

Ludlow Village Code

CHAPTER 40 – ZONING CODE

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ARTICLE I – LEGAL FRAMEWORK

40-1-1 **TITLE.** This Code shall be known as the "1991 Comprehensive Amendment to the Zoning Code of 1959 as subsequently amended," and is herein referred to as "this Code."

40-1-2 **PURPOSE.** Under the Zoning Enabling Act of the Illinois Municipal Code, municipalities are enabled to adopt a zoning code for the following general purposes:

- (A) to secure adequate light and pure air;
- (B) to secure safety from fire and other dangers;
- (C) to conserve the taxable value of land and buildings;
- (D) to reduce or avoid congestion in the streets;
- (E) to reduce or avoid hazards to people and damage to property from the accumulation of runoff of storm or flood waters; and
- (F) to otherwise promote the health, safety, comfort, morals and welfare of the public.

Based on those purposes, the Village has designed specific goals, objectives and policies to guide implementation of this Code wherever possible. They deal with a variety of needs: from how to provide lots adequately sized for septic systems to how to provide reasonable standards for off-street parking; and from how to ensure adequate standards for the location of mobile homes to how to encourage compatible commercial and industrial development. Too detailed to list in this Section, they are fully presented in **Appendix 1 (Land Use Goals and Policies)**. **Appendix 1** is hereby adopted by reference as part of this Code.

(See 65 ILCS 5/11-31-1 – 11-13-20)

40-1-3 **EFFECTIVE.** This Code shall become effective **August 1, 1991**.

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ARTICLE II – DEFINITIONS AND FIGURES

40-2-1 **DEFINITIONS.** When used in this Code, unless the context requires otherwise:

Accessory Building or Structure means a building or structure located on the same lot as, and incidental to, a main or principal use, building or structure. An accessory building may be a part of or separate from the main building.

Accessory Use means a use which is incidental to the principal use of a building or a tract of land.

Agriculture means the use of a lot for growing, harvesting and storing of crops, including legumes, hay, grain, fruit and truck or vegetable crops, floriculture, horticulture, orchards and forestry. It is intended by this definition to include all types of agricultural operations, but to exclude industrial operations such as canning or slaughterhouses, wherein agricultural products produced primarily by others are stored or processed. **It is also intended by this definition to exclude the keeping, raising and feeding of livestock and poultry.**

Alteration means any change in the bearing wall, columns, beams, girders or supporting member of a structure, any change or rearrangement in the floor area of a building, any enlargement of a structure whether by extending horizontally or increasing in height, and/or any movement of a structure from one (1) location to another.

Area, Building means the total area taken on a horizontal plane at the largest floor level of the main or principal building and all accessory buildings on the same lot exclusive of uncovered porches, terraces, and steps.

Area, Lot means the total area within the lot lines.

Basement means that portion of a building which is partly below and partly above grade and having at least **one-half (1/2)** its height above grade. A basement is counted as a story and included in whatever standards are used to control the intensity of development if it is used for storage purposes pertaining to the principal use, for dwelling purposes, or for office space or similar function.

Block means property abutting one side of a street and lying between the two nearest intersecting or intercepting street and railroad right-of-way, waterway, unsubdivided area, or other definite boundary.

Building means an enclosed structure having a roof supported by columns, walls, arches or other devices and used for the housing, shelter or enclosure of persons, animals, equipment, goods or materials of any kind. As applied to residential uses in this Code, the term expressly excludes movable dwelling units such as mobile homes but includes dwelling units which meet the test of "manufactured housing," as defined herein.

Building, Main or Principal means the building in which is conducted the main or principal use of the lot on which it is located.

Building Restriction Line means a line usually parallel to the front, side or rear lot line set so as to provide the required yards for a building or structure.

Construction means the excavation of earth to provide for a foundation, basement or cellar; and/or the addition to or removal from a lot or tract of land or water so as to prepare said lot or tract of land for the construction of a structure; and/or the act of placing or affixing a component of a structure upon the ground or upon another such component; and/or the placing of construction materials in a permanent fashion and fastening in a permanent manner; and/or removal of an existing structure in connection with such construction.

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Coverage means the percentage of the lot area covered by the building area of both principal and accessory structures.

District means a section of sections within the Village within which certain zoning or development regulations apply.

Dwelling means any building designated for residential living purposes and containing **one (1)** or more dwelling units.

Dwelling Unit means one or more rooms, designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

Dwelling, Single Family means a dwelling containing **one (1)** dwelling unit.

Dwelling, Two-Family means a dwelling containing **two (2)** dwelling units with **one (1)** dwelling unit arranged on the same story or in stories above the other dwelling unit.

Dwelling, Multi-Family means a dwelling containing **two (2)** or more dwelling units.

Establishment means a business, retail, office, or commercial use.

Family means **one (1) person**, or **two (2)** or more persons related by blood, marriage, or legal adoptions, or not more than **three (3)** unrelated persons, maintaining a common household in a dwelling unit.

Frontage means that portion of a lot abutting a street, determined by straight line measurement.

Grade means the average of the elevations of the surface of the ground measured at all corners of a building.

Height, as applied to a Building or Structure means the vertical distance, measured from the average established grade at the front building line, to the highest point of the roof or top of the building or structure. This measure applies to height limitations established for zoning districts in **Article V** of this Code. Certain buildings and structures, such as agricultural structures, church steeples, granary elevators, and radio transmission towers, are specifically exempted from the height limitations set by **Article V** of this Code.

Home Occupation means an occupation or profession for gain or support which meets the following limitations:

- (A) Is carried on as an accessory use in a dwelling unit by a member or members of the immediate family residing on the premises;
- (B) There is no activity, construction or display which would indicate from the exterior of the building or dwelling unit that the building or dwelling unit is being used for any purpose other than residential, except as provided in (C) below;
- (C) The accessory use requirements stated in **Section 40-7-2** of this Code shall be met.

Hotel or Motel means a building or complex of buildings on the same lot intended for providing separate accommodations for use by primarily transient persons. A hotel or motel may contain restaurants and other accessory services for serving primarily its residents and only incidentally the public.

Junk Yard or Automobile Salvage Yard means a lot, land building or structure, or part thereof used primarily for the collecting, storage, and/or sale of scrap metal, or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition and for the sale of parts therefrom.

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Lot or Parcel means a designated parcel, tract or area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed or built upon as a unit. **Two (2)** or more lots in common ownership will, for the purposes of this Code, be regarded as a single lot in the event that any one of them fails to meet the minimum frontage or other minimum area requirements set by this Code and in the event that the same zoning district coincides with those lots.

Lot Area means the total area within the lot lines of a lot, excluding any street right-of-way.

Lot, Corner means a lot located at the intersection of **two (2)** or more streets, where the corner interior angle formed by the intersection of the streets is **one hundred thirty-five (135) degrees** or less; or a lot abutting upon a curved street or streets if tangents to the curve, at the two points where the lot lines meet the curve, from an interior angle of less than **one hundred thirty-five (135) degrees**. (See figures)

Lot, Interior means a lot other than a corner lot. (See figures)

Lot Lines means the property lines bounding a lot. (See figures)

Lot Line, Front means the line dividing a lot from the street right-of-way. In the case of multiple street frontages, the shortest in length shall be the front lot line. However, a corner lot will have two required front lot lines and associated front yards. (See figures)

Lot Line, Rear means the lot line opposite the front lot line. For purposes of establishing the required rear yard, in the case of an irregularly shaped or three-sided lot, it shall mean a line within the lot, a minimum of **ten (10) feet** long and parallel to and at the maximum distance from the front lot line. (See figures)

Lot Line, Side means any lot line other than a front or rear lot line.

Manufactured Housing means a residential structure that is produced in a factory in one or more sections; is not built around a wheeled chassis and must be trucked to the site; and is in conformity with, and can display the seal of compliance with, "The Illinois Manufactured Housing and Mobile Home Safety Act". The home is then affixed to a permanent foundation. Manufactured housing as herein defined shall be considered as single family dwellings.

