

Official -

ZONING ORDINANCE

Village of Mabel, Minnesota

Prepared by

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ZONING ORDINANCE
Village of Mabel, Minnesota

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ZONING ORDINANCE
of the Village of Mabel, Minnesota

ARTICLE I. TITLE

Section 100. This Ordinance shall be known and may be cited as the Village of Mabel, Minnesota, Zoning Ordinance of 1971.

ARTICLE II. ESTABLISHMENT OF DISTRICTS
PROVISION FOR OFFICIAL ZONING MAP

Section 201. Official Zoning Map. The Village is hereby divided into zones, or districts, as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this ordinance.

The Official Zoning Map shall be identified by the signature of the Mayor, attested by the Village Clerk, and bearing the seal of the Village under the following words: "This is to certify that this is the Official Zoning Map referred to in Article II of Ordinance Number _____ of the Village of Mabel, Minnesota, adopted this _____ day of _____, 1971."

If, in accordance with the provisions of this ordinance and applicable state statutes, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the Village Council, with an entry on the Official Zoning Map stating the number of the amending ordinance, the date the ordinance was passed, which entry shall be attested by the Village Clerk. No amendment to this ordinance which involves matter portrayed on the Official Zoning Map shall become effective until after such change and entry has been made on said map.

No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this ordinance and punishable as provided under Article XVIII.

Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official

Zoning Map which shall be located in the office of the Village Clerk shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the Village.

Section 202. Replacement of Official Zoning Map. In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Village Council may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor, attested by the Village Clerk, and bearing the seal of the Village under the following words: " This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted the ____ day of _____, 1971, as part of Ordinance Number _____ of the Village of Mabel, Minnesota. "

Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved, together with all available records pertaining to its adoption or amendment.

ARTICLE III. RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

Section 301. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.

Section 302. Boundaries indicated as approximately following the right-of-way line of a street, highway or railroad shall be construed as following such right-of-way line.

Section 303. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

Section 304. Boundaries indicated as approximately following village limits shall be construed as following such village limits.

Section 305. Boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.

Section 306. Boundaries indicated as parallel to or extensions of features indicated in Sections 301 through 305 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

Section 307. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by Sections 301 through 306 above, the Board of Adjustment shall interpret the district boundaries.

Section 308. Where a district boundary line divides a lot which was in single ownership at the time of passage of this ordinance, the Board of Adjustment may permit, as a special exception, the extension of the regulations for either portion of the lot, not to exceed thirty (30) feet beyond the district line into the remaining portion of the lot.

ARTICLE IV. APPLICATION OF DISTRICT REGULATIONS

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

Section 401. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.

Section 402. No building or other structure shall hereafter be erected or altered:

- a. To exceed the height or bulk.
- b. To accommodate or house a greater number of families.
- c. To enclose a lesser amount of space.
- d. To occupy a greater percentage of lot area.

- e. To have narrower or smaller rear yards, front yards, side yards, or other open spaces.

than herein required; or in any other manner contrary to the provisions of this ordinance.

Section 403. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

Section 404. No yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.

Section 405. The regulations and provisions of this ordinance shall apply also to the unincorporated territory located within two miles of its limits, as delineated by the extra-territorial district map, but only if the county or town has not adopted zoning regulations.

ARTICLE V.

NONCONFORMING LOTS, NONCONFORMING USES OF LAND, NONCONFORMING STRUCTURES, NONCONFORMING USES OF STRUCTURES AND PREMISES, AND NONCONFORMING CHARACTERISTICS OF USE

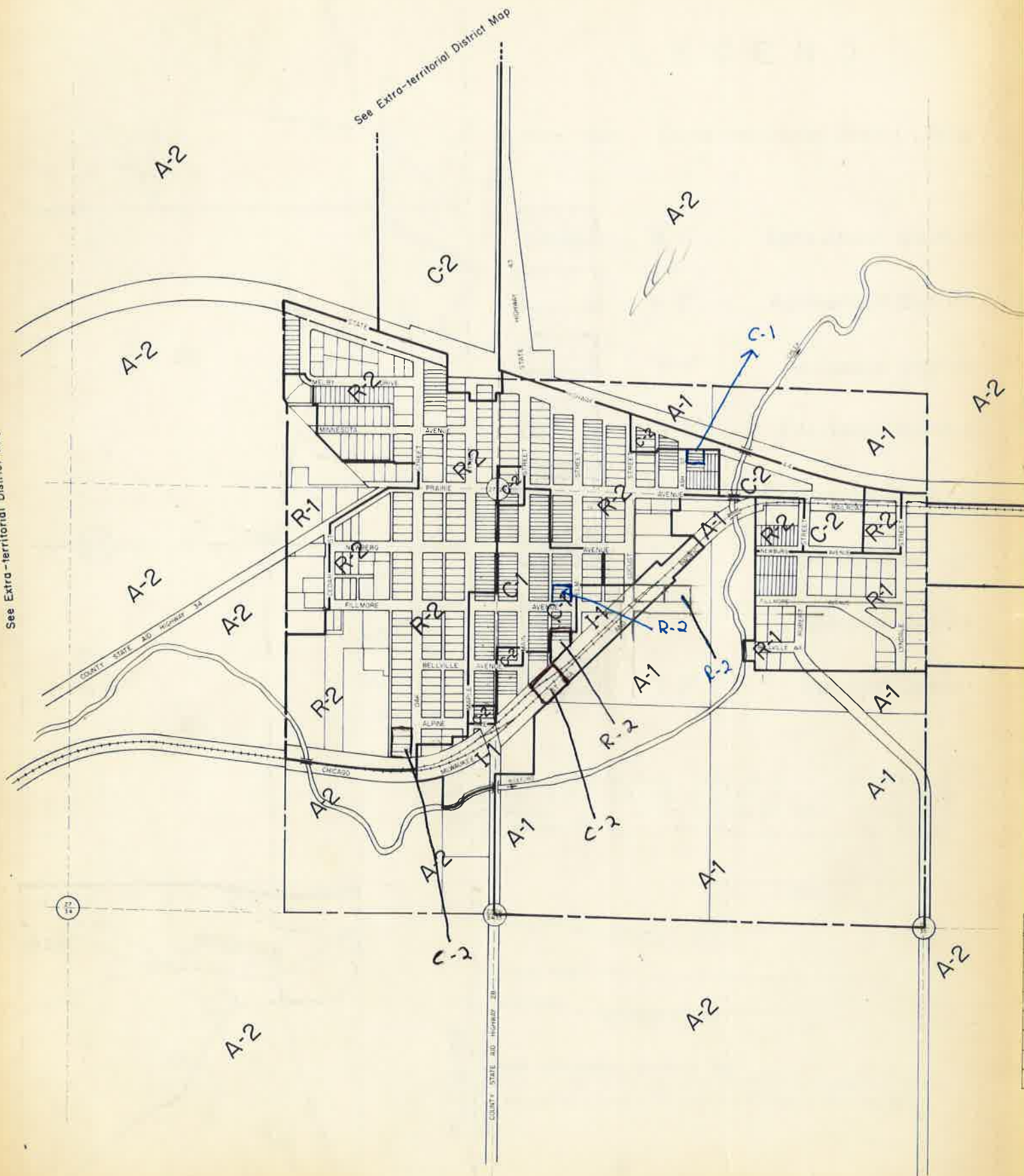
Section 501. Intent. Within the districts established by this ordinance or amendments that may later be adopted there exist

- a. Lots
- b. Structures
- c. Uses of land and structures
- d. Characteristics of use

which were lawful before this ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this ordinance or future amendment. It is the intent of this ordinance to permit these nonconformities to continue until they are voluntarily removed, but

See Extra-territorial District Map

See Extra-territorial District Map



VILLAGE OF MABEL, MINNESOTA

L E G E N D

ZONING DISTRICTS

- A-1 Agricultural
- A-2 Agricultural
(See Also-Extra-territorial District Map)
- R-1 Residential-Single Family
- R-2 Residential-Single,
Two and Multiple Family
- C-1 General Commercial
- C-2 Highway Commercial
- I-1 Light Industrial
- I-2 Heavy Industrial

See Extra-territorial District Map

"This is to certify that this is the Official Zoning
Map referred to in Article II of Ordinance Number
---- of the Village of Mabel, Minnesota", adopted
--- day of -----, 19 ---

Mayor

ATTEST: _____
Village Clerk

Date Published: _____, 19 ---

ATTEST: _____
Village Clerk

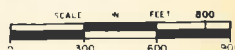
FOR REFERENCE PURPOSES ONLY:
For more precise information consult the
Administrative Official or Official Zoning Map.

