

VILLAGE OF MT. AUBURN

"THE PEAK OF THE PRAIRIE"

P. O. BOX 224

MT. AUBURN, ILLINOIS 62547

August 5, 2005

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VILLAGE CODE OF MT. AUBURN, ILLINOIS:

CHAPTER 1

ADMINISTRATION

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ZONING ORDINANCE

ORDINANCE NUMBER /

An Ordinance dividing the Village of Mt. Auburn, Illinois into districts; regulating the uses permitted in each district; specifying minimum yard dimensions, parking requirements, building heights, intensity of lot use, and providing for permits, amendments, variations, appeals and penalties, pursuant to the Illinois Statutes relating to the Zoning of Municipalities.

ARTICLE I

DEFINITIONS

For the Purpose of this Ordinance certain terms and words are hereby defined as follows:

Accessory Building----A detached customary building for use of the rear 25% of the lot which is incidental to the principal use and which does not constitute a Business.

"Dwelling"----A building designed, erected and used for the exclusive use of one or two families.

"Family"----Any number of persons related by blood, marriage, or adoption, living, cooking and dining together as a single housekeeping unit, including also not more than two boarders' or lodgers and also domestic servants for whom, subject to the provisions of this Ordinance, separate living quarters may be provided.

"Non-Conforming Use"----A building or premises occupied for a use that does not conform with the regulations provided herein for the district in which it is situated.

"Tourist or Trailer Camp"--An area containing one or more structures designed or intended to be used as temporary living quarters for two or more families and intended primarily for automobile transients; or providing parking spaces for two or more tents or automobile house trailers.

"Parking Lot"--An open air parcel of land devoted to unenclosed parking spaces.

ARTICLE II

DISTRICTS AND BOUNDARIES

Section 1.

FOR THE PURPOSE OF THIS ORDINANCE, all land within the corporate limits of Mt. Auburn, is hereby divided and classified into the following districts;

- AG-1 Agricultural
- R-1 Residential District
- I-1 Light Industrial
- C-1 Commercial District

Section 2.

No building shall be erected or altered, nor shall any building or premises be used for any purpose other than that which is permitted in the district in which such building, structure, or use is located, and no lot shall be so reduced or diminished that the yards or other open spaces shall be smaller than permitted by this ordinance.

Section 3.

The boundaries of these districts are shown on the Zoning map but where there is doubt regarding the exact location of a boundary, its exact position shall be considered the center lines of streets, alley, railroad right of way, or the property or lot lines when it is evident that such boundaries were intended to follow such lines. When the record map of the village does not show a dimension or property line, the exact location shall be determined by scaling the zoning map.

Section 4.

Any land hereafter annexed to Mt. Auburn shall be automatically in the Residential District, unless re-zoned.

ARTICLE III

R-1 Residential District

The following uses are permitted in this district;

Single family dwellings

Two family dwellings

Churches

Public elementary or high school, or a private or

A parochial school with a curriculum equivalent to that of a public elementary or high school, libraries

Parks, playgrounds, and forest preserves with customary improvements and facilities.

Recreation areas and other grounds devoted to public activity

accessory buildings

Customary home occupations

Garages housing not more than three vehicles

growing of fruit and vegetables

Public utility structures required to serve the district in which they are located

A professional office of a surgeon, doctor, lawyer, or other professional person using a dwelling for emergency treatment and consultation but not for the general practice of a profession.

Professional signs not exceeding two square feet in area

Signs appertaining to the sale or lease of property not exceeding sixteen square feet in area

one trailer upon a single lot is permitted, provided that

all of the following requirements are met; (A) that said trailer become a permanent structure upon the land and that it is immobilized by the removal of wheels and

and that it be properly affixed to a permanent foundation and that the under portion thereof shall be enclosed; (B) that the interior floor space of said structure shall not be less than 500 square feet in area; (C) that the current fair cash market value of said structure at the time it is affixed to the land shall not be less than \$3,000.00; and (D) that said structure shall be connected to the Village water system and to a proper sewer system or septic tank.