Mobile Home means a movable or portable unit, designed and constructed to be towed on its own chassis, comprised of frame and wheels, and designed to be connected to utilities for year round occupancy and to provide complete independent living facilities including provisions for cooking, sleeping and sanitation. The term includes units containing parts that may be folded, collapsed or telescoped when being towed and then be expanded to provide additional cubic capacity, and units composed of **two (2)** or more separately towable components designed to be joined into one integral unit capable of being again separated into components for repeated towing. Mobile homes must be constructed according to the Federal Mobile Home Construction and Safety Standard. Compliance with this standard is indicated by a metal plate attached to the exterior tail light end of the mobile home. A mobile home manufactured prior to 1976 shall not be permitted unless the applicant for the Zoning Permit submits a letter from the manufacturer certifying that the mobile home as originally manufactured meets the minimum requirements of the Federal Mobile Home Construction and Safety Standards. (See Section 40-6-1(C) for standards for Mobile Homes in a Mobile Home Park.)

Existing mobile homes (but not units of manufactured housing) that are located outside the R-3 District are declared nonconformities and as such are subject to the restrictions of **Article IX** of this Code.

Under this Code, mobile homes shall be used only for family occupancy as a principal use, and shall not be used, either as a principal or accessory use, for commercial or industrial purposes.

Mobile Home Park means a designated contiguous parcel of land planned and improved for the placement of **five (5)** or more mobile homes.

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Mobile Home Site means a designated parcel of land in a mobile home park intended for the placement of an individual mobile home, for the exclusive use of its occupants.

Mobile Home Stand means that part of an individual mobile home site which has been constructed for the placement of a mobile home.

Modular Home: See "Manufactured Housing."

Nonconforming Lot, Structure or Use means a lot, structure or use which was lawful prior to the adoption, revision, or amendment of the Zoning Code, but which fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning district.

Open Space means the unoccupied space open to the sky on the same lot with a structure.

Parcel: See "Lot".

Parking Space means a space on a lot permanently reserved for the temporary storage of one automobile. A parking space is considered to be a structure for the purposes of this Code.

Permanent Foundation means a permanent support for buildings that are constructed of conventional foundation materials such as concrete or cement blocks. The foundation footings shall extend below the frost line.

Permitted Use means any use of a building or land which is included in the list of permitted uses in the district in which the building or land is situated.

Principal Use means the predominant or primary use of any lot.

Right-of-Way means the entire dedicated tract or strip of land that is to be used by the public for circulation and service.

Screening means a method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms or densely planted vegetation.

Septic System means an underground system with a septic tank and disposal field used for the decomposition of domestic wastes or similar wastes incidental to commercial or industrial operations (see septic system construction requirements under **Section 40-4-4**).

Setback Line means that line that is the required minimum distance from the street right-of-way line or any other lot line that establishes the area within which the principal structure must be erected or placed.

Sidewalk means that paved portion of the right-of-way designed and intended for the movement of and use of pedestrian traffic.

Special Use means a use which may be permitted in a district pursuant to, and in compliance with, procedures specified in this Code.

Street means a thoroughfare within the right-of-way which affords the primary means of access to abutting property. Streets are identified generally as follows:

- (A) major street – county and primary streets
- (B) minor street – township roads and subdivision streets

Structure means anything constructed or erected with a fixed location on the surface of the ground or affixed to something having a fixed location on the surface of the ground. Among other things, structures include buildings, walls, fences, and signs.

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Travel Trailer means a vehicle designed for recreational use and which cannot be defined as a mobile home under the terms of this Code.

Use means the purpose or activity for which land or buildings are designed, arranged, or intended; or for which land or buildings are occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

Variance means a deviation from the regulations or standards adopted by this Code which the Village is permitted to grant when strict enforcement would cause undue hardship owing to circumstances unique to the individual lot or structure for which the variance is sought.

Veterinary Hospital means a place where animals or pets are given medical or surgical treatment by a licensed veterinarian. Use as kennel shall be limited to short term use and shall be incidental to a veterinary hospital use.

Village means the Village of Ludlow, Illinois, specifically, the Village Board and its delegated representatives.

Yard means an open space, other than a court, of uniform width or depth on the same lot with a structure, lying between the structure and the nearest lot line and is unoccupied and unobstructed from the surface of the ground upward except as may be specifically provided by the regulations and standards of this Code. **(See figures)**

Zoning District: See "District".

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ARTICLE III – OFFICIAL MAP OF ZONING DISTRICTS

40-3-1 **PROVISIONS FOR MAINTENANCE OF THE ZONING DISTRICTS MAP.** In order to implement this Code and to achieve the objectives in **Article II**, the entire Village is divided into the following zoning districts:

R-1	Small Lot Residential
R-2	Large Lot Residential
R-E	Transitional Residential
B-1	Central Business
B-2	General Business
I-1	Industrial
A-1	Agriculture

The boundaries of the listed zoning districts are hereby established as shown on a map designated the "Official Zoning Map of the Village of Ludlow, Champaign County, Illinois, as amended, 1991." This map and all information and notations shown on the map shall be a part of this Code. The original of this map is properly attested and is on file with the Village Clerk.

40-3-2 **ANNEXED TERRITORY.** All land which may hereafter be annexed to the Village shall be classified R-2 unless by annexation a different zoning classification is granted.

40-3-3 **VACATION OF PUBLIC STREET OR PUBLIC WAY.** Whenever any street or other public way is vacated by official action of the Village, the zoning district adjoining each side of such street or public way shall be automatically extended to the center of such vacation and all areas included in the vacation shall then become subject to all appropriate regulations of the extended districts.

40-3-4 **RULES FOR THE INTERPRERATION OF DISTRICT BOUNDARIES AS SHOWN ON THE OFFICIAL ZONING DISTRICTS MAP.** Boundaries of districts as shown on the Zoning Map are generally intended to coincide with the centerline of streets or with property lines. If, on the map, the boundary line of a district:

- (A) approximates the line of a street, the boundary line shall be interpreted to be the centerline of the street;
- (B) approximates the boundary line of a lot, the district boundary line shall be interpreted to be the lot line;
- (C) divides the lot or parcel into district parts, the district boundary line shown on the map shall be determined by the scale appearing on the map legend; and
- (D) is shown adjoining or coincident with a railroad, it shall be deemed to be in the center of the railroad right-of-way and distances measured from a railroad shall be measured from the center of the designated main line track.
- (E) in the event that a district boundary cannot be located to the satisfaction of the property owner, the matter shall be referred to the Village as provided for in the administration of this Code (**Article X**).

ARTICLE IV – GENERAL PROVISIONS OF DISTRICT REGULATIONS AND STANDARDS

The regulations and standards set by this Code within each district shall be minimum regulations and standards and shall apply uniformly to each class, kind, or type of structure, use, or land except as hereinafter provided.

40-4-1 CONSTRUCTION AND USE.

(A) No building or structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered nor shall any building or land be used except for the purpose permitted in the district in which the building or land is located.

(B) No building or structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered, except in conformity with the height, yard, area, parking and other regulations prescribed herein for the district in which the building is located.

(C) The minimum yards and other open spaces, including lot areas per family required by this Code, shall be provided for each and every building or structure hereafter erected, and such minimum yards, open spaces, and lot areas for each and every building or structure whether existing at the time of passage of this Code or hereafter erected shall not be encroached upon or be considered as a yard or open space requirement for any other building or structure.

(D) Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one main building on one lot except provided as follows:

In the event that a lot is to be occupied by a group of **two (2)** or more buildings to be used for a common institutional, commercial or industrial purpose in the Business or Industrial districts, there may be more than **one (1)** main building when adequate open space is provided between all buildings, in accordance with the following standards:

(1) The required minimum depth of such open space shall be determined in relation to the height and length of each such building wall as follows:

(a) The minimum depth of the open space shall be **fifteen (15) feet**, plus **two (2) feet** for each story in height, plus **one (1) foot** for each **fifteen (15) feet** in length of such wall.

(E) No building shall be erected on any lot unless such lot has frontage on a public street as required by this Code.

(F) The uses permitted in **one (1) district** shall not be permitted in any other district unless specifically otherwise provided for in this Code.

(G) Nothing in this Code shall be deemed to prohibit or regulate any public road or street improvement or any temporary structure incidental to that construction provided that the temporary structure shall be removed at the completion of such construction.

40-4-2 PRINCIPAL AND ACCESSORY USES. The uses listed in the Table of Principal Uses and Special Uses as permitted are principal uses (**See Section 40-5-2**). A building or use that is accessory to a permitted use may be erected or established as an accessory building or use if it conforms to the requirements set in **Article VII**.