REVISIONS BY AMENDMENT

Date Issued	Date Pub	Attest By	ORD NO	Date Passed	Date Pub	Attest By



WALLACE
HOLLAND
KASTLER
SCHMITZ
& COMPANY
MASON CITY &
ROCHESTER




OFFICIAL ZONING MAP


VILLAGE of MABEL, MINNESOTA

LEGEND


— — — Extra-territorial Zoning Limits

 "A-1" Agricultural District

 "A-2" Agricultural District

 "R-1" Residence District

 "R-2" Residence District

 "C-1" Commercial District

 "C-2" Commercial District

 "I-1" Industrial District

 "I-2" Industrial District

This is to certify that this is the Official Zoning Map referred to in Article II of Ordinance Number _____ of the Village of Mabel, Minnesota, adopted the _____ day of _____, 19____

Mayor

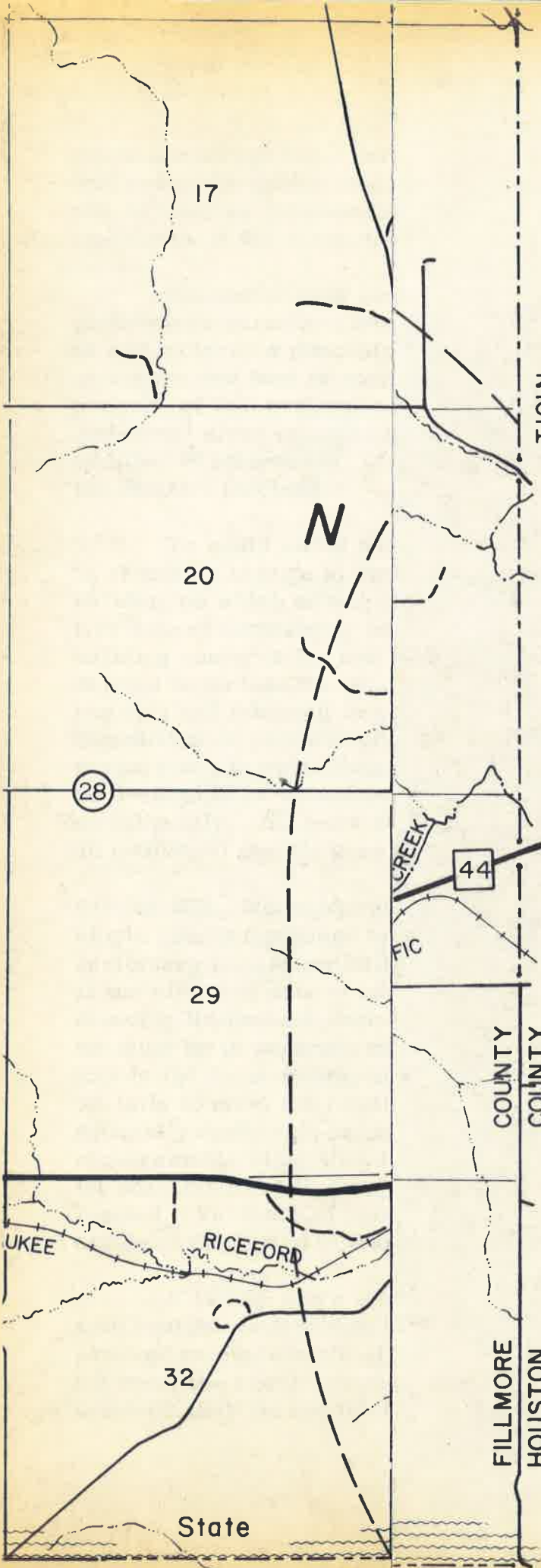
ATTEST: _____
Village Clerk

Date Published: _____, 19____

ATTEST: _____
Village Clerk

FOR REFERENCE PURPOSES ONLY:
For more precise information consult the Administrative Official or Official Zoning Map

EXTRA-TERRITORIAL DISTRICT MAP



not to encourage their survival. It is further the intent of this ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Nonconforming uses are declared by this ordinance to be incompatible with permitted uses in the districts involved. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land in combination, shall not be extended or enlarged after passage of this ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses, of a nature which would be prohibited generally in the district involved.

To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently. All work shall be completed within one (1) year or within an additional one (1) year time extension if granted by the Village Council.

Section 502. Nonconforming Lots of Record. In any district in which single family dwellings are permitted, a single family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance, notwithstanding limitations imposed by other provisions of this ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than these applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Board of Adjustment.

If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this ordinance, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of

this ordinance, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this ordinance, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this ordinance.

Section 503. Nonconforming Uses of Land (or Land with Minor Structures Only). Where at the time of passage of this ordinance lawful use of land exists which would not be permitted by the regulations imposed by this ordinance, and where such use involves no individual structure with a replacement cost exceeding \$1,000, the use may be continued so long as it remains otherwise lawful, provided:

- a. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance. Any such nonconforming use of land and structure shall, in two (2) years from the effective date of adoption of this ordinance, have amortized its function and shall thereafter cease and desist.
- b. No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this ordinance.
- c. If any such nonconforming use of land ceases for any reason for a period of more than thirty (30) days, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.
- d. No additional structure not conforming to the requirements of this ordinance shall be erected in connection with such nonconforming use of land.

Section 504. Nonconforming Structures. Where a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions.

- a. Any such nonconforming structure may be enlarged or altered once only and only to the extent of increasing its ground coverage area by twenty-five (25) percent of its previously existing area only if such enlargement does not protrude

further into required front, side or rear yards of the district in which it is located, than the extreme amount by which the existing structure might have already protruded. Any structure or portion thereof may be altered to decrease its non-conformity.

- b. Should such nonconforming structure or nonconforming portion of structure be destroyed by any means to an extent of more than sixty (60) percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance, except that the Board of Adjustment may grant permission to so reconstruct in cases where an extreme hardship (including a very grave financial hardship) is created.
- c. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

Section 505. Nonconforming Uses of Structures or of Structures and Premises in Combination. If lawful use involving individual structures with a replacement cost of \$1,000 or more, or of structure and premises in combination, exists at the effective date of adoption or amendment of this ordinance, that would not be allowed in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions.

- a. Any existing structure devoted to a use not permitted by this ordinance in the district in which it is located may be enlarged, extended, constructed, reconstructed, moved, or structurally altered once only and only to the extent of increasing its ground coverage area by twenty-five percent of its previously existing area only if such enlargement does not protrude further into required front, side or rear yards of the district in which it is located, than the extreme amount by which the existing structure might have already protruded.
- b. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy land outside such building.
- c. If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may as a special

exception by changed to another nonconforming use provided that the Board of Adjustment, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Adjustment may require appropriate conditions and safeguards in accord with the provisions of this ordinance.

- d. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.
- e. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for twelve consecutive months or for eighteen months during any three-year period (except when government action impedes access to the premises), the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.
- f. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than sixty (60) percent of the replacement cost at time of destruction.

Section 506. Repairs and Maintenance. On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, to an extent not exceeding ten (10) percent of the current replacement cost of the nonconforming structure or nonconforming portion of the structure, as the case may be, provided that the cubic content existing when it became nonconforming shall not be increased. If any repairs are made to bearing walls, the use shall thereafter conform to the uses permitted in the district in which it is located.

If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.

Section 507. Uses Under Special Exception Provisions Not Nonconforming Uses. Any use which is permitted as a special exception in a district under the terms of this ordinance shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.

ARTICLE VI. SCHEDULE OF DISTRICT REGULATIONS

Section 600. District regulations shall be as set forth in this article and in Articles VII and VIII of this ordinance, entitled "Supplementary District Regulations" and "Special Exceptions," respectively.

"A-1" AGRICULTURAL DISTRICT

PERMITTED PRINCIPAL USES

Farms, Stables, and Specialized Animal or Poultry Farms provided that no building (other than a dwelling), pen or area used for holding or the running of animals be located within 200 feet of any property line, and further provided that no waste materials, residues or the like shall be stored upon the premises so as to become a nuisance or offensive to other local property owners and residents.

Truck Gardens, Orchards, Nurseries and Greenhouses

Churches

Public and Parochial Schools

Publicly owned and operated buildings

Cemeteries

Hospitals, Clinics, Sanitariums and Nursing or Convalescent Homes

Veterinary Clinics

Noncommercial Parks, Playgrounds and Recreation Areas owned or operated by Public or semi-public agencies.

Public Utility Structures and Equipment

Public and Private Forests, Wildlife Preserves or Similar Conservation Projects

Customary Home Occupations

"A-1" AGRICULTURAL DISTRICT		
Permitted Accessory Uses and Structures	Uses and Structures by Special Exception Only	Prohibited Uses and Structures
<p>Those customarily incidental to permitted principal uses.</p> <p>Bulletin boards and signs not exceeding 20 square feet in area which pertain to the lease, sale or hire of a building or premises or of products on the premise, provided that such signs are removed as soon as the sale or lease is completed.</p>	<p>Mining</p> <p>Extraction of Raw Materials</p> <p>Mobile Home Parks</p> <p>Signs and Billboards</p> <p>Transient Circus or Carnivals</p> <p>Mausoleums and Crematoriums</p>	<p>Commercial and Industrial Uses</p>

"A-2" AGRICULTURAL DISTRICT

PERMITTED PRINCIPAL USES

Single Family Dwelling, Farm and Non-farm

Farm Related Dwellings

Farms, Stables, and Specialized Animal or Poultry Farms
provided that no waste materials, residues or the like shall
be stored upon the premises so as to become a nuisance or
offensive to other local property owners and residents.

