

CITY OF MARSEILLES  
ZONING ORDINANCE

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BE IT ORDAINED by the Council of the City of Marseilles, LaSalle County, Illinois, that the following ordinance for the City of Marseilles be, and the same is hereby adopted and enacted as follows:

SECTION I

TITLE

This Ordinance shall be known, cited, and referred to as the Marseilles Zoning Ordinance.

## SECTION II

### PURPOSE AND INTENT

This Ordinance is adopted for the purpose of:

1. promoting the public health, safety, conform, morals, convenience, and general welfare;
2. securing adequate natural light, pure air, and safety from fire and other dangers;
3. lessening or avoiding the hazards to persons and damage to property resulting from the accumulation or runoff of storm or flood waters;
4. lessening or avoiding congestion in the public streets and highways;
5. conserving the value of land and buildings throughout the City; and
6. preserving and enhancing aesthetic values throughout the City.

To these ends this Ordinance is intended to establish and accomplish certain standards and objectives by:

1. dividing the entire City into districts and regulating therein the location, construction, reconstruction, alteration, and use of buildings, structures, and land, whether for agriculture, residence, business, manufacturing, or other specified uses;
2. avoiding or lessening congestion in the public streets by adequate requirements for off-street parking and loading facilities;
3. preventing the overcrowding of land by regulating and limiting the height and bulk of buildings hereafter erected;
4. establishing, regulating, and limiting the building or setback lines along streets, alleys, and property lines;
5. regulating and limiting the intensity of the use of lot areas, and regulating and determining the area of open spaces surrounding buildings;
6. establishing standards to which buildings or structures therein shall conform;
7. permitting in each zoning district only those uses, buildings, and structures that are compatible with the character of each district;
8. preventing additions to, and alterations or remodeling of, existing buildings or structures, in such a way as to avoid the restrictions and limitations imposed under this ordinance;
9. providing controls governing the continuation of those existing uses, buildings, and structures, which are incompatible with the character of the districts in which they are located;

10. providing for the gradual elimination of structures and uses which are incompatible with the character of the districts in which they are located;
11. defining the powers and duties of the administrative officers and bodies as provided in this ordinance; and
12. prescribing penalties for the violation of the provisions of this ordinance, or of any amendment thereto.

## SECTION III

### INTERPRETATION

In their application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion and protection of the public health, safety, conform, morals, convenience, and general welfare, and the provisions shall be interpreted in accordance with the following:

1. where the conditions imposed by any provision of this Ordinance are either more restrictive or less restrictive than comparable standards imposed by any other provision of this Ordinance or of any other law, ordinance, resolution, rule, or regulation of any kind, the regulations which are more restrictive, or which impose higher standards or requirements, shall govern;
2. this Ordinance is not intended to abrogate any easement, covenant, or other private agreement, provided that where the regulations of this ordinance are more restrictive or impose higher standards or requirements than such easements, covenants, or other private agreements, the requirements of this Ordinance shall govern; and
3. no building, structure, or use not lawfully existing at the time of the adoption of this Ordinance shall become or be made lawful solely by reason of the adoption of this ordinance; and to the extent that, and in any manner that said unlawful building, structure or use are in conflict with the requirements of this Ordinance, said building structure, or use remains unlawful under the provisions of this Ordinance.

## SECTION IV

### SEPARABILITY

It is hereby declared to be the intention of this City Council that the several provisions of this Ordinance are separable, in accordance with the following:

1. if any court of competent jurisdiction shall adjudge any provisions of this Ordinance or amendments thereto to be invalid, such judgment shall not affect any other provisions of this Ordinance or amendments thereto not specifically included in said judgment; and
2. if any court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance or amendments thereto to a particular property or structure, such judgment shall not affect the application of said provision to any other property or structure not specifically included in said judgment.

## SECTION V

### GENERAL PROVISIONS

#### A. CONTROL OVER USE

1. The uses of land and the erection, alteration, and use of buildings or structures shall be limited to:
  - a. uses lawfully established and existing on the effective date of this Ordinance, except uses lawfully established and existing on the effective date of this Ordinance and rendered non-conforming by the provisions herein shall be subject to the regulations of Section XI and
  - b. uses permitted or conditionally permitted in the zoning district in which the land, building, or structure is to be located.
2. Where a use which is classified as a conditional use by this Ordinance exists on the effective date of this Ordinance, it shall be considered to be a lawful conditional use.
3. Where the construction of a building or structure has begun prior to the effective date of this Ordinance and is being prosecuted to completion, said building or structure may be completed and occupied.
4. Land shall not be used for disposal of hazardous waste.

#### B. CONTROL OVER BULK

1. New buildings or structures shall conform with the bulk regulations established by this Ordinance for the district in which each such building or structure is located. Existing buildings or structures shall not be enlarged, reconstructed, structurally altered, converted, or relocated in such a manner as to conflict or to increase any existing conflict with the bulk regulations of this Ordinance for the district in which such structures are located.
2. However, a lot of record at the time of the adoption of this Ordinance in a Residence District which is unable to meet the requirements of this Ordinance as to area and yard requirements may be used for a single-family detached dwelling, provided it shall meet all the other requirements of this Ordinance and other applicable City ordinances, regulations, and codes. A lot of record existing on the effective date of this ordinance, referred to above, shall be as follows:
  - a. in Residence Districts, a lot, parcel, or tract of land which was recorded in the office of the Recorder of Deeds of LaSalle County prior to the effective date of this Ordinance; and
  - b. in Residence Districts, a lot in a subdivision which was so recorded after the effective date of this Ordinance, provided a Preliminary Plat for such subdivision had been given tentative approval, as required by the Subdivision Regulations Ordinance prior to the effective date of this Ordinance and a Final Plat had been submitted and approved by the City Council and thereafter recorded in the office of the Recorder of Deeds of LaSalle County within the time periods required by such Subdivision Regulations for filing application for final plat approval and for recording after approval.
3. The Zoning Officer shall issue a zoning permit for erecting a single-family detached dwelling on a lot of record upon compliance with all of the foregoing provisions.

C. NUMBER OF BUILDINGS ON A LOT

In any Residence District, every single-family detached dwelling hereafter erected or structurally altered shall be located on a lot, and there shall be not more than one such dwelling on a lot.

D. LOT DIVISION

No lot containing a structure or use shall hereafter be divided in order to secure one or more additional lots for transfer of ownership and establishment of principal use thereon, unless each lot, including also the lot containing the structure or use, resulting from such division shall have the minimum lot area, lot width, and yards as required in this Ordinance for the district which the lot is located.

E. YARDS

1. Yards and other open spaces as required by this Ordinance shall be located on the same lot as the principal building, structure, or use.
2. On through lots, the front lot line shall be along the street right-of-way designated by the Zoning Officer, except that when a front lot line has been established on one or more lots in the same block, the street right-of-way line designated as the front lot line for such lot or lots shall be the front lot line on all vacant through lots in such block. Only those obstructions permitted in this Ordinance in front yards shall be located in that part of a rear yard adjoining a street that is equivalent in depth to a required front yard, except where a no-access strip has been provided for such lots on the recorded place.
3. No legally required yards, open space, or lot area for any use or structure shall be used to satisfy yard, open space, or lot area requirements for any other structure or use.
4. No yards allocated to a building, structure, or use existing on the effective date of this Ordinance shall be subsequently reduced or further reduced below the yard requirements of this Ordinance, except a yard adjoining a street may be reduced in depth in the event the right-of-way width of such street is subsequently increased.

F. SETBACKS ALONG STREETS

Minimum setbacks on lots abutting a street or thoroughfare shall be the distance required for a front yard, or side yard adjoining a street, in the districts where such lots are located, measured from the existing right-of-way line of the street or thoroughfare, or from the proposed right-of-way line as designed on the Official Map of the City, as duly established by other Ordinances of the City or as established by county or state highway authorities--whichever has the greater right-of-way width requirements.

G. ACCESSORY BUILDINGS, STRUCTURES AND USES

1. Accessory buildings, structures, and uses shall be compatible with the principal use, shall not be erected or altered in required yards except those that are herein permitted as obstructions in yards, and shall not be established prior to the establishment of the principal use.
2. Accessory uses shall not include the keeping, propagation, or culture of pigeons, poultry, rabbits, bees, livestock, or other non-household animals except on such lots where the pursuit of agriculture is a permitted principal or accessory use.

3. Except as herein otherwise required for a specific accessory use detached accessory buildings, as herein permitted as obstructions in required rear yards, shall:
  - a. be not more than one story of 20 feet in height-whichever is lower;
  - b. be located not less than four feet from a lot line of adjoining lots, except:
    - (1) On corner lots--not nearer to the side street lot line than the distance required in the district in which the lot is located for a side yard adjoining a street;
    - (2) on through lots that do not have a rear lot line adjoining a non-access strip--not nearer to the rear lot line adjoining a street than the distance required for a front yard;
    - (3) on lots which abut a public alley--not nearer to the center line of the alley than 11 feet.
4. Fences shall be considered an accessory structure and are permitted as obstructions in required yard as specified herein. All fences must comply with the following conditions:
  - a. A fence, including all posts, bases and other structural parts thereof, shall be located completely within the boundaries of the lot on which is it located. No fence shall be closer than 12 inches to a public sidewalk.
  - b. All chain link fences must be constructed so that twists (barbed ends) are to the ground. The tops of all chain link fences shall be knuckled edge.
  - c. Fences shall not be constructed so as to interfere with or impede access to adjacent properties, berms, alleyways, or utilities, including, but not limited to meters, utility boxes, sewer basins and water valves.
  - d. All fences shall be erected so that the finished side of the fence shall face outward from the property on which it is erected.
  - e. The use of barbed wire is prohibited except in an agricultural district, or in other districts by special permit from the city council when in its opinion such type of protective barrier is required for the protection of the health, safety and welfare of the residents of the city. Barbed wire fences by special permit must have the barbs placed at a height not less than seven feet above the ground. Electrically charged fencing may be used, by special permit for the keeping of livestock in an agricultural district only. All other uses of electrically charged fencing are prohibited.
  - f. No fence shall be erected to a height of more than six feet above the existing property grade in rear and side in a residential district. Fences in all other districts shall not be more than eight feet above the existing property grade. The existing grade shall be that level that existed naturally at the proposed position of the fence for at least 90 days before the erection of the fence. At no time shall a property owner be allowed to artificially raise or lower the natural grade of the area so as to effect a change in the height or position of the proposed fence. Such fence may be either an open fence or solid type fence.
  - g. Fences erected in front yards in residential districts shall not exceed four feet in height.
  - h. All fences must comply with Section V General Conditions subsection I of this ordinance for vision requirements for the operation of motor vehicles. This section will override the height

requirements listed above for fences built on corner lots or any property abutting a street, alleyway or driveway. Maximum height as defined in the above mentioned section shall be 30 inches.

- i. Dog enclosures or dog runs shall not exceed six feet in height, and must be set back a minimum of four feet from the rear and side property lines. A dog enclosure or run shall not be allowed in a front yard.
- j. All fences shall be maintained in an upright vertical position. Fences that fall into disrepair shall be considered public nuisances as defined by section 95.05 of the City of Marseilles Code of Municipal Ordinances.

**H. PERMITTED ACCESSORY BUILDINGS, STRUCTURES AND USES IN REQUIRED YARDS**

The following accessory buildings, structures, and uses are permitted and may be obstructions in yards as follows, but REQUIRE A PERMIT:

- F denotes permitted obstruction in front yards and side adjoining streets
- S denotes permitted obstruction in interior side yards
- R denotes permitted obstruction in rear yards

- |    |   |       |
|----|---|-------|
| 1. | Balconies, decks, porches and patios  | F S R |
| 2. | Fences--not more than six feet in height in residence districts unless otherwise specified  | F S R |
| 3. | Fire escapes, open or enclosed and steps necessary for access to and from the dwelling or an accessory building   | F S R |
| 4. | Garages or carports, attached or detached   | S R   |
| 5. | Driveway  | F S R |
| 6. | Playhouses, open-sided summer houses, sheds and storage buildings for garden equipment and household items  | S R   |
| 7. | Sills, cornices, and ornamental features of the principal building, projecting not more than 18 inches  | F S R |
| 8. | Swimming pools, private, ten feet diameter or larger and 36 inches high require a permit. They must be 4 foot in from lot lines. Pools taken down each year may use the same permit the following years as long as they comply with setbacks. This includes spas, jacuzzi, hot tubs etc. They may be placed in side or rear yards only. |       |
| 9. | Satellite dishes at ground level, not on any structure and not exceeding 15' in height  | S R   |

**I. VISION CLEARANCE FOR LOTS**

1. On corner lots within that part of a yard located within a radius of 25 feet from the point of intersection of the two street right-of-way lines forming the lot corner, no structures or shrubs as herein permitted as obstructions in front yards or side yards adjoining a street shall be erected, altered, or planted which have a height more than 30 inches above the ground grade in this area, and trees planted in such areas and trees adjacent to any sidewalk shall be maintained in a manner that trees shall not have branches lower than eight feet above the ground grade elevation in this area.
2. No structure or shrubs or trees as herein permitted in front yards shall obstruct the view or vision of operators of motor vehicles entering or exiting the premises.

J. TRAILERS, MOBILE HOMES, AND BOATS

1. No trailer, intermodal container, railroad car not on a railway system or other portable building or structure (hereinafter "Trailer") nor any mobile home may be permanently affixed to the ground as a principal or accessory building on a lot in any district except:
  - (a) Mobile homes are allowed in a lawfully established mobile home park or tourist park; or
  - (b) temporary building may be used for offices or storage of material and equipment during construction of a principal building on such lot under construction or adjacent lot. Such temporary building shall be removed at the time of first occupancy or operations of the principal use.
2. Recreational vehicles, travel trailers, camping trailers, boat trailers (with or without holding a boat), snowmobile trailers, or utility trailers less than 20 feet in length may be parked or stored in the side or rear yard of a lot situated in an R2 District provided that no more than 2 such vehicles shall be so parked at one time and provided such vehicle or vehicles are currently licensed and registered.
3. A "Trailer" may be used for storage in a Conservation Recreation District, Business District, Manufacturing District or an Agricultural District (but not in any Residence District) when approved as a Conditional Use. Any such "Trailer" shall be considered as being used for storage if it has not been moved for a period greater than 15 days. Any Trailer designed for use for highway purposes that does not have a current and valid registration shall be considered to be used for storage. When considering whether a Conditional Use should issue for a "trailer" to be used for storage, the following conditions must be satisfied in addition to other possible conditions considered relevant by city officials at the time of application:
  - a. The applicant for a conditional use shall pay usual and customary zoning fees plus an amount of \$100.00 per trailer.
  - b. No conditional use shall issue for a period of longer than 1 year.
  - c. No "Trailer" shall be greater in size than 10 ft. by 60 feet.
  - d. Any "Trailer" designed by use on highways shall be currently licensed and registered.
  - e. No more than one "Trailer" is allowed for each 5,000 square feet of lot space with no more than three "Trailers" located on any lot or combination of adjoining lots under common ownership.
  - f. Any "Trailer" must be locked or otherwise secure from entry such as by children.
  - g. A "Trailer" shall not be located in a front yard and shall be fenced or landscaped or otherwise sheltered from viewing along public ways.
  - h. Materials to be stored must be approved and appropriate precautions in place to avoid hazardous circumstances.
  - i. Any "Trailer" shall be protected or located so as not to be a fire hazard.
  - j. Any "Trailer" shall be subject to inspection by a City or Fire Department official upon no less than seven days prior notice.
  - k. No livestock shall be maintained in a "Trailer".
  - l. A pest control contract must be in place to assure avoidance of nuisance animals.

4. One mobile home, no less than 700 square feet in size, will be allowed on a lot no less than 2 1/2 acres located within an Agricultural District.
5. Any nonconforming "Trailer," recreational vehicle, travel trailer, camping trailer, boat trailer (with or without holding a boat), snowmobile trailer, or utility trailer shall comply with this subsection "J. TRAILERS, MOBILE HOMES, AND BOATS" within 6 months of this amendment or any future amendment to this subsection.

#### K. SEWAGE AND WATER SYSTEM

1. A lot, that was not a lot on record on the effective date of this ordinance which is to be used for a single-family detached dwelling served with an individual sewage disposal system shall have an area of not less than one acre and a width of not less than 150 feet or a greater area or width if required to conform with regulations contained in "K2" below.
2. Installation of individual sewage disposal systems and private wells or community sewage and water systems shall be in accordance with standards and specifications set forth in applicable laws of the county, state and the City. For new construction, a copy of the permit to construct a private sewage disposal system shall be furnished to the zoning officer before a permit is issued.
3. All buildings other than single-family detached dwellings located on lots less than one acre in area may be served with individual sewage disposal systems and individual wells when on lots having areas and widths conforming with minimum or greater lot area and lot width requirements for the districts where such uses are located provided:
  - a. greater lot areas and widths shall be required when it is necessary to provide areas of adequate size, that are not covered by buildings, structures, and pavements, to conform with State and County standards for installation of individual sewage disposal systems and individual wells; and
  - b. the City Council may require, in specific cases, that such use shall be served with public or community sewage systems and for water systems when it is found practical to make connections with nearby public or community sewage and/or water systems or to install such systems.

#### L. BUILDING HEIGHT

No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit herein established for the district in which the building is located, except that penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building and fire or parapet walls, skylight, towers, steeples, flagpoles, chimneys, masts, water tanks, silos, storage hoppers, elevators, or similar structures may be erected above the height limits when recommended by the Zoning Officer and approved by the City Council. Building Height should be measured from the ground to the highest point on the roof.

#### M. EXCEPTIONS

The regulations of this Ordinance shall not be exercised so as to:

1. Deprive the owner of any existing property of its use of maintenance for the purpose to which it is lawfully devoted at the time of enactment of this ordinance or subsequent amendments thereto.

2. Impose regulations or require permits (except as herein outlined) with respect to land use or to be used for agricultural purposes or with respect to the erection, maintenance, repair, alteration, remodeling or extension of buildings used or to be used for such agricultural purposes may be required to conform to building or setback lines.
3. Specify or regulate the type of location of any poles, towers, wires, cables, conduits, vaults, laterals or any other similar distributing equipment of a public utility as defined in "An Act Concerning Public Utilities" enacted by the General Assembly of the State of Illinois.

## SECTION VI

### ZONING OF DISTRICTS

#### A. ESTABLISHMENT OF DISTRICTS

In order to carry out the purposes and intent of this Ordinance, the City is hereby divided into the following districts:

CR	Conservation-Recreation District
R2	Single-family and Two-family Residence District
R3	Multiple-family Residence District
B	Business District
M	Manufacturing District
A2	Agricultural District

#### B. ZONING DISTRICT MAP AND BOUNDARIES OF DISTRICTS

##### 1. Zoning District Map

The zoning districts and their boundaries are as shown upon the zoning district map entitled Zoning: District Map, Marseilles, Illinois, dated December 20, 1971, which map and all amendments thereto and all notations, references, and other information shown thereon are hereby incorporated into and made a part of this Ordinance, with the same force and effect as if fully set forth in this Ordinance. The original zoning district map, properly attested to, shall be filed with the City Clerk.

##### 2. Boundaries of Districts

Where uncertainty exists with respect to the boundaries of the various zoning districts as shown on the zoning district map, the following rules apply:

- a. District boundary lines are either: (1) center lines of railroads, highways, streets, alleys, easements, or waterways; (2) the boundary lines of sections, quarter sections, and divisions of sections; (3) property line of record on the effective date of this Ordinance for tracts and lots; or (4) such lines extended unless otherwise indicated.
- b. Wherever a district is indicated as a strip adjacent to and paralleling a street or highway, and the boundaries are not located as set forth in "a" above, the depth of such strips shall be in accordance with dimensions shown on the map measured at right angles from the center lines of the street or highway, and the length of frontage shall be in accordance with the dimensions shown on the map from section, quarter section, or division lines, or center lines of streets, highways, or railroad right-of-way unless otherwise indicated.
- c. Where a district boundary line divides a lot in single ownership, the regulations for either portion of the lot may, in the owner's discretion, extend to the entire lot, but not more than 40 feet beyond the boundary lines of the districts.
- d. Questions concerning the exact locations of zoning district boundary lines shall be resolved by the Zoning Board of Appeals and the Plan Commission.

### C. ANNEXED TERRITORY

On land hereafter annexed to the City, no structure shall be erected, enlarged, or moved and no change in use of land, or existing structures shall be made until an amendment to this Ordinance designating the zoning district classification of such annexed land is duly adopted by the City Council provided that if no such Ordinance has been so adopted within 120 days after such land is annexed and the annexed land shall be automatically classified as R2 Residence District. The Plan Commission shall, either before or not later than 60 days after any land is annexed, file in the office of the City Clerk an application for an amendment to this Ordinance establishing zoning district classifications for such land. Excepting, however, that no zoning district classification shall be necessary for land previously classified and located within one and one-half (1 1/2) miles of the city.

## SECTION VII

### CONSERVATION-RECREATION DISTRICT

#### A. INTENT

The regulations of the Conservation-Recreation District and Conservation-Recreation District 2 (CR Districts) are designed to regulate the use of land, buildings, and structures within the areas of the City where soil and topographic conditions, excessive high water tables, and other natural and physical characteristics are best adapted to conservation purposes, recreation oriented uses, and for the preservation of public open space. The CR Districts are established to conserve the natural and scenic areas of the City, to protect the rivers, streams, and woodlands; and to encourage the efficient use and orderly development of these lands. The regulations of the CR Districts are intended to mitigate health safety and general welfare problems which arose in camping and recreational vehicle areas prior to the August 2014 zoning amendment to this SECTION VII.

#### B. APPLICATION OF BUILDING CODES.

Building Codes adopted by the City of Marseilles shall apply to permanent type structures within the CR Districts.

Porches, decks, and related structures adjacent to recreational vehicles shall comply with building codes adopted by the City of Marseilles as applicable to residential related structures except said structures adjacent to recreational vehicles may not be supported by a permanent foundation except for a cement pad or a pier type foundation.

#### C. PERFORMANCE STANDARDS

An owner and or tenant of property within the CR Districts shall ensure that any roadway adjacent to the district is immediately cleaned from the deposit of dirt, mud, and other materials deposited on the roadway from vehicles entering and exiting such a District.

#### D. YARD REQUIREMENTS

Each principal building located in the CR Districts shall provide for one (1) front yard, two (2) side yards, and one (1) rear yard; or, if on a corner, two (2) front yards, one (1) side yard, and one (1) rear yard. The following provisions shall not apply to setbacks identified under Subsection "Regulations For Recreational Vehicle Lots."

Minimum yard requirements include any accessory buildings, structures or uses. The minimum yard required for all permitted or conditional uses shall be as follows unless otherwise specified in this Section VII:

##### MINIMUM YARD REQUIREMENTS

Front Yard or yard along roadway

70 ft, 85 ft, or 100 ft from center of road or 30 ft from road edge.\*

Side Yard 20 ft.

Rear Yard 20 ft.

\* Yard requirements for the front yards or yards along a roadway vary depending on the classification of the roadway that the property is facing as follows:

Along a City street: 70 foot setback from the centerline.

