data and information shall be considered:

- A) The boundaries of the property;
- B) Existing easements and covenants affecting the property;
- C) Land characteristics, such as natural drainage, wetland areas, and wooded areas;
- D) Existing development characteristics, such as surrounding streets, existing buildings, available sewer, water, and other utilities; and
- E) The proposed development layout, including the road and street system and the location and extent of the various types of residential uses, their size, height, and building footprint, parking facilities, landscaping and buffering, vehicular access and circulations, parks, playgrounds, and other community facilities.

Points of discussion and conclusions reached in this stage of the process shall in no way be binding upon the applicant or the Village, but should be considered as the informal, nonbonding basis for proceeding to the next step.

#### CONCEPT PLAN

The applicant for approval of a Planned Residential Development shall subsequent to the Pre-Application Conference provide the Zoning Board of Appeals Chairman with a draft Planned Residential Development Concept Plan submittal packet for a determination of completeness prior to the placing of the proposed Planned Residential Development on the Zoning Board of Appeals agenda for Concept Plan review. This submittal packet shall contain all of the following items prior to its acceptance by the Zoning Board of Appeals Chairman and placement of the item on a Zoning Board of Appeals agenda for Concept Plan review:

- (1) A location map of the subject property and its vicinity as depicted on a copy of the official Village map on paper 11 inches by 17 inches.
- (2) A written description of items A through E as indicated above under pre-application conference.
- (3) A Conceptual Plan Drawing at a minimum scale of 1"=100' indicating the general land use layout and the general location of public streets and major private drives.
- (4) An initial draft list of zoning standards which will not be met by the proposed Planned Residential Development and the locations in which they apply, and a complete list of zoning standards which will be more than met by the proposed Planned Residential Development and the locations in which they apply. Essentially, the purpose of this listing shall be to provide the Zoning Board of Appeals with the information necessary to determine the relative merits of the project in regard to private benefit versus public benefit, and in regard to the mitigation of potential adverse impacts created by design flexibility.

The applicant shall submit fourteen (14) sets of the Planned Residential Development Concept Plan to the Village Clerk for distribution to the following parties: Village Public Works Director (1), Village President (1), Village Building Official (1), Village Police Chief (1), Village Engineer (2), Village Attorney (1), Fire Chief (1), Village Office (1), and Zoning Board members excluding Village Building Official (5).

#### PRELIMINARY VILLAGE REVIEW

The Zoning Board of Appeals Chairman shall review the proposed Planned Residential Development Concept Plan with the Village Public Works Director, Village President, Village Building Official, Village Police Chief, Village Engineer, Village Attorney, and Fire Chief of the local fire protection district, or other appropriate designee for review and any appropriate commentary to determine its conformity with land development trends in the community; standards of the official comprehensive plan, and recognized principles of design, land use planning and landscape architecture. The result of the review shall be conveyed in writing to the applicant indicating whether any revisions or supplemental materials to the Concept Plan are necessary. If necessary, a follow-up letter shall be provided to the applicant when it is determined that all general engineering and legal requirements have been met.

#### PLANNED RESIDENTIAL DEVELOPMENT FILING PROCEDURE

After receipt of the written report indicating all general engineering and legal requirements have been met, the applicant may file for a Special Use Permit. All procedural rules in regard to the filing of a Special Use Permit shall be the same as in the case of a regular zoning application, except where the terms of this section are more restrictive, then this section shall govern.

#### APPLICATION FOR A PLANNED RESIDENTIAL DEVELOPMENT SPECIAL USE PERMIT

An application for a Planned Residential Development Special Use Permit shall be filed with the Village Clerk for distribution on a form prescribed by the board and provided for that purpose. The application shall consist of:

(A) Overall development plans showing:

1. All information and data required by the Subdivision Ordinance of the Village of Winnebago for tentative plats;
2. A location map of the subject property showing all lands for which the Planned Residential Development is proposed, and all other lands within 250 feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on such map as the names and addresses appear on the current records of the register of deeds of the county. The map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction that maintains that control;
3. Kind, location, bulk, and capacity of proposed structures and uses;
4. Proposed finished topography;
5. Engineering and improvement plans;
6. Provisions for automobile parking and loading;

7. Provisions for ingress and egress from the site, internal circulation, handicapped accessibility and emergency vehicle access and circulation;
  8. Provisions for sidewalks and/or bikeways, and pedestrian and bicycling leisure facilities such as plazas, trails, interior sidewalks, bike paths, benches, etc.;
  9. Plan for buffering adjacent land areas;
  10. Provisions for site lighting; and
  11. All other information and data required by the Village.
- (B) A landscaping plan for the subject property;
- (C) A series of building elevations for the entire exterior of all buildings in the Planned Residential Development, including detailed notes as to the materials proposed;
- (D) A general signage plan for the project, including all project identification signs, concepts for public fixtures and signs (such as streetlight fixtures and/or poles or street sign faces and/or poles), and group development signage themes which are proposed to vary from city standards or common practices;
- (E) A general outline of the intended organizational structure for a property owners' association, if any, deed restrictions, and provisions for private provision of commons services, if any;
- (F) Written statement of facts explaining in detail the proposal and justifying the project at this location. Included also will be the proposed provisions for services, maintenance, and continued protection for the Planned Residential (Unit) Development and adjoining territory;
- (G) A conceptual plan drawing (at 11 inches by 17 inches) of the general land use layout and the general location of major public streets and/or private drives. The applicant may submit copies of a larger version of the conceptual plan in addition to the 11-inch by 17-inch reduction; and
- (H) Such other pertinent information as the Zoning Board Chairman shall prescribe, but, to promote efficiency and minimize expense the Zoning Board Chairman may provide for the serial submission of portions of the application.
- (I) Fourteen (14) copies of each of the required plans to be distributed by the Village Clerk to the following parties: Village Public Works Director (1), Village President (1), Village Building Official (1), Village Police Chief (1), Village Engineer (2), Village Attorney (1) Fire Chief (1), Village Office (1), and Zoning Board members excluding Village Building Official (5);
- (J) Fee. The fee for a zoning lot application shall be as per fee schedule published by the Village as amended from time to time.

Additionally, the applicant shall, within ten (10) days of receiving the billing, reimburse the Village for the actual cost or charges of any required publication notice.

## ZONING BOARD OF APPEALS REVIEW

The Zoning Board of Appeals shall review the application for the Planned Residential Development Special Use Permit and consider the overall design of the proposed Planned Residential Development as it relates to the natural and man-made features in the immediate and surrounding area. The Zoning Board of Appeals shall recommend to the Village Board the maximum density (dwelling units per net acre) and height which should be permitted that is consistent with the character of the surrounding development. The number of dwelling units erected shall not exceed the number permitted by the regulations of District No. 2--Two Family Residential, except where a density bonus may be granted as part of the planned development. If a building is permitted to exceed the height limit of District No. 2--Two Family Residential, open spaces around such building shall be increased by an amount equal to the height that the building exceeds the height limit of the district measured in feet, or at some other proportion deemed necessary by the Village.

## ENVIRONMENTAL INCENTIVES

In establishing the maximum density and height, due consideration shall be given to the maximum density and height permitted in adjacent residential districts, and to the actual density and height of the surrounding residential area where such exists. A Planned Residential Development site may be divided into two or more parts with densities and heights determined for each part if such division will improve the total character of the development and make it more compatible with the general development of the area. An applicant shall have no absolute right to receive a density bonus even if the Applicant is willing to perform one or more of the environmental incentives listed below, but rather the awarding of the density bonus shall be totally within the discretion of the Village as it determines how the subject Planned Residential Development fits with the aesthetic, economic, and general development plans of the Village. The Zoning Board of Appeals may recommend an award of a maximum of twenty percent (20%) density bonus from maximum dwelling unit density of the underlying zoning district based on excellence in design of a proposed Planned Residential Development according to the following environmental incentives; provided however that the percentages for each environmental incentive are to be applied cumulatively to result in a total of not more than twenty percent (20%):

### (A) OPEN SPACE

1. A twelve percent (12%) density bonus for usable open space, provided it equals at least twenty-five percent (25%) of site area which is (private or public) not covered by buildings, parking, and streets.
2. A six percent (6%) density bonus for dedication of a public park site according to the official Village Map, and the site may be considered part of the net site area for determining dwelling units.
3. A six percent (6%) density bonus for dedication of a public school site according to the official Village Map, and the site may be considered part of the net site area for determining dwelling units.
4. A ten percent (10%) density bonus for preservation and protection of at least fifty percent (50%) of existing mature trees native to the Village area.

(B) SITE PLANNING DESIGN

1. A four percent (4%) density bonus for siting buildings and building groupings to preserve existing woods, wetlands, and environmentally sensitive areas, or to provide view corridors for the residents and general public, which may include variations in building setbacks.
2. A two percent (2%) density bonus for provision in design for usable courtyards, gardens, and patios.
3. A one percent (1%) density bonus for proper consideration of sun and wind orientation.