Truck Gardens, Orchards, Nurseries and Greenhouses

Churches

Public and Parochial Schools

Publicly owned and operated buildings

Cemeteries

Hospitals, Clinics, Sanitariums and Nursing or Convalescent Homes

Veterinary Clinics

Noncommercial Parks, Playgrounds and Recreation Areas
owned or operated by public or semi-public agencies

Public Utility Structures and Equipment

Public and Private Forests, Wildlife Preserves or Similar
Conservation Projects

Customary Home Occupations

"A-2" AGRICULTURAL DISTRICT		
Permitted Accessory Uses and Structures	Uses and Structures by Special Exception Only	Prohibited Uses and Structures
<p>Those customarily incidental to permitted principal uses.</p> <p>Bulletin boards and signs not exceeding 20 square feet in area which pertain to the lease, sale or hire of a building or premises or of products on the premises, provided that such signs are removed as soon as the sale or lease is completed.</p>	<p>Mining</p> <p>Extraction of Raw Materials</p> <p>Mobile Home Parks</p> <p>Signs and Billboards</p> <p>Transient Circus or Carnivals</p> <p>Mausoleums and Crematoriums</p> <p>Sanitary landfill</p>	<p>Commercial and Industrial Uses</p>

"R-1" RESIDENCE DISTRICT

PERMITTED PRINCIPAL USES & STRUCTURES

Single Family Dwelling

Churches and accessory buildings

Public and Parochial Schools

Non-commercial Parks, Playgrounds and Recreation Areas
owned or operated by public or semi-public agencies

Publicly owned and operated buildings

Hospitals, clinics, nursing and convalescent homes

Customary home occupations

Grain or Crop farming, Truck Gardens, Orchards and Nurseries

"R-1" RESIDENCE DISTRICT		
Permitted Accessory Uses And Structures	Uses and Structures by Special Exception Only	Prohibited Uses and Structures
<p>Those customarily incidental to permitted principal uses</p> <p>Church Bulletin Boards</p> <p>One Sign (not exceeding 12 square feet) advertising construction, sale or rent of building or lot on which it is located, sign to be removed as soon as construction, sale or lease is completed.</p>	<p>Funeral Home</p>	<p>Stables, Animal Farms, Poultry Farms</p> <p>Greenhouses</p> <p>Commercial and Industrial Uses</p>

"R-2" RESIDENCE DISTRICT

PERMITTED PRINCIPAL USES & STRUCTURES

Any use permitted in the "R-1" District.

Two-family Dwellings.

Multi-family Dwellings.

Boarding, Lodging and Rooming Houses; but no more than three (3) persons other than the resident family.

Clubs, Lodges, Social and Recreational Centers, except those whose chief activity is carried on for financial profit.

"R-2" RESIDENCE DISTRICT		
Permitted Accessory Uses and Structures	Uses and Structures by Special Exception Only	Prohibited Uses and Structures
Accessory Uses Permitted in "R-1" District	Mobile Home Park Funeral Home Professional offices	Commercial and Industrial Uses

"C-1" GENERAL COMMERCIAL DISTRICT

PERMITTED PRINCIPAL USES & STRUCTURES

Dwelling Units on Second Floor or Above

Art & school supply stores.	Hospitals
Assembly halls & public buildings.	Hotels and motels
Auto accessory stores	Jewelry stores
Auto repair garage	Laundries, self-service
Auto Sales	Libraries and public buildings
Bakeries, retail sales.	Loan Offices
Banks	Medical and dental clinics
Book and stationery stores	Monument sales
Bulletin boards	Newspaper offices
Bus Depots	Night clubs
Camera Stores	Office supply stores
Candy and ice cream stores	Personal service shops
Churches	Pet Shops
Clubs and lodges	Photography studios
Contractors and Construction offices	Post Offices
Department stores	Professional offices
Drug Stores	Radio and television studios
Dry cleaning & Laundry-receiving stations	Recreation centers
Electrical and household appliance stores	Restaurants, cafes, tea rooms
Electrical substations and offices	Shoe Repair shops
Electrical repair shops	Signs
Farm Implement Sales & Service	Storage garages
Flower Shops	Taverns
Frozen food lockers	Theatres
Fuel sales, retail only	
Funeral homes	
Furniture stores	
Garden supply and seed stores	
Gift shops	
Greenhouses, retail sales	
Grocery stores	
Hardware stores	Any other enclosed commercial activity
Hobby Shop	similar to the above listed uses.

"C-1" GENERAL COMMERCIAL DISTRICT		
Permitted Accessory Uses and Structures	Uses and Structures by Special Exception Only	Prohibited Uses and Structures
Those customarily incidental to permitted principal uses.	Filling Stations Drive-in Restaurants Dry cleaning or laundry processing plants	Dwelling units on first floor, or in basement Industrial uses

"C-2" HIGHWAY COMMERCIAL DISTRICT

PERMITTED PRINCIPAL USES & STRUCTURES

Any use permitted in "C-1" District except dwellings.

Car washes.

Drive-in restaurants.

Filling stations.

Indoor and outdoor amusements such as theaters, amusement parks, bowling alleys and miniature golf courses.

Lumber yards.

Milk depots.

Open sales lots.

"C-2" HIGHWAY COMMERCIAL DISTRICT		
Permitted Accessory Uses and Structures	Uses and Structures by Special Exception Only	Prohibited Uses and Structures
Those customarily incidental to permitted principal uses.	<p>Dairy products manufacturing</p> <p>Cleaning, dyeing, and laundry works</p> <p>Commercial bakeries</p> <p>Sign painting shops</p> <p>Animal hospitals and veterinary clinics, provided that outdoor exercising runways or pens are at least 500 feet from any "R" District boundary.</p>	<p>Dwellings</p> <p>Industrial uses</p>

"I-1" LIGHT INDUSTRIAL DISTRICT

PERMITTED PRINCIPAL USES & STRUCTURES

All business uses permitted in the "C-1" and "C-2" Districts when they are an integral part of the wholesale or light industrial use which is listed hereafter.

Armories
Automobile, truck & trailer body
repair

Bakeries, wholesale

Blacksmith shop

Boat building & repair

Bottling plants

Building & storage yards, including
lumber and building material
yards, but not junk yards

Cheese factory

Coal yards

Distribution warehouses

Dry cleaning establishments

Dyeing works

Express and cartage depots

Feed stores

Food product processing, except
slaughter houses

Garages, public

Grain elevators & warehouses

Granaries

Greenhouses, wholesale

Ice cream manufacturing

Ice manufacturing

Laundries

Livestock buying stations

Metal finishing

Milk collection depots,
creameries and dairies

Monument & ornamental stone
works

Outdoor amusement establish-
ments

Planned industrial developments

Plumbing shops

Printing shops

Public utility and public service
uses

Railroad freight stations,
passenger stations & service
tracks

Seed processing

Signs and billboards

Storage warehouses

Theaters, automobile drive-in
only

Tinsmithing shops

Truck & motor freight terminals

Used car sales or storage lots
and implement sales or
storage lots, including
buildings or structures for
such purposes

Wholesale establishments,
except gasoline

Any other light manufacturing or commercial enterprise similar to
the above listed uses.

"I-1" LIGHT INDUSTRIAL DISTRICT		
Permitted Accessory Uses And Structures	Uses and Structures by Special Exception Only	Prohibited Uses and Structures
Those customarily incidental to permitted principal uses.	Dwelling for Custodian Quarters Only Airports Structures more than 50 feet in Height	Dwellings
GENERAL CONDITIONS:		
Manufacturing, fabricating, repairing, storing, cleaning, servicing and testing of materials, goods or products shall be carried on in such a manner as not to be injurious or offensive by reason of the emission or creation of noise; vibration, smoke, dust or other particulate matter; toxic or noxious materials; odors; fires or explosive hazards; or glare or heat.		
No activities involving the storage, utilization or manufacture of materials or products which decompose by deterioration shall be permitted except as authorized by a Special Exception granted by the Village Council.		
All activities involving the manufacturing, fabricating, repairing, storing, cleaning, servicing and testing of materials, products and goods shall be within completely enclosed buildings, or may be out-of-doors if completely screened by a solid wall or uniformly-painted solid fence or suitable substitute at least eight feet in height, and if there is no open storage at a greater height than that of the screening element.		

"I-2" HEAVY INDUSTRIAL DISTRICT

PERMITTED PRINCIPAL USES & STRUCTURES

Automobile, tractor, truck, trailer, motorcycle and other motor vehicles, manufacture and assembly, including parts.

Equipment, miscellaneous, such as farm implements and machines, and construction machines and equipment such as power shovels, graders, excavators; manufacture and assembly, including parts.

Extraction of, and fixed plants for processing, lumber, stone, gravel, clay or other raw materials for commercial purposes.

Grain elevators and appropriate storage elevators and bins.

Signs and Billboards

GENERAL CONDITIONS:

Manufacturing, fabricating, repairing, storing, cleaning, servicing and testing of materials, goods or products shall be carried on in such a manner as not to be injurious or offensive by reason of the emission or creation of noise; vibration, smoke, dust or other particulate matter, toxic or noxious materials, odors, fires or explosive hazards or glare or heat.

No activities involving the storage, utilization or manufacture of materials or products which decompose by detonation shall be permitted except as authorized by a Special Exception granted by the Village Council.

All activities involving the manufacturing, fabricating, repairing, storing, cleaning, servicing and testing of materials, products and goods shall be within completely enclosed buildings, or may be out-of-doors if completely screened by a solid wall or uniformly-painted solid fence or suitable substitute at least eight feet in height, and if there is no open storage at a greater height than that of the screening element.