Along a County road: 85 foot setback from the centerline.

Along a State road: 100 foot setback from the centerline.

In all cases the front setback shall be a minimum of 30 feet from the edge of the roadway (meaning the paved, graveled or dirt path approach).

All side and rear yard requirements are measured from the respective property line.

## E. CONSERVATION-RECREATION DISTRICT PROVISIONS

### 1. Permitted Uses

- a. Agriculture--on a lot not less than 20 acres in area which may include one single-family dwelling.
- b. Churches, temples or synagogues.
- c. Clubs, lodges, and fraternities with no dwellings and no camping and/or recreational vehicle lots.
- d. Conservation--soil and water conservation, nature and wild life preserves, fishing, and the preservation of scenic and historic areas.
- e. Lakes (artificial).
- f. Parks, forest preserves, and recreational areas, when publicly owned and operated.
- g. Riding academies - provided buildings for shelter of horses are located not less than 200 feet from a residence lot line and provided there are no dwellings, no camping and/or recreational vehicle lots.
- h. Marinas--including boat storage and incidental service facilities and clubhouses or recreation buildings--on a lot not less than one acre in area provided there are no dwellings and no camping and/or recreational vehicle sites.
- i. Outdoor recreational areas, private used for one of the following uses: sports and sporting events; sport and conservation club meetings; animal shows and trials; archery ranges; fishing ponds; picnic and campgrounds; planned development, or any other form of subdivision, up to 100 lots, designed not for single family homes but for a lot for a recreational vehicle. A campground may include off-street parking and loading spaces, administration, maintenance and clubhouse buildings, including sale of food and beverages, provided there shall be no more than one dwelling unless others are approved by a conditional use. No commercial vehicle or equipment may be parked in an area authorized in this paragraph "i" for longer than 72 hours at a time unless actively engaged in work activity or used by the facility maintenance operator or unless approved by a conditional use. Any campground with more than 100 lots, any planned development, or any other form of subdivision designed not for single family homes but for a lot for a recreational vehicle with more than 100 lots are allowed only upon obtaining a conditional use.

- j. Zip line ride facilities and related uses.

## 2. Conditional Uses

The following shall be considered conditional uses for the Conservation Recreation District:

- a. Agriculture on lots less than 20 acres which may include one single-family dwelling.
- b. Single family dwelling on not less than 5 acres.
- c. Trailer(s) used for storage purposes. (See criteria in SECTION V GENERAL PROVISIONS” under subsection “J. TRAILERS, MOBILE HOMES, AND BOATS”.
- d. Hospitals on a lot not less than ten acres in area.
- e. Rest homes, nursing homes, sanitariums and institutions for children and the aged.
- f. Resorts, privately owned and operated containing dwelling units and lodging rooms for guests and employees of the resort; indoor recreational facilities for use only by guests of the resort and when located in the principal building or a detached recreation building or clubhouse; and outdoor recreation facilities--on a lot not less than 20 acres in area and provided no buildings or structures are located less than 200 feet from a lot line.
- g. Any dwelling not otherwise authorized as a permitted use.
- h. Other uses conforming, in general to the intent of this district.
- i. Parking of a commercial vehicle or equipment where prohibited in above “1. Permitted Uses” paragraph “i” provided that a conditional use shall not be allowed for any actual business activity or the appearance of any business activity in such area.
- j. Shooting Ranges

## F. CONSERVATION-RECREATION DISTRICT 2 PROVISIONS

### 1. Permitted Uses

- a. through j.

All uses permitted in a “Conservation-Recreation District” shall also be allowed in a district designated “Conservation–Recreation District 2” with the addition of the following as a permitted uses:

- k. Off highway vehicle parks or parcels of land designated for the express use of off highway vehicles and/or all terrain vehicles, including ancillary facilities related to such use provided there are no dwellings.
  - l. Winter sport endeavors and additional facilities related to such use.

### 2. Conditional Uses

All conditional uses permitted in a “Conservation-Recreation District” shall also be considered conditional uses in a district designated Conservation-Recreation District 2.

## G. REGULATIONS FOR RECREATIONAL VEHICLE LOTS

### 1. Definitions

#### Definition of “Recreational Vehicle Lots”

A lot shall be considered a recreational vehicle lot in any of the following circumstances:

- any area where more than three recreational vehicles remain in one location for more than 120 consecutive days.
- any area where a party with an ownership interest in property in a Conservation –Recreation District offers or allows more than three recreational vehicles to remain in one location for more than 120 consecutive days.
- any area in a campground where a recreational vehicle remains in one location for more than 120 consecutive days.
- any lots in a planned development or other form of subdivision, not for a single family residence, but where a recreational vehicle may be placed for more than 120 consecutive days.

#### Definition of “Recreational Vehicle”

As used in this ordinance the term “Recreational Vehicle” includes any vehicle defined as a recreational vehicle under the Illinois Vehicle Code (see 625 ILCS 5/1-169) and shall include, without limitation, vehicles commonly identified as follows:

Class A Motorhome, Class B Motorhome, Class C Motorhome, Truck Camper, Popup Camper, Travel Trailer, Teardrop Trailer, Fifth-Wheel trailer, Park Model, Toterhome, Toy Hauler, Bus conversion, and Diesel Pusher.

2. Area Requirement for a Recreational Vehicle Lot. A recreational vehicle lot shall have an area not less than 2,700 square feet unless lots a lesser square foot area is approved by the City as part of a plat. Where the boundaries of the recreational vehicle lot are not identified in a planned development or other form of subdivision, the lot shall be staked or otherwise clearly delineated in size.

3. The following special provisions shall apply to any Recreational Vehicle Lot:

a. Number of Recreational Vehicles. No more than one recreational vehicle shall be located on a lot or recreational vehicle lot unless expressly authorized by a conditional use or variance.

b. Recreational Vehicle Portability. After September 3, 2014, any recreational vehicle placed on a Recreational Vehicle Lot shall remain portable with wheels, tongue and transportation devices in place and shall not be removed absent approval for such pursuant to a conditional use. The foregoing shall not limit the placing of skirting around or placing a recreational vehicle on a cement pad or piers. The foregoing shall not limit the unbolting of any transportation tongue provided such is maintained with the recreational vehicle.

c. Additional Structures on Recreational Vehicle Lots. In addition to a recreational vehicle, the following additional structures may be located on a recreational vehicle lot. In no case shall the combination of any structures on a recreational vehicle lot cover greater than 25% of the lot. In no case shall cement or water impermeable surfaces exceed 50% of the lot. Additional structures authorized below may not be placed within the setback. Additional Structures authorized below shall comply with building codes and required

building code inspections which are applicable to this SECTION VII except foundations shall be a cement pad or a pier type foundation.

i. One storage building subject to the following restrictions (unless otherwise authorized by a conditional use):

- A storage building shall not be more than 200 square feet in size and not more than 10 feet in height. Such building must be secured by tie downs, piers, or a cement pad. After September 3, 2014, no storage building may be installed or erected unless approved for building code compliance by the City's building code inspector. After September 3, 2014, a storage building shall not be altered to install any electrical, plumbing, heating, or air conditioning unless approved for building code compliance by the City's building code inspector.

-A storage building existing prior to September 3, 2014 not in compliance with zoning regulations may be maintained but not altered pursuant to rules set forth in SECTION XI NON-CONFORMING STRUCTURES AND USES. A storage building existing prior to September 3, 2014 may not be altered to install any electrical, plumbing, heating, or air conditioning unless approved for building code compliance by the City's building code inspector.

ii. Adjacent accessory structure subject to the following restrictions (unless otherwise authorized by a conditional use):

-One accessory structure adjacent to the recreational vehicle in the nature of a deck, porch, screen room or seasonal room provided that such is only one story, not greater than 350 square feet, not greater than 14 feet in width, and not greater in length than the recreational vehicles exclusive of any tongue or transportation device. Any such structure shall be on a cement pad or pier type foundation, not be attached to the recreational vehicle nor connected by skirting, siding or heating, ventilating or air conditioning, electrical service or plumbing. No such structure shall extend over the recreational vehicle.

After September 3, 2014, an adjacent accessory structure may not be installed or erected unless a building permit is issued and such structure may not be used until an occupancy permit is issued indicating compliance with building codes followed required code inspections.

-An adjacent accessory structure existing prior to September 3, 2014 may be maintained but not altered pursuant to rules set forth in SECTION XI NON-CONFORMING STRUCTURES AND USES. An adjacent accessory structure existing prior to September 3, 2014 may not be altered to install any electrical, plumbing, heating, or air conditioning unless a building permit is issued, code inspections completed and an occupancy permit issued.

iii. Nonadjacent accessory structures. The following accessory structures are allowed but shall not be located in the setback and shall be counted towards the maximum allowed lot coverage (unless otherwise authorized by a conditional use):

- One freestanding screen or sunroom less than 100 square feet.

- Swimming pools, private, ten feet diameter or larger and 36 inches high or higher Require a conditional use permit. They must be 4 foot from lot lines. The above regulation also applies to spas, jacuzzi, hot tubs etc.

- One fire pit or other outdoor fire structure.

- A child's play area.
- One propane tank no more than 250 gallons.

H. Setbacks. After September 3, 2014, no structure and no any accessory structure, including without limitation water hydrant, electrical box or propane vessel, shall be located within the following setbacks (unless otherwise authorized by a conditional use):

1. 15 feet from the edge of the lot adjacent to the roadway (meaning the paved, graveled or dirt path approach to the lot and not meaning any drainage ditch adjacent to the roadway).
2. 7 feet from the end of all other lot lines.
3. All lot lines shall be free and open with no fences, walls or planted vegetation so as to access to such areas for maintenance and emergency vehicles.

#### I. Special Provisions for Elimination of Certain Non-conforming Uses in CR Districts.

Any owner of a campground with more than 100 lots or the owners' association of any planned development or other form of subdivision designed not for single family homes but for recreational vehicles with more than 100 lots made non-conforming by the zoning text amendment adopted in August 2014 shall request shall eliminate the non-conforming use by obtaining a Conditional Use or other remedy by the close of the year 2015.

Any recreational vehicle lot non-conforming and not allowed by the zoning text amendment adopted in September 3, 2014 relevant to regulations for the Conservation-Recreation District shall eliminate the non-conforming violation by the close of the year 2015. If the non-conforming violation is corrected by issuance of a Conditional Use, such must be obtained by the close of the year 2015.

#### J. Conditional Use Factors for Large Recreational Facilities.

Any owner of a campground with more than 100 lots or the owners' association of any planned development or other form of subdivision designed not for single family homes but for recreational vehicles with more than 100 lots must obtain a Conditional Use. Any such conditional use shall not issue for a period greater than 2 years and shall not issue absent conditions imposed for the issuance of the conditional use which shall include as follows:

1. An applicant for a conditional use shall submit a security gate plan and an enforcement plan. Such plans must be approved by an authorized representative of the Marseilles Police Department. The security gate plan must provide for a monthly report which at a minimum documents each vehicle that passes the gate, the person and contact information for the person identified with the vehicle, and identification information as to all guest passes. No guest pass shall be issued for a time greater than 30 days. The security gate shall provide a video or picture of each vehicle that passes the gate. Said monthly reports and pictures or videos shall be made available to the Marseilles Police Department for investigation purposes upon request by the Marseilles Police Department. Pictures or videos need not be maintained for more than 30 days unless a request for copies is made by the police department. The enforcement plan shall provide a means for enforcement of vehicle travel, City ordinances including zoning regulations, and any covenants, restrictions or local rules. The enforcement plan shall identify enforcement personnel who shall be available to respond to complaints or requests of the Marseilles Police Department within no less than 24 hours. The final approved security gate and enforcement plans

shall be incorporated as conditions to the conditional use and the conditional use shall identify a date by which the security gate and enforcement plans must be in place.

2. An applicant for a conditional use shall submit an emergency plan to be reviewed and approved by an authorized representative of the Marseilles Police Department, Marseilles Fire Protection District, and Marseilles Area Ambulance Service. At a minimum, such shall provide a written pamphlet to be provided to occupants and provide plans for emergency ingress and egress, minimum required emergency equipment and supplies, and staging areas, as reasonably requested by such emergency responders. The final approved emergency plan shall be incorporated as a condition to the conditional use and the conditional use shall identify a date by which the emergency plan must be in place.

3. Any disputes as to security gate plan, enforcement plan and/or emergency plan shall be resolved by the decision of the Plan Commission.

#### K. Conditional Use Factors for Recreational Vehicle Lot Exceptions.

Any conditional use authorizing an exception to regulations for Recreational Vehicle Lots shall not issue for a period greater than 2 years. In addition to factors normally considered for issuance of a conditional use identified in the Marseilles Zoning Ordinance, the applicant shall submit proof of the following additional factors:

1. Proof of compliance with applicable restrictive covenants and local rules which shall be evidenced by the applicant providing a statement signed by the applicable enforcement authority or authorities regulating enforcement of restrictive covenants and rules indicating no violation or indicating satisfaction with applicable exception procedures.

2. Proof of permanent residence other than the recreational vehicle lot. Proof of residence shall include, without limitation:

- their driver's license, state identification, or other forms of personal identification.
- voter registration,
- vehicle registration,
- insurance records,
- employment records,
- social security or other governmental benefits records,
- income tax reporting records,
- school records of any children,
- security gate records indicating extent of gate usage.

3. For any request involving a structure adjacent to a Recreational Vehicle or a request relevant to a storage building, Applicant shall submit a report from the City's building code inspector or a report of an inspector licensed under the Illinois Home Inspector License Act as to compliance with health and safety concerns and City adopted building codes. Any Conditional Use shall require compliance with apparent violations or indicate good cause for lack of enforcement.

4. Proof of no significant impact on nearby properties. Applicant shall provide proof of mailing notice of their application to adjoining property owners and their comments and concerns providers shall be considered.

5. Applicants shall provide a copy of their request to the Marseilles Police Department, the Marseilles Fire Department and the Marseilles Area Ambulance Service and any reports of such emergency providers shall be considered.

6. Proof of payment of property taxes paid on structures of a permanent nature.

7. Additional consideration shall be given to

- a. The ease at which the structure may be removed.
- b. The relative need for the relief requested given accommodations already available and given the need to address recreational use needs not residential home needs.
- c. Impact on common utilities and infrastructure.
- d. Impact on emergency service providers and enforcement and safety plans.

## SECTION VIII

### RESIDENCE DISTRICTS

#### A. INTENT

The regulations for Residence Districts are designed to conserve existing residential areas and to regulate the efficient use and orderly development of vacant land designated for residential uses. It is essential that areas be designated and regulations imposed for the various kinds of residential developments in order that the City and other governing bodies can plan ahead for services, future schools, parks, streets and utilities.

#### B. RESIDENCE DISTRICTS PROVISIONS

Unless otherwise provided in the regulations of this Ordinance, the following provisions shall apply to all residence districts:

##### 1. Home Occupations

In all Residence District, any customary home occupation shall be permitted provided:

- a. it is conducted entirely within the dwelling and only by members of the family residing in the dwelling, and when such home occupation is incidental and secondary to the use of the dwelling purposes;
- b. there is no display or activity that will indicate from the exterior of a dwelling that it is being used for any use other than a dwelling, except one nameplate, no more than one square foot in area which contains only the name of the occupant of the dwelling and the home occupation conducted therein and is attached to the dwelling and not illuminated;
- c. Application for such license shall state the name and residence of the person desiring the license, the name of the business and its location, and the goods to be sold or the services to be provided by the business. Application for such license shall be made to the City Clerk, and shall be

referred by him/her to the City Council. No such license shall be issued except on the order of the Council. There shall be charged for every license granted to any person under the provisions of this chapter a fee of \$25.00 per year.

2. Signs: Realty -for sale -yard sale sign

A single sign not exceeding 900 square inches, advertising the premises for sale may be placed on the property; all other signs (excepting those of a political nature) may not exceed 900 square inches and shall not be displayed more than three consecutive days in any fourteen day period.

C. R2 SINGLE AND TWO-FAMILY RESIDENCE DISTRICT

1. Permitted uses

- a. Single-family detached dwellings and two-family dwellings.
- b. Agriculture on a tract of land 20 acres or more in area.
- c. Churches, temples, or synagogues, seminaries, convents, monasteries, and similar religious institutions.
- d. Hospitals.
- e. Schools, public--non-boarding, elementary, junior high and high.
- f. Temporary buildings for construction purposes for a period not to exceed such construction.
- g. Accessory uses.

2. Conditional Uses

- a. Planned Developments.
- b. Public service uses:
  1. Electric substations and booster stations.
  2. Filtration plant, pumping station, well, and water reservoir.
  3. Police and fire station.
  4. Sewage treatment plant.
  5. Telephone exchange.
  6. Other governmental uses.
  7. Falconry.
- c. Railroad rights-of-way and track age, but not including classification yards, terminal facilities, or maintenance facilities.

3. Lot Area and Width

- a. Single-family detached dwellings--not less than one acre except when served by public or community sewer and water systems, the lot area may be reduced to 7,500 square feet.
- b. Two-family dwelling—8,800 square feet; providing, however, upon the sale or transfer of one-half of a two-family dwelling (duplex), the lot area for each separate unit shall not be less than 4,400 square feet.

4. Width

- a. Single-family detached dwellings--not less than 150 feet except a lot served by public or community sewer and water systems may be reduced to 75 feet in width.
- b. Two-family dwelling--not less than 225 feet except a lot served by common sewer and water systems may be reduced to 125 feet in width.
- c. Two-family dwelling--a division or sale of one-half of a duplex unit lot may be reduced to 80 feet in width for each unit provided each unit is serviced by common sewer and water systems.

5. Building Height

- a. Single-family detached dwellings and two family dwelling- not more than two and one- half stories or 125 feet whichever is lower.
- b. Non-residential uses--not more than three stories.

6. Ground Floor Area per Dwelling

- a. One-story dwellings--not less than 900 square feet.
- b. Dwellings having more than one story:
  - 1. not less than 750 square feet for one and one-half story dwelling, and
  - 2. not less than 750 square feet for a two story or two and one-half story dwelling
  - 3. not less than 900 square feet on the first two levels for a split level dwelling.

7. Floor Area Ratio

- a. Single-family detached dwellings--not applicable.
- b. Non-residential uses--not more than 20% of the total floor area for each dwelling.

8. Yards

Except as may be herein otherwise required, yards shall be in accordance with the following regulations:

a. Front Yard

Not less than 20 feet from front lot line to front yard line.

b. Side Yards

Two side yards--having an aggregate of 15 feet and of which one side yard shall be not less than 8 feet in width, except on corner Lots, the side yard adjoining a street shall be not less than 20 feet in width. Notwithstanding the foregoing to the contrary, one-half of a duplex may be sold so long as each unit thereof is served by individual utilities and, the lot size requirements of Section VIII (3)(b) are satisfied.

c. Rear Yard

Not less than 20 feet.

E. R3 MULTIPLE-FAMILY RESIDENCE DISTRICT

1. Permitted Uses

- a. Any of the permitted uses in the R2 Family Residence District.
- b. Multiple-family dwellings provided that the minimum gross area of the development is one acre.
- c. Single-family semi-detached dwellings.
- d. Single-family attached dwellings but not more than six such dwellings in addition to the two single-family semi-detached dwellings shall be contained within a detached building.
- e. Two-family detached dwellings.

2. Conditional Uses

- a. Any of the conditional uses permitted in the R2 Family Residence District.
- b. Mobile home parks--on a lot not less than ten acres in area. Each mobile home park shall be processed as a planned development and shall contain as a minimum municipal type sanitary sewage, storm sewers, and water systems; paved service drives, off-street parking of no less than one and one-half spaces for each mobile home; grading and landscaping; buildings containing recreational, laundry and office facilities. All improvements shall be constructed in accordance with development plans and specifications approved by the Plan Commission.
- c. Tourist homes having not more than five rooms for transient guests--on a lot not less than one half acre in area.

3. Lot Area Per Dwelling

- a. Single-family semi-detached dwelling (duplex building)- not less than 5,500 square feet per dwelling unit.

- b. Single-family semi-detached dwelling having a party wall common with a single-family attached dwelling, single-family attached dwelling and multiple-family dwelling as follows:

<u>Type of Dwelling Unit By Ordinance 501</u>	<u>Minimum Lot Area Per Dwelling Unit in Square Feet</u>
4 bedroom and over	3,700
3 bedroom	3,200
2 bedroom	2,700
1 bedroom & efficiency	2,200

- c. Two-family detached dwellings--not less than 10,000 square feet.
- d. All residential uses permitted in this district shall be served by public or community water and sanitary sewer systems.

4. Lot Width

- a. Single-family detached dwelling—not less than 75 feet.
- b. Two-family detached dwelling—not less than 75 feet.
- c. Single-family semi-detached dwelling (duplex building)—not less than 125 feet.
- d. Two single-family semi-detached dwellings and one single family attached dwelling (row house building)—not less than 150 feet.

5. Floor Area Ratio

- a. Single-family detached dwelling—not applicable.
- b. Multiple-family dwelling and non-residential uses—0.2 for each unit.

6. Building Height

- a. Single-family detached, semi-detached dwellings and permitted non-residential buildings and structures—as in R2 District.
- b. Two-family detached dwelling shall not exceed a height of two stories or 25 feet whichever is lower.

7. Ground Floor Area Per Single-family Dwelling

As in the R2 District

8. Yards

Except as may be herein otherwise required, yards shall be in accordance with the following regulations:

**MINIMUM SET BACKS\***

	<u>Dwelling Type</u>	<u>Front Yard</u>	<u>Side Yard</u>	<u>Rear Yard</u>
a.	Single-family detached	20	8	20
b.	Single-family semi-detached	20	8	20
c.	Two-family detached	20	8	20
d.	Single-family attached	20	NA	30
e.	Multiple-family	20	12**	30

\*All measurements are in feet.

\*\*Where a side yard adjoins a street, the minimum width shall not be less than 25 feet.

NA - Not Applicable.

## 9. Spacing Between Structures

When two or more structures which contains single-family detached dwelling, single-family attached dwellings, single-family semi-detached dwellings, or two or more multiple-family dwelling structures, or combinations thereof, are on a lot or on contiguous lots comprising a unified development under the same ownership or control, the distance between the structure walls shall be as follows:

- a. When the front wall of a structure faces the front wall or rear wall of the nearest structure, the distance between the two structure walls shall be not less than 60 feet.
- b. When the rear wall of the structure faces the rear wall of the nearest structure, the distance between the two structure walls shall be not less than 50 feet, or 60 feet if a main entrance doorway is in such side wall.
- c. A wall of a structure forming the end of a court shall be not less than ten feet from the nearest wall of a structure forming the sides of the court, and a structure forming the end of the court may be attached to one or both of the structures forming the sides of the court, provided the distance between facing walls of the structure forming the sides of the court is not less than the applicable requirements as set forth above.
- d. Where structures are not parallel to each other the required spacing shall be measured at the midpoint of the distance along which they face each other, however, the spacing between the structures at the narrowest point shall in no event be less than one-half the required distance.
- e. Off street parking on basis of at least one space per dwelling unit.

