

**TITLE 10**  
**ZONING REGULATIONS**

Subject	Chapter
General Provisions; Saving Clauses .....	1
Definitions .....	2
General Zoning Regulations .....	3
Supplementary Zoning Regulations .....	4
Off-Street Parking And Loading .....	5
Nonconformities .....	6
Administration And Enforcement .....	7
Special Uses And Amendments .....	8
Appeals, Variances And Filing Fees .....	9

## CHAPTER 1

### GENERAL PROVISIONS; SAVING CLAUSES

#### SECTION:

- 10-1-1: Purpose And Scope
- 10-1-2: Jurisdiction
- 10-1-3: Interpretation
- 10-1-4: Disclaimer Of Liability
- 10-1-5: Separability

#### 10-1-1: **PURPOSE AND SCOPE:**

- A. Objectives: In accordance with state law, this title regulates structures and land uses in order to preserve, protect, and promote the public health, safety and welfare. More specifically, this title is intended to assist in achieving the following objectives:
1. To encourage the development of buildings and uses on appropriate sites in order to maximize community-wide social and economic benefits while accommodating the particular needs of all residents;
  2. To discourage development of buildings and uses on sites not suited for development;
  3. To protect the character and stability of sound existing residential, commercial and industrial areas;
  4. To conserve and increase the value of taxable property throughout this municipality;
  5. To ensure the provision of adequate light, air and privacy to the occupants of all buildings;
  6. To provide adequate parking and access for all buildings and lots;

7. To reduce congestion on the public streets and highways and to regulate and control population density;
8. To protect property from damage caused by fire, or by flooding and poorly controlled storm water runoff;
9. To guide the provision of water, sewer, storm water, and other utilities and municipal services;
10. To reduce the initial costs and future maintenance expenses of public and private improvements and services through thoughtful planning;
11. To gradually eliminate existing structures and uses that impede achievement of the above objectives; and
12. To regulate the building height, size, shape and setbacks.

B. Scope: In order to achieve the objectives enumerated in subsection A of this section, this title:

1. Divides this entire municipality and the one and one-half ( $1\frac{1}{2}$ ) miles surrounding unincorporated territory into districts, and permits in each district only those structures and uses that are compatible with the character of such district;
2. Regulates lot size, and the bulk, setbacks, lot coverage, and manner of use of structures;
3. Imposes supplementary regulations to control certain potentially troublesome structures and uses;
4. Sets forth standards for off-street parking areas;
5. Restricts nonconforming lots, structures, and uses that adversely affect the type of development appropriate in each district; and
6. Establishes zoning administrative and enforcement procedures. (Ord., 4-19-1999, eff. 4-19-1999)

10-1-2: **JURISDICTION:** This title shall be applicable within the corporate limits of Brighton, Illinois and within all territory located within one and one-half ( $1\frac{1}{2}$ ) miles of said limits, provided such

territory is not located within the zoning jurisdiction of another village/city or county. (Ord., 4-19-1999, eff. 4-19-1999)

10-1-3:       **INTERPRETATION:** Every provision of this title shall be construed liberally in favor of this municipality, and every requirement imposed in this title shall be deemed minimal. Whenever the requirements of this title differ from the requirements of any other lawfully adopted ordinance, regulation, deed restriction, or covenant, the more stringent requirement shall prevail. (Ord., 4-19-1999, eff. 4-19-1999)

10-1-4:       **DISCLAIMER OF LIABILITY:**

- A.     Except as may be provided otherwise by statute or ordinance, no officer, board member, agent or employee of this municipality shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this title.
- B.     Any suit brought against any officer, board member, agent, or employee of this municipality, as a result of any act required or permitted in the discharge of his duties under this title, shall be defended by the village of Brighton until the final determination of the legal proceedings. (Ord., 4-19-1999, eff. 4-19-1999)

10-1-5:       **SEPARABILITY:** If any provision of this title is declared unconstitutional or invalid by a court of competent jurisdiction, that decision shall not affect the validity of the remainder of this title. (Ord., 4-19-1999, eff. 4-19-1999)

## CHAPTER 2

### DEFINITIONS

#### SECTION:

- 10-2-1: Construction Of Terms  
10-2-2: Definitions

10-2-1: **CONSTRUCTION OF TERMS:** In construing the intended meaning of terminology used in this title, the following rules shall be observed:

- A. Words and phrases shall have the meanings respectively ascribed to them in section 10-2-2 of this chapter unless the context clearly indicates otherwise; terms not defined in section 10-2-2 of this chapter shall have their standard English meanings.
- B. Words denoting the masculine gender shall be deemed to include the feminine and neuter genders.
- C. Words used in the present tense shall include the future tense.
- D. Words used in the singular number shall include the plural number, and the plural the singular.
- E. The term "shall" is mandatory.
- F. The term "may" is discretionary.
- G. The term "this municipality" shall mean the village of Brighton, Illinois.
- H. The words "lots", "parcel", "tract", and "site" shall be synonymous.
- I. The phrases "used for", "arranged for", "designed for", "intended for", "maintained for", and "occupied for" shall be synonymous.

- J. All distances shall be measured to the nearest integral foot; six inches (6") or more shall be deemed one foot (1').
- K. References to sections shall be deemed to include all subsections within that section; but a reference to a particular subsection designates only that subsection.
- L. A general term that follows or is followed by enumerations of specific terms shall not be limited to the enumerated class unless expressly limited. (Ord., 4-19-1999, eff. 4-19-1999)

10-2-2: **DEFINITIONS:**

- ABUTTING:** As applied to lots, "abutting" means having a common lot line or district line, or so located in relation to each other that there would be a common lot line or district line but for the existence of a street, alley, or other public right of way.
- ACCESS WAY:** A curb cut, ramp, or other means for providing vehicular access to an off-street parking or loading area from a street.
- ACCESSORY STRUCTURE:** A detached subordinate building located on the same building site with the main building, the use of which is incidental to that of the main building.
- ACCESSORY USE:** Any structure or use that is:
- A. Subordinate in size or purpose to the principal use or structure which it serves;
  - B. Necessary or contributing to the comfort and convenience of the occupants of the principal use or structure served; and
  - C. Located on the same lot as the principal use or structure served.
- ADJACENT:** Lying near, in the vicinity of, next to, adjoining.

AGRICULTURE:	Any one or any combination of the following: the growing of farm or truck garden crops, dairying, pasturage, horticulture, floriculture, or animal/poultry husbandry. The term "agriculture" encompasses the farmhouse, and accessory uses and structures customarily incidental to agricultural activities.
ALLEY:	A public right of way which affords a secondary means of vehicular access to abutting premises that front on a nearby street.
ALTER:	To change the size, shape, or use of a structure.
ALTERATION:	Any structural change in the supporting or load-bearing members of a building, such as bearing walls, columns, beams or girders.
AMENDMENT:	A change in the provisions of this title (including those portions incorporated by reference) properly effected in accordance with state law and the procedures set forth herein.
APARTMENT:	A room or suite of rooms in a multi-family structure, arranged, designed, used or intended to be used as a single housekeeping unit, and containing complete kitchen, bath and toilet facilities, permanently installed.
ATTACHED:	As applied to buildings, "attached" means having a common wall and/or a common roof.
AUDITORIUM:	A room, hall or building made a part of a church, theater, school, recreation building or other building assigned to the gathering of people as an audience, to hear lectures, plays and other presentations, as well as participate in dances, dinners, expositions, bingos, etc.
BAR AND/OR COCKTAIL LOUNGE:	Any premises wherein alcoholic beverages are sold at retail for consumption on the premises and minors are excluded therefrom by law. It shall not mean premises wherein such

beverages are sold in conjunction with the sale of food for consumption on the premises and the sale of said beverages comprises less than twenty five percent (25%) of the gross receipts.

**BASEMENT:** A story having one-half ( $\frac{1}{2}$ ) or more of its height below the average level of the adjoining ground.

**BED AND BREAKFAST:** An operator-occupied residence providing accommodations for a charge to the public with no more than five (5) guest rooms for rent, in operation for more than ten (10) nights in a twelve (12) month period. Breakfast and light snacks/refreshments may be provided to the guests only. Bed and breakfast establishments shall not include motels, hotels, boarding houses or food service establishments.

**BLOCK:** An area of land entirely bounded by streets, highways, barriers, or ways (except alleys, pedestrianways, or exterior boundaries of a subdivision unless exterior boundary is a street, highway, or way) or bounded by a combination of streets, public parks, cemeteries, railroad rights of way, waterways, or corporate boundary lines.

**BOARDING HOUSE:** A building or portion thereof (other than a hotel, motel, or apartment hotel) containing lodging rooms for three (3) or more persons who are not members of the keeper's family, and where lodging and/or meals are provided by prearrangement and for definite periods.

**BUILDING:** Any covered structure intended for the shelter, housing, or enclosure of persons, animals or chattels; the term building shall be construed to include the term structure.

**BUILDING ENCLOSED:** A building covered by a permanent roof and separated on all sides from adjacent open space or other buildings by fixed exterior walls or by common walls, with openings only for windows and doors.



BUILDING HEIGHT:	The vertical distance measured from the average elevation of the proposed finish grade at the front wall of the building to the highest point of the roof.
BUILDING LINE:	The line nearest the front of and across a lot, delineating the minimum open space required between the front of a structure and the street right-of-way line.
BUILDING, PRINCIPAL:	A nonaccessory building in which the principal use of the premises is conducted.
BULK:	Any one or any combination of the following: <ul style="list-style-type: none"><li>A. Size or height of structure;</li><li>B. Location of exterior walls at all levels in relation to lot lines, streets, or other structures;</li><li>C. Yards or setbacks;</li><li>D. Lot coverage.</li></ul>
CAMPING TRAILER PARK:	A lot developed with facilities for accommodating temporarily occupied camping trailers.
CAMPING TRAILER/RECREATIONAL VEHICLE:	A mobile structure designed for temporary occupancy.
CHURCH:	A building designed or used for regularly scheduled worship services.
CLINIC:	An establishment where licensed medical practitioners or dentists practice medicine or dentistry, but where overnight lodging for sick or injured persons is not provided.
CLUB/LODGE:	A nonprofit association or persons who are bona fide members organized for some purpose(s) and paying regular dues and whose facilities are restricted to members and their guests; not including a group organized solely

	or primarily to render a service customarily carried on as a commercial enterprise.
CODE OFFICIAL:	The official appointed by the mayor with the advice and consent of the village board to administer this title, or his representative.
COMMERCIAL USE/ ESTABLISHMENT:	Any use or establishment wherein goods and/or services are purchased or sold, whether to the consuming public (retail) or to other businesses (wholesale).
COMMUNITY RESIDENCE:	A group home or specialized residential care home serving unrelated persons with handicaps which is licensed, certified or accredited by appropriate local, state or national bodies. Community residence does not include a residence which serves persons as an alternative to incarceration for a criminal offense, or persons whose primary reason for placement is substance or alcohol abuse or for treatment of communicable disease.
COMMUNITY RESIDENCE, LARGE:	A community residence serving nine (9) to fifteen (15) persons with handicaps.
COMMUNITY RESIDENCE, SMALL:	A community residence serving eight (8) or fewer persons with handicaps in a family-like atmosphere.
CONFORM:	In compliance with the applicable provisions of this title.
CONVENIENCE SHOP:	Any small retail commercial or service establishment offering goods/services.
DAYCARE CENTER:	See definition of Nursery School.
DECK:	An open porch which has no roof, is generally open on the sides, is above ground level, and its intended use is for leisure enjoyment.