"I-2" HEAVY INDUSTRIAL DISTRICT	
USES AND STRUCTURES BY SPECIAL EXCEPTION ONLY	PROHIBITED USES AND STRUCTURES
<p>Any heavy industrial or manufacturing use that would be objectionable by reason of emitting dust, smoke, gas, noise, fumes, odor, vibration, soot, fire or explosion; see General Conditions. Included in such use classification are the following:</p> <p>Acid manufacture or wholesale storage of acids. Airports; Cement, lime, gypsum or plaster of paris manufacture, Dwelling for custodian quarters only, Fat rendering.</p> <p>Junk yards or vehicular wrecking yards; scrap iron, scrap paper or rag storage, sorting or baling; provided they are conducted within a building or where entirely enclosed within the screened confines of a light painted fence, masonry wall or suitable substitute not less than eight (8) feet in height, and where there is no open storage at a greater height than that of the screening fence or masonry wall.</p> <p>Manufacture of glue, fertilizer or gas.</p> <p>Meat packing or processing plant.</p> <p>Reduction or dumping of dead animals, garbage or offal, including distillation of bones.</p> <p>Sanitary land fill.</p> <p>Smelting or reduction of ores or metallurgical products.</p> <p>Slaughter houses and their stockyards.</p> <p>Tanneries.</p> <p>Refining of or wholesale storage of gasoline, fuel oils and other petroleum products and manufacture or storage or other explosives.</p> <p>Structures more than 50 feet in height.</p>	<p>Dwellings</p>

DISTRICT REQUIREMENTS						
L I N E	District	Use	MINIMUM LOT			Maximum percent of lot covered by buildings
			Width Feet	Area Sq. Ft.	Area per Family Sq. Ft.	
1	"A-1" and	Dwellings	150*	43,000*	43,000*	
2	"A-2"	Other		43,000**		50
3	"R-1"	Dwellings	80	9,000	9,000	
4		Other	90	10,000		50
5	"R-2"	1-Family	50	6,000	6,000	
6		2-Family	70	8,000	4,000	
7		Multi	80	9,600	3,200	
8		Other	70	8,000		50
9	"C-1"	Motels and Auto Courts	150	43,000	1,500	50
10		Other Per- mitted Uses	None	None		
11	"C-2"	Permitted Uses	None	None		50
12	"I-1"	Permitted Uses	None	None		50
13	"I-2"	Permitted Uses	None	None		50
<p>* May permit lesser requirements where on municipal sewer or must be adequate to meet need for proper provision of septic tank and leach field as evidenced by soil and percolation tests and analysis being provided by developer and as determined by a licensed sanitary engineer. The absolute minimum shall be the same as required in the "R-1" District.</p> <p>** Same as the * provision above, provided that such smaller lots shall not be used for farms, stables, and specialized animal or poultry farms.</p>						

DISTRICT REGULATIONS						
L I N E	MINIMUM YARD SIZE			MINIMUM LIVING QUARTERS SQUARE FEET/Unit	MAXIMUM HEIGHT OF BUILDING	
	FRONT FEET	REAR FEET	SIDE (Each) FEET		STORIES	FEET
1	50	50	25*	700	3	42
2	50	50	30*	700	3	42
3	30	30	8	950	2½	35
4	30	30	15	None	2½	35
5	25	30	6	700	2½	35
6	25	30	6	None	2½	35
7	25	30	12	None	2½	35
8	25	30	12	None	2½	35
9	35	30**	20**	None	3	42
10	None**	20**	None**	None	3	42
11	20**	20**	None**	None		50
12	30**	30**	20**	None		50
13	30**	30**	20**	None		50
<p>* May permit lesser requirements where on municipal sewer or must be adequate to meet need for proper provision of septic tank and leach field as evidenced by soil and percolation tests and analysis being provided by developer and as determined by a licensed Sanitary Engineer. The absolute minimum shall be the same as required in the R-1 District.</p> <p>** Where a commercial or industrial property abuts a residential zone, the yards of that property shall conform to the requirements of the abutting residence district.</p>						

ARTICLE VII. SUPPLEMENTARY DISTRICT REGULATIONS

Section 701. Visibility at Intersections in Residential Districts. On a corner lot in any residential district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two and one-half ($2\frac{1}{2}$) feet and ten (10) feet above the center line grades of the intersecting streets in the area bounded by the right-of-way lines of such corner lots and a line joining points on said right-of-way lines forty (40) feet from their point of intersection.

Section 702. Fences, Walls and Hedges. Notwithstanding other provisions of this ordinance, fences, walls and hedges may be permitted in any required yard, or along the edge of any yard, but not beyond the front lot line.

Section 703. Accessory Buildings. No accessory building shall be erected in any required front or side yard, nor closer than four (4) feet to an alley; and no separate building shall be erected within five (5) feet of any other building.

Section 704. Erection of More Than One Principal Structure on a Lot. In any district, more than one structure housing a permitted or permissible principal use may be erected on a single lot, provided that yard and other requirements of this ordinance shall be met for each structure as though it were on an individual lot.

Section 705. Exceptions to Height Regulations. The height limitations contained in the schedule of District Regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

Section 706. Structures to Have Access. Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

Section 707. Parking, Storage, or Use of Major Recreational Equipment. For purposes of these regulations, major recreational equipment is defined as including boats and boat trailers, travel trailers, pickup campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers, and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not. No major recreational equipment shall be parked or stored on any lot in a

residential district except in a car port or enclosed building or behind the nearest portion of a building to a street; provided, however, that such equipment may be parked anywhere on a residential premises for not to exceed seventy-two (72) hours during loading and unloading. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use.

Section 708. Parking and Storage of Certain Vehicles. Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings.

Section 709. Parking (Off-street). All parking spaces required hereafter by this ordinance shall be on the same tract as the building and shall be hard surfaced with proper drainage being provided, except that upon approval of the Board of Adjustment, the parking spaces may be provided on another tract within five hundred (500) feet of said building. Each parking space shall be at least nine (9) feet by twenty (20) feet and shall have proper access to the approaching drive.

Off-street parking spaces, as computed by the Administrative Official, shall be provided and satisfactorily maintained by the owner of the property for each building and functioning use in all districts (except the "C-1" Commercial District), which after the date of enactment of this ordinance is newly established in use for any of the following or similar purposes. Spaces shall be provided in reasonable numbers not less than hereinafter set out.

- 709.1 Dwelling, one (1) parking space for each dwelling or family unit.
- 709.2 Church, school, auditorium, theater, stadium or similar places of public assemblages, one (1) parking space for each five (5) seats of its capacity in said place of assemblage.
- 709.3 Hotel, motel, boarding house, mobile home park, one (1) parking space for each guest sleeping room or for each provided site.
- 709.4 Restaurant, or other eating or drinking establishment, one (1) parking space for each three (3) singular seats.
- 709.5 Hospitals, clinics, sanitariums, welfare institutions, nursing homes or similar establishments, one (1) parking space for each eight hundred (800) square feet of functional floor area in said building.

709.6 Commercial, business and industrial buildings, one (1) parking space for each two hundred (200) square feet of floor area.

709.7 Office buildings and professional buildings, one (1) parking space for each four hundred (400) square feet of floor space in the building or one (1) parking space for each office in such building, whichever provides the greater total number of parking spaces.

Section 710. Loading (Off-street). Off-street loading and unloading space with proper access from a street, road or alley and with at least fourteen (14) feet of vertical clearance shall be provided, either within or outside the building so as to adequately serve the use on the lot. All off-street loading and unloading spaces shall be all-weather surfaced with proper drainage being provided in order to avail safe and convenient access and use during all seasons.

Section 711. Signs.

711.1 Business Signs. In Districts "C-1" and "C-2" signs, any part of which project out from the building from four (4) to eighteen (18) inches shall be erected so that no portion of the sign is less than eight (8) feet above grade.

Signs which project more than eighteen (18) inches from the building must be at least twelve (12) feet above grade and may extend a maximum of eight (8) feet provided that they do not extend further than a point two (2) feet in back of the curb face.

Moving, flashing or illuminated signs or colored lights that may be confused with traffic lights and, therefore, be potentially hazardous are not permitted.

711.2 Industrial Signs. In Districts "I-1" and "I-2" industrial signs, billboards or advertising structures shall be permitted, subject to the following conditions.

No sign may extend over the public right-of-way more than six (6) feet or closer than five (5) feet to the curb face unless the bottom point of such sign is at least fourteen (14) feet above the top of the curb. In no case shall any projecting sign extend beyond the face of the curb.

If the sign is illuminated, it shall not be of the flashing, beacon type, and if such illuminated sign faces a residential zone district or a residential use in any zone district, it shall be located at least one hundred (100) feet therefrom, measured perpendicular to the face of the sign.

Section 712. Fences. Any fence or wall more than six (6) feet in height shall be considered a structure.

Section 713. Mobile Homes and Recreation Vehicles.

713.1 Location. Mobile homes or recreation vehicles to be used and occupied for dwelling or sleeping purposes shall be located or placed only in lawfully operated mobile home parks and recreation vehicle parks with the exception of the provisions of Section 713.26.

Mobile home parks and recreation vehicle parks may be located only in an "A-1," "A-2," or "R-2" district by the process of an approved special exception, provided an application accompanied by the Village's required fee for a permit is filed with the Administrative Official and secured as set forth herein.

713.2 Permit. It shall be unlawful for any person to maintain or operate within the area regulated by this ordinance, any mobile home park or recreation vehicle park unless such person shall first obtain a permit therefor as set forth in this ordinance. All mobile home parks and recreation vehicle parks in existence upon the effective date of this ordinance shall within one (1) year of the effective date of this ordinance obtain such permit and in all other respects fully comply with the requirements of this ordinance. Every permit issued shall be posted on the premises in a conspicuous place at all times.

713.21 Application for Site Permit. Any person desiring to operate a mobile home park or recreation vehicle park shall first have proper zoning for his tract of intended development and then shall file application for a special exception with the Administrative Official. Applications shall be in writing, signed by the applicant, and shall contain the name and address of the applicant, and the location and legal description of the site, and shall provide a complete list of names and addresses of the owners of property, other than the owners of property any part of which is used or to be used for mobile home park or recreation vehicle park purposes, within two hundred (200) feet of any part of the premises to be occupied for such use.

713.22 Application for Development Permit. When approval of the special exception for the site is thus obtained, the person desiring to operate a mobile home park or recreation vehicle park shall then file application for a mobile home park or recreation vehicle park permit with the Administrative Official. Applications shall be in writing, signed by the applicant, and shall contain the following information.

- a. The name and address of applicant.
- b. The location and legal description of the mobile home park or recreation vehicle park.
- c. Layout and location plans and specifications of all mobile home and recreation vehicle spaces, streets and drives, buildings and other improvements such as sewerage, water supply and sanitary facilities constructed within the park and the approval of the State Board of Health of the sanitary facilities.