## SECTION IX

### BUSINESS DISTRICTS

#### A. INTENT

Business district regulations are intended to govern the locations and uses of a full range of business and commercial establishments needed to serve the citizens of Marseilles and its trade area. The regulations of the various business districts are designed to provide for grouping of business and commercial establishments that are compatible in scope of services and methods of operations.

#### B. BUSINESS DISTRICTS PROVISIONS

Unless otherwise provided in the regulations of this Ordinance, the following provisions shall apply to all business districts:

##### 1. Dwelling Units

Dwelling units and lodging rooms are not permitted on the ground floor level in any business district except in a permitted hotel, motel, or as a nonconforming use existing on the effective date or this Ordinance.

##### 2. Enclosure of Operations

All business, servicing, or processing shall be conducted as a conditional use in the Business District; and

##### 3. Performance Standards

All activities shall conform with the performance standards established for the Manufacturing District, provided that performance standards shall in every case be applied at the boundaries of the lot on which any such activities take place.

##### 4. Parking Limitations

Parking of trucks when accessory to the conduct of a permitted use shall be limited to vehicles having not over one and one half tons capacity, except for pick-up or delivery services during normal business hours.

##### 5. Scope of Operations

All business establishments shall be retail trade or service establishments dealing directly with consumers, and all goods produced on the premises shall be sold on the premises where produced except for specific uses in the Business District where wholesale sales or processing and fabricating are permitted.

#### C. BUSINESS DISTRICT

The Business District regulations are designed to accommodate prime retail trade activities located primarily within the core of the City's business area. Regulations provided for a wide variety of

related shopper type business establishments along with personal service and other complementary uses.

1. Permitted uses.

- a. Amusement establishments--bowling alleys, billiard parlors, gymnasiums, swimming pools, and clubs and recreation centers containing one or more of the above uses and other recreation users as approved by the City Council.
- b. Art galleries and antique shops.
- c. Art and school supply stores.
- d. Auction rooms.
- e. Automobile accessory stores.
- f. Automobile and truck sales establishments.
- g. Automobile service stations.
- h. Bakeries.
- i. Banks and financial institutions.
- j. Barber shops and beauty parlors.
- k. Battery and tire sales and service establishments.
- k.1 Beer Gardens (outdoor).
- l. Blueprinting and Photostatting, establishments.
- m. Boat sales, rentals, storage, and repair including sales and service of marine motors, boat parts, and accessories and boat fuels.
- n. Book; stationery; and office supply stores.
- o. Building material sales with outdoor storage, when the area for outside storage is completely surrounded by a uniformly painted solid fence or wall not over eight feet in height and no storage shall project higher than the height of the fence or wall.
- p. Business machines sales and services.
- q. Camera and photographic supply stores.
- r. Candy and ice cream stores.
- s. Catalogue sales stores and mail order service stores.
- t. Catering establishments.

- u. China and glassware stores.
- v. Clothing stores.
- w. Clubs or lodges--private, fraternal or religious.
- x. Coin and philatelic stores.
- y. Contractor's office and shops.
- z. Currency exchanges.
- aa. Department stores.
- bb. Drive-in establishments--except theaters.
- cc. Drug stores.
- dd. Dry-cleaning and laundry establishments.
- ee. Dry goods stores.
- ff. Feed Fertilizer and seed stores.
- ii. Fruit and vegetable stands.
- jj. Fuel and ice retail sales establishments with no outside storage and liquid fuels are stored in underground tanks.
- kk. Furniture stores, including upholstering when conducted as part of the retail operations and secondary to the principal use.
- ll. Furrier shops--including the incidental storage and conditioning of furs.
- mm. Garages, including painting, body and fender work and motor rebuilding.
- nn. Garden supply stores with no outdoor storage or display of merchandise.
- oo. Greenhouses, garden centers, and nurseries--retail and wholesale sales.
- pp. Grocery stores, supermarkets, meat and fish markets and delicatessens.
- qq. Hardware stores, retail and wholesale.
- rr. Hobby shops.
- ss. Household appliance stores--including radio and television sales with incidental repair facilities.
- tt. Interior decorating shops--including upholstery and making of draperies, slip covers, and other similar articles when conducted as part of the retail operations and secondary to the principal use.

- uu. Jewelry stores.
- vv. Laboratories--medical, dental, optical.
- ww. Leather goods and luggage stores.
- xx. Libraries, public and private.
- yy. Linen, towels, or diaper service establishments.
- zz. Live bait stores.
- aaa. Liquor stores, package.
- bbb. Loan offices.
- ccc. Locksmith shops.
- ddd. Machinery and equipment sales establishments, construction and agriculture.
- eee. Machine, sheet metal, or welding shops--provided a building for such a use shall contain not more than 5,000 square feet of floor area, and operations are within the enclosed building, and glare from welding operations are not visible from outside the building.
- fff. Magazine and news stores.
- ggg. Mail order houses--order and service centers.
- hhh. Meat markets, including sale of meats to restaurants, clubs, hotels, institutions, and similar establishments.
- iii. Medical and dental clinics.
- jjj. Meeting halls, convention, or exhibition halls.
- kkk. Millinery shops.
- lll. Monument sales.
- mmm. Motels and hotels.
- nnn. Music stores--phonographs, phonograph records, sheet music, musical instrument sales and repair.
- ooo. Newspaper distribution agencies--for home delivery and retail trade.
- ppp. Newspaper offices--including printing.
- qqq. Newsstands.

- rrr. Offices-professional or business.
- sss. Open sales lots.
- ttt. Packing and crating establishments.
- uuu. Paint and wallpaper stores.
- vvv. Parcel delivery stations.
- www. Pawn shops, resale shops, white elephants, second-hand stores and similar type shops with no outdoor storage or display of merchandise.
- xxx. Pet service--domestic.
- yyy. Pet shops.
- zzz. Photography studios--including developing and printing of photographs when conducted on the premises as part of the retail business.
- aaaa. Picture framing.
- bbbb. Plumbing, electrical or heating, fixture and equipment-- sales, service and repair establishments.
- cccc. Post offices.
- dddd. Printing, publishing or lithography establishments.
- eeee. Radio and television broadcasting studios.
- ffff. Religious institutions.
- gggg. Research laboratories.
- hhhh. Restaurants--including entertainment, dancing and servicing of alcoholic beverages.
- iiii. Self-service stores--coin operated vending machines.
- jjjj. Shoe stores.
- kkkk. Shoe and hat repair stores.
- kkkk.1 sidewalk cafés (outdoor), as established from time to time, under CHAPTER 122: SIDEWALK CAFÉ PERMITS of the Code of Marseilles.
- llll. Sporting goods stores.
- mmmm. Tailor shops.
- nnnn. Taxidermists.

- oooo. Taverns.
- pppp. Telephone booths--outdoor.
- qqqq. Temporary buildings for construction purposes for a period not to exceed the duration of construction.
- rrrr. Theaters.
- ssss. Tobacco shops.
- tttt. Toy stores.
- uuuu. Training centers, engineering or sales.
- vvvv. Travel bureaus and ticket offices.
- wwww. Undertaking establishments and funeral parlors.
- xxxx . Vending machines.
- yyyy. Wholesale and warehouse establishments--except for the sales or storage of flammable liquids, materials or gasses, except those that are in the original sealed containers.
- zzzz. Accessory uses customarily incidental to the above permitted uses, including but not limited to off-street parking, off-street loading and business signs as herein regulated and dwelling unit or lodging rooms when above the first story.

## 2. Conditional Uses

- a. Other uses similar to the above permitted uses.
- b. Amusement establishments, outdoor--"par 3", miniature or pitch and putt golf courses, golf driving ranges, and similar recreation facilities--on a lot not less than one acre in area.
- c. Animal hospitals--on a lot not less than 20,000 square feet in area.
- d. Automobile laundries--on a lot not less than 20,000 square feet in area.
- e. Cartage, express and parcel delivery establishments--not including motor freight terminals--on a lot not less than one acre in area.
- f. Garages, storage, or off-street parking lot or structures, commercial or governmental.
- g. Meeting halls.
- h. Railroad rights-of-way.
- i. Restricted production and repair, limited to the following: Needlework; clothing, such as custom manufacturing and alterations; jewelry from precious metals; watches, dentures, and optical lenses.

- j. Schools, commercial or trade--including those teaching music, dancing, business, commercial, or technical subjects when operations do not involve danger of fire and explosion, and objectionable noise, vibration, smoke, dust, odor, glare, heat to other similar influences.
- k. Single-family dwellings when designed as an integral part of a building, the principal use of which is a permitted or conditional use and when occupied by the proprietor of such use.
- l. Accessory uses customarily incidental to the above conditional uses including but not limited to off-street parking, off-street loading and signs as herein regulated.
- m. Trailer(s) used for storage purposes. See criteria in SECTION V GENERAL PROVISIONS” under subsection “J. TRAILERS, MOBILE HOMES, AND BOATS.”
- n. Fortune Telling Businesses
- o. Piercing Businesses
- p. Tattoo Parlors
- q. Shooting Ranges

3. Lot Area

Minimum lot area shall be in accordance with bulk and off-street parking and loading requirements of the District and as specifically required for a conditional use.

- 4. Yards--no yard requirements.
- 5. Building Height--no height limitations.
- 6. Awnings, Marquees and Signs.

Awnings, marquees and non-flashing illuminated business signs with no moving parts are permitted subject to applicable regulations set forth in other Ordinances to the City and the following:

- a. A sign in direct line of vision of any traffic signal shall not have red, green or amber illumination.
- b. Awnings and marquees shall have headroom of not less than eight feet.

## SECTION X

### MANUFACTURING DISTRICTS

#### A. INTENT

The regulations for Manufacturing Districts are designed to provide for the establishment of a full range of industrial and allied activities and to govern their operations in a manner that will not have a deleterious effect on conservation-recreation, residential and business areas. It is essential that there are adequate provisions for the expansion of industry, both those existing today and for attracting a diversification of new industry. Adequate industrial sites and industrial expansion will create growth and development of the City's economic and tax base and provide a variety of employment for its labor force.

#### B. MANUFACTURING DISTRICTS PROVISIONS

##### 1. Prohibited Uses

- a. No activities involving the manufacture of materials or products which decompose by detonation shall be permitted in the M District. Such materials shall include, but shall not be limited to, all primary explosives such as TNT, RDS, HMX, PETN, and picric acid; propellants and components thereof such as nitrocellulose, black powder, boron hydrides, hydrazine and its derivatives, pyrotechnics and fireworks such as magnesium powder, potassium chlorate, and potassium nitrate; blasting explosives such as dynamite and nitroglycerine; unstable organic compounds such as acetylides, tetrazoles, and ozonides; strong oxidizing agents such as liquid oxygen, perchloric acid, perchlorates, chlorates and hydrogen peroxide in concentrations greater than 35 percent; and nuclear fuels, fissionable materials and products, and reactor elements such as Uranium 235 and Plutonium 239.

##### 2. Operations Within Enclosed Buildings

All activities involving the manufacturing, fabricating, processing, assembling, disassembling, repairing, cleaning, servicing, testing, and storing of materials, products, and goods shall be conducted within completely enclosed buildings.

##### 3. Performance Standards

Any use established in the Manufacturing Districts after the effective date of this Ordinance shall be so constructed, maintained and operated as to comply with all applicable federal and state performance standards governing - (1) noise; (2) vibration; (3) smoke and particulate matter; (4) toxic matter; (5) odorous matter; (6) fire and explosive hazards; (7) glare; and (8) radiation hazards.

Uses already established on the effective date of this Ordinance shall be permitted to be altered, enlarged, expanded or modified provided that the additions or changes comply with said performance standards.

#### C. MANUFACTURING DISTRICT

1. Permitted Uses

- a. Any establishment the principal use of which is manufacturing, fabricating, processing, assembling, disassembling, repairing, cleaning, servicing, testing and storing of materials, products, and goods provided operations conform with the performance standard and other general requirements applicable to an M District.
- b. Agriculture.
- c. Building material sales and storage – including milling, planning, jointing, or manufacture of milling.
- d. Contractors offices and shops.
- e. Dwelling units for watchmen and operating personnel and their families when the nature of operating require such personnel to reside on the premises where they are employed.
- f. Fuel and ice retail sales and storage.
- g. Greenhouses – including retail and wholesale sales of plants and produce.
- h. Monument establishments – including accessory open sales lots.
- i. Offices.
- j. Parking lots and storage garages.
- k. Printing and publishing establishments.
- l. Public open spaces.
- m. Public utility, governmental service and similar uses as follows:
  1. Bus transit facilities, including shelters, passenger stations parking areas and service buildings.
  2. Electric distribution centers and substations.
  3. Compressor stations, well head stations, well separators and other similar above-the-ground facilities customarily used for the distribution of natural gas as a part of the operations of a natural gas company or non-exempt operations of a public utility company.
  4. Gas regulator stations.
  5. Public utility and governmental service establishments, other--including offices, storing, testing, repairing, and servicing.
  6. Radio, television towers and satellite transmission and reception equipment (no limit on height of towers).

7. Railroad rights-of-way and passenger stations.
8. Telephone exchanges, micro-wave relay towers and telephone transmission equipment and other such service buildings (no limit on heights of towers).
9. Water-filtration plants, pumping stations and reservoir and sewage-treatment plants and lift stations--public or community.
- n. Research laboratories.
- o. Schools, commercial or trade.
- p. Training centers, engineering or sales.
- r. Air, rail or motor truck freight terminals, cartage facilities, railroad switching and classification yards, repair shops and roundhouses.
- s. Accessory uses to the above permitted uses.

2. Conditional Uses

- a. Airports, public and private--on a lot not less than five acres in area.
- b. Heliports, public and private--on a lot not less than one acre in area.
- c. Automobile wrecking yards and junk yards, providing they are screened by a solid wall or uniformly painted solid fence at least eight feet high.
- d. Mining, loading and hauling of coal, clay, sand, gravel, topsoil or other aggregate or minerals, and oil or gas well drilling, including equipment, buildings, or structures for screening, crushing, mixing, washing or storage, provided that (1) no excavation shall take place within 40 feet of any property line; (2) all buildings or structures, for the screening, crushing, washing, mixing or storage are located not less than five hundred (500) feet from an existing residence or any Residence District established by this Ordinance; (3) all Property lines adjoining other districts except other Manufacturing Districts shall be provided with a statutory fence; (4) a plan of development for the reclamation of the land is provided as part of the application for a conditional use permit; (5) buildings, structures, equipment and operations for processing on the premises of material secured by such uses shall be allowed only when authorized by the City Council and provided the operations shall conform with performance standards set forth in the Manufacturing District.
- e. Trailer(s) used for storage purposes. See criteria in SECTION V GENERAL PROVISIONS" under subsection "J. TRAILERS, MOBILE HOMES, AND BOATS."
- f. Shooting Ranges

3. Floor Area Ratio

Not to exceed 60% of total lot or parcel.

#### 4. Signs

Signs are permitted, subject to the following conditions:

- a. Signs may have constant illumination provided that such a sign located in direct line of vision of any traffic control signal shall not have illumination of red, green or amber color. Where a sign is illuminated by light reflected upon it, direct rays of light shall not beam upon any part of any existing residential buildings, nor into a Residence District or into a street.
- b. The gross area in square feet of all signs on a lot shall not exceed four times the lineal feet of street frontage of such lot.
- c. Signs shall be affixed flat against the building walls and may project there from not more than 18 inches and shall not project higher than four feet above building height, except one sign not attached to a building wall shall be permitted along each side of a lot fronting on a street. Such sign shall be located not less than 20 feet from a lot line adjoining a street, nor project higher than 30 feet above curb level, and if located within three feet of a sidewalk, driveway or parking area on the lot or adjoining lot, or within 50 feet or a greater distance if required by Illinois Statutes, of the intersection of two or more streets, shall have the lowest elevation at least 12 feet above the curb level, or 12 feet above the highest grade of the street pavement at the street intersection, or 12 feet above the grade of the sidewalk, driveway or parking area directly opposite the sign, whichever is the higher grade.

## SECTION X-A

### AGRICULTURAL DISTRICTS

#### A. INTENT

The long-range goal for agricultural land use in the adjacent community surrounding Marseilles for a distance of one and one-half miles is to preserve the most fertile land for agricultural pursuits and to protect the land best suited for farming from premature urbanization. The Agricultural District regulations are therefore designed to regulate the use of land and structures, within the areas mentioned above where soil and topographic conditions are best adapted to the pursuit of agriculture and utilization of other natural land resources, and preservation of land for future non-agricultural uses. It is essential that open areas be maintained for future private, semi-public or public uses requiring large sites that will be required as expansion of, or complementary to, increasing urbanized development of the City of Marseilles and surrounding country side.

The A2 General Agricultural District is established as a zone in which agriculture and related uses are encouraged as the principal uses of land. This zone is also designed to prevent the premature end of agricultural pursuits, but permits the introduction of a limited number of rural and urban type of uses which are compatible with the ultimate intended overall development of the district.

#### B. A2 GENERAL AGRICULTURAL DISTRICT

##### 1. Permitted Uses

- a. Agriculture--structures and land used for the pursuit of agriculture are not subject to the regulations of this Ordinance, except farm structures established after the effective date of this Ordinance shall conform with the applicable setbacks herein established.
- b. Land used for the disposal of garbage, sewage, rubbish or offal must comply with EPA regulations.
- c. Cemeteries, including crematories and mausoleums-- provided that such structures shall be located not less than 100 feet from a lot line.
- d. Churches, chapels, temples and synagogues.
- e. Dog Kennels--provided that they are located not less than 330 feet from a residential lot line.
- f. Golf courses commercially operated driving ranges or miniature golf courses and accessory buildings.
- g. Greenhouse, wholesale and retail.
- h. Home occupations.
- i. Milk depots.
- j. Parks, conservation and recreational areas--public.

- k. Railroad rights-of-way and trackage.
- l. Recreation areas and camps, private - non profit.
- m. Rest homes, nursing homes and sanitariums and institutions for the aged and children.
- n. Schools, public and private non-boarding--day or nursery, elementary, junior high and high.
- o. Seminaries, convents, monasteries and similar religious institutions--including dormitories.
- p. Single-family detached dwelling—on lots not less than 2 acres in area and 200 feet in width. Building regulations—see R2 Residence District Marseilles Zoning Ordinance.
- q. Temporary buildings--for construction purposes for a period not to exceed such construction.
- r. Accessory uses
  - 1. Those customarily accessory to the pursuit of agriculture--provided that structures for the shelter of livestock, poultry and other farm animals shall be located not less than 100 feet from a lot line.
  - 2. Roadside stands - for the sale of produce and poultry grown and raised on or in the immediate area of the premises, but not including live animals, and provided that such stand shall contain not more than 600 square feet of floor area. Such stands or produce offered for sale shall be located not less than 70 feet from the centerline of the highway. Except a temporary roadside stand may be located not less than 30 feet from the nearest edge of pavement provided they shall be placed at such locations only during the harvest season of produce offered for sale and shall contain not more than 300 square feet of floor area. Each roadside stand shall have facilities, approved by the Zoning Administrator, for vehicular ingress and egress, and adequate off-street parking.
- s. Colleges, junior colleges and universities--including fraternity and sorority houses and dormitories on a lot not less than ten acres in area, and provided that such structures and off-street parking and loading spaces shall be located not less than 200 feet from a residence lot line.
- t. Mining, loading and hauling of coal, clay, sand, gravel, topsoil and other aggregate or minerals and oil or gas well drilling, including equipment and structures for screening, crushing, mixing, washing and storage--on lots which are located not less than 500 feet from a residence lot line provided that - (1) all excavations shall take place not less than 40 feet from a lot line, or a greater distance if required by the Illinois Statutes; (2) the entire property is fenced by a statutory fence; (3) a plan of development for the reclamation of the land is submitted as a part of the application for a conditional use permit; (4) structures, equipment and operations for processing on the premises of extracted material shall be allowed for a specified period of time.
- u. Mobile home parks--when processed as a planned development.
- v. Hospitals--on a lot not less than ten acres in area.
- w. Public utility and governmental service uses.

- x. Recreational areas and camps, private for profit--used for one or more of the following uses: equestrian sport, horse shows and hunter trails, dog shows and field trails, hunt clubs and gun clubs, conservation clubs; picnic grounds, administration, maintenance and clubhouse buildings, including sale of food and beverages--provided that such accessory buildings and uses shall be located not less than 200 feet from a residence lot line.
- y. schools, boarding--nursery, elementary, junior high and high

2. Conditional Uses

- a. Trailer(s) used for storage purposes. See criteria in SECTION V GENERAL PROVISIONS” under subsection “J. TRAILERS, MOBILE HOMES, AND BOATS.”
- b. Shooting Ranges

## SECTION XI

### NON-CONFORMING STRUCTURES AND USES

#### A. PREAMBLE

The regulations of this Section are intended to provide controls over non-conforming, uses and structures and to specify those circumstances and conditions under which those non-conforming structures and uses may be continued or shall be discontinued when the non-conforming uses cease by discontinuance or abandonment.

#### B. AUTHORITY TO CONTINUE NON-CONFORMING STRUCTURES AND USES

Any structure or use which existed lawfully at the time of the adoption of this Ordinance, and which becomes non-conforming upon the adoption of this Ordinance or of any subsequent amendment thereto, may be continued only in accordance with the following regulations:

##### 1. Repairs and Alterations

Ordinary repairs and alterations may be made to a non-conforming structure, provided that no structural alterations shall be made in or to such structure, all or substantially all of which is designed or intended for a use not permitted in the district in which it is located, except those required by law, or except to make the structure and use thereof conform to the regulation of the district in which it is located. Ordinary repairs and alterations shall be determined by the Zoning Officer and shall include, among other things, the replacement of storage tanks where the safety of operations of the installation requires such replacements.

##### 2. Additions and Enlargements

a. A non-conforming structure all or substantially all of which is designed or intended for a use not permitted in the district in which it is located shall not be added to or enlarged in any manner unless such non-conforming structure and use thereof, including all additions and enlargements thereto, is made to conform to all the regulations of the district in which it is located.

b. A non-conforming structure which is non-conforming only as to bulk, may be added to or enlarged, provided such additions or enlargements conform to all regulation of the district in which it is located.

##### 3. Moving

No non-conforming structure shall be moved in whole or in part to any other location unless every portion of such structure, and the use thereof, is made to conform to all regulations of the district in which the moved structure is to be located.

##### 4. Restoration of Damaged Non-Conforming Structures

A non-conforming structure, or portion thereof, which is destroyed or damaged by fire or other casualty or act of God to the extent that the cost of restoration to the condition to which it was before the occurrence will exceed 50 percent of the total cost of reconstructing the entire structure, shall not be restored unless said structure and the use thereof shall conform to all regulations of the district in which

it is located. In the event that such damage or construction is less than 50 percent of the cost of reconstructing the entire structure, no repairs or construction for restoration shall be made unless such work is started within one year from the date of the partial destruction and is diligently prosecuted to completion.

5. Discontinuance of Use in Non-Conforming Structure

A non-conforming structure, or portion thereof, in which the use has ceased by discontinuance or abandonment, on the effective date of this Ordinance or thereafter, or which is abandoned and remains unoccupied, or is not used for a continuous period of one year, shall not thereafter be occupied or used, except by a use which conforms to the use regulations of the district in which it is located.