(C) LANDSCAPING PLANTING AND SCREENING

1. A one percent (1%) density bonus for provision of a landscaped buffer strip at least ten (10) feet wide on all peripheral lot lines.
2. A two percent (2%) density bonus for provision of a masonry wall or solid fence five feet high on all peripheral lot lines.

(D) FACILITIES AND AMENITIES

1. A five percent (5%) density bonus for recreational facilities which may or may not include a golf course and occupying one (1) square foot for every five (5) square feet of residential floor area.
2. A five percent (5%) density bonus for each swimming pool, not to exceed ten percent (10%).
3. A three percent (3%) density bonus for tennis courts and playground recreation equipment, with one percent (1%) for each court or each equipped playground area.
4. A five percent (5%) density bonus for a community center building and/or club.
5. A two percent (2%) density bonus for land area for a public building site such as a fire station.

(E) TRAFFIC AND PARKING

A ten percent (10%) density bonus may be credited for fifty percent (50%) of required parking in an underground structure.

Additional detailed plans of site improvements and proposed documents to provide security for the installation and maintenance of utilities and community facilities and open spaces may be requested from time to time to facilitate the review of the proposed Planned Residential Development. The Zoning Board of Appeals may recommend reasonable conditions regarding the layout, circulation, and performance of the proposed development. The Zoning Board of Appeals may approve variation in the zoning and subdivision standards in Planned Residential Developments which may permit private streets for unique developments that may utilize condominium development techniques, cluster housing concepts, and other imaginative and unique development methods when consistent with the purpose of this section.



## PUBLIC HEARING

Upon receipt in proper form of the application referred to in this section, the Zoning Board of Appeals shall within sixty (60) days, unless the time period is extended by joint approval of the applicant and the Zoning Board of Appeals, hold at least one public hearing on the proposed Planned Residential Development, at such time and place as shall be established by the board of appeals. Notice of the hearing shall be given in accordance with state statute. In addition, all property owners as identified by public record within 250 feet of the subject property shall be notified by first-class mail postage prepaid of the public hearing no less than ten (10) days prior to the public hearing. Applicant shall be responsible for providing the Village with the correct information as to those property owners within 250 feet of the subject property, and shall indemnify and hold harmless the Village for all fees and costs incurred, including, but not limited to legal, engineering, and publication costs resulting from misinformation or incomplete information provided as to such property owners. The Village Board may by ordinance require an applicant to assume the cost of administration, and due notice to interested parties.

## FINDINGS OF FACT AND RECOMMENDATION OF ZONING BOARD OF APPEALS

Within sixty (60) days after the close of the public hearing on the proposed Planned Residential Development Special Use Permit, the Zoning Board of Appeals shall make written findings of fact and shall submit the same together with its recommendation to the Village Board. For the Zoning Board of Appeals to make an affirmative recommendation, it must find:

- (1) The establishment of the Planned Residential Development will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
- (2) The Planned Residential Development will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
- (3) The Planned Residential Development will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district;
- (4) Adequate utilities, access roads, drainage and/or other necessary facilities have been, are being or will be provided; and
- (5) Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

An Applicant for a Planned Residential Development shall be liable to the Village for all legal, engineering, and other professional fees incurred by the village in processing the Planned Residential Development application. Said fees shall be paid to the Village prior to the Village's final vote on the Planned Residential Development application.

## AUTHORIZATION

A Planned Residential Development Special Use Permit shall be authorized by Village Board Ordinance upon approval of such Special Use Permit request after a public hearing and

recommendation from the Zoning Board of Appeals. Such ordinance shall specify the maximum density (dwelling units per net acre), coverage, and height for the Planned Residential Development and may include such other conditions and/or restrictions upon the location, design and construction as shall be deemed necessary to secure the general objectives of this Section on Planned Residential Development. Such specificity may be contained in the body of the ordinance or as an attachment by way of a separate written Planned Residential Development agreement with the individual applicant.

#### EFFECT OF DENIAL

No application for a Planned Residential Development Special Use Permit which has been denied wholly or in part by the Village Board shall be resubmitted for a period of one year from the date of such denial, except on the grounds of new evidence or proof of changed conditions found to be valid by the Zoning Board of Appeals.

#### RECORDED PLAT REQUIRED

A plat of the subdivision shall be recorded. Such plat shall show building lines, common land, streets, easements, and other applicable features required by the Subdivision Ordinance. No building permits or occupancy permits shall be issued until after final approval of the Planned Residential Development Special Use Permit and recording of the subdivision plat is approved in final form by the Village Board.

#### GUARANTEE OF COMPLETION

Before final approval of a Planned Residential Development Special Use Permit, the Village Board may require a contract with safeguards satisfactory to the Village's Attorney guaranteeing completion of the Planned Residential Development in a period specified by the Zoning Board of Appeals, but which period shall not exceed five years unless extended by the Village Board.

#### REVOCATION

In any case when construction of a Planned Residential Development has not commenced within one year after the date of approval, the Zoning Board of Appeals shall review such Planned Residential Development and recommend to the Village Board whether or not the Planned Residential Development Special Use Permit should be revoked or continued. Approved Planned Residential Developments that have not been completed within the time limits established above shall revert back to the last zoning designation the property had at the time of filing of the application for Planned Residential Development before any zoning change was made as a result of such Planned Residential Development, or such other zoning designation as decided by the Village Board to assimilate with the aesthetic, economic, and general development plan of the village at that time. The applicant, upon revocation, shall be liable for all fees and costs incurred by the Village resulting from such failure to comply with the time limits established above including, but not limited to, engineering, legal, and other professional fees and costs, which fees and costs shall be in addition to any other fees and costs referenced herein.

**F. Regulations by Districts—**

**DISTRICT NO. 1 - One-Family Residential District**

**The following regulations shall apply in all No. 1 Districts.**

- (1) Principal Permitted Uses**—One Family detached dwellings, places of religious worship and uses attendant and subordinate thereto; public and parochial educational, cultural and recreation uses; customary agricultural uses provided that no odor or dust producing operation or use shall be permitted within one hundred feet of any property line; customary home occupations provided that such is conducted within principal building and that there be no external evidence of such except signs as permitted in Sec. IV, Art. C. Para. 4.
- (2) Special Permitted Uses (See Sec. V, Art. A. Para 2b)**—Private-Non profit cultural and welfare uses; hospitals, medical, dental, legal, engineering and accounting offices, real estate and insurance offices and beauty salons.
- (3) Net Site Area**—Not less than 10,200 square feet and lot width of not less than eighty-five (85) feet at the point of thirty (30) foot setback line provided for in said Zoning Ordinance.
- (4) Coverage**—All buildings including accessory buildings shall not cover more than thirty (30) percent of the net site area.
- (5) Yards required**—Each principal building shall have front, side, and rear yard or setback not less than the depths or widths following:
  - a. Front yard depth—thirty (30) feet
  - b. Side yard width — not less than twelve (12) feet
  - c. Rear yard depth — twenty-five (25) feet
- (6) Height of Principal Building**—not to exceed two and one-half stories of thirty-five (35) feet.
- (7) Accessory Building Regulations**—Accessory buildings shall be located on the same lot with principal building, shall be not less than 10 feet from principal building if not attached thereto, shall not exceed 15 feet in height, nor be less than 6 feet from rear lot line and side yard requirement may be reduced to 4 feet.
- (8) Supplementary Regulations**—See Sec. IV.

**DISTRICT NO. 2 – Two-Family Residential District**

**The following regulations shall apply in all No. 2 Districts.**

- (1) Principal Permitted Uses**—All uses listed under, and subject to provisions listed under Paragraphs # 1 & # 2 in District No. 1 above; Two Family Detached Dwellings.

- (2) **Special Permitted Uses (See Sec. V, Art. A. Para. 2b)**—Multi-Family detached, row or group dwellings, Medical & Dental Clinics; Real Estate & Insurance Offices, Beauty Salons & Mortuaries provided such activities are conducted within the principal building and employ no more than 3 persons; Boarding House, Assisted Living Facility under a Planned Residential Development, provided the assisted Living Facility also meets the criteria listed below, Community Based Housing under a Planned Residential Development, and townhouses under a Planned Residential Development, provided the townhouses also meet the criteria listed below. Townhouses must have no more than six (6) units in a building and no more than one building on a lot, or control, and all units must front a public street.

An Assisted Living Facility must meet all definitional, structural, licensure, and procedural requirements as set forth in the Illinois Assisted Living and Shared Housing Act, effective January 1, 2001, as amended, as well as all requirements set for in Chapter 32 (New Residential Board and Care Occupancies) and applicable provisions of Chapter 18 (New Health Care Facilities) of the 2000 Life Safety Code, as amended.

- (3) **Net Site Area**—Same as District No. 1 provided that no lot shall have an area of less than 1,000 feet for each family housed thereon.
- (4) **Coverage**—Same as District [sic] No. 1.
- (5) **Yards Required**—Each Principal Building shall have front, side & rear yards not less than the depths or widths following:

One Family & Two Family dwellings—same yard requirements as District No. 1.