713.23 Copies of Plans. Three (3) copies of the application and all accompanying plans and specifications shall be filed with the Administrative Official. The Administrative Official and the Village Engineer shall inspect proposed plans and specifications and make a report to the Planning Commission as to the compliance of the park plans with the provisions of this ordinance and all other applicable ordinances and statutes. The park plans, together with report of the aforementioned village officials, shall be transmitted to the Planning Commission. The Planning Commission shall then approve the application if they find that the proposed plans and specifications conform to the provisions of this ordinance, and upon completion of the park according to the plans and specifications, the Administrative Official shall issue the permit.

713.24 Suspension of Permit. Any mobile home park or recreation vehicle park permit issued under this ordinance may be suspended by the Administrative Official when the permit holder violates or is in violation of any of the provisions of this ordinance.

713.25 Permits Transferable. Permits granted under the provisions of this ordinance may be transferred upon the presentation to the Administrative Official of evidence of the transfer of ownership and upon a statement by the new owner of acceptance of the conditions of the original permit. Said transfer shall be accomplished without requirements of fee.

713.26 Permits for Temporary Occupancy of Recreation Vehicles Outside of a Recreation Vehicle Park.

a. Application for Permit. An application for a permit to occupy a recreation vehicle for dwelling or sleeping purposes for more than seventy-two (72) hours outside of a recreation vehicle park upon a lot or premises occupied by a dwelling, shall be made at the office of the Administrative Official. Said application shall set forth the location of the occupied dwelling where such recreation vehicle is to be used and occupied; the name of the occupant in control of such dwelling; the name of the owner or operator of such recreation vehicle, together with his car license number and the license number of such recreation vehicle. The fee for such application shall be five dollars (\$5.00). The provisions of Section 713.1 as to location of a recreation vehicle do not include this situation.

b. Issuing of Permit. The Administrative Official may issue a permit for the temporary occupancy of a recreation vehicle outside of a recreation vehicle park, upon receipt of the applications, as set forth in the previous paragraph. The permit may be issued for a period not to exceed two (2) weeks from the date of the granting permit. Holders of a temporary occupancy permit for a recreation vehicle shall not be subject to the certificate of zoning compliance requirements of Article IX.

713.27 Inspection. It shall be the duty of the Administrative Official to enforce all of the provisions of this section. For the purpose of securing enforcement of the provisions of this section, the Administrative Official or any of his duly authorized representatives or any officer of the Village of Mabel shall have the authority to enter and inspect any mobile home park or recreation vehicle park and the location of any recreation vehicle parked outside of a "park" on a temporary occupancy permit.

713.28 Register of Occupants in Mobile Home Parks. It shall be the duty of the permit holder to keep a register containing a record of all mobile home owners and occupants located within the park. The register shall contain the following information:

- a. Name and address of each occupant.
- b. The make, model and year of all automobiles and mobile homes.

- c. License number and owner of each mobile home and vehicle by which it is towed, and the state issuing such licenses.
- d. The dates of arrival and departure of each mobile home.
- e. The park shall keep the register available for inspection at all times by law enforcement officers, public health officials and other officials whose duties necessitate acquisition of the information contained in the register. The register records shall not be destroyed for a period three (3) years following the date of registration.

713.3 Standards of Mobile Home Parks. A mobile home park shall conform to the following requirements:

713.31 Site.

- a. The park shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.
- b. No park shall be located on a limited access street or a dead end.

713.32 Park Area. Each mobile home park shall consist of a minimum of two (2) acres and shall be designed so as to provide no more than six (6) spaces per gross acre of the site. The site design shall, as hereinafter required, provide for mobile home spaces and unit placement, recreation and open space, setbacks and buffers, streets or drives, accessory buildings and equipment, and entrances and exits thereto and therefrom.

713.33 Mobile Home Spaces.

- a. No mobile home space shall in any instance consist of less than four thousand (4,000) square feet exclusive of street or drive. The possible resulting area difference between four thousand (4,000) square feet per space and six (6) spaces per gross acre of the site shall be accumulated for and devoted to use as usable recreation facilities or open space area for the convenience and service to the park residents.
- b. Mobile homes shall be so located on each space that there shall be at least fifteen (15) feet lateral clearance between mobile homes; at least ten (10) feet between ends of mobile homes and at least ten (10) feet between the end of a mobile home and an improved edge of a park street or drive.

- c. No mobile home shall be located nearer than twenty-five (25) feet to any public street or road right-of-way nor nearer than twenty-five (25) feet to any property line bounding the park; however, where the boundary of a mobile home park directly abuts another use, the Planning Commission may require screened planting and/or decorative fencing where deemed necessary.

713.34 Mobile Home Stands. The area of the mobile home stand shall be improved to provide an adequate foundation for the placement and tie-down of the mobile home, thereby securing the superstructure against uplift, sliding, rotation and overturning.

- a. The mobile home stand shall be constructed in such a manner that it will not heave, shift, or settle unevenly under the weight of the mobile home due to inadequate drainage, vibration or other forces acting on the superstructure. The mobile home stand shall be constructed at a minimum with six (6) inch deep by thirty (30) inch wide poured concrete ribbons with 6x6 #10 wire mesh reinforcing and of sufficient length to support all wheels and undercarriage supports of any mobile home that may be placed on the mobile home stand.
- b. The mobile home stand shall be provided with anchors, arrowhead anchors, or other devices insuring the stability of the mobile home.
- c. Tie-down or anchors shall be placed at least at each corner of the mobile home stand to provide a readily accessible anchor for the mobile home and each shall be able to sustain a minimum tensile strength of two thousand eight hundred (2800) pounds.
- d. Skirting of a permanent type material and construction shall be installed to enclose the open space between the bottom of a mobile home floor and the grade level of the mobile home stand and shall be so constructed to provide substantial resistance to heavy winds, thereby alleviating to the maximum extent possible, lifting action created on the underside of the mobile home by heavy winds.
- e. Sufficient screened, ventilating area shall be installed in the skirting to supply the combustion requirements of heating units and other ventilating requirements of the

mobile home. Provision shall be made for easy removal of a section large enough to permit access for inspection of the enclosed area under the mobile home and for repairs on sewer and water riser connections.

f. Skirting shall be maintained in an attractive manner consistent with the exterior of the mobile home and to preserve the appearance of the mobile home park.

713.35 Parking. Two parking spaces shall be provided for each mobile home space, either within the designed and developed park street or drive, or as off-street spaces. Recreation vehicles, boats, snow mobiles, etc. shall not be permitted to be parked within these parking spaces but shall be parked elsewhere within the park within an area which is properly landscaped and/or screened if deemed necessary by the Planning Commission.

713.36 Interior Streets. Streets of the park shall be of adequate width to accommodate anticipated traffic and in any case shall meet the following requirements.

a. Streets of not less than twenty-five (25) feet in width shall be provided, giving easy access to each mobile home space; except that one-way streets may be provided which are not less than twelve (12) feet in width and further provided that any street which is designed to also provide required parking spaces shall be an additional eight (8) feet in width for each lane of parking.

b. Dead-end streets shall be limited in length to three hundred (300) feet and shall be provided at the closed end with a turnaround having an outside roadway radius of at least fifty (50) feet with no parking permitted. Where parking is permitted, the radius shall be not less than fifty-eight (58) feet.

c. All streets of a mobile home park providing ingress and egress from an abutting public street or road shall have the location and design of intersection with said public street or road approved by the Village Engineer and by any other governmental agency exercising control over such streets or roads.

d. All streets shall be all-weather surfaced or crushed rock or equivalent.

713.37 Water, Sanitary Sewer, Garbage, Waste and Rubbish. An adequate supply of pure water for drinking and domestic purposes and an adequate sanitary sewer designed by a Licensed Sanitary Engineer shall be provided with provision for easy hook-up to each mobile home on each mobile home space.

Metal garbage receptacles or a serviceable equivalent shall be provided on the basis of at least one (1) receptacle for each mobile home space and shall be located not farther than fifty (50) feet from any mobile home space. The cans shall be tightly covered and shall be kept in a sanitary condition. Garbage and rubbish shall be collected and disposed of as frequently as may be necessary to insure that the garbage cans shall not overflow. Sufficient receptacles shall be provided to prevent littering the ground with rubbish and debris.

713.38 Laundry Facilities. Laundry facilities when provided shall be housed in a permanent structure. Service buildings shall be well lighted, shall be well ventilated with screened openings, shall be constructed of moisture proof material, including painted woodwork, and shall permit repeated cleaning and washing. They shall be maintained at a temperature of not less than seventy (70) degrees Fahrenheit.

713.39 Additions to Mobile Homes. No additions larger than six by eight feet (6'x8') shall be built onto any mobile home other than a porch or entry-way, which shall leave a clearance of not less than fifteen (15) clear feet between said appurtenance or porch and the next mobile home.

713.4 Recreation Vehicle Park Requirements.

713.41 Recreation Vehicle Site Requirements. Recreation vehicle parks shall comply with the site, parking, public road access and interior street requirements as set out within Sections 713.31, 713.35, 713.36 c and d, and the second paragraph of 713.37, respectively.

713.42 Recreation Vehicle Area. Each recreation vehicle park shall consist of a minimum of three (3) acres and shall be designed so as to provide no more than ten (10) spaces per gross acre of the site.

713.43 Recreation Vehicle Spaces.

- a. No recreation vehicle space shall in any instance consist of less than 2,500 square feet exclusive of street or drive.