6. Change of Use in Non-Conforming Structure

The non-conforming use of a structure or portion thereof, may be changed to a use permitted in the district in which the structure is located, or the non-conforming uses of a part of such a structure may be extended to the remaining parts of the structure, however, once a use is changed to a conforming use, such structure shall not thereafter be used for a non-conforming use or purpose.

7. Non-Conforming Use of Conforming Structures

The existing non-conforming use of a part or all of a conforming structure may be continued subject to the following provisions:

- a. The non-conforming use of a part of such structure shall not be expanded or extended into any other portion of such structure, nor changed to any other non-conforming use.

C. ZONING COMPLIANCE CERTIFICATES

1. No construction of any structure, nor use of any land shall be commenced without first obtaining from the City a zoning compliance certificate confirming that the construction or use conforms to the provisions of this ordinance.

2. An application for zoning compliance certificate shall be signed by the landowner or a corporate officer or authorized representative of the landowner or corporation, certifying that the information provided in the application is true and correct. Such application shall contain sufficient information and detail to enable the Zoning Officer to determine that the proposed structure and/or use can and will be in compliance with all relevant provisions of this ordinance.

3. If the application contemplates the construction of any structure, the applicant must provide building layout plans in triplicate, drawn to scale, fully dimensioned, and adequate to show the:

- a. shape, area and dimensions of the lot to be built upon;
- b. exact size and location on the lot of the existing buildings and accessory buildings;
- c. lines within which the new buildings or structures shall be erected;
- d. existing and intended use of each building or structure;
- e. number of dwelling units or lodging rooms a building is designed to accommodate;

- f. location and number of off-street parking and off-street loading spaces; and
- g. such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this ordinance.

One copy of the plans shall be returned to the applicant when such plans have been approved by the Zoning Officer. The lot and location of the building thereon shall be staked out on the ground before construction is started.

- 4. When the Zoning Officer has determined that the construction plans submitted by the applicant comply with the provisions of this ordinance, the Zoning Officer shall issue a "preliminary zoning compliance certificate" authorizing the applicant to proceed with construction according to the plans submitted to the City. A preliminary zoning compliance certificate is valid for a period of one year. If the construction is incomplete after the passage of one year, the validity of the certificate may be extended, upon written application and approval of the Zoning Officer, for one additional year. No further extensions shall be permitted or allowed.
- 5. When construction is complete, the applicant shall notify the Zoning Officer of such fact, and the Zoning Officer shall make a physical inspection of the property to determine whether the structure, as built, complies with the provisions of this ordinance. If it does, the Zoning Officer shall issue a zoning compliance certificate certifying that the structures on the property comply with this ordinance.
- 6. If the application contemplates only the use of the property in question (without any construction), the Zoning Officer shall determine whether such use complies with the provisions of this ordinance. If it does, the Zoning Officer shall issue a zoning compliance certificate certifying that the use of the property complies with this ordinance.
- 7. If any application is denied by the Zoning Officer, the Zoning Officer shall notify the applicant, in writing, of the decision. The applicant may, thereafter, within 20 working days, submit additional documentation or changed plans showing compliance with the ordinance.

#### D. ZONING COMPLIANCE CERTIFICATE FEE

- 1. Where a zoning compliance certificate is required and no building permit is required, a fee of \$35.00 per application will be charged at the time of application.

## SECTION XI-A

### ADULT USES

#### A. INTENT

Through communication with other Illinois municipalities and through study of community resources including the Minnesota Attorney General's Report, the City of Marseilles finds that adult entertainment, as below defined, because of its very nature, has serious objectionable operational characteristics, particularly when more than one of these uses is concentrated in certain areas. Adult uses, particularly when concentrated, cause deterioration of property values, an increase in crime, congested traffic conditions, depressed economic conditions for adjacent businesses, an unwholesome atmosphere for children, and generally have a deleterious effect upon adjacent areas. The purpose of this section is to protect the territory subject to City of Marseilles zoning from the above mentioned objectionable operational characteristics by restricting the close proximity of places of adult entertainment from other places of adult entertainment and from places of worship, schools, and residential areas.

#### B. DEFINITIONS

1. For the purpose of SECTION XI-A: Adult Uses, the following words and phrases shall have the meanings respectively prescribed as follows:

##### a. Adult Entertainment

Includes the following uses which are subject to this ordinance: adult bookstore, adult entertainment cabaret, adult motion theater, adult mini motion picture theater, adult motion picture booth, adult novelty store, massage parlor, massage school, and any other business which is distinguished or characterized by its emphasis on matter depicting, describing or relating to "specified sexual activity" or "specific anatomical areas."

##### b. Adult Bookstore

An establishment having more than twenty-five percent (25%) of its stock in trade, books, magazines, periodicals, films, video cartridges, or other electronic reproduction or reception devices for sale, rent, or display or viewing, on or off the premises, which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

##### c. Adult Entertainment Cabaret

An establishment which features topless dancers, go-go dancers, exotic dancers, male or female strippers, male or female impersonators, a lingerie or bathing suit fashion show, or models or body builders who display specified anatomical areas or depict specified sexual activities, or similar entertainers.

##### d. Adult Motion Picture Theater

An enclosed building with a capacity of fifty (50) or more persons used regularly or routinely for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by

patrons therein.

e. Adult Mini Motion Picture Theater

An enclosed building with a capacity for less than fifty (50) persons used regularly or routinely for presenting material distinguished or characterized by or emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas”, for observation by patrons therein.

f. Adult Motion Picture Booth

An enclosed area designed or used for presenting to one person material distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas”, for observation by the patron therein.

g. Adult Novelty Store

An establishment having a substantial or significant portion of its sales or stock in trade consisting of toys, devices, clothing, novelties, lotions and other items distinguished or characterized by their emphasis on or use for specified sexual activities or specified anatomical areas or an establishment that holds itself out to the public as a purveyor of such materials based upon signage, advertising, displays, actual sales, or other factors showing the establishment’s primary purpose is to purvey such material.

h. Massage

Any method of applying pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating the external parts of the body by another individual with or without the aid of any mechanical or electrical apparatus, with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointment or other preparations used in this practice. The performance of manipulative exercises upon the human body of another by rubbing, kneading, stroking or tapping with the hand or hands, or with any mechanical or bathing device with or without supplementary aids.

i. Massage Parlor

An establishment where a massage is made available or an establishment that holds itself out to the public as a place where massage is available except the place of work of a massage therapist or other professional or a massage school or a health and recreational facility with massage.

j. Massage Therapist or Other Professional

A person who for consideration engages in the practice of massages and provides proof of one or more of the following:

1. Proof of active member status in a professional massage therapy organization whose minimum standards require graduation from a massage school or the passing of a competency test for active membership.
2. Graduation or completion of a professional level entry program which consists of five hundred (500) hours or in classroom study and one hundred (100) hours

or more of clinical experience in a massage school.

3. A State of Illinois licensed physician, physician's assistant, surgeon, podiatrist, chiropodists, osteopaths, chiropractor, registered nurse, practical nurse, certified nurses' assistants, physical therapists, barber or cosmetologist.

4. An athletic trainer for any athletic program or a private or Public State of Illinois accredited school.

k. Massage School

A state certified, licensed and accredited establishment which provides instruction in the theory, method and practice of massage.

l. Health and Recreational Facility with Massage

An establishment equipped for exercise rooms, gymnasium, tennis court, racquetball court, swimming pool or similar equipment used in exercising the human body which does not derive more than 10% of its yearly income from providing massage.

m. Specified Sexual Activities

1. Human genitals in a state of sexual stimulation or arousal;

2. Acts of human masturbation, sexual intercourse or sodomy; and

3. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

n. Specified Anatomical Areas

1. Less than completely and opaquely covered: (1) human genital, pubic region; (2) buttock, and (3) female breast below a point immediately above the top of the areola; and

2. Human male genitals in a discernible turgid state even if completely and opaquely covered.

o. Dating or Matchmaking Business

An establishment having as one of its principle or advertised purposes be the walk-in ability of a client to obtain matchmaking or dating services.

p. Escort Agency

An establishment having as one of its principle or advertised purposes be the walk-in ability of a client to obtain escorts for clients by arranging a meeting between an escort and client.

q. Adult Use License

The adult use license granted pursuant to the requirements of this ordinance and/or any

subsequent renewal or renewals thereof.

r. City

The City of Marseilles, Illinois.

s. City Council

The City Council of Commissioners of Marseilles.

t. Premises

All lands, structures, places, the equipment and appurtenances connected with or used in any business providing adult entertainment including any parking area but excluding any private driveway to the structure and parking area and also any personal property which is either affixed to or is otherwise used in connection with such business.

u. All other words and phrases in this SECTION XI-A – ADULT USES shall be defined by their context and normal meaning ascribed to them.

## C. ALCOHOLIC BEVERAGES PROHIBITED

No liquor shall be sold or consumed in any premises providing any adult use.

## D. LOCATION

A premises providing any of the above-mentioned adult uses is permitted in a Manufacturing District provided that the premises is not located within three hundred feet of any property boundaries used any of the following: a residence, a residentially zoned lot, public housing, church or place of religious worship, school, park, cemetery, day care center, day nursery, nursing home, public recreation area, or any other adult entertainment premises. Measurements shall be made between boundary lines in a straight line without regard to intervening structures or objects between the nearest points in property boundaries.

## E. ISSUANCE OF ADULT USE LICENSE

### 1. Adult Use License Required

It shall be unlawful for any person or entity, either by himself or itself or through an agent, employee or partner, to engage in or solicit adult entertainment within the territory zoned by the City of Marseilles without first having obtained an adult use license.

The requirements of this ordinance shall apply without regard to whether the providing such adult entertainment constitutes the sole or primary business or activity of the persons or entity.

### 2. Granting of Adult Use License

In all cases where an adult use license is authorized to be procured under the terms of this SECTION XI-A ADULT USES, the City Clerk shall grant such adult use license.

### 3. Criteria for Issuance of Adult Use License

The City Clerk shall issue an adult use license within seven (7) calendar days, except when the City Clerk, Chief of Police or Zoning Enforcement Officer have reason to believe that any of the following exist:

- a. The information stated in the completed application is not true and correct.
- b. The applicant is not in compliance with the requirements for an adult use license set forth herein and all applicable statutes, codes, ordinances, rules and regulations and the orders and decisions of any governmental body which has jurisdiction over the premises or authority over the business to be conducted thereon.
- c. The applicant is indebted to the City, LaSalle County, or State of Illinois or has not paid in full past due property taxes.

All such adult use licenses so issued shall bear the seal of the City, the name of the licensee, the address of the licensee, identify the type of adult entertainment which is licensed and the amount of the fees paid. It shall also contain apt words indicating that it is issued and accepted subject to the representations made in the completed application and to all of the provisions of this ordinance governing the conduct of the licensed premises now in effect or which may hereafter be adopted.

### F. APPLICATION FOR ADULT USE LICENSE

All applications for an adult use license, authorized to be issued and required to be procured by this ordinance, shall be made in writing to the City Clerk containing the following information.

1. The name and the residence and business address and telephone numbers of the applicant.
  - a. If the applicant is doing business under an assumed name, the assumed or trade name of the applicant.
  - b. If the applicant is a corporation, association or other organization, the name, residential address, business address and telephone numbers of each director and officer of the corporation.
  - c. If the applicant is a partnership, the names, residential address, business addresses and telephone numbers of each member of the partnership.
  - d. If the applicant is a limited partnership, limited liability corporation or other business entity, the names, residential address, business address and telephone numbers of each general or managing partner or officer of the entity.
2. The address, age, date of birth, and social security number of each individual identified in the application and a statement as to any criminal misdemeanor or felony offense to which the individual has pled, stipulated to, been found guilty or been placed on court supervision or some other type of deferred judgment. No adult use licenses shall be issued if any such individual:
  - a. Is under 18 years of age;
  - b. Has within 10 years pled, stipulated to, been found guilty of or been placed on court supervision or other form of deferred judgment for any felony offense; or

- c. Has within 5 years pled, stipulated to, been found guilty of or been placed on court supervision or other form of deferred judgment for any Class A misdemeanor.
3. The legal owner, common address, property index number, legal description, and statement of current land use for the subject property and the adjoining properties within 300 feet of the boundary line of the subject property. A copy of the applicant's lease if applicant is not the legal owner; lease must be for the duration of the requested license. A drawing illustrating the subject property adjoining properties within 300 feet of the boundary line of the subject property. The drawing of the subject property shall illustrate the proposed driveway, the area designated for parking, accessory uses, structures, and any proposed fence or other screening.
4. A description or illustration of the premises used or intended to be used.
5. The type of adult entertainment which is to be provided or conducted from the premises.
6. The number of the Certificate of Registration required under Retailer's Occupation Tax Act, Service Occupation Tax act and/or Use Tax act, if applicable.
7. A statement that each individual named in the application has read the ordinance, understands its terms, and will comply with the ordinance including the following identified REGULATIONS.
8. A statement that the applicant will not cause or allow the licensed premises to be used for any unlawful purpose.
9. A statement that the information contained in the application is true and correct.
10. A statement that the applicant agrees to comply with the provisions of this ordinance, and all applicable statutes, codes, ordinances, rules and regulations, and the order and decisions of all public officials which pertain to the licensed premises and the business to be conducted thereon.
11. Such other information as the City Council may from time to time require in conformity with the provisions of this ordinance prescribing the requirements of such adult use licenses.
12. All applications for an Adult Uses License must be signed, verified and acknowledged under oath by an authorized representative of the applicant and by all individuals required to be disclosed in the application.
13. All applications for an Adult Uses License or renewal thereof must be filed with the City Clerk, and shall include the following:
  - a. The full amount for the fee payable for the adult use licenses.
  - b. If the applicant is doing business under an assumed name, a certified copy of its Certificate of Registration issued by the Clerk of LaSalle County.
  - c. If the applicant is a corporation, limited liability corporation or other business entity to be registered with the Illinois Secretary of State, a certified copy of its Certificate of Authority to do business in the State of Illinois and/or Certificate of Good Standing issued by the Illinois Secretary of State.
  - d. If the applicant intends to engage in any activity requiring a building permit or a zoning permit, a

copy of the issued building permit or zoning permit or a copy of the application for building permit or zoning permit.

## G. INVESTIGATIONS AND INSPECTION

### 1. Investigations

Upon receipt of a completed application for an adult use license, an investigation shall be made by the Chief of Police to verify that the information stated in the completed application is true and correct and that the applicant has complied with all of the requirements for an Adult use license set forth herein and is in compliance with all applicable statutes, codes, ordinances, rules and regulations and the orders and decisions of any governmental body which has jurisdiction over the licensed premises or authority over the business to be conducted thereon. The assistance of local law enforcement authorities or agencies may be sought for purposes of conducting the investigation.

The Zoning Enforcement Officer shall investigate the location of the premises to verify its location in a Manufacturing District and verify that the premises is not located within three hundred feet of any property boundaries used any of the following: a residence, a residentially zoned lot, public housing, church or place of religious worship, school, park, cemetery, day care center, day nursery, nursing home, public recreation area, or any other adult entertainment premises. Measurements shall be made between boundary lines in a straight line without regard to intervening structures or objects between the nearest points in property boundaries.

### 2. Inspections

For purposes of determining if an applicant or licensee is in compliance with the provisions of this ordinance and all applicable statutes, codes, ordinances, rules and regulations and the order and decisions of any governmental body which has jurisdiction over the premises or authority over the business conducted thereon, the applicant or licensee shall permit inspection of the premises and shall permit any the premises or authority over the business conducted thereon to enter upon the premises to make such inspection at any reasonable time that such entry is requested.

The City Council is authorized to enter into contractual agreements with local, county or other governmental authorities having jurisdiction over the premises or authority over the business conducted thereon for the purposes of making such inspections.

## H. LICENSE FEE, TERM, RENEWAL

### 1. Adult Use License Fee

The adult use license fee for engaging in the business of providing adult entertainment shall be Twelve Hundred (\$1,200.00) Dollars per year, fees to be pro-rated to the month of application. The City Clerk shall issue a receipt to the applicant for the fee paid in advance. No such receipt, or the payment of any adult use license fee in advance of the issuance of the license, shall authorize any person to engage in the business of providing adult entertainment or entitle any person to any of the rights or privileges conferred by the issuance of an adult use license.

The adult use license fee shall be paid to the City and is intended to cover the City's costs in administering the provisions of this ordinance. In no event shall a proration, rebate or refund be made of any adult use license fee or part thereof for any reason, including but not limited to, the non-issuance of the adult

use license.

## 2. Term of Adult Use License

No adult use license shall be granted for a period longer than one year and every adult use license shall expire on the thirty-first (31st) day of December following the date of its issuance. An adult use license may be issued for a period of time less than a year, but such adult use license shall not extend beyond December 31st of the year of issuance.

The City Clerk shall endeavor, from ten (10) to sixty (60) days prior to the expiration of the license period, to mail written notice to each licensee directing the attention of such licensee to the fact that a new adult use license will be required on the day following the expiration of his existing adult use license, and also directing attention to the amount of the adult use license fee and to the penalty for failure to procure an adult use license; provided, however, that failure on the part of the City Clerk to mail such notice to each licensee shall not be deemed a defense to a suit brought to recover the penalty for a violation of the provision of this Ordinance under which the licensee is required to obtain an adult use license.

## 3. Renewal

Adult Use Licenses issued pursuant to this ordinance must be renewed from year to year. Applications for the renewal of existing adult use licenses shall be made in writing to the City Clerk. All applications for renewal shall be made not less than twenty-one (21) days prior to expiration of the existing adult use license and shall include the following:

- a. The same documents as those required for initial applications.
- b. The same adult use license fees as that required for initial applications.
- c. The existing adult use license or satisfactory evidence of its loss or destruction.

The requirements and procedures for issuing an adult use license renewal shall be the same as the requirements and procedures for granting a new adult use license.

## 4. Display of Adult Use License

It shall be the duty of the licensee to post the adult use license in a conspicuous place upon the licensed premises.

No adult use license shall be permitted to remain posted or displayed after the period for which the adult use license was issued has expired.

No person shall add to, alter, deface, forge, or counterfeit any adult use license certificate or license plate, tag, badge, emblem, or other insignia which has been or is being issued by the city.

## 5. Loss of Adult Use License

In case any licensee shall lose any certificate, plate, badge, tag, emblem or other insignia which has been issued in accordance with the provisions of this ordinance, then it shall be within the discretion of the City Clerk to authorize the issuance of duplicate insignia, upon the making of an affidavit of loss by the licensee and the payment of a fee of ten (\$10.00) dollars to the City.

## 6. Transfer of Adult Use License

It shall be unlawful for any licensee to transfer, assign, sell, loan or give away any adult use license, or to use it as collateral or otherwise encumber it.

### I. HEARING UPON DENIAL OF ADULT USE LICENSE APPLICATION

Within sixty (60) days following the rejection of any application, the applicant may request an appeal to the Plan Commission which shall conduct a hearing in similar fashion for that required for conditional use permits. The applicant shall bear the burden of proving compliance with the application requirements set herein. The Plan Commission shall file their recommendation with the City Council who issue or deny an adult use license. Reasons for a denial of an adult use license shall be stated in writing. An adult use license may be denied upon finding that:

1. The information stated in the completed application is not true and correct.
2. The applicant is not in compliance with the requirements for an adult use license set forth herein and all applicable statutes, codes, ordinances, rules and regulations and the orders and decisions of any governmental body which has jurisdiction over the premises or authority over the business to be conducted thereon.
3. The applicant is indebted to the City, LaSalle County, or State of Illinois or has not paid in full past due property taxes.

### J. REGULATIONS

1. Compliance with Statutes, Ordinances, Etc.

The licensee shall at all times comply with the provisions of this ordinance and all applicable statutes, ordinances, codes, including but not limited to building, health, planning, housing, zoning and fire, rules and regulations and the orders and decisions of any governmental body which has jurisdiction over the licensed premises or authority over the business conducted thereon.

The licensee shall not permit any illegal conduct or activity or anything that is in any manner a violation of law to occur on the licensed premises or in the conduct of the licensed business.

#### 2. Health and Safety

a. The licensee shall keep the licensed premises in a safe and sanitary condition, clean and free from any sort of rubbish or combustible or explosive material. Sufficient washroom facilities for the public shall be provided and such facilities shall be properly ventilated and kept in a safe and sanitary condition.

b. It shall be unlawful for the licensee to permit any substance, condition, matter or thing of any kind whatsoever to exist on or about the licensed premises, which may be injurious, dangerous or detrimental to the public health or safety.

c. It shall be unlawful for the licensee to permit any substance, condition, matter or thing of any kind whatsoever to exist on or about the licensed premises, which constitutes pollution of air, water or land or a nuisance. "Nuisance" shall include those offenses declared to be such by the common law as well as by any applicable statute, rule or regulation.

d. It shall be unlawful for any licensee engaged in the business of providing adult entertainment on premises abutting a public way or any licensee using any part of a public way for or in connection with the business of providing adult entertainment to litter or permit the accumulation of any paper, rubbish or refuse upon that portion of the public way abutting said premises or on or about that portion of the public way so used. It shall also be the duty of the licensee to remove snow and ice from any sidewalks or walkways in front of the licensed premises.

### 3. Accessibility

The licensee shall make necessary improvement to assure the licensed premises meets or exceeds the requirements of the Environmental Barriers Act (410 ILCS 25/1 et. seq.).

### 4. Minors

It shall be unlawful for the licensee, to permit the entry of any person under eighteen (18) years of age onto the licensed premises.

It shall be unlawful for the licensee, either directly or through his agents or employees, to sell, rent, barter, give or disseminate or to offer to sell, rent, barter, give or disseminate to any person under eighteen (18) years of age, any material which is distinguished or characterized by its emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas as defined in Sections 10 and 11 of Article I of this ordinance. It shall be unlawful for the licensee, either directly or through his agents or employees, to permit the display or presentation of such material in any area on the licensed premises to which persons under eighteen (18) years of age have access or from which all or any part of such material may be viewed or heard by persons under eighteen (18) years of age.

### 5. Hours of Operation

It shall be lawful to engage in the business between the hours of 8:00 a.m. until midnight.

### 6. Advertising and Sight Lines

The licensee may not display or cause to be displayed more than one outside sign on the licensed premises. The sign shall not exceed 10 feet in length and 3 feet in width and shall not display or present any material which is distinguished or characterized by its emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas as defined herein.

The licensee, either directly or through his agents or employees, shall not display or present any material which is distinguished or characterized by its emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas in such a way that all or any part of such material may be seen or heard by anyone from outside the licensed premises.

If all or any part of the licensed premises can be seen from an a nearby residence, church, school, park, cemetery, day care center, day nursery, the licensee shall install and maintain a fence or other screening located outside of the building and parking area which will block the view of the premises from such property.

## 7. Change of Location /Name

Any change in name shall be reported to the City Clerk. Any change in director, officer, partner or principal for any business entity shall require reapplication for license. Any change in business location shall require reapplication for license.