Multi-Family Dwellings—

Front Yard—Thirty (30) Feet

Side Yards—Ten (10) Feet

Rear Yards—Fifty (50) Feet, except if six units or fewer minimum setback reduced to twenty-five (25) feet

- (6) **Height of Principal Building**—Not to exceed three stories or forty (40) feet.
- (7) **Accessory Building Regulations**—Same as District No. 1.
- (8) **Supplementary Regulations**—See Section IV.
- a. Distance Between Buildings on Same Plot—no principal building shall be closer to any other principal building than the average of the heights of said buildings.
  - b. Required Inner Court Dimension—the least dimension of an inner court shall be not less than the full height of the walls enclosing such court, but not less than fifty (50) feet. Each inner court shall have an open and unobstructed passageway at grade level sufficient to permit the passage of fire equipment.

## **DISTRICT NO. 2-M, Multi-Family Residential District**

**The following regulations shall apply in all No. 2-M Districts:**

- (1) **Principal Permitted Uses**—All uses provided under Paragraph 1 in District No. 1 above, two-family detached dwellings, multi-family detached, row or group dwellings.
- (2) **Special Permitted Uses**—(See Section V, Article A, Paragraph 2 b) Private Non-Profit Cultural and Welfare Uses; hospitals, medical and dental clinics; legal, medical, dental, engineering, accounting, real estate and insurance offices; mortuaries, Boarding Houses and Beauty Salons, providing such activities are conducted within the principal building.
- (3) **Net Site Area**—A Multi-Family Dwelling or group of dwellings on one plot containing separate living units for three families shall have a net site area of not less than 13,000 square feet and 4,300 square feet for each additional living unit, provided that not more than ten (10) separate living units shall be constructed on one acre.
- (4) **Coverage**—The principal building or buildings including accessory buildings shall not cover more than 60% of the net site area.
- (5) **Yards Required**—Each principal building shall have front, side and rear yards not less than the depths or widths following, to-wit:
  - A. Front Yard – Thirty (30) Feet
  - B. Side Yards – Ten (10) Feet
  - C. Rear Yard – Fifty (50) Feet, except if six units or fewer minimum setback reduced to twenty-five (25) feet
- (6) **Height of Principal Building or Buildings**—Not to exceed twenty-eight (28) feet, and distance between principal buildings of not less than twenty (20) feet.
- (7) **Construction of Building or Buildings**—
  - a. Each Multi-Family detached dwelling or row or group dwellings may provide one (1) single bedroom unit for each three (3) double bedroom units.
  - b. Each single bedroom unit shall have a minimum dwelling or habitable area of not less than 750 square feet and each double bedroom unit not less than 950 square feet.
- (8) **Accessory Building Regulations**—Accessory buildings shall be located on same lot with principal building it serves and if unattached to principal building shall be not less than 10 feet from principal building, shall not exceed 15 feet in height, nor be less than 6 feet from the rear lot line, or less than ten (10) feet from any side lot line.
- (9) **Garages and Parking**—There shall be provided garages or hard surfaced parking on the lot or building site providing one and one-half parking spaces for each single bedroom unit and two parking spaces for each double bedroom unit.

**(10) Supplementary Regulations—**

- a. If inner courts are provided, then the dimensions thereof shall be the same as District No. 2 Requirements.
- b. Regulations provided in Section IV shall apply where no conflict exists between such regulations and the provisions herein contained, and if such regulations are in conflict then the provisions herein contained shall supersede and control existing regulations.

**DISTRICT NO. 3 – General Business District**

**The following regulations shall apply in all No. 3 Districts.**

- (1) Principal Permitted Uses—**Stores, Shops, and Offices for conducting of any legal retail sales, personal service professional or entertainment activity except as noted below as "Special permitted uses", and with the restrictions as noted at the end of this paragraph for any sexually-orientated business which includes, but is not limited to, a sexually-orientated arcade, a sexually-orientated bookstore, or a sexually-orientated video store; spaces for production of products to be sold at retail on the premises provided such production may not be defined as a "Manufacturing Use" under Section 1 hereof; Public Service Substations and Exchanges; Transit Passenger Stations; Public and Private Automobile Parking Lots. New construction for dwelling purposes is not permitted except that living accommodations for one but not more than four families may be provided on second floor of a business use, and provided that the lot or lots upon which such business and dwelling use is constructed shall have a vacant area of not less than 500 square feet for each family housed therein.

Sexually orientated businesses, which shall include but not be limited to sexually-orientated arcades, sexually-orientated book stores, and sexually-orientated video stores, shall be a permitted use provided that:

- a. A sexually-orientated business may not be operated within one (1) mile of the following previously established uses:
  - 1) A church, synagogue, or regular place of worship;
  - 2) A public or private elementary or secondary school;
  - 3) Any property legally used or zoned for residential purposes;
  - 4) A public park;
  - 5) A day care facility;
  - 6) Another sexually-orientated business; or
  - 7) Any public access government building.
- b. For the purpose of this subsection, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually-orientated business is located, to the nearest property line of a church, synagogue, or regular place of worship, public or private elementary or secondary school, residential use,

park, day care facility, or other sexually-orientated business, or to the nearest boundary of a residential zoning district.

- c. Nothing in this subsection shall be interpreted to authorize or permit any activity or conduct prohibited by any local, state, or federal law including, but not limited to, obscenity and prostitution.
- (2) **Special Permitted Uses**—Garages; Farm Implement Establishments; Greenhouse and Nurseries; Lumber Yards; Fuel Yards; Wholesale sales outlets; Warehousing, Storage and Truck Transport Activities. All above “special permitted uses” are subject to provisions listed under District No. 4, Para. 1-a through 1-h below and under Sec. IV, Art. G. below, as well as other provisions of this ordinance.
- (3) **Net Site Area**—No requirements other than those listed elsewhere herein.
- (4) **Coverage**—No requirements other than those listed elsewhere herein.
- (5) **Yards required**—No requirements other than those listed elsewhere herein. See Sec. IV, Art. L & M in particular.
- (6) **Height of Principal Bldg.**—Not to exceed 3 stories or 40 feet.
- (7) **Accessory Building Regulations**—No requirements.
- (8) **Supplementary Regulations**—See Sec. IV.

## **DISTRICT NO. 4 – General Industrial District**

**The following regulations shall apply in all No. 4 Districts.**

- (1) **Principal Permitted Uses**—Any use except a structure used for dwelling purposes, provided, however, the use complies with the following provisions:
  - a. **Review by the Board of Appeals**—To assure compliance with provisions of this ordinance as apply to this district all plans and specifications of proposed uses in this district must be submitted to the Board of Appeals for their review prior to issuance of permit by enforcing official.
  - b. **Noise and Shock**—Any machines, presses, breaks, forges, hammers and similar constructions shall be placed on suitable shock absorbing mountings and on suitable reinforced concrete footings; shall be muffled so as not to become objectionable due to intermittance [*sic*] beat frequency or shrillness; shall not be loaded beyond capacity as prescribed by the manufacturer.
  - c. **Glare and Heat**—Any processes emitting glare and heat shall be performed so as not to be seen from any point beyond the outside of the property.

- d. Smoke and Dirt—Shall not exceed 0.3 grains per cubic foot of flue gas at stack temperature of 500 degrees F. Nor shall smoke emitted to atmosphere be more dense than Ringleman No. 1 for periods aggregating four minutes in any thirty minutes.
- e. Odor and Gases—The emission of obnoxious odors of any kind shall not be permitted nor shall any gas be emitted which is deleterious to the public health, safety or general welfare.
- f. Fire and safety Hazards—All tanks providing storage of flammable liquids above ground shall be located not less than one hundred (100) feet from property lines. All tanks providing storage of flammable liquids below ground shall be located not closer to the property line than the greatest depth to the bottom of the buried tank.

The storage of rags, waste paper or similar products of combustible nature, when enclosed in a building, shall be enclosed in a building of four (4) hours construction, no part of which may be located closer than one hundred (100) feet from any property line.

- g. Open storage for Junk, Auto Wrecking Yards and Other Waste Products—All such storage shall be enclosed within a tight unpierced fence not less than six (6) feet in height made of materials similar to or architecturally compatible with the construction materials of the principal building and subject to yard requirements for accessory buildings listed below, and a roadway shall be provided, graded, surfaced, and maintained from the street to the rear of the storage area to permit free access of fire trucks at any time.
- h. Open Storage Other than Junk—All such storage shall be enclosed within a tight unpierced fence made of materials similar to or architecturally compatible with the construction materials of the principal building and not less than six (6) feet in height, or enclosed within a greenbelt planting strip not less than six (6) feet in width, and not less than six (6) feet in height, to normally screen view of stock piles from any outside street. All fences subject to yard requirements of accessory buildings listed below.

The storage of lumber, coal or other combustible material shall be provided with a roadway, graded, surfaced and maintained from the street to the rear of the storage area to permit free access of fire trucks at any time.