DETACHED:	As applied to buildings, "detached" means surrounded by yards on the same lot as the building.
DEVELOP:	To erect any structure or to install any improvements on a tract of land, or to undertake any activity (such as grading) in preparation therefor.
DISTRICT ZONING:	A portion of the territory of this municipality wherein certain uniform requirements or various combinations thereof apply to structures, lots and uses under the terms of this title.
DRIVE-IN RESTAURANT OR REFRESHMENT STAND:	<p>An establishment principally used for the sale of fast order food for consumption off the premises or in parked cars on the premises. Fast order food means food that is:</p> <ul style="list-style-type: none"><li>A. Primarily intended for immediate consumption;</li><li>B. Available after a short waiting time; and</li><li>C. Packaged or presented in such a manner that it can be readily eaten outside the premises where it is sold.</li></ul>
DRIVEWAY:	A gravel or hard surfaced minor way commonly providing vehicular access to a single garage or parking area.
DWELLING:	A building or portion thereof designed or used primarily as living quarters for one or more families, but not including hotels, motels, and other accommodations for the transient public.
DWELLING, MULTIPLE-FAMILY:	A building or portion thereof containing three (3) or more dwelling units.
DWELLING, SINGLE-FAMILY:	A detached dwelling containing one dwelling unit and intended for the occupancy of one family.

DWELLING, TWO-FAMILY:	A dwelling containing two (2) dwelling units.
DWELLING UNIT:	One or more rooms designed or used as living quarter by one family. A "dwelling unit" always includes a bathroom and a kitchen.
DWELLING UNIT AREA:	The sum of dwelling areas of several floors of a building, excluding basements, measured from the exterior faces of the exterior walls or from the center of the common walls of attached buildings.
EASEMENT:	A right to use another person's real property for certain limited purposes.
EMPLOYEE PARKING:	Parking spaces reserved especially for the business' employees.
ENLARGE:	To increase the size (floor area, height, etc.) of an existing principal structure or accessory use, or to devote more land to an existing use.
ERECT:	To build or to construct.
ESTABLISHMENT:	<p>Either of the following:</p> <p>A. An institutional, business, commercial, or industrial activity that is the sole occupant of one or more buildings; or</p> <p>B. An institutional, business, commercial, or industrial activity that occupies a portion of a building such that:</p> <ol style="list-style-type: none"><li>1. The activity is a logical and separate entity from the other activities within the building and not a department of the whole; and</li><li>2. The activity has either a separate entrance from the exterior of the building, or a separate entrance from a common and clearly defined entryway that has direct access to the exterior of the building.</li></ol>

EXISTING:	Existing, constructed or in operation on the effective date of this title.
EXTEND:	To increase the amount of floor area or land area devoted to an existing use.
FAMILY:	One person, or two (2) or more persons related by blood, marriage or legal adoption; or up to four (4) unrelated persons maintaining a common household in a dwelling unit.
FILLING STATION:	A building and premises or portion thereof designed and primarily used for the retail sale of gasoline or other automotive fuel, oil, and automotive parts, supplies, and accessories. A filling station may include secondary facilities for washing vehicles and for making minor automotive repairs.
FREIGHT TERMINAL:	A building to which freight is brought by truck, air or railroad freight cars for later distribution.
FRONTAGE:	The linear extent of the front (street side) of a lot.
GARAGE:	A structure designed and intended for the storage of motor vehicles, whether free of charge or for compensation.
GASOLINE SERVICE STATION:	See definition of Filling Station.
GOVERNMENT:	The act or process of administering public policy in a political unit; a political jurisdiction, the office or function thereof.
HOME OCCUPATION:	An accessory use of a dwelling unit for a business, profession or occupation conducted for revenue purposes. A home occupation is incidental to the primary use of the building as a residence and is conducted by the occupants residing on the premises.
HOTEL:	An establishment containing lodging accommodations designed for use by travelers or tempo-

rary guests. Facilities provided may include a general kitchen, maid service, desk service, meeting rooms, restaurants, cocktail lounges, and similar ancillary uses, but not cooking facilities in guestrooms.

**INTERSECTION:**

The point at which two (2) or more public rights of way (generally streets) meet.

**JUNKYARD:**

An open area of land or an accessory structure that is used for buying, selling, exchanging, storing, baling, packing, disassembling, or handling waste or scrap materials. Such scrap materials include vehicles, machinery, and equipment not in operable condition or parts thereof, and metals, glass, paper, plastics, rags, and rubber tires. A lot on which three (3) or more inoperable vehicles are stored shall be deemed a junkyard. A "junkyard" includes an automobile wrecking yard.

**KENNEL:**

Any structure or premises or portion thereof on which more than three (3) dogs, cats, or other household domestic animals, over four (4) months of age, are kept or on which more than two (2) such animals are maintained, boarded, bred, or cared for in return for remuneration or are kept for the purpose of sale.

**LANDING STRIP:**

A level parcel of land, either grass or paved, where aircraft can land and/or take off. Airplane hangars, facilities for refueling and repair, and exterior tie down areas are auxiliary uses that are included in this definition.

**LOADING SPACE:**

An off street space used for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

**LOT:**

A tract of land used or developed as a unit, under single ownership or under single control. A "lot" may or may not coincide with a "lot of record".

- LOT AREA: The area of a horizontal plane bounded by the front, side, and rear lines of a lot.
- LOT, CORNER: A lot having at least two (2) adjacent sides that abut for their full length upon streets. Both such side lines shall be deemed front lot lines.

LOT COVERAGE:	The portion of a lot that is occupied by buildings or structures, including accessory buildings or structures.
LOT COVERAGE, MAXIMUM:	The maximum percentage of a lot that can be occupied by buildings or structures, including accessory buildings or structures.
LOT DEPTH:	The average horizontal distance between the front lot line and the rear lot line of a lot.
LOT LINE, FRONT:	Any lot boundary abutting the street.
LOT LINE, REAR:	An interior lot line which is most distant from and most nearly parallel to the front lot line. The rear lot line on corner lots shall be defined as the line most distant and most nearly parallel to either of the front lot lines as defined elsewhere in these definitions.
LOT LINE, SIDE:	Any boundary of a lot which is not a front lot line or a rear lot line.
LOT OF RECORD:	An area of land designated as a lot on a plat of subdivision recorded or registered with the recorder of deeds of Jersey/Macoupin County, Illinois, in accordance with state law.
LOT SIZE REQUIREMENT:	Refers to the lot area, width, and depth requirements of the applicable district.
LOT SIZE/BULK VARIANCE:	A relaxation of the strict application of the lot size and/or bulk requirements applicable to a particular lot or structure. A "lot size/bulk variance" is associated with the property.
LOT, THROUGH:	A lot having a pair of approximately parallel lot lines that abut two (2) approximately parallel streets. Both such lot lines shall be deemed front lot lines.
LOT WIDTH:	The mean horizontal distance between the side lot lines of a lot measured at right angles to the depth; or the same distance measured at a



point midway between the front lot line and the rear lot line; or at the rear line of the required front yard (building lines), especially on irregularly shaped lots, as determined by the code official.

**MAINTENANCE:**

The routine upkeep of a structure, premises, or equipment, including the replacement or modification of structural components to the extent necessary to keep a structure in sound condition.

**MINI-WAREHOUSES:**

A building, or part of one, for the storage of goods, merchandise, etc., for rent to individuals for a monthly fee.

**MOBILE HOME:**

A home constructed in a factory and is transportable in one or more sections and built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and including the plumbing, heating, air conditioning and electrical systems contained therein. Any dwelling unit containing the red HUD label shall be considered a mobile home. The term shall include:

A. Units composed of two (2) or more separately towable components designed to be joined into one integral unit capable of being separated again into the components for repeated towing.

B. Unit designed to be used for residential, commercial, educational, or industrial purposes and are placed on site on a permanent basis.

**MOBILE HOME PARK:**

A parcel not less than two (2) acres in area in single ownership/control, developed with facilities for accommodating occupied mobile homes in accordance with the requirements of this title.

MOBILE HOME STAND:	The part of a mobile home space beneath the mobile home that includes the concrete slab or runners on which the home is placed.
MODULAR HOME:	Dwelling units that are designed to be placed on a permanent perimeter foundation which extends below the frost line. These units come in multiple sections. Only those units which contain the yellow state of Illinois sticker, or are constructed by a manufacturer approved by the Illinois department of public health, shall be considered a modular home.
MOTEL:	A building containing lodging rooms having adjoining individual bathrooms, and where each lodging room has a doorway opening directly to the outdoors, and where the lodging rooms are for rent to transient tourists for a continuous period of less than thirty (30) days.
NONCONFORMING:	As applied to a lot, structure, or use, "nonconforming" means: 1) lawfully existing on the effective date of this title; but 2) not in compliance with the applicable provisions thereof.
NUISANCE:	Any thing, condition, or conduct that endangers health, or unreasonably offends the senses, or obstructs the free use and comfortable enjoyment of property, or essentially interferes with the comfortable enjoyment of life.
NURSERY:	A tract of land on which trees, shrubs, and other plants are raised for transplanting and sale, and including any structure in which said activities are conducted.
NURSERY SCHOOL:	An establishment for the part-time care and/or instruction (at any time of day) of four (4) or more unrelated children of predominantly pre-elementary school age.
NURSING HOME:	A building used as a medical care facility for persons who need long-term nursing care and

	medical service, but do not require intensive hospital care.
OFF-STREET PARKING AREA:	Land that is improved and used primarily for the storage of passenger motor vehicles, free of charge or for compensation. An "off-street parking area", depending on the circumstances of its use, may be either a principal use or an accessory use.
OFF-STREET PARKING SPACE:	An area at least nineteen feet (19') long and nine feet (9') wide within an off-street parking area or garage, used for the storage of one passenger motor vehicle.
OFFICE:	Any building, or portion thereof, in which the business (usually clerical and administrative affairs) of a commercial/service enterprise or professional person is transacted.
PATIO:	An at-grade paved area without any walls usually adjacent to a building, and which is intended to be used as an outdoor lounging, dining, or entertaining area.
PERMANENT FOUNDATION:	A below grade formation, consisting of materials such as concrete, mortared concrete block or mortared brick, extending into the ground a minimum of thirty six inches (36") below grade level.
PERMANENT HABITATION:	A period of two (2) or more months.
PERMITTED USES:	Any use which is or may be lawfully established in a particular district(s), provided it conforms with all the requirements applicable to said district(s).
PERSON:	Any individual, firm, association, organization, or corporate body.
PLAN:	The geographical and topographical maps, engineering and architectural drawings and