## K. SUSPENSION AND REVOCATION

### 1. Suspension and Revocation

The City Council shall have the power to revoke or suspend any adult use license issued under this ordinance if it determines that:

- a. The licensee has violated any of the provisions of this ordinance.
- b. The licensee has knowingly furnished false or misleading information or withheld relevant information on any application for an adult use license or renewal thereof required by this ordinance or knowingly caused another to furnish or withhold such information on his behalf.
- c. The licensee has knowingly permitted any illegal conduct or activity or anything that is in any manner a violation of law to occur on the licensed premises or in the conduct of the licensed business.
- d. The licensee has created a nuisance or endangered the public health, safety or order by causing:
  1. An unreasonable increase in pedestrian traffic in the area in which the licensed premises are located, or
  2. An unreasonable increase in the incidence of disruptive conduct in the area in which the licensed premises are located, or
  3. An unreasonable increase in the level of noise in the area in which the licensed premises is located.

### 2. Complaint Process

Any person may initiate the complaint process by filing a written complaint with the City Clerk. The City Clerk shall forward the complaint to the Chief of Police for investigation. The Chief of Police shall investigate and for any complaint appearing to have a meritorious basis, the Chief of Police shall report to the City Clerk the need to call a Plan Commission hearing.

### 3. Hearing

No adult use license shall be suspended or revoked by the City Council except after a public hearing before the Plan Commission. The Plan Commission shall provide written notice to the licensee of the complaint upon which the hearing is to be held. At the hearing, procedures similar to that of a conditional use permit shall be followed. The licensee shall bear the burden of proving compliance with the application requirements the lack of grounds for suspension or revocation set forth herein. The Plan Commission shall file their recommendation with the City Council who shall determine if the license is suspended or revoked.

If the City Council determines after such hearing that the adult use license should be suspended for up to thirty days or revoked, then within fifteen (15) days after the conclusion of the hearing, it shall state the reason or reasons therefore in a written order of suspension revocation and shall serve a copy of such order upon the licensee.

L. PENALTY

In addition to all other remedies, including suspension or revocation of the adult use license, any person or entity violating this ordinance shall be subject to a fine in compliance with the UNIFORM FINE SCHEDULE found in Section 10.99 General Penalty of Chapter 10 General Provisions of the Code of Marseilles, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

## SECTION XI-B – SHOOTING RANGES

### A. PURPOSE

The City Council of Marseilles finds that shooting ranges promote the health, safety and welfare of the City in that shooting ranges encourage the training and safety of residents who choose to incorporate the carrying or use of firearms into their normal lives. The City Council of Marseilles also finds that shooting ranges, because of their many forms and the unique nuisance characteristics, cannot be properly classified as an authorized use in any particular district or districts without consideration, in each case, of the impact of the requested type of shooting range on neighboring lands and the suitability of the requested form of shooting range at the particular location. For such purposes, Shooting Ranges are authorized only as a conditional use in certain identified districts and special consideration factors must be considered as the City of Marseilles considers an application for a conditional use for a shooting range.

### B. DEFINITIONS

#### Shooting Range:

Any location, on public or private land, where firearms are discharged towards a target including the discharge of firearms needed to obtain or maintain any type of firearms license including concealed carry. A shooting range as defined under this ordinance does not include any of the following:

1. Any area lawfully used for hunting;
2. The occasional discharge of a firearm by a land owner or occupant on their private land when otherwise authorized by law, ordinance or regulation;
3. Any shooting range under the control of any agency of the State of Illinois or United States federal government including the National Guard.

#### Small Arms Shooting Range

A shooting range, indoor or outdoor, approved by a City of Marseilles conditional use for use of firearms not more powerful than .22 long rifle.

#### Large Arms Shooting Range

A shooting range, indoor or outdoor, approved by a City of Marseilles conditional use for use of firearms more powerful than .22 long rifle.

#### Indoor Shooting Range

A shooting range approved by a City of Marseilles conditional use for use of firearms within a completely enclosed building.

#### Outdoor Shooting Range

A shooting range approved by a City of Marseilles conditional use for use of firearms at a range not completely enclosed within a building.

#### Trap, Skeet or Sporting Clay Range

An outdoor shooting range approved by a City of Marseilles conditional use where clay targets are shot in any range format including trap, skeet or sporting clay.

#### Range Master

A person holding a certificate as a firearms instructor issued by a law enforcement agency, the NRA, a state or nationally accredited educational institution or other entity as time to time approved by the City

Council. A holder of the City of Marseilles conditional use shall identify one or more range masters in charge of use of the shooting range.

### C. APPLICATION

Any application for a conditional use for a shooting range shall:

1. Identify the type or types of shooting range for which the conditional use is sought.
2. Identify intended procedures to comply with lead management practices.
3. Identify a site plat for an outdoor range;
4. Identify a conceptual plan for an indoor range which shall include the contemplated backstop and OSHA recommendation improvements (including ventilation) along with costs estimates for such.
5. Outline safety designs and operation practices including signage
6. Identify the availability of restrooms or other reasonable need accommodations.
7. Identify a person with ownership interest in land as the applicant and provide a copy of their FOID card.

### D. CONSIDERATION FACTORS

In addition to the standards for consideration of a conditional use identified in Section XII=J CONDITIONAL USES, the following shall be addressed by an applicant:

1. Recommendations for lead management procedures based upon any publication of the United States Environmental Protection Agency including without limitation publication EPA-902-B-01-001 Best Management Practices for Lead at Outdoor Shooting Ranges or any update to said publication, recommendations of OSHA (Occupational Safety and Health Administration), recommendations of the Illinois Environmental Protection Agency and any recommendations from the LaSalle County Health Department of LaSalle County Environmental Services and Land Use Department.
2. Safety recommendations set forth in the NRA Range Source Book, 2012 version or subsequent updated version.
3. For indoor ranges, building codes as time to time adopted by the City Council and OSHA recommendations shall be considered.

### E. REQUIRED CONDITIONAL USE TERMS

The following shall be required terms of any conditional use for a shooting range.

1. No alcoholic beverages may be sold or consumed on a shooting range.
2. No person shall be allowed on a shooting range who is under the influence of alcohol or drugs as defined under Article 5 Driving While Intoxicated under the Illinois Vehicle Code (625 ILCS 5/11-500 et. seq).

3. No person shall be allowed on a shooting range unless they hold a valid Illinois FOID card or are exempt from the need of an FOID card pursuant to the Firearm Owners Identification Card Act, (430 ILCS 65/0.01 et. seq.).
4. No person, except a certified police officer, shall be allowed to discharge a firearm on a shooting range unless there is present a Range Master approved by the City of Marseilles.
5. No person shall discharge a firearm not approved for the type of shooting range approved by the conditional use.
6. No person shall discharge a firearm on an outdoor range except in times identified in the Conditional Use Permit which shall not be before sunrise or after sunset and no person shall discharge a firearm on an indoor range except between the hours of 7:00 A.M. and 10:00 P.M.
7. Lead management terms shall be set forth in the conditional use or incorporated by reference.
8. Safety standards including shooting range rules to be posted at the shooting range shall be set forth in the conditional use or incorporated by reference.
9. In January of each year, the conditional use holder shall pay a \$500.00 fee and file a report identifying the extent of range usage, the status of lead management practices, the status of safety standards, the identify of anticipated Range Masters, provide certificates on insurance, and make any requests for revisions of lead management or safety standards. The Planning Commission must conduct a public hearing for modification of lead management or safety standards.
10. A conditional use shall not run with the land but shall be personal to the applicant and shall not be transferable absent approval of the City Council following a hearing before the Planning Commission.
11. The shooting range shall be open to inspection of the City of Marseilles police department at any time.
12. Violations of conditional use terms may be enforced by ordinance violation and/or the shooting range may be temporarily closed by the Marseilles Chief of Police for safety concerns identified in writing by the Chief of Police and tendered to holder of the conditional use and the Chairperson of the Planning Commission who shall call a hearing on the Chief of Police's complaint within no less than 30 days.
13. The conditional use holder shall maintain general liability insurance with the minimum of \$1,000,000.00 per person and \$3,000,000.00 per occurrence. Said liability insurance plan shall provide coverage for events involving the discharge of firearms. The conditional use holder shall provide proof of insurance to the City of Marseilles.

## SECTION XII

### ADMINISTRATION AND ENFORCEMENT

#### A. ORGANIZATION

The Administration of this Ordinance is hereby vested in:

1. The Office of the Zoning Officer.
2. The Zoning Board of Appeals.
3. The Plan Commission.
4. The City Council.

#### B. THE OFFICE OF THE ZONING OFFICER

The Zoning Officer shall enforce this Ordinance and in furtherance of his or her authority shall:

- 1 Determine conformance of applications for zoning certificates with regulations of this Ordinance.
- 2 Issue all zoning certificates, following approval as required in this Ordinance, and maintain records thereof.
- 3 Conduct inspections of buildings, structures and uses of land to determine compliance with the terms of this Ordinance.
- 4 Receive, file and forward to the Zoning Board of Appeals all applications for amendments, conditional uses, or for other matters on which the Zoning Board of Appeals is required to act under this Ordinance.
- 5 Receive, file and forward to the Plan Commission all applications for amendments, conditional uses, or other matters which under this Ordinance require referral to the Plan Commission.
- 6 Maintain permanent and current records of the administration and enforcement of this Ordinance, including, but not limited to, all maps, amendments, variations, appeals and applications therefore and records of hearing thereon, and designate on the zoning district map each amendment thereto.
- 7 Decide or make recommendations on all other matters under this Ordinance upon which the Zoning Officer is required to act.

8. Receive from the City Clerk, in writing, all notices of petitions of appeals, variations, amendments, conditional use permits and any annexation of land to the City that would change boundary lines which have been referred by the City Clerk to the Zoning board of Appeals or other appropriate reviewing body.
9. Provide and maintain public information facilities relative to all matters pertaining to this Ordinance.
10. Act as the Building Enforcement Officer under the Marseilles Building Code and thus serve as the liaison between the City of Marseilles and any third party inspection agency with whom the City of Marseilles has contracted.

C. ZONING PERMITS

No building, structure, accessory structure, or addition thereto shall be constructed or demolished within the limits of the City of Marseilles unless a zoning permit is granted by the Building Enforcement Officer of the City of Marseilles certifying that the proposed building, structure, accessory structure, or addition thereto and/or the use to which such building, structure, accessory structure or addition thereto and/or land is to be used complies with the provisions of this ordinance and with the MARSEILLES BUILDING CODE.

D. FILING PLANS

All applications for zoning permits shall be accompanied by building layout plans in triplicate, drawn to scale, and fully dimensioned, adequate to show the shape, area and dimensions of the lot to be built upon the exact size and location on the lot of the existing buildings and accessory buildings, and the lines within which the new buildings or structures shall be erected, the existing and intended use of each building or structure, the number of dwelling units or lodging rooms a building is designed to accommodate, location and number of off-street parking and off-street loading spaces, and such other information with regard to the lot and neighboring lots and performance standards as may be necessary to determine and provide for the enforcement of this ordinance. One copy of such plans shall be returned to the owner when such plans shall have been approved by the Zoning Officer. The lot and location of the building thereon shall be staked out on the ground before construction is started.

E. PROCEDURE IN CASE OF VIOLATIONS

Whenever there is found a violation of the terms of this ordinance, the Zoning Officer shall at once issue written notice to the owner and any other party responsible, specifying the nature of the violation and citing the provisions of the ordinance which are violated, and said owner and any other party shall at once take appropriate steps to correct said violation. In case of failure by the owner or other responsible party to correct the violation within a reasonable time, the Zoning Officer shall initiate action or proceedings as shall secure compliance with the applicable provision of this ordinance.

F. ZONING BOARD OF APPEALS

1. Creation

The Zoning Board of Appeals of the City is hereby created in accordance with Illinois Statutes.

2. Membership and Term of Office

The Mayor shall appoint a Zoning Board of Appeals consisting of seven members which shall be confirmed by a majority vote of the members of the City Council present and voting thereon. The members appointed shall serve respectively for the following terms: one for one year, one for two years, one for three years, one for four years, one for five years, and one for six years, and one for seven years; the successor to each member so appointed to serve for a term of five years. One of the members so appointed shall be named as chairman at the time of his appointment, and in case of vacancy, the Mayor shall designate a chairman which shall be confirmed by a majority vote of the City Council present and voting thereon. The Mayor shall have the power to remove any members of the Zoning Board of Appeals for cause, after public hearing. Vacancies on the Zoning Board of Appeals shall be filled, for the unexpired term of the member whose place has become vacant, in the manner herein provided for the appointment of such new member.

The City Clerk shall maintain a record of the dates of appointment and expiration of each member of the board, and shall annually, prior to May 1, notify the Mayor of all vacancies which have occurred or will occur by expiration of appointment or otherwise.

### 3. Jurisdiction

The Zoning Board of Appeals is hereby vested with the following jurisdiction and authority:

- a. To hear and decide an appeal from any order, requirement, decision, or determination made by the Zoning Officer or other authorized official of the City having jurisdiction under this ordinance.
- b. To hold public hearing for variations from the terms provided in this ordinance in the manner and subject to the standards set forth in this section.

### 4. Meetings and Rules

All meetings of the Zoning Board of Appeals shall be held at the call of the Chairman and at such times and places within the City as the Zoning Board of Appeals may determine. All testimony by witnesses at any hearing provided for in this zoning ordinance shall be given under oath. The Chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Zoning Board of Appeals shall be open to the public. The Zoning Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact and shall also keep records of its examinations and other official actions. The concurring vote of four members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Officer or to decide in favor of the applicant on any matter which is authorized by this ordinance to render a decision. Every rule, regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the Zoning Board of Appeals shall immediately be filed in the Office of the Zoning Board of Appeals and shall be a public record. In the performance of its duties, the Zoning Board of Appeals may incur such expenditures as shall be authorized by the City Council. Any member who misses three consecutive meetings will be replaced after being notified in writing by the Mayor.

## G. VARIATIONS

### 1. Authority

The City Council shall decide all applications for variations of the provisions of this ordinance after a public hearing held before the Zoning Board of Appeals. The Zoning Board of Appeals shall hold public hearing upon all applications for variations and shall report its recommendations to the City Council. The Zoning Board of Appeals shall recommend a variation only after they have made a finding of fact specifying the reason or reasons for recommending the variation. No variation shall be granted by the City Council without such findings of fact. When the Zoning Board of Appeals fails to recommend a variation, it can only be adopted by an ordinance with the favorable vote of two-thirds of the City Council.

2. Initiation

An application for a variation may be made by any governmental office, department, board, bureau, or commission or by any person, firm, or corporation having a freehold interest, a possessor interest entitled to exclusive possession, a contractual interest which may become a freehold interest, an option to purchase, or any exclusive possessor interest applicable to the land or land and improvements described in the application for variation.

3. Application for Variation and Notice of Hearing

An application for a variation shall be filed with the City Clerk, who shall forward a copy of same to the Zoning Board of Appeals without delay. The application shall contain such information as the Zoning Board of Appeals may from time to time require. No more than 90 days after the filing of such application, a hearing shall be held on the application. Notice of such hearing shall be published at least once, not more than 30 days not less than 15 days before the hearing, in a newspaper of general circulation within the City. The published notice may be supplemented by such additional form as notice as the Zoning Board of Appeals may choose.

4. Standards for Variations

The Zoning Board of Appeals shall not recommend a variation of the regulations of this ordinance, as authorized herein unless it shall have made findings of fact based upon the evidence presented to it in each specific case that:

- a. the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the district in which it is located;
- b. the plight of the owner is due to unique circumstances;
- c. the variation, if granted, will not alter the essential character of the locality; and
- d. for the purpose of implementing the above rules, the Zoning Board of Appeals shall also, in making its determination whether there are practical difficulties or particular hardships, take into consideration the extent to which the following facts favorable to the applicant have been established by the evidence;
  1. the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
  2. the conditions upon which the petition for variation is based would not be applicable, generally to other property within the same zoning classification;

3. the purpose of the variation is not based exclusively upon a desire to make more money out of the property;
4. the alleged difficulty or hardship has not been created by the owner of the property, or by a previous owner;
5. the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and
6. The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood. Conditions and restrictions upon a premises benefited by a variation may be necessary to comply with the standards set forth in this section, so that the injurious effect of the variation on other property is minimized or reduced and the general intent of this zoning ordinance is enforced. The Zoning Board of Appeals may recommend and the City Council may require such conditions and restrictions as a condition for the variation.

## 5. Authorized Variations

Variations from the regulations of this Zoning Ordinance shall be granted by the Zoning Board of Appeals only in accordance with the standards set out in this Section and may be granted only in the following instances, and in no others:

- a. to permit any yard or setback less than a yard or a setback required by the applicable regulations;
- b. to permit the use of a lot or lots of record on the effective date of this ordinance for a use otherwise prohibited solely because of insufficient area or width of the lot or lots;
- c. to permit the same off-street parking facility to qualify as required facilities for two or more uses, provided that substantial use of such facility by each user does not take place at approximately the same hours of the same days of the week; and
- d. to reduce the applicable off-street parking or loading facilities required by ten percent of the applicable regulations.

## H. APPEALS

### Scope of Appeals

An appeal to the Zoning Board of Appeals may be made by any person, firm or corporation, or by any office, department, board, or bureau aggrieved by a decision of the Zoning Officer under this Ordinance in accordance with Illinois Statutes and the follow:

1. An application for an appeal shall be filed with the City Clerk within 20 days of the date of the action from which the appeal is being filed, and thereafter the City Clerk shall forward such application to the Zoning Board of Appeals for processing. The City Clerk shall forward to the Zoning Officer a notice of appeal specifying the grounds thereof and he shall forthwith transmit

to the Zoning Board of Appeals all the papers constituting the record upon which the action appealed from was taken.

2. An appeal stays all the proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Zoning Board of Appeals after the notice of appeal has been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Board of Appeals or by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown.
3. The Zoning Board of Appeals shall fix a reasonable time, not to exceed 90 days for the hearing of the appeal and give due notice thereof to the parties, including the zoning officer, and decide the same within a reasonable time. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order requirement, decision, or determination as in its opinion ought to be made on the premises and to that end shall have all the powers of the officer from whom the appeal was taken.

## I. AMENDMENTS

### 1. Authority

The regulations imposed and the districts created under the authority of this ordinance may be amended, from time to time, by ordinance in accordance with applicable Illinois Statutes. An amendment shall be granted or denied by the City Council only after a public hearing before the Plan Commission and a report of its findings and recommendations has thereafter been submitted to the City Council.

### 2. Initiation of Amendments

Amendments may be proposed by the City Council, Plan Commission, and by any person, firm, or corporation having a freehold interest, a possessory interest entitled to exclusive possession, a contractual interest which may become a freehold interest, an option to purchase, or any exclusive possessory interest which is specifically enforceable on the land which is described in the application for an amendment.

### 3. Processing

- a. An application for an amendment shall be filed with the City Clerk and thereafter entered into the records of the first meeting thereafter of the City Council.
- b. A copy of such application shall thereafter be forwarded by the City Clerk to the Plan Commission with a request to hold a public hearing and submit to the City Council a report of its findings and recommendations. Such public hearing shall be held upon such notice that shall be required by Illinois Statutes.

### 4. Decisions

- a. The City Council, upon report of the Plan Commission and without further public hearing, may grant or deny any proposed amendment in accordance with applicable Illinois Statutes, or may refer it back to the Plan Commission for further consideration.

## J. CONDITIONAL USES

### 1. Purpose

The formulation and enactment of a comprehensive ordinance is based on the division of the entire City into districts in each of which are permitted specified uses that are mutually compatible. In addition to such permitted, compatible uses, however, it is recognized that there are other uses which it may be necessary or desirable to allow in a given district but which on account of their potential influence upon neighboring uses or public facilities need to be carefully regulated with respect to location or operation for the protection of the community. Such uses are classified in this ordinance as "Conditional Uses" and fall into two categories:

- a. uses either municipally operated or operated by publicly regulated utilities or uses traditionally affected by public interest;
- b. uses entirely private in character which, on account of their peculiar location need, the nature of the service they offer to the public, and their possible damaging influence on the neighborhood, may have to be established in a district or districts in which they cannot reasonably be allowed as unrestricted permitted use under the zoning regulations.

### 2. Initiation

Conditional uses may be proposed by the City Council, Plan Commission, and by any person, firm or corporation having a freehold interest, a possessory interest entitled to exclusive possession, a contractual interest which may become a freehold interest, an option to purchase, or any exclusive possessory interest which is specifically enforceable on the land which is described in the application for a conditional use.

### 3. Processing

- a. An application for a conditional use shall be filed with the City Clerk and thereafter entered into the records of the first meeting thereafter of the City Council
- b. A copy of such application shall thereafter be forwarded by the City Clerk to the Plan Commission, and zoning officer with a request to hold a public hearing and submit to the City Council a report of its finding and recommendations. Such public hearing shall be held upon such notice that shall be required by Illinois Statutes.

### 4. Decisions

- a. The City Council upon report of the Plan Commission and without further public hearing, may grant or deny any proposed conditional use in accordance with applicable Illinois Statutes, or may refer it back to the Plan Commission for further consideration. Copies of all final decisions of the Council shall be transmitted to the zoning officer.
- b. In case a written protest against any proposed conditional use signed and acknowledged by owners of 20 percent of the frontage proposed to be altered, or by owners of 20 percent of the frontage immediately adjoining or across the alley therefrom, or by owner of 20 percent directly opposite the frontage to be altered, is filed with the City Clerk, the conditional use cannot be passed except on the favorable vote of two-thirds of all members of the City Council.

## K. PLANNED DEVELOPMENT

Planned developments are intended to allow greater design flexibility than is permitted by the standard district regulations. A planned development can best adapt to the topography and other natural characteristics of a given site and result in a more economical and stable development. It is intended that these regulations will encourage and facilitate development which is consistent with the spirit and intent of this Ordinance, be in conformity with the general character of the City and have a beneficial effect upon the health, safety, general welfare, and stability of the Community and its immediate environs than would development under strict conformity with district regulations. Under certain conditions the permitted uses in a district may be increased. Planned developments are of such substantially different character from other conditional uses that the following standards are established to guard against use of the planned development technique solely as a means of intensifying the use of land, and to provide flexibility that will stimulate sound and imaginative design.

### 1. Procedure

#### a. Pre-application Conference

The procedure to be followed in considering applications for Planned Development is similar to that for approval of plats as required by the City's Subdivision Regulations standards. Prior to official submittal of an application for consideration of a Planned Development the owner or developer shall meet with the Plan Commission for a preliminary discussion as to the scope and nature of the proposed development. Thereafter the developer may submit to the Plan Commission a tentative sketch plan and an outline prospectus of the proposed development for further discussion purposes.

#### b. Initiation

Following the preliminary consultation with the Plan Commission, application may be made in accordance with the procedures set forth for conditional uses.

#### c. Preliminary Proposal

Formal application for approval of a Planned Development shall first be presented in the form of a preliminary proposal, and shall be filed with the City Clerk who within forty-eight hours after receipt shall transmit same, including all documents relating thereto, to the Plan Commission, and shall notify the City Council in writing of such receipt and transmittal. A filing fee of \$100 in the form of a certified check made payable to the City shall accompany the application.