The following uses are specifically excluded from this district:

- Personal service establishments
- Motels
- Trailer Camps
- Commercial signs or billboards
- Funeral establishments
- Nursing homes
- Retail establishments

ARTICLE IV

C-1 COMMERCIAL DISTRICT

The following uses are permitted in this district:

- All uses permitted in the preceding district
- Retail business
- Manufacturing uses incidental to permitted uses
- All uses not in conflict with this ordinance or prohibited by other ordinances
- Public buildings
- Industrial uses
- Professional offices
- Trailer camps or motels
- Commercial signs or billboards
- Warehouses
- Milk receiving or processing plants
- Open air theatres
- Trucking Centers
- Roller skating rinks
- Lumber yards
- Cold storage plants
- Bowling alleys
- Pool halls
- Taverns, bars and saloons

The following uses are specifically excluded from this district:

- Any use which creates detrimental noise, fumes, odor or vibrations, causing unlawful annoyance or damage, or which will create abnormal traffic congestion, or which is dangerous because of high combustible materials stored, manufactured or used
- Livestock sales yards
- Bulk storage of petroleum products
- Poultry receiving, dressing, or slaughtering
- All potential fire hazards
- Junk and automobile dismantling yards

ARTICLE V

YARD REQUIREMENTS

Section 1.

In the R-1 District the minimum dimensions of yards shall be as follows:

A. Front Yards

(a) Minimum distance from property lines to face of building on narrow or front side of lot, 25 feet

(b) Minimum distance from street property line on wide side of lot on corner, 10 feet

(c) Where more than 30 per cent of the frontage on one side of a lot in a duly recorded subdivision block is occupied by dwellings set back less than the requirements of this ordinance, new dwellings need not be set back beyond the average of the established set-backs. In no case, however, shall the front yard be less than 15 feet.

B. Side Yards

(a) Minimum width for one side yard, 6 feet. Sum of two side yards must equal 15 feet.

C. Rear Yards

(a) Minimum distance on interior lots from the face of building to rear lot line 30 feet, minimum distance on corner lots, 25 feet.

D. Accessory Building

(a) Detached accessory building shall be erected on the rear 30 per cent of the lot and shall not be placed closer than 10 feet to the center line of an alley; not closer than 3 feet to a side of rear property line; and not closer than 10 feet to the property line of a street, on corner lots.

E. Other Uses

(a) Uses other than dwellings and accessory buildings permitted in the R-1 District shall provide front, side, and rear yards of a width not less than one-half the height of the structures, but not less than the front and side yard requirements for dwellings.

Section 2.

In the C-1 District the minimum dimensions of yards shall be as follows:

A. No side yards are required in the C-1 District.

B. In the C-1 District no building or permanent structure shall be erected or placed closer than thirty feet to the center line of all fifty-foot streets, and not closer than thirty-five feet to the center line of all sixty-foot streets.

ARTICLE VI

HEIGHT REQUIREMENTS

Section 1.

In all districts no building or structure shall be erected to a height greater than described in this article.

- A. Single family dwellings shall not be erected to a height greater than thirty-five feet; multiple dwellings to a height greater than forty feet; and accessory building in R-1 district to a height greater than twenty feet.
- B. Structures and buildings other than dwellings in the R-1 District shall not exceed 50 feet in height (steeples, water-towers, radio and video antennas excluded).
- C. No business, commercial or industrial use shall exceed 60 feet in height (elevator bulkheads, water storage tanks and grain elevators excluded).

ARTICLE VII

AREA REQUIREMENTS

Section 1.

- A. Minimum lot area for single family dwellings 6000 square feet, with minimum frontage of 50 feet.
- B. Lot areas for new, converted or moved dwellings where permitted shall conform to the following:
 - (a) Where a dwelling unit is placed above a business structure there shall be a lot area of not less than 2000 square feet for each dwelling unit.
 - (b) Lots less than 6000 square feet in area existing on the adoption date of this ordinance may be used for single family dwellings only in R-1 District.