40-4-3 SUPPLEMENTARY DISTRICT REGULATIONS AND STANDARDS.

(A) Height Exemptions from District Regulations.

(1) Agricultural uses, chimneys, church steeples, cooling towers, elevator bulkheads, fire towers, water towers, and radio or television towers are exempt from the height regulations of this Code, provided their location shall conform where applicable to the regulations and standards of the Federal Communications Commission, the Civil Aeronautics Commission

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and other public authorities having jurisdiction and meet the minimum setback requirements in the district in which it is located.

- (2) Public buildings, churches and schools, when permitted in a district may be erected above height limits specified for the district provided all the required yards are increased by **one (1) foot** for each foot of building height above the specified height limit.

(B) **Setback Line.** All buildings and all main or principal structures shall be positioned in conformance with the setback line regulations and standards specified for the district in which they are located. **(See Section 40-5-3)**

(C) **Yards.** Notwithstanding any other provisions of this Code, the minimum yard dimensions specified hereinafter shall not be reduced except through action by the Village board pursuant to **Article X** of this Code.

Except as otherwise provided, required yards shall be kept unobstructed and open to the sky for their entire depth and area. No building, structure or mechanical equipment shall occupy or intrude on a yard except as follows:

- (1) Private driveways, service drives, easements, sidewalks, flag poles, arbors, fences, light poles, hydrants, uncovered patios and decorative, recreational and apparatus owned by the Village and public utilities may be placed in any required yard.
- (2) A fence, hedge or wall may project into front and other required yards according to the height limitations set in **Section 40-7-4**.
- (3) Where lots have double frontage, the required front yard shall be provided on both streets.
- (4) The required side yard on the street side of a corner lot shall be the same as required front yard on such street, except that the building width shall not be reduced to less than **twenty-five (25) feet** and no accessory building shall project beyond the required front yard on either street.

40-4-4 SEPTIC SYSTEMS. In all districts, established by this Code or by amendments that may be later adopted, any existing residence or business structure that suffers the occurrence of a problem with the septic system as defined below, shall cause the septic system to be repaired or maintained only by a person properly licensed to install and repair septic systems in the State of Illinois and shall undertake such repairs no later than **ten (10) days** following the date of a written notice from the Village Clerk notifying the owner that a problem with the septic system exists. Such written notice may be personally delivered to the owner of the premises or mailed to the owner at the address of such owner as shown on the Champaign County Collector's rolls for payment of the last general taxes on such property.

(A) A certification issued by such licensed septic repair person shall be filed with the Village Clerk certifying that the problem has been corrected and that the septic system now meets Illinois Department of Public Health (IDPH) requirements for septic systems. If such certificate cannot be obtained, such structure may continue to be occupied only so long as the owner of the premises files annually, by **July 1st** each year, a certificate from an approved IDPH Septic Pumper that the septic system of such premises was pumped and stating the date, address and gallons pumped.

(B) "Problems with the septic system" as used herein shall be defined as sewage from the premises being discharged onto the ground surface or into a storm drain or the occurrence of water from the seepage bed resting on the surface of the ground.

(C) The Village Clerk shall maintain a current listing of IDPH approved septic system installers and pumpers. Failure to file the annual certificate as required herein with the Village Clerk shall constitute a violation of this Code.

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ARTICLE V – PRINCIPAL USES AND STANDARDS OF DISTRICTS

DIVISION I – GENERAL INTENT OF ZONING DISTRICTS

40-5-1 **SMALL LOT RESIDENTIAL: R-1.** This district encompasses much of the older housing in the Village. Much of this housing was constructed on lots that are less than **ten thousand (10,000) square feet**. The R-1 district is intended to allow these smaller lots to continue being used without becoming nonconforming. (It should be noted that any new residential construction or replacement construction in the R-1 district shall nevertheless be subject to the septic system and yard requirements of this Code (Sections 40-4-3 and 40-5-3).

Existing mobile homes, as distinct from manufactured housing (see Definitions), are declared nonconformities in the R-1 district and as such are subject to the restrictions of **Article IX** of this Code. New mobile homes shall not be permitted in the R-1 district.

Agriculture, as defined herein, shall not be permitted in the R-1 district as an accessory use except for vegetable or floricultural produce intended primarily for home consumption. Existing husbandry involving farm animals is declared nonconforming in the R-1 district and as such is subject to the restrictions of **Article IX** of this Code.

40-5-2 **LARGE LOT RESIDENTIAL: R-2.** The R-2 district generally allows the same uses as the R-1 district, but is geared more towards newer homes and future residential development. It requires that structures be maintained on lots larger than **ten thousand (10,000) square feet**. This will provide adequate space for individual septic systems and additional protection from fire. Mobile homes, as distinct from manufactured housing, are not permitted in the R-2 district.

Agriculture, as defined herein, shall not be permitted in the R-2 district as an accessory use except for vegetable or floricultural produce intended primarily for home consumption. The raising of farm animals is expressly not permitted.

40-5-3 **TRANSITIONAL RESIDENTIAL: R-3.** This district allows for development that is compatible with residential uses. This development could include multi-family residences and institutional uses. The R-3 district will provide a means of progression from residential to commercial uses. Mobile home parks would be permitted in this district as "Special uses" with case by case review.

Agriculture, as defined herein, shall not be permitted in the R-3 district as an accessory use except for vegetable or floricultural produce intended primarily for home consumption. The raising of farm animals is expressly not permitted.

40-5-4 **CENTRAL BUSINESS: B-1.** This district provides regulations for uses like the existing commercial uses in the middle of town. The regulations would allow structures to exist on small lots in order to keep many of the current businesses in conformance. Less stringent parking requirements would also be allowed in this district to keep a compact center in the Village.

40-5-5 **GENERAL BUSINESS: B-2.** The B-2 district permits a broader array of uses on larger lots with more parking per lot than the B-1 district. These requirements will provide for proper development along U.S. 45.

40-5-6 **INDUSTRIAL DISTRICT: I.** This district accommodates industrial, warehousing, and similar uses and provide for adequate lot sizes and separation from surrounding uses. All of the land within the railroad right-of-way is assigned to this district, as is the fertilizer operation. Additional areas to accommodate possible light manufacturing may become desirable at a later date.

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40-5-7 AGRICULTURE DISTRICT: AG. The farming uses around the Village should be grouped into a separate district. This will help to protect this land from unwanted or premature development. This helps also to keep the Village compact, minimizing the costs for providing efficient utility and street development.

In this Code, agricultural (AG) districts are established for single or contiguous parcels in common ownership, whose combined acreage equals **fifteen (15) acres** or more and whose principal use is agriculture.

As defined in this Code, agriculture specifically excludes the raising, keeping and feeding of livestock and poultry. Uses of that general description existing at the effective date of this Code shall then become nonconformities and as such shall be subject to the restrictions set forth in **Article IX** of this Code.

DIVISION II – TABLE OF PRINCIPAL PERMITTED USES AND SPECIAL USES

40-5-8 TABLE. The intent of this Section is to provide an inventory of representative but not exhaustive uses allowed in various zoning districts, either by right or as special uses requiring conformity with additional requirements. The Village Board shall have the right to allow any other uses which are similar to and compatible with the other uses allowed in a particular district in relation to hours of operation, traffic generation, intensity of use, size of lot or parcel, size of building and type of use. Such determination shall be in writing and an objection shall be reconsidered by the Village Board. A record shall be kept of each additional use allowed, and shall be made available by the Village Clerk for public inspection.

It should be noted that where "N" appears in the table of uses, there shall expressly not be allowed any accessory or home occupations relating to those uses in those zoning districts where the "N" appears.