	specifications, and other information indicating the location and nature of a development.
PORCH:	A structure attached to a building to shelter an entrance or to serve as a semi-enclosed space, usually covered with a roof, generally open-sided, and usually large enough to allow seating devices.
PREMISES:	A lot and all the structures and uses thereon.
PRINCIPAL BUILDING/ STRUCTURE/USE:	The main structure erected on or the main use occupying a lot, as distinguished from an accessory (subordinate) structure or use.
PRIVATE STREET:	Any street providing access to abutting property that is not maintained by and dedicated to a unit of government.
RECONSTRUCT:	As applied to nonconforming structures, "reconstruct" means to rebuild after partial destruction.
RECREATIONAL VEHICLE:	See definition of Camping Trailer/Recreational Vehicle.
RECREATIONAL VEHICLE (RV) PARK:	See definition of Camping Trailer Park.
REFUSE:	Garbage (food wastes) and trash, but not sewage or industrial wastes.
RELOCATE:	To move to another portion of a lot or to a different lot.
REPAIR:	To restore to sound condition, but not to reconstruct.
RESIDENCE:	A site-constructed single-family building designed for use as a residence. The average width and/or length of the living area (excluding garages, carports, porches, or attachments) of a residence shall not exceed a ratio of three to one (3:1). All residences must be placed on a

full perimeter permanent foundation extending below the frost depth, must have a minimum  $\frac{3}{12}$  pitch roof with residential style siding and roofing, six inches (6") minimum eaves overhang, and must have a minimum living area of not less than one thousand (1,000) square feet. All residences must be built to adopted building codes.

**RESTAURANT:**

A food service facility whose principal business is the cooking or preparation of food and beverages in a ready-to-consume state either on or off the premises.

**RETAIL:**

Refers to the sale of goods and services directly to the consumer rather than to another business.

**RIGHT OF WAY,  
PUBLIC:**

A strip of land which the owner/subdivider has dedicated to the village or to another unit of government for streets and alleys.

**SANITARY LANDFILL:**

A tract of open land used for the permanent disposal of refuse in accordance with the requirements of the Illinois environmental protection agency.

**SETBACK:**

The distance between the front lot line and the building line; or between a side or rear lot line and the side of the structure which faces such lot line; or between the appropriate lot line and the nearest boundary of the area of operation which is approximately parallel to such lot line.

**SKIRTING:**

The cover affixed to the bottom of the exterior walls of a mobile home to conceal the underside thereof.

**SPECIAL USE:**

A use that has unusual operational, physical, or other characteristics which distinguish it from the permitted uses of a district, but which can be made compatible with the intended overall development within a district. Special uses commonly must meet special standards not

necessarily applicable to permitted uses in the district, and are allowed only by permit. A special use permit shall not be transferable.

STOOP:	A small porch which is usually not covered with a roof and which is primarily used to provide access to the adjoining building.
STORAGE BUILDING:	A structure designed to keep or store goods and equipment. Said building is not designed for occupancy by families or individuals.
STREET:	A public or private way for motor vehicle travel. The term "street" includes a highway, thoroughfare, parkway, throughway, road, pike, avenue, boulevard, lane, place, drive, court, and similar designations, but excludes an alley or a way for pedestrian use only.
STREET LINE:	The street right of way line abutting a lot line.
STRUCTURE:	Anything constructed or erected on the ground, or attached to something having fixed location on the ground. All buildings are structures, but not all structures are buildings.
STRUCTURE, TEMPORARY:	Any structure that is not attached to a permanent foundation.
SWIMMING POOL:	Any structure that contains water two feet (2') or greater in depth. This includes inground, above-ground and onground swimming pools, hot tubs and spas.
TAVERN:	An establishment serving alcoholic beverages in which the principal business is the sale of such beverages at retail for consumption on the premises and where sandwiches and snacks may be available for consumption on the premises.
TOPOGRAPHY:	The relief features or surface configuration of an area.

TRAILER:	See definition of Camping Trailer/Recreational Vehicle.
USE:	The purpose or activity for which land or a structure thereon is designed, arranged, intended, occupied, or maintained.
UTILITY SUBSTATION:	A secondary utility facility such as an electrical substation, gas regulator station, telephone exchange facility, sewage treatment plant, etc.
VARIANCE:	See definition of Lot Size/Bulk Variance.
VILLAS (UNIPLEX):	A dwelling which has accommodations for two (2) families, divided by a common or party wall, in which each family area is separately owned.
WHOLESALE:	Refers to the sale of goods or services by one business to another business.
YARD:	Open space that is unobstructed except as specifically permitted in this title and that is located on the same lot as the principal building.
YARD, FRONT:	A yard which is bounded by the front lot line and the building line.
YARD LINE:	A line in a lot that is parallel to the lot line along which the applicable yard extends and which is not nearer to such lot line at any point than the required depth or width of said yard.
YARD, REAR:	A yard which is bounded by side lot lines, rear lot lines, and the rear yard line.
YARD, SIDE:	A yard which is bounded by the rear yard line, front yard line, side yard line, and side lot line.
ZONING MAP:	The map(s) and any amendments thereto designating zoning districts. The zoning map is incorporated into this title. (Ord., 4-19-1999, eff. 4-19-1999; amd. Ord. 677, 4-6-2009; Ord. 748, 4-7-2014)

## CHAPTER 3

**GENERAL ZONING REGULATIONS**

## SECTION:

- 10-3- 1: Establishment Of Districts
- 10-3- 2: Zoning Map And District Boundaries
- 10-3- 3: General Prohibition
- 10-3- 4: Unlisted Uses Prohibited
- 10-3- 5: Temporary And Portable Structures Or Uses
- 10-3- 6: One Building And All Yards On One Lot
- 10-3- 7: Access Required
- 10-3- 8: Front Setbacks
- 10-3- 9: Intrusions Into Yards
- 10-3-10: Exceptions To Height Limits
- 10-3-11: Accessory Uses
- 10-3-12: Schedule Of Area And Bulk Regulations
- 10-3-13: Schedule Of Uses

10-3-1: **ESTABLISHMENT OF DISTRICTS:** In order to implement this title, and to achieve the objectives in section 10-1-1 of this title, the entire municipality is hereby divided into the following zoning districts: (Ord., 4-19-1999, eff. 4-19-1999)

District	Designation
Agricultural District:	
Agricultural district	A-1
Residential Districts:	
One-family dwelling district	R-1
Multiple-family dwelling district	R-2
Villas (uniplex) - two-family dwelling district	R-2A
Business District:	
Business district	B-1



District	Designation
Industrial District:	
Industrial district	I-1

(Ord., 4-19-1999, eff. 4-19-1999; amd. Ord. 748, 4-7-2014)

**10-3-2: ZONING MAP AND DISTRICT BOUNDARIES:**

- A. **Zoning Map:** The boundaries of the listed zoning districts are hereby established as shown on the zoning map of this municipality. The zoning map, including all notations and other information thereon, is hereby made a part of this title by reference. Official copies of the zoning map shall be kept on file in the office of the code official or other appropriate official. In the event there is a conflict between the zoning district given for a legal description of any parcel, and the description on the map, the zoning district given to the legal description shall apply.
- B. **Annual Publication:** In accordance with state law, the code official shall publish the village zoning map not later than March 31 of each year. However, no map shall be published for any calendar year during which there have been no changes in zoning districts or regulations.
- C. **Annexation Requirements:** All territory annexed into the village will be classified as R-1. When new territory is being annexed into the village and such territory is to be zoned other than R-1, the village must follow procedures described in section 10-8-3 of this title.
- D. **Determining Territory Of Districts With Precision:** In determining with precision what territory is actually included within any zoning district, the code official shall apply the following rules:
1. Where a district boundary as indicated on the zoning map approximately follows the features listed below on the left, the corresponding feature on the right shall be deemed the district boundary:

Centerline of any street, alley or highway	Such centerline
Lot line	Such lot line
Railroad tracks	Center right of way line of such track

2. Whenever any street, alley or other public way is legally vacated, the zoning districts adjoining each side of such vacated public way shall automatically extend to the center of such way, and all territory included in the vacated way shall thereafter be subject to all regulations of the extended districts. (Ord., 4-19-1999, eff. 4-19-1999)

**10-3-3: GENERAL PROHIBITION:**

- A. **Structures And Lots:** No structure or part thereof shall be erected, used, occupied, enlarged, altered, relocated or reconstructed except in conformity with the provisions of this title. Similarly, no lot or part thereof shall be used, occupied, or developed except in conformity with the provisions of this title.
- B. **Agricultural Exemption:** The provisions of this title shall not be interpreted or administered so as to restrict the erection, maintenance, alteration, or extension of buildings (including farmhouses) or structures used or intended to be used for agricultural purposes on agricultural land except that such buildings or structures shall be required to conform to applicable setback regulations. Whenever a portion of a tract of land ceases to be used primarily for agricultural purposes, all pertinent provisions of this title shall apply to that portion. (Ord., 4-19-1999, eff. 4-19-1999)

**10-3-4: UNLISTED USES PROHIBITED:** Whenever any use is not specifically listed as permitted or special within a particular zoning district, such use shall be deemed prohibited in that district. Any use which is not listed within schedule 3-13 shall be subject to the review process described in subsection 10-3-13B of this chapter. (Ord., 4-19-1999, eff. 4-19-1999)

**10-3-5: TEMPORARY AND PORTABLE STRUCTURES OR USES:**  
No person shall park, store, or occupy a temporary structure for living purposes except:

- A. For a period not in excess of one year, on property for which a building permit for the construction of a permanent dwelling has been issued, which construction is actively carried forward to completion within the aforesaid one year.