ARTICLE VIII

PARKING REQUIREMENTS

Section 1. Offstreet parking for each district will be provided as follows:

- A. Single and multiple dwellings shall provide one surfaced off-street parking or garage space for each dwelling unit.
- B. Boarding or lodging houses shall provide at least one surfaced off-street parking, or garage space to the rear of the established set-back line for each three boarders or lodgers.
- C. Churches hereafter erected shall provide at least one surfaced off-street parking space for each ten seats in the church.

- D. In the C-1 District here shall be permanently set aside and maintained one off-street surfaced parking space for each two hundred square feet of floor space in any building used for commercial purposes, except that any restaurant or establishment whose primary use is to serve meals, lunches, or drinks to patrons, either in a car or in a building shall provide one surfaced off-street parking space for each one hundred square feet of floor space in the building.
- E. Medical centers, doctors' and dentists' offices when located in any district other than the C-1 District shall provide three off-street parking spaces for each professional principal.
- F. Clubs, lodges, industrial uses, funeral establishments and other similar uses located outside the C-1 business district shall provide off-street surfaced parking space in an amount sufficient to meet the reasonable requirements of employees, members, or clients. In addition, sufficient area shall be set aside to permit adequate space for loading and unloading of materials, servicing of building or use, and for storage of vehicles used by the establishment.
- G. All uses in the C-1 District shall provide off-street loading and unloading space for building service.
- H. Schools, hospitals, or other uses not herein noted shall provide sufficient off-street parking and service space sufficient to meet their particular needs and requirements.

ARTICLE IX

AG-1 AGRICULTURAL DISTRICT

Preamble: The purpose of the AG-1 District is to encourage the preservation of a proper setting for and pleasant approaches to the Village to provide an area for agricultural pursuits protected from infringement of unguided urban development; to create and preserve a setting for rural small estate residential development; to conserve areas physically unsuitable for intensive development and to provide in the area immediately surrounding the village an environment capable of accommodating future expansion of the village in an orderly and efficient manner.

Section 1: USES PERMITTED IN AG-1 DISTRICT

The following uses are permitted in the AG-1 District.

- a) Agricultural uses, commercial grain storage
- b) One-and two-family residential dwellings, home occupations.
- c) Community buildings, utility and service system buildings and lands, libraries and museums, picnic grounds, religious, educational or charitable institutions.
- d) Unlighted signs notifying of sale, rental or lease of land or sale of farm goods on the premises on which the sign is maintained having not over fifty (50) square feet of sign area; signs announcing meeting time and place of civic organizations.

Section 2. SPECIAL USES IN THE AG DISTRICT

The following uses are permitted as special uses when authorized by the Mayor and Village Council after a public hearing and recommendation by the Planning Commission. Such special use shall be subject to the following requirements and any other requirements the Planning Commission feels necessary to further the purpose of the Agricultural District.

- A. Outdoor advertising structures, providing not closer than three hundred (300) feet to the nearest highway right-of-way or five hundred (500) feet to the nearest residential or public or semi-public property, and that permits are issued for not longer than five (5) years.
- B. Uses of land including quarrying and mining of natural resources, sanitary land fill and other types of land fill, refuse disposal and dumps.
- C. Cemeteries
- D. Commercial resort uses such as lodges, restaurants, rental cottages, riding stables, golf courses, swimming pools, tennis courts and other recreational facilities.

- D. Other manufacturing uses of a light nature, free from any objectionable odors, fumes, dirt, vibration, or noise detectable at the lot line. Such uses shall not be established without an application for a permit which shall be accompanied by a certification by a registered engineer or architect indicating that fumes, odors, dirt, vibration or noise produced by the industry will not be detectable at the lot line. In the event of the denial of such permit, the applicant shall have the right of appeal to the Zoning Board of Appeals, in accordance with Article XII.

Section 2. REQUIRED LOT AREA AND LOT WIDTH IN INDUSTRIAL DISTRICT

Each use to be established in the I-1 District shall provide a minimum lot area of five thousand (5000) square feet and a minimum lot width of fifty (50) feet.

Section 3. BUILDING HEIGHT REGULATION IN INDUSTRIAL DISTRICT

No building in the I-1 District shall exceed fifty (50) feet in height.