The purpose of a preliminary proposal is to establish a frame of reference for the City to consider the merits of a proposed Planned Development as it relates to the Comprehensive Plan, and to afford a basis for determining whether or not the City would look favorably toward a zoning of the property to accommodate a Planned Development of the general nature being proposed.

1. Five copies of the preliminary proposal shall accompany the application. The City Clerk shall forward one copy of the application and three copies of the preliminary plan to the Plan Commission at least ten days prior to the meeting at which it is to consider the matter; one copy to be retained by the City Clerk for filing, and one copy to be returned to the owner or developer.

A preliminary proposal for a Planned Development shall be submitted and shall comprise, but not necessarily be limited to, the following:

- a. A written explanation of the general character of the project and the manner in which it is planned to take advantage of the flexibility of these regulations.
- b. A legal description of the property proposed to be developed.
- c. A plan of the proposed Planned Development sufficient in detail and scope to afford the Plan Commission and City Council an opportunity of making a determination as to whether the City is favorably or unfavorably disposed as to the granting of the necessary zoning certificate for a conditional use for a Planned Development. The City Council, when approving a Preliminary Proposal, shall not be bound by the location of anything shown on such a plan, if when placed on a plat of survey there is any conflict or difference. The plan shall indicate:
  - i. The approximate residential density proposed for the entire project and, if the project is to be comprised of well defined areas of varying types of residential development, the approximate density for each such area.
  - ii. The proposed height and bulk of buildings. However, the approval of the Preliminary Proposal by the City Council shall not preclude their right to pass judgment on the specific location of buildings when the Preliminary Plan is approved.
  - iii. The approximate percentage of the project Land area to be covered by buildings and streets.
  - iv. The approximate number of dwelling units proposed for the project including a breakdown of the number of one, two, and three or more bedroom units.
  - v. Traffic circulation features within and adjacent to the project.
  - vi. Areas designated for permanent open space, whether to be dedicated to the public or to be privately maintained.
  - vii. Amenities to be provided within the proposed project.
  - viii. Existing zoning of the project site and adjacent properties.
  - ix. Generalized plan for utilities which will serve the project.

Within thirty-five days of receipt by the Plan Commission of a Preliminary Proposal, the Plan Commission shall conduct a public hearing on the proposition of whether or not a conditional use for a Planned Development should be granted for the subject property. Notice of all public hearings shall be given to the zoning officer.

Within twenty-five days after the public hearing, the Plan Commission shall act to recommend to the City Council that it (a) take action indicating a favorable disposition toward zoning the

subject property for a Planned Development of the nature being proposed, subject to approval of the Preliminary Plan for the project, or (b) reject the proposal. In either case, the Plan Commission shall set forth the reasons for its recommendation, and may, in the event of a favorable recommendation, specify particular items and conditions which should be incorporated in subsequent plan submittals.

The City Council's approval shall lapse unless within one year from approval of the Preliminary Proposal a Preliminary Plan for the Planned Development is filed as required in this Section; provided, however, that in the absence of a Preliminary Plan submittal, such one year period may be extended for a specified period upon written requests from the owner or developer and approval by the City Council.

d. Preliminary Plan

Following favorable resolution relative to a preliminary proposal a preliminary plan of the proposed Planned Development shall be submitted as required by the Subdivision Regulation.

The preliminary plan shall show the following:

1. The items listed under A, B and C of Section IV of the City's Subdivision Regulation Ordinance. If subdivision procedures are not involved, they shall be used as a guide in the preparation of the preliminary plan.
2. Site plan - showing locations of buildings and other structures, use of land, areas to be reserved as permanent open space, parking and loading spaces, and other features.
3. Draft of the proposed Declaration of Covenants and Restriction for the Planned Development.
4. Draft of the proposed Articles of Incorporation of the Profit or non-profit Corporation.
5. Draft of the proposed By-Laws of the Home Owner's Association.

e. Final Plan

The owner or developer shall submit ten copies of the final plan to the City Clerk, who shall distribute them in the manner prescribed for preliminary plans.

The final plan shall be submitted to the City Clerk within one year after approval of the preliminary plan. The final plan, covering the whole Planned Development shall retain the design characteristics of the approved preliminary plan. If desired by the owner or developer, the final plan may constitute only that portion of the approved preliminary plan which he proposes to record and develop at the time and the preliminary plan shall then be extended for an additional year.

The final plan shall be accompanied by the following:

1. The final subdivision plat, if any.
2. Draft of the Proposed Declaration of Covenants and Restriction for the Planned Development.

3. Draft of the Proposed Articles of Incorporation of the Profit or Non-profit Corporation.
4. Draft of the proposed By-Laws of the Home Owner's Association.

f. Approval or Disapproval of Final Plan

The Plan Commission shall transmit its findings and recommendations as to the final plan to the City Council within 45 days following the receipt of the final plan by the City Clerk. The City Council shall, after receipt of the final plan and the report of the Plan Commission, within 30 days approve or disapprove the final plan and notify the Plan Commission and the owner or developer of its reason.

g. Filing

Upon approval of the City Council, the owner or developer shall record the subdivision plat (when required), and all declarations, articles and by-laws, as approved by the City Council.

h. Zoning Map

Approved Planned Developments shall be delineated and designated by number on the Zoning District Map. A file, available for inspection by the public, shall be maintained by the City Clerk for each planned development so designated. The file shall contain a record of the approved development plan and all use exceptions allowed.

2. Gross Density Standards

- a. In the R2 District - not more than 12.0 dwelling units per acre.
- b. In the R3 District - not more than 18.0 dwelling units per acre.

L. THE PLAN COMMISSION

Jurisdiction of the Plan Commission with Respect to Zoning

The Plan Commission shall have the following duties under this ordinance:

1. To receive copies of all applications for proposed amendments to conduct Public Hearings thereon, and thereafter submit an opinion report to the City Council.
2. To receive all applications for zoning certificates filed for conditional uses and hold public hearings thereon; in cooperation with the zoning officer and
3. To initiate, direct and review, from time to time, a study of the provisions of the text and the map comprising this zoning ordinance, and to make reports of its recommendations to the City Council not less frequently than annually.

M. PUBLIC NOTICE OF PROPOSED CONDITIONAL USE, VARIATION OR AMENDMENT

1. Whenever any petition for conditional use, variation or amendment is made with regard to any parcel, the party filing such petition shall make public notice of the petition by placing a sign on the parcel notifying the public of the petition for conditional use, variation or amendment.
2. The sign shall provide notification that the City of Marseilles has received a petition requesting re-zoning, conditional use permit, or a variance from the zoning regulations, together with the location where additional information may be obtained.
3. The sign shall be posted on the parcel that is the subject of the petition for conditional use, variation or amendment. It shall be placed prominently upon the parcel and shall be visible from the street abutting the front of the property.
4. Said sign must be posted on the parcel within 7 days of the filing of the petition for conditional use, variation or amendment. It shall not be removed until after the public hearing on the petition has been held.
5. Proper signs must be obtained from the City. At the time of the filing of the petition for conditional use, variation or amendment, the petitioner shall pay a \$50 deposit for the sign. When the sign is returned to the City following the public hearing on the petition, the City shall refund the deposit.
6. Damage to any sign furnished by the City shall be paid for by the petitioner.
7. The posting of the sign on the subject property shall be the responsibility of the person filing the petition for conditional use, variation or amendment. When the City initiates a proposed amendment to the zoning ordinance, the City shall be responsible for posting of the sign on the property that is the subject of the City's proposed amendment.

N. .FEE AGREEMENT:

Upon an applicant's first contact with the City of Marseilles officials for an action involving fees identified in the *Marseilles Zoning Ordinance*, the applicant will be expected to sign a fee agreement agreeing to pay all costs incurred by the City of Marseilles. Before the City will proceed in any zoning action, the applicant must pay the preliminary fee identified in the *Marseilles Zoning Ordinance*. This preliminary fee schedule is a good faith estimate of costs normally incurred by the City of Marseilles for costs such as publication fees, permit fees, City Building Enforcement Officer fees, Board Member fees, Attorney's fees and Engineering fees. Prior to final action by the City as to an applicant's zoning request, a City zoning official will request the applicant to pay any actual charges incurred by the City of Marseilles exceeding the normally incurred costs. Such additional charges may include, without limitation, costs incurred by a continued public hearing, unanticipated City Engineering charges, or unanticipated City Attorney charges. An applicant assessed a fee beyond the preliminary fee may request modification or elimination of such additional fee by application to the City to be considered by the City Council. The City Council retains authority to modify any additional final fee if it finds that the additional requested final fees are not attributable to the applicant's project.

## SECTION XIII

### RULES AND DEFINITIONS

In the Construction of this Ordinance, the rules and definitions contained in this Section shall be observed and applied, except when the context clearly indicates otherwise.

#### A. RULES

1. Words used in the present tense shall include the future; and words used in the singular number shall include the plural number, and the plural and singular; where the context requires.
2. The word "shall" is mandatory and not discretionary.
3. The word "may" is permissive.
4. The word "lot" shall include the words "piece", "parcel", and "tract", and the phrase "used for" shall include the phrases "arranged for", "designed for" "intended for", "maintained for", and "occupied for".
5. All measured distances shall be to the nearest integral foot - if a fraction is one-half foot or less the integral foot next below shall be taken.
6. Any words not defined as follows shall be construed in their general accepted meanings as defined in the most recent publication of Webster's Dictionary.
7. The words and terms, set forth herein under "Definitions" wherever they occur in this Ordinance, shall be interpreted as herein defined.

#### B. DEFINITIONS

**ABUTS, ABUTTING:** To have a common property line or district line.

**ACCESSORY BUILDING:** A subordinate building or a portion of the main building, the use of which is incidental to that of the main building or to the main use of the premises. For example, a detached garage is an accessory building to a residence.

**ACCESSORY USE:** See Use, Accessory.

**ADJACENT:** To lie near or close to; in the neighborhood or vicinity of.

**ADJOINING:** Touching or contiguous, as distinguished from lying near.

**ALLEY:** A right-of-way, which affords a secondary means of vehicular access to abutting properties.

**ALTERATION:** A change inside, shape, occupancy or use of a structure.

**ANIMAL HOSPITAL:** A structure or portion thereof designed or used for the care, observation or treatment of domestic animals.

**AUTOMOBILE LAUNDRY:** A building or portion thereof containing facilities for the simultaneous washing of more than two motor vehicles, using production-line methods.

**AUTOMOBILE SERVICE STATION:** A building or portion thereof or lot used for offering for sale at retail to the public, fuels, oils and accessories for motor vehicles; where repair service is incidental, where no storage or parking space is offered for rent, and where no motor vehicles or boats are offered for sale or rent. When such dispensing, sale or offering for sale is incidental to the conduct of a public garage the premises are classified as a public garage.

**AUTOMOBILE WRECKING YARDS:** An area of land where three or more motor vehicles, machinery or equipment not in operable condition, or parts thereof, are stored in the open.

**AWNING:** A roof-like mechanism, retractable in operation, which projects from the wall of building.

**BASEMENT:** A story having part but not more than one-half of its floor to clear ceiling height below grade. When a basement is used for storage, or garages for use of occupants of the building, or other facilities common for the operation and maintenance of the entire building, it shall not be counted as a story.

**BLOCK:** A tract of land bounded by streets, or by a combination of streets and public parks, railroad right-of-way, or other lines of demarcation. A block may be located in part within an incorporated city or village.

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

**BONA FIDE AGRICULTURE:** Shall mean the growing of crops in the open and the raising and feeding of stock and poultry including farming, truck gardening, flower growing, apiaries, aviaries, mushroom growing, nurseries, orchards, forestry, fur farms, including the necessary structures, including residences, to carry on the farming operation and further including a roadside stand for the sale of products produced on the premises, so long as said bona fide agricultural use produces gross income of \$5,000.00 or more to the operator.

**BUILDABLE AREA - FOR THE PURPOSE OF MEASURING LOT WIDTH:** The 30 feet of lot depth immediate in back of the front yard line.

**BUILDING:** Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals, chattels, or property. The word "building" shall include a mobile, modular, manufactured and prefabricated home.

**BUILDING ACCESSORY:** See Accessory Building.

**BUILDING, PRINCIPAL:** A non-accessory building in which is conducted the principal use of the lot.

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

**BUILDING, TEMPORARY:** Any building not designed to be permanently located at the place where it is, or where it is intended to be temporarily placed or affixed.

**BUILDING, DETACHED:** A building surrounded by open space on the same lot.

**BUILDING HEIGHT OF:** The vertical distance from grade to the highest point of flat roof, or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip or gable roofs. Chimneys, towers, spires, elevator penthouses, cooling towers and similar projections other than signs shall not be included in calculating building height.

**BULK:** The term used to indicate the size and setback of structures, and the location of same with respect to one another, and includes the following: (a) size and height of structures; (b) location of exterior walls; (c) floor area ratio; (d) open space allocated to structures; and (e) lot area and lot width provided per dwelling unit.

**BUSINESS:** An occupation, employment, or enterprise which occupies time, attention, labor, and materials; or wherein merchandise is exhibited or sold, or where services are offered.

**CAMP, TOURIST:** See Tourist Park.

**CARPORT:** A roofed automobile shelter, with two or more open sides.

**CELLAR:** An area having more than one-half of its floor to clear ceiling height below grade and which is not counted as a story.

**CLINIC, MEDICAL OR DENTAL:** A building or portion thereof, the principal use of which is for offices of physicians or dentists or both, for the examination and treatment of persons on an out-patient basis.

**CLUB OR LODGE, PRIVATE:** a non-profit association of persons who are bonafied members and whose facilities are restricted to members and their guests. Food and alcoholic beverages may be served on its premises provided they are secondary and incidental to the principal use.

**CONDITIONAL USE:** see definition of "Use, Conditional".

**CONFORMING STRUCTURE:** A structure which: (a) complies with all the regulations of this Ordinance or of any amendment thereto governing bulk of the district in which said structure is located; or (b) is designed or intended for a permitted or conditional persisted use as allowed in the district in which it is located.

**CONSTRUCTED:** Set, erected, built, raised or moved into place.

**DISTRICT:** A section or part of the unincorporated portion of the County within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

**DRIVE-IN ESTABLISHMENTS:** An establishment or park thereof in which are provided facilities where serving or consuming commodities or both are intended to occur primarily in patrons' automobiles parked on the premises.

**DWELLING:** A building or portion thereof designed or used exclusively for residential purposes, including single-family, two-family, and multiple-family dwellings, but not including mobile homes or other trailers, or lodging rooms in hotels, motels, or lodging houses.

**DWELLING, SINGLE-FAMILY:** A dwelling containing one dwelling unit in a detached building unless otherwise specified.

**DWELLING, TWO-FAMILY-DETACHED:** A dwelling containing two dwelling units only, one above the other.

**DWELLING, MULTIPLE-FAMILY:** A building or portion thereof containing three or more dwelling units.

**DWELLING UNIT:** One or more rooms which are arranged, designed, or used as living quarters for one family only. Individual bathrooms and complete single kitchen facilities permanently installed to serve the entire family shall always be included within each "dwelling unit".

**EFFICIENCY UNIT:** A dwelling unit consisting of one principal room, exclusive of bathroom, kitchen, hallway, closets, or dining alcove directly off the principal room.

**ELECTRIC DISTRIBUTION CENTER:** A terminal of which electric energy is received from the transmission system and is delivered to the distribution system only.

**ELECTRIC SUBSTATION:** A terminal at which electric energy is received from the transmission system and is delivered to other elements of the transmission system and, generally, to the local distribution system.

**ESTABLISHMENT, BUSINESS:** A structure, or lot used in whole or in part as a place of business, the ownership or management: of which is separate and distinct from the ownership or management of any other place of business located on the same or other lot.

**FALLOUT SHELTER:** An accessory building and use which incorporates the fundamentals for fallout protection – shielding mass, ventilation, and space to live and which is constricted of such materials, in such a manner, as to afford to the occupants substantial protection from radioactive fallout.

**FAMILY:** One person or two or more persons each related to the other by blood, marriage, or legal adoption, or a group of not more than four persons not all so related, together with his or their domestic servants, maintaining a common household in a dwelling unit. A family may include, in addition thereto, not more than two roomers, boarders, or permanent guests, whether or not gratuitous.

**FENCE:** A structure, more than two feet in height or more than five feet long that forms a barrier between: (a) two lots; (b) a lot and a street or an alley, public or private; or (c) portions of a lot or lots.

**FENCE, OPEN:** A fence including gates which has, for each one foot wide segment extending over the entire length and height of the fence 50 percent of the surface area in open spaces which afford a direct view through the fence.

**FENCE, SOLID:** A fence, including gates, which conceals from view from adjoining properties, streets, or alleys, activities conducted behind it.

**FLOOD-PLAIN AREA:** That continuous area adjacent to a stream or stream bed, or any storm water retention area and its tributaries, whose elevation is equal to or lower than the flood-crest elevation including also land having an elevation higher than flood-crest elevation but less than ten acres in area and surrounded by land in a flood-plain area or an area of such elevation secured by land fill projecting into a flood- plain area. Any point shall be deemed to be within the flood-plain area if it falls below the elevation of a high water mark, as the elevation of the mark is projected in horizontal directions perpendicular to the flow of the stream and then to intersections at an equal elevation with the land on either side of the stream. Any point between afore described projections of any two high water marks shall be deemed within the flood-plain area if it is at an elevation equal to or lower than similar projections of the interpolated flood-crest elevation. The interpolated flood-crest elevation is thecalculated elevation of the flood-crest at the center line of the stream between twoknown flood-crests of the nearest upstream and downstream high-water marks and the difference in elevation between the flood-crest at this location and at either of the high-water mark projections is directly proportional to the difference in stream center line distance between the two high-water mark projections.

**FLOOR AREA -FOR DETERMINING FLOOR AREA RATIO:** The sum of the gross horizontal areas of the several floors including also the basement floor of a building, measured from the exterior faces of the exterior walls, or from the center lines of walls separating two buildings. The "floor area" shall also include the horizontal areas on each floor devoted to: (a) elevator shafts and stairwells; (b) mechanical equipment, except if located on the roof, when either open or enclosed,i.e. bulkheads, water tanks, and cooling towers; (c) habitable attic space (d) interior balconies and mezzanines; (2) enclosed porches; and (f) accessory uses. The "floor area" of structures used for bulk storage of materials, i.e., grain elevators and petroleum tanks shall also be included in the "floor area" and such "floor area" shall be determined on the basis of the height of such structures with one floor for each ten feet of structure height and if such structure measures less than ten feet, but not less than five feet over such floor height intervals, it shall be construed to have an additional floor. The horizontal area in each floor of a building devoted to off-street parking and off-street loading facilities and the horizontal area of a cellar floor shall not be included in the "floor area".

**FLOOR AREA - FOR DETERMINING OFF-STREET PARKING AND OFF STREET LOADING REQUIREMENTS:** "Floor area" when prescribed as the basis of measurement for off-street parking spaces and off-street loading spaces for any use shall be the sum of the gross horizontal area of the several floors of the building, excluding areas used for accessory off-street parking facilities and the horizontal areas of the basement and cellar floors that are devoted exclusively to uses accessory to the operation of the entire building. All horizontal dimensions shall be taken from the exterior of the walls.

**FLOOR-AREA-RATIO:** The numerical value obtained by dividing the "floor area" within a building or buildings on a lot by the area of such lot. The floor area ratio was designated for each district when multiplied by the lot area in square feet shall determine the maximum permissible "floor area" for the building or buildings on the lot.

**FORTUNE TELLING BUSINESS:** An establishment having as one of its principle or advertised purposes the walk-in ability of a client to obtain services, such as, but not limited to palm reading, psychic reading and astrology reading, or where services are performed which purports to foretell the future or any future event or occurrence or to predict the happening or non-happening of any future event or occurrence, or to explain or recommend a future course of conduct for any other person or a response to any predicted future event, occurrence or activity.

**GARAGE, PRIVATE:** An accessory building designed and used for the storage of motor vehicles owned and used by the occupants of the building to which it is accessory and in which no occupation or business for profit is carried on. Not more than one of the motor vehicles may be a commercial vehicle of not more than one and one-half ton capacity.

**GARAGE, PUBLIC:** A building or portion thereof other than a private or storage garage, designed or used for equipping, servicing, or repairing motor vehicles. Hiring, selling, or storing of motor vehicles may be included.

**GARAGE, STORAGE, OR OFF-STREET PARKING:** A building or portion thereof designed or used or land used exclusively for storage of motor vehicles and in which motor fuels and oils are not sold, and motor vehicles are not equipped repaired, hired, or sold.

**GRADE:** The established grade of the street or sidewalk where no such grade has been established the grade shall be the elevation of the sidewalk at the property line. Where no sidewalks exist, the grade shall be the average elevation of the street adjacent to the property line, except in cases of unusual topographic conditions as determined by the Building Inspector, the grade shall be the average elevation of the finished surface of the ground adjoining the exterior walls of a building or at the base of a structure.

**GROSS DENSITY:** The ratio between total number of dwelling units on a lot and total lot area in acres.

**GROUND FLOOR AREA:** The lot area covered by a principal building, measured at highest ground grade, adjacent to building, from the exterior faces of the exterior walls, but excluding open porches or terraces, and garages or carports.

**GUEST, PERMANENT:** A person who occupies or has the right to occupy a lodging house, rooming house, boarding house, hotel, apartment hotel, or motel accommodation as his domicile and place of permanent residence.

**HAZARDOUS WASTE:** Any hazardous waste as defined by the U.S.E.P.A. Resource Conservation and Recovery Act (R.C.R.A.) and/or Illinois Hazardous Waste Regulations.

**HOME OCCUPATION:** Any gainful business, occupation or profession conducted within a dwelling unit by a member of the family residing in the dwelling unit which is incidental and secondary to the use of the dwelling unit for dwelling purposes.

**HOTEL:** An establishment containing lodging rooms, for occupancy by transient guests in contradistinction to a lodging house, boarding house, or a rooming house, and which provides customary hotel services such as: maid, telephone and secretarial, bellboy and desk services; and the use and upkeep of furnishings and laundry of linens.

**HOT TUB:** An accessory to a residential district located outdoors and consisting of a basin with hot or cold running water which is circulated and designed for human use.

**INSTITUTION:** A building, occupied by a not-for-profit corporation wholly for public or semi-public use.

**JACUZZI :** See Hot Tub

**JUNK YARD:** An open area of land and any accessory building structure thereon which is used primarily for buying, selling, exchanging, storing, baling, packing, disassembling, or handling waste or scrap materials, including vehicles machinery and equipment not in operable condition or parts thereof, and other metals paper, rags, rubber tires, and bottles. A "junk yard" includes an automobile wrecking yard, but does not include an establishment, located in the applicable manufacturing district, engaged exclusively in processing of scrap iron or other metals to be sold only to establishments engaged in manufacturing of steel or metal alloys.

**KENNEL:** Any premise or portion thereof on which more than three dogs, cats, or other household domestic animals over one year of age are kept, or on which more than two such animals are maintained, boarded, bred, or cared for, in return for remuneration, or are kept for the purpose of sale.