- B. A portable structure may be used as a temporary office or shelter incidental to construction or development of the premises on which the structure is located only during the time construction or development is actively underway. (Ord., 4-19-1999, eff. 4-19-1999)

**10-3-6: ONE BUILDING AND ALL YARDS ON ONE LOT:** Except as specifically provided otherwise:

- A. Only one principal building or structure shall be permitted on any residential lot; and
- B. No portion of any minimum area, minimum dimensions, or minimum yards required for any lot, structure, or use shall be counted to satisfy the minimum area, dimensions, or yards requirements for any other lot, structure or use. (Ord., 4-19-1999, eff. 4-19-1999)

**10-3-7: ACCESS REQUIRED:** No building shall be erected on any lot unless such lot abuts, or has permanent easement of access to, a public street or a private street. (Ord., 4-19-1999, eff. 4-19-1999)

**10-3-8: FRONT SETBACKS:**

- A. Corner Or Through Lots: Every lot with multiple frontages (such as corner or through lots) shall meet the front setback requirements of the district in which it is located on every side having frontage.
- B. Certain Built-Up Areas: Except as specifically provided otherwise, in the residential zoning districts and in the commercial zoning districts, where existing development has already established a setback line, then new developments in that block shall meet that established setback line. (Ord., 4-19-1999, eff. 4-19-1999)

**10-3-9: INTRUSIONS INTO YARDS:** Except where principal buildings are commonly attached (for example, in the downtown commercial area), no part of a principal building on one lot shall be closer than ten feet (10') from any part of a principal building located on an abutting lot. However, so long as this overriding constraint is observed, certain intrusions into required yards are permitted as indicated below:

Features	Maximum Intrusions
Balconies, enclosed porches	4 feet
Canopies, roof overhangs	4 feet
Cornices, chimneys, planters or similar architectural features	2 feet
Fire escapes	4 feet

(Ord., 4-19-1999, eff. 4-19-1999)

**10-3-10: EXCEPTIONS TO HEIGHT LIMITS:**

- A. Necessary Appurtenances: Chimneys, parapet walls, cooling towers, elevator bulkheads, fire towers, antennas, or other necessary appurtenances commonly constructed above the roofline shall be permitted to exceed the maximum height limitations by twenty percent (20%) for the district in which they are located if they comply with all other pertinent ordinances of this municipality.
- B. Intersections: On corner lots, in the triangular portion of land bounded by the street lines that are thirty feet (30') from the point of intersection, no obstruction, whether natural or manmade, shall intrude into the air space that is between three (3) and ten feet (10') above the level of the adjacent street. (Ord., 4-19-1999, eff. 4-19-1999)

**10-3-11: ACCESSORY USES:**

- A. Definition: An "accessory use" means any structure or use which is:
  - 1. Subordinate in size or purpose to the principal structure or use which it serves;
  - 2. Located on the same lot as the principal structure or use served.
- B. General Regulations:
  - 1. If an accessory use is attached to the principal structure, it shall be considered part of that principal structure.

2. Roof overhangs on accessory structures not attached to the principal structure shall not encroach more than two feet (2') into the required setback distance.

3. Accessory structures shall be located in back yards only.

- C. Specifically Prohibited Accessory Uses: The following accessory uses are strictly prohibited unless expressly permitted in particular zoning district(s):

Use of an accessory structure as a dwelling.

- D. Limitations: See schedules (sections 10-3-12 and 10-3-13 of this chapter) for limitations and schedule listings. (Ord., 4-19-1999, eff. 4-19-1999; amd. 2002 Code)

10-3-12: **SCHEDULE OF AREA AND BULK REGULATIONS:** To facilitate public understanding of this title and for the better administration and convenience of use thereof, the regulations limiting the dwelling unit density, the heights, bulk and arrangement of buildings, and requiring minimum off street parking for each of the districts established by section 10-3-1 of this chapter (or specified use), are set forth in schedule 3-12 of this section as follows. Such schedule 3-12 is hereby adopted and declared to be an integral part of this title, and it may be amended in the same manner as any other part of this title. (Ord., 4-19-1999, eff. 4-19-1999)

(see following pages)

SCHEDULE 3-12: AREA AND BULK REGULATIONS; PARKING REQUIREMENTS

Zoning District	Maximum Number Of Dwelling Units	Minimum Lot Size			Minimum Yard Dimensions				
		Area In Square Feet Or Acres	Width At Building Line	Mean Depth Linear Feet	Depth Of Front Yard	Depth Of Side Yard Abutting Street	Depth Of Side Yard Abutting A Lot	Distance To Nearest Principal Building On Adjacent Lot	Depth Of Rear Yard
A-1 agricultural	1 per 5 acres	5 acres	250 ft.	250 ft.	50 ft.	25 ft.	50 ft.	50 ft.	50 ft.
R-1 one-family residential	1 per lot	6,000 sq. ft.	50 ft.	100 ft.	20 ft.	20 ft.	5 ft.	10 ft.	25 ft.
R-2 multiple-family residential		7,000 sq. ft. or 3,500 sq. ft. for each residential unit, whichever is greater	60 ft.	100 ft.	20 ft.	20 ft.	5 ft.	10 ft.	25 ft.
R-2A two-family residential	1 per lot	3,500 sq. ft.	30 ft.	100 ft.	20 ft.	20 ft.	5 ft.	0 ft.	25 ft.
B-1 business	None	8,000 sq. ft.	None	None	None	None	None	None except 10 ft. from a residence	10 ft.
I-1 industry	None	1 acre	150 ft.	150 ft.	25 ft.	25 ft.	25 ft.	50 ft.	25 ft.

10-3-12

10-3-12

Zoning District	Maximum Coverage In Percent Of Lot	Maximum Height Of Principal Building	Maximum Height Of Accessory Building	Accessory Buildings - Minimum Distance Of					Minimum Off Street Parking
				Principal Building	Front Lot Line	Side Lot Line Adjacent To Street	Side Lot Line	Rear Lot Line	
A-1 agricultural	10%	35 ft.	35 ft.	20 ft.	50 ft.	50 ft.	25 ft.	50 ft.	2 per unit
R-1 one-family residential	30%	35 ft.	20 ft.	10 ft.	20 ft.	5 ft.	5 ft.	5 ft.	2 per unit
R-2 multiple-family residential	35%	35 ft.	20 ft.	10 ft.	20 ft.	20 ft.	5 ft.	5 ft.	2 per unit
R-2A two-family residential	35%	35 ft.	20 ft.	10 ft.	20 ft.	20 ft.	5 ft.	5 ft.	2 per unit
B-1 business	50%	35 ft.	35 ft.	None	5 ft.	5 ft.	3 ft.	5 ft.	See chapter 5 of this title
I-1 industry	50%	35 ft.	35 ft.	None	50 ft.	50 ft.	25 ft.	25 ft.	1 space per employee per shift

(Ord., 4-19-1999, eff. 4-19-1999; amd. Ord. 748, 4-7-2014)

September 2014

*Village of Brighton*

**10-3-13: SCHEDULE OF USES:**

- A. Regulations; Schedule 3-13: To facilitate public understanding of this title and for the better administration and convenience of use thereof, the regulations designating permitted uses, permitted accessory uses, special uses and specifically prohibited uses for each of the districts established by section 10-3-1 of this chapter are set forth in schedule 3-13 of this section. Such schedule 3-13 is intended and declared to be an integral part of this title and it may be amended in the same manner as any other part of this title.
- B. Clarification Regarding Type Of Use: If a proposed use is not clearly defined in schedule 3-13 of this section, the matter shall be referred to the code official. The code official may confer with the village officials and/or the village attorney. The code official shall consider the nature of the proposed use and determine if it is substantially similar to a use listed in schedule 3-13 of this section. The factors to be considered include, but are not limited to: size of the structure, traffic likely to be generated, the presence of manufacturing, assembly or preparation at the proposed site, and the degree of similarity with clearly permitted uses. If the code official determines that the proposed use is substantially similar to a permitted use, the proposed use shall be considered as permitted and shall be subject to the limitations which would apply to such clearly permitted similar use. All such designations of substantially similar use shall be reported to the village board. Any proposed use which is not so characterized as substantially similar to a clearly permitted use shall be considered as a prohibited unlisted use. An amendment or special use permit, as applicable, may be sought.
- C. Explanation Of Columns: Each column refers to a specific district which lists the permitted uses, permitted accessory uses, special uses and specifically prohibited uses, and are read vertically under a district column.
- D. Limitations And Requirements: Limitations and requirements in schedule 3-13 of this section as used in a column shall mean and include the specific limitations and requirements as set forth in the same column for the district referred to. Where reference is made in schedule 3-13 of this section to another section or provision of this title, such section or provision referred to shall thereby be incorporated as an integral part of the requirements including such reference. All provisions of this title shall apply as integral parts of this section although not specifically cited as a column. (Ord., 4-19-1999, eff. 4-19-1999)



**SCHEDULE 3-13: PERMITTED USES AND ACCESSORY  
USES, PROHIBITED USES AND SPECIAL USES**

Zoning District	Permitted Uses And Accessory Uses	Prohibited Uses	Special Uses
A-1 agricultural	Agricultural uses, single-family residences, municipal buildings, churches, schools, cultural uses, parks and recreation, dog pound/kennels	Billboards, landfills, junkyards, airplane landing strips	Commercial, recreation, home occupations
R-1 one-family residential	Agricultural uses, single-family residences, modular homes, churches, schools, parks and recreation, golf courses	All uses prohibited in the A-1 district, multi-family residences, mobile homes, kennels as defined by this title	Mobile home parks, funeral homes, home occupations, libraries, duplexes
R-2 multi-family residential	Multi-family residences, any use permitted in the R-1 district, two-family residences, rooming house/boarding house	All uses prohibited in the R-1 district, except multi-family residences	All special uses permitted in the R-1 district
R-2A two-family residential	Two-family residences, any use permitted in the R-1 district, rooming house/boarding house	All uses prohibited in the R-1 district	All special uses permitted in the R-1 district
B-1 business	Funeral homes, commercial recreation, hotels, banks, department stores, restaurants, mechanical repair shops, automobile sales, club/lodges - private, transit storage - not enclosed, offices, filling stations, retail sales	All uses prohibited in the A-1 district	

10-3-13

10-3-13

Zoning District	Permitted Uses And Accessory Uses	Prohibited Uses	Special Uses
I-1 industrial	Any nonresidential uses permitted in the B-1 district, light manufacturing, warehousing, fabrication, lumberyard (not enclosed), wholesale fruit and produce, cold storage plant, telephone exchanges including shops or garages, industrial lab	All uses prohibited in the A-1 district	Residences

(Ord., 4-19-1999, eff. 4-19-1999; amd. Ord. 677, 4-6-2009; Ord. 748, 4-7-2014)

## CHAPTER 4

**SUPPLEMENTARY ZONING REGULATIONS**

## SECTION:

- 10-4- 1: Applicability Of Chapter
- 10-4- 2: Camping Trailers
- 10-4- 3: Fences And Walls
- 10-4- 4: Filling Stations
- 10-4- 5: Home Occupations
- 10-4- 6: Nursing Homes
- 10-4- 7: Junkyards
- 10-4- 8: Schools
- 10-4- 9: Swimming Pools; Fences
- 10-4-10: Essential Services
- 10-4-11: Mobile Homes
- 10-4-12: Public Buildings
- 10-4-13: Kennels
- 10-4-14: Lighting Control
- 10-4-15: Privacy Screening
- 10-4-16: Dumpster; Trash Disposal
- 10-4-17: Billboards

10-4-1: **APPLICABILITY OF CHAPTER:** This chapter establishes lot and structure requirements, design standards, and use limitations for specific, potentially troublesome structures and uses. These regulations apply in every zoning district where the specific structure or use is permitted or allowed by special use permit. But if more stringent regulations are applicable in any particular district, such regulations shall prevail. (Ord., 4-19-1999, eff. 4-19-1999)

10-4-2: **CAMPING TRAILERS:** The regulations of this chapter do not apply to camping trailers or other similar recreational vehicles parked in a permitted camping trailer park. The requirements of subsections A, B, and C of this section do not apply to camping trailers or other similar recreational vehicles parked on a permitted camping trailer sales lot.