- P = Permitted
- S = Special Use conditions
- N = Not permitted as an accessory use or home occupation

TABLE 40-5-8

TABLE OF PERMITTED PRINCIPAL AND SPECIAL USES

R1	R2	R3	B1	B2	I	AG	
							Residential Uses
P	P	P					Single family dwelling
S		P					Duplex or 2-unit dwelling
		P					Multi-family dwelling
P	P	P				P	Manufactured housing on individual lot (See definitions)
		S					Mobile home park (See Section 40-6-3)
		P	P				Hotel or motel
P	P	P				P	Bed and breakfast establishment
							Agricultural Uses
						P	Agriculture, excluding animal husbandry (See Section 40-5-7)
			P	P		P	Commercial greenhouse
N	N	N	P	P		P	Garden shop
N	N	N		P		P	Roadside stand – merchandise exclusively produced on premises
				P		P	Plant nursery

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							Public and Quasi-Public Uses
S	S	S	S	S			Church or temple
S	S	S	S				Municipal or government structure
S	S	S	S				Community center
S	S	S	S	S	S		Police or fire station
S	S	S	S				Public school
S	S	S	P				Public park or recreation facility
	S	S	S				Public library
S		S	P	S	P	S	Water treatment plant
						S	Sanitary landfill
			P	P	P		Parking garage or lot
			P	P	P		Public telephone
		S	P	P	P	S	Electric substation
			P	P	P	S	Public maintenance and storage area
							Business/Commercial Uses (Agricultural)
					P		Railroad facilities
N	N	N		P	P		Farm chemicals and fertilizer sales (include incidental storage and mixing of blended fertilizer)
N	N	N		P			Roadside produce stand (some merchandise produce off-premises)
N	N	N	P	P	P		Feed and grain (sales only)
N	N	N			P		Grain storage elevator and bins
N	N	N	P	P	P		Farm equipment sales and service
							Transportation
N	N	N	P	P	P	N	Automobile repair and service
N	N	N		S	P	N	Automobile salvage yard
			P	P			Automobile washing facility
			P	P			Gasoline service station
				P	P		Truck terminals
N	N	N	P	P	P	N	Truck trailer and/or automobile sales area
							Business and Financial Services
			P	P			Bank or savings and loan assoc.
			P	P			Business office
			P	P			Professional office
			P	P			Insurance and real estate office
							Food Sales and Personal Services
			P	P			Dairy store
			S	P			Drive-in restaurant
			P	P			Restaurant (primarily sit-down service)
			P	P			Supermarket or grocery store
			S	P			Tavern or night club
			P	P	P		Wholesale produce terminal
			P	P			Delicatessen
			P	P			Retail liquor store
			P	P			Frozen food locker
			P	P			Bakery
			P	P			Barber shop and beauty shop
			P	P			Dressmaking shop
			P	P			Dry cleaning establishment
			P	P			Self-service laundry
			P	P			Shoe repair shop
			P	P			Clothing repair and storage
			P	P			Medical and dental clinic
			P	P			Mortuary or funeral home

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						Recreation
N	N		P	P		Billiards or game room
N	N	P	P	P		Lodge or private club
N	N		P	P		Indoor recreational development
N	N		P	P	P	Picnic area
N	N	N	S	S	S	Riding stable
			P	P		Theater
N	N		S	S	S	Outdoor recreational facility
						Retail trade
N	N	N	P	P		Antique sales and services
N	N	N	P	P		Apparel shop
			P	P		Drugstore
N	N	N	P	P		Florist
N	N	N	P	P		Gift shop
N	N	N	P	P		Used furniture sales and service
N	N	N	P	P		Newsstand – bookstore
				S	S	Fuel oil sales
N	N	N	P	P		Pawn shop
			P	P		Lawnmower sales and service
				P	P	Lumber and building materials
N	N	N	P	P		Furniture and appliances
						Miscellaneous
N	N	N	S	S		Veterinary hospital
			S	S	P	Warehouse, storage structure
			S	S	S	Wholesale business
	S				P	Cemetery
				P	P	Off premises advertising signs:
						A. Freestanding or roof mounted on existing Structures:
						1. within 660 feet of the edge of an interstate right-of-way;
			S	P		2. Beyond 660 feet of the edge of an interstate right-of-way
			P	P	P	3. Within 330 feet of the edge of the right-of-way of a state highway
			P	P	P	B. Wall mounted on existing structures
						Industrial uses
						Food and kindred products:
					P	A. vegetable fats and oils
					P	B. grain mill products manufacturing and packaging
					P	C. Canning and preserving of vegetables
					P	Fertilizer manufacturing and bulk storage
					P	Gasoline and volatile oils storage
					P	Stone, glass, and clay products manufacturing
			S	P		Electrical and electronic machinery, equipment and supplies manufacturing
					P	Transportation equipment
			S	P		Fabricated metal products
					P	Fabricated plastic products
					P	Paving and roofing materials
			S	P		LP gas storage
					P	Concrete plant

					P		Instrumentation and controlling devices manufacturing
			S	S	P		Painting, publishing and related industries
			S	S	P		Wood fabricating shop
			S	S	P		Sawmills and planing mills
			S	S	P		Household and office furniture or cabinetry manufacturing
				S	P		Other lumber and wood products
			S	P	P		Research, development and prototype Manufacturing
					P		Processing recycles materials
					P		Other industrial manufacturing, processing, refining, fabricating, assembly, mining, or bulk storage uses

40-5-9 - 40-5-10 RESERVED.

DIVISION III – SPECIAL PROVISIONS

40-5-11 SCHEDULE OF HEIGHT, AREA, AND PLACEMENT REGULATIONS BY ZONING DISTRICT. (Numbered "special provisions" applicable to this table appear in **bold type** and are listed in **Section 40-5-12**)

TABLE 40-5-11

Zoning District	Minimum Lot Area	Maximum Height (Ft)	Minimum Front Setback From ROW (Ft)	Minimum Side Yard Setback (Each) (Ft)	Minimum Rear Yard Setback (Ft)	Maximum Lot Coverage	Special Provisions
R1	----	35	50	10	5	25%	
R2	20,000	35	100	20	5	30%	
R3	10,000 (plus 7,000 square feet for each additional dwelling unit)	35	50	10	5	35%	
B1	3,000	35	30	----	5	95%	2, 4
B2	10,000	35	100	20	10	40%	3, 4, 5
I	10,000	35	100	20	10	65%	3, 4, 5
AG	15 acres	50	300	20	10	5%	3, 4, 5

40-5-12 SPECIAL HEIGHTS REGULATIONS. Special provisions applicable to **Section 40-5-11** – Schedule of Height, Area, and Placement Regulations by Zoning District.

(A) Maximum lot coverage will be understood to include both principal and accessory structures.

(B) Provided that the walls in the B1 district be constructed along the side lot lines of a non-combustible material or of a material with a **two (2) hour** fire rating. Otherwise the minimum side yards shall be **five (5) feet**.

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(C) The rear yard shall be increased by **one (1) foot** for each **one (1) foot** of building height over **ten (10) feet**.

(D) All driveways, loading and parking and storage areas abutting or adjacent to any residential district shall be screened with a solid fence or masonry wall or with shrubs or evergreen trees planted and maintained at a minimum height of **six (6) feet** and of such density to obscure from residential districts such activities conducted on a lot.

(E) A building on any lot in this district abutting or adjacent to any residential district shall maintain the same side and rear yard as required in the adjacent residential district.

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ARTICLE VI – SPECIAL USE REGULATIONS

40-6-1 STANDARDS FOR SPECIFIC SPECIAL USES. The following provides standards and requirements for specific principal uses labeled as “S – Special” in **Section 40-5-8**. Those uses labeled “S” in **Section 40-5-8** and not treated in detail in this Section shall comply with the applicable standards in **Section 40-5-11** for the district in which the special use is located, as well as with the requirements for community review of their presumptive impact which are set forth in **Section 40-10-10**.

(A) **Automobile Salvage Yard (Junk Yard).** All vehicles, parts, and equipment shall be stored within a completely enclosed structure or within an area screened by a solid fence at least **six (6) feet** high and shall not be visible above the solid fence.

(B) **Veterinary Hospital or Kennel.** Any outdoor animal exercise area shall be **two hundred (200) feet** from any adjacent residential structure or use and shall have a noise buffer of evergreen shrubs or trees a minimum of **four (4) feet** in height installed separating the exercise area from any adjacent residential structure or use. One single family dwelling may be permitted on the site provided it is for occupancy by the owner or employee of the veterinary hospital.

(C) **Mobile Home Parks.**

(1) Mobile home parks shall be subject to the provisions of the **Illinois Compiled Statutes** and to the provisions hereafter stated.