**LAUNDERETTE:** A business that provides coin-operated self-service type washing, drying, dry-cleaning, and ironing facilities, providing that: (a) not more than four persons, including owners, are employed on the premises; and (b) no pick-up or delivery service is maintained.

**LOADING SPACE:** A space within the principal building or on the same as the principal building providing for the standing, loading or unloading of trucks and with access to a street or alley.

**LODGING HOUSE:** A building originally designed for and used as a single or two-family dwelling, all or a portion of which contains lodging rooms which accommodate persons who are not members of the keeper's family. Lodging, or meals, or both are provided for compensation for three or more, but not more than ten persons.

**LODGING ROOM:** A room or suite of rooms rented as sleeping and living quarters, but without cooking facilities and with or without an individual bathroom. In a suite of rooms, each room which provides sleeping accommodations shall be counted as one "lodging room" for the purpose of this Ordinance.

**LOT:** A tract of land which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. Therefore, a lot may or may not coincide with a lot of record.

**LOT AREA:** The area of a horizontal place bounded by the front, side and rear lines of a lot.

**LOT, CORNER:** A lot of which at least two adjacent sides abut for their full length upon streets, provided that the interior angle at the intersection of such two sides is less than 135 degrees.

**LOT COVERAGE:** The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures.

**LOT DEPTH:** The mean horizontal distance between the front lot line and the rear lot line of a lot measured within the lot boundaries.

**LOT, INTERIOR:** A lot that is not a corner lot

**LOT, LINES:** The property lines bounding a lot.

**LOT LINE, FRONT:** The boundary of a lot abutting a street. On a corner lot, either Lot line may be construed to be the front lot line.

**LOT LINE, INTERIOR:** A lot line which does not abut a street.

**LOT LINE, REAR:** An interior lot line which is most distant from and is almost parallel to the front lot line, and in the case of an irregular, or triangular shaped lot, a line ten feet in length within the lot, which is parallel to and at maximum distance from the front lot line.

**LOT LINE, SIDE:** Any boundary of a lot which is not a front lot line or a rear lot line.

**LOT OF RECORD:** A single lot which is part of a subdivision, the plat of which has been recorded in the office of the Recorder of Deeds of LaSalle County, Illinois.

**LOT, REVERSED CORNER:** A corner lot, the street side lot line of which is substantially a continuation of the front lot line of the first lot to its rear.

**LOT, THROUGH:** A Lot having a pair of opposite lot lines along two more or less parallel streets, and which is not a corner lot. Both street lines shall be deemed front lot lines.

**LOT WIDTHS:** The minimum horizontal distance between the side lot lines of a lot measured at the narrowest width within the buildable area.

**MANUFACTURING ESTABLISHMENT:** An establishment, the principal use of which is manufacturing, fabricating, processing, assembly, repairing, storing, cleaning, servicing, or testing of materials, goods or products.

**MAINTENANCE:** The routine upkeep of a structure or equipment including the replacement or modification of structural components or equipment in order to keep them unimpaired and in operable condition.

**MARQUEE OR CANOPY:** A roof-like structure of permanent nature which projects from the wall of a building.

**MOBILE HOME:** A structure designed for permanent habitation and so constructed as to permit its transport on wheels, temporarily or permanently attached to its frame, from the place of its construction to the location, or subsequent locations, at which it is intended to be a permanent habitation and designed to permit the occupancy thereof as a dwelling place for one or more persons. The term "mobile home" shall include manufactured homes constructed after June 30, 1976, in accordance with the Federal "National Manufactured Housing Construction and Safety Standards Act of 1974" as amended.

**MODULAR UNIT:** Being a factory fabricated transportable building unit designed to be used by itself or to be incorporated with similar units at a building site into a modular structure.

**MODULAR UNIT & SECTIONAL HOME:** Are not considered a mobile home. (See Ordinance 621 for definition).

**MOBILE HOME PARK:** A lot, parcel, or tract of land developed with facilities for accommodating two or more mobile homes, provided each mobile home contains a kitchen, flush toilet, and shower or bath; and such park shall be for use only by non-transient dwellers remaining continuously for more than one month, whether or not a charge is made. It shall not include a sales lot in which automobiles or unoccupied mobile homes or other trailers are parked for the purpose of inspection or sale, except

mobile homes located on a site in the mobile home park which are occupied or vacant for not more than 90 days after occupancy may be sold or offered for sale.

**MOTEL:** (See Hotel).

**MOTOR VEHICLE:** A passenger vehicle, truck, truck-trailer, trailer, or semi-trailer propelled or drawn by mechanical power.

**NAMEPLATE:** A sign indicating the name and address of a building, or the name, address and telephone number of the manager; or a sign indicating the name, address and/or the practice of a permitted home occupation therein.

**NO-ACCESS STRIP:** A strip of land within and along a rear lot line of a through lot adjoining a street which is designated on a recorded subdivision plat or property deed as land over which motor vehicular travel shall not be permitted.

**NON-CONFORMING STRUCTURE:** A structure lawfully established which (a) does not comply with all the regulations of this Ordinance or of any amendment hereto governing bulk of the district in which it is located; or (b) is designed or intended for a non-conforming use.

**NON-CONFORMING USE:** A structure and the use thereof or the use of land that does not conform with the regulations of this Ordinance or any amendment thereto governing use in the district in which it is located, but conformed with all of the codes, ordinances, and other legal requirements applicable at the time such structure was erected, enlarged, or altered, and the use thereof or the use of land was established.

**NON-HOUSEHOLD ANIMAL:** Any domesticated or undomesticated animal not generally maintained within a residence.

**NON-RESIDENTIAL USE:** Any use permitted by this ordinance for any district other than R2 and R3.

**NURSERY SCHOOL:** An establishment for the part-time care of five or more children of pre-elementary school age in addition to the members of the family residing therein.

**NURSING HOME:** A home for aged, chronically ill, care of children, infirm or incurable persons, or a place of rest for those persons suffering bodily disorders, in which three or more persons, not members of the family residing on the premises, are received and provided with food, shelter and care, but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of disease or injury, maternity cases, or mental illness.

**OFF-STREET PARKING AREA OR LOT:** Land which is improved and used or a structure which is designed and used exclusively for the storage of passenger motor vehicles, either for accessory off-street parking spaces or commercial off-street parking spaces when permitted herein by district regulations.

**OPEN SALES LOTS:** Land used or occupied for the purpose of buying, selling, or renting merchandise stored or displayed out-of-doors prior to sale. Such merchandise includes automobiles, trucks, motor scooters, motorcycles, boats, commodities. **OWNER:** Any individual, firm, or corporation having a possessory interest entitled to exclusive possession in land, or several such owners acting jointly.

**PARKING SPACE:** An area, enclosed in a building or unenclosed, reserved for the parking of one motor vehicle and which is accessible to and from a street or alley.

**PARTY WALL:** A common wall which extends from its footing below grade to the underside of the roof and divides buildings.

**PERFORMANCE STANDARD:** A criteria established to control smoke and particulate matter, noise, odorous matter, toxic matter vibration, fire and explosion hazards, glare, and radiation hazards generated by or inherent in use of land or buildings.

**PERMANENT FOUNDATION:** Means a closed perimeter formation consisting of materials such as concrete, mortared concrete block, or mortared brick extending into the ground below the frost line which shall include, but not necessarily be limited to, cellars, basements, or crawl spaces, but does exclude the use of piers.

**PERMANENT HABITATION:** A period of two or more months.

**PERMANENT OPEN SPACE:** A compact and contiguous land area, any segment of which is not less than four acres in area, that is designated on the Official Map for educational, religious, recreational, or institutional purposes, or such land which is not so designated but which is recommended for such designation by the Plan Commission and approved by the Board of Trustees at or before the time of approval of a subdivision or planned development.

**PIERCING BUSINESS:** An establishment where any method is performed to perforate the skin for the purpose of attaching ornaments such as but not limited to earrings, rings or studs to it. An establishment shall not be considered a “piercing business” where piercing of ears is occasionally performed secondarily to a primary business authorized in a Business District.

**PLANNED DEVELOPMENT:** A development located on a lot, whether under unified owner or control, which is planned and constructed, in part or whole, as an organic entity in conformance with district regulations of this Ordinance.

**PLANNING COMMISSION:** The Marseilles City Planning Commission.

**PUBLIC OPEN SPACE:** Any publicly owned open area, including, but not limited to, the following: parks, playgrounds, forest preserves, waterways, parkways, and streets.

**RAILROAD RIGHT-OF-WAY:** A strip of land containing railroad tracks and auxiliary facilities for track operations, but not including freight depots or stations, loading platforms, train sheds, warehouses, car or locomotive shops, or car yards.

**REFUSE:** All waste products resulting from human habitation, except sewage.

**RESEARCH LABORATORY:** A building or group of buildings in which are located facilities for scientific research, investigation, testing or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

**RESERVOIR PARKING SPACES:** Those off-street parking spaces allocated for temporary standing of automobiles awaiting entrance to a particular establishment.

**ROAD:** Street or highway.

**ROADWAY:** That portion of a street which is used or intended to be used for the travel of motor vehicles.

**SATELLITE DISH:** Any device designed for the reception of television signals from satellites.

**SECTIONAL HOME:** Being a dwelling made of two or more modular units factory fabricated and transported to the home site where they are to put it on a foundation and joined to make a single house.

**SETBACK:** The minimum horizontal distance between a street line and the nearest wall of a building, or side of a structure facing such street line, or edge of the area of operation of a principal use when no building or structure is involved.

**SETBACK, ESTABLISHED:** When 40 percent or more of the lots fronting on one side of a street within a block are improved, the existing setbacks of such improved lots shall be the "established setback" for determining the depth of the required front yards for the remainder of the lots along such street frontage, as regulated in this Ordinance.

**SIGN:** A name, identification, description, illustration, display or device which is affixed to, painted or represented upon a structure or land and which directs attention to a product, place, activity, person, institution, or business. For the purpose of definition a sign may be single face to double face. However, a sign shall not include any display of any court, public or official notice, nor shall it include the flag, emblem, insignia of a nation, political unit, school, religious or charitable institution or organization. A sign shall also include a permanent sign located within a building in such a manner as to be viewed or intended for view primarily from the exterior of the building.

**SIGN, ADVERTISING:** A structure including a billboard on which is portrayed information which directs attention to a business, commodity, service, or entertainment or other activity not related to use on which the sign structure is located.

**SIGN, BUSINESS:** A sign which directs attention to a business, commodity, service, entertainment or other activity conducted on the lot upon which such sign is located.

**SIGN, GROSS SURFACE AREA OF:** The entire area within a single continuous perimeter enclosing the extreme limits of a sign.

**SIGN, GROUND:** A sign which is supported by one or more uprights or braces in or upon the ground.

**SIGN, WALL:** A sign which is affixed to an exterior wall of any building, when size shall project not more than 18 inches from the building wall or parts thereof.

**STABLE, PUBLIC:** A building where horses are kept for remuneration, hire or sale.

**STAND, ROADSIDE:** A structure for the display and sale of only farm products which are produced on the premises.

**STORY:** That portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, then the space between the floor and the ceiling next above it. The floor of a story may have split levels provided that there are not more than four feet difference in elevation between the different levels of the floor. A basement shall be counted as a story, except when used for storage, garages for use of occupants of a building or other

facilities common for the rest of the building. A mezzanine floor shall be counted as a story when it covers over one-third the area of the floor next below.

**STORY, HALF:** A partial story under a gable, hip or gable roof, the wall plates of which on at least two opposite exterior walls are not more than three feet above the floor of such story, except that any partial story used for residence purposes, other than for a janitor or caretaker or his family, or by a family occupying the floor immediately below it, shall be deemed a full story.

**STREET:** A public or private right-of-way or easement which is designated as a permanent right-of-way or easement for common use as the primary means of vehicular access to properties abutting on it.

**STREET, FRONTAGE:** All of the property fronting on one side of a street between two intersecting streets, or in the case of a dead-end street, all of the property along one side of the street between an intersecting street and the end of such dead end street.

**STREET LINE:** The street right-of-way line abutting a property line of a Lot.

**STRUCTURAL ALTERATIONS:** Any substantial changes or the addition of square footage in the roof or the exterior walls of a building.

**STRUCTURE:** Anything constructed or erected, the use of which requires permanent location on or in the ground or attached to something having permanent location on or in the ground, including in-ground pools, porches, gazebos and decks.

**START OF CONSTRUCTION:** The pouring of concrete for the creation of a footing, foundation or slab upon which a structure shall be located. In situations where concrete is not used in the construction, "start of construction" is defined as the placing of construction materials in permanent position and fastened in a permanent manner.

**TATTOO PARLOR:** An establishment where tattooing or other method of placing designed, letters, scrolls, figures, symbols or other marks upon or under the skin with ink or other substance resulting in the coloration of the skin by the aid of needles or any other instrument designed to touch or puncture the skin is made available or an establishment that holds itself out to the public as a place for the same.

**TAVERN:** An establishment where liquors are sold to be consumed on the premises but not including restaurants where the principal business is the serving of food.

**THEATER, DRIVE-IN:** A parcel or tract of land containing facilities for projecting motion pictures on an outdoor movie screen which are viewed from the patron's automobiles parked on the premises.

**TOURIST HOME:** A building which contains a single dwelling unit and in which meals or lodging or both are provided or offered to transient guests for compensation. Does not include a hotel, apartment hotel, or motel.

**TOURIST PARK:** A parcel or tract of land containing facilities for locating three or more travel trailers or mobile homes, and for use only by transients remaining less than three months, whether or not a charge is made. An open sales lot in which automobiles or unoccupied trailers are parked for the purposes or inspection or sale is not included in a tourist park.

**TRAILER:** Any vehicle or portable structure constructed so as to permit occupancy thereof for lodging or dwelling purposes or for the use as an accessory structure in the conduct of business, trade, or

occupation, and which may be used as a conveyance on streets and highways, by its own or other motive power. Has a gross floor area of less than 700 square feet.

**TRAILER, CAMPING:** A trailer designed and constructed for temporary dwelling purposes which does not contain certain built-in sanitary facilities and has a gross floor area of less than 130 square feet.

**TRAILER, TRAVEL:** A trailer designed and constructed for dwelling purposes which may contain cooking, sanitary, and electrical facilities, and has a gross floor area of 130 square feet or more, but less than 220 square feet.

**USABLE OPEN SPACE:** Permanently reserved open space which is provided as required by this Ordinance for the use of residents of dwelling.

**USE:** The purpose or activity for which the land, or building thereon, is designed, arranged, or intended, or for which it is occupied or maintained, and shall include any manner of performance of such activity with respect to the performance standards of this Ordinance.

**USE, ACCESSORY:** An accessory use is one which is incidental to the dominant use of the premises.

**USE, CONDITIONAL:** A "special use" as designated in the Illinois Statutes that has unusual operational, physical, or other characteristics that may be different from those of the predominant permitted uses in a district, but which is a use that compliments and is otherwise, or can be made, compatible with the intended over-all development within a district. Compliance with special standards not necessarily applicable to other permitted uses or conditional uses in the district shall be required for a conditional use, as regulated in this Ordinance.

**USE, LAWFUL:** The use of any structure or land that conforms with all of the regulations of this Ordinance or any amendment hereto and which conforms with all of the codes, and other legal requirements, as existing at the time of the enactment of this Ordinance or any amendment thereto, for the structure or land that is being examined.

**USE PERMITTED:** Any use which is or may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations, and when applicable, performance standards of this Ordinance for the district in which such use is located.

**USE, PRINCIPAL:** The dominant use of land or structures as distinguished from a subordinate or accessory use.

**VENDING MACHINE:** A machine for dispensing merchandise or services designed to be operated by the customer.

**YARD:** An open area on a lot which is unobstructed from its lowest level to the sky, except as otherwise provided in this Ordinance.

**YARD FRONT:** A yard which is bounded by the side lot lines, front lot line, and the front yard 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 the applicable yard. A structure or other obstruction shall not encroach into the area between the "yard line" and such adjacent lot line, except for such permitted obstructions in yards as are set forth in this Ordinance.

**YARD, REAR:** A yard which is bounded by side lot lines, rear lot line, 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.

**YARD, SIDE - ADJOINING A STREET:** A yard which is bounded by the front lot line, side yard adjoining a street line and rear lot line.

**YARD, INTERIOR SIDE:** A side yard which adjoins another lot or an alley separating such side yard from another lot.

**ZONING DISTRICT:** The district into which the City of Marseilles, Illinois had been divided for zoning regulation and requirements as set forth on the Zoning District Map.

## SECTION XIV

### VIOLATION, PENALTY, ENFORCEMENT

A. This ordinance may be enforced by fine, injunction or any other remedy available in a court of law or equity. In the event the City seeks the remedy of a fine against any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with this Ordinance, such fine upon a conviction shall be not less than \$150.00 nor more than \$750.00 for each offense in compliance with the UNIFORM FINE SCHEDULE found in Section 10.99 General Penalty of Chapter 10 General Provisions of the Code of Marseilles. Each day that a violation is permitted to exist shall constitute a separate offense.

B. The Zoning Officer is hereby designated and authorized to enforce this Ordinance. However, it shall also be the duty of all officers, citizens, and employees of the City to assist the Zoning Officer by reporting to him any new construction, reconstruction, improved land use, or upon any seeming violation.

## SECTION XV

### MARSEILLES BUILDING CODE

This Code is adopted pursuant to 55 ILCS 5/5-1063 for the purpose of promoting and safeguarding the public health, safety, comfort and welfare of the citizens of the City of Marseilles and sets forth the rules regarding the construction of building and structures as to make reasonably safe from hazards of fire, explosion, collapse, electrocution, flooding, asphyxiation, contagion and spread of infectious disease.

#### ARTICLE 1

##### SHORT TITLE, SCOPE, PURPOSE

###### Section 1.1-SHORT TITLE

This Code, including the rules and regulations it adopts by reference, is entitled the “Marseilles Building Code”

###### Section 1.2-SCOPE

These regulations shall apply to all buildings, accessory structures and structures constructed inside the limits of the City of Marseilles.

###### Section 1.3-PURPOSE

The purpose of this Code is to provide minimum requirements to safeguard the public safety, health and general welfare insofar as they are affected by building construction, through structural strength, adequate egress facilities, sanitary equipment, light and ventilation, and fire safety, and in general to secure safety to life and property from all hazards incident to the erection of buildings, accessory structures and structures.

#### ARTICLE 2

##### DEFINITIONS

###### Section 2.1-DEFINITIONS

Definitions applicable to this SECTION XV shall be the same as those referenced under SECTION XIII, RULES AND DEFINITIONS, SUBSECTION B “DEFINITIONS”.

#### ARTICLE 3

##### APPLICABILITY

###### Section 3.1-GENERAL

The provisions of the Ordinance shall apply whenever a building, accessory structure or structure is constructed within the limits of the City of Marseilles except as hereafter provided. The adopted portions of the International Building Code, 2003 edition, the International Fire Code, 2003 edition, the International Mechanical Code, 2003 edition, the International Fuel Gas Code, 2003 edition all published by the International Code Council, Inc. and the National Electrical Code, NEC 2002 Edition, published by the National Fire Protection Association, Inc., as incorporated by reference in Article 5, shall apply whenever commercial, industrial, commercial storage, business, institutional-public (except those that are state and federally funded) and multi-family residential buildings and/or their accessory structures are constructed. The City also adopts the State of Illinois Plumbing Code as it presently exists and in the future as amended in its entirety, and in the event of any conflict between the Illinois Plumbing Code and any of the other codes as listed above, the Illinois Plumbing Code shall control.

###### Section 3.2-APPLICABILITY

Except as otherwise provided by this Code, it shall be unlawful for any property owner or contractor:

- a. To erect a new building, accessory structure or structure or part thereof without first obtaining a written building permit from the City of Marseilles Building Enforcement Officer.
- b. To rebuild, structurally alter, add to, or relocate any building, accessory structure or structure or part thereof, without first obtaining a written construction permit from the City of Marseilles Building Enforcement Officer.
- c. To set, erect, build, raise, or move into place or otherwise construct a mobile home, manufactured home, modular home, prefabricated home, or any similar structure used for permanent habitation on an individual lot or lots outside of a licensed mobile home park that is not on a permanent foundation and without first obtaining a building permit from the City of Marseilles.

## ARTICLE 4 APPLICATION FOR AND ISSUANCE OF BUILDING PERMITS

### Section 4.1- EXEMPTIONS

#### 1. GENERAL EXEMPTIONS

For all circumstances addressed under this Section 4.1 Exemptions, building permits and zoning approval, but not building inspections, shall be required. The application for a building permit shall be filed with the City of Marseilles Building Enforcement Officer in such manner and using such application forms as the City shall provide. To avoid undue hardship, the provisions of this Code shall not be applicable to buildings, accessory structures or structures in which:

- a. Alterations of existing buildings, accessory structures or structures, where the cost of alterations is less than \$2,000.00 or where no new foundation is expected, except where said alteration results in an addition in square footage greater than 200 square feet to an existing building, accessory structure or structure;
- b. Construction of service connections to a municipally owned and operated utility;
- c. Buildings, accessory structures or structures of 200 square feet or less and with side dimensions of no more than twenty (20) feet;
- d. Placement of mobile homes on pads in licensed mobile home parks.

To avoid undue hardship, the provisions of this Code shall not be applicable to buildings, accessory structures or structures in which, prior to the adoption of this Code:

- a. Code a construction permit under the Marseilles Zoning Code was either granted or lawfully applied for;
- b. If construction has already commenced;

#### 2. REPLACEMENT PROJECT FOR ONE AND TWO FAMILY DWELLINGS AND MULTIPLE SINGLE FAMILY DWELLINGS

A replacement project permit is required from City Hall for one and two family dwellings and multiple single family dwellings and accessory structures. A permit is required for the following; painting, re-roofing, replacement siding, soffits and gutters, replacement windows and shutters, replacement sidewalks, and replacement driveways. Permits must be obtained from City Hall prior to or within (7) calendar days of the beginning of said project. No building code inspection is required and no fee is required for an initial six month permit. All extended permits under this Section shall require a fee of \$50.00 per month extended.

### Section 4.2-APPLICATION AND PLAN REVIEW

All applicants shall be accompanied by an appropriate permit application fee, a dimensioned drawing of the building site showing the property boundaries, the location of buildings, accessory structures and structures, lot area to be used, auto parking areas, building setback lines in relation to abutting public roads or highways, and water supply and sewage disposal facilities if applicable. An application shall also include a description of the premises. The applicant is required to stake the corners of the proposed buildings or structures prior to an initial site inspection. If a water supply or sewage disposal system is to be installed, a separate permit must be

obtained prior to issuance of the building permit. Any building, accessory structure or structure that is subject to the Building Code provisions of Article 5 shall also provide construction documents as set forth in Section 5.3. The applicant, including those applying for agricultural building, accessory structures or structures, must also comply with the following the City of Marseilles Ordinances. The City of Marseilles Building Enforcement Officer may also deny a building permit for lack of compliance with the Illinois Environmental Protection Act or any other state and federal law if granting a construction permit would prevent a remediation of the hazard or condition causing the violation of these Ordinances and statutes.