- b. No recreation vehicle space shall be located nearer than twenty-five (25) feet to any public street or road right-of-way nor nearer than twenty-five (25) feet to any property line bounding the park; however, where the boundary of a recreation vehicle park directly abuts another use, the Planning Commission may also require screened planting and/or decorative fencing where deemed necessary.

713.44 Sewage Disposal and Sanitary Equipment and Facilities. Waste from recreation vehicles, showers and toilets shall be discharged into a public sewer system or into a private sewer and disposal plant or septic tank system in compliance with applicable statutes. Each park shall be provided with toilets, showers, slop sinks and other sanitation facilities which shall conform to the following requirements.

- a. Toilet facilities for men and women shall be either in separate buildings at least twenty (20) feet apart or shall be separated, if in the same building, by a soundproof wall.
- b. Toilet facilities for women shall consist of not less than one (1) flush toilet for each ten (10) vehicle spaces or fraction thereof, one (1) lavatory or its equivalent and one (1) shower for each twenty (20) vehicle spaces or fraction thereof, and one (1) slop sink. Each toilet and shower shall be in a private compartment.
- c. Toilet facilities for men shall consist of not less than one (1) flush toilet for each fifteen (15) vehicle spaces or fraction thereof, one (1) shower for each twenty (20) vehicle spaces or fraction thereof, one (1) lavatory or its equivalent for each ten (10) vehicle spaces or fraction thereof, one (1) urinal for each twenty-five (25) vehicle spaces or fraction thereof, and one (1) slop sink. Each toilet and shower shall be in a private compartment.
- d. Service buildings housing the toilet facilities shall be permanent structures and shall be located not nearer than ten (10) feet nor farther than two hundred fifty (250) feet from any vehicle space. Service buildings shall be well lighted, shall be well ventilated with screened openings, shall be constructed of moisture proof material, including painted woodwork, and shall permit repeated cleaning and washing. They shall be maintained at a temperature of not less than seventy (70) degrees Fahrenheit. The floors of said buildings shall be of a water-impervious material and shall slope to a floor drain connected with the sewerage system of the park.

- e. Each service building and the park grounds shall be maintained in a clean, sightly condition and kept free from any condition that will menace the health of any occupant or the public or constitute a nuisance.

ARTICLE VIII. SPECIAL EXCEPTIONS

Section 801. Conditions Governing Applications; Procedures. To hear and decide only such special exceptions as is specifically authorized by the terms of this ordinance; to decide such questions as are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under this ordinance, or to deny special exceptions when not in harmony with the purpose and intent of this ordinance. A special exception shall not be granted by the Village Council unless and until it has received the recommendation of the Planning Commission on the requested special exception or until sixty (60) days have elapsed from the date of reference of the requested special exception without a report by the Planning Commission.

- 801.1 A written application for a special exception is submitted indicating the section of this ordinance under which the special exception is sought and stating the grounds on which it is requested.
- 801.2 The Planning Commission shall hold a public hearing in regard thereto and shall give at least fifteen (15) days notice in advance of public hearing. The owner of the property for which special exception is sought or his agent shall be notified by mail. Notice of such hearings shall be posted on the property for which special exception is sought, at the Village Hall, and in one other public place at least fifteen (15) days prior to the public hearing.
- 801.3 The public hearing shall be held. Any party may appear in person, or by agent, or attorney.
- 801.4 The Planning Commission and the Village Council shall make a finding that the Council is empowered under the section of this ordinance described in the application to grant the special exception, and that the granting of the special exception will not adversely affect the public interest.
- 801.5 Before any special exception shall issue, the Planning Commission and Village Council shall make written findings certifying compliance with the specific rules governing individual special exceptions and that satisfactory provision and arrangement has been made concerning the following, where applicable.

- a. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
- b. Off-street parking and loading areas where required, with particular attention to the items in (a) above and the economic, noise, glare, or odor effects of the special exception on adjoining properties and properties generally in the district.
- c. Refuse and service areas, with particular reference to the items in (a) and (b) above.
- d. Utilities, with reference to locations, availability, and compatibility.
- e. Screening and buffering with reference to type, dimensions and character.
- f. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district.
- g. Required yards and other open space.
- h. General compatibility with adjacent properties and other property in the district.

801.6 The Village Council shall grant a special exception only by the vote to that effect of two-thirds (2/3) of the Village Council, and then only with due cause shown and being cited.

ARTICLE IX. ADMINISTRATION AND ENFORCEMENT BUILDING PERMITS AND CERTIFICATES OF ZONING COMPLIANCE

Section 901. Administration and Enforcement. An Administrative Official designated by the Village Council shall administer and enforce this ordinance. He may be provided with the assistance of such other persons as the Village Council may direct.

If the Administrative Official shall find that any of the provisions of this ordinance are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance

of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to ensure compliance with or to prevent violation of its provisions.

Section 902. Building Permits Required. No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefor, issued by the Administrative Official. No building permit shall be issued by the Administrative Official except in conformity with the provisions of this ordinance, unless he receives a written order from the Board of Adjustment or the Village Council in the form of an administrative review, or variance or a special exception, respectively, as provided by this ordinance.

A building permit shall be obtained from the Administrative Official before starting or proceeding with the erection, construction, moving in or the structural alteration of a building or structure.

Section 903. Application for Building Permits. All applications for building permits shall be accompanied by plans in triplicate drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the Administrative Official, including existing or proposed building or alteration; existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of, this ordinance.

One copy of the plans shall be returned to the applicant by the Administrative Official, after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. The original and one (1) copy of the plans, similarly marked, shall be retained by the Administrative Official.

Section 904. Certificates of Zoning Compliance for New, Altered, or Nonconforming Uses. It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of zoning compliance shall have been issued therefor by the Administrative Official stating that the proposed use of the building or land conforms to the requirements of this ordinance.

The Village of Mabel shall give notice of the fact of nonconforming uses to the operator or occupant of all such nonconforming uses within a reasonable period of time after adoption of and the enforcement of this ordinance. Said notice shall state specifically wherein the nonconforming use differs from the provisions of this ordinance.

No permit for erection, alteration or moving of any building shall be issued until an application has been made for a certificate of zoning compliance, and the certificate shall be issued in conformity with the provisions of this ordinance upon completion of the work.

A temporary certificate of zoning compliance may be issued by the Administrative Official for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion, provided that such temporary certificate may include such conditions and safeguards as will protect the safety of the occupants and the public.

The Administrative Official shall maintain a record of all certificates of zoning compliance, and a copy shall be furnished upon request to any person.

Failure to obtain a certificate of zoning compliance shall be a violation of this ordinance and punishable under Article XVIII of this ordinance.

Section 905. Expiration of Building Permit. If the work described in any building permit has not begun within ninety (90) days from the date of issuance thereof, said permit shall expire; it shall be cancelled by the Administrative Official; and written notice thereof shall be given to the persons affected.

If the work described in any building permit has not been substantially completed within two (2) years of the date of issuance thereof, said permit shall expire and be cancelled by the Administrative Official, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new building permit has been obtained.

Section 906. Construction and Use to be as Provided in Applications, Plans, Permits, and Certificates of Zoning Compliance. Building permits or certificates of zoning compliance issued on the basis of plans and applications approved by the Administrative Official authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed violation of this ordinance, and punishable as provided by Article XVIII hereof.

ARTICLE X. BOARD OF ADJUSTMENT
ESTABLISHMENT AND PROCEDURE

Section 1001. The Village Council shall serve as the Board of Adjustment.

Section 1002. Proceedings of the Board of Adjustment. The Board of Adjustment shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this ordinance. Meetings shall be held at the call of the chairman and at such other times as the Board may determine. The Board may require the filing of written briefs by the parties. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses.

The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact; and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Board.

Section 1003. Hearings, Appeals, Notice. Appeals to the Board of Adjustment concerning interpretation or administration of this ordinance may be taken by any person aggrieved by any decision of the Administrative Official. Such appeals shall be taken within a reasonable time, not to exceed sixty (60) days or such lesser period as may be provided by the rules of the Board, by filing with the Administrative Official and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The Administrative Official shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken. The Board shall make no decision on an appeal or petition until the Planning Commission or a representative authorized by it has had a reasonable opportunity, not exceeding sixty (60) days, to review and report to the Board upon the appeal or petition.

The Board of Adjustment shall fix a reasonable time for the hearing of appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time and shall serve a copy of such decision upon the appellant or petitioner by mail. At the hearing, any party may appear in person or by agent or attorney.

Section 1004. Stay of Proceedings. An appeal stays all proceedings in furtherance of the action appealed from, unless the Administrative Official from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal is filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application, on notice to the Administrative Official from whom the appeal is taken and on due cause shown.

ARTICLE XI. BOARD OF ADJUSTMENT POWERS AND DUTIES

The Board of Adjustment shall have the following powers and duties.

Section 1101. Administrative Review. To hear and decide appeals where it is alleged there is error in any order, requirements, decision, or determination made by the Administrative Official in the enforcement of this ordinance.

Section 1102. Variances, Conditions Governing Applications, Procedures. To authorize upon appeal in specific cases, such variance from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship. A variance from the terms of this ordinance shall not be granted by the Board of Adjustment unless and until:

1102.1 A written application for a variance is submitted demonstrating:

- a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
- b. That literal interpretation of the provisions of this ordinance would deprive the applicants of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.
- c. That the special conditions and circumstances do not result from the actions of the applicant.
- d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.

No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

- 1102.2 Notice of public hearing shall be given at least fifteen (15) days in advance of public hearing. Such notice of hearings shall be posted on the property for which the variance is sought, at the Village Hall, and in one other public place.
- 1102.3 The public hearing shall be held. Any party may appear in person, or by agent or by attorney.
- 1102.4 The Board of Adjustment shall make findings that the requirements of Section 1102.1 have been met by the applicant for a variance.
- 1102.5 The Board of Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.
- 1102.6 The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance and punishable under Article XVIII of this ordinance.

Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.

Section 1103. Board Has Powers of Administrative Official on Appeals; Reversing Decision of Administrative Official. In exercising the above mentioned powers, the Board of Adjustment may, so long as such action is in conformity with the terms of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the Administrative Official from whom the appeal is taken.

The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirements, decision, or determination of the Administrative Official, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to effect any variation in the application of this ordinance.

ARTICLE XII. APPEALS FROM THE BOARD OF ADJUSTMENT

Section 1200. Any person or persons, or any board, taxpayer, department, board, or bureau of the Village aggrieved by any decision of the Board of Adjustment may seek judicial review, in the manner provided by the state statutes.

ARTICLE XIII. DUTIES OF ADMINISTRATIVE OFFICIAL, BOARD OF ADJUSTMENT, VILLAGE COUNCIL, AND COURTS, ON MATTERS OF APPEAL

Section 1301. It is the intent of this ordinance that all questions of interpretation and enforcement shall be first presented to the Administrative Official, and that such questions shall be presented to the Board of Adjustment only on appeal from the decision of the Administrative Official, and that recourse from the decisions of the Board of Adjustment shall be to the courts as provided by state statute.

Section 1302. It is further the intent of this ordinance that the duties of the Village Council in connection with this ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this ordinance. Under this ordinance, the Village Council shall have only the duties (1) of considering and adopting or rejecting proposed amendments or the repeal of this ordinance, as provided by law; and (2) of establishing a schedule of fees and charges as stated in Article XIV.

ARTICLE XIV. SCHEDULE OF FEES, CHARGES, AND EXPENSES

Section 1401. The Village Council shall establish a schedule of fees, charges, and expenses and a collection procedure for building permits, certificates of zoning compliance, appeals, mobile home and recreation vehicle park permits, and other matters pertaining to this ordinance. The schedule of fees shall be posted in the office of the Administrative Official, and may be altered or amended only by the Village Council.

Section 1402. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

ARTICLE XV. AMENDMENTS

Section 1501. The regulations, restrictions, and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed, or repealed; provided, however, that no such action may be taken until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least fifteen (15) days notice of the time and place of such hearing shall be published in a newspaper of general circulation in the Village.

Section 1502. An amendment to the ordinance may be initiated by the Village Council, the Planning Commission, or by petition of any person or corporation who owns some or all of the subject property to be affected by the petition. An amendment not initiated by the Planning Commission shall be referred to the Planning Commission for study and report, and may not be acted upon by the Village Council until it has received the recommendation of the Planning Commission on the proposed amendment or until sixty (60) days have elapsed from the date of reference of the amendment without a report by the Planning Commission.

ARTICLE XVI. PROVISIONS OF ORDINANCE DECLARED TO BE MINIMUM REQUIREMENTS

Section 1600. In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals, or general welfare. Wherever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive or that imposing the higher standards, shall govern.

ARTICLE XVII. COMPLAINTS REGARDING VIOLATIONS

Section 1700. Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Administrative Official. He shall record properly such complaint, immediately investigate, and take action thereon as provided by this ordinance.

ARTICLE XVIII. PENALTIES FOR VIOLATION

Section 1801. Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and

safeguards established in connection with grants of variances or special exceptions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than one hundred dollars (\$100.00) or imprisoned for not more than thirty (30) days, or both, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

Section 1802. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation, may each be found guilty of a separate offense and suffer the penalties herein provided.

Section 1803. Nothing herein contained shall prevent the Village from taking such other lawful action as is necessary to prevent or remedy any violation.

ARTICLE XIX. SEPARABILITY CLAUSE

Section 1900. Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

ARTICLE XX. DEFINITIONS

Section 2000. For the purposes of this ordinance, certain terms or words used herein shall be interpreted as follows:

2000.01 The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

2000.02 The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

2000.03 The word "shall" is mandatory, the word "may" is permissive.

2000.04 The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied."

2000.05 The word "lot" includes the words "plot" or "parcel."

- 2000.06 Accessory Use or Structure. A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.
- 2000.07 Basement. A story partly underground, but having at least one-half (1/2) of its height above the curb level and also one-half (1/2) of its height above the highest level of the adjoining ground. A basement shall be counted as a story if used or intended to be used for dwelling or business purposes. No structure which consists solely of a basement shall for any period of time be used as a dwelling.
- 2000.08 Buildable Area. The portion of a lot remaining after required yards have been provided.
- 2000.09 Cellar. A cellar is a portion of a structure having more than one-half (1/2) of its height below the curb level or below the highest level of the adjoining ground. A cellar shall not be counted as a story for purposes of height measurement. No structure which consists solely of a cellar shall be for any period of time used as a dwelling.
- 2000.10 Drive-in Restaurant or Refreshment Stand. Any place or premises used for sale, dispensing, or serving of food, refreshments, or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments or beverages on the premises.
- 2000.11 Dwelling, Single-family. A detached residential dwelling unit other than a mobile home, designed for and occupied by one family only.
- 2000.12 Dwelling, Two-family. A detached residential building containing two dwelling units, designed for occupancy by not more than two families.
- 2000.13 Dwellings, Multiple-family. A residential building designed for or occupied by three or more families, with the number of families in residence not exceeding the number of dwelling units provided.
- 2000.14 Dwelling Unit. One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental, or lease on weekly, monthly, or longer basis, and physically separate from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

- 2000.15 Family. One or more persons occupying a single dwelling unit, provided that unless all members are related by blood or marriage, no such family shall contain over five persons, but further provided that domestic servants employed on the premises may be housed on the premises without being counted as a family or families.
- 2000.16 Filling Station. Buildings and premises where gasoline, oil, grease, batteries, tires, and automobile accessories may be supplied and dispensed at retail. Uses permissible at a filling station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in filling stations. A filling station is not a repair garage or a body shop.
- 2000.17 Home Occupation. An occupation conducted in a dwelling unit, provided that:
- a. No more than one (1) person other than members of the family residing on the premises shall be engaged in such occupation, except that barber shops and beauty parlors shall be limited to a maximum of two (2) chairs.
 - b. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation.
 - c. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding one (1) square foot in area, non-illuminated, and mounted flat against the wall of the principal building.
 - d. No home occupations shall be conducted in any accessory building.
 - e. No sale of products shall be conducted to the extent of being a significant portion of the function of such home occupation.
 - f. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.

g. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audio interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

2000.18 Loading Space, Off-street. Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

2000.19 Lot. For purposes of this ordinance, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

- a. A single lot of record.
- b. A portion of a lot of record.
- c. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record.
- d. A parcel of land described by metes and bounds.

Provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this ordinance.

2000.20 Lot Frontage. The front of lot shall be construed to be the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under "Yards" in this section.

2000.21 Lot Measurement.

a. Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

b. Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard; provided, however, that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than eighty (80) percent of the required lot width, except in the case of lots on the turning circle of culs-de-sac, where the eighty (80) percent requirement shall not apply.

2000.22 Lot of Record. A lot which is part of a subdivision recorded in the office of the County Register of Deeds, or a lot or parcel described be metes and bounds, the description of which has been so recorded.

2000.23 Lot Types. The diagram (Figure 1) which follows illustrates terminology used in this ordinance with reference to corner lots, interior lots, reversed frontage lots, and through lots.

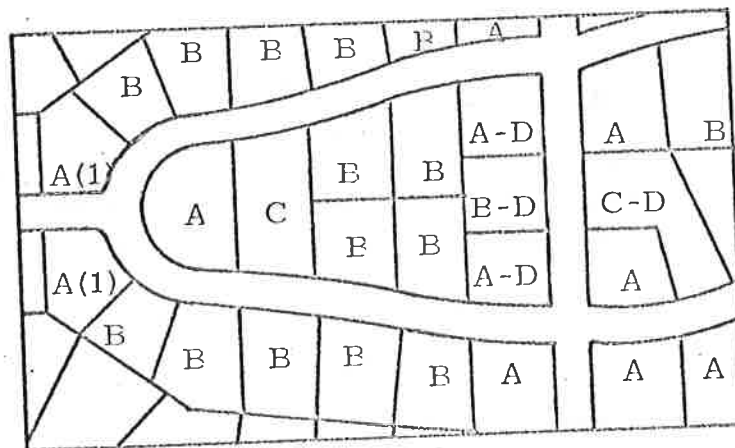


Figure 1

a. In the diagram, "A" is a corner lot, defined as a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees. See lots marked "A(1)" in the diagram.

- b. "B" is an interior lot, defined as a lot other than a corner lot with only one frontage on a street.
- c. "C" is a through lot, defined as a lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double-frontage lots.
- d. "D" is a reversed frontage lot, defined as a lot on which the frontage is at right angles or approximately right angles (interior angle less than 135 degrees) to the general pattern in the area. A reversed frontage lot may also be a corner lot ("A-D" in the diagram), an interior lot ("B-D") or a through lot ("C-D").