- A. Living Quarters: No camping trailer or other similar recreational vehicle shall be used as living quarters other than in a camping trailer park. (Ord., 4-19-1999, eff. 4-19-1999)
- B. Commercial Office<sup>1</sup>: No camping trailer or other similar vehicle shall be used as an office or for any other commercial purposes unless a special use permit is granted from the village. Said permit shall not exceed one hundred eighty (180) days. No successive permit will be allowed. (Ord., 4-19-1999, eff. 4-19-1999; amd. 2002 Code)
- C. Front Yard: No camping trailer, boat, boat trailer, RV or other similar recreational vehicle shall be parked on any front yard or on the street abutting the residence, either in the front or on the side (except on a driveway), or on a side yard abutting a street.
- D. Street And Shoulder Of Road: No hauling trailers, commercial equipment, mowers, farm equipment, wreckers, commercial box trucks, commercial vehicles, or similar type equipment and/or vehicles may be parked in the street or on the shoulder of the road abutting a residence either in the front or on the side. (Ord. 619, 5-24-2004)

10-4-3: **FENCES AND WALLS:**

- A. Location: No sharp pointed fence or barbed wire fence shall be erected or maintained anywhere in the residential districts. In the commercial or industrial districts, sharp pointed fences and barbed wire fences are allowed if the sharp points and/or the barbed wire are above eight feet (8'). No electrically charged fence shall be erected or maintained anywhere in this municipality.
- B. Approval Required: No fence, wall, or other obstruction shall be erected within any public right of way without the written approval of the code official.
- C. Compliance With State Drainage Code: No fence, wall or other obstruction shall be erected in violation of the Illinois drainage code. (Ord., 4-19-1999, eff. 4-19-1999)
- D. Height: Every fence, wall or other obstruction shall conform to the special height restrictions applicable in areas near intersections (see subsection 10-3-10B of this title). No fence, wall or other obstruc-

---

1. See section 10-3-5 of this title.

tions in any front yard area shall exceed four feet (4') in height or in any rear or side yard exceed eight feet (8') in height unless a commercial or industrial lot abuts the rear or side yard of a residential lot, then privacy screening requirements must be followed (see section 10-4-15 of this chapter). All fences shall be properly maintained and in good repair. (Ord., 4-19-1999, eff. 4-19-1999; amd. Ord. 619, 5-24-2004)

- E. Property Lines: Fences may be located on the property lines. (Ord., 4-19-1999, eff. 4-19-1999)

#### 10-4-4: **FILLING STATIONS:**

- A. Location: All gasoline pumps, service facilities or restrictive materials shall be located at least twenty five feet (25') from any street right of way line, side lot line, or rear lot line.
- B. Trash Receptacles Screened: All trash receptacles, except minor receptacles adjacent to the gasoline pumps, shall be screened from view. (Ord., 4-19-1999, eff. 4-19-1999)

#### 10-4-5: **HOME OCCUPATIONS:**

- A. Definition; Regulations: A "home occupation" means any business, profession, or occupation (excluding retail sales) for gain or support entirely within a residential building or on residential premises. Within this municipality every home occupation shall be considered a special use. No home occupation shall be established except in conformity with the following regulations: (Ord., 4-19-1999, eff. 4-19-1999)
  1. Unrelated Employees: A home occupation shall have no unrelated outside employees. No home shall be used as a headquarters for nonrelated employees; a home may not provide parking for non-related employees. (Ord. 619, 5-24-2004)
  2. Floor Space: The total area used for a home occupation shall not exceed twenty five percent (25%) of the gross floor area of the dwelling, or three hundred (300) square feet, whichever is less. (Ord., 4-19-1999, eff. 4-19-1999)
  3. Daycare Homes: Must be licensed by the Illinois department of children and family services. Must be located in family homes which

may receive three (3) up to six (6) children for less than twenty four (24) hours per day. The number counted does not include the family's natural or adopted children and all other persons under the age of twelve (12) residing in the home. The term does not include family homes which receive children from a single household. Any room that the children are allowed to enter must have at least two (2) exits available in case of an emergency. All other requirements stated in this section must be followed. (Ord., 4-19-1999, eff. 4-19-1999; amd. 2002 Code)

4. Dwelling Alterations: In any residential district a principal residential building shall not be altered (to accommodate a home occupation) in such a way as to materially change the residential character of the building.

5. Outdoor Storage: Outdoor (unenclosed) storage or display of equipment or materials used in connection with a home occupation is prohibited.

6. Nuisances: A home occupation shall not generate any offensive noise, vibration, smoke, dust, odors, heat, glare or electrical interference noticeable at or beyond the lot lines.

7. Signs: A sign may be displayed by the home occupation. The sign shall not exceed four (4) square feet in size and shall not be illuminated or detract from the general character of the neighborhood.

B. Violation: If any of the regulations listed in subsection A of this section are violated, the village board has the authority to revoke the home occupation permit. (Ord., 4-19-1999, eff. 4-19-1999)

10-4-6: **NURSING HOMES:** The lot on which any nursing home is situated shall have a minimum width and depth of two hundred feet (200'), and a minimum area of 1.5 acres. (Ord., 4-19-1999, eff. 4-19-1999)

10-4-7: **JUNKYARDS:** After the effective date of this title, no part of any junkyard (which includes any lot on which any 3 or more inoperable or unlicensed vehicles are stored) shall be operated within this village. (Ord., 4-19-1999, eff. 4-19-1999)

**10-4-8: SCHOOLS:**

- A. Minimum Lot Area: The lot on which any school is situated shall have the minimum area indicated below:

<u>Type Of School</u>	<u>Minimum Lot Area</u>
Nursery, daycare center	10,000 square feet
Other (elementary, junior high, senior high)	As required by state law

- B. Location: The principal building of any school shall be located at least twenty five feet (25') from all lot lines. (Ord., 4-19-1999, eff. 4-19-1999)

10-4-9: **SWIMMING POOLS; FENCES<sup>1</sup>:** Every swimming pool two feet (2') or greater in depth, whether public or private, shall be enclosed by a wall or fence at least four feet (4') in height above the finished grade and must have a gate that shall be locked when the pool is not in use. An above-the-ground pool, four feet (4') or higher, need not have a fence with a gate, so long as the ladder is removed when not in use or is folded and locked. (Ord., 4-19-1999, eff. 4-19-1999)

10-4-10: **ESSENTIAL SERVICES:**

- A. Definition: An "essential service" shall include the erection, construction, alteration, or maintenance, by public agencies of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, elevated and underground water storage tanks, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare.
- B. Restrictions Not Imposed: Nothing contained in these regulations shall impose restrictions for the provision of essential services by a public utility (as defined in the Illinois Compiled Statutes). (Ord., 4-19-1999, eff. 4-19-1999)

10-4-11: **MOBILE HOMES:** The following requirements are supplementary to the Illinois mobile home parks laws as regulated by the Illinois department of public health pursuant thereto:

- A. Mobile Homes On Individual Lots (Not In A Mobile Home Park Or Court):
1. No mobile home located outside a mobile home park or court may be replaced with another mobile home.
  2. Mobile homes shall be utilized only as a dwelling unit for owner or renter occupancy.

---

1. See also title 9, chapter 2 of this code.



3. All mobile homes shall be connected to all available public utilities in accordance with all requirements for any residential structures in the city.

4. All mobile homes shall conform to all zoning requirements that are applicable to the zoning district in which it is located.

**B. Mobile Home Parks And Courts:**

1. Permit: After the effective date of this title, no mobile home park and/or court shall be operated within this village without maintaining a permit to operate from the Illinois department of public health.

2. R-1 District: Mobile home parks and/or courts shall be permitted by a special use permit only in the R-1 district and shall meet the following requirements:

a. Shall be located on a tract of land not less than five (5) acres.

b. Shall contain at least three (3) mobile homes.

c. Minimum lot size and setback requirements. Individual mobile home spaces shall be considered as lots and shall meet the following requirements:

(1) Minimum lot size: 6,000 square feet

(2) Minimum lot depth: 100 feet

(3) Minimum lot width: 50 feet

(4) Minimum setback requirements:

From front lot line: 20 feet

From rear lot line: 20 feet

From side lot line: 10 feet

(5) Minimum distance to a building on an adjacent lot: 20 feet

d. Shall be skirted and anchored.

e. Two (2) off street parking spaces shall be provided per mobile home.

f. No accessway may dead end except as a cul-de-sac with appropriate turnaround space for emergency vehicles as per the standards required by the village.

g. Concrete pads are required. (Ord., 4-19-1999, eff. 4-19-1999)

10-4-12: **PUBLIC BUILDINGS:** In any district where municipally owned or other publicly owned buildings are permitted, the following additional requirements shall be met:

- A. In any residential district all municipal or other publicly owned buildings shall be located at least twenty five feet (25') from all property lines.
- B. In any residential or commercial district, there shall be no permanent storage of heavy construction or maintenance equipment (such as excavating, road building, or hauling equipment), unless in an enclosed building or enclosed within a solid wall or fence at least six feet (6') in height. Such storage areas, maintenance yards, or storage warehouses shall be located at least twenty five feet (25') from any front or side property line. (Ord., 4-19-1999, eff. 4-19-1999)
- C. In any business/commercial district all exterior building materials shall be of high durability and quality and require low maintenance, and must be of brick and bricklike masonry, architectural split faced concrete block, architectural panels such as Alucobond or approved equal, glass, or architectural precast concrete or comparable materials. An exemption may be granted from the requirements stated herein for any residential dwelling located within the business/commercial district at the discretion of the zoning board of appeals. In the event the residential dwelling is converted to business/commercial use after receiving said exemption, the owner thereof shall update the front of the building to the provisions as required herein. (Ord. 749, 4-7-2014)

10-4-13: **KENNELS:**

- A. Area: The lot on which any kennel is situated shall have a minimum area of three (3) acres.