#### Section 4.3-REVIEW

All building permit applications shall be reviewed promptly for building code and zoning purposes and applicants shall be notified in writing within 30 days of submittal of the application, as to its approval or denial. If the application is denied, the applicant shall be given a complete explanation of the deficiencies resulting in the denial of the permit. The applicant shall have 45 business days after denial, to address and resolve said deficiencies and resubmit the complete application without incurring any additional fees.

#### Section 4.4-POSTING

Any building permit issued shall be posted in plain view on the premises for which said permit was issued, and shall remain posted until completion of construction or occupancy.

#### Section 4.5-COMMENCEMENT OF CONSTRUCTION

The construction of any building, accessory structure or structure authorized by a building permit shall commence within 9 months of the date of issuance of the permit. A permit shall be revoked by the Building Enforcement Officer when he or she shall find from personal inspection or from competent evidence that the rules or regulations under which it has been issued are being violated. The construction of any building, accessory structure or structure authorized by the building permit shall be completed within one year of the date of issuance of the permit unless stated otherwise on the permit. If construction does not commence within 9 months of the date of issuance of the permit, Applicant shall apply for an extension to said permit. All extended permits under this Section shall require a fee of \$50.00 per month extended. Extensions are not to exceed one six month period.

#### Section 4.6-FILING

All applications and a copy of all permits issued shall be systematically filed and kept by the Building Enforcement Officer in his or her office for ready reference for a period of two years from date of issuance. A copy of each permit issued shall also be filed with the City Clerk.

#### Section 4.7-COPY OF PERMIT TO ASSESSOR

The Building Enforcement Officer shall, within 15 days of issuance of a building permit, forward a copy of the building permit to the township assessor and a copy to the county supervisor of assessments. The permit shall show the complete legal description of the area to which the permit pertains and, if the area has a property index number(s), as defined by and referred to in Section 9-45 of the Property Tax Code, the permit shall include said index number(s).

### ARTICLE 5 BUILDING CODES

#### Section 5.1-ADOPTION OF CODES

The International Residential Codes-for one and two family dwellings, 2003 edition as published by the International Code Council. Inc. except as amended in this Article and the Illinois State Plumbing Code, 77 Ill Adm. Code 890, is hereby adopted and incorporated by reference as if set forth verbatim in this Article and shall be applicable for the purposes of the Code only when detached one and two family dwellings and multiple single family dwellings (townhouses) not more than three stories in height with a separate means of egress/and

or their accessory structures are constructed. The International Building Code, 2003 edition, the International Fire Code, 2003 edition, the International Mechanical Code, 2003 edition, the International Fuel Gas Code, 2003 edition, all published by the International Code Council, Inc. and the National Electrical Code, NEC 2002 edition, published by the National Fire Protection Associations, Inc. are hereby adopted and incorporated by reference as if set forth verbatim in this Article and shall be applicable to commercial, industrial, commercial storage, business, institutional-public (except those that are state and federally funded) and multi-family residential buildings and/or their structures. The City also adopts the State of Illinois Plumbing Code as it presently exists and in the future as amended in its entirety, and in the event of any conflict between the Illinois Plumbing Code and any of the other codes as listed above, the Illinois Plumbing Code shall control.

## Section 5.2-AMENDMENT

A. Addition, deletions and modifications of the International Residential Code for one and two family dwellings, 2003 edition. The following sections of the International Residential Code for one and two family dwellings, 2003 Edition are hereby amended, deleted or modified as hereinafter set forth:

1. Chapter 1- Administration. Delete entire Chapter 1
2. Chapter 2- Definitions. In Section R202 delete definitions of “ACCESSORY STRUCTURE”, “ADDITION”, “ALTERATION” and “MANUFACTURED HOME”
3. Table 301.2(1). Climatic and Geographic Design Criteria. Insert under each category:
  - Ground Snow Load  
(PSF-pounds per square foot) 25
  - Wind Speed (MPH) 90
  - Seismic Design Category B
  - Weathering severe
  - Frost Line Depth 42 inches
  - Termite moderate to heavy
  - Decay slight to moderate
  - Winter Design Temperature 5 degrees
  - Ice Shield Under-Layment Request yes
  - Flood Hazards a) 10-11-88 b) 9-7-01
  - Air Freezing Index 1500
  - Mean Annual Temperature 52 degrees
4. Chapter 11-Energy Efficiency. Delete entire Chapter 11
5. Chapter 23-Solar Systems. Delete entire Chapter 23
6. Chapter 26-General Plumbing Requirements, Chapter 27-Plumbing Fixtures, Chapter 28-Water Heaters, Chapter 29-Water Supply and Distribution, Chapter 30-Sanitary Drainage, Chapter 31-Vents, Chapter 32 - Traps. Delete entire Chapters 26, 27, 28, 29, 30, 31, and 32.
7. Chapter 41-Swimming Pools. Delete entire Chapter 41.
8. Chapter 42-Class 2 Remote-Control, Signaling and Powering-Limited Circuits. Delete entire Chapter 42.
9. Appendix E-Manufactured Housing Used as Dwellings, Appendix F- Radon Control Methods, Appendix G Swimming Pools, Spas and Hot Tubs, Appendix H-Patio Covers, Appendix I-Private Sewage Disposal, Appendix J Existing Buildings and Structures, Appendix K-Sound Transmission. Delete entire Appendices E, F, G, H, I, J and K.

B. Additions, deletions and modifications of International Building Code, 2003 Ed.

The following section of the International Building Code, 2003 edition are hereby amended, deleted or modified as hereinafter set forth:

1. Chapter 1-Administration

- a. Section 101.1-Insert "City of Marseilles" as the name of the jurisdiction.
- b. Amend 101.4.4 to replace reference to "International Plumbing Code" with "Illinois State Plumbing Code" and to delete the last sentence of 101.4.4.
- c. Delete Section 101.4.5.
- d. Delete Section 101.4.7.
- e. Amend Section 102.6 to delete references to the "International Property Maintenance Code."
- f. Amend Section 103.3 to delete last sentence referring to "International Property Maintenance Code."
- g. Delete Section 112 in its entirety

2. Chapter 13-Energy Efficiency-delete Chapter 13 in its entirety.

3. Chapter 16-Structural Design-Section 1612.3-Insert "City of Marseilles" in name of jurisdiction and 09-07-01 in date of issuance.

4. Chapter 29-Plumbing Systems.

- a. Amend Chapter 29 to replace all references to "International Plumbing Code" with "Illinois State Plumbing Code."
- b. Section 2901.1-delete last sentence referring to "International Private Sewage Disposal Code."

5. Chapter 33-Safeguards During Construction

- a. Section 3305.1-repalce reference to "International Plumbing Code" with "Illinois State Plumbing Code."

6. Chapter 34-Existing Structures

- a. Section 3410.2-insert "the effective date of the Ordinance."
- b. Section 3410.3.2-delete reference to "International Property Maintenance Code."

C. Addition, deletions and modifications of the International Fire Code

1. Chapter 1-Administration

- a. Section 101.1-Insert "City of Marseilles" as the name of the jurisdiction.
- b. Delete Sections 102.3, 102.4, 102.5.
- c. Delete Section 108 in its entirety.
- d. Delete Sections 109.3 and 109.3.1.
- e. Delete Section 111.4.

2. Chapter 2-Definitions-In Section 201.3 replace reference to "International Plumbing Code" with "Illinois State Plumbing Code."

3. Chapter 3-General Precautions Against Fire-Section 311.1 delete reference to "International Property Maintenance Code."

4. Chapter 9-Fire Protection Systems-Section 903.5 and Section 912.5 replace reference to "International Plumbing Code" with "Illinois State Plumbing Code."

5. Chapter 21-Industrial Ovens-Section 2211.2.3 replace reference to "International Plumbing Code" with "Illinois State Plumbing Code."

6. Chapter 27-Hazardous Materials-General Provision. Section 2704.2.2.6 replace reference to “International Plumbing Code” with “Illinois State Plumbing Code.”

D. Additions, deletions and modifications of the International Mechanical Code, 2003 Edition.

1. Chapter 1-Administration

a. Section 101.1 insert “City of Marseilles” as the name of the jurisdiction.”

b. Delete Section 106.5 fees and Subsections 106.5.1, 106.5.2 and 106.5.3 in their entirety.

c. Delete Section 108.4

d. Amend last sentence of Section 108.5 as follows: Any person who shall continue any work on the system after having been served with a stop order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine as provided in the Ordinance incorporating this Code by reference.

a. Delete Section 109 in its entirety.

2. Chapter 2-Definitions-Section 201.3 replaces reference to “International Plumbing Code” with “Illinois State Plumbing Code.”

3. Chapter 3-General Regulations-Section 301.8-replace reference to “International Plumbing Code” with “Illinois State Plumbing Code.”

4. Chapter 5-Exhaust Systems-Section 512.2 replace reference to “International Plumbing Code” with “Illinois State Plumbing Code.”

5. Chapter 9-Specific Appliances, Fireplaces and Solid Fuel-Burning Equipment-Section 908.5 replace reference to “International Plumbing Code” with “Illinois State Plumbing Code.”

6. Chapter 10-replace all references to “International Plumbing Code” with “Illinois State Plumbing Code.”

7. Chapter 11-Section 1101.4 replace reference to “International Plumbing Code” with “Illinois State Plumbing Code.”

8. Chapter 12-replace all references to “International Plumbing Code” with “Illinois State Plumbing Code.”

9. Chapter 14-Section 1401.2 replace references to “International Plumbing Code” with “Illinois State Plumbing Code.”

E. Additions, deletions and modifications of the International Fuel Gas Code, 2003 edition.

1. Chapter 1-Administration

a. Section 101.1-Insert “City of Marseilles” as the name of the jurisdiction.

b. Delete Section 106.5 fees and Subsections 106.5.1, 106.5.2 and 106.5.3 in their entirety.

c. Delete Section 108.4

d. Amend last sentence of Section 108.5 as follows: Any person who shall continue any work on the system after having been served with a stop order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine as provided in the Code incorporating this Code by reference.

e. Delete Section 109 in its entirety.

2. Chapter 2-Definitions-Section 201.3 replace reference to “International Plumbing Code” with “Illinois State Plumbing Code.”

3. Chapter 3-General Regulations-Section 301.6 replace reference to “International Plumbing Code” with “Illinois State Plumbing Code.”

4. Chapter 6-Sections 624.1.1 and 624.2 replace reference to “International Plumbing Code” with “Illinois State Plumbing Code.”

#### Section 5.3-CONSTRUCTION PLAN REVIEW

In addition to the requirements of Section 4.3, any building, accessory structure or structure that is subject to the Building Code provisions of this Article 5 and not exempt under Article 4 shall provide construction documents along with the application. The construction documents shall be drawn on suitable material and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of the applicable code and relevant laws, ordinances, rules and regulations, as determined by the Building Enforcement Officer. The construction documents submitted with the application for permit shall be accompanied by a site plan showing the size and location of new construction and existing structures on the site and distance from lot lines. In addition, construction documents for commercial, industrial, commercial storage, business, institutional-public (except those that are state and federally funded) and multifamily residential buildings and/or their accessory structures shall be prepared by a registered design professional and be in accordance with the provisions of the applicable codes adopted.

#### Section 5.4-INSPECTIONS

Any building, accessory structure or structure that is subject to the Building Code provisions of the Article 5 and not exempt under Article 4 shall be subject to inspections. For onsite construction, from time to time the Building Enforcement Officer, upon notification from the permit holder or his/her agent, shall make or cause to be made any necessary inspections and shall either approve the portion of the construction as completed or shall notify the permit holder or his/her agent wherein the same fails to comply with the Building Code. Final inspection shall be made after the permitted work is complete and prior to occupancy.

It shall be the duty of the permit holder or their agent to notify the Building Enforcement Officer that such work is ready for inspection. It shall be the duty of the person requesting any inspection required by the Building Code to provide access to and means for inspection of such work. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the Building Enforcement Officer. The Building Enforcement Officer upon notification shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed or shall notify the permit holder or an agent of the permit holder wherein the same fails to comply with the Building Code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the Building Enforcement Officer.

#### Section 5.5-CERTIFICATE OF OCCUPANCY

No building, accessory structure or structure shall be used or occupied until the Building Enforcement Officer has issued a certificate of occupancy therefore as provided herein. After the Building Enforcement Officer inspects the building, accessory structure or structure and finds no violations of the provisions of the Building Code or other laws and ordinances that are enforced by the City of Marseilles, the Building Enforcement Officer shall issue a certificate of occupancy which shall contain the following:

1. The building permit ordinance;
2. The address of the structure;
3. The name and address of the owner;
4. The description of that portion of the structure for which the certificate is issued;
5. A statement that the described portion of the structure has been inspected for compliance with the requirements of the Building Code;
6. The name of the Building Enforcement Officer;
7. The edition of the code under which the permit was issued;

8. Any special stipulations and conditions of the building permit. The Building Enforcement Officer is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The Building Enforcement Officer shall set a time period during which the temporary certificate of occupancy is valid. The Building Enforcement Officer, shall in writing, suspend or revoke a certificate of occupancy issued under the provisions of this Code whenever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building, accessory structure or structure or portion thereof is in violation of this Code or any of the provisions of the Marseilles Zoning Code.

## ARTICLE 6 FEES

### Section 6.1-PERMIT FEES

To partially defray expenses of administering the ordinance, a fee shall be charged for each building permit application and the fee shall be paid when the application is approved. A check shall be made payable to the City of Marseilles. The fees shall be in accordance with the schedules listed below. All fees are nonrefundable.

- ZONING COMPLIANCE FEES

The zoning compliance certificate fee for all buildings, accessory structures and structures that are not subject to the provisions of Article 5-Building Code shall be \$35.00 per application and said fee will be charged to determine compliance with the ordinances and statues set forth in Section 4.3.

The zoning compliance certificate fee for wind energy towers, cellular tower and all other commercial towers shall be \$35.00 per foot for a new tower and \$1,200.00 to add equipment to an existing tower.

The zoning compliance certificate fee for pipelines shall be \$.08 per square foot not to exceed a fee of \$20,000.

● BUILDING CODE PERMIT FEES

*RESIDENTIAL ONE AND TWO FAMILY DWELLINGS AND TOWNHOUSES*

For detached one and two family dwellings (townhouses) not more than three stories in height and/or their accessory structures the following fees shall be charged:

\*New construction and additions \$0.15 per square foot for all areas, but not less than \$75.00 minimum.

\*Accessory structures (decks, sheds, detached garages, gazebos and all other accessory structures) \$0.10 per square foot for all areas, but not less than \$50.00 minimum.

\*Electrical-new construction/additions \$0.06 per square foot for all habitable areas, but not less than \$45.00 minimum

\*Plumbing-new construction/additions \$0.06 per square foot for all habitable areas, but not less than \$45.00 minimum

\* Heating and air conditioning-new construction/additions \$0.06 per square foot for all habitable areas, but not less than \$45.00 minimum

\*Re-inspection or extra inspection needed or requested \$45.00 per re-inspection

In addition to the above fees, an additional 20% of the total fee will be charged to those buildings, accessory structures and structures that are subject to the Building Code provisions of Article 5.

● BUILDING CODE PERMIT FEES

*COMMERCIAL, INDUSTRIAL COMMERCIAL, STORAGE, BUSINESS INSTITUTIONAL-PUBLIC AND MULTI-FAMILY*

For commercial, industrial, commercial storage, business, institutional-public (except those that are state and federally funded) and multi-family buildings, accessory structures and structures that the following fees shall be charged:

- a. Commercial, industrial, commercial storage, business, institutional-public and multi-family building permit new construction \*\* additions \*\* accessory structures  
\$0.17 per square foot for all areas, but not less than \$100.00 minimum

Alterations \*\* remodeling \*\* use change \*\* reroof \*\* residing

All buildings and structures \$8.00/thousand value, but not less than \$100.00 minimum Early start for footing/foundation \$150.00

- b. Electrical

new construction \*\* additions \*\* remodels

\$0.06 per square foot for all habitable areas, but not less than \$45.00 minimum

- c. Plumbing  
new construction \*\* additions \*\* remodels  
\$0.06 per square foot for all habitable areas, but not less than \$45.00 minimum
- d. Heating and air conditioning  
new construction \*\* additions \*\* remodels  
\$0.06 per square foot for all habitable areas, but not less than \$45.00 minimum
- e. Moving, raising, shoring or underpinning of structure or foundation  
\$100.00
- f. Reinspection or extra inspections needed or requested  
\$45.00

In addition to the above fees, an additional 10% of the total fee will be charged to those buildings, accessory structures and structures that are subject to the Building Code provisions of Article 5.

● LATE FEE -PENALTY

There shall be a late fee/penalty in the amount of double the permit fee in cases where the start of construction of the building, accessory structure, structure, addition or exterior structural alteration has occurred prior to obtaining a building permit.

Section 6.2- FEE AGREEMENT

Upon an applicant's first contact with the City of Marseilles officials for an action involving fees identified in the *Marseilles Zoning Ordinance*, the applicant will be expected to sign a fee agreement agreeing to pay all costs incurred by the City of Marseilles. Before the City will proceed in any zoning action, the applicant must pay the preliminary fee identified in the *Marseilles Zoning Ordinance*. This preliminary fee schedule is a good faith estimate of costs normally incurred by the City of Marseilles for costs such as publication fees, permit fees, City Building Enforcement Officer fees, Board Member fees, Attorney's fees and Engineering fees. Prior to final action by the City as to an applicant's zoning request, a City zoning official will request the applicant to pay any actual charges incurred by the City of Marseilles exceeding the normally incurred costs. Such additional charges may include, without limitation, costs incurred by a continued public hearing, unanticipated City Engineering charges, or unanticipated City Attorney charges. An applicant assessed a fee beyond the preliminary fee may request modification or elimination of such additional fee by application to the City to be considered by the City Council. The City Council retains authority to modify any additional final fee if it finds that the additional requested final fees are not attributable to the applicant's project.

ARTICLE 7  
ENFORCEMENT AND PENALTIES

Section 7.1-BUILDING ENFORCEMENT OFFICER

This ordinance shall be administered and enforced by the City Building Enforcement Officer. The City Council may authorize and appoint such assistant Building Enforcement Officer(s), inspectors and related technical officers as necessary to assist the City Building Enforcement Officer in the administration and enforcement of this Code.

Section 7.2- VIOLATIONS

The City, including the City Attorney, may institute any appropriate action or proceedings against a violator as provided by this ordinance.

## Section 7.3-FINES/STOP ORDERS

Any persons, firms or corporations, or agents, employees, contractors or subcontractors of such, who violate, disobey, omit, neglect, or refuse to comply with, or who resist enforcement of this Code shall be subject to the UNIFORM FINE SCHEDULE found in Section 10.99 General Penalty of Chapter 10 General Provisions of the Code of Marseilles for each violation, plus costs of action, and each day that such violation continues shall be deemed a separate offense.

When violations are found, the Building Enforcement Officer, may post a Building Permit Violation Certificate and issue a STOP ORDER on the property affected. This notice shall not be removed except by the Building Enforcement Officer. Said STOP ORDER shall constitute notice to the property owner, as well as all contractors and subcontractors, that any continued activity on site is in violation of the City of Marseilles Zoning Ordinance. Said STOP ORDER shall be removed by the Building Enforcement Officer when the owner of the site remedies all violations cited.

## ARTICLE 8 APPEALS

### Section 8.1

Any person aggrieved by the written denial of approval of a building permit application by the Building Enforcement Officer or any order, decision, or determination made by the Building Enforcement Officer relative to the application and interpretation of this Code, may appeal to the Zoning Board of Appeals to review said decision. Such appeals shall be made by filing a written notice of appeal with the Building Enforcement Officer and paying a \$100 appeal fee. Checks shall be made payable to City of Marseilles. The Building Enforcement Officer shall not transmit or forward the notice of appeal to the Zoning Board of Appeals and the Zoning Board of Appeals shall not hear the appeal until the \$100.00 fee is paid. Upon the filing of written notice of appeal and payment of the appeal fee, the Building Enforcement Officer shall forthwith transmit to the Zoning Board of Appeals the notice of appeal and all papers constituting the record upon which the action appealed from was taken.

The Zoning Board of Appeals shall hear and decide appeals from any decision made by the Building Enforcement Officer. The Zoning Board of Appeals may reverse or affirm, wholly or partly, may modify or amend the decision appealed from, to the extent and in the manner that the Board may decide to be fitting and proper in the circumstances and to the end the Board shall have all the powers of the Building Enforcement Officer from whom the appeal is taken. The decision of the Zoning Board of Appeals is final. Nothing herein contained shall be construed to give or grant to the Board the power or authority to alter or change this ordinance, such power and authority being reserved to the City Council.

## ARTICLE 9 VALIDITY

### Section 9.1- Validity

If any article, section, subsection, sentence, clause, or phrase of this Code is for any reason held to be invalid, such decisions shall not affect the validity of the remaining portions of this Code.

## ARTICLE 10 INTERPRETATION, PURPOSES AND CONFLICTS

### Section 10.1-INTERPRETATION

In interpreting and applying the provisions of this Code, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort and general welfare.

### Section 10.2-PURPOSES

It is not intended by this ordinance to interfere with, abrogate, or annul any easements, covenants, or other agreements between parties, provided, however, that wherever this ordinance imposes greater restrictions upon the use of buildings, structures, or land, or requires more restrictive building lines, then the provisions of this ordinance shall prevail.

#### Section 10.3-CONFLICTS

All City ordinances, resolutions or parts thereof in conflict with the ordinance are hereby repealed insofar as they conflict with the provisions of this ordinance.

### ARTICLE 11 EFFECTIVE DATE

#### Section 11.1-EFFECTIVE DATE

This MARSEILLES BUILDING CODE shall be in full force and effect upon its passage.

## APPENDIX III

### ACCESS DRIVEWAY FROM STREETS TO OFF-STREET PARKING LOADING SPACES

1. WIDTH OF DRIVEWAYS (measured at the lot line adjoining a street).
  - a. Residential Use - not less than nine feet wide or more than 30 feet wide.
  - b. Non-Residential Uses.
    1. Not less than 14 feet wide or more than 20 feet for one-way driveway.
    2. Not Less than 20 feet wide or more than 35 feet wide for a two-way driveway serving 20 or fewer parking spaces and/or one loading space.
    3. Not less than 24 feet wide or more than 35 feet wide for a two-way driveway serving more than 20 parking spaces and/or two or more loading spaces.
2. RADIUS CONNECTING STREET PAVEMENT EDGE AND DRIVEWAY EDGE.
  - a. In Residence Districts - not less than five feet, except driveways more than 20 feet in width, not less than eight feet.
  - b. Business and Manufacturing District.
    1. Not less than 15 feet at the intersection of a driveway and street pavement in a street having a right-of-way of 66 feet or less in width.
3. ANGLE AT INTERSECTION OF A DRIVEWAY AND STREET.

The acute angle formed at the intersection of driveway and street pavement edges shall be not less than 60 degrees.
4. SPACING BETWEEN SEPARATE DRIVEWAY ENTRANCES ON A LOT (measured at the Lot line adjoining a street).
  - a. Not less than 20 feet on streets having rights-of-way more than 66 feet in width.
  - b. Not less than ten feet on streets having rights-of-way 66 feet or less in width.