Section 4. YARDS REQUIRED IN INDUSTRIAL DISTRICT.

All structures to be constructed, altered, or moved, in the I-1 District shall provide yards of the following minimum depths.

- a) Front Yard - twenty-five (25) feet.
- b) Side Yard - ten (10) feet except where a side yard abuts a residential district in which case a side yard of twenty-five (25) feet shall be provided.
- c) Rear Yard - twenty-five (25) feet.

Section 5. OFF-STREET PARKING AND LOADING

There shall be provided in the I-1 District adequate off-street parking and loading in accordance with the schedule in Article VIII.

ARTICLE XI

NON-CONFORMING USES

Section 1.

Any use, building, or structure used for commerce or industrial lawfully existing, or under construction on the adoption date of this ordinance or a later amendment to it, not conforming to it or incompatible to the district in which it is located shall be known as non-conforming and subject to the following:

- A. The lawful use of a building existing at the time of the adoption of this Ordinance may be continued, although such use does not conform to the provisions hereof, and such use may be extended throughout the building, provided no structural alterations, except those required by law or ordinance are made therein. If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or more restricted, or to a conforming use, such use shall not thereafter be changed to a less restricted use.

- B. No building which has been damaged by fire, explosion, act of God, or public enemy to the extent of more than 60 per cent of its value shall be restored except in conformity with the requirements of this Ordinance.
- C. In the event that a non-conforming use of any building or premises is discontinued, or its normal operation stopped for a period of five years, the use of the same shall thereafter conform to the requirements of the district in which it is located.
- D. A non-conforming use established, in a building originally designed and built for a conforming use, may not be continued as a non-conforming use ten years after the adoption date of this Ordinance.
- E. Vacant land upon which there are no permanent structures erected and upon which a non-conforming use has been established shall not continue when the existing rights of the person in possession thereof are terminated, or when the use to which it is devoted are discontinued; but in no event shall such use continue longer than three years after the adoption date of this Ordinance.

Section 3.

Appeals: Appeals may be made in a manner prescribed by Statute.

Section 4.

Jurisdiction: The Board of Appeals shall hear and decide appeals from any order, requirement, decision, or determination made by the Building Official.

It shall also hear and decide all matters referred to it or upon which it is required to pass under this Ordinance.

The Board may reverse or affirm wholly or partly or may modify or amend the order, requirement, decision or determination appealed from to the extent and in the manner that the Board may decide to be fitting and proper in the premises and to that end the Board shall also have all the powers of the Building Official from which the appeal is taken.

When a property owner shows that a strict application of the terms of this Ordinance relating to the use, construction, or alteration of buildings or structures, or to the use of the land, imposes upon him practical difficulties or practical hardships, then the Board may make such variations of the strict application of the terms of this Ordinance as are in harmony with its general purposes and intent when the Board is satisfied under the evidence heard before it, that a granting of such variation will not merely serve as a convenience to the applicant but is necessary to alleviate some demonstrable hardship or difficulty so great as to warrant a variation in the following instances:

1. To permit the extension of a district by not more than ten feet where the boundary line of such district divides a lot in a single ownership as shown of record on the adoption date of this Ordinance.
2. To interpret the provisions of this Ordinance where the street layout actually on the ground varies from the street layout as shown on the Zoning Map.
3. To permit the erection and use of a building or the use of premises in any location for a public service corporation for public utility purposes which the Board deems reasonably necessary for the public convenience or welfare.
4. To permit the reconstruction of a non-conforming building which has been destroyed or damaged in major extent where the Board shall find some compelling public necessity requiring a continuance of the non-conforming use, and in no case shall such a permit be issued if its primary function is to continue or create a monopoly.
5. To make a variance where by reason of an exceptional situation surroundings, or condition of a specific piece of property, or by reason of exceptional narrowness, shallowness or shape of a specific piece of property of record, or by reason of exceptional topographical condition the strict application of any provision of this Ordinance would result in practical confiscation of property, as distinguished from a mere inconvenience to such owner, provided that such relief can be granted without substantial detriment to the public good and without substantially impairing the general purpose and intent of the comprehensive plan as established by the regulations and provisions contained in this Ordinance.