(2) **General Provisions.**

(a) Mobile homes (but not manufactured housing, as defined herein) shall be permitted only in mobile home parks located in the R-3 zoning district. Upon the effective date of this Code, existing mobile homes located in other districts than the R-3 shall become nonconforming uses and as such are subject to the time-table for removal set forth in **Section 40-9-1** of this Code.

(b) It shall be unlawful to construct, alter, or expand any mobile home park unless a Special Use Permit is issued pursuant to the following provisions and the provisions of **Article X**.

(c) After the effective date of this Code, no mobile home park shall be operated within the Village without first having obtained a special use permit.

Existing mobile home parks shall have not more than **sixty (60) days** in which to apply for a special use permit.

Existing mobile home parks shall be required to be in conformance with paragraph (e) below, within a period of **five (5) years** of the effective date of this Code; and shall be required within the same period of time to come into conformity with the standards for granting a special use permit enumerated in this Section. Failure to meet the above conditions shall result in a violation of this Code.

(d) After the effective date of this Code, no mobile home park shall be operated within the Village without having first obtained a permit to operate from the Illinois Department of Public Health.

(e) After the effective date of this Code, no mobile home park shall allow additional mobile homes that fail to meet the Federal Mobile Home Construction and Safety Standard (See “Mobile Home” in Definitions).

(3) All applications for a Special Use shall contain the following:

(a) Name and address of applicant.

(b) Location and legal description of the proposed mobile home park.

(c) Plans and specifications of the proposed mobile home park development including, but not limited to the following:

(i) A map indicating the area and dimensions of the tract of land.

(ii) The number, location, and size of all mobile home sites.

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- (iii) The location and width of all public and private streets, roadways and walks.
 - (iv) The availability of water.
 - (v) Location of the sewage disposal system.
 - (vi) All buildings existing or to be constructed within the mobile home park.
 - (vii) The location of internal lighting and electrical systems.
 - (viii) A standard lease form for all tenants, which references a specific set of mobile home park rules and regulations and incorporates these either directly or as an appendix to the lease.
 - (ix) Proposed mobile home park rules and regulations, to be developed, distributed and otherwise displayed for tenants according to the provisions of the Mobile Home Landlord and Tenant Rights Act.
- (4) **Density of Mobile Home Park.**
- (a) A mobile home park shall contain at least **five (5) mobile homes.**
 - (b) A mobile home park shall contain not more than **eight (8) mobile home sites** for each gross acre of land.
- (5) Required setbacks and screening for mobile home park exterior boundary:
- (a) All mobile home stands shall maintain the following setbacks from mobile home park boundaries facing public streets:
 - (i) County, primary, or major streets – **thirty-five (35) feet.**
 - (ii) Township roads, subdivision streets, or minor streets – **twenty-five (25) feet.**
 - (b) There shall be a minimum side and rear yard of **fifteen (15) feet.**
 - (c) The mobile home park shall be screened from adjacent property and the street with shrubs or evergreen trees planted and maintained at such density so as to obscure the view of the park from the adjacent property and the street. A solid wall or fence at a minimum height of **four (4) feet** may be erected along the rear lot line of the mobile home park as a substitute for the required rear lot line landscaping.
- (6) **Mobile Home Site Requirements.**
- (a) All mobile home sites within a mobile home park shall have a minimum area of **five thousand (5,000) square feet** for a single mobile home and **seven thousand (7,000) square feet** for a "double wide" mobile home.
 - (b) All mobile homes shall maintain the following minimum setbacks from the boundaries of their mobile home sites:
 - (i) The minimum distance between the mobile and the site boundary adjacent to private streets shall be **fifteen (15) feet.**
 - (ii) The minimum distance between the entrance side of the mobile home and the mobile home site boundary shall be **twenty (20) feet.**
 - (iii) All other setbacks shall be a minimum of **ten (10) feet.**
 - (c) The mobile home shall be skirted with fire resistant materials and shall be equipped with an inspection door to allow access to the underside of the home.

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- (d) A mobile home stand or pad shall be provided of sufficient size to accommodate the mobile home to be located thereon. Mobile home stand shall be concrete slabs constructed so as not to settle unevenly under the weight of a mobile home or other forces due to frost, wind or water.
- (e) The mobile home shall meet the requirements of the Illinois Mobile Home Tie-Down Act (210 ILCS 120/1).
- (f) Each mobile home space shall have **two (2)** off-street parking spaces.

(See Chapter 23 – Manufactured Housing)

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ARTICLE VII – ACCESSORY USES AND STRUCTURES

40-7-1 **PURPOSE.** It is the intent of this Section to regulate uses customarily incidental to and generally dependent on a principal use permitted in the zoning districts established by this Code.

(A) **General Provisions.** Each permitted accessory use and structure shall meet the following standards and regulations:

- (1) It shall be constructed after or at the same time as the principal structure.
- (2) It shall be incidental to and generally dependent on the principal use established on the same lot and shall serve no other purpose, or use located on any other lot.
- (3) In residential zoning districts, accessory buildings and structures shall be subordinate and shall generally have a smaller impact in terms of volume, floor area, intensity, extent and purpose to the principal use.
- (4) It shall contribute to the comfort, convenience or necessity of users of the principal use.
- (5) No accessory buildings or structures shall be located closer than **ten (10) feet** to any other accessory or principal building.
- (6) No more than one detached private garage shall be allowed on any lot or parcel in any residential zoning district.
- (7) Adequate parking shall be required for accessory uses and structures in accordance with the off-street parking provisions of **Article VIII** of this Code.
- (8) Uses not permitted as principal uses are not permitted as accessory uses.
- (9) Uses or structures accessory to any use requiring a special use permit shall require a special use permit.
- (10) Accessory uses or structures that otherwise require special use permits as a principal use shall require special use permits.

40-7-2 **HOME OCCUPATIONS: CONDITIONS/PROVISIONS.**

(A) Home occupations shall be permitted only in residential districts and shall conform with the general provisions of **Section 40-4-1** of this Code.

(B) The occupation or profession shall be carried on wholly within the principal building or other structure accessory thereto, and shall utilize no more than **twenty-five percent (25%)** of the gross floor area of the building.

(C) No person who is not a member of the applicant's immediate family by blood or marriage and who is not a resident in the applicant's home may be employed.

(D) There shall be no exterior display, no exterior alteration of the property including expansion of parking, no exterior storage of materials, and no other exterior indication of a home occupation or variation from the residential character of the premises.

(E) No use shall require structural alterations to the interior or exterior of the building which changes the residential character thereof.

(F) The use of electrical or mechanical equipment that would create visible or audible interference in television or radio receivers or cause fluctuations in line voltage outside the dwelling unit is prohibited.

(G) There shall be no noise, vibration, smoke, dust, solid waste, odors, heat or glare produced as a result of the home occupation which would exceed that normally produced by a single residence.

(H) There shall be no demand for parking beyond that which is normal to the neighborhood and no visual or excessive traffic to and from the premises. In no case shall the home occupation cause more than **two (2)** additional vehicles to be parked on or near the premises.

(I) There shall be no signs, other than a name plate, not more than **one (1) foot square** in dimensions, and not internally illuminated.

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40-7-3 PROHIBITED ACCESSORY USES. The following uses shall not be permitted as accessory uses or home occupations in the districts shown:

- (A) Auto repair in the "A" Agricultural district and any residential district.
- (B) Outside storage in any residential district and the B-1 and B-2 Business Districts of any raw material, finished product, waste material or operative equipment.
- (C) Parking of commercial vehicles in excess of **twelve thousand (12,000) pounds** gross vehicle weight in residential districts without a Special Use permit. Use granted pursuant to **Article X** of this Code.
- (D) Those additional uses listed in **Table 40-5-8** of this Code.

40-7-4 STANDARDS TABLE FOR ACCESSORY STRUCTURES AND BUILDINGS.

Zoning Districts

	R-1	R-2	R-3	B-1	B-2	I	AG
Setbacks	3.	3.	3.	1.	3.	1.	1.
Front	3.	3.	3.	1.	3.	1.	1.
Side	2.	2.	2.	1.	1.	1.	1.
Rear	1.	1.	1.	1.	1.	1.	1.
Height	15'	15'	15'	1.	1.	1.	1.