- B. Location: Every kennel shall be located at least two hundred feet (200') from the nearest dwelling, and at least one hundred feet (100') from any lot line. (Ord., 4-19-1999, eff. 4-19-1999)

10-4-14: **LIGHTING CONTROL:** Any light used for the illumination of signs, swimming pools, or for any other purpose, shall be arranged so as to confine the direct light rays away from neighboring residential properties and away from the vision of passing motorists. (Ord., 4-19-1999, eff. 4-19-1999)

10-4-15: **PRIVACY SCREENING:** Where any commercial or industrial district abuts any residential district a privacy screen of village approved material whether natural or manmade must be provided by the property owner. The following regulations must apply:

- A. Screen: The screen must be at least eight feet (8') in height, provide ninety percent (90%) density year round and be maintained to original specifications by the property owner as long as the screen is a requirement.
- B. Natural Materials: Natural materials may be six feet (6') when planted but must be at least eight feet (8') and provide ninety percent (90%) density within three (3) years of occupancy.
- C. Approval: All materials must be approved by the code official prior to installation or the granting of an occupancy permit.
- D. Exceptions:
1. The residential property is lawfully being used for commercial or industrial purposes.
  2. The residential property is owned by the commercial or industrial owner and provides a fifty foot (50') buffer between the commercial or industrial property and other residential properties.
  3. The commercial or industrial use was established before the adjoining property was annexed or was designated as residential. (Ord., 4-19-1999, eff. 4-19-1999)

10-4-16:     **DUMPSTER; TRASH DISPOSAL:** All existing and newly constructed structures that contain more than three (3) units shall be required to provide an on site trash disposal dumpster. Said dumpster shall contain a minimum of one-half ( $\frac{1}{2}$ ) cubic yard capacity for each apartment unit, and shall be screened from view, at least one foot (1') above the height of the dumpster. (Ord., 4-19-1999, eff. 4-19-1999)

10-4-17:     **BILLBOARDS:** The placement of billboards within the corporate limits of Brighton and in the territory located within one and one-half ( $1\frac{1}{2}$ ) miles of the corporate limits of Brighton is prohibited. (Ord. 687, 2-2-2010)

## CHAPTER 5

### OFF-STREET PARKING AND LOADING

#### SECTION:

- 10-5-1: Applicability Of Chapter
- 10-5-2: Parking Design And Maintenance Standards
- 10-5-3: Location Of Parking
- 10-5-4: Design And Location Of Off-Street Loading Facilities
- 10-5-5: Parking Spaces Required

#### 10-5-1: **APPLICABILITY OF CHAPTER:**

- A. Scope: Off-street parking and loading shall be provided in accordance with this chapter for all structures and uses erected or established after the effective date of this title.
- B. Existing Parking And Loading Facilities:
  - 1. Existing off-street parking or loading facilities located on the same lot as the use served shall not be reduced below, or, if already less than, shall not be further reduced below the requirements and standards for similar new structures or uses.
  - 2. When an existing structure or use is damaged or destroyed and subsequently repaired or rebuilt to the same square footage prior to damage, additional off-street parking and loading facilities need not be provided, but parking and loading facilities equivalent to any maintained at the time of such damage or destruction shall be restored.
  - 3. Whenever the use of any structure or premises is intensified through addition of dwelling units, gross floor area, seating capacity, etc., additional parking and loading facilities commensurate with such increase in use intensity shall be provided.

4. Whenever the existing use of a structure is changed to a different use, parking or loading facilities shall be provided as required herein for such new use. (Ord., 4-19-1999, eff. 4-19-1999)

10-5-2: **PARKING DESIGN AND MAINTENANCE STANDARDS:**

A. Spaces:

1. Each required parking space shall be at least nine feet (9') wide and nineteen feet (19') long, and shall have at least seven feet (7') of vertical clearance. Every space shall be situated so that no part of any parked vehicle can overhang the public right of way, public or private sidewalks or property lines.

2. For multi-family residential, commercial and industrial uses, markings shall be laid and restored as often as necessary to clearly delineate each parking space.

B. Interior Aisles: Aisles within parking lots in multi-family residential, commercial and industrial districts shall be sufficiently wide to permit safe and efficient vehicular movement in the aisles, and into and out of parking spaces. Aisles designed for two-way traffic shall be at least twenty four feet (24') wide. One-way aisles designed for sixty degree (60°) parking shall be at least twenty feet (20') wide.

C. Access Way:

1. Parking areas in the multi-family residential, commercial and industrial districts shall be designed so that ingress to and egress from a parking space is from an aisle or driveway, not directly from the public right of way.

2. No access way to any parking area shall be located within thirty feet (30') of any corner formed by the intersection of the rights of way of two (2) or more streets. At intersections where traffic-control devices are installed, the code official may increase this requirement as necessary to prevent traffic hazards.

3. The access way to every parking lot located in any commercial and industrial zoning district shall be at least twenty four feet (24') wide unless two (2) one-way drives, each twelve feet (12') wide, are provided.

4. The access way to every parking area located in the multi-family residential zoning district shall be at least ten feet (10') wide; but if the parking area contains more than eight (8) parking spaces or if the access way is longer than one hundred feet (100'), access shall be provided either by one two-way drive at least twenty feet (20') wide or by two (2) one-way drives, each at least ten feet (10') wide.

- D. Lighting: Any light(s) used to illuminate any parking area shall be arranged or shielded so as to confine direct light rays within the parking area boundary lines to the greatest extent practicable. (Ord., 4-19-1999, eff. 4-19-1999)

10-5-3: **LOCATION OF PARKING:** All off-street parking shall be located in conformity with the following requirements:

A. Residential Districts:

1. Parking spaces accessory to dwellings located in any residential zoning district shall be located on the same lot as the dwelling. Such parking spaces shall not be located in any front yard except in the driveway, but may be located in the side or rear yards. Each parking space accessory to a multi-family dwelling shall be unobstructed so that no vehicle need be moved in order to allow another vehicle to enter or exit the parking area.

2. All parking spaces accessory to permitted nondwelling uses located in the residential zoning district generally shall be located on the same lot as the use served. However, by special use permit, such parking facilities may be located on another parcel within two hundred feet (200') of the use served. No vehicle exceeding one ton cargo capacity shall be parked anywhere in a residential district (except for normal loading, unloading, and service call), this includes on street and on private lots, unless a special use permit has been obtained.

B. Commercial And Industrial Districts:

1. Parking spaces accessory to any dwelling located in any commercial district shall be located within two hundred feet (200') of the dwelling. Parking spaces accessory to any other conforming use located in any commercial or industrial district shall be located within five hundred feet (500') of the use served.

2. No parking space accessory to any use located in commercial or industrial district shall be located in any residential district except by special use permit; and in no case shall any such parking areas extend more than five hundred feet (500') into a residential district.

3. In any commercial or industrial district, off-street parking facilities for different buildings or uses may be provided collectively if the total number of spaces so located together is not less than the sum of the separate requirements for each use, and if all regulations governing location of parking spaces in relation to the use served are observed. (Ord., 4-19-1999, eff. 4-19-1999)

10-5-4: **DESIGN AND LOCATION OF OFF-STREET LOADING FACILITIES:** All off-street loading facilities shall conform to the minimum standards as indicated:

- A. **Size Of Space:** Every required off-street loading space shall be at least twelve feet (12') wide and thirty feet (30') long exclusive of aisle and maneuver space, and shall have vertical clearance of at least fourteen feet (14'). In no case shall a vehicle being loaded or unloaded overhang into the public right of way.
- B. **Access Way:** Every off-street loading space shall have a safe means of vehicular access to a street or alley. Such access way shall be at least twelve feet (12') wide.
- C. **Location:** Every off-street loading space, whether required or not, shall be located on the same parcel of land as the use served, and not closer than fifty feet (50') to the intersection of the rights of way of two (2) or more streets, and not on required front yards. (Ord., 4-19-1999, eff. 4-19-1999)

10-5-5: **PARKING SPACES REQUIRED:**

<u>Zoning Districts</u>	<u>Minimum Number Of Parking Spaces</u>
A, R-1	2 spaces per unit
R-2	2 parking spaces per unit behind building line



Zoning DistrictsMinimum Number Of Parking Spaces

## B-1:

Auditorium, churches,  
libraries, museums, theaters  
(indoor), halls, stage and uses  
other than restaurants

1 space per 4 seats, or 1 space per each  
300 square feet of total floor area,  
whichever is greater, plus 1 space per  
employee per shift

Automobile service stations,  
banks, hospitals

Recommendation by code official and  
final decision by village board

Bowling alleys

4 spaces for each alley, plus such  
additional spaces as may be required  
herein for affiliated uses (restaurants  
and the like)

Hotels, motels

1 space per each guest room, plus 1  
space per employee per shift

Machinery sales, motor  
vehicle sales, municipal buildings

1 space per each 300 square feet of  
total floor area

Office uses

1 space per each 300 square feet of  
total floor area, plus 1 space for each  
company or commercial vehicle

Restaurants, drive-in

1 space per each 25 square feet of used  
floor space plus stacking spaces

Restaurants, sit down type,  
bars, nightclubs and taverns

1 space per each 50 square feet of  
seating area or 1 space per every 3  
seats, whichever is greater, plus 1 space  
per employee per shift

Retail service stores

1 space per each 300 square feet of  
total floor area

## I-1

1 space per employee per shift

(Ord., 4-19-1999, eff. 4-19-1999)

## CHAPTER 6

**NONCONFORMITIES**

## SECTION:

- 10-6-1: Purpose
- 10-6-2: Nonconforming Lots
- 10-6-3: Nonconforming Structures
- 10-6-4: Nonconforming Uses Occupying Structure
- 10-6-5: Nonconforming Use Of Land
- 10-6-6: Open Land, Nonconforming Use
- 10-6-7: Nonconformities Under Permit Authority

10-6-1: **PURPOSE:** The requirements imposed by this title are designed to guide the use of land by encouraging the development of structures and uses that are compatible with the predominant character of each of the various residential, commercial, and industrial districts. Lots, structures, and uses of land or structures that do not conform to the requirements of the district in which they are located impede appropriate development. For example, nonconformities are frequently responsible for heavy traffic on residential streets, the over-taxing of parking facilities, the emission of noxious fumes or excessive noise, and/or the lowering of property values. The regulations in this chapter are intended to alleviate such existing/potential problems by encouraging the gradual elimination of nonconformities. (Ord., 4-19-1999, eff. 4-19-1999)

10-6-2: **NONCONFORMING LOTS:**

- A. Vacant Lots: Any vacant lot that does not conform to one or more of the lot size requirements of the district in which it is located may be used in the manner indicated at subsections B and C of this section if it:
  - 1. Is of record on the date of the adoption or amendment of this title; and

2. Has continuously remained in separate ownership from abutting tracts of land throughout the entire period during which the creation of such lot was prohibited by the applicable zoning code or other ordinances; and
  3. Is at least thirty feet (30') wide.
- B. **Residential:** On any existing nonconforming lot located in any district, any permitted structures may be erected, provided all the bulk (see definitions in section 10-2-2 of this title) and setback regulations of the particular district are observed. If the bulk and setback regulations cannot be met, then a variance provided for in section 10-9-2 of this title must be obtained.
- C. **Other Districts:** On any existing nonconforming lot located in the commercial or industrial districts, any structure permitted in the particular district may be erected if the bulk and setback requirements of that district are met. If the bulk and setback regulations cannot be met, then a variance provided for in section 10-9-2 of this title must be obtained.
- D. **Two Or More Lots In Common Ownership:** If two (2) or more lots or combinations of lots and portions of lots with continuous frontage were of record and in common ownership on the date of the enactment or amendment of this title, and if one or more of those lots do not meet the minimum lot width, depth, and area requirements of the district in which they are located, the land involved shall be considered an undivided parcel for purposes of this title. No portion of any such parcel shall be developed except in compliance with this title, nor shall any such parcel be divided so as to create a lot that does not meet the requirements of this title. (Ord., 4-19-1999, eff. 4-19-1999)

10-6-3: **NONCONFORMING STRUCTURES:** Any lawful structure which exists on the date of the enactment or amendment of this title, but which could not be erected under the terms of this title, because of restrictions on lot size, height, setbacks, lot coverage, or other characteristics of the structure, or its location on the lot, may lawfully remain, subject to the following provisions:

- A. **Enlargement; Alterations:** No such structure shall be enlarged or altered in any way which increases its nonconformity.