- i. Sewage Waste—No wastes shall be discharged in the public sewer system which is dangerous to the public health and safety. Acidity or alkalinity shall be neutralized to a pH of 7.0 as a daily average on a volumetric bases, with a temporary variation of pH 5.0 to 10.0. Wastes shall contain no Cyanides and no Halogens, and shall contain not more than 10 p.p.m. of the following gasses [*sic*]: Hydrogen Sulphide, Sulphur Dioxide and Nitrous Oxide. Wastes shall not contain any insoluble substance in excess of 10,000 p.p.m. or fail to pass a No. 8 Standard Sieve, or have a dimension greater than ½ inch. Wastes shall not have a chlorine demand greater than 15 p.p.m. Wastes shall not contain phenols in excess of .005 p.p.m. Wastes shall not contain any grease or oil or any oily substance in excess of 100 p.p.m. or exceed a daily average of 25 p.p.m.



- (2) **Special Permitted Uses**—(See Section V, Article A) See principal permitted uses above.
- (3) **Net Site Area**—Shall be of an area to satisfy requirements of coverage, yards, parking and other portions of this ordinance which apply to this district.
- (4) **Coverage**—All buildings including accessory buildings shall not cover more than thirty (30) percent of the net site area.
- (5) **Yards Required**—Each lot shall have front, side and rear yards not less than the following depths:
- a. Front Yard Depth—Fifty (50) feet.
  - b. Side Yards and Rear Yards—Where yard abuts a zoning district other than industrial—forty (40) feet.
- Where yard abuts street other than street on which use fronts—thirty (30) feet.
- Where yard abuts another industrial use—twenty (20) feet.
- Where yard abuts railroad right-of-way—none required. Greenbelt Planting Strips—A greenbelt planting strip not less than six (6) feet in width, and not less than six (6) feet in height shall be provided and maintained along all zoning district boundary lines which border a more restrictive zoning district and along all street lines except such greenbelt planting strips may be omitted along front and side yards where such yards are landscaped and maintained.
- (6) **Height of Principal Building**—Not to exceed thirty (30) feet).
- (7) **Accessory Building Regulations**—To be constructed of material similar or architecturally compatible with construction materials of principal building; not less than twenty (20) feet in height; not less than twenty (20) feet from side and rear lot lines except where side and rear lot lines abut railroad right-of-way then no yards are required; to comply with provisions listed under Fire and Safety Hazards above.
- (8) **Supplementary Regulations**—See Section IV.

## **DISTRICT NO. 5 – Light Industrial District**

- (1) **PURPOSE.** The Light Industrial District is intended to accommodate light industrial wholesale and research establishments. The Light Industrial District may be located in various areas throughout the community, may be in close proximity to residential neighborhoods and not be detrimental to residential uses because of its limited nature. While most often applied to areas where the location of particular industries has no direct relationship to other nearby business or industrial districts, it may also be formed as adjunct to these established districts.

(2) **REQUIRED CONDITIONS.**

- a. Any noises, vibrations, and/or odors associated with the business must be completely contained within the building(s) within which the business is conducted, and must not be detectable or audible from the outside perimeters of the property.
- b. All production, processing, servicing, testing, and repair of materials, goods, or products shall take place within completely enclosed buildings that are not transparent.
- c. No junk storage shall be permitted. All open storage for non-junk items shall also be within completely enclosed buildings that are not transparent and that are architecturally compatible with the construction materials of the principal building and not less than fifteen (15) feet in height. Any storage of lumber or other combustible materials shall be in an area immediately accessible to a roadway which is graded, surfaced, and maintained from the street to the applicable storage area to permit free access of fire trucks at any time.
- d. No use shall be permitted, and no process, equipment, or material shall be employed which is found by the Village Board of Trustees to be objectionable to persons or injurious to property located in the vicinity by reason of odor, insect nuisance, fumes, dust, smoke, cinders, dirt, refuse, water-carried waste, noise, vibration, illumination, glare, unsightliness, or to involve any hazard of fire or explosion.
- e. There shall be sufficient paved parking available on the business premises for all employees on a given shift who drive to work, customers, salesmen, and anyone else who frequents the premises. No on-street parking shall be permitted.
- f. All users shall comply with the performance standards as cited in the "Environmental Protection Act" effective July 1, 1970, as amended, for the State of Illinois.

(3) **PERMITTED USES.** Unless otherwise provided in this ordinance, no building or land may be used, and no building may be erected, converted, enlarged or structurally altered in the Light Industrial District except for one or more of the following uses:

1. Any production, processing, servicing, testing, repair, or storage of materials, goods, or products.
2. Wholesaling and warehousing.
3. Public and community service uses, as follows:
  - Bus terminals, bus garages, and bus lots;
  - Electric substations;
  - Fire stations;
  - Municipal or privately-owned recreation buildings;
  - or community centers;
  - Parks and recreation areas;
  - Police stations;

Radio and television stations;  
Telephone exchanges;  
Water filtration plants;  
Water pumping stations; and  
Water reservoirs.

- (4) **LOT SIZE.** Every principal use in the Light Industrial District shall be located on a parcel of land having an area of not less than fifteen thousand (15,000) square feet and a width at the established building line of not less than one hundred (100) feet.
- (5) **YARDS.** No building or structure shall hereafter be erected or structurally altered unless the following yards are provided and maintained in connection with such buildings:
1. **Front.** A front yard equal to at least one-half ( $\frac{1}{2}$ ) the right-of-way of the street on which the lot fronts. However, in no case shall the front yard be less than thirty-three (33) feet nor require more than forty (40) feet.
  2. **Side.** Where a side yard abuts property also in the Light Industrial District, there shall be a side yard on each side of the zoning lot of ten percent (10%) of the total yard width, with such ten percent (10%) not required to exceed twenty (20) feet, but in no case shall such side yard on each side of the zoning lot be less than twelve (12) feet. However, where a side yard adjoins a street, the minimum width shall be increased to equal one-half ( $\frac{1}{2}$ ) the right-of-way of the adjoining street with a minimum of thirty-three (33) feet but not require more than forty (40) feet. Also, if the side yard abuts a zoning district other than the Light Industrial District, such side yard shall be no less than twenty (20) feet.
  3. **Rear.** A rear yard not less than thirty (30) feet where the rear yard abuts property also in the Light Industrial District, and not less than thirty (30) feet if the rear yard abuts a zoning district other than the Light Industrial District.
  4. **Height.** In the Light Industrial District, no building shall be erected or altered to a height in excess of twenty-five (25) feet.

The above-mentioned side yard and rear yard requirements, as well as the front yard setback requirements shall be waived for existing businesses in the current business or current industrial district at the time of passage of this Ordinance.

To assure compliance with the provisions of this Ordinance as applied to the Light Industrial District, all plans and specifications of proposed uses in this district must be submitted to the Village of Winnebago Board of Appeals for its review prior to issuance of any applicable permits by the enforcing official.

## **DISTRICT NO. 6 - Agricultural District**

(1) **PURPOSE.** The Agricultural District is intended to do the following:

- a. To conserve, protect, and encourage the development and improvement of the Village's agricultural lands for the production of food and other agricultural products.
- b. To conserve and protect agricultural lands as valued natural and ecological resources which provide needed open spaces for clean air sheds as well as for aesthetic purposes.
- c. To discourage premature and disassociated urban development on certain lands that will be used for agricultural pursuits and open space uses.
- d. To permit nonagricultural uses that require land areas that will not detract or adversely affect the normal agricultural pursuits of the rural area.
- e. To give primary consideration to agricultural pursuits and secondary consideration to large urban supporting uses.

(2) **PERMITTED USES.** Unless otherwise provided in this ordinance, no building or land may be used, and no building may be erected, converted, enlarged, or structurally altered in the Agricultural District, except for one or more of the following uses:

- a. All uses commonly classified as agricultural, which includes the growing of farm crops, truck garden crops, animal and poultry husbandry, apiculture, aquaculture, dairying, floriculture, horticulture, nurseries, tree farms, sod farms, pasturage, viticulture, and wholesale greenhouses, together with the operation of any machinery or vehicles incidental to the above uses.
- b. Parks, forest preserves, and recreational areas when publicly owned and operated.
- c. Railroad right-of-way and trackage, but not including classification yards, terminal facilities, or maintenance facilities.
- d. Schools, public, denominational or private; elementary and high, including playgrounds and athletic fields auxiliary thereto.
- e. Churches, rectories, and parish houses.
- f. Public service uses are as follows:
  - 1) Water filtration plant, pumping station, or reservoir.
  - 2) Wastewater treatment facility.
  - 3) Police and fire stations.
  - 4) Telephone exchange.
  - 5) Electric and gas substations and booster stations.
  - 6) Governmental buildings and land uses.