Notes to Table 40-7-4

- 1. Yard and bulk requirements same as principal structure. **(See Table, Section 40-5-11)**
- 2. Accessory structures not intended for human occupancy may be constructed within **one (1) foot** of any interior lot line provided that the structure is at least **ten (10) feet** from any principal structure or building intended for human occupancy.
- 3. Equal to principal structure but in no case less than the district minimum.

40-7-5 FENCING STANDARDS.

(A) **Location and Height.** Fences, including walls and hedges, shall conform to the following location and height limitations.

- (1) In any residential district, fences are permitted that do not exceed **three (3) feet** in height in front yards; and do not exceed **six (6) feet** in height elsewhere.
- (2) Fences located in front yards must be at least **ninety percent (90%)** open, or located within the district minimum setback.
- (3) Fences in all other districts shall not exceed **eight (8) feet** in height.
- (4) Fences shall not be located within **two (2) feet** of an alley or street right-of-way.
- (5) At street intersections, fences more than **two (2) feet** in height above curb level shall not be located so as to interfere with the vision of approaching motorists.
- (6) Barbed wire and electric fences shall not be constructed or erected in any residential district.

(B) **Specific Fencing Requirements.**

- (1) **Swimming Pools.** Outdoor swimming pools shall be completely enclosed by a fence no less than **five (5) feet** in height. The gate shall be equipped with a self-latching gate, or doors, the latching device being located not less than **four (4) feet** above ground. **(See Chapter 29)**
- (2) **Animal Enclosures.** Animal enclosures, including dog runs, shall be enclosed by a fence of sufficient height and construction to prevent escape of any animals.

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ARTICLE VIII – OFF-STREET PARKING REGULATIONS

40-8-1 GENERAL PROVISIONS.

(A) Location.

- (1) All off-street parking spaces shall be located on the same lot or tract of land as the use served.
- (2) No parking space shall be located less than **ten (10) feet** from a front lot line, or less than **five (5) feet** from any side or rear lot line.

(B) Size. The minimum size of off-street parking spaces shall be **eight (8) feet** wide by **eighteen (18) feet** long.

40-8-2 MINIMUM PARKING REQUIREMENTS. The following tables are intended to be representative but not all inclusive.

<u>Principal Use</u>	<u>Number of Parking Spaces</u>
Single Family Dwellings	2 spaces per dwelling unit
Multi-family Dwellings	2 spaces per dwelling unit
Mobile Home	2 spaces per mobile home
Hotel, Motel	1 space per sleeping unit
Commercial Greenhouse, Garden Shop, Nursery	1 space per 400 square feet of sales area
Church or Temple	1 space per 10 seats in principal seating area
Community Center	1 space per 8 seats
Library	1 space per 500 square feet
Public School	1 space per 30 classroom seats or 1 per 8 auditorium seats, whichever is greater
Post Office/Municipal Building	1 space per 250 square feet of floor area
Fire or Police Station	1 space per employee on maximum shift
Railroad Freight Terminal Grain Storage Elevator and Bins	1 space per 2,000 square feet of floor area
Farm Chemicals and Fertilizer Sales, Feed and Grain Sales	1 space per 300 square feet of floor area
Farm Equipment Sales and Service	1 space per 400 square feet of floor area
Automobile and Truck Trailer Sales, Automobile repair and Service, Salvage Yard	1 space per 400 square feet of floor area, plus 1 space per 3 employees
Automobile Washing Facility	1 space per 100 square feet of floor area, plus 1 space per 3 employees

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Gasoline Service Station	2 spaces per stall
Banks, Medical Clinics	1 space per 250 square feet of floor area
Offices	1 space per 300 square feet of floor area
Drive-In Restaurant	1 space per 50 square feet of floor area
Restaurant	1 space per 100 square feet of floor area
Barber Shop, Beauty Shop, Frozen Food Locker	1 space per 200 square feet of floor area
Dry Cleaning Establishment, Self-Service Laundry, Wholesale Produce, Dressmaking Shop	1 space per 300 square feet of floor area
Catering Service	1 space per 400 square feet of floor area
Tavern, Night Club	1 space per 150 square feet of floor area
Retail Liquor Store, Bakery, Supermarket, Grocery Store, Dairy Store	1 space per 250 square feet of floor area
Billiard Room, Game Room, Indoor Recreational Development	1 space per 50 square feet of floor area
Lodge or Private Club	1 space per 2 bedrooms, plus 1 space for every 50 square feet of floor space used for assembly dancing and/or dining
Theater (Indoor)	1 space per 5 seats
Drugstore, Gift Shop, Lawnmower Sales and Service, Florist, Fuel Sales	1 space per 200 square feet of floor area
Antique Sales and Service	1 space per 300 square feet of floor area
Warehouse, Storage Structure	1 space per 2000 square feet of floor area
Veterinary Hospital	1 space per 400 square feet of floor area
Wholesale Business	1 space per 300 square feet of floor area
Industrial Uses	1 space per 1000 square feet of floor space, plus sufficient lane space for backing and turning of delivery trucks

ARTICLE IX – NONCONFORMITIES

40-9-1 PURPOSE. Within the zoning districts established by this Code, and/or general amendments that may later be adopted, there exist certain lots, buildings and uses which lawfully existed prior to the adoption of this Code, but which do not conform to the regulations and restrictions of this Code or zoning district in which they exist. It is the intent of this Article to provide for the regulation of these nonconformities and to specify the circumstances and conditions under which such nonconformities shall be permitted to continue.

Legal nonconformities shall be encouraged to convert to conforming condition, where possible, with, however, the following exceptions:

Upon the effective date of this Code, legal mobile homes outside the R-3 district may continue only for a period of **ten (10) years** from the effective date of this Code and must then be removed; and agricultural uses involving the keeping, raising and feeding of livestock may continue **five (5) years'** time and must then be removed.

Nothing in this Code shall be redeemed to require any change in the plans, construction or designated use of any building or other structure if a building permit for such building or other structure was lawfully issued prior to the effective date of this Code and:

(A) Actual construction pursuant to such permit was begun prior to the effective date of this Code and has been diligently carried on;

(B) All septic system requirements shall be met (**Se Section 40-4-4**).

All lawful use of land or structure, or lawfully constructed structures existing at the date of passage of this Code or subsequent general amendment thereto, and located in a zoning district in which it would not be permitted as a new use or structure under the terms of this Code, is hereby declared to be a legal nonconformance.

40-9-2 NONCONFORMING LOTS. A vacancy nonconforming lot may be developed, subject to the following provisions:

(A) the deed was recorded in the Champaign County Recorder of Deeds office prior to the effective date of this Section (or pertinent amendment thereto);

(B) is at least **forty (40) feet** wide in any district, with the exception of the B-1 district where the minimum width shall be **thirty (30) feet**; and

(C) the owner can submit a septic system plan that meets the concurrence of the Illinois Department of Public Health, as outlined in **Section 40-4-4** of this Code.

40-9-3 TWO OR MORE LOTS IN COMMON OWNERSHIP. If **two (2)** or more lots or combinations of lots and portions of lots with continuous frontage were of record and in common ownership on the effective date of this Code, and if one or more of those lots does not meet the minimum lot width, depth, or area requirements of the district in which it is located, the land involved shall be considered an undivided parcel. No portion of any such parcel shall be developed except in compliance with this Section, nor shall any such parcel be divided so as to create a lot that does not meet the requirements of this Section.

40-9-4 NONCONFORMING STRUCTURES. A nonconforming building or structure shall be subject to the following regulations:

(A) **Maintenance.** A nonconforming structure may be maintained by ordinary repairs.

(B) **Enlargement, Alterations.** A nonconforming structure shall not be enlarged or altered in any way which increases its nonconformity.

(C) **Relocation.** A nonconforming structure shall not be moved unless, after relocation, it will conform to all the regulations of the district in which it will be situated.

(D) **Reconstruction.** A nonconforming structure which is destroyed by any means to an extent of more than **fifty percent (50%)** of its replacement cost at the time of loss shall not be reconstructed except in conformity with the provisions of this Code.

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(E) Nothing in this Section shall prohibit an addition to a residential building, provided that it does not encroach upon the side yard or front setback requirements as listed in **Table 40-5-11**.

40-9-5 **NONCONFORMING USES.** Any land, building or structure containing or being used for nonconforming use, shall be subject to the following regulations:

(A) A nonconforming use shall not be enlarged or intensified.