- B. Relocation: No such structure shall be relocated unless, after relocation, it will conform to all the regulations of the district in which it is located.
- C. Reconstruction: Any structure (residential, commercial or industrial) destroyed or damaged may be reconstructed provided it meets the following regulations:
  - 1. The new structure shall not exceed the square footage of the original structure.
  - 2. The setback requirements of the new structure shall not be less than the setback of the original structure.
  - 3. Construction of the new structure must begin within one year from the date the damage or destruction occurred. (Ord., 4-19-1999, eff. 4-19-1999)

10-6-4: **NONCONFORMING USES OCCUPYING STRUCTURE:** If any lawful use occupying a structure exists on the date of the enactment or amendment of this title, but would not be allowed under the terms of this title, such a use may lawfully continue, subject to the following provisions:

- A. Maintenance: Any structure housing a nonconforming use may be maintained through ordinary repairs.
- B. Enlargement, Alteration, Reconstruction, Relocation: No structure housing a nonconforming use shall be enlarged, structurally altered, reconstructed or relocated unless the use of the structure is changed to a permitted use.
- C. Extension Of Use: No nonconforming use may be extended to any part(s) of the structure not intended or designed to be devoted to such use, nor shall the nonconforming use be extended to occupy any land outside such structure.
- D. Change Of Use: A nonconforming use occupying a structure shall not be changed except to a use permitted under the applicable district regulations.
- E. Discontinuance Of Use: When a nonconforming use of a structure, or of a structure and premises in combination, is discontinued for twelve (12) consecutive months or for eighteen (18) months during

any three (3) year period, the nonconforming use shall not thereafter be resumed. Any discontinuance caused by government action and without any contributing fault by the nonconforming user shall not be counted in calculating the length of discontinuance. (Ord., 4-19-1999, eff. 4-19-1999)

10-6-5:       **NONCONFORMING USE OF LAND:** Any lawful use of land existing on the date of the adoption or amendment of this title that would not be permitted under the terms of this title may lawfully continue, subject to the following provisions:

- A.    Intensification Or Extension Of Use: A nonconforming use of land shall not be intensified, or extended to occupy a greater area of land than was occupied by such use on the date of the adoption or amendment of this title.
- B.    Relocation: No nonconforming use of land shall be moved, in whole or in part, unless, upon relocation, such use will conform to all pertinent regulations of the district in which it will be located.
- C.    Change Of Use: A nonconforming use of land shall not be changed except to a use that is permitted under the applicable district regulations.
- D.    Discontinuance: When a nonconforming use of land is discontinued for a period of twelve (12) consecutive months, it shall not thereafter be resumed, and any subsequent use of such land shall conform to the applicable district regulations. Any discontinuance caused by government action and without any contributing fault by the owner or operator shall not be counted in calculating the length of discontinuance. (Ord., 4-19-1999, eff. 4-19-1999)

10-6-6:       **OPEN LAND, NONCONFORMING USE:** A nonconforming use not enclosed in a building or structure, or one in which the use of the land is a use exercised principally out-of-doors and outside of a building or structure shall after three (3) years from the date of notification become a prohibited and unlawful use and shall be discontinued. (Ord., 4-19-1999, eff. 4-19-1999)

10-6-7:       **NONCONFORMITIES UNDER PERMIT AUTHORITY:** The regulations of this chapter shall not apply to any change in an

existing structure or to any change in the use of structure or of land for which a permit was issued prior to the enactment of this title or any pertinent amendment thereto, provided that the work authorized by such permit is carried out and completed with diligence. (Ord., 4-19-1999, eff. 4-19-1999)

## CHAPTER 7

**ADMINISTRATION AND ENFORCEMENT**

## SECTION:

- 10-7-1: Code Official
- 10-7-2: Building Permits
- 10-7-3: Procedures Upon Violation
- 10-7-4: Emergency Measures
- 10-7-5: Complaints
- 10-7-6: Penalties And Remedies For Violation
- 10-7-7: Review Under Administrative Review Law

10-7-1: **CODE OFFICIAL:**

- A. Office Established: The office of code official of this municipality is hereby established. The code official shall be the executive head of this office.
- B. Duties: The code official is hereby authorized and directed to diligently administer and enforce the provisions of this title. This broad responsibility encompasses, but is not limited to, the following specific duties:
  - 1. To review applications pertaining to land, structures and the uses of land and/or structures;
  - 2. To supervise inspections of land, structures, and the uses of land and/or structures to determine compliance with this title, and where there are violations, to initiate appropriate action to secure compliance;
  - 3. To receive and file all applications for amendments and special use permits;
  - 4. To maintain up-to-date records of this title including, but not limited to, district maps, special use permits, variances, interpretative

decisions of the board of appeals, amendments, and all applications related to any of these matters;

5. To periodically review the provisions of this title to determine whether revisions are needed, and to make recommendations on these matters to the village board at least once each year;

6. To cause copies of this title (including the district map) and any amendments thereto to be printed from time to time, as necessary; and

7. To provide information to the general public on topics related to this title. (Ord., 4-19-1999, eff. 4-19-1999)

10-7-2:       **BUILDING PERMITS:** No lot or structure or part thereof that has been created, developed, erected, enlarged, altered, relocated, or reconstructed after the effective date of this title shall be used or occupied until a building permit has been issued. The code official shall issue no building permit unless he determines, by inspection, that the lot or structure as completed, and the proposed use thereof, conforms to all applicable provisions of this title. (Ord., 4-19-1999, eff. 4-19-1999)

10-7-3:       **PROCEDURES UPON VIOLATION:** Whenever the code official determines, by inspection or by other means, that reasonable grounds exist for believing that any lot, structure, or use is in violation of this title, he shall so notify the responsible party in writing, and shall institute appropriate measures to secure compliance.

A.     Corrective Action Order: To secure compliance with this title, the code official may issue a corrective action order. Such order shall be deemed properly served upon the owner, occupant, or operator of the offending lot, structure, or use if it is served upon such party personally, sent by registered mail to his last known address, or posted in a conspicuous place on or about the affected premises. Corrective action orders shall include:

1. A description of the premises sufficient for identification;
2. A statement of what constitutes the violation;
3. An outline of the remedial action necessary to effect compliance;
4. The date by which the violation must be corrected;



5. The date by which any appeal of the correction order must be filed with the board of appeals, a statement of the procedure for so filing, and a statement that the failure to file an appeal shall be considered as a final decision of the board of appeals;

6. A statement that failure to abide by a corrective action order constitutes a separate violation of this title; and

7. A statement of the penalties attached to any violation of this title.

- B. **Stop-Work Order:** Whenever any building or structure, including fixtures, is constructed, reconstructed, altered, repaired, converted, or maintained or any building or structure, including fixtures, or land, is used in violation of this title, the code official may order that such work be stopped immediately. The code official's stop-work order may be served on any person engaged in or responsible for such work or use, or may be posted in a conspicuous place on or about the affected premises. Failure to abide by a stop-work order shall be unlawful and deemed a separate violation of this title. Any person served with a stop-work order may appeal such stop work order to the board of appeals, and the failure to do so shall be considered as a final decision of the board of appeals. (Ord., 4-19-1999, eff. 4-19-1999)

10-7-4: **EMERGENCY MEASURES:** Notwithstanding any other provisions of this title, whenever the code official determines that any violation of this title poses an imminent peril to life or property, he may institute, without notice or hearing, any necessary proceedings to alleviate the perilous condition. The code official shall take no such action until he has consulted with the village attorney. (Ord., 4-19-1999, eff. 4-19-1999)

10-7-5: **COMPLAINTS:** Whenever any violation of this title occurs, or is alleged to have occurred, any person may file a written complaint on forms provided by the code official. The code official shall record such complaints, immediately investigate, and, if necessary, institute appropriate corrective measures. (Ord., 4-19-1999, eff. 4-19-1999)

10-7-6: **PENALTIES AND REMEDIES FOR VIOLATION:**

- A. Noncompliance: Failure to comply with any provision of this title shall constitute a misdemeanor, and each day that such violation continues shall be considered a separate offense. (Ord., 4-19-1999, eff. 4-19-1999)
- B. Penalty Imposed: Any person who is convicted of a violation of this title shall be subject to penalty as provided in section 1-4-1 of this code. (Ord., 4-19-1999, eff. 4-19-1999; amd. 2002 Code)
- C. Other Lawful Action: Nothing contained in this section shall prevent this municipality from taking any other lawful action that may be necessary to secure compliance with this title.
- D. Preventive Action: In addition to any other remedy or penalty, the village may institute any appropriate action or proceeding: 1) to prevent the unlawful construction, reconstruction, alteration, repair, conversion, maintenance or use; 2) to prevent the occupancy of the building, structure or land; 3) to prevent any illegal act, conduct, business or use in or about the premises; or 4) to restrain, correct or abate the violation; or 5) to take such other action available at law or equity to enforce the terms, purposes and intent of this title. (Ord., 4-19-1999, eff. 4-19-1999)

10-7-7: **REVIEW UNDER ADMINISTRATIVE REVIEW LAW:** All final decisions of the board of appeals shall be subject to judicial review pursuant to the provisions of the administrative review law. (Ord., 4-19-1999, eff. 4-19-1999)

## CHAPTER 8

**SPECIAL USES AND AMENDMENTS**

## SECTION:

- 10-8-1: Board Of Appeals
- 10-8-2: Special Use Permits
- 10-8-3: Amendments

10-8-1: **BOARD OF APPEALS:** The board of appeals of this municipality is hereby designated by the corporate authorities as the board who will conduct all public hearings concerning special uses and zoning amendments. (Ord., 4-19-1999, eff. 4-19-1999)

10-8-2: **SPECIAL USE PERMITS:** This title divides this municipality into various districts, and permits in each district only those uses which are clearly compatible with one another. Certain other uses, because of their special operational or physical characteristics, may or may not have a detrimental impact on nearby permitted uses, depending upon their precise location, manner of operation, and other factors. Such "special uses" require careful case-by-case review and recommendation of the board of appeals and then final approval by the village board. A vote of at least two-thirds ( $\frac{2}{3}$ ) of the members of the village board is required to pass or deny a special use permit when passage or denial is contrary to the recommendation of the board of appeals.