6. Permit the conversion of a dwelling, existing on the adoption date of this Ordinance, into a multiple family dwelling, in the R-1 District subject to the following requirements:

- a) That the number of dwelling units would not exceed one for each 2500 square feet of lot area.
- b) That the existing dwelling shall not be expanded.
- c) That adequate parking facilities are provided.
- d) That the number of dwelling units when converted shall not exceed six.

7. It is hereby declared to be the intentions of this Ordinance to establish the general type of use appropriate to and permitted in each district, but not to designate every permitted use by name. The Board of Appeals shall determine if a use falls within the spirit and letter of these regulations using the permitted and excluded uses in each district as a guide in their deliberation. A unanimous vote of the Board of Appeals is required to permit the establishment of any use. If the vote of the Board of Appeals is not unanimous, it shall be referred to the Council to be rejected by them, or to be permitted as a zoning variance Ordinance.

ARTICLE XV

OCCUPANCY PERMIT

Subsequent to the effective date of this Ordinance no change in the use or occupancy of the land, nor any change of use or occupancy in the existing building, other than single family dwellings, shall be made nor shall any new building be occupied for any purpose until a certificate of occupancy has been issued by the Building Official.

ARTICLE XVI

BUILDING OFFICIAL

It shall be the duty of the Building Official designated by the Mayor and the Council to enforce this Ordinance. Appeal from the decision of the Building Official may be made to the Board of Appeals as provided in Article XII.

ARTICLE XVII

INTERPRETATIONS, PURPOSES, CONFLICT

This Ordinance shall not nullify more restrictive covenants, agreements, or other ordinances of this Village but shall control.

ARTICLE XXI

VIOLATION AND PENALTY

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

PASSED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF MT. AUBURN,
ILLINOIS, this 6TH day of JULY, 1970.

Approved: *W. LeRoy McEwen*

Attest: *Harold F. Patton*
Village Clerk

ORDINANCE NUMBER 1/ARTICLE 3A

AN ORDINANCE AMENDING THE ZONING ORDINANCE
OF THE VILLAGE OF MT. AUBURN

BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF
MT. AUBURN:

Section 1: That Article III of the Zoning Ordinance of the
Village of Mt. Auburn is hereby amended by specifically excluding
the following uses from the R-1 Residential District:

The following uses are specifically excluded from this
R-1 Residential District:

Personal Service Establishments
Motels
Trailer Courts
Commercial Signs and Billboards
Funeral Establishments
Nursing Homes
Retail Establishments
Mobil Homes, Trailers and Semi-Truck Trailers used on the
premises as storage units or accessory buildings.

Section 2: The provisions of other Village of Mt. Auburn
ordinances, to the extent they duplicate, conflict with or otherwise
affect the validity hereof, shall be disregarded.

Section 3. If any section, clause, provision or portion of this
ordinance shall be held to be invalid or unconstitutional by any Court
of competent jurisdiction, such holding shall not affect or otherwise
impair any other section, clause, provision or portion of this
ordinance which is not, in or of itself, invalid or unconstitutional.

Section 4. This ordinance shall be effective upon its passage
and publication as and to the extent required by Statute.

ON MOTION DULY MADE AND SECONDED and pursuant to roll call vote
as hereinafter recorded, President H. Leroy McGinnis announced that
the motion was adopted and directed that the Ordinance be published
and filed as required by Statute.

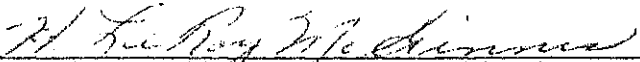
YEAS: 4

NAYS: 0

ABSENT: 1

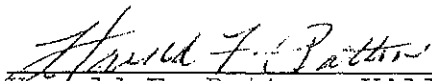
PASSED, APPROVED AND ADOPTED THIS third DAY OF January,

19 83 .



H. Leroy McGinnis, President

ATTEST:



Harold F. Patton, Village Clerk