(B) A nonconforming use shall not be moved, in whole or in part, unless, upon relocation, it will conform to all pertinent regulations of the district in which it will be located.

(C) If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or more restricted type, but whenever a nonconforming use is changed to a more restricted use, it shall not thereafter be changed to a less restricted use.

(D) When a nonconforming use is discontinued for a period of **twelve (12) consecutive months**, it shall not thereafter be resumed, and any subsequent use of such land shall conform to the applicable district regulations. Any discontinuance caused by government action and without any contributing fault by the owner or operator shall not be counted in calculating the length of discontinuance.

40-9-6 **EXISTENCE OF NONCONFORMING USE.** The intermittent, temporary or illegal use of land or buildings shall not be sufficient to establish the existence of nonconforming use and the existence of nonconforming use on a part of a lot or tract shall not be construed to establish the nonconforming use on the entire lot or tract.

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ARTICLE X – ADMINISTRATION, ENFORCEMENT, AMENDMENT AND FEES

40-10-1 ADMINISTRATION. The administration of this Code shall be vested in the actions, direct or delegated, of the Village Board. The Village shall:

- (A) Issue all building/zoning permits and occupancy permits where authorized by this Code, and keep permanent records thereof;
- (B) Hear and decide on all requests for variations, special use permits, and amendments to this Code;
- (C) Maintain permanent records pertaining to variances and special uses granted, modified, or denied in regard to this Code;
- (D) Maintain permanent records of all amendments to this Code; and
- (E) Make or cause to be made changes to the Official Zoning Map in the manner specified herein.

40-10-2 BUILDING/ZONING PERMITS AND OCCUPANCY PERMITS. To underline a key point in the permitting procedure outlined below: **Possession of a valid building/zoning permit and occupancy permit for original construction does not excuse the property owner from responsibility for securing a new building/zoning permit in advance of planned alterations or additional construction. Caution: this applies to the construction of fences as well as other structures.**

(A) Where construction is proposed involving a structure as a principal use on a lot, it shall be unlawful to use or occupy or permit the use or occupancy of any land or structure constructed, altered, enlarged or moved until an occupancy permit shall have been issued stating that the proposed use of the land and structure conforms to the regulations and standards of this Code. Where the Village Board has granted a variation permitting the expansion, alteration or restoration of a nonconforming use, the occupancy permit shall state specifically wherein such nonconforming use differs from the regulations of this Code. Where construction is proposed that does not involve a structure as a principal use on a lot, an occupancy permit will not be required. However, an application for a building/zoning permit must be sought, as described below.

(B) Occupancy permits shall not require separate application procedures other than application for a building/zoning permit. An occupancy permit will be issued only after satisfactory completion of the work undertaken in connection with the building/zoning permit.

(C) A building/zoning permit shall allow the interim right of access and use of the subject property for construction purposes until it is invalidated by the issuance of an occupancy permit. A building/zoning permit shall, however, be subject to stoppage for failure to abide by a corrective action order.

(D) A building/zoning permit shall be obtained by the owner or lessee, or the agent of either, before starting:

- (1) to establish, occupy or change the use of a structure, accessory structure or land either by itself or in addition to another use;
- (2) to construct or erect a new structure or accessory structure or part thereof, including fences;
- (3) to extend or move any structure or accessory structure, including a fence;
- (4) to extend, restore or alter any nonconforming use (issued only upon Village Board first granting of a variation to permit extension, restoration or alteration of the nonconforming use).

40-10-3 APPLICATION FOR BUILDING/ZONING PERMIT. Applications for building/zoning permits shall be filed in written form with the Village clerk in such form as the Village Board shall prescribe and shall:

- (A) state the legal description of the property (and the street address, if it has already been assigned);

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(B) state the name and address of the owner, the applicant, and the contractor, if known; if applicant is a contract purchaser, contract seller must consent in writing;

(C) describe the uses to be established or expanded;

(D) be accompanied by a plan (two copies) that is drawn approximately to scale (one set of plans shall be retained by the Village as a permanent record and one set shall be returned to the applicant) showing:

- (1) the actual dimensions of the lot to be built upon;
- (2) the size, shape, and locations of the use to be established in the structure or accessory structure to be constructed;
- (3) the size, shape and location of all existing structures and accessory structures on the lot;
- (4) the location of the water supply to the lot;
- (5) other information that may be necessary to provide for the proper administration and enforcement of this Code.

(E) make provision for compliance with State septic system permit requirements in the event the permit has not been obtained before applying for the zoning permit (**Section 40-4-4**).

In the event the applicant has not yet obtained Illinois Department of Public Health (IDPH) review and approval of his septic system plan in the form of an approved permit, he will be required to sign on the zoning/building permit that he will promptly secure that review and approval, and that he will submit a true and correct copy of the approved IDPH permit as a pre-condition for the Village's final inspection of work done under the zoning permit.

(F) include any accessory structure or use established or constructed at the same time the principal structure or use was established or constructed;

(G) each building/zoning permit for a principal structure or use shall also cover any accessory structure or use established or constructed at the same time on the same lot.

40-10-4 **ISSUANCE OF BUILDING/ZONING PERMIT.**

(A) The Village Clerk shall retain the original copy of the building/zoning permit application and shall mark such permit whether approved or disapproved. **One (1) copy** shall be returned to the applicant duly marked and signed.

(B) The building/zoning permit shall stay in force as long as the applicant abides by any corrective action orders that the Village board may issue as a result of inspections required under the terms of the building/zoning permit.

40-10-5 **EXPIRATION OF A BUILDING/ZONING PERMIT.**

(A) Initial building/zoning permits shall be valid for **one (1) year**, or until revoked for failure to abide by a corrective action order. The Village may renew building/zoning permits for **one (1) year** periods upon written request, provided the applicant is making a good faith effort to complete the authorized work.

(B) A building/zoning permit issued for the establishment of a use of land where no structures are involved shall not expire.

40-10-6 **ISSUANCE OF AN OCCUPANCY PERMIT.**

(A) When all work as described on the building/zoning permit is complete, the applicant shall notify the Village Clerk in writing. After examination of the premises to ascertain that all work described on the building/zoning permit has been conducted in compliance with the requirements of this Code, the Village board shall direct the Village clerk to issue the occupancy permit.

(B) Except in the case of the use of land where no structure is involved, the issuance of the occupancy permit shall invalidate the building/zoning permit issued for work conducted in connection with the premises involved.

(C) The Village Clerk shall retain the original copy of the occupancy permit.

(D) **One (1) copy** shall be returned to the applicant, duly signed.

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40-10-7 ZONING HEARING OFFICER.

(A) **Appointment.** As allowed under Illinois Compiled Statutes (**65 ILCS 5/11-13-14.1**) the Village Board shall appoint a hearing officer to conduct public hearings and make determinations and findings of fact on appeals and requests or variations, special use permits and amendments to this Code.

(B) **Hearing Officer's Decisions.** On appeals where it is alleged there is error in any order or determination made by the Village in the administration and enforcement of this Code, the termination made by the hearing officer with respect to any such matter shall constitute a final administrative decision which is subject to judicial review.

(C) **Village Board's Action – Ordinance.** When the hearing officer is passing upon an application for variation or special use, he shall be limited to the determination of a finding of fact, and the power to determine and approve such variation or special use shall be reserved by ordinance to the Village Board. However, any proposed variation or special use that fails to receive the approval of the hearing officer shall not be passed except by the favorable vote of **two-thirds (2/3)** of the Village Board.

(D) **Public Hearing for an Amendment.** When the hearing officer is conducting a public hearing on a request to amend this Code, his responsibility shall be limited to the conduct of the hearing.

(E) **Zoning Changes Requested.** Hearings on requests for zoning changes shall be convened from time to time, subject to the public notice and other requirements set forth in state zoning enabling legislation.

40-10-8 PROCEDURES FOR HEARINGS ON ZONING CHANGE REQUESTS.

The Village Board shall maintain its office and keep its minutes, files and records relating to this Code in the office of the Village Clerk. The written determinations of the hearing officer shall be kept in this office as part of the zoning record. The minutes and proceedings of the Village Board shall show the vote of each member on every question or indicate that the member was absent or failed to vote. No meetings shall be conducted without a quorum of the Board being present which shall consist of a majority of all the members. Every regulation, decision and order of the Village board respecting this Code shall be contained in the minutes. The minutes, files and records of the Village Board shall be open to inspection by the public at all reasonable times.