- g. Wind-operated energy devices, for site service only, provided the lot area has a minimum of 2.5 acres, and the minimum distance from the base of the structure to every lot line shall be the height of the structure plus ten feet.
- h. Telecommunication towers, as permitted and regulated by Village ordinance.
- i. Accessory land uses and activities allowed as permitted uses, including:
  - 1) Off-street parking as required or permitted in accordance with Village ordinances and regulations.
  - 2) Home occupations, as permitted by Village ordinances, as an accessory use by occupant.
  - 3) The sale of products produced on the premises from temporary stands or from existing farm buildings.
  - 4) Temporary buildings for construction purposes, not for human habitation and not to exist after termination of project.
  - 5) Signs, as permitted in accordance with the provisions of the Village's Sign Ordinance.

(3) **SPECIAL PERMITTED USES.** The following uses may be allowed by special use permit in accordance with the provisions herein for special use permits, provided that the buildings and premises will be in compliance with all the applicable state and Village building, health, and fire regulations:

- a. Cemeteries, including crematories and mausoleums in conjunction therewith, if not located within 500 feet of any dwelling.
- b. Outdoor theaters and indoor theaters which are an integral part of an outdoor theater complex.
- c. Penal and correctional institutions.
- d. Private and public recreational facilities and commercial entertainment and tourist establishments, including, but not limited to, picnic and recreational campgrounds, as regulated by Village ordinance; dining and dancing establishments; archery clubs; gun clubs; Par-3 golf courses; automobile, cycle, snowmobile race tracks or courses; commercial stables and riding trails; and commercial fishing ponds or lakes and/or similar tourist facilities.
- e. Radio and television towers and accessory facilities.
- f. Institutions for the rehabilitation, education, or training of disabled persons.
- g. Automobile wrecking yards, provided they are screened from view from adjacent property or rights-of-way.

- h. Agribusiness, including:
  - 1) Feedlots, stockyards, or other concentrated animal feeding operations (CAFOs).
  - 2) Agricultural and horticultural consulting services.
  - 3) Sod laying services.
  - 4) Wine and brandy making.
  - 5) Sawmills.
  - 6) Store to conduct retail sales of feed, seed, and such farm implements as are incidental thereto; but excluding sales of farm implements used for tillage and harvesting of crops.
- i. Golf courses, regulation size, but not including Par-3 golf courses, commercially operated driving ranges or miniature golf courses, and provided that no clubhouse or accessory buildings shall be located nearer than 200 feet to any dwelling.
- j. Seminaries, convents, monasteries, and similar religious institutions, including dormitories and other accessory uses required for operation, provided such uses are located on a tract of land of not less than ten acres.
- k. Veterinary office and hospital.
- l. Every special use authorized in the agricultural district shall be located on a tract of land the minimum size of which shall be specified in the special use permit.
- m. Accessory land uses and activities allowed as special uses, including:
  - 1) Remote, isolated, or off-premises off-street parking as required or permitted in accordance with the provisions of Village ordinances.
  - 2) The sale of products produced on the property direct to the public from other than a temporary, seasonal roadside stand, or an existing farm building, or when items not produced from agricultural activities on the property are available for sale, as an accessory use by owner or occupant.
  - 3) Dog kennels, commercial, as an accessory use by owner or occupant.
  - 4) Medical or dental office or clinic, as an accessory use by owner or occupant.
  - 5) Day care centers, as an accessory use by owner or occupant.
  - 6) Bed and breakfast establishments, or lodging rooms not meeting the home occupation regulations as provided for by Village ordinance, as an accessory use by owner or occupant.
  - 7) Residential and agricultural contractor's office and buildings, provided that all material, equipment, and vehicles, excluding motor vehicles requiring periodic registration, shall be stored or parked within a completely enclosed building which meets all of the requirements of the Village's building code, as an accessory use by owner or occupant.
  - 8) Restricted landing areas, as an accessory use by owner or occupant.
  - 9) Automobile service or repair shops, as an accessory use by owner or occupant, provided the number of customer vehicles present on the property is limited to the number of vehicle work spaces available inside the shop building.

- 10) Live bait shops, with limited fishing supplies, as an accessory use by owner or occupant, provided the area of outside display or sales shall not exceed the area of inside space.

**(4) EXEMPTIONS/ABATEMENTS.**

- a. **EXEMPTIONS.** The following exemptions shall apply in "District No. 6--Agricultural District".
  - 1) No building permit shall be required with respect to land used for agricultural purposes, which includes the growing of farm crops, truck garden crops, animal and poultry husbandry, apiculture, aquaculture, dairying, floriculture, horticulture, nurseries, tree farms, sod farms, pasturage, viticulture, and wholesale greenhouses when such agricultural purposes constitute the principal activity on the land, or with respect to the erection, maintenance, repair, alteration, remodeling or extension of buildings or structures used or to be used for agricultural purposes upon such land, except that such buildings or structures for agricultural purposes may be required to conform to Village building setback lines and minimum lot size for residences on land used for agricultural purposes.
  - 2) A farm operator in this District shall be exempt from the provisions of any Village noise ordinance as regards the normal and customary operation of farm equipment in the normal course of business.
  - 3) Residents of this District shall be exempt from any Village ordinance pertaining to leash laws for dogs, and regulations pertaining to odors or dust, and the use of chemicals and fertilizers (especially manure) within the Village limits during the normal course of agricultural operations.
- b. **ABATEMENTS.** Due to the Village's inability to provide Village sewer and water services to the properties in this district, in lieu of providing such water and sewer services, the Village's corporate taxes shall be abated as to each such property provided the subject property is used for agricultural purposes.

**DISTRICT NO. 7 - Limited Agricultural District**

- (1) **PURPOSE.** The Limited Agricultural District is intended to establish a district providing for some agricultural use of land while placing limits on the types of animals and intensity of agricultural uses in these areas which are not suitable by size, terrain, neighborhood uses, or similar constraints for extensive agricultural uses.
- (2) **PERMITTED USES.** Unless otherwise provided in this ordinance, no building or land may be used, and no building may be erected, converted, enlarged, or structurally altered in the Limited Agricultural District except for one or more of the following uses:

- a. Uses commonly classed as agricultural, but including and limited to the growing of farm crops, truck garden crops, apiculture, aquaculture, floriculture, horticulture, nurseries, tree farms, sod farms, viticulture, and wholesale greenhouses, together with the operation of any machinery or vehicles incidental to the above uses.

(3) **SPECIAL PERMITTED USES.** The following uses may be allowed by special use permit in accordance with the provisions herein for special use permits, provided that the buildings and premises will be in compliance with all the applicable state and Village building, health, and fire regulations:

- a. Parks, forest preserves and recreational areas when publicly owned and operated.
- b. Schools, public, denominational or private; elementary and high, including playgrounds and athletic fields auxiliary thereto.
- c. Churches, rectories and parish houses.
- d. Public service uses are as follows:
  - 1) Water filtration plant, pumping station or reservoir.
  - 2) Wastewater treatment facility.
  - 3) Police and fire stations.
  - 4) Telephone exchange.
  - 5) Electric and gas substations and booster stations.
  - 6) Governmental buildings and land uses.
- e. Wind-operated energy devices, for site service only, provided the lot area has a minimum distance from the base of the structure to every lot line shall be the height of the structure plus ten feet.

(4) **EXEMPTIONS.**

- A. The following exemptions shall apply in "District No. 7--Limited Agricultural District".
  - 1) No building permit shall be required with respect to land used for limited agricultural purposes, which includes and is limited to the growing of farm crops, truck garden crops, apiculture, aquaculture, floriculture, horticulture, nurseries, tree farms, sod farms, viticulture, and wholesale greenhouses when such limited agricultural purposes constitute the principal activity on the land, or with respect to the erection, maintenance, repair, alteration, remodeling or extension of buildings or structures used or to be used for limited agricultural purposes upon such land, except that such buildings or structures for limited agricultural purposes may be required to conform to Village building setback lines and minimum lot size for residences on land used for limited agricultural purposes.



- 2) A farm operator in this District shall be exempt from the provisions of any Village noise ordinance as regards the normal and customary operation of farm equipment in the normal course of business.
  - 3) Residents of this District shall be exempt from any Village ordinance pertaining to leash laws for dogs, and regulations pertaining to odors or dust, and the use of chemicals and fertilizers (especially manure) within the Village limits during the normal course of limited agricultural operations.
- B. **ABATEMENTS**. Due to the Village's inability to provide Village sewer and water services to the properties in this district, in lieu of providing such water and sewer services, the Village's corporate taxes shall be abated as to each such property provided the subject property is used for agricultural purposes.

The Supplementary Regulations provided in Section IV below shall apply where no conflict exists between such regulations and the provisions herein contained pertaining to District No. 6--Agricultural District and District No. 7-Limited Agricultural District, but if such regulations are in conflict with the provisions contained herein, those provisions contained herein shall supercede and control existing regulations.

## **Section IV – Supplementary Regulations**

The provisions of this ordinance shall be subject to such exceptions, additions or modifications as herein provided by the following supplementary regulations:

### **A. Minimum Property Requirements**

Except where the provisions of this ordinance contained herein are more restrictive the provisions of the federal guidelines, as periodically revised, for minimum property requirements for the respective size dwelling structures, shall apply to all dwelling structures and lot characteristics erected, placed, or caused to be constructed in any district following the passage of this ordinance. Also, except where the provisions of this ordinance contained herein are more restrictive than the most recent version of building, electrical, plumbing, and other codes as adopted by the Building Officials & Code Administrators, said codes shall apply to all construction in any district following the passage of this ordinance.