- 2000.24 Mobile Home. A transportable, single family dwelling unit suitable for year round occupancy, of a size of eight (8) feet by thirty-two (32) feet, or greater, having been designed with no foundation other than wheels, jacks, piers, or skirtings and containing water supply, waste disposal, heating and electrical conveniences.
- 2000.25 Mobile Home Park. An approved site, lot, field or tract of land designed, maintained, or used for the purpose of supplying location and accommodations for mobile homes and shall include any building, structure, vehicle or enclosure used or intended for use as a part of the equipment of such park; unoccupied mobile homes which are parked for the purposes of inspection and sale may be placed in a mobile home park if they are incidental to the operation of said mobile home park.
- 2000.26 Mobile Home Space or Mobile Home Lot. A parcel of ground within a mobile home park designed for the accommodation of one mobile home.
- 2000.27 Mobile Home Stand. That part of an individual mobile home space or lot which has been reserved for the placement of the mobile home and any appurtenances thereto.
- 2000.28 Outdoor Advertising Business. Provision of outdoor displays or display space on a lease or rental basis only.
- 2000.29 Parking Space, off-street. For the purpose of this ordinance, an off-street parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room. Required off-street parking areas for three or more

automobiles shall be so designed, maintained, and regulated that no parking or maneuvering incidental to parking shall be on any public street, walk, or alley, and so that any automobile may be parked and unparked without moving another.

For purposes of rough computation, an off-street parking space and necessary access and maneuvering room may be estimated at three hundred (300) square feet, but off-street parking requirements will be considered to be met only when actual spaces meeting the requirements above are provided and maintained, improved in a manner appropriate to the circumstances of the case, and in accordance with all ordinances and regulations of the Village.

2000.30 Recreation Vehicle. A transportable overnight or short term sleeping or dwelling unit of a size of less than eight (8) feet by thirty-two (32) feet when in transport. The term includes, but is not necessarily limited to, travel trailer, pickup camper, fold-down camper and mobilized camper.

2000.31 Recreation Vehicle Park. An approved site, lot field, or tract of land designed, maintained, or used for the purpose of supplying location and accommodations for recreation vehicles and shall include any building, structure, vehicle or enclosure used or intended for use as part of the equipment of such park; unoccupied recreation vehicles which are parked for purposes of inspection and sale may be placed in a recreation vehicle park if they are incidental to the operation of said recreation vehicle park.

2000.32 Recreation Vehicle Space or Lot. A parcel of ground within a recreation vehicle park designed for the accommodation of one recreation vehicle.

2000.33 Sign. Any device designed to inform or attract the attention of persons not on the premises on which the sign is located; provided, however, that the following shall not be included in the application of the regulations herein:

a. Signs not exceeding one square foot in area and bearing only property numbers, post box numbers, names of occupants or premises, or other identification of premises not having commercial connotations.

b. Flags and insignia of any government except when displayed in connection with commercial promotion.

c. Legal notices; identification, informational, or directional signs erected or required by governmental bodies.

d. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights.

e. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

2000.34 Signs: Number and Surface Area. For the purpose of determining number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.

The surface area of a sign shall be computed as including the entire area within a regular geometric form or combinations of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of surface area.

2000.35 Sign, On-site. A sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services, or activities on the premises. On-site signs do not include signs erected by the outdoor advertising industry in the conduct of outdoor advertising business.

2000.36 Sign, Off-site. A sign other than an on-site sign.

2000.37 Special Exception. A special exception is a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning division or district as special exceptions, if specific provision for such special exceptions is made in this zoning ordinance.

2000.38 Street Line. The right-of-way line of a street.

2000.39 Structure. Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences, billboards and poster panels.

2000.40 Variance. A variance is a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this ordinance, a variance is authorized only for height, area, and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district.

2000.41 Yard. A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from thirty (30) inches above the general ground level of the graded lot upward; provided, however, that fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

2000.42 Yard, Front. A yard extending between side lot lines across the front of a lot adjoining a public street.

In the case of through lots, unless the prevailing front yard pattern on adjoining lots indicates otherwise, front yards shall be provided on all frontages. Where one of the front yards that would normally be required on a through lot is not in keeping with the prevailing yard pattern, the Administrative Official may waive the requirement for the normal front yard and substitute therefor a special yard requirement which shall not exceed the average of the yards provided on adjacent lots.

In the case of corner lots which do not have reversed frontage, a front yard of the required depth shall be provided in accordance with the prevailing yard pattern and a second front yard of the full depth required generally for front yards in the district shall be provided on the other frontage.

In the case of reversed frontage corner lots, a front yard of the required depth shall be provided on either frontage, and a second front yard of half the depth required generally for front yards in the district shall be provided on the other frontage.

In the case of corner lots with more than two frontages, the Administrative Official shall determine the front yard requirements,

subject to the following limitations: (1) at least one front yard shall be provided having the full depth required generally in the district; (2) no other front yard on such lot shall have less than half the full depth required generally.

Depth of required front yards shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point of the side lot line, in the case of rounded property corner at street intersections, shall be assumed to be the point at which the side and front lot lines would have met without such rounding. Front and rear yard lines shall be parallel.

- 2000.43 Yard, Side. A yard extending from the rear line of the required front yard to the rear lot line, or in the absence of any clearly defined rear lot line to the point on the lot farthest from the intersection of the lot line involved with the public street. In the case of through lots, side yards shall extend from the rear lines of front yards required. In the case of corner lots, yards remaining after full and half depth front yards have been established shall be considered side yards.

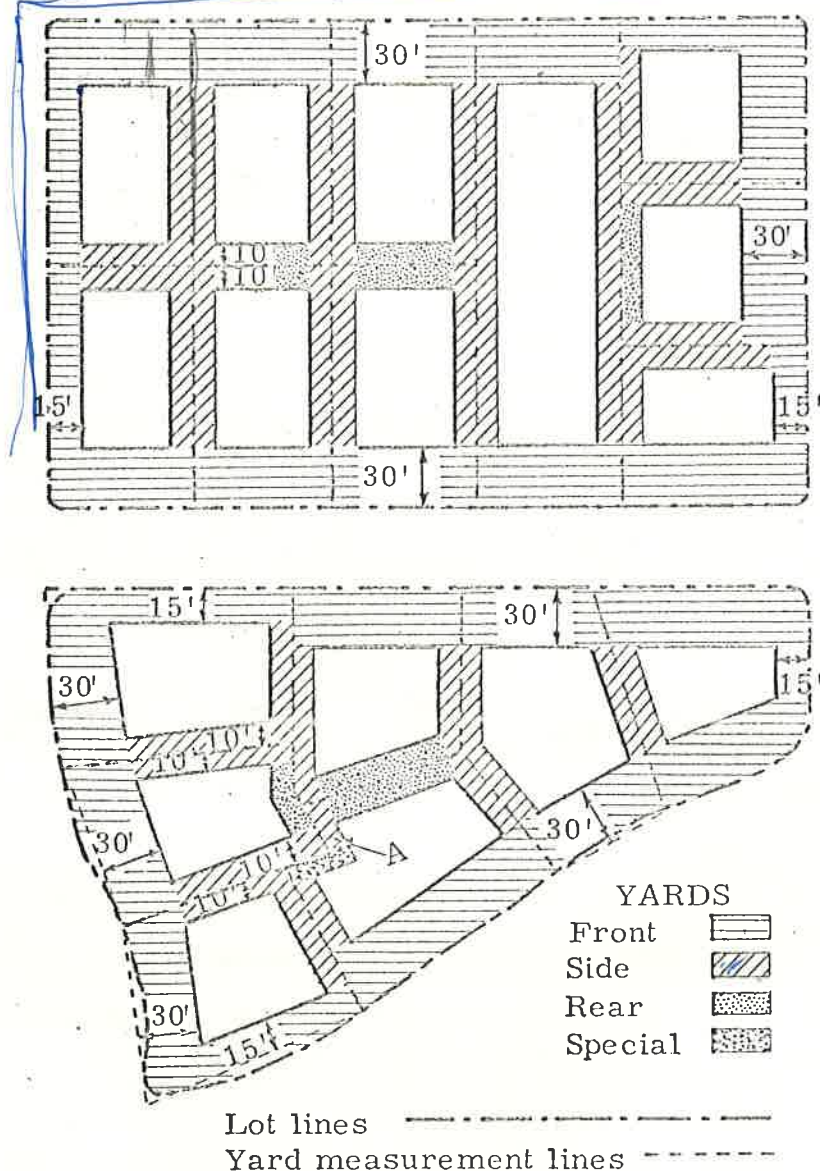
Width of a required side yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the side lot line.

- 2000.44 Yard, Rear. A yard extending across the rear of the lot between inner side yard lines. In the case of through lots and corner lots, there will be no rear yards, but only front and side yards.

Depth of a required rear yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the rear lot line.

- 2000.45 Yard, Special. A yard behind any required yard adjacent to a public street, required to perform the same functions as a side or rear yard, but adjacent to a lot line so placed or oriented that neither the term "side yard" nor the term "rear yard" clearly applies. In such cases, the Administrative Official shall require a yard with minimum dimensions as generally required for a side yard or a rear yard in the district, determining which shall apply by the relation of the portion of the lot on which the yard is to be located to the adjoining lot or lots, with due regard to the orientation and location of structures and buildable areas thereon.

The diagram (Figure 2) on this page illustrates location and methods of measuring yards on rectangular and non-rectangular lots.



The illustration here assumes front yard depths required at thirty (30) feet (half-depth front yards 15 feet), side yard widths ten (10) feet, and rear yard depths ten (10) feet. Note that at A, a special yard is shown, indicating treatment where usual side or rear yard terminology would be difficult to apply but purpose of the yard is clear.

LOCATION AND MEASUREMENT OF YARDS ON LOTS
Figure 2

ARTICLE XXI. REPEAL OF CONFLICTING ORDINANCES
EFFECTIVE DATE

Section 2100. All ordinances or parts of ordinances in conflict with this zoning ordinance, or inconsistent with the provisions of this ordinance, are hereby repealed to the extent necessary to give this ordinance full force and effect. This ordinance shall become effective after its final passage, approval and publication as provided by law.

Passed by the Village Council the _____ day of _____, 1971.

Mayor

Attest:

Village Clerk