40-10-9 REQUESTS FOR VARIATIONS OF CODE REGULATIONS.

Variations shall be permitted by the Village Board only when they are in harmony with the general purpose and intent of the regulations and only in cases where there are practical difficulties or particular hardship in the way of carrying out the strict letter of any of these regulations relating to the use, construction, or alteration of buildings, structures or the use of land.

- (A) The Village Board may vary the application of the regulation imposed by this Code:
- (1) to permit any yard, setback line, or spacing between buildings of less dimension than required by the applicable regulations;
 - (2) to permit any structure to exceed the height limitations imposed by the applicable regulations;
 - (3) to permit greater maximum lot coverage of a building than required by the applicable regulations;
 - (4) to permit the reduction in the number of off-street parking spaces required in connection with a use;
 - (5) to permit the reconstruction of a nonconforming structure which has been destroyed or damaged to an extent in excess of **fifty percent (50%)** of its true value, as calculated from its assessed valuation, immediately prior to the occurrence, by fire, or an act of God, or by the public enemy, where the Board shall find some compelling necessity requiring a continuance of the nonconforming structure;
 - (6) to permit the substitution of one nonconforming use for another nonconforming use if the substitution is more compatible with its surroundings than the former use.

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(B) **Criteria for Evaluating Variation Requests.** As a condition precedent to granting a request for a variation, the hearing officer shall first hear sworn evidence upon and determine:

- (1) that the property in question cannot be economically used under the conditions allowed by the regulations;
- (2) that the plight of the owner is due to unique circumstances; and
- (3) that the variation, if granted, will not alter the essential character of the locality, impair adequate supply of light and air to adjacent property, increase the condition of traffic, nor diminish or impair property values in all localities.

Upon report of the hearing officer, the Village Board may by ordinance adopt the proposed variation or may refer it back to the hearing officer for further consideration, and any proposed variation which fails to receive the approval of the hearing officer shall not be passed except by the favorable vote of **two-thirds (2/3)** of the Village Board.

Every decision or order of the Village Board in granting a request for variation shall include a statement noting the specific reasons for granting the request.

(C) **Procedure on Request for Variation.**

- (1) A request for variation in the application of the regulations shall be made in writing by the applicant and shall be filed with the Village Clerk. These requests shall be accompanied by receipt showing the payment of the required fee.
- (2) The hearing officer shall fix a reasonable time, not more than **thirty (30) days** in the future for the hearing of the request and inform the Village clerk of the time and place of the hearing.
- (3) The Village Clerk shall give due notice of a hearing in writing to the applicant and shall have notice of the hearing on the request published in a newspaper having general circulation within the Village at least **fifteen (15)** but not more than **thirty (30) days** prior to the hearing. The notice shall contain the time and place of the hearing, and particular location for which the variation is requested as well as a brief statement on the nature of the proposed variation.
- (4) The Village Board shall act to grant or deny the request, either in whole or in part, within **thirty-one (31) days** of the conclusion of the hearing.

40-10-10 REQUESTS FOR SPECIAL USE PERMITS. The Village Board may, by special permit, authorize those special uses noted in the Table of Permitted Principal and Special Uses in **Section 40-5-8.**

(A) **Criteria for Evaluating Special Use Requests.** A special use shall not be approved by the Village board unless and until the applicant submits a written application to the Village clerk for a special use demonstrating:

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

(B) **Procedure on Request for Special Use.**

- (1) Each application for a special use shall be accompanied by the required fee.

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- (2) The hearing officer shall pick a reasonable time, not more than **thirty (30) days** in the future, for hearings on the request and inform the Clerk of the time and place that the hearing will be held. The Clerk shall give due notice of a hearing in writing to the applicant and shall have public notice of the time and place of the hearing published in a newspaper having general circulation in the Village at least **fifteen (15)** but not more than **thirty (30) days** prior to the hearing.
- (3) The hearing officer shall determine whether the requirements of **Section 40-10-10(A)** have been met and that the granting of a special use will be in harmony with the general purpose and intent of this Code and will not be harmful to the district in which it is proposed to be located.
- (4) Upon report of the hearing officer, the Village Board may by ordinance adopt the proposed special use or may refer it back to the hearing officer for further consideration, and any proposed special use which fails to receive the approval of the hearing officer shall not be passed except by the favorable vote of **two-thirds (2/3)** of the Village Board.
- (5) In granting or denying a request for a special use, the Village Board shall note its findings that support the granting or the denial of the request in the minutes. The Village Board shall act to grant or deny the request within **thirty-one (31) days** of the hearing's conclusion.
- (6) Once granted, the special use must be established within **one (1) year** of the date of the ordinance or the permit shall expire.

40-10-11 REQUESTS ON AMENDMENTS TO THE CODE. Regulations imposed in the districts created by this Code may be amended. The amendment may be a change in the language or test of the Code, to be referred to as a text amendment; the amendment may be a change in the Zoning Map designation of property as a specific zoning classification, to be referred to as a map amendment. No such amendment shall be made without a public hearing before the hearing officer.

(A) **Conditions and Procedures on Amendments.**

- (1) A written application shall be submitted to the Village Clerk. It may be initiated either by action of the Village Board itself or by the owners of more than **fifty percent (50%)** of the area involved. Each such application by the owners of more than **fifty percent (50%)** of the area involved shall be accompanied by the required fee.
- (2) At least **fifteen (15) days** but not more than **thirty (30) days'** notice of the time and place of the hearing of such action shall be posted within a public place in the Village. The notice shall contain a brief description of the amendment:
 - (a) If a text amendment, the notice shall include a brief description of the text and the proposed change in text;
 - (b) If a map amendment, the notice shall include a brief description of the boundaries of the district which are proposed to be changed and a description of the area for which the change is proposed.
- (3) If, prior to the hearing, signed and acknowledged objections to the change of the regulations or districts are filed with the Village Clerk by **twenty percent (20%)** or more of the owners of property of:
 - (a) the frontage proposed to be altered; or
 - (b) the frontage immediately adjoining the property; or
 - (c) the frontage directly opposite the frontage to be altered;
 then the amendment shall not be passed except by favorable vote of **two-thirds (2/3)** of all the members of the Village Board.

40-10-12 FEES. A fee shall be paid in accordance with the schedule specified herein by an applicant at the time an application is filed and shall not be refundable.

(A)	Zoning Permit.	
	New Residence Construction	\$50.00
	New Commercial or Industrial Construction	100.00
	New Accessory Structure Construction	10.00
	Residence Alteration	10.00
	Commercial or Industrial Alteration	25.00
	Establish use where no building is involved; move structure from one lot to another; demolition of structure; change of use; alteration of accessory structure	10.00
	Establish, expand, or alter mobile home park (per site)	10.00
(B)	Variance Application.	0.00
(C)	Special Use Application.	0.00
(D)	Amendment.	0.00
(E)	Exemptions From Fees (but not from responsibility to seek a Zoning/Building	

Permit before beginning any construction):

- (1) Government bodies.
- (2) Private driveways, service drives, easements, sidewalks, flag poles, arbors, fences, light poles, uncovered patios, recreational and utility owned apparatus may be placed in any required yard.
- (3) Poles, towers, wires, cables, conduits, pipes and other similar distribution equipment for utilities; provided that the installation conform where applicable to the rules and regulations of the Illinois Commerce Commission, the Civil Aeronautics Administration and other public authorities having jurisdiction.

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ARTICLE XI – VIOLATION AND PENALTY

40-11-1 **PENALTIES.** The owner, lessee or agent of a building or premises in or on which a violation of any provision of this Code has been committed shall be punishable by a fine not less than **Ten Dollars (\$10.00)** and not more than **Five Hundred Dollars (\$500.00)** for each and every day that such violation continues. Any such person, having been served with an order to remove any such violation, failing to comply with said order within **ten (10) days** after such notice or continuing to violate any provision of this Code shall be punished by a fine not exceeding **Five Hundred Dollars (\$500.00)**.

ARTICLE XII – VALIDITY OF CODE

40-12-1 **VALIDITY.** If any section, subsection, sentence, clause or phrase of this Code is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Code.

(Ord. No. 2000-____)

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