### **B. Subdivision Regulations**

Every intended subdivision of land within the Village of Winnebago must be submitted to the Board of Appeals of said Village for approval according to the following provisions:

- (1) The subdivider shall submit a Tentative Plat of Subdivision to the Board of Appeals Such Tentative Plat to be drawn at a scale of 100 feet to the inch and to be based upon (1) a Plat of Survey of the boundaries of the entire property subdivided made thereof by the County Surveyor or a Registered Illinois Land Surveyor, and (2) a Topographical map of the entire property to be subdivided showing two foot contour intervals.

- (2) The Board of Appeals shall review such plat to determine its conformance with the pertinent Village Development Plans and Zoning Ordinances and with the County of Winnebago Subdivision Regulations. The Board of Appeals shall also submit a copy of such Plat to the Fire and Police Districts servicing the Village for review and advisory commentary in order to check for duplicative street names or any other potential problems from a Fire Department or Police Department perspective. The Board of Appeals may approve, modify or not approve such plat following review as specified above.

The Board of Appeals may approve, modify or not approve such plat following review as specified above.

- (3) The division of any parcel of property into two (2) parcels of property, either of which resultant parcels is less than two (2) acres in area, for the purpose of sale, conveyance, or development, may be recorded following the written approval of the Board of Appeals, on a Plat of Survey made thereof, by the County Surveyor or a Registered Illinois Land Surveyor.

#### **C. Uses—Existing Conforming & Non-conforming & Future**

- (1) Existing Disposal Plant—Notwithstanding the limitations imposed by any other provisions of this ordinance, the Board of Appeals may permit erection or extension to the existing sewage disposal plant provided however, that such erection or extension is contiguous to present facilities.
- (2) Dwellings on Small Lots—Notwithstanding the limitations imposed by any other provisions of this ordinance, the Board of Appeals may permit erection of a dwelling on any lot (except a lot in District No. 3 or District No. 4), separately owned or under contract of sale and containing, at the time of the passage of this ordinance, an area or width smaller than that required for a one-family dwelling.
- (3) Non conforming Uses—The lawful use of any building or land existing at the time of the enactment of this ordinance may be continued although such use does not conform with the provisions of this ordinance.

Unsafe Structures—Any structure or portion thereof declared to be unsafe by a proper authority may be restored to a safe condition.

Alterations—A nonconforming building may not be reconstructed or structurally altered during its life to an extent exceeding in aggregate cost twenty-five percent of the assessed value of the building unless said building is changed to a conforming use.

Extension—A nonconforming use shall not be extended, but the extension of a lawful use to any portion of a nonconforming building which existed prior to the enactment of this ordinance shall not be deemed the extension of such non-conforming use.

Construction Prior to Ordinance—Nothing herein contained shall require any change in plans, construction or designated use of a building the construction of which has begun prior

to the enactment of this ordinance and which construction shall be completed within one year from date of enactment of this ordinance.

**Restoration**—No building damaged by fire or other causes to the extent of more than fifty (50) percent of its assessed value shall be repaired or rebuilt except in conformity with the regulations of this ordinance.

**Abandonment**—Whenever a nonconforming use has been discontinued for a period of one year, such use shall not thereafter be re-established, and any future use shall be in conformity with the provisions of this ordinance.

**Changes**—Once changed to a conforming use no buildings or land shall be permitted to revert to a nonconforming use, except that a nonconforming use may be changed to a use of the same or higher classification, and when so changed to a higher classification such use thereafter shall not be changed to a lower classification.

**Displacement**—No nonconforming use shall be extended to displace a conforming use.

**District Changes**—Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of different classification, the foregoing provisions shall also apply to any nonconforming uses existing therein.

(4) Billboards, signs & Construction Buildings

- a. District No. 1 and District No. 2—Permitted signs—Professional signs, real estate signs relating to the premises only, signs announcing home occupations, not over one (1) square foot in area; signs announcing construction projects, and signs for construction projects, public, charitable, education and religious institutions may be illuminated, but not over fifteen (15) square feet in area.
- b. District No. 3, District No. 4, and District No. 5—Permitted Signs—In District No. 3 and District No. 4, no billboards or advertising signboards shall be erected or maintained that are more than fifty (50) square feet in area. All such signs shall be three (3) feet or more clear above the ground and shall be ten (10) feet or more from any lot line if not attached to the building. In District No. 5, no billboards or advertising signboards shall be erected or maintained that are more than fifteen (15) square feet in area, and said signs shall not be illuminated. Also, such signs in District No. 5 shall be three (3) feet or more clear above the ground and shall be ten (10) feet or more from any lot line if not attached to the building.

The Supplementary Regulations provided in Section IV of the aforesaid Zoning and Building Code of the Village of Winnebago shall apply where no conflict exists between such regulations and the provisions herein contained, but if such regulations are in conflict with the provisions contained herein, those provisions contained herein shall supersede and control existing regulations.

- c. Buildings for Construction Purposes—Any structure used for construction purposes may be erected in any district, provided however, that within eighteen (18) months

from the date of erection of such structure it shall be modified or removed to comply with all provisions of this ordinance.

(5) Stripping of Top Soil, Quarrying and Land Fills

- a. No person, firm, or corporation shall strip, excavate or otherwise remove top soil for sale, or for use other than on the premises from which the same shall be taken except in connection with the construction or alteration of a building on such premises and excavation or grading incidental thereto, except upon approval by the Board of Appeals as provided for in this ordinance.
- b. The excavation, quarrying or drilling of natural mineral or organic deposits (except top soil and water) for sale is prohibited in all districts.
- c. Public and private land fill operations are subject to the following provisions:

Waste products used for fill and natural soils must be well compacted, level, alternating layers of more or less constant section with a one (1) foot thick layer of natural soils occurring at least every four (4) feet through the entire depth of the fill, with all containers of any volume pressed flat before placement as fill. Top soil required to bring the fill to the desired finished grade must be well-compacted black dirt no less than four (4) inches in thickness.

- (6) Trailers and other structures used for dwelling purposes—No trailer, Basement, Tent, Shack, Garage, Barn, or other outbuilding erected or placed on a site within any district shall at any time be used for human habitation temporarily or permanently nor shall any structure of a temporary character be used for human habitation.

**D. Net Site Area**

- (1) **Reduced Lot Area**—No lot shall be so reduced in area that any required open space will be smaller than prescribed in the regulations for the district in which said lot is located. Whenever such reduction in lot area occurs, any building located on said lot shall not thereafter be used until such building is altered, reconstructed, or relocated so as to comply with the area and yard requirements applicable thereto.
- (2) **Visibility at Intersections**—On a corner lot in any residence district no fence, wall, hedge or other structure or planting more than three and one-half (3½) feet in height shall be erected, placed, or maintained within the triangular area formed by the intersecting street lines and a straight line joining said street lines at points which are thirty (30) feet distant from the point of intersection, measured along said street lines.

**E. Yards**

- (1) **Terraces**—A paved terrace shall not be considered in the determination of yard sizes or coverage, provided, however, that such terrace is unroofed and unenclosed except for open guard railings not over three (3) feet high and shall not project into any yard to a point closer than four (4) feet from any lot line.

- (2) **Porches, Garages, and Carports**—An unenclosed porch with roof may project into a required yard area a distance not to exceed six (6) feet and shall not be considered in the determination of yard sizes or coverage, provided, however, that such porch shall not be closer than four (4) feet at any point to any lot line. Any enclosed porch, garage or unenclosed carport shall be considered a part of the building in the determination of yards and coverage.
- (3) **Projecting Feature**—Bay windows, sills, belt courses, cornices and eaves and other architectural features may project into any required yard not more than three (3) feet. Open fire escapes may extend into any required yard not more than four and one-half (4½) feet.
- (4) **Front Yard Depth**—In district No. 1 and District No. 2, each dwelling hereafter erected shall have a front yard equal in depth to the average depth of the front yards of the lots immediately adjacent thereto on either side, but no front yard shall be less than twenty (20) feet, nor need any front yard have a greater depth than thirty (30) feet.
- (5) **Reduction in Rear Yards**—When a lot is less than one hundred (100) feet deep at the date of passage of this ordinance such rear yard may be decreased one-quarter the distance that the lot depth is less than said one hundred (100) feet, provided, however, that no rear yard shall be less than twenty (20) feet in depth.

## **F. Heights**

- (1) **Height Exceptions**—The height limitations of this ordinance shall not apply to church spires, belfries, cupolas, penthouses, and domes, not used for human occupancy; nor to chimneys, ventilators, skylights, water tanks, bulkheads, parapets, cornices, similar features, and necessary mechanical appurtenances usually carried above roof level.
- (2) **Height and Open Space**—In Districts No. 2, No. 3, & No. 4 any principal building may be erected to a height in excess of that specified for the district provided each front, side and rear yard is increased one (1) foot for each one (1) foot of such additional height.