- A. Applicant: Every applicant for a special use permit shall apply on an application as provided by the code official. Then the code official shall forward his recommendation to the board of appeals for further consideration.
- B. Hearing: The board of appeals shall hold a public hearing on any application for a special use permit not later than thirty (30) days after its filing. At the hearing, any interested party may appear and testify, either in person or by duly authorized agent or attorney.

C. Notice:

1. Notice of the public hearing shall be given not more than thirty (30) nor less than fifteen (15) days before the hearing:

a. By registered or certified mail to the applicant and to every owner of property adjacent to the premises for which the special use permit is requested; and

b. By publication in a newspaper of general circulation within this municipality.

2. This notice shall indicate the time, date, and place of the hearing, the particular location for which the special use permit is requested, and the nature of the proposed special use.

D. Factors Considered: In making their decision the board of appeals shall consider the following factors:

1. Whether the proposed design, location, and manner of operation of the proposed special use is protective of the public health, safety, and welfare;

2. The effect the proposal would have on the value of neighboring property;

3. The effect the proposal would have on this municipality's overall tax base;

4. The effect the proposal would have on public utilities and on traffic circulation on nearby streets; and

5. Whether there are any facilities nearby that require special protection.

E. Recommendation By Board Of Appeals; Standards: The board may recommend in writing at their meeting and transmit to the village board a special use permit without further public hearing by simple majority vote, provided that such special use, as conditioned, is:

1. Protective of the public health, safety, and welfare;

2. In keeping with the general purposes of this title and the Brighton land use and transportation plan;

3. Consistent with the characteristics of the general nature of the area in which the special use is to be located. (Ord., 4-19-1999, eff. 4-19-1999)

10-8-3: **AMENDMENTS:** In accordance with Illinois law and the provisions of this section, the village board may amend the regulations imposed and the districts established in this title. Any proposed alteration of district boundaries, zoning classification, or proposed change in the status of any use (whether permitted, special, or prohibited) shall be treated as a proposed amendment, and dealt with accordingly. Amendments may be proposed by the village board, the code official, board of appeals, or any party of interest.

- A. Filing: Any proposal to amend this title shall be filed on a prescribed form with the code official, who shall forward it, together with his recommendation, to the board of appeals.
- B. Hearing: The board of appeals shall hold a public hearing on every amendment proposal not later than thirty (30) days after its filing. At the hearing any interested party may appear and testify, either in person or by duly authorized agent or attorney.
- C. Notice:
  - 1. Notice of the public hearing shall be given not more than thirty (30) nor less than fifteen (15) days before the hearing:
    - a. By registered or certified mail to the applicant and to every owner of property adjacent to the premises for which the amendment is requested; and
    - b. By publication in a newspaper of general circulation within this municipality.
  - 2. This notice shall indicate the time, date, and place of the hearing, the particular location for which the amendment is requested, and the nature of the proposed amendment.
- D. Advisory Report Findings Of Fact: Not later than ten (10) days after the public hearing, the board of appeals shall submit their advisory report and findings of fact in writing to the village board. The board of appeals shall not recommend the adoption of any amendment unless they find that such amendment is in the public interest and not merely for the benefit of the party proposing it. Where the effect

of a proposed amendment is to alter district boundaries or to change the status (permitted, special, or prohibited) of any use, the board of appeals shall make findings regarding all of the following matters:

1. Existing uses of property in the vicinity of the property in question;
2. The district classification of property in the vicinity of the property in question;
3. The suitability of the property in question for uses already permitted under the existing district classification;
4. The trend of development in the vicinity of property in question, including changes (if any) which may have taken place since that property was placed in its present district classification.

E. Decision By Village Board: The village board shall act on every proposed amendment at their next regularly scheduled meeting following submission of the board of appeals advisory report. Except as provided in subsection F of this section, the village board, without further public hearing, may by simple majority vote, pass any proposed amendment or may refer it back to the board of appeals for further consideration.

F. When Two-Thirds Majority Vote Is Required: The favorable vote of at least two-thirds ( $\frac{2}{3}$ ) of the members of the village board is required to pass an amendment to this title in each of the following instances:

1. When passage would be contrary to the recommendation of the board of appeals.
2. When the amendment is opposed, in writing, by the owners of twenty percent (20%) of the frontage proposed to be altered, or by the owners of twenty percent (20%) of the frontage immediately adjoining or across an alley therefrom, or by the owners of twenty percent (20%) of the frontage directly opposite the frontage proposed to be altered.

G. Notice To Applicant Of Written Protest: In cases of written opposition to an amendment of this title as prescribed in subsection F2 of this section, a copy of the written protest shall be served by the protestor or protestors on the applicant for the proposed amendment and a copy upon the applicant's attorney, if any, by registered mail at the address of such applicant and attorney shown in the application for the proposed amendment. (Ord., 4-19-1999, eff. 4-19-1999)

## CHAPTER 9

**APPEALS, VARIANCES AND FILING FEES**

## SECTION:

- 10-9-1: Appeals
- 10-9-2: Lot Size/Bulk Variances
- 10-9-3: Filing Fees

10-9-1: **APPEALS:** Any person aggrieved by any decision or order of the code official in any matter related to the interpretation or enforcement of any provision of this title may appeal to the board of appeals on a prescribed form. Every such appeal shall be made and treated in accordance with Illinois law and the provisions of this section.

- A. **Filing, Record Transmittal:** Every appeal shall be made within forty five (45) days of the matter complained of by filing with the village clerk and the board of appeals a written notice specifying the grounds for appeal. Not more than five (5) working days after the notice of appeal has been filed, the village clerk shall transmit to the board of appeals and the code official all records pertinent to the case.
- B. **Stay Of Further Proceedings:** An appeal stays all further action on the matter being appealed unless the code official certifies to the board, after the notice of appeal has been filed with him, that for reasons stated in the certificate, a stay would cause imminent peril to life or property. In such case, further action shall not be stayed unless the board or the circuit court grants a restraining order for due cause, and so notifies the code official.
- C. **Hearing:** The board of appeals shall hold a hearing on every appeal not later than thirty (30) days after the filing of the appeal notice. At the hearing, any interested party may appear and testify, either in person or by duly authorized agent or attorney.

D. Notice:

1. Notice of the hearing shall be given not more than thirty (30) nor less than fifteen (15) days before the hearing:

a. By registered or certified mail to the petitioner and to every owner of property adjacent to the premises to which the appeal is requested; and

b. By publication in a newspaper of general circulation within this municipality.

2. This notice shall indicate the time, date, and place of the hearing, the particular location for which the appeal is requested and briefly describe the issue to be decided.

- E. Decision By Board Of Appeals: The board shall be required to decide all appeals within fifteen (15) days after the final hearing thereon. The board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be made in the premises and to that end has all the powers of the officer from whom the appeal is taken. A certified copy of the board's decision shall be transmitted to the applicant or appellant and to the code official. Such decision shall be binding upon the code official and observed by him and he shall be required to incorporate the terms and conditions of the same in the zoning certificate to the applicant or appellant whenever a certificate is authorized by the board. All final administrative decisions of the board shall be subject to judicial review pursuant to the provisions of the administrative review law. (Ord., 4-19-1999, eff. 4-19-1999)

10-9-2: **LOT SIZE/BULK VARIANCES:**

- A. Definition: A "lot size/bulk variance" means a relaxation of the strict application of the lot size and/or bulk requirements applicable to a particular lot or structure.
- B. Application: Every application for a lot size/bulk variance shall be filed with the village clerk on a prescribed form. The application shall contain sufficient information to allow the board to make an informed decision.
- C. Hearing: The board shall hold a public hearing on any variance application not later than thirty (30) days after its filing. At the



hearing any interested party may appear and testify, either in person or by duly authorized agent or attorney.

D. Notice:

1. Notice of the public hearing shall be given not more than thirty (30) nor less than fifteen (15) days before the hearing:

a. By registered or certified mail to the applicant and to every owner of property adjacent to the premises for which the variance is requested; and

b. By publication in a newspaper of general circulation within this municipality.

2. This notice shall indicate the time, date, and place of the hearing, the particular location for which the variance is requested, and the nature of the proposed variance.

E. Standards For Variances: The board of appeals shall not grant any lot size/bulk variance unless they find that the proposed variance is consistent with the general purposes of this title. More specifically the board shall not recommend nor shall the board decide upon a variance unless they determine, based upon the evidence presented to them, that:

1. The property in question cannot yield a reasonable return if the district regulations are strictly applied; and

2. The plight of the applicant is due to peculiar circumstances not of his own making; and

3. The variance, if granted, will not be detrimental to the public health, safety, and welfare.

F. Decision By Board Of Appeals: The board of appeals shall be required to decide all applications within fifteen (15) days after the final hearing thereon. The board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be made in the premises and to that end has all the powers of the officer from whom the appeal is taken. A certified copy of the board's decision shall be transmitted to the applicant or appellant and to the code official. Such decision shall be binding upon the code official and observed by him and he shall be required to incorporate the terms and conditions of the same

in the zoning certificate to the applicant or appellant whenever a certificate is authorized by the board. The board shall specify the terms of relief granted (if any) in one statement and their findings of fact in another statement. The findings of fact shall clearly indicate the board's reasons for granting or denying any requested variance.

- G. Unauthorized Variances (Use Variance): Under no circumstances shall the board of appeals grant a variance to allow any use that is specifically or by implication (see section 10-3-4 of this title) prohibited in the district involved. A "use variance" constitutes an amendment to this title, and may be obtained only in the manner set forth at section 10-8-3 of this title. (Ord., 4-19-1999, eff. 4-19-1999)

10-9-3: **FILING FEES:** By resolution, the village board shall establish (and may periodically amend) a schedule of filing fees for the various permits and procedures listed in this title. Said fees are intended to defray the administrative costs connected with the processing/conducting of such permits or procedures; the fees do not constitute a tax or other revenue-raising device. All such fees shall be paid by the applicant to the village and are nonrefundable. A current schedule of filing fees shall be maintained in the code official's office and on file with the village clerk. (Ord., 4-19-1999, eff. 4-19-1999)