## **G. Hazards**

- (1) **Garages, Filling Stations and Motor Vehicle Repair Shops**—In District No. 3 & No. 4, plans for the erection or structural alteration of any garage for more than five (5) motor vehicles, or of a filling station, or of a Motor Vehicle Repair Shop, shall be approved by the Board of Appeals. Said Board may require such change therein in relation to yards, location of pumps and buildings and construction of buildings as it may deem best suited to insure safety, to maximize traffic difficulties and to safeguard adjacent properties.
- (2) **Establishments Containing Fire Hazards**—In District No. 3 & No. 4 plans for the use, erection or alteration of any building or lot for the storage, use or manufacture of materials or products of flammable nature or the use of manufacturing processes employing fire hazards shall be approved by the Board of Appeals. Said Board may require such change therein in yards, location of machinery and buildings and construction buildings as it may deem best suited to insure safety and to safeguard adjacent properties.

- H. Minimum Dwelling Area**—Any ranch style building hereafter erected and used for dwelling purposes shall have a habitable area of not less than twelve hundred (1,200) feet. However, for an exposed ranch style building, the main floor shall have a habitable area of not less than twelve hundred (1,200) square feet. Any bi-level style building hereafter erected and used for dwelling purposes shall have a habitable area of not less than thirteen hundred (1,300) feet. Any tri-level style building hereafter erected and used for dwelling purposes shall have a habitable area of not less than fifteen hundred (1,500) feet. Any two-story style building hereafter erected and used for dwelling purposes shall have a habitable area of not less than eighteen hundred (1,800) feet. Any multi-family single-bedroom dwelling unit shall have a minimum habitable area of not less than 950 square feet, and any multi-family multi-bedroom dwelling unit shall have a minimum habitable area of not less than 1,150 square feet. Further, each of the aforesaid dwelling units shall have a minimum of two (2) bedrooms or each bedroom shall be no less than one hundred twenty (120) square feet.

The restrictions contained herein regarding "District Establishment and Regulations" and "Supplementary Regulations" shall be waived for lots already platted out and buildings already existing thereon prior to the passage of this Ordinance.

- I. CARBON MONOXIDE DETECTORS REQUIRED**—Carbon monoxide detectors shall be installed in all single-, two- and multi-family residential units. A minimum of one (1) carbon monoxide detector with digital readout shall be located between mechanicals and each occupied space, and in accordance with manufacturer's recommendations.
- J. GARAGE AND ACCESSORY BUILDING EGRESS**—Any garage or other accessory building within any district shall have two means of egress other than overhead doors. However, any accessory building less than 200 square feet shall be exempt from this requirement. Each means of egress shall consist of a passageway door and/or window of not less than 5 square feet of effective opening at a height of no more than 44 inches from floor level to the opening.
- K. BACK FLOW PREVENTER AND RPZ VALVES**—Back flow preventer valves shall be installed on sanitary sewer service lines for each lot by a properly licensed plumbing contractor. RPZ valves preventing cross connection of water service lines shall be installed prior to water meter installation and prior to the home/lawn sprinkler system supply line for each residential lot.
- L. Length of Construction**—All buildings erected after the passage of this ordinance shall be completed in all exterior details within twelve months from the date of construction start.
- M. Exterior Design Restrictions**—The construction of any building the exterior design of which is intended to resemble an item of clothing, or food, or mechanical device, or an igloo, teepee, teapot, ice cream freezer, bottle, barrel, boat or objects of similar nature is prohibited in all districts.
- N. Transition Requirements**
- (1) **Lots in Two Districts**—Where a district boundary line divides a lot in single or joint ownership of record at the time such line is adopted, the regulations for the larger portion of the lot shall be extended to include the entire lot.

- (2) **Business Entrances on Residential Streets**—Where a residential district is bounded by a portion of a District No. 3 or District No. 4 buildings for business use erected on those lots adjacent to residence districts shall have front yard setbacks not less than one-half (½) the distance required for the adjacent residential district.
- (3) **Side Yard and Rear Yard Transition**—Where a lot in a business district abuts a lot in a residential district there shall be provided along such abutting lines a yard equal in width or depth to that required in the residential district.
- (4) **Corner Lot Transition**—On every corner lot in a residential district there shall be provided on the side street a side yard equal in depth to the required front yard depth on said side street.

**O. Off-Street Parking**—The Following parking spaces shall be provided and satisfactorily surfaced and maintained, by the owner of the property, for each building which, after the date when this ordinance becomes effective, is erected, enlarged or altered for use for any of the following purposes:

- (1) Dwelling, at least one parking space for each dwelling unit in the building or buildings.
- (2) Office buildings, at least one parking space for each three hundred (300) square feet of office floor area.
- (3) Industrial establishments, at least one parking space for each two employees.

All parking spaces provided pursuant to this section shall be on the same lot with the building, except that the Board of Appeals may permit the parking spaces to be on any lot within five hundred (500) feet of the building, if it determines that it is impractical to provide parking on the same lot with the building.

**Off-Street Loading**—The following loading spaces shall be provided and satisfactorily surfaced and maintained, by the owner of the property, for each building which, after the date when this ordinance becomes effective, is erected, enlarged or altered for use for any of the following purposes:

- (1) Stores, at least one loading space in side or rear yard for each store and if net merchandising floor area exceeds five thousand (5000) square feet one additional loading space for each additional two thousand (2000) square feet or major fraction thereof.
- (2) Industrial, at least one loading space for each five thousand (5000) square feet or major fraction thereof devoted to such use.

## Section V – Enforcement and Administration

### A. Board of Appeals

- (1) **Creation, Appointment and Organization**—A Board of Appeals is hereby created. Said board shall consist of seven members appointed by the President and confirmed by the Village Council to serve the following terms: one for one year, one for two years, one for three years, one for four years, one for five years, one for six years, and one for seven years. The successor to each member so appointed to serve a term of five years. One of the members shall be named as chairman at the time of his appointment. The board shall appoint a secretary from its membership and shall prescribe rules for the conduct of its affairs.
- (2) **Powers and Duties**—The Board of Appeals shall have powers and duties prescribed by law and by this ordinance, which are more particularly specified as follows:
  - a. **Interpretation**—Upon appeal from a decision by an administrative official, to decide any question involving the interpretation of any provision of this ordinance, including determination of the exact location of any district boundary if there is uncertainty with respect thereto.
  - b. **Special Permits**—To issue special permits for any of the uses for which this ordinance requires the obtaining of such permits from the Board of Appeals; or for the extension of a building or use as such existed at the time of the passage of this ordinance into a contiguous more restrictive district for a distance not exceeding fifty (50) feet; but not for any other use or purpose. If the Village of Winnebago Zoning Board of Appeals grants a special permitted use, all grantees of such special permitted use shall be subject to reasonable restrictions on the use(s) allowed (including but not limited to restrictions on hours of operation and fencing), as imposed by the aforesaid Zoning Board.

No special permits shall be granted by the Board of Appeals unless it finds that:

The use is listed in the ordinance as a “Special Permitted Use”; and

All provisions of the ordinance governing the issuance of such permits are followed exactly.

- c. **Variances**—To vary or adapt the strict application of any requirements of this ordinance, provided no variance in the strict application of any provision of this ordinance shall be granted by the Board of Appeals unless it finds:
  1. That there are special circumstances, applying to the land or buildings for which the variance is sought, which circumstances are peculiar to such land or buildings and do not apply generally to land or buildings in the vicinity:



2. That said circumstances are such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of such land or building:
3. That the variance as granted by the Board of Appeals is the minimum variance that will accomplish the reasonable use of land or building in question;
4. That the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

In granting any variance, the Board of Appeals shall prescribe any conditions that it deems to be necessary or desirable, such conditions to include, among others, (1) that the variance shall be used only for those purposes as stated in the variance as granted, and (2) that said variance shall be used within one year from the date said variance was granted, and, (3) in the event said variance is not used within such time limit the variance as granted becomes null and void and all conditions of this ordinance applying to the property in question previous to the granting of said variance are in full force and effect.

- d. **Zoning of Annexed Areas**—To recommend to the Village Council at least ten (10) days previous to the passage of any ordinance annexing parcels to the Village of Winnebago, the district classification to be given to any parcels annexed to the Village of Winnebago.
  - e. **Rules and Regulations**—To adopt such rules and regulations as may be deemed necessary from time to time to carry into effect the provisions of this ordinance.
- (3) **Procedure**—The Board of Appeals shall act in strict accordance with the procedure specified by law and by this ordinance. All appeals and applications made to the Board shall be in writing, on forms prescribed by the Board. Every appeal or application shall refer to the specified provision of the ordinance involved, and shall exactly set forth the interpretation that is claimed, the use for which the special permit is sought, or the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be.

## **B. Administration and Enforcement**

- (1) **Enforcing Official**—This ordinance shall be enforced by the building official who shall be appointed by the Village President by and with the advice and consent of the Board of Village Trustees.
- (2) **Building Permits**—
  - a. No building or structure shall be erected, added to or structurally altered until a permit therefore has been issued by the Building Official. Except upon a written order of the Board of Appeals, no such building permit, or certificate of occupancy, shall be issued

for any building where said construction, addition or alteration of use thereof would be in violation of any of the provisions of this ordinance.

- b. There shall be submitted with all applications for building permits two copies of a layout or plot plan drawn to scale showing the actual dimensions of the lot to be built upon, the legal description thereof, the exact size and location on the lot of the building and/or accessory building to be erected, the street address thereof and such other information as may be necessary to determine and provide for the enforcement of this ordinance.
- c. One copy of such layout or plot plan shall be returned when approved by the building official, together with such permit, to the applicant.

**(3) Certificates of Occupancy—**

- a. No land shall be occupied or used and no building hereafter erected or extended shall be used or changed in use until a certificate of occupancy shall have been issued by the Building Official, stating that the building or proposed use thereof complies with the provisions of this ordinance.
- b. All certificates of occupancy shall be applied for coincident with the application for a building permit. Said certificates shall be issued within ten (10) days after the erection or alteration shall have been approved as complying with the provisions of this ordinance.
- c. No permit for excavation for, or the erection or alteration of, or repairs to any building shall be issued until an application has been made for a certificate of occupancy.
- d. It shall be the responsibility of the Contractor/Developer to obtain the Certificate of Occupancy before the real estate closing occurs on the building in question. Before any owner occupies a residence or causes said residence to be occupied, the owner must have a Certificate of Occupancy in his or her possession. It shall also be the responsibility of the Contractor/Developer to notify the Village of Winnebago Village Hall Office no less than five (5) working days prior to the real estate closing with the name(s) of the prospective new owners of the subject property.

**C. Amendments—**The Village Council may from time to time on its own motion, or on petition, or on recommendation of the Planning and Zoning Commission, amend, supplement, or repeal the regulations and provisions of this ordinance.

Every such proposed amendment or change whether initiated by the Village Council or by petition shall be referred to the Planning and Zoning Commission for report thereon resulting from public hearing as hereinafter provided.

The Planning and Zoning Commission by resolution adopted at a stated meeting shall fix the time and place of public hearing on the proposed amendments and cause notice to be given not more

than thirty (30) days nor less than fifteen (15) days before the hearing by publishing a notice thereof at least once in one or more newspapers published in the city.

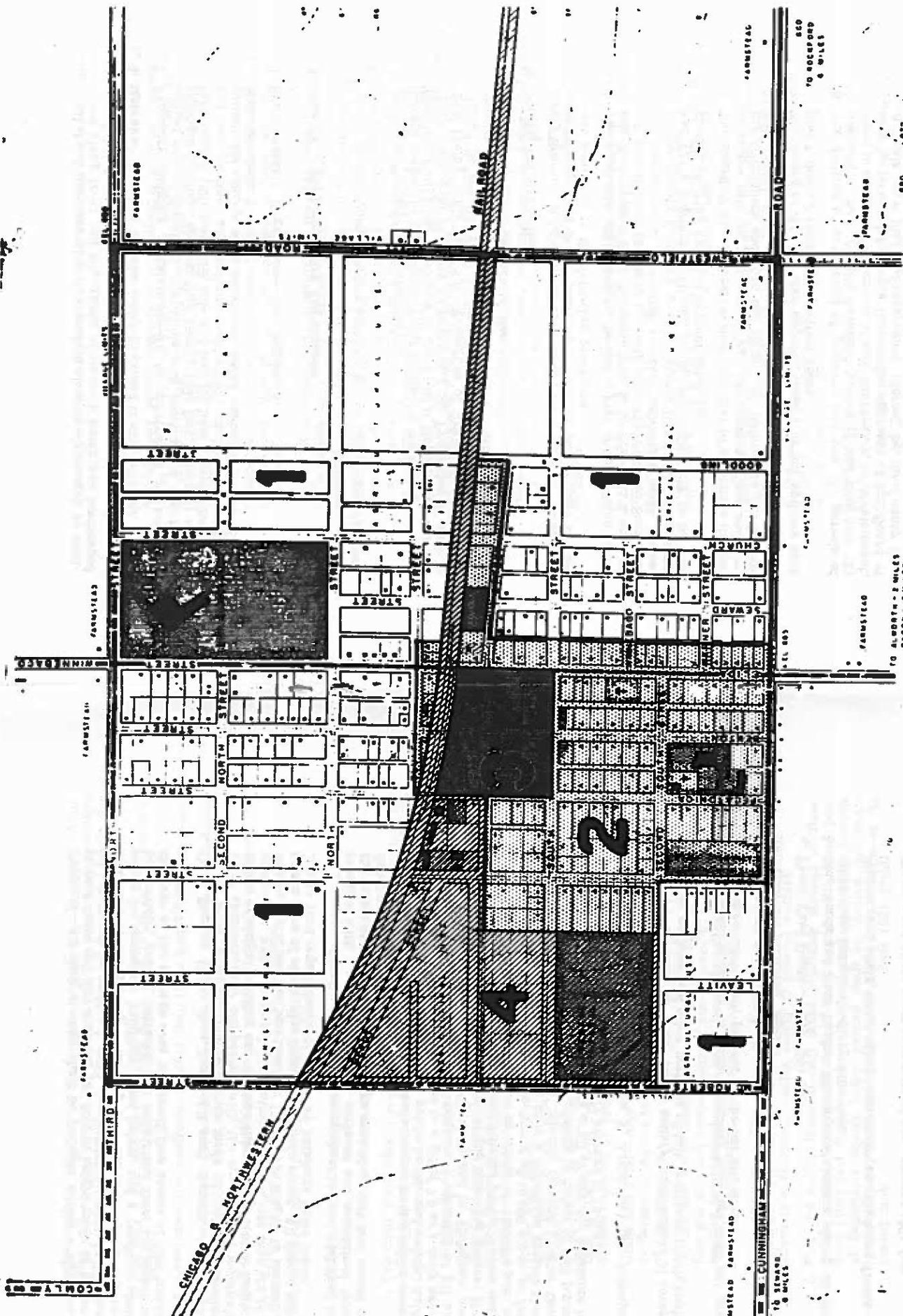
In case of a written protest against any proposed amendment of the regulations or districts, signed and acknowledged by the owners of twenty (20) percent of the frontage proposed to be altered, or by the owners of twenty (20) percent of the frontage immediately adjoining or across an alley therefrom, or by the owners of twenty (20) percent of the frontage directly opposite the frontage proposed to be altered, is filed with the Village Clerk, the amendment shall not be passed except by a favorable vote of two-thirds of all the Trustees of the Village.

Whenever the owners of fifty (50) percent or more of the street frontage in any district or any specified part thereof, shall present to the Village Council a petition duly signed and acknowledged, requesting an amendment, supplement, change, modification or repeal of the regulations prescribed for the zoning maps including said district or specified part thereof, it shall be the duty of the Village Council to hold a public hearing thereon and cause notice thereof to be given in the manner prescribed above.

- D. Violations and Penalties**—Whenever a violation of this ordinance occurs, any person may file a complaint in regard thereto. All such complaints must be in writing and shall be filed with the Building Official, who shall properly record such complaint and immediately investigate and report thereon.

Violators of provisions of this Ordinance shall, upon conviction, be fined not less than \$50.00 nor more than \$500.00 for each offense, and each day that a violation shall continue shall constitute a separate offense.

*(Remainder of Page Intentionally Left Blank Upon Retyping Ordinance in 2019)*



# **ZONING MAP OF THE VILLAGE OF WINNEBAGO, ILLINOIS**

- DISTRICT NO. 1  
SINGLE FAMILY
- DISTRICT NO. 2  
TWO FAMILY
- DISTRICT NO. 3  
GENERAL BUSINESS
- DISTRICT NO. 4  
INDUSTRIAL



PASSED: April 29, 1957

SIGNED: Merritt E. Alden, President

ATTEST: C. W. Mellen, Clerk

PUBLISHED: May 23, 1957

1st Amendment (Ord. No. 404)

Passed and Approved: January 8, 1973

Published: January 11, 1973

2nd Amendment (Ord. No. 76-2)

Passed and Approved: May 3, 1976

No Publication Date Listed

3rd Amendment (Ord. No. 94-1)

Passed and Approved: March 14, 1994

Published: June 22, 1994

4th Amendment (Ord. No. 94-4)

Passed and Approved: June 13,, 1994

Published: June 22, 1994

5th Amendment (Ord. No. 02-01)

Passed and Approved: March 11, 2002

Published: March 12, 2002

6th Amendment (Ord. No. 02-09)

Passed and Approved: December 9, 2002

No Publication Date

7th Amendment (Ord. No. 03-06)

Passed and Approved: November 13, 2003

No Publication Date Listed

8th Amendment (Ord. No. 04-18)

Passed and Approved: December 13, 2004

No Publication Date Listed